
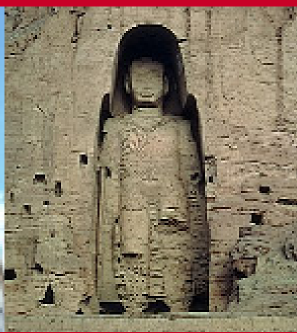

# Too much stuff?

## Disposal from museums

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# Too Much Stuff?

*'What percentage of the collection has not been on display during, say, the last ten years?'*

*'What sort of disposal policy do you have for objects which are, in effect, never put on show?'*

David Rendel MP, Public Accounts Committee of the House of Commons, 19 March 2001

*'Why do museums not act more like businesses with respect to their assets? Why, for example, do museums not sell some of their collections?'*

Keith S Thomson, Treasures on Earth Faber and Faber, 2002

*'The huge store of undisplayed objects [in the British Museum] should be weeded and sold to collectors who would love them or to museums which would study and display them.'*

Simon Jenkins, Times 24 May 2002

*Museums should 'Refuse to undertake disposal principally for financial reasons (either to raise income or decrease expenditure).' 'There is a strong presumption against disposal out of the public domain.'*

The Museums Association Code of Ethics, 2002

## Introduction

Disposal from museums is controversial. Warmly espoused by some, as the evident answer to financial problems and unseen collections, it is regarded by others as at best risky and at worst unethical. This paper is intended by the National Museum Directors' Conference as a contribution to this debate. It focuses on the collections and activities of its members - the nationally funded museums and galleries in the United Kingdom - and aims to provide information about past experience and present policy and practice and to suggest an overall approach towards determining what museums should keep and what they should deaccession. It argues that careful review and rationalisation of collections, leading in some cases to disposal, transfer or long-term loan, can make an important contribution to ensuring that these collections are enjoyed and used. It does not deal with repatriation or human remains.

## Why does it matter?

The collections held by the National Museums are technically the property of their boards of trustees. But they are not owned in the ordinary, unfettered sense. These collections are national assets and it is right that assets should be properly used. If they are not, the public interest will suffer, bearing the opportunity-cost of funds tied up which could be put to better use elsewhere or, looking at the issue less commercially, missing out on the pleasure and the instruction that could be gained from them. Museums should therefore be willing to dispose of objects when this will help to ensure their preservation, enable them to be more widely used and enjoyed, place them in a context where they are more valued and better understood, or release resources which could deliver more elsewhere.

## Preservation

Preservation is essential. The importance of these collections to future generations may increase as much in the present century as it has in the last one. While some losses are probably inevitable it [1] can never be justifiable to retain objects or collections in conditions that are going to cause them to deteriorate, if another potential owner would preserve them. It is evidently difficult for museums and their funders to advertise what could be seen as a public confession of failure. And the difficulty of finding problem objects a new home can be considerable, as illustrated by the Scottish Maritime Museum's important and beautiful tall ship 'The Carrick' (figures 1,2), or the National Museums of Scotland's de Havilland Comet. But the loss of historical, educational and commercial value and the breach of trust to donors which results from the alternative cannot be condoned.

1, A recent audit of acquisitions made with assistance from the Scottish National Fund for Acquisitions (NFA Audit 2000, National Museums of Scotland, 2002) found that over fifty years, seven objects (0.2% of the total), including fishing vessels and a crane, had been destroyed because the acquirer could not, and no other organisation would, look after them.

Figure 1, 2 *The Carrick [City of Adelaide], a clipper built in Sunderland for the Australian run in 1864. As she was then. And now at the Scottish Maritime Museum in Irvine, Ayrshire.*

## Access and use

It is widely observed that many objects in national collections are not on display. And it is sometimes taken as self evident, as David Rendel's questions at the Public Accounts Committee suggest[2], that it follows from this that the collections in question are over-large and underused. Where the objects in question are eminently displayable this argument has considerable force. When beautiful works of art are not on show the public interest suffers. Museums which hold such works and which are unable to display them should certainly ask themselves, and be asked by others whether it makes sense to hold on to them.

2, Quoted above.

