Principles

NGS is committed to enhancing access to our Collection, to engaging with the widest possible public, both actual and digital, and to increasing our knowledge and interpretation of individual objects in our care.

Loans to NGS help significantly to achieve these ambitions. The majority of Loans In will be negotiated as part of the NGS Public Programme, for exhibition or display, although we may also borrow works for research, scientific and conservation work, education, photography, publication, and potential acquisition.

We collaborate with other institutions as a partner venue for national and international loan exhibitions where sharing resources expands our offer to the public and also maximises financial and reputational impact for the partners.

NGS does not accept or invite any Loans In or any ‘permanent’ loans which are unethical or do not bring clear benefit to the public and the NGS.

NGS does not borrow any Human Remains or any cultural object which contravenes any international conventions and best practice. NGS will be transparent in all our Loan communications.

Definitions

Loan: The co-ordination, management and documentation of objects or groups of objects and related accessories that are lent for a specified period and a specified purpose.

Loan In: Objects for which NGS has negotiated a formal Loan Agreement to borrow from other organisations or individuals, where:

- **Short-term** is up to 12 months, usually for specific exhibitions or for a particular purpose such as pre-acquisition public display or touring exhibition
- **Long-term** is more than 12 months

Loan Agreement: The formal, contractual agreement between the Lender (the owner) and the Borrower (NGS), including any special conditions and any financial arrangements.

Legislation and ethics

NGS Loans In are evidence of our commitment to ethical, sustainable and internationally recognised standards of best practice, including due diligence, the sharing of expertise, research and advice, and cost-effective organisation and management.

Relevant statutory requirements and codes of ethics include:
Health and Safety at Work Act, 1974
Sex Discrimination Act, 1975
Race Relations Act, 1976 (as amended)
National Heritage (Scotland) Act, 1985
Disability Discrimination Act, 1995 (as amended)
Data Protection Act, 1998
Management of Health and Safety at Work Regulations, 1999
EU Directive 2001/84/EC on Artists’ Resale Rights
Control of Substances Hazardous to Health Regulation (COSHH), 2002
Freedom of Information (Scotland) Act 2002
NMDC: Loans Between National and Non-national Museums, New Standards and Practical Guidelines 2003
Human Tissue Act, 2004
Gaelic Language (Scotland) Act 2005
Racial and Religious Hatred Act, 2006
Immunity from Seizure: Tribunals, Courts and Enforcement Bill 2008
UKRG Standard Facilities Report, 2008 (as amended)
Code of Practice on Archives for Museums & Galleries, 2009
Aviation Act 2012 and DfT/CAA Air Cargo Regulations
Museums Association: Code of Ethics for Museums 2015
British Standard 34971: Conservation and Care of Archives and Historical Collections, 2017
ICOM Code of Ethics for Museums 2017
ISO 55000: Asset Management Standards, 2018

Due Diligence, enacted by the following:

- 1998: NMDC Washington Conference: Statement of Principles on Spoliation of works of art during the Holocaust and World War II period
- 2005: DCMS: ‘Combating Illicit Trade’. Due diligence guidelines for museums, libraries and archives on collecting and borrowing cultural material.’
- 2003: Dealing in Cultural Objects (Offences) Act
- 2009: Holocaust (Stolen Art) Restitution Act
- 2017: UN Security Council Resolution 2347 Article 17 (g) called on governments to engage with the museum sector and art trade on ‘differentiated due diligence’ and other measures ‘to prevent the trade of stolen or illegally traded cultural property.’
- 2019: The Holocaust (Return of Cultural Objects) (Amendment) Act 2019
Standards

This policy is part of the Collections Management set of policies that form a requirement of PAS197 and Spectrum as part of the UK Museum Accreditation Scheme.

Control measures

NGS Loans In for exhibition and display are reviewed as part of Public Programme Planning and approved by the Leadership Team, acting on behalf of the NGS Board of Trustees. Loans In for any other purpose are also submitted to the Leadership Team for approval.

