

TATE DUE DILIGENCE POLICY

Approved by the Board of Trustees on May 2008

Date of Next Review: May 2013

1 Introduction

Tate seeks to promote public understanding and enjoyment of British art and international modern and contemporary art. Tate's Collection and its exhibition programme are the principle means by which the Museum's mission is fulfilled; therefore, Tate is committed to developing its Collection and programmes according to the highest ethical standards and in compliance with all applicable laws. Tate strongly supports the principle that stolen or illegally exported items should not be exhibited or acquired.

This policy sets out the principles regarding provenance and provenance research to which Tate adheres when considering any acquisition, inward loan, gift or bequest and is consistent with the principles set out in *Combating Illicit Trade: Due Diligence Guidelines for Museums, Libraries and Archives on Collecting and Borrowing Cultural Material* (DCMS 2005). In addition, this document is supplemented by Tate's Acquisitions and Disposals and Loans Policies.

2 Statement of Principles

- 2.1 Tate will not accept as a loan, gift or bequest any object without confirmation from the donor or lender has valid and legal title to retain and transfer the object.
- 2.2 Tate will exercise due diligence to establish the legal status of objects under consideration, making every reasonable effort to investigate and clarify the provenance of an object. In practicing due diligence, Tate will apply high standards to its research into acquisitions, long term loans and exhibition loans, to avoid giving tacit support to the market in unprovenanced material through its activities.
- 2.3 Where necessary, Tate will extend research beyond the information supplied by the vendor, donor or lender in an effort to clarify the history of the object.
- 2.4 Tate will only acquire or borrow 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.
- 2.5 Information obtained about the provenance of an object should be documented and preserved to ensure Tate's ability to respond to public requests and to avoid duplication.
- 2.6 Tate recognises that in practice less significant and multiple objects are not always accompanied by detailed histories and that in these circumstances, having taken into account information gathered through the curators' research which must be conducted according to Tate's established minimum standards, *best judgement must apply*.

- 2.7 Notwithstanding high standards of research, Tate also recognises that there may be circumstances in which an object is acquired or borrowed for which the history is deemed to be reasonably secure and is accepted in good faith, but for which legitimate ownership is nonetheless challenged. In these cases, Tate is committed to giving prompt and serious consideration to *bone fide* enquiries over ownership and claims to title, under the applicable guidelines.¹
- 2.8 Tate is a public institution that seeks to encourage enquiry and open debate. Faced with an absence of information within a provenance, and having taken into account this policy and considered the research undertaken in accordance with Tate's codification of procedures for due diligence, Tate may from time to time elect to bring a work into the public domain through exhibition, in such circumstances where Tate can demonstrate the highest standard of due diligence has been undertaken and consideration has been given to the view of the current possessor, in belief that such display may encourage legitimate owners or claimants to make known their interest.

¹ Reference is made to *Spoliation of Works of Art during the Holocaust and World War II period: Statement of Principles and Proposed Actions*, NMDC, 1998, and *Combating Illicit Trade: Due diligence guidelines for museums, libraries and archives on collecting and borrowing cultural material*, DCMS, Oct. 2005