But for many museum collections display is not and can never be the primary route to access and use. Indeed many collections could never be displayed in their entirety. The Natural History Museum has 70 million specimens. They are a rich and irreplaceable resource for understanding biodiversity and the history of the natural environment. Some are displayed but most will never be: there are other and often better ways of interpreting animal behaviour or the natural environment. This is not a cause for concern: it is characteristic of all serious natural history collections.

The Imperial War Museum has six million photographs and 120 million feet of film. The British Museum has four million prints and drawings. The V&A has one million prints and drawings and 80,000 textiles. Collections like these cannot be displayed in their entirety: they are too numerous and too light sensitive. Placing them all on display would be absurdly expensive and utterly indigestible. It would make them not more but less accessible to the thousands of interested people who currently study them each year and would bring about their gradual but irreversible destruction by exposure to light.

The British Museum has more than two million objects from archaeological excavations in Britain and elsewhere (and 130,000 cuneiform tablets). The Museum of London has finds from over 5,000 excavations including over 250,000 individually registered finds and 140,000 boxes of bulk finds from London. There are about 750,000 objects in the archaeological collections of the National Museums of Scotland and a million or so in the National Museum of Wales. These collections are the fundamental source of evidence from which our understanding of prehistory, that vast majority of human time on earth for which we have no written record, is derived. They are also an indispensable complement to written records for more recent times, throwing light on those omitted from the written record and providing some counterweight to, and calibration of, an understanding of the past derived from documents alone. They contain some objects of great beauty and many which, well interpreted, have fascinating stories to convey; but it would be pointless, tedious and enormously expensive to display them in their entirety.

Social history, ethnographic, scientific, technological, and numismatic collections serve similar functions. Understanding the material culture of a particular people in a particular time and place requires representative collections. These are valuable for display but they are also irreplaceable as evidence of vanished ways of life and patterns of behaviour. It is important to keep significant scientific apparatus and technological prototypes. They are essential to our understanding of the ways in which ideas have developed, but it may not be possible or desirable to keep all of them on display. Coins are a primary source of information about many aspects of ancient and medieval history and it would be laborious and time-consuming to study and interpret them if they were all dispersed in small collections, but no-one would benefit if the British Museum were to exhibit all the 700,000 in its collections. Reference collections are not by any means the preserve of national museums. Regional, local, and specialist museums frequently fulfil a reference function for the community or interest in question. Nor are such collections only for scholars and collectors. They are also, and this is central to their purpose, a valuable resource for teaching everyone from primary schoolchildren through art students to adult learners of all kinds. Handling and other reserve collections are vital for this purpose.

The justification for such reference collections lies, then, as much in their value as sources of knowledge and treasuries of ideas as in their display. But the reference potential of a stored collection is not, on its own, a sufficient justification for its retention. A collection which has this potential but which cannot readily be used is a denial of opportunity. A collection which is so kept that it is laborious and time-consuming to access is clearly of less public benefit than one which is readily available to all who are interested to see it.
Actual levels of use also matter. If a collection is usable but in fact largely unused there has to be considerable confidence in its value to future generations to justify present preservation.

*Darwin Center, Natural History Museum*
*© Natural History Museum*

Figure 3 *The Darwin Centre, opened in 2002, contains 22 million specimens.*
© *Natural History Museum*

Measures of use include the number who use study rooms and reference collections (13,000 a year at the BM, 14,500 a year at the IWM), and the number of those who use them in other ways (about 50,000 specimens from the NHM were out on loan to more than 4,000 scientists in 2001). Open stores, increasingly shared between, and jointly operated by, groups of museums, can make it possible for the interested public to see behind the scenes (figure 3 - Darwin Centre). Enjoyed by large numbers of visitors, they complement the highly interpreted displays which have now become the norm by reintroducing people to the excitement of discovering the collections for themselves. Growing 'virtual museums' make collections, whether or not on display, available to millions of people around the world. The number who access collections on the Internet is growing year by year. The Tate now has 50,000 images available on its website, which receives more than four million visits a year and is the most popular art website in Britain[3].

It is doubtful whether collections should be retained if substantially better access to them could be provided elsewhere.[4] The transfer in 2000 by the British Museum of its important, but relatively little-known, photograph collection to the national collection of the art of photography at the V&A, was an excellent example (among many - see appendix 1) of a transfer intended to improve public access.

