

TERMS GOVERNING GIFTS AND BEQUESTS OF ARCHIVES TO, AND DEPOSITS WITH, THE JERSEY HERITAGE TRUST

This document sets out the standard terms on which archive material is held by the Jersey Heritage Trust. Any owner or depositor wishing to vary particular clauses is invited to discuss them with the Head of Archives and Collections.

Introduction

1. The Jersey Heritage Trust accepts public and private records that are judged to be of permanent or historical value for care and preservation and for the use of the public. The Trust welcomes the opportunity to consider for acceptance any records, regardless of age, physical format, condition or extent, which relate to the past or present life of Jersey or whose origins are closely connected with Jersey. (Full details of our Acquisition Policy are available on request).

Authority of the Jersey Heritage Trust

- 2.1 On 16 March 1982, the States of Jersey adopted a Law granting an Act of Incorporation to the Jersey Heritage Trust. The law received Royal Sanction on 18 May 1983 and was registered in the Royal Court on 3 June 1983 (L.7/83). A new Constitution for the Trust was approved by the States of Jersey on 25 May 1999. The responsibility for the Trust was formerly transferred from the Finance and Economics Committee to the Department of Education Sport and Culture on 18 June 2003.
- 2.2 On 27 October 1992, the States of Jersey unanimously approved the proposition of the Policy and Resources Committee, P99/92, that an archives service for Jersey should be established by Jersey Heritage Trust.
- 2.3 The Trust delegates to the Head of the Archives powers to manage the service, to negotiate independently with all owners and transferors of records, and to develop and implement policy under the Trust's direction.
- 2.4 Public Records legislation was enacted by the States of Jersey on 10 September 2002 and became law on 1 August 2003 appointing the Jersey Heritage Trust as custodian of public records and the Archivist as responsible for the selection and preservation of such records.

Authority of the donor/depositor

3. The Jersey Heritage Trust accepts in good faith that the donor or depositor is the owner of the records or has the right or authority to transfer ownership or deposit the records.

Gifts and bequests

- 4.1 Records may be given as gifts or bequeathed to the Jersey Heritage Trust, the ownership of the records thereby being transferred from the donor to the Trust in perpetuity.
- 4.2 In the case of receiverships and liquidations it should be recognised that the institution has ceased to exist and that the receiver or liquidator has *de facto* gifted the records to the Jersey Heritage Trust and that this action should be minuted by the receiver or liquidator.
- 4.3 The Jersey Heritage Trust guarantees that no accessioned archive material given as gifts or bequeathed to the Trust will ever be offered for sale, unless specific permission to do so is given by the donor. However the Trust retains the right to dispose of any bequests which do not fall under the Jersey Archive Acquisition Policy at the discretion of the Head of Archives and Collections.

Deposit or long-term loan

5. Archives may be deposited on loan with the Jersey Heritage Trust for an indefinite period, whereby ownership of the records remains with the depositor(s) and his/her/their heirs at law, under the following conditions:
 - 5.1 Records may be withdrawn from the custody of the Jersey Heritage Trust, provided that sufficient notice and written authorisation from the depositor(s) are given and that the conditions as specified in paragraph 27 are met.
 - 5.2 Records should normally be deposited for a period of not less than twenty years, except that they may be withdrawn temporarily within that period as specified in paragraph 26 below.
 - 5.3 The Head of Archives and Collections 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 written consent of the depositor(s).
 - 5.4 The Head of Archives and Collections reserves the right to suggest a more appropriate place of deposit for material falling outside the Archive Acquisition Policy of the Jersey Heritage Trust
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. By deposit, the depositor(s) have commenced a relationship with the Jersey Heritage Trust and therefore any future deposits should be offered to the Trust in the first instance.
8. In certain circumstances archives may be temporarily deposited with the Jersey Heritage Trust for a period of less than twenty years, but such

deposits shall be at the absolute discretion of the Head of Archives and Collections and according to such arrangements as shall be individually determined between the Head of Archives and Collections and the depositor(s).

Preservation

9. The Jersey Heritage Trust will house the archives securely at the Jersey Archive in conditions which, as far as possible, conform with BS 5454 *Standards for the storage and exhibition of archival documents*. All possible adequate precautions will be taken against damp, fire, flood, vermin and illegal access, but under no circumstances will the Jersey Heritage Trust hold itself liable should records be damaged, lost or stolen.
10. Where damage to a record occurs, the Head of Archives and Collections will at her/his discretion instruct preservation and restoration on such records within resources that exist at the time. The Jersey Heritage Trust is insured for up to £1,000,000 (one million pounds) to meet the cost of restoration of records damaged during a single insurable event.
11. All records may be copied for the purposes of preservation and security with the consent of the depositor(s). Copyright and ownership of such copies shall remain vested in the Jersey Heritage Trust at all times.
12. In order to protect original records the Head of Archives and Collections may require members of the public to study available copies.
13. All records may be marked with a finding reference for their own safety and identification.
14. An up-to-date disaster plan for the safety and salvage of records will be maintained.
15. Whilst deposited records are in the custody of the Jersey Heritage Trust every reasonable precaution will be taken to ensure the physical safety of the documents and that access to the records is adequately supervised and controlled in accordance with the wishes of the depositor(s). However the Trust can accept no liability for any loss, damage or theft, howsoever arising, suffered by documents whilst in store, during periods of access or when temporarily withdrawn.
16. Necessary conservation work on the archives may be undertaken when considered appropriate and practical by the Head of Archives and Collections. This work will be carried out using recognised professional techniques. The Head of Archives and Collections has the right to refuse public access to material that is in a fragile condition until such time as the necessary conservation work has been completed.

