

## **TATE ACQUISITION AND DISPOSAL POLICY**

Approved by the Board of Trustees on 19 November 2014

Date of Next Review: November 2017

### **Statement of Principles**

#### **1. Mission Statement**

Tate's mission, drawn from the 1992 Museums and Galleries Act, is to increase the public's knowledge, understanding and enjoyment of British art from the sixteenth century to the present day and of international modern and contemporary art.

#### **2. Remit of the Collection**

Tate collects British art from circa 1500 and international modern and contemporary art from circa 1900 to the present. It seeks to represent significant developments in art in all areas covered by this remit. It seeks to collect works of art that are of outstanding quality as well as works that are of distinctive aesthetic character or importance.

##### **2.1. British Art**

British art encompasses work by artists defined by their contribution to the history and development of British art rather than by nationality. Tate aims to hold the most significant collection of British art in the world, both in depth and in regard to the quality of individual works.

##### **2.2. International Art**

The focus of Tate's international collection has traditionally been on the art of Western Europe and North America. Since 2000, the Board of Trustees have extended this remit to embrace international and modern contemporary art from a more global perspective.

##### **2.3. Tate Archive**

Tate Archive collects primary source material relating to British art practice since 1900, including from artists, commercial galleries, art institutions, collectors, critics and writers. It selectively collects material relating to earlier British art, or to international art, where Tate has major holdings by an artist or where the material relates to a specific work in Tate's Collection.

#### **3. Criteria Governing Acquisitions**

All decisions regarding acquisitions will take into account the needs of the Collection; the condition of the work and the costs of conserving and storing the work; the potential for display at relevant Tate site(s); and that any purchase has been negotiated to represent the best possible price to Tate.

Tate collects painting, drawing, prints, sculpture, installation, photography, video and film, performance, new media and archive material as defined in the sections that follow.

### 3.1. Painting

Tate collects painting across the range of the Collection, that is to say, British art circa 1500 and international modern and contemporary art circa 1900 to the present.

### 3.2. Drawing

For drawings made before 1900, Tate prioritises those which relate to paintings in the Collection, but from time to time acquires drawings that are distinguished works in their own right. Tate consults with the British Museum and the Victoria and Albert Museum to avoid duplication.

For drawings made after 1900 Tate acquires those which are considered to be major works in themselves, including drawings by artists who are not represented in any other media. It does not prioritise studies for works in the Collection unless they in themselves are of importance. The range of media employed in the production of contemporary drawing is constantly expanding and curators monitor developments to ensure consistent representation.

### 3.3. Prints

Tate collects British prints from the sixteenth century to the present day and international prints from 1960 onwards. It has a number of modern international prints that date from earlier in the twentieth century. It has agreed this remit with the British Museum and the Victoria and Albert Museum and consults with these institutions where there may be concern regarding overlaps.

The focus of the collecting policy is on the work as an image rather than on technical achievement. Technical developments in the production of contemporary prints, however, have extended the range of possible representation and such developments are monitored.

### 3.4 Sculpture and Installation

Tate holds the national collection of sculpture from 1900 to the present and of British sculpture from the mid 19th century. Sculpture from the earlier periods are borrowed and (in consultation with the Victoria & Albert Museum) in a few cases acquired, when their quality and historical interest is sufficient that they would regularly enhance displays of historic painting.

The range and scope of work designated as sculpture has expanded in recent decades and contemporary sculpture may include elements in media other than those traditionally associated with three dimensional work, or fall into the category of installation.

For installations that employ elements with a limited lifespan, Tate takes steps to ensure that such parts are replaceable either by a part of a similar nature or equivalent. Sound is often an element included in sculpture or installation and an installation may consist of sound alone.

### 3.5 Photography

Tate seeks to acquire selected photographs, predominantly (but not exclusively) those made in the twentieth century, that extend the scope and coverage of the collection, particularly when such works relate to existing holdings of an artist, movement, kind of practice or thematic category. Wherever possible it seeks to acquire prints of original vintage, although alternatives will be considered, especially in relation to colour work (on grounds of longevity) or black and white work where no original prints are available. Tate consults with the Victoria and Albert Museum, and National Media Museum, which house the National Collection of Photography, and Collection of the Royal Photographic Society respectively, on a regular basis to ensure a coherent expansion of photography in British National collections.

