

Provenance and due diligence

In accordance with good practice, the ACE/V&A Purchase Grant Fund expects all applicants to have exercised due diligence in establishing the ownership history of the object to be purchased.

Potential acquisitions should:

- have, as far as can be traced, a full history of ownership, especially for the years 1933-45
- not be the subject of a claim by anyone else

and, if appropriate:

- have been exported legally from its place of origin and imported legally into the UK
- have been legally excavated

This can be determined by:

- acquiring documentary proof that the vendor has legal title and has the authority to transfer it. If no documentary proof exists, (for example, if an object has been handed down through a family) a signed statement from the owner confirming these points should be obtained.
- checking that the item has not been stolen by:
 - seeking from the vendor, or other relevant sources, such as the Art Loss Register or Commission for Looted Art in Europe, confirmation that to the best of their knowledge and belief there are no third party claims, actual or anticipated, on the object
- obtaining the fullest possible history of the ownership of the object, particularly (if appropriate) for the years 1933-45 by:
 - requesting full information in writing and copies of any documentation on the history of the item from the vendor or executors
 - checking whether the item has ever been published or exhibited
 - checking the Art Sales Index or other relevant records for details of the item going through auction salesrooms
- obtaining documentary proof that the necessary export documentation is in place and no law has been contravened in the export of the object from its country of origin. If appropriate, obtain documentary evidence that the item was imported into the UK before 1970. (As agreed under the Unesco Convention on the means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970)
- checking that archaeological material was recovered legally by:

- obtaining written confirmation from the landowner of permission for the right to search and to dispose of the object
- obtaining details of the findspot
- obtaining evidence that the find was reported to the appropriate authorities as necessary
- checking that there is no indication that the recovery involved deliberate destruction or damage to a known archaeological site or ancient monument

Note:

- always document the decision-making process
- this advice is not exhaustive nor should it be used as a substitute for legal advice

Useful resources:

The Accreditation Standard, Arts Council England, 2011

The Archive Service Accreditation Standard, 2013

Statement of Principles and Guidelines on the spoliation of works of art during the Holocaust and World War II period, 1933-45, National Museums Directors' Conference, 1998

Code of Ethics, Museums Association, 2008

Ethical Guidelines: Acquisition, Museums Association, 2004

Stealing History: The Illicit Trade in Cultural Material, Neil Brodie, Jenny Doyle and Peter Watson, The McDonald Institute for Archaeological Research, 2000

Buying in the market: a checklist for Museums, Museums Association, 2000

Combating Illicit Trade: Due diligence guidelines for museum, libraries and archives on collecting and borrowing cultural material October 2005

The Art Loss Register, First Floor, 63 – 66 Hatton Garden, London EC1N 8LE. Tel: 020 7841 5780 or Bath & West Buildings, Lower Bristol Road, Bath BA2 3EG. Tel: 01225 788 780

www.artloss.com

Commission for Looted Art in Europe, Catherine House, 76 Gloucester Place, London W1H 4DQ

www.lootedartcommission.com

Unesco conventions can be found on the Unesco website www.unesco.org

CITES conventions can be found on the CITES website www.cites.org

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