All Loans In are accompanied by a formal Loan Agreement. Where no formal loan document exists, for example in the case of private individuals, NGS issues a draft Loan Agreement for the Lender to review, amend as appropriate and confirm with their signature.

The Loan Agreement documents the object/s involved, with valuations, any agreed terms and conditions, the Borrower’s obligations and responsibilities, including care, monitoring and maintenance, stipulations for display, handling, courier requirements, insurance, Lender credits, intellectual property rights, and any related costs.

We follow due diligence requirements in obtaining evidence of Due Title and researching provenance history of each Loan In, particularly for the period 1933-1945. We arrange Immunity from Seizure for (exhibition) Loans In if requested, and submit annual returns to Arts Council England.

The condition of all Loan In objects is documented by the Lender immediately before dispatch and when the object arrives at NGS. The object is monitored against this condition report while in NGS care and checked again before dispatch at the end of the loan. Any change in the object condition, or at the associated NGS site, for example water ingress or equipment failure, will be reported to the lender immediately and in writing within 24 hours of the incident.

For short-term (exhibition) loans from individuals or other institutions to NGS we aim to complete loan negotiations and sign the Loan Agreement no later than:

- UK loan: 6 weeks before the NGS exhibition opening
- International loan: 10 weeks before the NGS exhibition opening

For long-term loans from individuals or other institutions to NGS, we review the loan at least every 3 years, and formally confirm the lender’s agreement to a renewal of the loan, and its current valuation. We then renew the Government Indemnity arrangement.

Government Indemnity is not applicable for long-term storage of Loans In. NGS will only accept Loans In which will regularly be on public display or which will be readily accessible for research and study.

All Long Loans in must conform to the NGS Collection Development Framework and will also be of sufficient quality and importance to displace or replace any equivalent work in the permanent Collection.

NGS does not accept responsibility for tracing a new owner, should circumstances change during the period of the loan. We will nevertheless make best efforts to ensure that Government Indemnity cover or insurance remains valid, pending the formal resolution of ownership and Due Title.
Long-term Loans In may be withdrawn at any time, but we ask that lenders give at least 6 weeks’ notice to allow us to complete and issue the loan-closing documentation.

We hold all communications relating to loans centrally and securely on our industry-standard database (MIMSY). Only authorised persons have access to the database.

**Related policies**

The following are related NGS policies:

- 01 Object Entry
- 02 Acquisition and Accessioning
- 03 Location and Movement Control
- 04 Inventory
- 05 Cataloguing
- 07 Loans in (borrowing objects)
- 08 Loans out (lending objects)
- 09 Documentation Planning
- 10 Condition Checking and Technical Assessment
- 11 Collections Care and Conservation
- 12 Valuation
- 13 Insurance and indemnity
- 14 Emergency Planning for Collections
- 15 Damage and Loss
- 16 De-accessioning and Disposal
- 19 Use of Collections
- 20 Collections Review
- 21 Audit

Also the following NGS documents

- NGS Audience Development Framework
- NGS Business Continuity Plan
- NGS Carbon Management Programme 2018-2022
- NGS Collection Care Framework
- NGS Collections Development Framework
- NGS Disaster Contingency Plan
- NGS Estates Management Strategy
- NGS Environmental Management Programme 2018-2022
- NGS Gaelic Language Plan
- NGS Partnership Framework
- NGS Public Programme Framework
- NGS Risk Management Policy
- NGS Research Policy and Framework

For NGS Rights and Reproduction Policies: SEE NGS Trading Company Policies

NGS Carbon Management Programme 2018-2022
NGS Environmental Programme 2018-2022
NGS Audience Framework, 2019
NGS Collection Development Framework, 2019
NGS Public Programme Framework, 2019
NGS Partnership Framework, 2020
NGS Research Policy and Framework, 2020

For NGS Rights and Reproduction Policies: SEE NGS Trading Company Policies