### 3.6 Video and Film

Tate collects contemporary works of art that employ video or film as a medium, including single screen, multiple-screen and installation works. Tate seeks to acquire videos and films made from the twentieth century to the present that articulate the historical development of the moving image in contemporary art or that complement and relate to existing work in the collection. Films or videos of a documentary nature are held in the archive for purposes of study or as educational support to displays and exhibitions.

### 3.8 Net Art (incorporate in video and film)

Tate commissions Net Art for its website and also seeks to acquire works of art that use networked or non-networked digital technologies for creation, presentation and distribution.

### 3.7 Performance

Tate collects contemporary works of art that employ performance as a medium. Such works of art consist of written or otherwise recorded instructions by the artist, documentation of actions and performances, in the form of photography film or video, archive material, and may include additional props or elements. It also seeks to acquire earlier works with a basis in performance in order to represent the history of the genre.

### 3.8 Net Art (incorporate in video and film)

Tate commissions Net Art for its website and also seeks to acquire works of art that use networked or non-networked digital technologies for creation, presentation and distribution.

### 3.9 Archive

Tate Archive collects documentation in all media: This includes correspondence, diaries, notebooks, artworks (paintings, drawings, sketchbooks, sculpture, models, maquettes, prints and proofs), photographs, records of sale or exhibition of works, administrative records of the art galleries and institutions, press cuttings, some printed ephemera and publications, posters, audio-visual material.

### 3.10 Artists' Books

Tate Library Special Collections collects British and international 20<sup>th</sup>-century artists' books. This aspect of the Tate Library collection numbers around 5,500 titles and dates from the 1960s to the present day. These books were primarily conceived by artists and made in multiple editions. As a rule *livres d'artiste* and *editions de luxe* illustrated books from the first half of the century are not collected as these would be held by the collections of the Victoria and Albert Museum and the British Museum.

In addition to artists' books, Tate Library Special Collections also holds Photo Books as well as rare and fragile journals and other printed documents for the history of 20<sup>th</sup>-century art. Tate Library Special Collections is maintained for purposes of study as well as for exhibition and display.

### 3.11 ARTIST ROOMS (shared with National Galleries Scotland)

ARTIST ROOMS is a collection of international modern and contemporary art jointly owned and managed by National Galleries of Scotland and Tate on behalf of the nation. It was established in 2008 through the D'Offay donation, one of the largest gifts of art ever made to museums in Britain, with the assistance of the National Heritage Memorial Fund (NHMF), the Art Fund and the Scottish and British Governments. ARTIST ROOMS was established with three guiding principles: that the collection would be shown through displays and exhibitions devoted to individual artists; that it would be shared with regional galleries and museums throughout the UK; that it would be used to engage new audiences, and in particular to inspire young people. ARTIST ROOMS is held as a distinct part of the National Collection, and is an evolving contemporary collection, which seeks to extend the representation of existing artists, and to introduce the work of younger generations of artists.

## 4. Acquisitions Not Covered

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.

## 5. Limitations on Collecting

Tate recognises its responsibility, in acquiring works for the Collection, to ensure that appropriate arrangements are made for the use, care and documentation of the Collection taking account of established sector standards where relevant.

Tate will only acquire works by artists who have demonstrated their ability over a reasonable period of time. It will not, for example, expect to acquire works of art from degree exhibitions.

So far as any biological or geological material is concerned, Tate 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.

Tate does not intend to acquire any archaeological material or human remains. Should human remains form any component part of artworks for acquisition, Tate will follow the procedures in the 'Guidance for the care of human remains in museums' issued by DCMS in 2005. Should these remains prove to be under 100 years old, Tate will obtain the necessary licence under the Human Tissue Act 2004.

## 6. Collecting Policies of Other Museums

Tate 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 specialisation, in order to avoid unnecessary duplication and waste of resources.

Specific reference is made to the following:

Victoria and Albert Museum  
 The National Gallery  
 The British Museum  
 The National Portrait Gallery  
 The National Photography Museum  
 Imperial War Museum

## 7. Criteria Governing Disposals

The circumstances in which the Board of Trustees may consider disposing of a work of art in the Collection are prescribed by the Museums and Galleries Act 1992. These circumstances are:

- A transfer by way of sale, gift or exchange to another national museum listed in the Act, where the Board of Trustees feels the object would be more appropriately housed;
- The disposal of an object which is unsuitable for retention and can be disposed of without detriment to the interests of students or other members of the public; and
- The disposal of an object which has become useless by reason of damage, physical deterioration, or infestation.

