

REGULATIONS GOVERNING GIFTS AND BEQUESTS OF RECORDS TO, AND DEPOSITS OF RECORDS IN, THE BERKSHIRE RECORD OFFICE

Introduction

- 1 The County Record Office accepts records of public and local interest for care and preservation and the use of the public. Any records, regardless of age, condition or extent, which contain useful information relating to any aspect of past or present life, particularly though not exclusively in the county, are always welcome. Sources of such records may include local authorities, institutions and societies, churches, schools, estates, industrial or commercial firms, solicitors, land agents, private families or individuals.

Statutory Powers

- 2 The County Record Office is :
 - (1) The authorised repository for the official records of the Royal County of Berkshire (hereinafter called “The County Council”) and the District and Parish Councils within the Royal County under the terms of the Local Government Act 1972.
 - (2) Designated by the Lord Chancellor as a local repository for certain classes of public records (ie the records of central government and its local agencies) under the terms of the Public Records Acts 1958 and 1967.
 - (3) Approved by the Master of the Rolls for the deposit of manorial and tithe records under the terms of the Law of Property Act 1922 and the Tithe Act 1936 as amended by the Local Government (Records) Act 1962.
 - (4) Designated by the Bishop of Oxford as the diocesan archives repository for archidiaconal and parochial records within the archdeaconry of Berkshire under the terms of the Parochial Registers and Records Measure 1978.
 - (5) Empowered under the terms of the Local Government (Records) Act 1962 to purchase records, to accept gifts or bequests of records, or to accept on loan from any source not covered by sections 2 (1) - (4) above.

Depositors

- 3 In these Regulations the term ‘depositor(s)’ shall also be deemed to mean his (their) heirs at law.

Gifts and bequests

- 4 Records may be given or bequeathed to the Berkshire Record Office, the ownership of the records being thereby transferred from the donor to the County Council, Gifts or bequests are the most satisfactory method of preserving records for posterity and making them available for consultation and research.

Deposit

- 5 Subject to these regulations, records may be deposited in the Berkshire Record Office, ownership being thereby retained by the depositor(s) and his/their heirs at law, under the following conditions :
 - (1) Records must normally be deposited for a period of not less than twenty years, except that they may be withdrawn temporarily within that period if required as evidence in a legal action.
 - (2) The County Archivist reserves the right to return to the depositor(s) any documents deemed to be of no historical interest, or to destroy the same with the consent of the depositor(s).
 - (3) The depositor(s) must sign an appropriate form of agreement.
- 6 It shall be possible at any time to convert a deposit into a gift or bequest at the discretion of the depositor(s).
- 7 In certain circumstances records may be deposited temporarily in the Berkshire Record Office for a period of less than twenty years, but such deposits shall be at the absolute discretion of the County Archivist.
- 8 The conditions under which all records shall be stored in the Berkshire Record Office shall be at no lower standard than those considered acceptable for the storage of the County Council's own records. As far as is possible adequate precautions are taken against damp, fire, vermin and illegal access but under no circumstances will the County Council hold itself responsible should records be damaged, lost or stolen.
- 9 All records may be photographed or microfilmed for security or research purposes. Copyright and ownership of such photographs or microforms shall remain vested in the County Council at all times. In order to protect original records the County Archivist may require members of the public to study available photographic or microform copies.
- 10 No copy of a deposited record shall be made for publication or for commercial purposes without the approval of the depositor being obtained in every case, unless the depositor cannot be found after all reasonable steps have been taken to trace him.
- 11 Necessary conservation and repair work on records may be undertaken when considered appropriate by the County Archivist. The County Archivist shall have the right to withhold public access to records which are in a fragile condition until such time as the necessary conservation work on these records has been completed.

Listing

- 12 All records placed in the Berkshire Record office will be listed from time to time according to the practices then current in the Office, and copies of all such lists will be provided free of charge to depositors and to other individuals and organisations as appropriate. In addition to such lists, which may take some time to prepare, depositors will be given a receipt for their deposit(s) which will include a brief description of the records deposited.

- 13 In the preparation of lists, calendars, indexes and other finding aids the extent of the work to be undertaken shall be at the absolute discretion of the County Archivist. The copyright of all such lists, calendars, indexes or other finding aids made, commissioned or undertaken by the County Council in respect of any records shall be vested absolutely in the County Council, which is free to publish such finding aids.

Access

- 14 Records more than thirty years old are generally available to the public under supervision in the Record Office in accordance with the regulations for the use of the searchroom. Access may be granted to records less than thirty years old as a result of statutory provision or at the discretion of the depositor(s). Depositor(s) may also, after consultation with the County Archivist require additional restrictions to be placed on access to deposited records.
- 15 Records are available to the public free of charge.
- 16 Subject to the terms of the Copyright Act 1956 reproductions of records may be provided for members of the public for the purposes of private study and research only, at the discretion of the County Archivist. Further copies may not be made from such reproductions without the permission of the County Archivist.
- 17 Records may be removed from the County Record Office for the purposes of exhibitions, lectures or other appropriate uses at the discretion of the County Archivist and with proper provision for the security of the records. Where the removal of deposited records from the Record Office for a period of more than three months is contemplated the County Archivist shall obtain the written consent of the depositor(s) to the proposed arrangements.
- 18 Records may be transferred for a limited period to another recognised repository for the purposes of study at the discretion of the County Archivist.
- 19 Any request for the production of a deposited record for official or legal purposes shall be notified to the depositor.

Withdrawal of deposited records

- 20 Records deposited in the Berkshire Record Office under the provisions of paragraph 5 above may after ten years be withdrawn temporarily by the depositor for a period not exceeding three months, thereafter renewable for further periods not exceeding three months at the discretion of the County Archivist. Such a withdrawal shall require a minimum period of notice of one month.
- 21 Records deposited in the Berkshire Record Office under the provisions of paragraph 5 above may be withdrawn permanently from the custody of the County Council under the following conditions to be operated by the County Council at its discretion.
- (a) Any request for such withdrawal shall be submitted to the County Archivist in writing and not less than three month's notice of intention to withdraw shall be given.
- (b) The County Council may demand that the depositor shall pay the cost of conservation and repair work previously undertaken by Record Office on the records to be withdrawn.

- (c) The County Council may demand that the depositor(s) shall supply or pay for the making of a microfilm or photographic copy of an approved standard of the records withdrawn.
- (d) Where records are withdrawn for sale by the depositor(s) the County Council may demand the option to purchase the records for a sum to be agreed after an independent valuation of the records.

Ownership of deposited records

- 22 It is the responsibility of the depositor(s) to notify the County Archivist of any change of address or any change in title to the records. Communications relating to the records will be sent to the depositor(s) or his agent(s) at his last known address. In the event of these communications being returned or unacknowledged and after the lapse of twelve years the liability of the County Archivist to communicate with the depositor(s) will be deemed to have been discharged and the ownership of the records will be deemed to have passed to the County Council.
- 23 Where requests are made for the withdrawal of deposited records under the provisions of sections 20 or 21 above the person requesting withdrawal must be able to prove title to the records or where the withdrawal is requested by an agent, the same must be duly authorised by a person able to prove title to the records.

Application of these Rules

- 24 These rules shall apply to records deposited after 1 January 1985.