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NOTICE TO EXPORTERS

EXPORT OF WORKS OF ART AND ANTIQUES

1. The object of this notice is to explain the present position and procedure concerning the export of Works of Art and Antiques.

Policy

2. The Committee on the Export of Works of Art, etc. recommended in 1952 that :

- (a) No objects should be subject to special scrutiny on grounds of national importance if they are less than 100 years old, or if they have been imported within the last 50 years.
- (b) No objects except manuscripts, documents and archives should be subject to special scrutiny on grounds of national importance if they are worth less than £1,000.

£2,000

The recommendation was accepted subject to a reduction of the value figure to £500.

3. In the Seventh Report of the Reviewing Committee on the Export of Works of Art published on 19th October 1960, the Committee recommended that the value limit should be raised from £500 to £1,000. This recommendation was accepted.

4. In May 1966 the Committee recommended that the value limit should be further raised from £1,000 to £2,000. This recommendation was accepted.

5. In June 1968, the Committee recommended that holders of bulk licences for manuscripts, documents and archives should be authorised to export without a specific export licence :

- (a) illuminated manuscripts in Arabic, Persian, Turkish, Urdu and other oriental languages, and miniature paintings by Persian, Indian, Chinese and other eastern artists, whether in or extracted from books or albums ;
- (b) manuscript Books of Hours, Missals, Psalters, Antiphoners and Graduals ;

up to a value per manuscript, miniature, book or album of £2,000. This recommendation was accepted.

6. In June 1969, the Committee recommended that export control should apply to archaeological material whatever its value. This recommendation was accepted.

Scope of Control

7. Under the provisions of the Export of Goods Control Orders at present in force a licence is required for the export to all destinations of :

Articles manufactured or produced more than 100 years before the date of exportation, including works of art but not including postage stamps of philatelic interest and similar articles.

To remove the need for individual licences for every export under this heading an Open General Licence dated 7th January 1970 has been issued. Details of this are given below.

Open General Licence

8. Antiques and Works of Art. The Open General Licence permits the export of any antique (as defined below) to any destination, other than Southern Rhodesia, if its value is less than £2,000.

9. Under the terms of this licence an antique means any article manufactured or produced more than 100 years before the date of exportation (including a work of art), but the following items are expressly excluded :

documents, manuscripts and archives ;
diamonds of any kind or articles mounted or set with diamonds ;
articles which have been recovered at any time from the soil of the United Kingdom other than

(a) articles recovered only after burial or concealment less than 100 years before the date of exportation ;

(b) coins.

10. When a consignment of antiques as defined in paragraph 9 of a total value of £2,000 or more but where no individual item is of a value of £2,000 or more is being shipped under the terms of the Open General Licence, H.M. Customs and Excise will require a declaration to that effect to be submitted with the shipping entries.

Historical Portraits

11. The Reviewing Committee urge that, before considering the export of any portrait of a British person whose name appears in the Dictionary of National Biography exporters should consult the Director of the National Portrait Gallery whatever the financial value of the portrait in question.

Specific Licences

12. Applications for licences to export antiques (including works of art) not covered by the Open General Licence or bulk licences should be made to the Export Licensing Branch on form 'C' and completed in accordance with the instructions thereon. Applications are considered from the point of view of national importance in consultation with appropriate advisers under the arrangements set out in paragraphs 13-16. If a claim is made that the item concerned has been imported within the last 50 years a declaration to that effect and any available supporting evidence should accompany the application. Special provisions apply to manuscripts, documents and archives; these are dealt with in paragraphs 18-25.

Objects of National Importance

13. Applications to export objects which (a) were not imported within the last 50 years, (b) were made more than 100 years ago and (c) except in the case of documents, manuscripts, archives and archaeological materials are of a value of £2,000 or more, are specially scrutinised to see if the objects are of such national importance that they should not leave the country. Archaeological material is subject to special scrutiny irrespective of value.

Cases referred to the Reviewing Committee

14. If an expert adviser recommends to the Board of Trade that a licence should be refused for an object because of its national importance the case is referred to the Reviewing Committee. The applicant is informed of this and is asked to state his case in writing for consideration by the Committee as is the expert adviser. These statements are exchanged through the Secretary of the Reviewing Committee before their meeting and both parties are invited to attend or be represented at the Committee's meeting.

The Committee's Decision

15. The considerations which the Committee have before them in dealing with such cases are:

- (a) Is the object so closely connected with our history and national life that its departure would be a misfortune?
- (b) Is it of outstanding aesthetic importance?
- (c) Is it of outstanding significance for the study of some particular branch of art, learning or history?

The decision whether or not to refuse an export licence on grounds of national importance depends on how high the object stands in one or more of these categories and on whether a reasonable offer to purchase can be made to ensure its retention in this country.

16. The Committee's decision is notified to the applicant by the Secretary to the Committee without reasons. If the decision is that an export licence should not be allowed, this decision is subject to an offer being made within a reasonable time for the purchase of the object; failing such an offer an export licence is granted. The price offered is that which the Reviewing Committee consider reasonable, after taking advice if necessary. The Committee take account, to such extent as they think fit in each case, of any saving of estate duty obtained under Section 40 of the Finance Act, 1930, by selling the object to the National Gallery, British Museum or any other similar national institution, any University, County Council or Municipal Corporation in Great Britain, the National Art-Collections Fund or the Friends of the National Libraries. If the Committee's decision is to allow the export, further correspondence about the export licence is dealt with by the Board of Trade.

