

ART MARKET REGULATIONS
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Table of Contents

I.	Introduction	2
II.	Laws and regulations aimed (directly or indirectly) at the art trade	2
	A. International Law	2
	B. EU Law	2
	C. English Law.....	3
III.	Laws and regulations directly applicable to the art trade (auction houses, art galleries and art dealers)	3
	A. International Law	3
	B. EU Law	3
	C. English Law.....	4
IV.	Laws and regulations applicable to archaeology and wrecks	5
	A. International Law	5
	B. English Law.....	5
	C. Codes of conduct	6
V.	Art trade self-regulation	6
VI.	Laws and regulations applicable to the not-for profit sector (museums, libraries, charities and trusts)	6
	A. English Law.....	6
	B. Codes of conduct and due diligence policies (examples)	7

I. Introduction

This document lists 167 laws and regulations currently in force (February 2015) applicable to the British art market in England and Wales. Each sub-section lists instruments of international law, EU law, English law and where applicable, codes of conduct.

The list is not comprehensive. In particular, it does not include foreign laws that may apply, depending on the location of the art assets or the territorial scope of activity of British art market professionals outside England and Wales.

We have not included in the list laws and regulations governing the conduct of business generally, and laws and regulations which, in our opinion, have only a minor impact on the British art market.

Whenever possible, we have set the title of the statutory instrument or code as a hyperlink. The link can be seen by hovering the cursor over the title.

II. Laws and regulations aimed (directly or indirectly) at the art trade

A. International Law

- UNESCO, [Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property](#), 1970
- UNIDROIT, [Convention on Stolen or Illegally Exported Cultural Objects](#), 1995
- Council of Europe, [Resolution 1205 on looted Jewish cultural property](#), 1999
- Council of Europe, [European Convention on Offences relating to Cultural Property](#), 1985
- Council of Europe, [European Cultural Convention](#), 1954
- [Washington Conference Principles on Nazi-Confiscated Art](#), 1998
- [Inter-Allied Declaration against Acts of Dispossession committed in Territories under Enemy Occupation and Control](#), 1943
- UNESCO, [Convention concerning the Protection of the World Cultural and Natural Heritage](#), 1972
- UNESCO, [Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention](#) with [First Protocol](#) and [Second Protocol](#), 1954
- CITES, [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#), 1973 (as amended in 1979)

B. EU Law

- [Regulation \(EC\) No 116/2009 on the export of cultural goods](#)
- [Regulation \(EU\) No 1081/2012 for the purposes of Council Regulation \(EC\) No 116/2009 on the export of cultural goods \(codification\)](#)
- [Regulation \(EEC\) No 2913/92 establishing the Community Customs Code](#)
- [Regulation \(EEC\) No 2454/93 laying down provisions for the implementation of Council Regulation \(EEC\) No 2913/92 establishing the Community Customs Code](#)
- [Regulation No 1332/2013 amending Regulation \(EU\) No 36/2012 concerning restrictive measures in view of the situation in Syria](#)
- [Regulation \(EC\) No 1210/2003 concerning certain specific restrictions on economic and financial](#)

relations with Iraq

- Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and amending acts
- Terezin Declaration, 2009 and Joint Declaration of the European Commission and the Czech EU Presidency, 2009

C. English Law

- Artist's Resale Rights Regulations 2006
- Dealing in Cultural Objects (Offences) Act 2003
- Return of Cultural Objects Regulations 1994
- Sale of Goods Act 1979 (as amended)
- The Auctions (Bidding Agreement) Acts 1927 and 1969
- Control of Trade in Endangered Species (Enforcement) (Amendment) Regulations 2005, 2007 and 2009
- Control of Trade in Endangered Species (Enforcement) Regulations 1997
- Export Control (Syria Sanctions) (Amendment) Order 2014
- Export Control (Syria Sanctions) Order 2013
- Export Control Order 2008 (SI 2008/3231)
- Export of Objects of Cultural Interest (Control) (Amendment) Order 2009/2164
- Export of Objects of Cultural Interest (Control) Order 2003/2759
- Iraq (United Nations Sanctions) (Amendment) Order 2011
- Iraq (United Nations Sanctions) Order 2003
- Open General Export Licence (Objects of Cultural Interest) 2004
- Protection of Cultural Objects on Loan (Publication and Provision of Information) Regulations 2008
- Value Added Tax Act 1994
- Tribunals, Courts and Enforcement Act 2007

