



## LOANS IN POLICY – DUE DILIGENCE AND PROCEDURES

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## 1. Introduction

Glasgow Life Museums is the operating and trading name used by the department that manages Glasgow City Council's Museum collection and buildings on behalf of the City of Glasgow.

It forms part of the charitable company Culture and Sport, Glasgow (CSG), which also operates under the trading name of 'Glasgow Life' with its sub-brand 'Glasgow Life Museums'.

Glasgow Life Museums' Loans In Policy – Due Diligence and Procedures covers loans to the Museums and Collections.

## 2. Reasons for Borrowing

Glasgow Life Museums will borrow items only for a specific display, exhibition or event (hereinafter referred to as "Project", reference to the singular include the plural and vice versa) which forms part of the overall programme and is appropriate to the venue/department hosting the Project. Unsolicited offers of items for loan to Glasgow Life Museums can be mailed to [museums@glasgowlife.org.uk](mailto:museums@glasgowlife.org.uk) where they will be reviewed via the internal procedures.

Glasgow Life Museums is committed to developing its programme accordingly to the highest ethical standards in compliance with all applicable laws and in accordance with national and international standards. This Policy sets out the Due Diligence principles to which Glasgow Life Museums adheres when considering an object for loan to us for any Project.

## 3. Due Diligence Principles

Glasgow Life Museums will exercise due diligence to ensure the lender has good legal title and can lend free from encumbrances:

- Legitimate title of the current owner and their authority to lend or transfer ownership.
- Lender's legal authority to lend (if acting on behalf of the owner)
- Verification of the object's ownership history with the lender/owner
- There is no known claim of ownership by a Third Party
- The object has not been stolen, looted or illegally imported or exported

The full scope of checks described under Section "5. Procedures and Checks" below.

### Standards and Guidelines

Glasgow Life Museums' Due Diligence procedures uphold the requirements of the following standards and guidelines:

- Statement of Principles on "Spoliation of works of art during the Holocaust and World War II period" National Museum Directors Conference, 1998  
([https://www.nationalmuseums.org.uk/what-we-do/contributing-sector/spoliation/spoliation\\_statement/](https://www.nationalmuseums.org.uk/what-we-do/contributing-sector/spoliation/spoliation_statement/))
- "Combating Illicit Trade: Due diligence guidelines for museums, libraries and archives on collecting and borrowing cultural material" DCMS, October 2005  
([http://old.culture.gov.uk/images/publications/Combating\\_Illicit\\_Trade05.pdf](http://old.culture.gov.uk/images/publications/Combating_Illicit_Trade05.pdf))
- UNESCO 1970 "Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property"
- ([http://portal.unesco.org/en/ev.php-URL\\_ID=13039&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html))

ICOM Code of Ethics for Museums

([http://icom.museum/fileadmin/user\\_upload/pdf/Codes/ICOM-code-En-web.pdf](http://icom.museum/fileadmin/user_upload/pdf/Codes/ICOM-code-En-web.pdf))

- Museums Association Code of Ethics for Museums, 2015  
(<http://www.museumsassociation.org/download?id=1151400>)
- SPECTRUM: The UK Museum Documentation Standard  
(<http://collectionstrust.org.uk/spectrum/spectrum-5/>)
- “Convention on International Trade in Endangered Species of Wild Fauna and Flora” 1973/79  
(<https://cites.org/eng/disc/text.php>)
- ICOM Red List of archaeological objects or works of art  
(<http://icom.museum/programmes/fighting-illicit-traffic/red-list>)
- The laws of Bona Vacantia and Treasure Trove  
<https://www.gov.uk/government/organisations/bona-vacantia> and  
<https://www.gov.uk/treasure>
- The Ivory Act 2018  
<https://www.legislation.gov.uk/ukpga/2018/30/contents/enacted>
- HMRC Import and Export Regulations

#### **4. Roles and Responsibilities**

Glasgow Life Museums’ Curatorial staff will undertake Due Diligence research during the development stage of any Project proposal. Where an external Curator is working on behalf of Glasgow Life Museums they will report back to a named Glasgow Life Museums’ Curator who will be responsible for ensuring that Due Diligence is pursued. The Research and Curatorial Manager, and or delegated Senior Curator, will assist as appropriate to pursue specific lines of enquiry and ensure the process is documented and recorded on Glasgow Life Museums Collections Management System in accordance with the Documentation Policy and published on Glasgow Life Museums website in accordance with the regulations governing Immunity from Seizure, where required.