The decision to dispose of an item, 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 Collection or for reasons of health and safety), will be the responsibility of the Board of Trustees acting on the advice of professional curatorial staff, and not of a curator acting alone.

The Trustees will ensure that any disposal process is carried out with openness and transparency.

## Statement of Procedures

### 8. Finance

In pursuance of their acquisitions policy, the Trustees seek to make best use of all other available funding sources including Tate Members, Tate Patrons, Tate Americas Foundation, Africa Acquisitions Committee, North American Acquisitions Committee, Latin American Acquisitions Committee, Asia Pacific Acquisitions Committee, Photography Acquisitions Committee, Middle East and North Africa Acquisitions Committee, Russia and Eastern Europe Acquisitions Committee, South Asia Acquisitions Committee, the Art Fund, Tate Endowment, National Heritage Memorial Fund, National Heritage Lottery Fund, restricted and unrestricted Trust funds and any other sources of funding which from time to time may become available.

As of September 2006 Tate reports the price it has paid for each work of art accessioned during the financial year, when publishing its annual report online.

### 9. Delegated Authority

The Trustees have delegated authority to the Collection Committee, a sub-committee of the Board of Trustees, to enter into a contract to purchase any work of art up to the value of £250,000. The Trustees have also delegated authority to the Director to purchase any work of art up to the value of £100,000 without reference to Trustees, save to report in retrospect that the transaction has taken place.

### 10. Acquisitions Procedures

#### 10.1. Acquisitions

Acquisitions to the Collection may be made by purchase, gift, bequest, fractional ownership, exchange, allocation or transfer. All works proposed for acquisition, including works proposed as promised gifts for future acquisition, are researched by specialist teams of curators and discussed at the relevant monitoring group which comprise the British pre-1900, the British post-1900 and the International Monitoring Groups. Recommendations are then taken forward to Collections Group, which includes the Director, the Directors of Tate Modern and Tate Britain and the Heads of Collection (British and International Art), the Head of Development, Collections, the Acquisition Coordinators and the Senior Management Accountant. Works which the Collections Group agrees to take forward are presented to the Collection Committee for approval or recommendation depending on the valuation limits set out above and decisions are then ratified by the Board of Trustees.

#### 10.2. Collection Care

Recommendations by the Collection Care division are given prior to agreement to acquire. Due consideration is given to the advice of the Collection Care division but the final decision on whether or not to acquire a work rests with the Trustees, the Collection Committee, or the Director in cases where authority is delegated.

In general, the Trustees acquire works which are considered to have an ‘indefinite’ life. However, exceptions to this will be made. For example, when deterioration or degradation of materials is acknowledged by the artist as being acceptable; when the works are made in media which may be replicated by mechanical processes, for example film and video; or when the Director and Trustees consider a work so important that a high risk of deterioration is acceptable.

No work will be acquired which puts at risk other works in the Collection.

### 10.3. Due Diligence and Spoliation

Tate will, in maintaining due diligence over acquisitions, research the ownership history of potential acquisitions, long-term and temporary loans with special scrutiny of the period of Nazi seizure and forced sales 1933-45. Specific reference is made to Tate’s Due Diligence Policy. Any issues will be reported to Tate’s Due Diligence Group for consideration prior to acquisition.

Tate will follow the principles laid out under ‘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.

Should works in the collection be subject to an enquiry or claim, Tate will follow the practices established by the Department of Culture, Media and Sport to extend research, make information available and, if appropriate, refer the case to the Spoliation Advisory Committee.

Tate will not acquire a work unless it is satisfied that it 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 purpose of this paragraph ‘country of origin’ includes the United Kingdom.

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 1 November 2002, and the Dealing in Cultural Objects (offences) Act 2003, Tate will not acquire any items that have been illicitly traded. The Trustees will be guided by the national guidelines on the responsible acquisition of cultural property issued by DCMS in 2005.

Any exceptions to the above paragraphs or Tate’s limitations on Collecting outlined in Section 5 of this policy will only be because Tate is either:

- Acquiring an item that lacks secure ownership history but in the best judgement of experts in the field is unlikely to have 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 the case of any of the above exceptions, Tate will act with openness and

transparency and, where required, with the express consent of the appropriate outside authority.

