

RCEWA – *The Earl of Dalhousie* by John Singer Sargent

Statement of the Expert Adviser to the Secretary of State that the painting meets Waverley criteria two and three.

Further Information

The 'Note of Case History' is available on the Arts Council Website:

www.artscouncil.org.uk/reviewing-committee-case-hearings

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EXECUTIVE SUMMARY

1. Brief Description of object(s)

- **What is it?**

A painting by John Singer Sargent representing Arthur George Maule Ramsay (1878-1929), the 14th Earl of Dalhousie in front of double pillars and plinth.

- **What is it made of?**

Oil paint on canvas

- **What are its measurements?**

150.7 x 102.2 cm

- **Who is the artist/maker and what are their dates?**

John Singer Sargent (1856-1925)

- **What date is the object?**

Painted in 1900, exhibited May 1900

- **What condition is it in?**

Very good condition with the unusual benefit that the work has not been lined, preserving the surface and texture of Sargent's distinctive brushwork. The work is undergoing restoration to remove an aged, discoloured varnish and correct minor deformations of the canvas.

2. Context

- **Provenance**

Arthur George Maule Ramsay, 14th Earl of Dalhousie (1878-1928), the sitter.
By descent to the present owner.

- **Key literary and exhibition references**

Richard Ormond, Elaine Kilmurray, *John Singer Sargent: The Later Portraits*, vol. III, New Haven, Connecticut, 2003 (no.386)

Contemporary critical responses:

- *The Times*, 5 May 1900, p 14
- Frank Rinder, 'The Royal Academy' *Art Journal*, 1900, p.168
- 'The Royal Academy 2' *Magazine of Art*, Vol. 24, 1900, p. 385, 389 illustrated
- "'Our own private view", RA' *Punch*, 9 May 1900, p 337
- D S McColl, 'The Academy 1 "Rude Things"', *Saturday Review*, Vol. 89, 12 May 1900, p. 583
- 'Our Art-ful Critic at The Royal Academy,' *Punch*, 16 May 1900, p. 343, a caricature of the work illustrated
- *Vanity Fair*, 19 May 1900, p 327
- H.S., 'Art. The Academy. - 3,' *Spectator*, Vol. 85, 26 May 1900, p. 742
- 'Fine Arts. The Royal Academy. (Fourth Notice.),' *Athenaeum*, Vol. 3789, 9 June 1900, p. 726.
- 'The Earl of Dalhousie,' *Critic*, vol. 37, August 1900, pp. 104-05.

Exhibition catalogues:

- *Summer Exhibition*, Royal Academy of Arts, 7 May-6 August 1900 (cat. 44)
- *John Singer Sargent and the Edwardian Age*, Leeds, Leeds Art Gallery; London, National Portrait Gallery; Detroit, Detroit Institute of Arts, 5 April—9 December 1979 (cat. 44)
- *The Treasure Houses of Britain: 500 Years of Private Patronage and Art Collecting*, Washington, D.C., National Gallery of Art, 3 November 1985—13 April 1986 (cat. 569)
- *The Portrait of a Lady: Sargent and Lady Agnew*, Edinburgh, National Gallery of Scotland, 8 August-19 October 1997 (cat. 17)
- *Sargent*, London, Tate Gallery, 15 October 1998—17 January 1999; Washington, D.C., National Gallery of Art, 21 February—31 May 1999; Boston, Museum of Fine Arts, 23 June—26 September 1999 (cat. 56)
- *Sargent / Sorolla*, Madrid, Museo Thyssen-Bornemisza and Fundación Caja Madrid, 3 October 2006- 7 January 2007; Paris, Petit Palais—Musée des Beaux-Arts de la Ville de Paris, 14 February- 13 May 2007 (cat. 34)
- *Van Dyck and Britain*, London, Tate Britain, 18 February – 17 May 2009 (cat. 131)
- *John Singer Sargent*, Stockholm, Nationalmuseum, 13 October 2018—13 January 2019

3. Waverley criteria

Waverley 2—it is of outstanding aesthetic importance.

