



# **Acquisition and Disposal Policy**

For museums participating in the Accreditation Scheme

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This version replaces that published in the Accreditation Standard, 2004.

## **Background to the policy**

This policy sets out the principles that will provide the governing bodies and staff of museums with a framework for the scrupulous and ethical acquisition and disposal of collections using clear procedures and decision-making processes common to UK museums in the Accreditation Scheme.

Implementing the policy will enable museums to demonstrate the public benefit in their actions relating to the acquisition and disposal of collections. It provides a basis for open and transparent decision-making and an informed dialogue between governing bodies, donors, funding bodies and other stakeholders.

This policy applies to:

- material which the museum owns or to which it intends to acquire legal title
- material which the museum owns and has accessioned into the collection or intends to own and accession into the collection.

The acquisition, management and disposal of collections will flow from:

- a museum's constitution and statement of purpose
- the legal basis on which the collections are held
- the public benefit derived from the effective use and management of the collections
- an assessment of the needs of the museum's collections
- the collections held by other museums and organisations collecting in the same or related geographic areas or subject fields.

Financially motivated disposal risks damaging public confidence in museums and the principle that collections should not normally be regarded as financially negotiable assets (MA Code of Ethics, 2008, paragraph 6.13).

## **Preparing and adopting the policy**

The outline policy is based on that of the Phase 2 Registration Guidelines and the 2004 edition of the Accreditation Standard. It has been brought up to date, and reflects recent legal changes. As the wording of this outline differs in several respects from that used in earlier standards, all museums must review their existing Acquisition and Disposal Policies to ensure that they meet the current Standard. Just as museums periodically review their policies to ensure that they are up to date, MLA will also review its requirements in the matter of acquisition and disposal policies, to ensure that the Standard reflects developments in current thinking.

This outline contains the minimum wording necessary to meet the requirements of the Accreditation Standard. Using the text displayed in **bold** and following the instructions in square brackets will ensure that Accreditation requirements are met. Any variation from the wording given in the outline must not conflict with the sense of the wording. Museums may, of course, include more stringent conditions.

Museums are strongly advised to use the outline policy available as a Word document from the Accreditation pages of the MLA website as the template for the updated policy rather than attempting to modify their existing policies. This will ensure that all the required changes to the text are included.

To maintain the integrity of the Accreditation Scheme, museums are required to adopt the 2008 version of the Policy as follows:

### **Group 1**

1. All museums in the following categories at the time of the formal date of publication must use the 2008 version of the policy:

- a. All new applicants without a policy based on the 2004 Accreditation version.
- b. Those re-applicants with a policy based on the Registration Phase 2 version.

### **Group 2**

2. All museums in the following categories at the time of the formal date of publication must use the 2008 version when they next review their Acquisition and Disposal policies:

- a. All new applicants with policies based on the 2004 Accreditation version.
- b. Museums in Registration Phase 2 which have not yet received invitations to reapply but have revised their policies to meet the 2004 Accreditation version.
- c. Museums in Registration Phase 2 which have received invitations to reapply and have revised their policies to meet the 2004 Accreditation version.
- d. Museums reviewing policies originally based on the 2004 Accreditation version.

### **Impact of a museum's constitution**

There are certain cases where the governing statute or constitution of a museum makes specific provisions regarding the acquisition and disposal of items which have an impact on one or more of the paragraphs given in the outline policy, for instance a complete prohibition on disposing of items. In such cases, the museum is strongly advised to seek advice from its Accreditation assessing organisation on the need to amend the relevant paragraphs to fit its own circumstances.

Any museum can obtain advice on the wording of any aspect of its Acquisition and Disposal Policy from its Accreditation assessing organisation.

## Glossary

**Governing body:** this is the organisation which normally owns the collections. If another legally separate organisation has been given powers to acquire and/or dispose of collections on behalf of the governing body, this must be made clear in the policy.

**The Statement of Purpose:** this must be the same as that given in the Accreditation application in relation to the Forward Plan.

**Disposal:** the permanent removal of an item accessioned into the collection from the ownership of museum's governing body by the process of gift, sale or exchange.