The Research and Curatorial Manager has responsibility for overseeing Due Diligence procedures. The Head of Museums and Collections has ultimate responsibility for Due Diligence. Internal academic and/or legal advice will be sought from within Glasgow Life if required. Where appropriate, the Head of Museums and Collections and Research and Curatorial Manager will consult with Glasgow Life Museums colleagues responsible for wider gift acceptance, ethics, bribery and other relevant policies.

#### **5. Procedures and Associated Checks**

Due Diligence relating to loans for a Project fall within the SPECTRUM procedures grouped under Loans In (borrowing objects) and is an extension of Glasgow Life Museums normal practice of gathering information and agreeing loans.

Prior to progressing with a loan, Glasgow Life Museums’ Curator will:

- Carry out an initial assessment of potential loans, rejecting anything that is known to be ethically unacceptable, such as taken illegally from archaeological sites, the result of spoliation or protected natural material.
- Confirm the Lender’s legitimate title and legal authority to lend the object. For incoming loans for which Immunity From Seizure will be sought this will include confirmation that the object(s) is/are usually kept outside the UK, not owned by a person resident in the UK and that its import does not contravene a prohibition or restriction on the import of goods,

imposed by or under any enactment, that applies to the object, a part of it or anything it conceals.

- Request the Lender completes Glasgow Life Museums Due Diligence Questionnaire.
- Carry out further research if, for example, the lender is unable to provide the required information or there is doubt concerning the information supplied. This will include seeking information from published and unpublished sources and consulting with other Curators, scholars and authorities. Checks will be made with auction houses and dealers and any other organisations that might hold information that can be used to establish provenance.
- The proposed object itself may, if practical, be examined for evidence, such as labels or marks that may assist provenance research.
- Where appropriate, give particular consideration during provenance checking to the period 1933-1945. This will include consulting appropriate online resources including:
  - Central Registry of Information on Looted Cultural Property 1933-1945 (<http://www.lootedart.com>)
  - Lost Art Internet Database (<http://www.lostart.de/Webs/EN/Datenbank/Index.html>)
  - Art Claims Looted Art and Cultural Property Initiative (<http://art.claimscon.org/home-new/resources/overview-of-worldwide-looted-art-and-provenance-research-databases/>)
  - International Research Portal (IRP2) (<https://irp2.ehri-project.eu/>)
- Where appropriate, confirm that the excavation, importation or transfer of objects has not contravened the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. This will normally involve proof of legal import/export; particular attention will be given to objects originating from areas of conflict or known looting.
- Where appropriate reference will be made, but not limited, to:
  - ICOM Red List (<http://icom.museum/resources/red-lists-database/>)
  - Art Loss Register (<http://www.artloss.com/>)
  - Interpol Stolen Art Database (<https://www.interpol.int/Crime-areas/Works-of-art/Database>)
  - The Getty Provenance Index (<http://www.getty.edu/research/tools/provenance/search.html>)
  - The National Art Library (<https://www.vam.ac.uk/info/national-art-library>)
  - The Witt Library (<https://courtauld.ac.uk/study/resources/image-libraries/witt-library>)
  - UNESCO Database of National Cultural Heritage Laws (<http://www.unesco.org/culture/natlaws/>)
  - CITES (<https://www.cites.org/>)
  - Observe all relevant national and international regulations governing the import and export of cultural property and the control of trade in endangered species of wild flora and fauna.
- Seek further legal advice when required.

