



**RESCUE**  
The British Archaeological Trust  
[www.rescue-archaeology.org.uk](http://www.rescue-archaeology.org.uk)

15A Bull Plain,  
Hertford,  
Hertfordshire,  
SG14 1DX

Telephone: 01992 553377

Office hours: Tuesday and Friday mornings.  
Otherwise please leave a message on the  
answerphone.

[office@rescue-archaeology.org.uk](mailto:office@rescue-archaeology.org.uk)

Department for Digital Culture Media & Sport  
100 Parliament Street  
London  
SW1A 2BQ

23rd February 2019

***Strengthening the Process for Retaining National Treasures: DCMS consultation Dec 2018***

This response is from Jude Plouviez, chair of RESCUE, the British Archaeological Trust,

email: [chair@rescue-archaeology.org.uk](mailto:chair@rescue-archaeology.org.uk)

web: [www.rescue-archaeology.org.uk](http://www.rescue-archaeology.org.uk)

RESCUE, The British Archaeological Trust is a charitable trust dedicated to supporting archaeology and the historic environment in Britain and abroad. RESCUE does not receive any state support, being entirely reliant on the contributions of subscribing members to support the organisation's work.

I have read and understood the 'Privacy Notice' for this consultation. I am happy to be contacted if you wish to discuss this response

*Q1) Do you agree with the proposal to introduce a legally binding mechanism into the export control system for national treasures in the UK?*

Yes, it seems unreasonable that individuals should withdraw from the process once the principle has been agreed and wasteful of public effort and resources.

*Q2) Do you have any views on how the proposal to introduce a legally binding mechanism into the export control system would affect individuals applying for a licence to export a cultural object? Please provide evidence to support these views.*

No

*Q3) Do you have any views on how the proposal to introduce a legally binding mechanism into the export control system would affect public institutions such as museums and galleries? Please provide evidence to support these views*

Presumably greater certainty within the system would be helpful, especially given the many constraints affecting museums, for example in local authorities where budgets have been slashed in recent years.

*Q4) Do you have any views on how the proposal to introduce a legally binding mechanism into the export control system would affect the UK art market? Please provide evidence to support these views.*

No

*Q5) Do you have any views on how the proposal to introduce a legally binding mechanism into the export control system would affect organisations that fund public art acquisitions? Please provide evidence to support these views.*

No

*Q6) Do you have any evidence to show what effect the introduction of a legally binding mechanism into the export control system would have on the number of national treasures retained in the UK per year?*

No

*Q7) Do you have any views on an appropriate process for applying the option agreement where more than one relevant purchaser puts forward an expression of interest by the end of the first deferral period? Please provide evidence to support these views.*

No

*Q8) Do you have any views on the proposal to introduce a value threshold which would mean that export deferred items with a value equal to or below £100,000 would not be subject to the 'binding offers' system? Do you have any views on setting this value threshold at £100,000? Please provide evidence to support these views.*

RESCUE is concerned about the application of this value threshold to archaeological objects, given that this would apply to an extremely tiny minority of pieces. As current guidelines recognise, a financial value is not a sensible criterion for dealing with this material. If an archaeological object qualifies as a 'national treasure' under the Waverley criteria then its acquisition by a public body should be afforded every possible encouragement, including the proposed 'binding offers' system.

*Q9) Do you have any views on the impact of the proposal to allow Sellers who purchased the cultural object in a currency other than sterling to require the purchase price to be specified in (or by reference to) that currency? Please provide evidence to support these views.*

No

*Q10) Do you have any views on the impact of the proposal to allow Buyers to choose the mechanism by which exchange rate fluctuations are mitigated under the option agreement? Please provide evidence to support these views.*

No

*Q11) What are the practicalities involved for interested institutions purchasing an object in a currency other than sterling?*

n/a

*Q12) Do you have any views on the impact of the proposal to cap the length of the second deferral period? Please provide evidence to support these views.*

No

*Q13) Do you have any views on the clauses in the option agreement concerning the preparation of condition reports and the consequences where damage is shown to have occurred, and the impact of those provisions on the process and parties (see clauses 2 and 8)?*

No

*Q14) Do you have any views on whether the warranties set out in clause 9 of the option agreement (and repeated in clause 4 of the form of Transfer Deed at Annex 2 to the option agreement) are sufficient?*

No

*Q15) Do you have any views on the approach of allowing for the parties to agree, on a case by case basis, the provisions in relation to delivery and transfer of risk (see clause 8.3.3)?*

No

*Q16) Do you have any views on the approach of allowing for the parties to agree, on a case by case basis, the provisions in relation to storage, security and viewing arrangements during the Option Period (see clause 5.2)?*

No

*Q17) Do you have any other comments about the drafting of the option agreement, in addition to the points covered in questions [13 to 16]?*

No

*Q18) Do you have any views on the scenarios outlined above detailing circumstances in which an export licence would or would not be granted? Please provide evidence to support these views.*

No

*Q19) Do you have any other comments about the proposed introduction of a legally binding mechanism into the export control system for cultural objects?*

RESCUE believes that DCMS should, as a matter of urgency, look at strengthening the provisions around licensing the export of archaeological objects. An archaeological object is intellectually worthless if the circumstances and location of its discovery and the nature of the object are not reliably recorded, and that information held by a public body. Once exported without a proper record being made this key information is inevitably lost. We propose that before any export licence is granted the applicant must ensure that an archaeological object has been appropriately recorded, for example on the national Portable Antiquities Scheme. Such a record should form a part of the application system as part of the required "full provenance or history" (ACE Procedures and guidance for exporters of works of art and other cultural goods 2018, p.5 para 12) but it is our experience that this needs to be clearly understood by both exporters and administrators of the system and properly enforced.