**Public domain:** represented by organisations which are run by public bodies or operate as charities.

## Acquisition and Disposal Policy model

**Name of museum**

**Name of governing body**

**Date on which this policy was approved by governing body**

**Date at which this policy is due for review**

### **1. Museum's statement of purpose**

[Please give the statement of purpose]

### **2. Existing collections, including the subjects or themes and the periods of time and /or geographic areas to which the collections relate**

[Please describe existing collections, including subjects or themes and periods of time and/or geographic areas covered]

### **3. Criteria governing future acquisition policy including the subjects or themes, periods of time and/or geographic areas and any collections which will not be subject to further acquisition.**

[Please ensure that the criteria cover subject or themes, define periods of time and/or geographical areas and mention any collections which will not be subject to further acquisition]

### **4. Limitations on collecting**

**The museum recognises its responsibility, in acquiring additions to its collections, to ensure that care of collections, documentation arrangements and use of collections will meet the requirements of the Accreditation Standard. It will take into account limitations on collecting imposed by such factors as staffing, storage and care of collection arrangements.**

### **5. Collecting policies of other museums**

**The museum will take account of the collecting policies of other museums and other organisations collecting in the same or related areas or subject fields. It will consult with these organisations where conflicts of interest may arise or to define areas of specialisms, in order to avoid unnecessary duplication and waste of resources.**

**Specific reference is made to the following museum(s):**

[Please list the museums]

## **6. Policy review procedure**

**The Acquisition and Disposal Policy will be published and reviewed from time to time, at least once every five years. The date when the policy is next due for review is noted above.**

[Government-funded national museums should include the following paragraph]

**MLA Council will be notified of any changes to the Acquisition and Disposal Policy and the implications of any such changes for the future of existing collections.**

[All other museums should include the following paragraph]

**The Regional MLA / Museum Galleries Scotland / NIMC / CyMAL will be notified of any changes to the Acquisition and Disposal Policy, and the implications of any such changes for the future of existing collections.**

## **7. Acquisitions not covered by the policy**

**Acquisitions outside the current stated policy will only be made in very exceptional circumstances, and then only after proper consideration by the governing body of the museum itself, having regard to the interests of other museums.**

## **8. Acquisition procedures**

**a. The museum will exercise due diligence and make every effort not to acquire, whether by purchase, gift, bequest or exchange, any object or specimen unless the governing body or responsible officer is satisfied that the museum can acquire a valid title to the item in question.**

**b. In particular, the museum will not acquire any object or specimen unless it is satisfied that the object or specimen has not been acquired in, or exported from, its country of origin (or any intermediate country in which it may have been legally owned) in violation of that country's laws. (For the purposes of this paragraph 'country of origin' includes the United Kingdom).**

[In 8c, museums in Scotland should omit the wording "and the Dealing in Cultural Objects (Offences) Act 2003"]

**c. In accordance with the provisions of the 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 November 1 2002, and the Dealing in Cultural Objects (Offences) Act 2003, the museum will reject any items that have been illicitly traded. The governing body will be guided by the national guidance on the responsible acquisition of cultural property issued by the Department for Culture, Media and Sport in 2005.**

[In 8d, please include either of the following paragraphs, as appropriate]

**d. So far as biological and geological material is concerned, the**

**museum will not acquire by any direct or indirect means any specimen that has been collected, sold or otherwise transferred in contravention of any national or international wildlife protection or natural history conservation law or treaty of the United Kingdom or any other country, except with the express consent of an appropriate outside authority.**

OR

**d. The museum will not acquire any biological or geological material.**

[In 8e, please include the following paragraphs, as appropriate]

[For all museums collecting archaeological antiquities]

**e. The museum will not acquire archaeological antiquities (including excavated ceramics) in any case where the governing body or responsible officer has any suspicion that the circumstances of their recovery involved a failure to follow the appropriate legal procedures.**

[For all archaeological antiquities found in England, Northern Ireland and Wales]

**e. In England, Northern Ireland and Wales the procedures include reporting finds to the landowner or occupier of the land and to the proper authorities in the case of possible treasure as defined by the Treasure Act 1996.**

[For all archaeological antiquities found in Scotland]

**e. In Scotland, under the laws of *bona vacantia* including Treasure Trove, the Crown has title to all ownerless objects including antiquities. Scottish archaeological material cannot therefore be legally acquired by means other than by allocation to [museum name] by the Crown. Where the Crown chooses to forego its title to a portable antiquity, a Curator or other responsible person acting on behalf of the [name of Governing Body] , can establish that valid title to the item in question has been acquired by ensuring that a certificate of 'No Claim' has been issued on behalf of the Crown.**

