

Brexit, Cultural Heritage and Art loans

European Registrars Conference 2018

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The current situation – an agreement to agree

- The EU background – Art 167 of the Lisbon Treaty
- ‘The Union shall contribute to the flowering of the cultures of the Member States’, action shall be aimed at supporting “non-commercial cultural exchanges”
- The network of European Museum Organisations
- Financial support – is there a ‘multiplier’ effect?

Specific legal issues

- Costs, export/import requirements, transport delays, employees, health insurance

The legal doctrine of frustration

- *Taylor v Caldwell* (1863)
- The Le Reve painting – *Art, Antiquity & Law*, XII, 171 (2007)
- *Amalgamated Investment v John Walker* (1977)
- *Force majeure* clauses

What can be done to manage these difficulties?

- A different take on the Irish dimension
- Currency fluctuation

Creating a Different Approach

- Loans and joint ownership
- Purchase by France and Netherlands of two Rembrandts 2016