The Earl of Dalhousie, a symphony in whites, is of outstanding aesthetic importance: a 'stellar' Sargent in the words of scholar Caroline Corbeau-Parsons, contender for his finest portrait of a male sitter. It is exceptional in that it has never been lined, preserving the freshness of Sargent's bravura brushwork. The life-size painting knowingly claims its place in the history of portraiture. It was the artist's first and most audacious dialogue with Van Dyck's grand manner and with more recent greats such as Whistler, yet, painted in the first months of the twentieth century, it is absolutely modern.

Waverley 3—it is of outstanding significance for the study of some particular branch of art, learning or history.

The Earl of Dalhousie is of outstanding significance to the study of this international artist and the wider art, history and culture of the period. Its technical and stylistic innovations were acclaimed when it appeared at the Royal Academy, laying the foundation for Sargent's rise to the position of preeminent portraitist on both sides of the Atlantic (a position he occupied until he largely withdrew from commissioned portraiture around 1907), and his global celebrity in the present day. Sargent was a leading member of the circle of artists and writers, such as his friend Henry James, who pioneered the new century's fascination with the modern human subject. Coincident with the advent of psychoanalysis (1900), *The Earl of Dalhousie* is exceptional in its penetration of character, an analysis of aristocratic masculinity, uncertainty, and imperial doubt.

DETAILED CASE

1. Detailed description of object

The painting is a three-quarter length portrait of Arthur Ramsay (4 September 1878 – 23 December 1928), the 14th Earl of Dalhousie, approximately life-size. He is clean shaven with hair cut short at the sides, wearing a white shirt with a stand-up collar, a loose-fitting off-white flannel suit and a long, plain red tie in the modern style. His face is strikingly sunburnt up to a diagonal of white flesh as though he has been in strong sun with his head protected by a hat. Dalhousie's stance is self-consciously nonchalant, but he regards the viewer with unsmiling reserve. His right hand adjusts the flap of his pocket while his left arm rests against a shoulder-high plinth bearing paired giant order columns of which we only see the lower portion. There is a large, dark space beyond with an obscure high window. Recent cleaning has revealed multicoloured textiles, perhaps furled flags, piled in the shadows.

Dalhousie was a Scottish peer and soldier, aged 21 at the time of painting. He was orphaned by the death of both parents at 9, inheriting his family estate and father's Earldom. He attended Eton School and University College Oxford and was attached to the Forfar and Kincardine Artillery militia (reserve). It is likely that the portrait commission was prompted at this date by the Earl's coming of age and appointment to second Lieutenant in the Scots Guards (10 February 1900), in the context of the outbreak of the Second Boer War (11 October 1900) and his imminent departure to serve in South Africa (sources vary in the date, to be confirmed). Dalhousie went on marry in 1903 and to fight in the First World War. He died, at 50, in 1929.

The painting was made in London in the early months of 1900 in Sargent's studio at 33 Tite Street. No preparatory drawings are known. Dalhousie's light suit does not accord with the season, but Sargent is recognised as one of the greatest painters of clothing and fabric and known for his interventions in the outfits of his sitters.

The architectural setting was probably studied at the 'Avenue Studios', 12–14 The Avenue, two of a collection of studios off Fulham Road. This larger, quieter space was acquired by Sargent in 1885 to escape the social activity of Tite Street and work on murals for the Boston Public Library (1895 -1919). It was a repository of architectural props categorised by Ormond and Kilmurray in 'Pillars and Plinths' in their inventory of studio accessories in *John Singer Sargent: The Later Portraits*, (complete paintings volume III). The stage plinth and pillars in this picture, prepared to imitate light stone and pink grained marble, complement the array of off-whites and pinks of the figure. This prop made a first appearance the previous year at the margin of *Sir David Richmond (1843–1908)*, *Lord Provost of Glasgow (1896–1899)* (Appendix) and can be seen modified as a single column in *Lady Helen Vincent*, *Viscountess d'Abernon (1904)*, *Portrait of Mrs. J.P. Morgan (1905)* and *Her Royal Highness Duchess of Connaught (1907-8)*.