## 6. Agreeing to the loan/Loan Agreement

If satisfied, as far as possible, with the Due Diligence research undertaken, and the loan is still required for the Project, Glasgow Life Museums will send a loan request to the Lender from the Head of Museums and Collections. This will provide all the relevant information the Lender will require including, but not limited to:

- title of the Project/reason for request;
- venue;
- Project dates, including any when open to the public;
- A loan will be for a finite period, initially no longer than three years for private lenders and five years for institutions. The loan may be renewed/extended if appropriate but by no more than three or five years at a time, as applicable.
- details of the object: accession number, title/description, artist/maker, date, materials;
- a summary of the aims of the Project;
- a statement of the role the object/s plays and why the object is important in conveying the thesis of the Project along with its outcome if relevant;
- costs in conjunction with the loan; packing, insurance, fine art transportation.

Glasgow Life Museums will only enter into an agreement if it is satisfied that the loan is ethically acceptable. Approval for the loan will be made by the Head of Museums and Collections.

Glasgow Life Museums Incoming “**Loan Agreement**” states that Glasgow Life Museums operates an ethical loans and acquisition policy and recognises and complies with the ICOM Code of Ethics and the (UK) Museums Association Code of Ethics. Glasgow Life Museums recognises and complies with the principles of Combating Illicit Trade (DCMS 2005), the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property and the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Glasgow Life Museums will not knowingly acquire, borrow or display any work for which there is reasonable cause to believe that the work may have been stolen, spoliated, illegally exported or illegally imported from its country of origin.

Lenders are required to acknowledge that they have legal title and lawful right to lend the object(s), that they are not aware of any past, current or potential claim by a Third Party, that all provenance and Due Diligence checks and information provided is accurate, and that the Loan Agreement is made in accordance with all applicable national and international laws, conventions and agreements.

Where Lenders require that their own Loan Agreement or conditions of loan documentation is used as the official Agreement between Lender and Borrower, the Agreement will be checked to ensure that it conforms to the relevant national and international standards and that issues of provenance and that legitimate ownership have been fully addressed. If provenance and legitimate ownership are not explicitly covered in the Lender’s Loan Agreement, the Lender will be asked to provide information about the object’s provenance and sign a separate declaration confirming that they have legal title to the object, that they can legitimately lend it and that they know of no third party claims to the object.

Glasgow Life Museums will not accept any item on loan without confirmation that the Lender has valid and legal title to the object. Glasgow Life Museums will borrow only those objects for which provenance has been established or through presence in the public domain, are judged to have a

history that is reasonably secure. If any doubt remains about a potential loan, or if the necessary agreements are not secured, the loan will be declined by Glasgow Life Museums.

## **7. Publication of information**

Where immunity from Seizure is sought, information will be prepared for publication on the Glasgow Life Museums website according to the regulations governing the legislation. In summary, information about the exhibition of the object, the lender, as well as description and provenance details of the objects, will be published for an initial period of at least four weeks plus one day prior to the objects entering the UK and for a period of at least twelve weeks following the initial period, or on the day after the last day on which the exhibition is open to the public, whichever is the later.

## **8. Documentation of Procedures**

All information gathered about the potential loan will be retained throughout the research, agreement and loan stages. This will be attached to the relevant loan record in the Collections Management System and contain Lender name, Project title and object name/reference number. Access to this information will be restricted to the appropriate staff.

Following the close of the Project, all documentation will be retained in hard copy for a minimum of 20 years, or in line with corporate retention schedule, regardless of whether the object was accepted or rejected for loan. This may include: a completed Due Diligence Questionnaire, formal correspondence with Lenders/owners, Curators and scholars; informal notes and records; copies of, or references to, any published or unpublished sources relating to the provenance of an object.

Any information published on the Museum website will be removed after the required period but retained within the Collections Management System as archive information.

Information will be considered confidential in accordance with Data Protection legislation. However, Glasgow Life Museums will comply with Freedom of Information requests and will supply appropriate information to other organisations or individuals that may carry out subsequent Due Diligence research or may have a claim to possession of an object for which Immunity from Seizure protection has been provided.