

UNRESTRICTED

## **Deaccession of objects from the collection**

### **1. Preamble**

This policy covers all objects vested in the collection of the British Museum (“the Collection”) and should be read alongside the British Museum Policies on Acquisitions and Human Remains.

### **2. Purpose**

This policy sets out the principles which the Trustees of the British Museum apply to the exercise of their powers of deaccession from the Collection.

### **3. The Legal Duty and Powers of the Trustees**

3.1 The British Museum Act 1963 (“the Act”) is the governing instrument of the Trustees of the British Museum.

3.2 Subject to the extension of powers contained within s. 47(4) Human Tissue Act 2004 and the Holocaust (Return of Cultural Objects) Act 2009<sup>1</sup>, the Act defines and limits Trustees’ power to deaccession objects from the Collection. Under the Act, “objects vested in the Trustees as part of the collections of the Museum shall not be disposed of by them” otherwise than as provided by the Act.<sup>2</sup> This prohibition is subject to certain exemptions (set out in paragraph 3.3 below). Those exemptions shall not be exercisable where an object has been vested in the Collection by virtue of a gift or bequest and the deaccession would be inconsistent with any condition attached to that gift or bequest<sup>3</sup>.

3.3 Under the Act, the Trustees do not have the power to sell, exchange, give away or otherwise dispose of any object vested in them and comprised in the Collection<sup>4</sup> unless

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(a) the object is a duplicate of another object held in the Collection, or

(b) the object appears to the Trustees to have been made not earlier than 1850 and substantially consists of printed matter of which a copy made by photography (or a process akin to photography) is held by the Trustees), or

(c) in the opinion of the Trustees the object is unfit to be retained in the Collection and can be disposed of without detriment to the interests of students<sup>5</sup>;

(c) the object has become useless for the purposes of the Museum by reason of damage, physical deterioration, or infestation by destructive organisms<sup>6</sup>.

3.4 *Objects that are duplicates.* The Trustees do not normally deaccession duplicate objects from the Collection. They understand ‘duplicate’ to mean an object that is identical in every significant respect to one or more other objects in the Collection, not merely of the same or a similar kind. The Trustees furthermore consider that duplicate objects in the Collection, whether acquired as part of an archaeological find or for some other appropriate reason, may enhance the significance of the Collection as a whole and to the study of particular classes of artefact, and therefore should not normally be deaccessioned from the Collection merely on the grounds that they are duplicates.

3.5 *Objects that are “unfit”.* Before considering whether any object was unfit to be retained in the Collection, the Trustees would require there to be a written statement submitted by the relevant Keeper or Deputy Director, Collection & Public Engagement of a) the reasons why it was unfit for retention in the collection, and b) why it might be disposed of without detriment to the interests of students<sup>7</sup>.

3.6 *Objects that are “useless”.* The Trustees would only consider that an object that had been vested in the Collection could be regarded as “useless” in cases where an object had suffered damage, physical deterioration, or infestation by destructive organisms such that it had become useless for the purposes of the Museum. In such cases, Trustees would require there to be a written statement of the reasons from the relevant Keeper or the Director of Collections why it was useless for the purposes of the Museum and could be disposed of.

3.7 *Human Remains.* See the Trustees’ Policy on Human Remains.

3.8 *Holocaust Spoliation.* The Trustees use and report against the ‘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 revised in 2021. The Trustees have the power to transfer an object from the Collection if an Advisory Panel appointed by the Secretary of State has recommended the transfer and the recommendation has been approved by the Secretary of State<sup>8</sup> where a claim is made in respect of an object related to events in the Nazi era (1933-45).

The Trustees would ordinarily accept the recommendation of an Advisory Panel which is approved by the Secretary of State provided they are satisfied that:

3.8.1 any claimant had a strong legal and moral claim to the transfer of an object claimed and had the authority to represent all heirs of the original owner of that object;

3.8.2 the relevant object was looted, confiscated, sequestered and/or spoliated by the Nazis, the Fascists and their collaborators by various means (which may include theft, coercion, confiscation, on grounds of relinquishment, forced sales and sales under duress) during the Holocaust era between 1933-45;

3.8.3 the victim of such wrongful action (or their heirs) had not previously been justly and fairly compensated for the loss; and

3.8.4 the transfer of the object represented the best solution to the claim after giving due weight to the importance of the object to the Museum's Collection and circumstances in which the object was acquired by the Museum.