2. Detailed explanation of the outstanding significance of the object

WAVERLEY 3.

A The painting is of significance for our appreciation of the life and times of a preeminent artist

After establishing his career in Paris, the American artist John Singer Sargent moved to London in 1886. His position within the British artistic establishment was cemented when he was elected as a full Member of the Royal Academy in 1897 and he began to receive portrait commissions from the aristocracy. *The Earl of Dalhousie* marked a new phase of confidence and originality, launching Sargent's career as the leading portraitist on the international scene. Its pared-down classical composition and palette, a foil to dynamically draped clothing and brushwork, heralded his transition to a modern grand manner, declaring himself the successor of previous masters, notably Van Dyck. Sargent's output also included landscapes, figure studies, and mural schemes. Following his death in 1925, his work was the subject of memorial exhibitions at the Royal Academy of Arts in London, the Museum of Fine Arts in Boston, and the Metropolitan Museum of Art in New York, demonstrating the significance attached to his work.

The Earl of Dalhousie encapsulates more than any other the influence of van Dyck on Sargent. He had been compared to Van Dyck as early as 1887 by his close friend Henry James. The year before *The Earl of Dalhousie* was painted, 1899, was the tercentenary of Van Dyck's birth. A major retrospective, *Exhibition of Works by Van Dyck*, was held at the Royal Academy while Sargent was working on the portrait (1 January 1– 10 March 1900). Many of the works were lent from aristocratic collections and the appeal to Sargent was directed, in part, by the context and company in which his portraits were to hang. *The Earl of Dalhousie* has remained in the Dalhousie family seat, Brechin Castle in Angus since it was painted. In 1971 it was photographed in situ at for a *Country Life* article which noted that it hung in the dining room alongside portraits by Raeburn and Honthorst. Within two years Auguste Rodin pronounced the artist the 'Van Dyck de l'époque'. *The Earl of Dalhousie* was recently exhibited at Tate Britain in the 2009 exhibition 'Van Dyck and Britain'

Two works in the Van Dyck exhibition appear to have been of special influence. The double portrait of the brothers *Lord John Stuart and Lord Bernard Stuart* (c.1638) (Appendix) from the collection of Theodosia Bligh, 10th Baroness Clifton, contrasts the relaxed contrapposto of the young men with a grand architectural setting. *Self-portrait* (c.1620-21) (Appendix), from the collection of the Duke of Grafton, shows the young artist (23) as an aristocrat resting against a pillar and plinth. *The Earl of Dalhousie* processed the poses and settings of these pictures, especially *Self-portrait* which eschews reference to the profession of the sitter to depict him simply as gentlemen.

The Earl of Dalhousie represents not so much a debt to Van Dyck as a dialogue, however. *Self-portrait* was remarkable in its absence of insignia or accessories, eliminating brushes, palette, or other indicators of his profession to foreground character. Sargent took this further, replacing the fine fabrics and lace which confer status and elegance on the artist with a flannel suit, widely worn in hot or tropical environments; the Earl, rather, confers status and elegance on his clothes.

The innovation and importance of *The Earl of Dalhousie* is evident in the reaction of the press when it was exhibited at the Royal Academy in the summer exhibition that followed the Van Dyck show (see Bibliography above), and in Sargent's subsequent successes with highly individual, draped figures staged against classical architecture. We see this in the contrast between the relatively conventional composition and palette of *Sir David Richmond of 1899* and the masterpieces *Lord Ribblesdale* (1902) (Appendix) and *Sir Frank (Athelstane) Swettenham* (1903) (Appendix), which adapt the setting and palette of *The Earl of Dalhousie*.