3, The Times, p22, 5.4.03. Most national museum and gallery websites offer access to images of the collections. In 2002/2003 there were 2.1 million visits to the BM site, 2.6 million to the National Maritime Museum site, 4.5 million to the Science Museum site and 6.2 million to the Natural History Museum site.

4, The NFA Audit 2000 recorded 19 objects, acquired with assistance from the fund, which were held in stores inaccessible even to the curatorial staff.

## Context

Clearly, though, the general principle that access matters cannot be translated into a simple mathematical calculation of user numbers. To do so would imply that an important collection in a remote and difficult to reach rural area should be moved to a large city, or that lightly populated or less visited countries should transfer material to heavily populated ones. The public interest will be best served when objects are located where they will be best understood and most valued. In this spirit the National Museums and Galleries of Wales have transferred a number of objects from the Museum of Welsh Life at St Fagans to regimental museums around the country, and the National Museum of Antiquities of Scotland (now NMS) has transferred Irish archaeological material to the National Museum of Ireland.

## Resources

It costs money to look after collections. Museums should be aware of the full resource implications of retention and stewardship: the introduction of capital charging will make the opportunity cost of occupying government property for this purpose explicit. Retention of major archaeological assemblages, or of industrial, maritime and social history collections (to instance some of the more space and resource consuming areas covered by museums), may well be desirable. But it is legitimate and indeed necessary to ask whether the money could be better used for the conservation and interpretation of other collections, or indeed for other purposes including acquisition. It cannot be right, for example, to neglect acquisition of late-twentieth century material because extensive acquisition of early and mid-twentieth century material has filled available space and exhausted available budgets. In some cases it will be right to dispose of material, which might otherwise merit retention, to make way for activities and collections which would otherwise be neglected.

In 2001 the National Maritime Museum disposed of the paddle tug Reliant. Built in 1907, this had been on display until 1996, but preservation and storage costs were high while the historical importance of the tug was small. So, after some sections had been transferred to other institutions, and some items retained, the remainder was scrapped. 868 square metres of storage were released and the saving in recurrent costs more than offset the cost of disposal in the first year. In 1992 the British Library, which faces the formidable task of preserving almost all the publications produced in the UK each year, decided to dispose of some of its foreign newspapers, retaining micro-film copies only. It proposed to offer these to other libraries, including those in the countries of origin, before offering them for sale. This seemingly sensible response to the inevitable problem of limited resources, resulted in an outcry which demonstrated how difficult it is to achieve consensus even around limited and carefully considered disposals.[5]

Equally controversial was the application by the Treasury of the general principle of public policy, that a public body 'shall at all times use its assets in the most cost-efficient manner, and dispose of those assets which are surplus to its requirements [subject to statutory constraints]. Assets will be sold for the best price… '[6], to silver which had been commissioned for use by the Privy Council in the late seventeenth and early eighteenth centuries. Regarded as surplus, it was consigned for sale by auction in Autumn 2001. The Silver Trust, the Art Fund (NACF) and others felt that the undoubted fact that silver snuffers were no longer required by today's Privy Council did not, of itself, justify their sale. Given the historic significance of the objects concerned, they argued that the present public interest would be better served, and the rights of posterity better safeguarded, by retaining them in a public collection than by realising their estimated value of £70,000 - £120,000 and putting that sum to some other purpose. The silver was withdrawn from the sale in question and has been lent by DCMS to the V&A for exhibition there and in other museums (figure 4).

5, For an impassioned plea to halt the disposal of newspapers see Nicholson Baker Double Fold: libraries and the assault on paper, Random House, New York, 2001.

6, Standard wording from financial memoranda covering controls applied to public bodies, intended to safeguard public funds.

Figure 4 *A candle snuffer from the Privy Council silver.*

© *Victoria and Albert Museum*

## Of what and how?

Accepting that disposal can be justified where it helps ensure the preservation of collections, makes them more accessible and better used, removes them to a context in which they are better understood or more deeply valued, or releases resources which can be better used elsewhere, there remains the question: how, in practice, can disposal best be carried out? Here it seems worth considering past and present practice and the lessons that can be learnt from it.

### Transfer and Loan

Transfer to other museums is the most usual method of increasing access and use and, in some cases, of improving context. When done with a clearly stated objective it has few of the drawbacks associated with sale. The objects remain in the public domain and, if the transfer has been well thought out, will be more accessible, better housed and/or better used as a result. Transfer of ownership has the advantage over loan that the receiving institution takes on full responsibility for the objects transferred, and may find that ownership makes it easier to justify the costs of preservation, publication and display.

