REVIEW OF ITEMS RECORDED AS 'MISSING' FROM ART GALLERY AND MUSEUMS COLLECTIONS - QUESTIONS

Article 14.

September 2022 "to note that the Director of Commissioning would liaise with colleagues and circulate by email a response in relation to the process in place for recovery of items if found on Auction sites;

Process for the recovery of items if found on Auction sites

Service background:

Archives, Gallery & Museums Service (Service) officers will <u>not</u> systematically check every planned auction for lost items. Officers will regularly review catalogues of historic Scottish silver and other artworks that are sent or promoted to the Service by auction houses for upcoming sales. As such sales are of general interest to the Service when considering new additions to the collection, officers will take the opportunity to review items that could be considered a close match to missing items from the collection.

To maximise chances of recovery, officers have recourse to list stolen items on the Art Loss Register. This resource can be used by auctioneers and buyers to check the provenance of items for sale. Art Loss Register fees: Admin cost of £15.00 per item registered plus recovery fee of 5% of the ultimate net benefit to the registrant, if recovered due to the involvement of the Art Loss Register. A number of higher value items are registered.

Auction background:

It is important to note that auction houses believe it is unreasonable for them to expect all sellers to be able to produce receipts/ proof of ownership for every object that goes to auction - they accept items in good faith unless obviously suspicious. However, reputable auction houses will not sell anything with disputed or dual ownership (dual ownership - if both ACC <u>and</u> seller can produce reputable evidence of ownership), so if ACC asked for a hold to be placed on a sale the auctioneer would do so, to allow investigation to take place

Auction houses, as a matter of common practice, would place a hold on anything that raised their own suspicions and contact Service officers directly if they thought an item appearing for auction was from Archives, Gallery & Museums collection, or had markings/ labels associated with Archives, Gallery & Museums Service.

All museums and galleries have unique 5-letter identifier codes that precede any catalogue numbers. ACC collection identifier codes are: ABDAG (for Aberdeen Art Gallery); ABDMS (for Aberdeen Museums); and ABDCC (for Aberdeen Civic Collection). These are registered with the Collections Trust and are recognised internationally.

Auction houses photograph all objects before sale and are usually publicly accessible via sales websites for at least 10 days prior to auction, allowing ACC Service time to check and intervene.

In most cases (anecdotal, in recent history across the UK) if the current owner sought to sell an object they had purchased in "good faith", any agreement regarding next steps, such as return of object to ACC or ACC offer to purchase, would be a direct negotiation between ACC and owner.

The Police would always be informed in cases where there was evidence of theft, however "good faith" purchase would be taken into account.

Process for recovering missing items at auction:

1. Member of the public informs Aberdeen City Council (ACC) of possible missing item on auction site AND/OR Service officer identifies / confirms possible missing item is listed for sale at auction
2. Service contact Police (inform Legal Team if additional support is required))
3. Depending on Police advice, ACC Service contact Auctioneer to request hold put on sale
4. ACC present evidence of ownership to Auctioneer (including record of theft if in existence)
5. Auctioneer places hold on sale until ownership is resolved
6. Owner presents provenance and proof of ownership
7. If owner cannot demonstrate above, request made by ACC (with support from Legal Team) for direct return of item
8. If owner can demonstrate ownership, or "good faith" purchase, ACC has option to purchase item from owner (price negotiated directly with owner)