

THE
NATIONAL
GALLERY


POLICIES &
PROCEDURES



ACQUISITIONS AND ACCESSIONING POLICY

May 2024

Acquisitions and Accessioning Policy

Policy Title	Acquisitions and Accessioning Policy
Departmental Owner	Director of Collections and Research
Published date	May 2024
Review date	July 2027
Version	1
Reference number	n/a
Circulation	 This work is marked with CC0 1.0 Universal. To view a copy of this license, visit https://creativecommons.org/publicdomain/zero/1.0/ .

Overview

This policy covers how we manage the acquisition of objects into our collections and take legal ownership, how we accession objects and the formal commitment by our governing body to care for objects over the long term.

The main audience for the framework is Gallery employees, the Executive Committee and Trustees.

The Gallery aims to be open and transparent in how it manages its collection and intends to make this policy available to the public and other institutions on our website. This approach is in line with other collecting institutions in the UK.

Contents

Overview	2
Contents	3
1 Introduction	4
2 Principles	4
3 Criteria	5
4 Legal and ethical framework	6
5 Evaluation	7
6 Board approval	7
7 Acquisition	8
8 Terms and conditions for acquisitions	8
9 Intellectual property rights	8
10 Accessioning	9
11 Record management	9
12 Risk management	10
13 Price	10
14 Condition	10
15 Provenance and due diligence	11
16 Reputation	11

1 Introduction

- 1.1 This policy covers how we manage the acquisition of objects into our collections and take legal ownership, how we accession objects and the formal commitment by our governing body to care for objects over the long term.
- 1.2 This policy should be read in conjunction with the Collection Management Framework and Collection Development Policy.
- 1.3 Acquisitions for the Contextual, Library and Archive and Frames collections are set out in their respective collecting policies.

2 Principles

- 2.1 The National Gallery has a number of objectives laid out under our constitution to care for, enhance, and to study the collection. The acquisition of pictures is one of the Gallery's statutory objectives. Acquisitions are considered essential to enhance the Collection now and for future generations. In particular, acquisitions enable the Gallery to develop and enrich its presentation of painting in the Western tradition for public benefit.
- 2.2 The National Gallery's Collection tells the uniquely coherent narrative of painting in the Western European tradition and spans the period from the thirteenth to the early twentieth centuries.
- 2.3 The rationale for acquisitions is guided by three principles:

Building on strength and acquiring outstanding masterpieces.

- 2.4 To 'add excellence to excellence' in areas of particular strength where the National Gallery's collection matches or surpasses the best in the world. These include large areas of the Italian Renaissance, 17th-century Dutch, and early modern French collections where we have pictures by painters who are widely recognised (both within the scholarly community and by the general public) as having changed the direction of the history of European art, by their exceptional genius, and as acting as continued points of reference for subsequent generations. Certain individual esteemed masters are particularly well represented, including Raphael, Titian, Rembrandt, Velázquez, Rubens, Poussin, Claude and Degas.

Adding depth to the National Gallery's traditional areas of collecting.

- 2.5 Acquiring great works by previously unrepresented artists or movements, including those that did not form part of the 19th-century canon but which are now recognised as enhancing the Gallery's status as one of the world's preeminent collections of paintings in the Western European tradition.

Diversification of the National Gallery's collection in more radical ways.

- 2.6 Acquisitions are the primary means of developing and reflecting changing ideas about the collection's broader meaning and purpose. This is based on the underlying assumption that the Gallery is uniquely well-placed to show the history of painting in the Western tradition in an exceptionally comprehensive way, and that it should continuously broaden and diversify that representation while retaining its quality. This will be addressed by expanding the chronological and geographical scope of the Main Collection, and equally through the gender and heritage of artists (e.g. historically marginalised identities) who are currently not represented in the collection, as well as through the subject matter, narrative content and provenance of the paintings. By broadening the collection, we believe we can strengthen connections between the works within it, enrich its narratives, and build new audiences.

3 Criteria

- 3.1 Potential acquisitions are assessed by the following criteria:
- 3.2 **Quality:** all paintings acquired by the Gallery must be of the highest quality with authenticity and sound attribution guaranteed as far as possible.
- 3.3 **Condition:** all paintings acquired by the Gallery must be in as good condition as possible or in a physical state allowing treatment of the kind it is reasonable for our conservation staff to undertake (taking into account the place and period of manufacture but avoiding over-heavy restoration, very poor condition, extreme fragility, infestation, etc.).
- 3.4 **Price:** works need to be obtained on reasonable financial terms (neither being over-valued or under-valued so as adversely to affect the current or future commercial art market, especially in relation to inflating prices).
- 3.5 **Provenance:** all new acquisitions must meet the Gallery's standards of due diligence and provenance so as to avoid third party ownership claims (including holocaust restitution) or acquiring illicitly traded works.
- 3.6 **National significance:** does the painting enhance the way the National Gallery tells the story of art?

