

# **Manchester City Galleries**

## **Due Diligence Policy and Procedures for Loans In**

Manchester City Galleries is committed to ensuring that every item it borrows for temporary exhibition or long term loan for permanent display is legally and ethically sound. Due diligence is exercised to ensure that

- The lender has good legal title and can lend free from encumbrances
- The item has not been stolen, looted or illegally imported or exported
- There is no known claim of ownership by a third party

Manchester City Galleries' due diligence policy for objects on loan to the gallery is in accordance with all relevant national and international standards, including the following:

- Statement of Principles issued by the National Museum Directors Conference on "spoliation of works of art during the Holocaust and World War II period" in 1998
- Combating Illicit Trade: Due Diligence Guidelines for Museums, Libraries and Archives on collecting and borrowing Cultural Material (DCMS, October 2005)
- UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property
- ICOM Code of Ethics
- SPECTRUM: UK Documentation Standard for Museums
- Convention on International Trade in Endangered Species of Wild Fauna and Flora
- ICOM red list

## **Roles and Responsibilities**

The lead curator for the exhibition or display is responsible for ensuring that MCG's due diligence policy and procedures are followed for all objects proposed for loan, and for existing loans undergoing review and renewal. The registrar will work closely with the lead curator to ensure that the appropriate due diligence checks are carried out. Overall responsibility for ensuring that MCG's due diligence policy and procedures are adhered to lies with the Head of Manchester City Galleries.

Where MCG is working with an external guest curator, responsibility for due diligence rests with the lead curator for the exhibition within MCG, although the guest curator will be briefed about MCG's due diligence policy and procedures and they may be asked to contribute to provenance research where required.

## Summary of Due Diligence Procedures for Loans In

MCG's loan agreement form for loans in requires the lender to declare their legal title and confirm their lawful right to lend the object. The lender is also asked to supply full provenance information to the best of their knowledge and confirm that they know of no third party claims to the object.

Where lenders require that their own loan agreement or conditions of loan documentation be used as the official agreement between lender and borrower, the agreement will be scrutinised to ensure that it conforms to the relevant national and international standards that issues of provenance and that legitimate ownership have been fully addressed. If the issues of 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 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.

The provenance information supplied by the lender is checked by the lead curator for any missing or suspect information. Particular attention is paid to the period 1933 – 1945 and any information which suggests irregularity of ownership or acquisition. Checks will also be carried out to ensure the excavation, importation, exportation 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 Cultural Property.

Where appropriate, the lead curator will carry out additional research, consult other scholars and experts in the relevant field and/or consult the Art Loss Register and other art loss databases.

MCG will not proceed with any loan where there is questionable provenance that may contravene accepted national or international standards. The overall decision to borrow will be made by the Head of Manchester City Galleries.

Records of due diligence checks are retained by MCG. The records are treated as confidential and kept on file for a minimum of ten years.