# Museums Association

# Gifts of pre-eminent objects and works of art to the nation

# Response to Consultation September 2011

September 2011

## Background

The Museums Association is the only organisation that represents the full range of museums and galleries and people who work for them, throughout the UK. We have over 6,000 institutional and individual members representing all types of museums from the largest nationals to small independents and everything in between. We are a membership organisation, a charity and company limited by guarantee and receive no regular public funding. We have an exceptional track record in setting strategic direction for museums and encouraging new thinking and improved practice. [www.museumsassociation.org](http://www.museumsassociation.org)

## Key Points

The Museums Association welcomes this proposal which will increase the number of pre-eminent objects in public ownership and publicly accessible.

We recommend that the government recognises that the proposed annual limit of £20m may prove inadequate and commits to review it after several years of operation and also sets out a process to review the limit if it is exceeded early in a particular year. (Question 5)

We disagree with the proposal that objects should be owned by the nation and lent to museums. This will bring unnecessary complexity and continuing bureaucracy and transaction costs. We recommend that recipient museums should have ownership of the objects, as in the AIL scheme. (Question 6)

## Responses to specific questions

Question 1: Should the new scheme accept gifts only from individual donors? If so, why? Or should the new scheme be open to other donors including corporate bodies? Why?

We think the scheme should be open to other donors as there is considerable potential for businesses to support the acquisition of works of art by museums and galleries.

Question 3: Do you agree that pre-eminent objects should be defined for the new scheme in the same way as for the existing IHT AIL scheme? If you don‘t agree, what criteria or guideline would you add to, or exclude from, the list, and why?

Yes, we think the AIL scheme’s definition is appropriate.

Question 4: What kind of objects might persons be interested in donating under this new scheme?

The scheme should be structured and promoted so that is can support the acquisition of the widest possible range of pre-eminent objects.

Question 5: If you think the new scheme should not be operated on a first come, first served basis, please explain why. If not on a first come, first served basis, how do you think the expert panel should prioritise the offers of gifts of pre-eminent objects if the value of gifts is over the annual limit?

‘First come, first served’ appears to be the least complex approach. However, we are disappointed that the annual limit for tax relief is set so firmly at the existing level for AIL alone of £20m. We understand that in the current financial climate it may not be appropriate to set a higher limit, but we would like to suggest the government makes a clear commitment to review the limit in, say, three years. We would also recommend that the government considers outlining the process that it would follow if in any year the £20m is exceeded early on and there are offers outstanding that may otherwise be lost to the nation.

Question 6: Which institutions should the objects be loaned to? Should this differ from the institutions that can currently be allocated objects under the existing IHT AIL scheme, and if so, why?

We think the scheme should be as open as possible and all accredited museums should be eligible to receive objects. The consultation document states in para 2.20 ‘The expert panel will decide where the object will be allocated with a view to ensuring that public access is guaranteed to as many people as possible, subject to considering the condition of the object.’ It is important to recognise that there may be reasons of *context* that may make it appropriate to allocate the object to a museum that would provide the best context for the object – and so maximise the quality of the audience experience – but not in fact attract ‘as many people as possible’.

We recommend that the government reconsiders its proposal that objects will be the property of the nation and lent to museums. This is not the approach taken by AIL, which gives ownership of objects to individual museum and works very effectively. If the nation takes ownership, this will add to complexity and bureaucracy. The nation will have a continuing role in being accountable for the object, monitoring its condition, location and use. This will presumably require reporting from the museum to the nation and physical inspection on behalf of the nation. This will have a continuing cost for the nation and the museum and add to public expenditure. Furthermore, future decisions about whether to lend the object to a third party, for example to another museum for a temporary exhibition would become unnecessarily complex. Lending items from museum collections is already difficult and time-consuming and it would not be advisable to add to complexity. Ownership by the nation may generate further avoidable complications and transaction costs around agreeing insurance valuations, the need for and cost of conservation work, intellectual property rights and so forth.

Question 7: Do you agree the expert panel should follow the AIL process when it asks for applications from interested institutions for the allocation of an object? If not, what processes should be used?

Yes, subject to the recommendation above that ownership should pass to the recipient institution.

Question 8: What other conditions should be attached to the lending of objects? What level of public access should there be? How should public access be ensured?

As noted above, we recommend that objects should not be lent, but that ownership should rest with the recipient museum. The recipient museum should be required to commit to providing easy physical public access to the object and also to making it available digitally. Physical access could be provided by regular public display or by straightforward access to an existing and well established regularly open study room or open store. In both cases access on at least 100 days per year sounds reasonable, although it may be necessary for people to make advance appointments to see items in study rooms or open stores. The recipient museum should also agree to meet all reasonable loan requests for public display in temporary exhibitions from other accredited museums. The recipient museum should be empowered to lend the object to other accredited museums for longer periods where the borrowing museum can provide improved care, access or context for the object.

Question 16: Impact on business and the third sector – the Government would welcome information from advisers or their representative groups on the impact of this measure on charities, museums and other institutions.

The proposal has the potential to bring great benefit to museums and to help them increase their public impact, so long as it does not generate additional avoidable complexity and bureaucracy (see in particular response to question 6).

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