

**BRITISH MUSEUM  
POLICY  
ON  
DE-ACCESSION OF REGISTERED ITEMS FROM THE COLLECTION**

**1. Preamble**

- 1.1** This policy covers all objects registered as part of the collection of the British Museum, whether they were acquired by purchase, gift or fieldwork. This Policy should be read alongside *The British Museum Policy on Acquisitions* and *The British Museum Policy on Storage, Conservation and Documentation*.

**2. Purpose**

- 2.1** This document sets out the policy of the Trustees of the British Museum on the exercise of their powers of de-accession from the Collection whether by sale, exchange, gift and other disposal (including disposal in response to any third party claim for the restitution or repatriation of an object in the Collection).

**3. The Legal Duty and Powers of the Trustees**

- 3.1** The British Museum Act 1963 ("the Act") is the governing instrument of the Trustees of the British Museum.
- 3.2** Objects vested in the Trustees as part of the Collection of the Museum shall not be disposed of by them otherwise than as provided by the Act<sup>1</sup>. Therefore the Trustees' power to de-accession objects from the Collection is limited and there is a strong legal presumption against it.
- 3.3** Decisions to dispose of objects comprised within the Collection cannot be made with the principal aim of generating funds though any eventual proceeds from such disposal must be used to add to the collection<sup>2</sup>. The Trustees do not have the power to sell, exchange, give away or otherwise dispose of any object vested in them and comprised in the Collection<sup>3</sup> unless -
- (a) the object is a duplicate of another object held in the collection, or
  - (b) in the opinion of the Trustees the object is unfit to be retained in the Collection and can be disposed of without detriment to the interests of the public or scholars<sup>4</sup>;
  - (c) it has become useless for the purposes of the Museum by reason of

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<sup>1</sup> ss 3(4) *ibid*

<sup>2</sup> Where an object has been acquired with the aid of an external funding organisation, any conditions attached to the original grant will be followed including the repayment of the grant if appropriate

<sup>3</sup> ss 3(4) *ibid*

<sup>4</sup> ss 5(1) *ibid* (nb: where an object has become vested in the Trustees by virtue of a gift or bequest these powers of disposal are not exercisable as respects that object in a manner inconsistent with any condition attached to the gift)

damage, physical deterioration, or infestation by destructive organisms<sup>5</sup>.

- 3.4 *Objects that are duplicates:* The Trustees do not normally de-accession duplicate objects from the Collection unless they are identical in all material respects (see 3.9 below).
- 3.5 *Objects that are "unfit":* The Trustees would not normally consider that an object that has been added to the Collection could be regarded as "unfit". Before concluding an object was unfit, the Trustees would have to be satisfied that it could be disposed of without detriment to the interests of students or the wider public.
- 3.6 *Human Remains:* The Trustees take the view that human remains which have been physically modified by a person working within a cultural context, or which form part of an archeological record illuminating other objects in the Collection, may be very important records and symbols of world cultures that should be retained in the Collection, provided they are kept carefully and sensitively, wherever possible, and are not knowingly displayed in a way that causes reasonable offence to any community with ancestral links with those remains<sup>6</sup>.
- 3.7 *National Museums and Galleries:* There exist limited powers<sup>7</sup> for the Trustees to transfer objects in the Collection, by way of sale, gift or exchange, to any of the listed institutions in the United Kingdom<sup>8</sup>.
- 3.8 *The charitable status of the Museum:* The Museum is an "exempt" charity<sup>9</sup> and the Trustees are therefore subject to the English trust and charity law and the supervision of the Attorney General/the Charity Commissioners in the exercise of their legal powers and duties.
- 3.9 *Procedures:* In those exceptional cases where the Museum is legally free to dispose of an item from the Collection, any decision to do so will be taken by the Board of Trustees only after full consideration of the merits of the case by reference to the principles set out above and on the basis of curatorial, legal and other appropriate advice and authority. Where there is an external claim for the de-accessioning of an object within the Collection, the Trustees shall regard de-accession as a last resort that will only be considered if they regard it as the only fair and sufficient response to the claim. Once a decision to dispose of an object from the Collection has been taken, the Trustees would normally expect that, in the absence of strong reason to the contrary, the object should be transferred to another institution within the public domain rather than to private individuals or organisations (particularly where there is a risk that the object will be reburied, disappear or be destroyed). Full records will be kept of all such decisions and the items involved and proper arrangements made for the preservation and/or transfer, as appropriate, of the documentation relating to the items concerned,

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<sup>5</sup> under ss5(2) *ibid*

<sup>6</sup> It is understood that when the Human Tissue Bill is enacted a paragraph will be added to section 5 (1) of the British Museum Act to empower the Trustees to dispose of human remains.

<sup>7</sup> s 6 Museums and Galleries Act 1992.

<sup>8</sup> Schedule 5, Museums and Galleries Act 1992

<sup>9</sup> see section 3(5) and Schedule 2 paragraph (p) Charities Act 1993

including photographic records where practicable.

- 3.10 Any object proven unfit for retention in this collection or other public collections shall be disposed of in a way that prevents it being rediscovered and mistakenly reinterpreted.

#### **4. Assurance**

In the annual assurance statement Keepers shall confirm that this policy is understood and implemented by the staff in their departments

#### **5. Review**

This Policy will be reviewed from time to time and at least once every five years. In the event that significant changes to the Policy are made, every reasonable effort will be made to notify stakeholders, including the Council for Museums, Libraries and Archives.

*This Policy was approved by the Trustees of the British Museum in 26 March 2004 and will be reviewed no later than 2009.*