3.9 *National Museums and Galleries*. There exist limited powers<sup>9</sup> for the Trustees to transfer objects in the Collection, by way of sale, gift or exchange, to any of the listed institutions in the United Kingdom<sup>10</sup>.

3.10 Decisions to dispose of objects comprised within the Collection cannot be made with the principal aim of generating funds though any eventual proceeds from such disposal must be used to enhance the Collection<sup>11</sup>. Where an object has been acquired with the aid of an external funding organisation, any conditions attached to the original grant must be followed including the repayment of the grant if appropriate.

3.11 *Procedures*. In those exceptional cases where the Museum is legally free to dispose of an item from the Collection, any decision to sell, give away, exchange or repurpose as, for example, archival material for retention, an object vested in the Collection shall be made openly and with transparency by the Board of Trustees only after full consideration of the merits of the case by reference to the principles set out above and on the basis of curatorial, legal and other appropriate advice and authority. Where the Trustees deem it appropriate, 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.

Once a decision to dispose of an object from the Collection has been taken, the Trustees would normally expect that, in the absence of strong reason to the contrary (such as a strong personal claim to which paragraph 3.7 or 3.8 applies), the object should be offered first to another museum accredited by Arts Council England and otherwise to an institution within the public domain rather than to private individuals or organisations<sup>12</sup>.

3.12 Any object proven unfit or useless for retention in the British Museum's Collection or other public collections shall be disposed of in a way that prevents it being rediscovered and mistakenly reinterpreted. Application of this consideration is dependent upon the relevant subsection of the Act under which deaccession is legally permissible.

3.13 The Trustees require that a register is maintained of all objects deaccessioned from the Collection, setting out particulars of the objects, the dates of and the reasons for each deaccession decision.

3.14 Full records will be kept of all such decisions and the items involved and proper arrangements made for the preservation and/or transfer, or disposal, as appropriate, of the documentation relating to the items concerned, including photographic records where practicable.

## 4. Assurance

In the annual assurance statement all relevant heads of department shall confirm that this policy is understood and implemented by the staff in their departments<sup>13</sup>.

## 5. Review

This Policy will be reviewed at least once every five years. In the event that significant changes to the Policy are made, every reasonable effort will be made to notify stakeholders, including Arts Council England.

This Policy was approved by the Trustees of the British Museum on 1 May 2024 and will be reviewed no later than 2029.

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## Notes

<sup>1</sup>For more information see the Trustees' Policy on Human Remains and paragraph 3.8

<sup>2</sup>s 3(4) the Act

<sup>3</sup>s 5(1) *ibid*; see also s 47(4) Human Tissue Act 2004; s 2(6) Holocaust (Return of Cultural Objects) Act 2009 (and Holocaust (Return of Cultural Objects) (Amendment) Act 2019)

<sup>4</sup>ss 3(4) the Act

<sup>5</sup>ss 5(1) *ibid* (n.b.: where an object has become vested in the Trustees by virtue of a gift or bequest these powers of disposal are not exercisable as respects that object in a manner inconsistent with any condition attached to the gift)

<sup>6</sup>under ss5(2) *ibid*

<sup>7</sup>Were an object to be transferred to another museum or institution with a collection open to student and public access it could therefore be considered without detriment to deaccession, *ibid*. S 9

<sup>8</sup>s 4(7) Holocaust (Return of Cultural Objects) Act 2009, ss 1 & 2 *ibid*

<sup>9</sup>s 6 Museums and Galleries Act 1992

<sup>10</sup>Schedule 5, Museums and Galleries Act 1992

<sup>11</sup>see Part 3 and Schedule 3 p17 Charities Act 2011

<sup>12</sup>See Museums Association Code of Ethics [20012016-code-of-ethics-single-page-8.pdf \(museumsassociation.org\)](https://www.museumsassociation.org/20012016-code-of-ethics-single-page-8.pdf) and Museums Association Disposal Toolkit [31032014-disposal-toolkit-7.pdf \(museumsassociation.org\)](https://www.museumsassociation.org/31032014-disposal-toolkit-7.pdf)

<sup>13</sup>Referenced in 3.3 of the Financial Operating Manual and in the Budget Holders' Assurance Statement "Collection departments only (curatorial departments, Scientific Research, Collection Care, Collection Projects and Resources): Ensured the security, and proper management, storage, conservation, and documentation of the collection through compliance with all Museum strategies, policies, and procedures relating to the collection." which is at Appendix 1 of the FOM.