- 3.7 **Association with the Gallery:** has the painting been on long-term loan and established a relationship to the collection?

4 Legal and ethical framework

- 4.1 The National Gallery is governed by the Museum and Galleries Act 1992 which states that ‘the National Gallery Board shall maintain a collection of works of art, principally consisting of pictures, of established merit or significance, and of documents relating to those works and shall care for, preserve and add to the works of art and the documents in their collection’.
- 4.2 All Acquisitions, and the maximum price for each Acquisition, require the approval of the Board of Trustees. Trustees have the right to decide not to proceed with an acquisition.
- 4.3 All acquisitions will be made according to this policy, the Collection Development Policy and Collection Development Strategy.
- 4.4 Acquisitions outside the current stated policy will only be made in very exceptional circumstances, and then only after proper consideration by the Board of Trustees, having regard to the interests of other museums.
- 4.5 The Gallery will not acquire any painting unless it has made every effort to satisfy itself that it can acquire valid title.
- 4.6 The Gallery will take account of legal, moral and ethical standards and guidelines and statutory instruments for acquisitions. In particular the Gallery will work to:
- UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which the UK ratified with effect from 1 November 2002;
 - Dealing in Cultural Objects (Offences) Act 2003;
 - Spoliation of Works of Art during the Holocaust and World War II period: Statement of Principles and Proposed Actions, issued by the National Museum Directors’ Conference in 1998; and
 - Museums Association Code of Ethics for Museums 2015.
- 4.7 We will only accept or acquire an object if we can provide adequate, continuing long-term care and public access to it, without compromising standards of care and access relating to the existing collection.
- 4.8 We will ensure we have the in-house conservation resource to care for, store and manage all acquired works in the longer term.

5 Evaluation

- 5.1 Following initial discussions and viewing of the object the Director confirms that an object is a potential acquisition candidate.
- 5.2 The Acquisitions Group meets quarterly and is chaired by the Director of Collections. The group is responsible for policy and procedure for acquisitions, progression, communication and completion of acquisitions and accessioning, compliance and audit.
- 5.3 The Acquisitions Group are jointly responsible for completion of the acquisition file and for all matters set out in the Acquisitions Procedure.
- 5.4 Curators and the Director view and evaluate the acquisition and decide whether or not to pursue the acquisition.
- 5.5 A full condition assessment is carried out by the Head of Conservation and Keeper, including technical examination if required.
- 5.6 Provenance and due diligence checks will be completed for each potential acquisition by the Curator and signed off by the Head of Curatorial, Head Registrar and Director of Collections.
- 5.7 A risk assessment will be completed for each potential acquisition by the Curator and NG Legal team and signed off by the Gallery Director.
- 5.8 The Gallery's Head of Finance and the Gallery's Legal Counsel will advise on (a) funding, (b) tax and (c) the contractual terms.
- 5.9 Where pictures are being acquired under Private Treaty Sale, HMRC will be consulted at an early stage.

6 Board approval

- 6.1 When all due diligence and other checks have been completed the Curator will prepare an Acquisition Proposal for the Board in the standard approved form and the proposal will be taken to the Board for approval. The Trustees meet six times a year.
- 6.2 The Acquisition Proposal will confirm method of acquisition, value and maximum price of acquisition, sources of funding; condition assessment and all significant or relevant authoritative published references to the picture. It will demonstrate that full research into a painting's provenance (with any gaps in its provenance clearly stated), due diligence and valid export checks have been carried out to an acceptable standard. The risk assessment will be appended.

7 Acquisition

- 7.1 Following approval of the Acquisition Proposal by the Board the Acquisition Group will proceed with acquisition of and transfer of title.
- 7.2 The Head Registrar will advise on insurance or indemnity, import and export requirements any import tax or VAT and will liaise with the Gallery's Legal team on the timing and logistics around the transfer of title).

