National Galleries Scotland
Loans Out (Lending)

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 from NGS form part of our innovative and imaginative public programme, and make a significant contribution to the education, well-being, inspiration and enjoyment of all our audiences on site and on-line, locally, nationally and internationally.

We work in partnership with other institutions to curate and administer national and international loan exhibitions where sharing resources expands our offer to our audiences, and also maximises financial and reputational impact for the partners.

Definitions

**Loans**: 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.

**Loans Out**: Objects that NGS lends to other organisations or individuals.

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

Legislation and ethics
NGS Loans Out 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 2001/84EC on Artists’ Resale Rights, 2001
• Freedom of Information (Scotland) Act 2002
• Control of Substances Hazardous to Health (COSHH), 2002
• Human Tissue Act, 2004
• Gaelic Language (Scotland) Act 2005
• Racial and Religious Hatred Act, 2006
• UKRG Standard Facilities Report, 2008 (as amended)
• Immunity from Seizure: Tribunals, Courts and Enforcement Bill 2008
• 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

For all loans from NGS to other institutions or for touring exhibitions, a minimum notice period is required, subject to availability and condition of the object, of:

- 9 months for a UK Venue
- 12 months for an International venue

All loan applications are acknowledged within 3 weeks.

All Loans Out are approved by Leadership Team and confirmed in a formal Loan Agreement. This includes specific details of the loan arrangements, related responsibilities of care, insurance and/or Government Indemnity (GIS), any special conditions relating to the object, practicabilities, related costs, and related obligations, including evidence of due diligence completed.

The condition of all loan objects is documented before departure, and on arrival at each loan venue, and on return to NGS. During the loan period, the borrower will monitor all loans. Any changes in object condition or at the associated venue, for example water ingress or equipment failure, must be reported immediately to NGS, and confirmed in writing within 24 hours.

Any Loan Out may be withdrawn immediately if the terms of Loan Agreement are contravened and/or if there is any health and/or safety risk to people or to the object. NGS reserves the right to recall an object/s from loan, but this will only happen in very exceptional circumstances.

Long Loans Out: The NGS Collection is held in trust for the nation and should always be accessible to the public. Long Loans Out are therefore only approved if the relevance of a specific work to a very specific context is clearly demonstrated, and public access will be provided. The Collection is not available to furnish Government offices or commercial headquarters, nor in exchange for donations or sponsorship, unless reasonable public access is guaranteed. For Long Loans Out, the loan period will normally be up to three years, after which it will be reviewed and may be renewed for further periods of up to three years at a time, subject to object condition and availability.

NGS will be transparent, legal and ethical in handling all loan requests, including providing explanations for any difficulties or delays in processing loan arrangements. NGS will provide full reasons for any refusal to lend, including any conditions which preclude the loan.

We hold all communications relating to loans centrally and securely on our industry-standard data base (MIMSY). Only authorised persons have access to the data base.
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
19 Use of Collections
20 Collections Review
21 Audit

Also the following NGS documents

NGS Audience Development Framework
NGS Collection Care Framework
NGS Collections Development Framework
NGS Estates Management Strategy
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