OR

**e. The museum will not acquire any archaeological material.**

**f. Any exceptions to the above clauses 8a, 8b, 8c, or 8e will only be because the museum is either:**

**acting as an externally approved repository of last resort for material of local (UK) origin; or**

**acquiring an item of minor importance that lacks secure ownership history but in the best judgement of experts in the field concerned has not been illicitly traded; or**

**acting with the permission of authorities with the requisite jurisdiction in the country of origin; or**

**in possession of reliable documentary evidence that the item was exported from its country of origin before 1970.**

**In these cases the museum will be open and transparent in the way it makes decisions and will act only with the express consent of an appropriate outside authority.**

[In 8g, museums in England, Northern Ireland and Wales should include one or both of the first two paragraphs OR the third paragraph, as appropriate]

**g. As the museum holds or intends to acquire human remains under 100 years old , it will obtain the necessary licence under the Human Tissue Act 2004.**

**g. As the museum holds or intends to acquire human remains from any period, it will follow the procedures in the “Guidance for the care of human remains in museums” issued by DCMS in 2005.**

OR

**g. The museum does not hold or intend to acquire any human remains.**

[In 8g, museums in Scotland should include one of the following three paragraphs]

**g. If the museum holds or intends to acquire anatomical specimens dating from 1988 onwards, the museum recognises it will need to be on the list of exempted museums linked to the Human Tissue (Scotland) Act 2006 or to have obtained a licence under the Human Tissue (Scotland) Act 2006.**

OR

**g. As the museum holds or intends to acquire human remains from any period, it will follow the guidelines in the “Guidance for the Care of Human Remains in Scottish Museums” issued by Museums Galleries Scotland in 2008.**

OR

**g. The museum does not hold or intend to acquire any human remains.**

## **9. Spoliation**

[Government-funded national museums should include the following paragraph]

**The museum will use ‘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 report on them in accordance with the guidelines.**



[All other museums should include the following paragraph]

**The museum will use the statement of principles ‘Spoliation of Works of Art during the Nazi, Holocaust and World War II period’, issued for non-national museums in 1999 by the Museums and Galleries Commission.**

#### **10. The Repatriation and Restitution of objects and human remains**

[The following statements must also be included, if relevant to the museum]

**The museum’s governing body, acting on the advice of the museum’s professional staff, if any, may take a decision to return human remains (unless covered by the “Guidance for the care of human remains in museums” issued by DCMS in 2005) , objects or specimens to a country or people of origin. The museum will take such decisions on a case by case basis; within its legal position and taking into account all ethical implications and available guidance. This will mean that the procedures described in 12a-12d, 12g and 12s below will be followed but the remaining procedures are not appropriate.**

**The disposal of human remains from museums in England, Northern Ireland and Wales will follow the procedures in the “Guidance for the care of human remains in museums”.**

#### **11. Management of archives**

[If the museum holds or intends to acquire archives, the following statements must also be included. The museums should use either ‘holds’ or ‘intends to acquire’ as appropriate]

**As the museum holds / intends to acquire archives, including photographs and printed ephemera, its governing body will be guided by the Code of Practice on Archives for Museums and Galleries in the United Kingdom (3rd ed., 2002).**

#### **12. Disposal procedures**

Disposal preliminaries

**a. The governing body will ensure that the disposal process is carried out openly and with transparency.**

**b. By definition, the museum has a long-term purpose and holds collections in trust for society in relation to its stated objectives. The governing body therefore accepts the principle that sound curatorial reasons for disposal must be established before consideration is given to the disposal of any items in the museum’s collection.**

**c. The museum will confirm that it is legally free to dispose of an item and agreements on disposal made with donors will be taken into account.**

**d. When disposal of a museum object is being considered, the museum**

**will establish if it was acquired with the aid of an external funding organisation. In such cases, any conditions attached to the original grant will be followed. This may include repayment of the original grant and a proportion of the proceeds if the item is disposed of by sale.**

Motivation for disposal and method of disposal

**e. When disposal is motivated by curatorial reasons the procedures outlined in paragraphs 12g-12s will be followed and the method of disposal may be by gift, sale or exchange.**

[In 12f, please include one of the following two paragraphs]

**f. In exceptional cases, the disposal may be motivated principally by financial reasons. The method of disposal will therefore be by sale and the procedures outlined below in paragraphs 12g-12m and 12s will be followed. In cases where disposal is motivated by financial reasons, the governing body will not undertake disposal unless it can be demonstrated that all the following exceptional circumstances are met in full:**