Examples include the transfer of 280 navigational instruments in the Gabb Collection from the NMM to the Science Museum in the 1990s and the reciprocal transfer of three dockyard models from the Science Museum, of various vehicles from the National Railway Museum to local railway preservation societies in 2003, of classical antiquities from the V&A to the British Museum, of twentieth century sculpture from the V&A to the Tate, and of the contents of Ham House and Osterley Park from the V&A to the National Trust in 2002.

Transfers are not, however, an easy solution to shortage of resources. If the benefits are to be realised new storage and study facilities and display space may be needed. The current plans to transfer the Royal Photographic Society's collection to the National Museum of Photography, Film and Television (NMSI) and the scheme to rehouse the Royal Institute of British Architects' drawings collection in the V&A will each deliver real public benefit from the co-location of important collections, at a necessary cost of about £5 million in each case. Another problem is that it is not easy to find homes for displayable but undisplayed material. Most museums and galleries, local and regional as well as national, are themselves in want of more space to show what they already have. A third is that transfer does not always assure the future of the collection. The Bowes Museum, for example, transferred an important ethnographical collection, left to it by a local Methodist missionary George Brown, to Newcastle University so that it could be better curated and better used. In the late 1980s that collection was dispersed by sale (figure 5).

Long-term loan also has advantages. Loans, because they do not involve transfer of ownership, can sometimes be easier to agree than

Figure 5 *The George Brown Collection, Hancock Museum*
© *Hancock Museum*

transfers. Regular, if infrequent review and renewal of loans creates a dual interest in the objects or collections concerned, so that if either partner's priorities change, causing a loss of interest in the items in question, the other will tend to step in. Loans are also flexible, allowing collections to be shown in different circumstances and aspects of their care to be shared by partners with different strengths.
The national museums currently have tens of thousands of objects on long-term loan to many hundred museums, sites, historic houses, universities and individual researchers throughout the country. [7]

7, 3,272 objects were on loan from the V&A to 347 venues in 2002/3. Of these, 2,262 objects were on long- term loan to 184 venues within the UK.

## Destruction

Some museums prefer the destruction of objects to their sale or transfer. In the past this has often been the fate of plaster casts and other copies. In the 1950s and 1960s many art schools and museums systematically destroyed the casts of classical and modern sculpture that had been distributed in the nineteenth century. The contempt then felt for all kinds of copies even resulted in the destruction of Richard Evans' copies of Raphael's frescoes for the Vatican Loggia. These had been acquired by the V&A (then the School of Design) with a Treasury grant of £510 (approximately £50,000 today) and had occupied a prominent and influential place in its displays from 1843 onwards. On occasion, though, destruction may be the only practicable method of disposal. In 2003, the National Railway Museum, having transferred a number of vehicles to other museums decided that those which contained large amounts of blue asbestos, or which were not wanted elsewhere, should be scrapped.

Archaeologists frequently argue that it is best that excavated material that has not been selected for retention should be reburied or destroyed. Selling or distributing it in some other way risks creating and sustaining a legitimate market in unprovenanced archaeological material, thus providing a cover for the disposal of illegally excavated objects. As the cost of retaining archaeological material has become more evident, the proportion not selected for retention has been increasing. While the reason for this is clear, it does seem regrettable that any object which has the capacity to provide enjoyment should be reburied. It might be better for museums to find other ways of disposing of things which are not to be retained.

## Sale

Just as lack of resources to look after the collections can be a driver for disposal, the realisation of funds can be a draw. In the United States, many art museums see their collections as a tradeable asset, from which objects can appropriately be sold to enable the museum in question to buy other better, more prestigious and more beautiful objects. Thus in 2003 the Boston Museum of Fine Arts sold a Renoir and two pastels by Degas to raise money for the purchase of Degas' Duchessa di Montejasi. This process of 'trading up' is analogous to private individuals improving their collections by continuously disposing of objects which have fallen out of favour and replacing them with others that they value more highly.

