

Commission told of clear precedent for breaching terms of Burrell bequest

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THERE is a clear legal precedent for lending an art collection in breach of the terms of bequests, a leading art authority told the Burrell inquiry yesterday.

Mr Neil MacGregor, director of the National Gallery, gave details of four Acts which were invoked in the last 115 years to enable it to lend artworks despite restrictions imposed by benefactors. He was giving evidence during the second week of the hearing by a parliamentary commission appointed to rule whether Glasgow City Council could lend items from the Burrell Collection abroad, in breach of the will conditions imposed by shipping magnate Sir William Burrell. Mr MacGregor told the hearing the National Gallery had been "empowered to lend in contravention of the terms of a gift or bequest" since 1883. Currently, under a 1992 Act, the National Gallery and 10 other national museums and galleries in London, Liverpool, and Manchester, with the support of their trustees, are allowed to loan items against a benefactor's wishes after a period of 50 years. In Scotland, under a 1985 Act of Parliament, the national collections are allowed to vary the terms of bequests after 25 years. The city council is seeking parity with this law for the Glasgow collection. Although "neutral" on the legal battle over the status of the Burrell collection, he said he believed because of the nature of inter-gallery loans, there was little incentive to lend to a collection like the Burrell because there was no reciprocal benefit for the lender. "The Burrell Collection, may, therefore, be seriously handicapped in seeking to borrow from public collections abroad by its inability to reciprocate for the benefits of that gallery's public," said Mr MacGregor. The bid by Glasgow City Council to overturn Sir William's ban on loaning items to institutions overseas from his collection of almost 9000 works is being made by the city through Mr Julian Spalding, its director of museums. He wants to lend some of the Burrell Collection overseas in return for artworks which may not have been seen in the city before. The move is being opposed by the Burrell trustees, who are determined the terms of the gift are adhered to and that the collection remains intact in Britain. Sir William's bequest stipulates loans can be made only to other suitable institutions in Britain because he feared his collection could be damaged in transport overseas. However, the inquiry heard yesterday that since his bequest was drawn up in 1944, "immediate and amazing" improvements to packing and transport methods have "greatly reduced the risk" - a fact Sir William could not have foreseen even before his death in the 1950s. Mr Roy Pateman, director of Wingate & Johnston, a company specialising in the packing and shipping of fine art told the inquiry the knowledge and expertise in the international transportation of valuable artworks had improved out of all recognition since the 1950s. He said: "The focus of the art world has also changed, as a result, to concentrate more and more on the touring international exhibition. "Improved packing and transport methods have greatly reduced the risk of overseas transport to works of art - rendering that risk substantially less significant in many cases than the risk taken in moving a work from one part of a gallery to another." Mr MacGregor said later: "The more you are able to lend, the more able you are to borrow. If Glasgow wants to have a major international exhibition the more chips it has on the table the better. How you balance that question against the obligation you have to the benefactors' wishes is the difficulty." Leader Comment Page 16