Bolton Council

Bolton Library and Museum Services

Loans In (Borrowing Objects) Policy

Author (name):	Matthew Watson
Author (designation):	Museum Access Officer
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1. Introduction

This policy covers the borrowing of objects for exhibitions and other reasons by Bolton Library and Museum Services.

2. Purpose of the Document

The purpose of this policy is to set out how the service will manage the borrowing of objects from other institutions and individuals. Any objects that it borrows will be for a fixed period and for a specific purpose such as a temporary exhibition. Loans in must be authorised internally before an approach is made to potential lenders.

3. Terminology and Definitions

The Loans In policy applies to the loan of objects from any other organisation or individual to Bolton Library and Museum Services. Loans In may be for the purpose of gallery display, temporary exhibition, touring exhibition, research, conservation, photography or education.

Any objects which enter Bolton Library & Museum Services for any reason are also subject to the Entry policy.

TMS (The Museum System) is a database that the museum uses to manage all aspects of its collection management processes including loans.

4. Duties and Responsibilities of Individuals and Groups

Loans In for the purpose of gallery display, research, photography or education must be approved at a Collections Team meeting, following a proposal from the relevant Museum Access Officer.

Loans In for the purpose of temporary exhibitions or touring exhibitions organised by Bolton Library and Museum Services must be approved at a Collections Team meeting, subject to advice from the appropriate Museum Access Officer and Team Leader: Museum Access.

For Loans In, the relevant Museum Access Officer is responsible for assigning a unique number to loan objects and creating object records on TMS.

The member of staff who proposes the loan will be responsible for administering the loan for its duration, including putting in place a loan agreement, producing condition reports, creating and updating a TMS Loans In record, filing associated paperwork & attaching copies of these documents into TMS. This member of staff will be named as contact for the loan on the loan agreement.

All Loans In for touring exhibitions organised by Bolton Library and Museum Services will be administered by the relevant Museum Access Officer.

The Team Leader: Museum Access is responsible for overseeing the administration of Loans In and checking records on TMS.

The Museum Access Officer will act as the main contact with the Bolton Council Insurance Officer.

5. Loan Policy

5.1. Loan Policy Statement

Bolton Library and Museum Services follows national (Spectrum) standards that cover the borrowing objects for temporary exhibitions and other reasons. Any objects that the service borrows will be for a fixed period and for a specific purpose such as a temporary exhibition. Loans in must be authorised internally before an approach is made to potential lenders

5.2. Loan Policy Implementation

Loans may be initiated either by the lender or by Bolton Library and Museum Services.

Objects may be borrowed for the purpose of gallery display, temporary exhibition, touring exhibition, research, conservation, photography or education.

Loans will not normally be accepted unless they are in the interest of widening public benefit.

Loans of human remains will be assessed according to Bolton Library and Museum Services Research Policy in line with the Guidance for the Care of Human Remains in Museums (DCMS 2005) or the Human Tissue Act (2004), as appropriate.

Loans in will not be accepted if a member of museum staff suspects that the object may have been:

⇒ obtained illegally
⇒ acquired in or exported from its country of origin (or any intermediate country in which it may have been legally owned) in violation of that country's laws
⇒ obtained in contravention of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property
⇒ obtained in contravention of the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Property
⇒ obtained in contravention of the Wildlife and Countryside Act
⇒ obtained in contravention of the Convention on International Trade in Endangered Species (CITES)
⇒ obtained in contravention of the Treasure Act
⇒ obtained in contravention of the Firearms Act

Bolton Library & Museum Services will consider borrowing from National, Local Authority, University and privately-run museums and other educational or cultural institutions. Bolton Library and Museum Services will also consider borrowing from individuals and private sources.

Where the loan is from a private source, Bolton Library and Museum Services will ask the lender to confirm title and provenance prior to approval of the loan.

All Loans In must be for a finite period and must not be 'permanent', although there may be an option for renewal at the end of a loan period. The maximum period of loan permitted under any Loan in Agreement is 5 years.

Where permanent loans are already in existence, every effort will be made to trace the owners and either to return the object or convert the agreement into a fixed term loan or a gift.

Loan requests must be made in writing and should be submitted as far in advance of the loan as possible. This must follow the period of notice required by the Lender. It should also consider the time needed to meet Government Indemnity Scheme guidelines, customs, or any other necessary preparations.

A United Kingdom Registrars' Group Standard Facilities Report and Security Supplement (available at www.ukrg.org/publications) will be provided if requested by the Lender.

TMS object records will be created for all loan objects using the Bolton Library & Museum Services Entry number.

6. Loan Agreement

All approved Loans In will be subject to a single agreement signed and dated by both parties. This agreement must be put in place before the objects are dispatched.

There should never be more than one loan agreement per objects or collection of objects. Therefore, the loan administrator will only prepare a Bolton Library and Museum Services Loans In agreement in cases where the Lender does not provide their own Loans Out agreement. In case of disagreement, the terms of the agreement will be negotiated to cover all relevant points to the satisfaction of both parties.