Given that the collections of such museums are purely for display, this seems a reasonable and legitimate thing to do. The Kimbell Art Museum in Fort Worth, for example, aims for quality not historical completeness: for each object acquired another is disposed of. The Hirschorn Museum has followed its donor's wishes by selling or exchanging some 2,500 works from the collection to improve the quality of the whole. The American art museum model has few direct parallels in the UK, where more museums are funded by the public sector, but there are collections held by national and other museums, intended primarily for display which could be, and have been, 'traded up' in this way. For example, the Ulster Museum (now NMGNI) sold its nineteenth century British paintings after the Second World War to set up a fund for the purchase of modern art. As a result it has a stronger mid-late twentieth century collection than many, but it lacks a dimension of the history of art that is present in many municipal collections. Inevitably, it sold the nineteenth century paintings when they were cheap: there is always a tendency to get rid of the unfashionable to acquire the fashionable. The Fitzwilliam Museum sold a number of paintings (including a Gypsy Fortune Teller by Valentin which subsequently went for a high price to the Toledo Art Museum) in order to buy other works for the collection. And the Lady Lever Art Gallery sold works in 1958 and 1965, including paintings by Rubens and a Fantin-Latour, on the grounds that they did not belong in a collection of British art.

There is a place both for museums which improve and refine their collections through purposeful disposal, and for those which retain the evidence of other generations' tastes and attitudes, and provide the opportunity for re-evaluation and 'rediscovery' of particular works as taste changes.

Figure 6 *Bamiyan Buddhas, Afghanistan*
*© Bridgeman Art Library*

# Reasons for caution

## Donors and stakeholders

A worrying disadvantage of disposal is the effect that it can have on donors and other stakeholders. The national collections have been acquired by gift, purchase, fieldwork and excavation over generations. Donors have frequently been motivated by a desire to give their collections 'to the nation' and much of the purchase money has come from public and charitable funds (including the National Heritage Memorial Fund, the National Lottery and the National Art Collections Fund). These collections are therefore as much the property of the nation as a whole as of a particular institution. And because they have been built and handed down by past generations, they belong as much to posterity as to the present. There is also a real sense in which the wider world has a stake in the treasures which they contain. Many of them derive from cultures outwith Britain, and even those that do not may be of international importance. Reaction to the looting and destruction of the contents of museums in Iraq, the demolition of the Bamiyan Buddhas in Afghanistan (figure 6) and the systematic destruction of figures and images in the collections of the National Museum in Kabul, suggests that many beyond the borders of these states felt such losses as their own.

It may be more difficult to persuade people to give or leave their treasured possessions to museums if they suspect that in the long-term the objects which meant so much to them may be traded or otherwise disposed of. The John Rylands University Library of Manchester lost an important loan collection as a result of its sale of books in 1988 and has found it more difficult to attract donations since. For many, donation to a museum is motivated by a desire for a lasting memorial as well as a wish to confer public benefit. The threat of disposal has led some to hedge their gift around with strict conditions (which may subsequently be challenged - as the Trustees of Sir William Burrell's collection found) or set up yet another independent museum which, as the story of the Barnes Collection (in Philadelphia) where the donor's wishes have been overturned demonstrates, can bring troubles of its own.

## Changes in attitude, understanding and circumstance

Some of the disposals instanced above suggest that changes of taste, unforeseeable at the time of disposal, can cause an action that seemed logical at the time to be regretted later. Birmingham Museums and Art Gallery's Collecting Policy 2003-8 sadly characterises the sale of their collections of South Asian and Far Eastern metalwork in the 1950s as 'an act of irrevocable rashness', pointing out that 'it is not only fashions that change … the society which a museum serves can also change … the metalwork would have gained greatly in relevance in view of the growing contribution of South Asian communities to modern Birmingham.'

Worse still is the case of objects that are got rid of in ignorance of their true value. In 1949 the V&A sold a set of eighteenth century gilt wood chairs at auction. They were acquired by the then King of Libya and turned into mirror frames and stools. This was a decision bitterly regretted when it was subsequently discovered that the chairs in question were from a set commissioned by the Venetian Doge Paolo Renier (1710-1779). Similar examples could be found elsewhere.

