

Cheshire Archives & Local Studies

Terms of Deposit

Cheshire Archives and Local Studies Service, hereafter referred to as 'the Service', is a shared service for Cheshire West and Chester Council and Cheshire East Council which locates, collects and preserves official and private records relating to the history of Cheshire which fall within the remit of its collection policy. It also provides an archives service to Warrington Borough Council and Halton Borough Council. By means of its public services the Service makes these records accessible to people under secure, supervised conditions.

Legislative background

With regard to the custody of records the Service exercises powers received under the Public Records Act 1958, the Local Government (Records) Act 1962, the Local Government Act 1972 (ss.224-9) and the Copyright Designs and Patents Act 1988.

Terms

Records can be received by: purchase; gift, whereby the owner donates ownership, control and all rights to the documents to Cheshire West and Chester Council; temporary deposit for a fixed time and a specific purpose (for example, copying); indefinite deposit for an unspecified length of time.

The following conditions apply to records on temporary or indefinite deposit.

Ownership

1. The placing of records in the custody of the Service does not affect ownership of the records.
2. The owner is responsible for notifying the Service of any change of address or ownership. Communications relating to deposited documents will be sent to the owner's last known address.

Insurance

3. Deposited records are covered against all reasonable costs arising from their repair or restoration after damage from whatever cause while in the Service's custody. In the event of damage by fire, this cover is provided by the Council's fire insurance policies; in the event of damage from any other cause whether accidental or deliberate, cover is provided by the Council's own internal arrangements. However, in the event of total loss, from whatever cause, where repair or replacement is impossible the councils can offer no compensation.

Appraisal

4. The Service reserves the right to return to the owner any records which fall outside the terms of the Service's collection policy, or, with the consent of the owner, either to transfer them to a more suitable repository or to destroy them.

Preservation

5. The records will be stored in conditions not less favourable than those considered acceptable for the storage of the Council's own records.
6. The records will undergo such conservation and repair as is deemed necessary by the County Archivist. Records in a fragile condition will be withheld from public access.
7. Records may be numbered in pencil with a reference code for their own safety and for purposes of identification.
8. Digital records will be copied, migrated and distributed in whichever ways are deemed most suitable by the Service for their long term preservation.

Cataloguing

9. The records will be catalogued and indexed in accordance with current archival standards as part of the Service's ongoing programme. A copy of the catalogue will be supplied to the owner and to other bodies as appropriate. The catalogue will be made available online.
10. Copies of records may be incorporated within databases maintained by the Service, including the online catalogue.

Access

11. Records are normally open for public inspection free of charge in the Record Office's public Searchroom in accordance with the Service's rules for the public use of records.
12. Owners may negotiate conditions of access with the Service provided that unrestricted access after the negotiated period is allowed, subject to any legal constraints.
13. Any production of records in association with any legal proceedings will be notified to the owner, whose permission for production of the records in court, if necessary, will be sought.
14. Records may be temporarily removed from the Record Office for purposes of exhibition or other valid reason on the authority of the County Archivist.
15. Access to records is provided in accordance with the terms of the Data Protection Act 1998 and the Freedom of Information Act 2000.

Reproduction and copyright

16. The gift or deposit of records with the Service does not necessarily mean that copyright also passes to the Service.
17. The Service may provide copies of records to the public, in accordance with current copyright legislation, and if the physical state of the records permits it.
18. The Service may reproduce records for the purposes of improving access and for use in exhibitions and publications, including the service's websites, subject to copyright provisions.
19. Copyright in all catalogues and finding aids remains with the Service.

Withdrawal

20. Documents on temporary deposit will be returned to the owner at the end of a mutually agreed period of time unless the owner decides to place them on indefinite deposit.
21. The owner, or duly appointed agent, may permanently withdraw deposited records at any time after giving two months notice. During this period of notice the archive service reserves the right to copy the records in order to make the copies available for research.
22. The owner may temporarily withdraw records for exhibition or administrative purposes. *The Service has guidelines for the removal and exhibition of Parish or School records, and in such circumstances will offer advice on security and conservation. The archive service encourages the use of its display cases and can supply suitable facsimiles as an alternative.*
23. An owner withdrawing records permanently may be required to contribute towards the cost invested by the Service in the collection's storage, conservation and cataloguing.
24. Where records are withdrawn for sale the Service requires the first option to purchase the collection.
25. Clauses 19-23 will not apply to deposited digital records, although copies of digital records can be generally provided to depositors for administrative purposes.

Please contact:

Cheshire Archives & Local Studies
Cheshire Record Office, Duke Street, Chester CH1 1RL
Tel: 01244 972574
Email: recordoffice@cheshiresharedservices.gov.uk
Visit: <http://archives.cheshire.gov.uk>



The Government Standard