B. *The Earl of Dalhousie* also responds to the very specific modern circumstances of its sitter, anticipating the role of Sargent's portraits in epitomising the Edwardian Age in the popular imagination. (WAVERLEY 3)

Dalhousie's ancestors had prospered as Liberal politicians, military commanders, and defenders of empire, previous earls serving as governors in North American and India. Where the 14th Earl's father and grandfather had distinguished themselves in the navy, he participated in the latter age of industrial warfare, the artillery that would dominate the Boer War and the Great War, in which he would also serve. Dalhousie's commission as Second Lieutenant in the Scots Guards at the time of painting suggests that he was one of the Liberals who supported the Conservative government's traditionalist alignment of aristocracy, military, and church to defend British interests in Africa. However, as we have seen, Sargent departed from the format of the ancestral portraits that already hung in Brechin Castle, neglecting traditional trappings of religious, political, and military standing, such as books, desks or coats of arms. The regalia, such as it is, is furled and removed to the shadows at the edge of the painting. Only the tropical suit and sunburn hint at service abroad. Again, emphasis is not on collective clan, party, or regiment but on individual character - the young man's taste, poise, and the uncertain courage, suggested by his level gaze, set chin and slight compression of the lips.

Painted in the last year of the Victorian age, *The Earl of Dalhousie* is not a typical celebration of aristocratic and imperial power. The young sitter claims command without looking commanding; he is arrogant in his bearing but slight and somehow too small for his capacious suit and monumental setting. His masculinity is unresolved. Without the usual military trappings and pose, his tie decorative rather than regimental, he appears dandiacal, even feminine in his pink tinged setting. The portrait registers both the promise and uncertainty of the new century when rapid social change was destabilising the old orders and identities of the British aristocracy and empire. Dalhousie may have participated during, or after, the recent rout of General Gordon in North Africa and was about to depart for the conflict in South Africa (a war not popular in Sargent's circles). The opulent Edwardian era would usher in half a century of industrialised conflict.

Sargent was part of a wider movement pioneered by writers of his circle such as Joseph Conrad, and his friend and fellow Americans Edith Wharton and Henry James, all regarding British society with an outsider's eye. Their novels evolved a new modernist language and subjectivity, relational and discontinuous. Of special relevance to *The Earl of Dalhousie* was the representation of the apid changes driven by global imperialism and capitalism, indirectly, often in privileged surroundings, through the shifting, consciousness of their characters. Famously, Conrad's indictment of the British in Africa, *Heart of Darkness* (1899) finds its climax in an encounter in a marble-lined drawing room. *Earl of Dalhousie* looks

forward to the fictional soldier Christopher Tietjens protagonist of Ford Madox Ford's quintessential modern war novel, *Parade's End*.

WAVERLEY 2

The Earl of Dalhousie is an exceptionally cool, lovely and skilful painting, of outstanding aesthetic significance in the context of the artist's career and the wider history of art. Its sequestered history in a private collection has kept it in remarkable condition and unlined, leaving the paint-layer fresh and preserving the full effect of Sargent's vivacious surfaces.

The portrait's beauty eclipses the insecurities and brutalities of Dalhousie's era and profession. The unusual plainness, the poetically narrowed palette, and the suppression of narrative, turn the young soldier into a vehicle for abstract form and colour: whites delicately relieved by the gold of the hair and touches of pink in the flesh and veins in the faux-marble, set off by the red of the sunburn and tie. The painting modernises the seminal white figures of the nineteenth century aesthetic movement, particularly those by James Abbott McNeill Whistler - a 'white boy' to answer Whistler's notorious 'white girl', *Symphony in White, No. 1: The White Girl* (Appendix).