III. Laws and regulations directly applicable to the art trade (auction houses, art galleries and art dealers)

A. International Law

- WIPO, Berne Convention for the Protection of Literary and Artistic Works (as amended), 1979
- UN, Convention on Contracts for the International Sale of Goods (CISG), 1980
- Council of Europe, European Convention on Human Rights (as amended), 1950

B. EU Law

- Regulation (EC) No 593/2008 on the law applicable to contractual obligations (Rome I) and Regulation No 864/2007 on the law applicable to non-contractual obligations (Rome II)
- Regulation No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil

and commercial matters (recast)

- Treaty on the Functioning of the European Union (TFEU), Articles 101 and 102 (competition law)
- Regulation No 1/2003 on the implementation of the rules on competition laid down in Articles 101 and 102 TFEU (Modernisation Regulation)
- Regulation (EU) No 731/2010 of 11 August 2010 concerning the classification of certain goods in the Combined Nomenclature

C. English Law

- Bill of Sale Act (1878); Amendment 1882
- Bribery Act 2010
- Competition Act 1998
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
- Consumer Insurance (Disclosure and Representations) Act 2012
- Consumer Protection from Unfair Trading Regulations 2008
- Contracts (Rights of Third Parties) Act 1999
- Copyright, Designs, and Patents Act 1988
- Copyright and Related Rights Regulations 1996 and 2003
- Copyright and Rights in Performances (Certain Permitted Uses of Orphan Works) Regulations 2014 and Copyright and Rights in Performances (Licensing of Orphan Works) Regulations 2014
- Copyright and Rights in Performances (Quotation and Parody) Regulations 2014
- Copyright and Rights in Performances (Research, Education, Libraries and Archives) Regulations 2014
- Copyright, etc. and Trade Marks (Offences and Enforcement) Act 2002
- Customs and Excise Management Act 1979
- Data Protection Act 1998
- Defamation Act 1996 and 2013
- Electronic Commerce Regulation 2002
- Embargoes and sanctions on: Armenia, Azerbaijan, Burma, China, Democratic People's Republic of Korea (North Korea), Eritrea, Iran, Ivory Coast, Lebanon, Liberia, Libya, Sierra Leone, Somalia, South Sudan, Sudan, Syria, Democratic Republic of Congo, Republic of Guinea, West African States, Zimbabwe
- Enterprise Act 2002
- Enterprise and Regulatory Reform Act 2013
- Export Control Act 2002
- Factors Act 1889
- Finance Act 2008 and 2012
- Firearms Act 1968 and 1982
- Limitation Act 1980

- [Foreign Limitations Period Act 1984](#)
- [Fraud Act 2006](#)
- [Freedom of Information Act 2000](#)
- [Human Rights Act 1998](#)
- [Income Tax Act 2007](#)
- [Inheritance Tax Act 1984](#)
- [Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003](#)
- [Misrepresentation Act 1967](#)
- [Money Laundering Regulations 2007](#)
- [Obscene Publications Acts 1959 and 1964](#)
- [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)
- [Police \(Property\) Act 1897 and 1997](#)
- [Proceeds of Crime Act 2002](#)
- [Sale and Supply of Goods to Consumers Regulations 2002](#)
- [Taxation of Chargeable Gains Act 1992](#)
- [Theft Act 1968](#)
- [Torts \(Interference with Goods\) Act 1977](#)
- [Trade Descriptions Act 1968](#)
- [Unfair Contract Terms Act 1977](#)
- [Unfair Terms in Consumer Contracts Regulations 1999 \(UTCCRs\)](#)
- [Consumer Credit Act 1974](#) (as amended by the [Consumer Credit Act 2006](#)) and other associated statutory instruments and orders
- [Financial Services and Markets Act 2000](#) and other associated statutory instruments and orders
- [Furniture and Furnishings \(Fire\) \(Safety\) Regulations 1988 as amended in 1989 and 1993](#)
- [Forgery and Counterfeiting Act 1981](#)