#### 10.4. Documentation of Acquisitions

Tate will maintain acquisition and catalogue documentation that includes a work's inventory number (accession or temporary receipt number), legal status of the work, activity and history of the object within Tate (e.g., transfer of stewardship between departments and a record of movement of the work), high resolution images of the work, loan and exhibition history, ownership history, copyright agreement, contractual history and legal agreements and credit line at the time of acquisition.

### 11. Disposal Procedures

#### 11.1. General Procedures

Any disposal must comply with the criteria and limitations set out in Section 7 above.

Potential de-accessioning causes are initiated by Collections Group, who may nominate items for discussion by the Disposal Group.

The Disposal Group meets when required to consider nominated causes. The Disposal Group comprises the Director, Directors of Tate Britain and Tate Modern, Heads of Collection (British and International Art), and Head of Collection Management.

The Registrar's Department investigates and confirms in writing that the Gallery has title to the works in question and that it has the legal right to dispose of those works. This includes identifying works where there is no prohibition on disposal, but where there is an implied or expressed preference against disposal.

Agreements on disposal made with any donors or external funding organisations will always be taken into account and, whenever possible, any relevant donors or funding organisations will be consulted. External expert advice will be obtained and the views of stakeholders will also be sought. Tate follows the Museum Association's guidelines and ethics on disposal and also consults with the Charity Commission where appropriate prior to a decision.

The written case for disposal of a work is presented to the Collection Committee for deliberation and, if disposal is recommended, the matter will be considered by the Board of Trustees taking into full consideration the reasons and recommended method for disposal. Factors for consideration include curatorial merit, enhancement of public benefit, potential implications for the Collection, and for collections held by other museums and organisations collecting the same area or in related areas.

No fewer than ten Trustees must vote in favour of a recommendation on the proposed item(s) for de-accessioning, and to approve the recommended mode of disposal.

## 11.2. Disposal by gift or sale

Any decision to dispose of a work should enhance the long-term benefit to the public. Trustees recognise that in many cases this will be achieved by seeking to retain a disposed work in the public domain. Trustees also recognise that in some cases this may not be possible, for example in cases where the greatest public benefit is likely to be achieved through other means (e.g., through a facilitated sale which would allow Tate to “trade up” its representation of a particular artist).

In cases of gift or sale, Trustees will give priority to retaining an item in the public domain, except when a work is to be destroyed or when Trustees determine that the greatest public benefit is unlikely to be achieved through such means. When seeking to dispose of a work by gift or sale, Tate will advise the museums community of its intention, normally through a public announcement in the *Museums Journal* or other specialist publication which includes information on the number, nature, and basis of transfer of the work(s). A period of eight weeks will be allowed for expressions of interest to be received, and preference will be given to expressions from other accredited and non-accredited museums and then to other interested individuals or organisations, giving preference to organisations in the public domain.

## 11.3. Use of Funds

In accordance with the Museums and Galleries Act 1992, any monies accruing by virtue of a disposal will only be applied to the acquisition of objects for the Collection.

## 11.4. Disposal by exchange

The nature of disposal by exchange also means that the Tate will not necessarily be in a position to exchange the work with another accredited museum. The Board of Trustees will therefore ensure that issues relating to accountability and impartiality are carefully considered to avoid undue influence on its decision-making process.

If a work is to be returned to or exchanged with an original donor or funding organisation in accordance with any agreement, or if an exchange, which is judged by Trustees to provide the greatest public benefit, is to be with another museum, organisation or individual, Tate will uphold its duty to openness and transparency and will make public any disposal decision made by the Board of Trustees.

## 11.5. Documenting Disposal

Full records will be kept of all decisions on disposals and the items involved. Proper arrangements will also be 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.

## 12. Management of Archives

As Tate holds archives in the Collection, including photographs and printed ephemera, the Board of Trustees of the Tate Gallery will be guided by the Code

of Practice on Archives for Museums and Galleries in the United Kingdom (3rd ed., 2002).

### 13. Policy Review

The Acquisition and Disposal Policy will be reviewed every three years or earlier if deemed appropriate.

This policy adheres to the ACE Template Acquisition and Disposal Policy (revised January 2010). Arts Council England will be notified of any changes to the Acquisition and Disposal Policy and the implications of any such changes for the future of the Collection.