What the case of the Venetian chairs demonstrates is that it is not safe to dispose of objects unless they are very well understood. Take two further examples. An agate cup bought as a Renaissance object was subsequently discovered to be a 'fake' and taken off display. It might easily have been got rid of as such but, fortunately, it was not because subsequent research revealed in 1971 that the 'faker', the person who had commissioned it, was William Beckford, builder of Fonthill and a passionate and original collector. Again some plaster casts of Roman ornament seemed unlikely to be of use until it was discovered that they had been inherited by Decimus Burton from Robert Adam, thus turning them from unwanted reproductions into key documents for the evolution of neo-classicism in mid-eighteenth century Britain. The problem with this is that research itself costs a great deal of time and money. Without sufficient research the act of disposal is itself likely, particularly in the case of imperfectly understood historic collections, to separate objects from other related pieces or documents which might throw valuable light on them.

This creates something of a bind. Disposal is often driven by lack of the resources necessary to care for, provide access to and display collections; but it is unsafe to dispose of objects in the absence of the resources required to understand them properly before doing so, or to transfer them to a recipient without the resources to house them well and make them accessible.

One way out of this dilemma is to select the best and most fashionable, not the least known objects in a collection for disposal. This reduces the chance of mistakes, avoids the regrets caused by changes in taste, maximises the benefit if sale is the chosen method, and reduces the likelihood of the objects in question disappearing from view. On the whole those who pay high prices take good care of what they acquire. And it is more probable that well-known and fashionable objects will remain publicly accessible. A drawback of course is that it maximises the pain of parting. Stakeholders in museums prefer to believe that there can be disposal without loss. An example of this approach is the sale of the 'Ruskin Madonna' (attributed to Verrocchio) by the Guild of Saint George in 1975 to the National Galleries of Scotland (figure 7). The sale was intended to provide the resources needed to enable the Guild to reopen its museum and so fulfil Ruskin's purpose. Whether the public at large gained or lost is debatable: if Sheffield and the integrity of Ruskin's collection suffered, the work in its new location is seen by more people than ever. On the whole, though, this seems a desperate remedy which will harm the public interest if disposal leads to a reduction in access and unnecessary expense if it involves payment from one publicly funded body to another.

## Conclusion

Collections are held not for the benefit of individual institutions, but for the public as a whole. Museums should therefore be willing to dispose of objects when this will better ensure their preservation, ensure that they are more widely used and enjoyed, or place them in a context where they are more valued and better understood. Disposal should be regarded as a proper part of collection management, but if it is to be successful it must be properly resourced and carefully conducted.

Figure 7 *Andrea del Verrochio: the 'Ruskin' Madonna, c1470.*

© *National Galleries of Scotland*

# Appendix 1 Examples of transfers between institutions

The National Army Museum, founded in 1960, has received collections from the Royal United Services Institution Museum and military uniforms from the V&A as well as the loan of the Crookshank collection of military prints from the British Museum and of armour and weapons from the Royal Armouries.

In the 1990s, the National Maritime Museum transferred about 280 items from the Gabb collection (a collection of navigational instruments) to the Science Museum in exchange for three dockyard models originally commissioned by George III. The NMM already held three such models and the acquisition completed the set.

The United Kingdom Maritime Collections Strategy has developed a co-ordinated view of maritime collections and promotes improved access through dispersal, including transfer from the NMM to the National Maritime Museum, Cornwall

In 1998 the Royal Air Force Museum transferred the wings of a Gloster Gladiator to the Malta Aviation Museum Foundation to enable it to complete the restoration of the Gladiator, known as 'Faith' which had been presented by Air Vice Marshal Sir Keith Park in 1943 and which had subsequently been partially restored by RAF volunteers. Other parts were transferred to the Gloucestershire Aircraft Collection.

The National Museums and Galleries of Wales transferred about 500 objects from Africa, the Pacific and the Americas to the Horniman Museum in 1980.

The Julia Margaret Cameron Herschel Album and the Daily Herald Archive were transferred by the National Portrait Gallery to the National Museum of Film, Photography and Television in 1983.

In the late nineteenth and early twentieth century, the V&A transferred tens of thousands of objects to the British Museum either because they were from parts of the world outside the V&A's remit, or because they were classical antiquities.

The British Museum transferred its holdings of nineteenth-century photography (4,500 items) to the V&A in 2000.

The V&A transferred a group of early twentieth-century sculpture to the Tate in the early 1980s when an agreement came into force that the V&A would hold the national collection of sculpture made prior to 1900 and the Tate the national collection of sculpture made after that date.