Like the characters of Henry James, Sargent's association of his sitters with other works of art such as Whistler's *Symphony in White*, brings into view the provisional and performative component of modern identity. This is evident in the self-consciousness of Dalhousie's Van Dyck attitude; the stagey contrapposto, arm on the column, and neck stiff in his high collar, belies the relaxed drape of the graceful Van Dyck-style hand. Dalhousie's gaze directly engages the viewer but without welcome, the half-lowered lids giving nothing away. The unexpected sunburn adds a shock of realism and the flap of his pocket, absently creased between the fingers of his other hand, punctures the pose with a hint of unconscious movement and inner thought. His performance is subtly deconstructed in a way reminiscent of Caravaggio's *Bacchus* (1596), which Sargent knew well in the Uffizi gallery, whose divine identity is disrupted by the discontinuity of his white body and sunburned hands and face, and by his trembling hand.

Sargent adapted the composition and setting to complicate Dalhousie's relation to his grand environment. Beneath the "mastery in the treatment of whites" (*Art Journal*) Sargent stages Dalhousie's racial and political whiteness: where the white tropical suit connotes white British influence across Empire, the burnt white skin suggests vulnerability in these spaces. The plinth and pillar are brought closer to the picture plane than in other portraits, acting as a screen and augmenting the three-quarter view to provide a closer encounter. The plainness of the architecture, without the red drapes or embellishments added in later appearances of the props (see above), reinforces the sobriety of the clothing. Without signifiers of clan, party or regiment, the secretive, self-sufficient young man comes across as solitary and vulnerable. The monumental geometric forms emphasise the soft formlessness of the draped jacket and overlapping trousered legs that stand in for Dalhousie's body.

This simple, geometric stage also provides a foil and framework for Sargent's famous virtuoso variation of the impressionist brushstroke, conspicuous in the calligraphy of marks that evoke the pink grain of the marble. Reviews wondered at the sense of 'realism' that he was able to conjure (*Spectator*), evident in the immediacy of Dalhousie's expression. His suit provided an opportunity to demonstrate his mastery of light on fabric. The dynamic diagonal

shadows, the dab of shadow beneath Dalhousie's tired eyes, the gleam of his recently pushed back hair, all contributing to the ultimate elusiveness of the subject.

The aesthetic beauty and force of the narrow palette and simple setting lends this enigmatic figure a presence different from Sargent's busier portraits. They remove him from the past and future 'difficulties' of Dalhousie's life and times, as noted in the *Punch* cartoon (Appendix). The shadowy flags, weary, knowing expression and sunburn are counterpointing signs of a world from which he has been briefly removed by art?

Summary of related objects in public/private ownership in the UK:

The Earl of Dalhousie occupies a very specific place in Sargent's oeuvre, distinct from any other work in UK ownership.

Sargent is recognised as one of the leading artists of the late nineteenth and earlier twentieth century, and as such his work is prominent in collections both in the UK and internationally. There are 122 paintings in UK public collections, three quarters of which are portraits, about five of which share the 'stellar' status of *The Earl of Dalhousie*. The picture stands out for the youth of its sitter, and the modernity of its conception, the virtuosity of its execution and the freshness of its condition.

Sargent's ability to evoke human presence and individuality has caught the public imagination and carried his fame well beyond the Edwardian world. *Carnation, Lily, Lily, Rose* (1885) (Appendix) is a signature image for Tate Britain (upstaging even Millais' *Ophelia*), attracting millions of visitors and online views from around the world. Sargent's powerful six metre procession, *Gassed* (1919, Imperial War Museum) distilled the idea of the ordinary soldier in World War One and became a defining image of the conflict. Sargent is even more celebrated for the portraits. While we may no longer recognise the names, and the social identity and status of his sitters might have faded from view, the theatricality with which he staged his subjects and the vivacity with which his paint strokes, continue to fascinate and appeal. The portraits' celebrity rests especially on a handful of pictures which have achieved what can only be described as star quality. Some of these, most famously *Madame X (Madame Pierre Gautreau)*, (1884) are abroad, as befits Sargent's international career. In the UK, we have *Lady Agnew of Lochnaw* (1893, National Galleries of Scotland), *Ellen Terry as Lady Macbeth* (1889) and *Ena and Betty, Daughters of Asher and Mrs Wertheimer* (1901) at Tate, and *Lord Ribblesdale* (1902) and *Sir Frank Swettenham* (1904) at the National Portrait Gallery, London. These fall either side of Sargent's 1900 moment of transition. The *Earl of Dalhousie* represents Sargent at this point, the clear progenitor of *Lord Ribblesdale*, *Sir Frank Swettenham*, and key portraits of young men such as *W. Graham Robertson* (1894) in Tate.