8 Terms and conditions for acquisitions

- 8.1 Title can pass to the Gallery through purchase, gift, bequest, commission or under the UK Government's Acceptance in Lieu scheme or Cultural Gifts Scheme.
- 8.2 All Acquisitions shall involve the Gallery's Legal team who will either draft the relevant acquisition agreement or advise on the standard terms of the seller (for example, if the work is sold through auction).
- 8.3 The Gallery may, on occasion, enter into joint-acquisition agreements with other UK institutions. Any such agreements will clearly set out the terms of acquisition, including but not limited to the purchase price; conservation; insurance, ongoing costs and other practical arrangements around the long-term care of the objects.
- 8.4 The vendor/donor will be asked to give warranties as to title; to confirm that the painting has not been the subject of illegal import or export; that there are no third-party claims; and that they have provided to the Gallery copies of all relevant provenance information in their possession.
- 8.5 Consideration will also be given to inclusion of warranties as to attribution and authenticity in appropriate cases.
- 8.6 In the case of purchases, all payments must be authorised in accordance with the Finance Department's Standing Instructions.
- 8.7 Gifts are not accepted subject to conditions that are unreasonable or unduly onerous.

9 Intellectual property rights

- 9.1 We will take all necessary steps to ensure compliance with all relevant legislation relating to Intellectual Property Rights; and shall aim to acquire copyright in any images we have taken for loans that become acquisitions.

- 9.2 Where applicable, the Gallery will ensure that copyright restrictions are adhered to, by requesting appropriate permissions or licences, and ensuring that those NG and NGG departments seeking to publish images have been informed of the permissions granted.

10 Accessioning

- 10.1 Once title has passed to the Gallery, the objects will be accessioned and recorded. This includes creation and safe keeping of formal records, recording collection information, creation of dossiers, internal communications, conservation treatment and framing/glazing as required, plans for display and interpretation, press and publicity, auditing, reporting.
- 10.2 The Gallery will maintain acquisition and catalogue documentation that includes a work's inventory number, the legal status of the work, activity relating to and history of the object within the Gallery (e.g. record of movements of the work), loan and exhibition history, ownership history, provenance, copyright agreement and credit line at the time of acquisition.
- 10.3 All acquisitions for the main Collection are recorded in the paper Inventory of Pictures held in the Archive and to at least inventory level in our collections management system (TMS).
- 10.4 Acquired objects are allocated a unique identification number. They are numbered sequentially, prefixed with 'NG'. We do not mark objects directly because we have a uniquely identifiable collection; images are used as identification aids. The NG number is stencilled on the backboard.
- 10.5 Accessioning should normally be completed with one month of title passing to the Gallery.

11 Record management

- 11.1 The Gallery is able to account for its actions and demonstrate due diligence in the acquisition process by careful record-keeping and robust systems for ensuring that complete and reliable records are created, maintained and eventually preserved in the National Gallery Archive.
- 11.2 For each acquisition, the records will demonstrate that all accountable processes have been completed and provide a full and auditable record of the acquisition process.
- 11.3 The National Gallery is a record-keeping institution, and these records form a valuable source of knowledge about the objects and circumstances of their entry

into the collection. Records are selected and retained permanently in the National Gallery Archive.

12 Risk management

12.1 Risks in relation to acquisitions include:

- over-valuation or under-valuation;
- undetected condition problems (including heavily restored, poor condition, fragility, infestation);
- third party ownership claims (including Holocaust restitution) and acquisition of illicitly traded works;
- authenticity and misattribution;
- reputational risks from association with previous owners.

13 Price

13.1 Consideration will be given to whether an independent valuation is required. In any event, the Acquisition Proposal includes a note on the value of the painting, including comparable market prices, and a history of the negotiations if relevant.

13.2 The Gallery reports the price paid for any work of art purchased (or the value of any work acquired by gift or under Acceptance in Lieu) during the financial year, when publishing its Annual Accounts.

14 Condition

14.1 A full condition report prepared by a Senior Conservator is required for all acquisitions, to ensure the acquisition is in sufficiently good condition, especially when compared to other paintings of similar period in the Gallery's collection. More extensive technical research is carried out when appropriate.

14.2 A National Gallery curator will be assigned to be responsible for each object.

15 Provenance and due diligence

- 15.1 We will conduct provenance research and due diligence checks for all potential acquisitions in line with our Due Diligence Policy and Collection Development Policy.
- 15.2 We will verify the ownership of any item prior to purchase, that the current holder is legitimately able to transfer title, to ensure the painting has no gaps in provenance (especially in the period 1933-1945) and that if an export is involved it can be shown to have been valid.
- 15.3 A timely check of the Art Loss Register (and/or other relevant stolen art databases) will be made for all Acquisitions, wherever deemed necessary.
- 15.4 We will reject any item if there is any suspicion that it was wrongfully taken during a time of conflict, stolen, illicitly exported or illicitly traded.

16 Reputation

- 16.1 The National Gallery is committed to ensuring that all necessary due diligence and research into an art work's provenance is conducted during the acquisition process and before a final decision is made. The assessment of the potential acquisition's suitability from the perspective of its history thereby mitigates any risk to the Gallery's reputation and mission statement that may derive from a painting's background.