In 1959 the V&A sold a seventeenth century house front from Ahmedabad (Gujarat), acquired for £200 in 1883, to the Calico Museum of Textiles in Ahmedabad for a nominal sum (£40). The house front is no longer available to be seen by visitors.

In 2002 the V&A transferred its collections at Ham House and Osterley Park to the National Trust. Both houses were given to the National Trust in the 1949 with their collections being purchased by the Government and vested in the V&A. The V&A administered the two houses until 1990s and the collections continued to be displayed there. When the National Trust took over the management of the houses, it proposed that the contents of the houses be transferred to the Trust. The V&A agreed with the proposal, although an amendment to legislation has been necessary to enable the transfer (since the Trust was not one of the organisations listed in the National Heritage Act 1983 to which the V&A could transfer collections in this way). The objects transferred include objects acquired by the V&A after 1949 with its own funds but intended primarily for display in the houses. The rational behind these transfers was that the objects would always be most appropriately made available to the public by means of their display at the houses.

The V&A has recently placed the panelling and furniture from a period room at Sizergh Castle on long-term loan to the National Trust for display at Sizergh, and placed the Boughton State Bed on long-term loan to Boughton House in 2003.

Location is often key to the meaning of social history collections. The Museum of Welsh Life, St Fagans, has disposed of objects to regimental museums across the UK in order for them to regain their local significance.

# Appendix 2

## Legal situation and ethical guidelines

### 1.1 Legislative Framework

The power of UK National Museums and Galleries to dispose of objects is limited by provisions of the Acts which established their current status. Examples include:

The British Museum Act 1963

The Imperial War Museum Act 1920

The National Heritage Act 1983, and The National Heritage, Scotland Act 1985 * both revised and amended by The Museums and Galleries Act 1992
(The 1983 Act covers the Victoria and Albert Museum, the Science Museum, the Royal Armouries and the Royal Botanic Gardens. The 1992 Act covers the National Gallery, the Tate, the National Portrait Gallery, the Natural History Museum and the Wallace Collection, and also has provisions relating to other national museums in permitting transfers between them *see below.)

The relevant provisions allow museums to dispose of objects by sale, exchange or gift where the object is a duplicate of another in the collection, or where an object 'in the Board's opinion is unsuitable for retention in their collections and can be disposed of without detriment to the interests of students or other members of the public' (from the National Heritage Act 1983, Sect. 6, (3),(b). Objects may also be disposed of by transfer between listed national museums*, and may be disposed of by any means, including by destruction, if their condition has deteriorated to such an extent as to render them 'useless'.

In addition, the Cottesloe Report (The Report of the Committee of Enquiry into the Sale of Works of Art by Public Bodies 1964) summarises the body of common and trust law governing the obligations of museums to their collections. The majority of museums are guided by this but although the opinions expounded in this report

* Museums and Galleries Act 1992, section 6(1) provides that:
Any body for the time being specified in Part I of schedule 5 to this Act may, by way of sale, gift or exchange, transfer an object the property in which is vested in them and which is comprised in their collection, if the transfer is to any other body for the time being specified in either Part of that Schedule.

Those able to transfer and receive material: The Royal Armouries, The British Library, the British Museum, the Imperial War Museum, the Museum of London, the National Gallery, the National Galleries of Scotland, the National Library of Scotland, the National Maritime Museum, the National Museums and Galleries on Merseyside, the National Museums of Scotland, the National Portrait Gallery, the Natural History Museum, the Science Museum, the Tate Gallery, the Victoria and Albert Museum

Those able only to receive material: the National Library of Wales, the National Museums and Galleries of Wales and the Museums and Galleries of Northern Ireland.

are commonly accepted it has not been tested in court. The relevant paragraph reads as follows:

> 'The basic principle upon which the law rests is that when private persons give property for public purposes the Crown undertakes to see that it is devoted to the purposes intended by the donor, and to no others. When a work of art is given to a museum or gallery for general exhibition, the public thereby acquires rights in the object concerned and these rights cannot be set aside. The authorities of the museum or gallery are not the owners of such an object in the ordinary sense of the word: they are merely responsible, under the authority of the Courts, for carrying out the intentions of the donor. They cannot sell the object unless authorised to do so by the Courts, or by the Charity Commissioners or the Minister of Education on behalf of the Courts, because they have themselves nothing to sell'.

