

The Promotor would wish to ensure the following factual matters noted below are clear following the oral evidence session at Pollok House on 9 September 2013 and in response to the written submissions made to the Committee:-

1. It is important to distinguish between the two different sources of restriction applying to the Collection.
2. As noted at paragraph 10 (in relation to section 2 of the Bill) the 1944 Agreement gifting the Collection to Glasgow City Council granted the Council the right to lend "any article or item" from the Collection to any Public Gallery in Great Britain. The restriction in the 1944 Agreement therefore only prevented any lending abroad and attached no other conditions as to the items which could be lent by Glasgow City Council within Great Britain.

The Will stipulates that **for items bought by the Trustees and added to the Collection** that such items may be lent in Great Britain with the exception of pastels, tapestries, carpets, rugs, lace, needlework and all other textiles.

Accordingly, in terms of the 1944 Agreement, nearly all of the Collection (irrespective of the type or nature of the item) can be lent within Great Britain to any public gallery or museum without further conditions applying (except of course for the good practices of Glasgow Museums/Glasgow Life in its own lending policy and procedures).

The restriction (contained in the Will only) on lending "pastels, tapestries, carpets, rugs, lace, needlework and all other textiles" applies to only 85 items bought by the Trustees since the gifting of the Collection. The balance of the Collection (nearly 9,000) can be lent without reference to these conditions and are governed by the 1944 Agreement.

The restriction on outward lending for the Collection is predominantly to no overseas loans.

3. The evidence from the National Galleries, the Samuel Courtauld Trust, Wallace Trust and the written submission by Donor Watch has concentrated on the difficult balancing act involved in both remaining true to the spirit of the original Donor and being seen to alter the Donor's wishes and the balancing of the risk involved in loans. The consensus position reached between the Burrell Trustees and the Council is there is enshrined in clause 3.10 of the Code an unconditional and absolute right of veto in favour of the Burrell Trustees.

This is in line with requirements of the Samuel Courtauld Trust for unanimous decisions to loan and as recommended by Mr Whittington of Donor Watch in the article referred to in his written submission as a way for Donor's to ensure their wishes are respected after their death when gifting items.

4. There was concern for the standards required for overseas loans. The Explanatory Notes emphasise in Paragraph 17 that a Borrower museum or gallery must operate to standards equivalent to the UK Accreditation Scheme and the Code requires in Clause 3.5 that the security and environmental conditions and transport and packing all meet those required by the Government Indemnity Scheme. These Schemes introduce to the Bill and Code internationally recognised and clear benchmarks for the standards underpinning lending and borrowing.

In addition the Code enshrines within it the various conditions required by both the National Gallery and Samuel Courtauld Trust for their loans ranging from conservation being essential, items not touring too often, a minimum standard of Borrower and the items on display not being depleted.

5. The Glasgow Life Lending Policy which operates for all loans ensures that no loan for an object comes before the Glasgow Museum's Collections Panel until the matter has been assessed by a curator for its merit and a conservation report has confirmed the item is suitable to travel on loan. At the point that the Collection's Meeting and Glasgow Museums believe it is a recommendation worth supporting then the matter is referred in accordance with the Code to the Burrell Trustees for approval. The Burrell Trustees can instruct expert opinion to guide them or seek additional information. As emphasised above if the Trustees do not agree a loan overseas they may veto the request to do so in all circumstances.

It is hoped this process demonstrates the care taken over any object lent by the Council from its Collections but emphasises the central role the Trustees exercise in agreeing the type of loan overseas which would remain true to the spirit of Sir William's Gift. They are able to judge this on a loan by loan basis by reference to the facts and risks applying to that individual loan.