

Due Diligence Policy

Norfolk Museums Service (NMS) will exercise due diligence, as outlined in NMS' Loans Policy and Collections Management Strategy, when considering any loans or acquisitions.

Due Diligence Checks

Norfolk Museums Service museums will check that loans to the museums will comply with, make use of and be guided by the following national and international standards:

- Statement of Principles issued by the National Museum Directors Conference on “spoliation of works of art during the Holocaust and World War II period” in 1998, updated 2016.
- Combating Illicit Trade: Due Diligence guidelines for museums, libraries and archives on collecting and borrowing cultural material, published by DCMS, October 2005.
- UNESCO 1970 Convention on the Means of prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property.
- ICOM Code of Ethics.
- ICOM Red Lists.
- 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).
- The Wildlife and Countryside Act 1981.
- MA Code of Ethics.
- SPECTRUM: UK Documentation Standard for Museums.

Procedure

1. Due diligence checks will be carried out by the Curator responsible for each exhibition or acquisition. The Curator will carry out a Due Diligence checklist for each loan or acquisition in advance.
2. Every reasonable effort will be made to investigate the provenance of an object proposed for acquisition or loan in for exhibition, display or research. Full ownership history will be obtained where possible. A provenance/risk assessment questionnaire will be carried out for each acquisition or loan.
3. Provenance information between 1939 and 1945 will be given particular attention and any other information suggesting discrepancies in ownership.
4. Where necessary NMS will extend research beyond the information provided by the lender in an effort to clarify the history of the object. Where necessary, information will be verified against published sources, including sales catalogues, exhibition catalogues, articles in journals, import/export documentation.
5. Once all provenance information has been compiled by the relevant Curator, the information will be reviewed by a senior curator or an experienced member of the Collections Management Department.
6. When information is considered unsatisfactory and if it is unclear whether to proceed with the acquisition or loan, the evidence will be presented to the NMS Senior Management Team led by the Head of Museums Service. NMS recognises that in practice some objects are not accompanied by detailed provenance. In these circumstances, having taken into account all the information obtained via the methods and standards above, best judgement must apply.
7. The ultimate responsibility of overseeing due diligence procedures lies with the Head of Norfolk Museums Service.

NMS WILL NOT PROCEED with a loan or an acquisition should there:

- be any doubt over the legality of its ownership by the current holder
- be any doubt over the legitimate acquisition of the object by the current holder
- be any third party claims to the object
- be any doubt over its removal from its country of origin, or its entry into the UK
- be any doubt that the current owner does not have the right to lend, donate or sell the object
- be any doubt that the loan complies with the 1970 UNESCO Convention and with other applicable national and international conventions and agreements relating to the prevention of illicit trade and the control of trade in endangered species.
- be any doubt that the object has been legally excavated or legally exported since 1970

Expertise

Where the lender/donor/vendor is unable to provide satisfactory information and the above checks have not resolved any issues over the history of the work, NMS will consult curators in other museums, specialists in academic institutions and specialists from major auction houses in the relevant field, the Art Loss Register and other art loss databases as appropriate.

Loan Agreement and Transfer of Title

Lenders/donors/vendors are required to declare on a Loan Agreement/Transfer of Title document that they:

- Acquired the work by legitimate means.
- Legally own the work.
- Are unaware of any third party claims to the work.
- Have the right to lend/donate or sell this work.
- Confirm their agreement that the loan is agreed in accordance with the 1970 UNESCO Convention and in accordance with other applicable national and international conventions and agreements relating to the prevention of illicit trade and the control of trade in endangered species.

NMS confirms that the loan item/s will be returned to the same address as that from which lent, or a reasonable alternative by notification, at the termination of the loan.

If an institutional lender provides their own Loan Agreement, this will be checked to ensure it conforms to the above standards.

Record Keeping

- Paper records will be kept of all checks made, including signed loan agreements, copies of electronic correspondence, notes of any relevant verbal exchanges including dates, lender's evidence, photographic evidence and details of published information.
- Records will be kept on file in the relevant curatorial office in the history files for acquisitions, and in the exhibition office for loans for exhibitions. These records will be kept for a minimum of 10 years.
- Records will be kept in accordance with SPECTRUM: UK Documentation Standard for Museums and under direction from the National Archives on stewardship of public records.