Advance Rulings

17. Neither the Board of Trade nor the expert advisers are prepared to give an advance ruling on the question whether or not an export licence will be refused for a particular object on grounds of national importance. Nor is it the policy of the Reviewing Committee to give an advance ruling, although in the most exceptional circumstances such a ruling may be given at the discretion and on the authority of the Committee on the request of the owner or his agents.

Documents, Manuscripts and Archives

18. The Committee on the Export of Works of Art, etc., recommended that, except where there is permission to the contrary, the originals of manuscripts, documents and archives which are more than 100 years old should never be exported without copies (i.e. photostats or microfilms) being made and deposited in an appropriate place, and that export licences should be required for them whatever their monetary value. They have therefore been excluded from the terms of the Open General Licence.

19. Manuscripts, documents and archives (other than those referred to in paragraph 22 below) may be exported without an export licence if they are not more than 100 years old. If they are older a licence will be needed, which may be either a specific licence or a bulk licence. The latter will be granted to regular exporters for the following:—

(a) a manuscript, document or archive or a group of associated manuscripts etc. up to a value of £50 ;

(b) (i) illustrated manuscripts in Arabic, Persian, Turkish, Urdu and other oriental languages, and miniature paintings by Persian, Chinese and other eastern artists, whether in or extracted from books or albums ; and

(ii) manuscript Books of Hours, Missals, Psalters, Antiphoners and Graduals ;

up to a value per manuscript, miniature, book or album of £2,000, on condition that they undertake to apply to the Board of Trade for a specific licence for the export of any of the following :

(a) a manuscript, document or archive or a group of associated manuscripts, etc. valued at more than £50 ;

(b) (i) illuminated manuscripts in Arabic, Persian, Turkish, Urdu and other oriental languages, and miniature paintings by Persian, Chinese and other eastern artists, whether in or extracted from books or albums ; and

(ii) manuscript Books of Hours, Missals, Psalters, Antiphoners and Graduals ;

valued at more than £2,000 each.

(c) an item or group of associated items recognised by the holder of the bulk licence as being of national importance, irrespective of value ; and

(d) papers and memoranda of those who have held public office relating to that office.

20. In judging the importance of any document or group of documents from this point of view, holders of bulk licences are requested always to bear in mind the value, from the archivists' point of view, of dealing with any archive or other collection of related documents as a whole. If therefore they propose to export one or more documents out of a larger collection they should consider the importance of the collection as a whole in deciding whether to apply for a specific licence under (c) above ; and they should in all cases where they apply for a specific licence, set out the fact (where it is a fact) that the documents in question are only part of a larger collection or archive in this country. In addition, holders of bulk licences are specially enjoined to take account of the national or local importance of any item before proceeding with its export under a bulk licence.

21. Applications for specific licences will be dealt with under the normal procedure laid down in paragraphs 12-16 above.

22. Exporters are reminded that special considerations apply to the following classes of documents, of whatever date :

(a) public records (this applies equally to Scottish public records, which are *extra commercium*) ;

(b) Manorial documents, which are specifically placed under the charge and superintendence of the Master of the Rolls by Section 144A of the Law of Property Act 1922, as amended by the Law of Property (Amendment) Act 1924 ;

(c) title documents which, under the provisions of Section 6 of the Tithe Act 1936, must be placed at the disposal of the Tithe Commission if the latter so requires.

23. The deposit of copies of manuscripts, documents and archives will not be required for items which are exported under bulk licence.

24. Applications for specific licences must be accompanied by a photostat or microfilm copy, or by a claim that such copy should not be supplied, giving reasons for that claim (e.g. that a copy has already been deposited in some place of public access in this country; or that the cost of the copying is out of proportion to the value and importance of the document). In considering such claims regard will be taken of the extent to which the documents are of British historical or literary interest. For copies so provided after 1st March 1966 access will be reserved for a period of seven years from the deposit of such copies, except with the specific consent of the owner of the originals. If the expert adviser recommends that a claim for exemption from the requirement to deposit a copy should be refused and if this recommendation continues to be challenged by the applicant, the Board of Trade will refer the matter to the Reviewing Committee.

25. In the case of certain manuscripts, the making of a copy or copies may constitute infringement of the rights of the copyright owner. Nothing in this Notice should be taken to authorize any such infringement.

26th January 1970.

Issued by:

Board of Trade,
Export Licensing Branch,
~~Broadway Buildings,~~
~~44, Broadway~~
London, S.W.1.

and The Reviewing Committee on
the Export of Works of Art,
c/o Department of Education and Science,
~~Street,~~ 38, Belgrave Square
London, S.W.1.

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London SW1A 2JB*

Exports of Works of Art and Antiquities

On 26th January 1970 the amended regulations governing the export of antiquities came into effect. Under the revised procedure, an export licence must be obtained for antiques valued at less than £2,000 as defined below:

1. a document
2. a diamond of any kind or an article mounted or set with diamonds
3. an article which (a) has been recovered at any time from the soil of the United Kingdom; and (b) is not a coin.

'Antique' means an article, including a painting or other work of art, manufactured or produced more than 100 years before the date of exportation. 'Document' includes a manuscript or archives but does not include a printed book. The reference to articles recovered from the soil of the United Kingdom includes articles recovered from the bed of any lake, river, stream or other area of water or from the bed of the sea within the territorial waters of the United Kingdom but does not include articles recovered only after burial or concealment at a date less than 100 years before the date of exportation.

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