- **the disposal will significantly improve the long-term public benefit derived from the remaining collection,**
- **the disposal will not be undertaken to generate short-term revenue (for example to meet a budget deficit),**
- **the disposal will be undertaken as a last resort after other sources of funding have been thoroughly explored.**

OR

**f. The museum will not undertake disposal motivated principally by financial reasons**

The disposal decision-making process

**g. Whether the disposal is motivated either by curatorial or financial reasons, the decision to dispose of material from the collections will be taken by the governing body only after full consideration of the reasons for disposal. Other factors including the public benefit, the implications for the museum's collections and collections held by museums and other organisations collecting the same material or in related fields will be considered. External expert advice will be obtained and the views of stakeholders such as donors, researchers, local and source communities and others served by the museum will also be sought.**

Responsibility for disposal decision-making

**h. A decision to dispose of a specimen or object, whether by gift, exchange, sale or destruction (in the case of an item too badly damaged or deteriorated to be of any use for the purposes of the collections or for reasons of health and safety), will be the responsibility of the governing body of the museum acting on the advice of professional curatorial staff, if any, and not of the curator of the collection acting alone.**

Use of proceeds of sale

**i. Any monies received by the museum governing body from the disposal of items will be applied for the benefit of the collections. This normally means the purchase of further acquisitions. In exceptional cases, improvements relating to the care of collections in order to meet or exceed Accreditation requirements relating to the risk of damage to and deterioration of the collections may be justifiable. Any monies received in compensation for the damage, loss or destruction of items will be applied in the same way. Advice on those cases where the monies are intended to be used for the care of collections will be sought from MLA.**

**j. The proceeds of a sale will be ring-fenced so it can be demonstrated that they are spent in a manner compatible with the requirements of the Accreditation standard.**

Disposal by gift or sale

**k. Once a decision to dispose of material in the collection has been taken, priority will be given to retaining it within the public domain, unless it is to be destroyed. It will therefore be offered in the first instance, by gift or sale, directly to other Accredited Museums likely to be interested in its acquisition.**

**l. If the material is not acquired by any Accredited Museums to which it was offered directly as a gift or for sale, then the museum community at large will be advised of the intention to dispose of the material, normally through an announcement in the Museums Association's Museums Journal, and in other specialist journals where appropriate.**

**m. The announcement relating to gift or sale will indicate the number and nature of specimens or objects involved, and the basis on which the material will be transferred to another institution. Preference will be given to expressions of interest from other Accredited Museums. A period of at least two months will be allowed for an interest in acquiring the material to be expressed. At the end of this period, if no expressions of interest have been received, the museum may consider disposing of the material to other interested individuals and organisations giving priority to organisations in the public domain.**

Disposal by exchange

[Please include the following statement if appropriate]

**n. The museum will not dispose of items by exchange.**

[Museums wishing to include the procedure for disposal by exchange should include the following paragraphs]

**n. The nature of disposal by exchange means that the museum will not necessarily be in a position to exchange the material with another Accredited museum. The governing body will therefore ensure that issues relating to accountability and impartiality are carefully considered to avoid undue influence on its decision-making process.**

**o. In cases where the governing body wishes for sound curatorial reasons to exchange material directly with Accredited or unaccredited museums, with other organisations or with individuals, the procedures in paragraphs 12a-12d and 12g-12h will be followed as will the procedures in paragraphs 12p-12s.**

**p. If the exchange is proposed to be made with a specific Accredited museum, other Accredited museums which collect in the same or related areas will be directly notified of the proposal and their comments will be requested.**

**q. If the exchange is proposed with a non-accredited museum, with another type of organisation or with an individual, the museum will make an announcement in the Museums Journal and in other specialist journals where appropriate.**

**r. Both the notification and announcement must provide information on the number and nature of the specimens or objects involved both in the museum's collection and those intended to be acquired in exchange. A period of at least two months must be allowed for comments to be received. At the end of this period, the governing body must consider the comments before a final decision on the exchange is made.**

Documenting disposal

**s. Full records will be kept of all decisions on disposals and the items involved and proper arrangements made for the preservation and/or transfer, as appropriate, of the documentation relating to the items concerned, including photographic records where practicable in accordance with SPECTRUM Procedure on deaccession and disposal.**