Depending on the type of loan, the agreement will be one of the following:

- ⇒ **BLAMS Loan In agreement** (where Lender does not provide Loan Out agreement) This consists of an agreement form, Schedule of Objects, Standard Conditions of Loan and (where appropriate) Special Conditions
- ⇒ **Conservation Contract** (where Bolton's in house conservator is contracted to carry out work for external bodies)

The Lender's Loan Out agreement will be signed only if the conditions laid down are achievable and do not contravene Bolton Library and Museum Services' Loan In policy.

When the agreement has been signed, Bolton Library and Museum Services will observe the conditions set out in the Lender's Loan Out agreement.

In cases where the Lender does not specify conditions, Bolton Library and Museum Services will take the same care and precautions for the protection of the objects left in its care as it does for those in its permanent collections and will observe the standard conditions of its own Loan In agreement as a minimum.

Except in cases where Bolton Library and Museum Services is the organiser of a touring exhibition with multiple venues, Bolton Library and Museum Services will not assume responsibility for the transfer of loans between the lender and a third party. As current borrower, Bolton Library and Museum Services will facilitate object movement to a third party at the end of the loan period where necessary, but all such agreements should remain directly between the lender and the third party.

Should any loaned object be damaged, Bolton Library and Museum Services will inform the Lender immediately and provide a full report.

Bolton Library and Museum Services will return loaned objects to the Lender at the end of the period of loan in the manner specified in the loan agreement.

If the owner of an object has died since the object was loaned, the executor will be contacted (if known). If current legal ownership of the object is in any doubt, and/or authorized signatures are not obtainable, advice will be sought from Bolton Council's legal department.

If the original owner of a loaned object cannot be contacted, advice will be sought from Bolton Council's legal department, with a view to either acquiring the object or disposing of it. Any further action will only be undertaken after a period of due diligence, where reasonable efforts to trace the original owner have failed. Legal advice will be sought with regards to the Torts (interference with Goods) Act 1977 and the Local Government (Miscellaneous Provisions) Act 1982 before proceeding on either course of action.

7. Insurance

Insurance valuations for all objects being borrowed will be obtained and recorded on the loan agreement <u>before</u> the loan commences.

Loans In for which an up-to-date insurance valuation is provided by the lender and recorded on a loan agreement (signed by both parties) will be covered on an 'all-risks' basis by Bolton Council's Fine Art policy in the following named locations:

⇒ Bolton Museum
⇒ Hall i' th' Wood
⇒ Smithills Hall
⇒ Chadwick Resource Centre
⇒ Swan Lane Art Store
⇒ Community Libraries
⇒ Bolton Town Hall

The insurance of Loans In to be stored or displayed at locations other than those named above will be referred to the Insurance Officer by the Collections Access Officer responsible.

Bolton Council's Insurance Officer will be informed of any individual items on loan to Bolton Library and Museum Services that have an insurance value exceeding £5 million by the responsible Museum Access Officer

Wherever possible for Lons In, Bolton Library and Museum Services will transport the loan objects from and return them to the lender and insure them in transit.

If the lender specifies air-ride vehicles in their loan agreement or where the vehicle must meet Government Indemnity standards, Bolton Library and Museum Services will contract a specialist museum transport company to collect and return the loan objects.

Where the company M&G are used to transport the lender's objects, they will be covered by Bolton Library and Museum Services' Fine Art insurance policy. It is not necessary for a member of Bolton Library and Museum Services staff to accompany the objects.

Where any other art movers are used a member of Bolton Library and Museum Services staff will accompany the objects so that they are covered by the Fine Art policy.

Where a Bolton Council vehicle is used to transport the objects two members of Bolton Council staff will accompany the objects.

Under the terms of the Insurance policy Bolton Library and Museum Services staff may only transport loan objects in their own vehicles if their vehicle is insured for business use on their own motor policy. The objects must never be left unattended – two members of staff will accompany the objects on longer journeys or where the total insurance value of the objects exceeds £10,000

Where the objects have a total insurance value of over £10,000, they will always be accompanied by two members of Bolton Council staff.

The wording of the loan agreement is sufficient to confirm that insurance cover is in place. The Insurance Officer will therefore provide written confirmation of insurance arrangements to the lender on request only.

8. Security

A TMS Loans In record with a unique loan number will be created for each agreed loan in. This record will contain links to records in the Objects and Constituents modules. All loans information will therefore be accessible via the object's catalogue record and the borrower's details, as well as the loan number.

For full details of TMS database security please refer to *Cataloguing Policy Notes*.

All paper documentation relating to a loan will be filed by TMS loan number in an accessible location.

9. Data Protection Act 2018

It is necessary for name and address data to be recorded in the loan record as part of the contract between the museum and other parties. Access to personal information about living individuals held on the TMS system will be restricted. The processing of personal data will comply with the principles of the Data Protection Act 2018.

10. Monitoring and Review

Museum Access Officers, Collections, Archives, Local Studies & Aquarium, Team Leader: Museum Access, and the Senior Management Team are responsible for monitoring compliance with this policy.

The Policy will be subject to regular review, usually every 5 years or sooner in line with any new guidance that may be published.