IV. Laws and regulations applicable to archaeology and wrecks

A. International Law

- Council of Europe, [European Convention on the Protection of the Archaeological Heritage \(the Valetta Treaty or the Malta Convention\)](#), 1992
- ICOMOS, [Charter for the Protection and Management of the Underwater Cultural Heritage](#), 1996
- UNESCO, [Convention on the Protection of the Underwater Cultural Heritage](#), 2001

B. English Law

- [Treasure Act 1996](#)
- [Treasure \(Designation\) Order 2002](#)

- [Historic Buildings and Ancient Monuments Act 1953](#)
- [Historic Monuments and Archaeological Objects \(Northern Ireland\) Order 1995](#)
- [Merchant Shipping Act 1995](#)
- [Protection of Wrecks Act 1973](#)
- [Ancient Monuments and Archaeological Areas Act 1979](#)
- [Burial Act 1857](#)
- [Disused Burial Grounds \(Amendment\) Act 1981](#)
- [Town and Country Planning \(Churches, Places of Religious Worship and Burial Grounds\) Regulations 1950](#)
- [Protection of Military Remains Act 1986](#)

C. Codes of conduct

- AAMD, [New Report on Acquisition of Archaeological Materials And Ancient Art](#)
- DCMS, [Treasure Act 1996 Code of Practice \(2nd Revision\)](#)

V. Art trade self-regulation

- BAMF, [Anti-Money Laundering and Financial Crime](#), 2000
- CINOA, The International Federation of Art and Antique Dealer Association, [Code of Ethics](#)
- BADA, The British Antique Dealers' Association, [Obligations of Membership](#)
- LAPADA, The Association of Art and Antiques Dealers, [Code of Practice](#)
- SOFAA, Society of Fine Art Auctioneers and Valuers, [Guidance Notes for Good Practice](#)
- Antiquarian Bookseller's Association, [Code of Practice](#)
- Antiques Dealers Association, [Code of Conduct](#)
- International Association of Dealers in Ancient Art, [Code of Ethics](#)
- Association of International Antiques Dealers, [Code of Conduct](#)
- UK Institute of Conservation, [Professional Guidelines](#)
- UNESCO, [International Code of Ethics for Dealers in Cultural Property](#)

VI. Laws and regulations applicable to the not-for profit sector (museums, libraries, charities and trusts)

A. English Law

- [Charities Act 2006](#) and [2011](#)
- [British Library Act 1972](#)
- [British Museum Act 1963](#)
- [Museums and Galleries Act 1992](#)
- [Historic Buildings and Ancient Monuments Act 1953](#)

- [Holocaust \(Return of Cultural Objects\) Act 2009](#)
- [Imperial War Museum Act 1955](#)
- [Literary and Scientific Institutions Act 1854](#)
- [Museum of London Act 1965](#)
- [National Heritage \(Scotland\) Act 1985](#)
- [National Heritage Act 1980](#) (including the [Government Indemnity Scheme](#)), [1983](#), [1997](#) and [2002](#)
- [National Maritime Museum Act 1989](#)
- [Public Libraries and Museums Act 1964](#)
- [Wellington Museum Act 1947](#)
- [Recognition of Trusts Act 1987](#)
- [Trustee Act 2000](#)

B. Codes of conduct and due diligence policies (examples)

- [British Museum Policy on Acquisitions](#)
- DCMS, [Due Diligence Guidelines for Museums, Libraries and Archives on Collecting and Borrowing Cultural Material: Combating the Illicit Trade](#) and [Applications for approval from museums and galleries in England](#)
- DCMS, [Guidance for the Care of Human Remains in Museums](#)
- ICOM, [Code of Ethics for Museums](#)
- ICOM, [International Council of Museums Code of Ethics for Museums](#)
- [Museums Association Code of Ethics for Museums](#)
- [Museums Association Ethical Guidelines on Acquisition](#)
- [National Museum Directors Conference Statement of Principles and Proposed Actions on the Spoliation of Works of Art during the Holocaust and World War II period](#)
- [National Portrait Gallery Acquisition and disposal policy](#)
- [National Portrait Gallery Due Diligence Policy](#)
- [Tate Due Diligence Policy](#)
- [V&A Due Diligence Policy for Works of Art and Cultural Objects for loan](#)

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