The Earl of Dalhousie should have had at least equivalent fame to these major works, but it hung in the private dining room of Brechin Castle for nearly 80 years, appearing in public only seven times since. Greatly appreciated by Sargent scholars, *The Earl of Dalhousie* would no doubt become a favourite of lay and specialist viewers alike if it took its place in our national collection.

Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest: Note of outcome: *The Earl of Dalhousie* by John Singer Sargent (Case 4, 2021-22)

At the end of the initial deferral period, no offer to purchase the painting had been made and we were not aware of any serious intention to raise funds. An export licence was therefore issued.

Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest, note of case hearing on 15 September 2021: *The Earl of Dalhousie* by John Singer Sargent (Case 4, 2021-22)

Application

1. The Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest (RCEWA) met on 15 September 2021 to consider an application to export a painting *The Earl of Dalhousie* by John Singer Sargent. The value shown on the export licence application was £7,581,227.85 which represented the price in at which the owner bought the item on 8th July 2021 (\$10,500,000) converted to GBP. The expert adviser had objected to the export of the painting under the second and third Waverley criteria on the grounds that its departure from the UK would be a misfortune because (ii) it was of outstanding aesthetic importance and (iii) it was of outstanding significance for the study of Sargent as an international artist and the wider art, history and culture of the period.

2. Seven of the regular eight RCEWA members were present and were joined by three independent assessors, acting as temporary members of the Reviewing Committee. The applicant was consulted about the digital process and confirmed they were content to proceed in this manner. The Chairman explained that the binding offers mechanism was applicable for this case.

3. The applicant confirmed that the value did not include VAT and that VAT would be payable in the event of a UK sale. The applicant also confirmed that the owner understood the circumstances under which an export licence might be refused and that, if the decision on the licence was deferred, the owner would allow the painting to be displayed for fundraising.

Expert's submission

4. The expert adviser had provided a written submission stating that this was a three-quarter length portrait of Arthur Ramsay (4 September 1878 – 23 December 1928), the 14th Earl of Dalhousie, approximately life-size. He was clean shaven with hair cut short at the sides, wearing a white shirt with a stand-up collar, a loose-fitting off-white flannel suit and a long, plain red tie in the modern style. Dalhousie's stance is self-consciously nonchalant, but he regards the viewer with unsmiling reserve. There is a large, dark space beyond with an obscure high window. Recent cleaning has revealed multicoloured textiles, perhaps furled flags, piled in the shadows.

5. *The Earl of Dalhousie*, a symphony in whites, was of outstanding aesthetic importance and contender for his finest portrait of a male sitter. It was exceptional in that it had never been lined, preserving the freshness of

Sargent's bravura brushwork. The life-size painting knowingly claimed its place in the history of portraiture.

6. *The Earl of Dalhousie* was of outstanding significance to the study of this international artist and the wider art, history and culture of the period. Its technical and stylistic innovations were acclaimed when it appeared at the Royal Academy, laying the foundation for Sargent's rise to the position of preeminent portraitist on both sides of the Atlantic (a position he occupied until he largely withdrew from commissioned portraiture around 1907), and his global celebrity in the present day. Sargent was a leading member of the circle of artists and writers, such as his friend Henry James, who pioneered the new century's fascination with the modern human subject. Coincident with the advent of psychoanalysis (1900), *The Earl of Dalhousie* is exceptional in its penetration of character, an analysis of aristocratic masculinity, uncertainty, and imperial doubt.