Cataloguing

17. All archives held by the Jersey Heritage Trust will be arranged, catalogued and indexed, as appropriate, according to current professional practices and

standards. The catalogues will be made available for the use of researchers both at the Jersey Archive and other Jersey Heritage Trust sites and world wide via the Internet. A paper copy of a collection catalogue will be provided free of charge to donors, depositors and other appropriate individuals and organisations. In addition to such catalogues, which may take some time to prepare, depositors will be given a receipt for their deposit(s) that will include a brief description of the material deposited and an accession number for ease of reference.

18. In the preparation of catalogues and other finding aids the degree of such work to be undertaken shall be at the discretion of the Head of Archives and Collections. Copyright in all such catalogues and finding aids will be vested in the Jersey Heritage Trust.

Access

19. All archives are generally available for consultation by the public, under supervision, during advertised opening hours and in accordance with the Jersey Archive regulations. Some access restrictions may however apply:
 - 19.1 Where there is a statutory requirement for the closure of records for a specified period.
 - 19.2 Where records fall under the terms of any legislation or regulations relating to Public Records.
 - 19.3 Where the depositor(s) in consultation with the Head of Archives and Collections has requested access on special terms.
 - 19.4 Where there is a need to protect confidentiality and closure periods are felt to be necessary.
 - 19.5 Where archives are uncatalogued.
 - 19.6 Where archives are in a fragile condition or unfit for handling.
 - 19.7 Where legal enquiries are known to be being made and the permission of the depositor(s) may be necessary before access is granted.
20. Archives are available for personal consultation by the public free of charge. The Jersey Heritage Trust reserves the right to levy a charge for carrying out extensive consultation of records resulting from a request from a member of the public.
21. Subject to the requirements of Copyright legislation, reproduction of records may be provided on request for members of the public, for the purposes of private study only, at the discretion of the Head of Archives and Collections. Persons requesting a copy will be required to sign a copyright declaration form to the effect that they will not use the copy provided for any other purpose, nor request another copy of the same document or reproduce the copy themselves either for their own use or that of another party.

22. Requests to photocopy records in the custody of the Jersey Heritage Trust will only be granted in the case of deposited records where the permission to do so has been given by the depositor(s). However, the Head of Archives and Collections reserves the right to refuse to copy records where damage may be caused to the document by so doing. (Details of our Reprographic Policy are available on request)
23. Requests to publish archive material or substantial extracts from records in the custody of the Jersey Heritage Trust will only be granted in the case of deposited records where the permission to do so has been given by the depositor(s). The Jersey Heritage Trust will grant permission, and may charge a publication fee, on condition that due acknowledgement is made to the depositor(s) and the Trust. The person intending to publish will also be advised that it is their responsibility to comply with the provisions of Copyright legislation.
24. Archives may be removed from the custody of the Jersey Heritage Trust for the purposes of exhibitions, lectures or other appropriate uses, at the discretion of the Head of Archives and Collections. S/he will ensure that all reasonable care is taken for the security and physical protection of such records.
25. Information concerning records deposited with the Jersey Heritage Trust may be issued to the media where these records are of particular interest and to publicise the work of the Jersey Archive.

Withdrawal

26. Archives deposited under the provisions of paragraph 5 above may be withdrawn temporarily for any reason, at the discretion of the depositor(s) and the Head of Archives and Collections, for a period not exceeding three months under the following conditions.
 - 26.1 Prior to withdrawal each item will be checked by the Conservator and a written conservation report signed by both parties.
 - 26.2 Any damage incurred to the items whilst in the custody of the depositor will be the responsibility of the depositor and not the Jersey Heritage Trust and will not be met by the Jersey Heritage Trust's Insurance Policy.
 - 26.3 Such withdrawal shall normally require a minimum period of notice of 1 week
27. Archives deposited under the terms of paragraph 5 above may be permanently withdrawn from the custody of the Jersey Heritage Trust by the depositor or their legal heirs, under the following conditions, to be operated at the discretion of the Head of Archives and Collections and in negotiation with the depositor:
 - 27.1 Any request for such withdrawal shall be made to the Head of Archives and Collections in writing and giving a period of notice of at least one calendar month.

27.2 The Jersey Heritage Trust may arrange for the preparation of copies of the archives to be withdrawn to be retained by the Jersey Archive and made available to the public after the withdrawal of the archives.

27.3 The Jersey Heritage Trust reserves the right to require the depositor(s) to make payment of a sum equivalent to the cost of storing the records and the cost of labour and materials expended on the cataloguing, boxing and conservation of the records while in the custody of the Jersey Heritage Trust

Ownership

28. It is the responsibility of the depositor(s) to notify the Jersey Heritage Trust of any change of address or any change in title to the archives or any change in the structure or circumstances of the depositing body. Communications relating to deposited archives will be sent to the depositor(s) at the last known address. In the event of these being returned or unacknowledged and following a lapse of five years thereafter the liability of the Head of Archives and Collections to communicate with the depositor will be deemed to be discharged.

29. Where requests are made for the withdrawal of deposited archive material under the provisions of paragraphs 26 and 27 above it will be necessary for the person(s) requesting withdrawal to be able to prove title to those records, or where withdrawal is requested by an agent or agents for the same to be duly authorised by a person or persons able to prove title to those records.

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