

WORCESTERSHIRE RECORD OFFICE**POLICY STATEMENT ON TERMS OF DEPOSIT**

Records accrue either officially under the terms of a variety of enactments and regulations or as gifts or loans from private organisations or individuals.

The system of 'long term' or 'indefinite' loan of record collections has been the most common basis for deposit of private material.

Statutory Deposit

The current state of archival legislation is conveniently summarised in a Society of Archivists' Information Leaflet 'Archive Legislation in the United Kingdom'.

Such deposits include those made under the Public Records Acts; those of local authority records; ecclesiastical records of the Church of England under the Parochial Registers and Records Measure; and, to an extent, tithe and manorial records under the Manorial Documents Rules and the Tithe (Copies of Instruments of Apportionment) Rules.

Many statutory deposits are mandatory on the County Council, but it is important to stress that with others there is an element of discretion. The Headquarters branch of the Record Office is a recognised place of local deposit for public records, recognised by the Lord Chancellor. The parties to the agreement are at liberty to withdraw from it, and the County Archivist can refuse to accept transfers if he is not convinced of their historical value and relevance. Similarly the agreement to care for the records of the Diocese of Worcester is a non-statutory one, but one which has many mutual advantages.

Private deposits

The Office normally is prepared to receive material either as a gift or on loan.

Gifts

The Record Office normally seeks to encourage deposit as an outright gift or, failing that, as a deposit to be willed to the Office on the death of the owner. Where the donor also owns the copyright this should pass to the Office as well. Gifts with conditions attached need to be assessed on their individual merits, but would in general be discouraged as the Office does not wish to hold material covered by access restrictions which cannot be shown to be reasonable, desirable or sustainable.

It must be recognised that the Record Office is unlikely to acquire as outright gifts certain collections which it would be most beneficial to the County to have available in a local public collection. Examples are organisations such as the free churches or other bodies which would not wish to bind their successors in Office.

To enable the County Archivist the scope to acquire valuable collections which are unlikely to be donated outright all future loans must be made on the basis of clear written agreements.

Short-term loans may be considered by the Record Office, on specific agreed terms. In this case, however, where there would be no long-term benefit to the community, a charge may be made for the short-term care of the records.

Purchase

The Office purchases records at its discretion using the procedures currently in force. It does not at present wish to see a significant increase in such activity, and is aware of the distortion a market in archives can create in the availability and location of material.

In general, care will be taken to explain the implications of any arrangement to accept a deposit in order to ensure that it is clearly understood by all parties concerned, and is recorded for future reference. In all cases the Office seeks to satisfy itself as to the transferor's right or title in the documents concerned, but ultimately cannot be the arbiter of this, which is a matter for the Courts.

Any variation to terms of deposit will not be retrospective.

POLICY STATEMENT: private deposits will normally be accepted only on the basis of outright gift with transfer of copyright if necessary; but if the County Archivist considers the nature and importance of a collection to warrant it, he may receive material on loan on specific written terms of agreement, approved by the Head of Legal Services, such terms to be broadly similar to those outlined in the Society of Archivists' paper The Transfer of Private Papers to Repositories.

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