7. When invited by the Chairman at the meeting to expand on their submission, or respond to the applicant's submission, the expert stated that, through their research, a new source has revealed that the painting appeared to have been executed in the late summer 1899, rather than in 1900. It was discovered that the painting was commissioned by the Arbroath district tenantry, the first sitting was at the beginning of August 1899 and the painting was presented to the sitter in Arbroath on 6 September 1899 at a dinner which formed part of the celebrations surrounding the sitter's coming of age.

Applicant's submission

8. The applicant had stated in a written submission that they did not disagree that the painting met the Waverley criteria.

Discussion by the Committee

9. The expert adviser and applicant retired and the Committee discussed the case. Painted at a new and riveting time in the artist's career, they noted it was a fascinating bravura portrayal rooted in English history, with clear Van Dyck influence. Further to this the movement and flow of the paint, the agitated creases in arms and the nervous feel of the sitter made the painting extraordinary aesthetically as well as on a psychological level. They agreed that it was a fascinating picture on many levels and that this was one of Sargent's finest male portraits.

10. The Committee then discussed the potential for further research. In light of the new information recently uncovered about the painting's date, they agreed there was much more to be learned regarding the painting's commission and the personal connection between the Earl of Dalhousie and Sargent. They noted the significance of the sitter's white suit and suntan, previously thought to represent his time abroad, which now presented a fascinating opportunity to learn more about the sitter as well as how Sargent approached a composition. The Committee agreed that this was an outstanding painting in Sargent's

oeuvre, and that it could provide fascinating insight into the artist at a pivotal time.

Waverley Criteria

11. The Committee voted on whether the painting met the Waverley criteria. Of the 10 members, all voted that it met the second Waverley criterion. All members voted that it met the third Waverley criterion. The painting was therefore found to meet the second and third Waverley criteria for its outstanding aesthetic importance and significance to the study of Sargent's work and the wider art, history and culture of the period.

Matching offer

12. The Committee recommended the sum of £7,617,360 (plus VAT), which represented \$10,500,000 converted to sterling on the date of the export licence application (16 July 2021), as a fair matching price.

Deferral period

13. The Committee agreed to recommend to the Secretary of State that the decision on the export licence should be deferred for an initial period of four months. At the end of the first deferral period if the Arts Council received notification of a serious intention to raise funds with a view to making an offer to purchase the painting the owner will have a consideration period of 15 Business Days to consider any offer(s). The Committee recommended that there should be a further deferral period of eight months that would commence following the signing of an Option Agreement. (The Committee had considered the omission by the owner to give the requested three months' notice of an intention to sell to the Arts Council and agreed to recommend an extension of the first deferral period by an additional month, and an extension of the second deferral period by an additional two months beyond what would normally be sought)

Communication of findings

14. The expert adviser and the applicant returned. The Chairman notified them of the Committee's decision on its recommendations to the Secretary of State.

15. The expert adviser agreed to act as champion if a decision on the licence was deferred by the Secretary of State.

Update

Following submission of the Committee's recommendation it was informed by the Department that it was not within its powers to recommend a second deferral period that extended beyond six months except for exceptionally

expensive objects when more time may be needed to raise the funds. Although the Committee retains flexibility to recommend an appropriate length for the second deferral period based on the value of the object and its assessment of the challenge of fundraising, it does not retain that flexibility in cases where the three month notice of an intention to sell a previously exempted item has not been given.

16. In the light of this the Committee was asked if it still wished to recommend a period of eight months for the second deferral period but it agreed that as it did not have the power to do so it was content on this occasion for the extra two months to be discounted and not added to the first deferral period which it had already recommended be extended by one month. It therefore recommended to the Secretary of State that the decision on the export licence should be deferred for an initial period of four months and that a further deferral period of six months should commence following the signing of an Option Agreement.