

Appendix 1 – Updates to the Chipperfield Scheme

The following table sets out the proposed changes to the Chipperfield Scheme (which has not been updated since 1930). Some changes can be addressed under the Charities Act 2011 s 280 – others need to be agreed with the external adviser. All s 280 changes will need to be agreed with the National Adviser and formal written consent given by the National Adviser

Area	Existing	Proposed change	Authority	Note	Involvement of National Adviser
Title Clause 1	Chipperfield Art Gallery and School of Art	Chipperfield Bequest (Art Gallery)	s.280		Yes
Governance	No direction on splitting role of councillors when they act as trustees within scheme	Address need for clear distinction between councillors as councillors and as trustees- procedures need to be put in place to manage conflict of interest between council's corporate objectives and that of charity trustee	SCC but liaise with Charity Commission (CC)	Options for preferred governance model to be considered by trustees	National Advisor would like to be kept updated
Admin provisions Clause 5	Scheme precludes charging	Ability to charge for access to exhibitions including those including Chipperfield works	s.280	Chipperfield had thought the bequest would cover expenses such as repair, maintenance and insurance but is not sufficient.	No
3 rd party rights	Scheme appointed Director of National Gallery as external adviser	SCC seek to appoint Tate as national adviser – this can only be amended with written consent of Director of National Gallery	NG formal consent and then s.280	CC would remove NG after receipt of formal consent and appoint the Tate instead	Yes

Display of works Clauses 7, 10(i)	NG – approval for selection of works for display and approval for removing works from display	Remove this role completely or advise Tate rather than seek approval	Consent under s.280		Tate could agree this charge to scheme. This is theoretical and not a procedure followed now
Acquisition by all means 10 (ii)	No work to be acquired by purchase, exchange, loan or to be lent without NG advice	-Continue to proceed with advise of Tate for acquisitions but not loans -temporary loans to gallery– remove need for Tate advice -temporary loans out – no advice needed for loans to other galleries for exhibition -loans out on art lease – either no advice from Tate required or notify Tate of works available for this scheme on an annual basis	Consent under s.280		Yes. Could be a two tier system higher tier for purchase and lower tier for other means of acquisition. Loans out situation (for non accredited galleries) and procedure for art lease.
Payment of adviser 10 (iii)	£50 to pay NG p.a. if needed	Generally no payment but in exceptional cases (perhaps where Tate itself needed to incur costs) do so but with Trustees prior approval for the sum required	Consent under s.280	Up to say £1000 – thereafter with consent of trustees	Tate suggest travel expenses and other out of pocket expenses could be picked up by trust funds. Continue payment (to a higher thresh hold) for additional external advice.

Managing the collection – acquisition and disposal 9(a)	NG – national adviser advice to purchase and otherwise acquire work and legacies to augment the charity	Tate – same role, but in relation to acquisition discuss with Tate the degree to which they wish to be involved i.e. just new contemporary work or all works offered to the collection	Consent under s.280		A core role - Again a 2 tier approach higher tier all acquisitions by purchase and lower tier acquisition through non purchase
9(b) sell or exchange works	National adviser gives expert advice re same	Tate - same	Consent under s.280		No policy decision i.e. to sell but advise on selection
Seek other expert opinion 9(c)	External advice re queries re exhibition, preservation, restoration taken as report to trustees	Same but ability to pay for same from Trust funds	Consent under s.280		No
Potential Disputes Clauses 10	The scheme directs advice of national adviser be sought	No direction currently on where that advice is offered but where trustees may not wish to follow it			Tate all policy decisions are trustees of Chipperfield; Tate interested to see model; Tate’s main role around acquisitions