While this paragraph relates specifically to sales it would also apply to other disposals, whether or not the donor has attached express conditions to the gift.

Beyond this there is no legislation in the UK specifically covering the responsibilities of museum governing bodies vis à vis their collections; however, because they are charities, the trustees will be subject to the provisions of Charity Law. In particular, donated collections, gifts and legacies may form part of a charitable trust and/or may be subject to binding conditions affecting the museum's freedom of action.

### 1.2 Guidelines, ethical standards and professional conventions.

To supplement this legal framework, there are a number of guidelines offering professional ethical approaches towards disposal for the museum sector. The Museums Association Code of Ethics is the key document for UK; in certain key areas its 2002 revision is more open in its approach to disposal than earlier versions. The MA's accompanying ethical guidelines on disposal provide advice on process.

> **Extract from the MA Code of Ethics: Section 6.**
>
> Society can expect museums to safeguard the long-term public interest in the collections
>
> **6.0** Collections are a tangible link between the past, present and future. Museums balance the interests of different generations by safeguarding collections, which may include buildings and sites. Museums develop and implement a collections management policy that ensures appropriate standards of care and security for all items entrusted to them, either permanently or on loan. There is a strong presumption against disposal out of the public domain. Disposal should be undertaken only within the strategic

framework of a long-term collections management policy, as a means of returning an item to its rightful owner, or improving care, access or context.

All those who work for or govern museums should ensure that they:

**6.1** Act as guardians of the long-term public interest in the collections.

**6.8** Demonstrate clearly how the long-term local and general public interest is served in circumstances in which disposal might be appropriate.

**6.9** Keep collections as far as possible in the public domain when considering disposal. Maintain public confidence in museums by not selling items from a permanent collection, nor otherwise transferring them, out of the public domain.

**6.10** Recognise that formal title and guardianship for the collections is vested in the governing body, which must satisfy itself that decisions to dispose are informed by the highest standards of expertise and take into account all other legal and attendant circumstances.

**6.11** Base decisions to dispose on clear, published criteria as part of the institution's collections management policy, approved by the governing body. Carry out any disposal according to unambiguous, generally accepted procedures. Incorporate criteria and procedures for disposal in the museum's collections management policy.

**6.12** Give priority to transferring items, preferably by gift, to registered museums. Consider donating items to other public institutions if it is not possible for another museum to accept them. (This paragraph excludes material that is being disposed of because it is damaged beyond use, or dangerous, or is being returned to its place of origin or rightful owner.)

**6.13** Refuse to undertake disposal principally for financial reasons (either to raise income or decrease expenditure). Apply any money raised as a result of disposal, if this exceptional circumstance arises, solely and directly for the benefit of the museum's collection.

**6.14** Apply any money received in compensation for the loss, damage or destruction of objects in the collection solely and directly for the benefit of the museum's collection.

**6.15** Document all disposals and the basis on which decisions to dispose were made.

**6.16** Dispose of human remains with sensitivity and respect for the beliefs of communities of origin.

The key changes to the code from earlier versions are that the often-quoted 'strong presumption against disposal' is replaced with 'a strong presumption against disposal out of the public domain', and that the provision stipulating that the proceeds of sales of objects be spent on new acquisitions has been replaced with a stipulation that they be used for the 'benefit of the museum's collection'.

The ICOM Code of Ethics offers an international context that broadly underpins the UK guidance. In the US, the current version of the Code of Ethics of the American Association of Museums expressly recognises de-accessioning as valid practice and sets out guidelines for its implementation, noting that proceeds of de-accessioning must be used for the 'direct care of collections' (although this can be, and is, interpreted very widely), with heavy emphasis on the fact that they should not be applied to 'operating costs'.

Similarly the American Association of Museum Directors' Code of Ethics recognises the validity of de-accessioning but stresses that it should be driven by a determined policy rather than the exigencies of the moment. It goes on to outline that de-accessioning procedures should be at least as rigorous as those applied to purchases and, while noting that decisions rest with individual Boards, requires that each de-accessioning application be supported with a curator's justification. The Code emphasises that proceeds 'must' be used to 'replenish the collections'.

As with any guidelines, these codes are not enforceable and rely on the support and commitment of the museums community.

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