National Galleries Scotland
De-accessioning and Disposal

Principles

In order to ensure the NGS collections remain manageable and sustainable and retain long-term interest for our public, we actively and ethically appraise and review objects to assess whether they reflect our Collection Development Framework; whether they are duplicates of another object that we own; whether we can provide adequate long-term care and access; and whether the objects might be better suited to being owned by another accredited museum, public body or group. If there is any doubt about the legality or ethics of any proposed disposal we will seek specialist advice from legal or subject specialists.

In the event of a formal decision to de-accession and dispose of an object, where possible we arrange for the transfer or long-term loan of the object or for its sale, exchange or gift to an accredited and recognised museum, to keep it in the public domain. If nowhere suitable is found we consider other individuals or organisations, or alternative uses within NGS such as technical research. Finally, we consider sale at auction, and follow the formal Museums Association requirement that any sale or auction proceeds are used exclusively for acquisitions.

NGS also reviews objects in our collections or held on our premises for which we do not have clear and legal title, for example unsolicited objects or uncollected loans. We also assess for de-accession or disposal objects that are discovered to have been transferred in contravention of any laws or treaties, and we co-operate fully with any requests received for the restitution or repatriation of an object. NGS is an accredited institution for Immunity from Seizure.

We only dispose of an object by other means, including destruction, if an object has become useless for the purposes of the collections for example because it has irreparably deteriorated or has been partially destroyed or damaged beyond repair; has infestation by destructive organisms; or poses a threat to health and safety.

Definitions

De-accession: The sanction, management and documentation to account for the removal of an object from the NGS collection.

Disposal: The management of the permanent removal of an object from the NGS collection or from its care, whether by transfer or sale to another institution or individual, or by destruction.

Legislation and ethics

De-accession and disposal is an essential component of evidence required for audit and accountability, and for due diligence records.

Relevant statutory requirements and codes of ethics include:

- National Heritage (Scotland) Act 1985
- National Heritage Act 1980: Section 16 (as amended by the Museums and Galleries Act 1992)
Return of Cultural Objects Regulations, 1994
Data Protection Act 1998
Freedom of Information Act 2000
Code of Practice on Archives for Museums and Galleries, Third edition 2002
Dealing in Cultural Objects (Offences) Act, 2003
Museums Association Ethical Guidelines: No 1 Acquisition, Second edition, 2004
Charities Act, 2006
Immunity from Seizure Tribunals, Courts and Enforcement Bill 2008
Holocaust (Stolen Art) Restitution Act, 2009
Museums Association: Code of Ethics for Museums 2015
GDPR 2016
UN Security Council Resolution 2347 2017
ICOM Code of Ethics for Museums 2017
Arts Council England Cultural Property Advice
EU Directive 2001/84EC on Artists’ Resale Rights

Due Diligence:
- 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
Only NGS Trustees may formally authorise the decision for the de-accession and disposal of an object, whether by exchange, gift, destruction or sale, taking into consideration the justification and the advice of a range of suitably qualified expert staff. Decisions about disposal are not motivated principally by financial reasons. If an object is being considered for de-
acquisition or disposal, we take into account any terms and conditions relating to that object, including funding conditions.

We ensure that all de-accessioning and disposal activity is transparent, and that it is also communicated on the NGS website.

We ensure that every disposal complies with all statutory, legal and ethical standards, the Museum Association’s guidelines, and internationally recognised best practice. Wherever possible we ensure the object will remain in the public domain.

We keep full records of decisions about de-accession and disposal on our industry standard database (MIMSY), including its final date of de-accession. Only authorised persons may maintain de-accession and disposal records. When an object is transferred to another accredited museum, organisation or individual, we arrange to preserve and/or transfer all information about the object that we have on record.

Related policies

The following are related NGS policies:

01 Object Entry
02 Acquisition and Accessioning
03 Location and Movement Control
04 Inventory
05 Cataloguing
06 Object exit
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
17 Rights Management
18 Reproduction
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 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