

Private Property and Public Good: how Private Records are managed in Scotland

This article examines the arrangements for private archives in Scotland. The country has a rich heritage of such archives stretching back over 900 years. These include the papers of major families occupying positions of political and economic power, the records of business organisations ranging from small partnerships to major industrial companies, records of non governmental organisations, and small collections of papers belonging to individuals. Although many are now deposited in public archives, a considerable number are still in private hands.

Archive legislation in Scotland is out of date and applies exclusively to public records. However, it has, over the years, created a permissive regime in which public archive agencies have developed pragmatic solutions for private records. A series of voluntary and publicly funded initiatives in the late 19th and early 20th centuries have given way to a more comprehensive approach in the past few decades. Today, an informal co-operative network involving public archive services at national and local level provides a reasonable level of support to private owners of archives across the country and enables access for researchers. Central to this is the work of the National Register of Archives Scotland.

Background – the Scottish Context

Scotland forms part of the United Kingdom, but it has also, since the Scotland Act 1999, had a parliament in Edinburgh which takes decisions on a wide variety of issues, including archives and records. In addition, Scotland retained its own legal system when it joined in a union with England in 1707, and the resulting differences in legal and administrative structures are reflected both in the nature of the archives and records, and the arrangements made to deal with them. Therefore, while many of the measures described in this article run parallel to efforts in England, Wales and Northern Ireland, they are in the main, specifically Scottish and in some cases there are significant differences with what happens elsewhere in the United Kingdom. The exception relates to areas of taxation and export control, both matters which are reserved to the United Kingdom parliament, and therefore dealt with at a UK level by London based departments.

The early initiatives to deal with private archives were in fact taken at a United Kingdom level. The Historic Manuscripts Commission (HMC) was established in 1869 in order to record the existence and whereabouts of archival documents of value to the study of history. With responsibility for the whole of the United Kingdom, its reports included some of the largest Scottish private collections, belonging to the major aristocratic families, Hamilton, Dalhousie, Lothian, Mar and Kellie. In 1886 the Scottish History Society was founded by Lord Rosebery, with the aim of printing manuscript sources for studying the nation's history.

Following the 1914–18 war and the depressed economic conditions of the late 1920s, many large estates were sold off or broken up and many businesses collapsed, putting both private family and business records at risk. The British Record Society, originally founded in 1889, became actively involved in saving records in this period, and in the 1930s the Business Archives Council was formed to preserve business records.

Development of the National Register of Archives Scotland

Although these developments were important in drawing attention to the existence of significant historical archives in private hands, the first comprehensive attempt to record these was not made until after the end of the Second World War. The National Register of Archives for Scotland (NRAS) was formed in February 1946. A Register had been established the previous year, administered by the HMC, but concerned only with England. Additional funding to cover a Scottish register was provided by the Treasury in London, and it was administered by the Scottish Record Office (SRO, now the National Archives of Scotland). The first directors were archivists and historians, and the Secretary was on the staff of the SRO. Information on the NRAS is taken from Alison Rosie, "The National Register of Archives for Scotland", *Scottish Archives*, 10 (Edinburgh, 2004), ISBN 1358-0264.

The directors originally wanted the Register to cover records of local authorities, churches, businesses and professions, but in practice in the early years it concentrated on records of landed families, which were thought to be most at risk. From the outset, the NRAS not only surveyed and recorded private archives, it also gave advice to owners on their preservation, because this was seen as important to avoid future loss or destruction. With no legislative framework, the register was, and remains an entirely voluntary initiative. To start the work, advertisements were placed in the press and letters sent out to families which were thought to hold important records. This was done by dividing the country into seven regions, and then concentrating efforts on each, starting in the southwest of Scotland.

At the beginning, surveys followed the conditions the records were found in. Little or no sorting or arrangement was done and no references were added. The early lists, therefore, typically describe archives box by box. This speeded up the process, but meant the surveys were vulnerable to later movement of records by the owners. It was soon found essential to provide better identification to allow future finding of items and access by researchers, and many collections were resurveyed. Surveys were almost all done *in situ*, by staff travelling to the owners' houses. Sometimes they worked in difficult conditions, in unheated or damp store rooms, sometimes they benefited from warm hospitality from owners. A former Keeper of the Records, Dr Athol Murray, recalls working in what had been the children's schoolroom in a large country house and finding "my morning labours were interrupted punctually at 12 noon by the butler bringing in the sherry decanter."¹

The reason for making the surveys was to publicise their contents, and this was done first in the form of abstracts in the bi-annual reports of the Secretary to the Directors. Later, copies of the surveys were distributed to the HMC in London, the National Library of Scotland and the main Scottish Universities. Short summaries of surveys have been included in the published annual report of the Keeper of the Records of Scotland for many years. Nowadays, technology has made it much easier to get information from surveys into the public domain. Summaries are included in the UK national database Archon, and many of the detailed surveys are available online on the National Archives of Scotland (NAS) website^{For the NRAS website, see: <http://www.nas.gov.uk/nras/register.asp> and for the main NAS catalogue, see: www.nas.gov.uk.}

The directorate of the NRAS was widened in the 1970s to include representatives from the universities of Glasgow and Edinburgh, business and the law. The first directors were active surveyors of archives, but later their role changed to managing and advising and in time they became the *de facto* advisory body on private archives for the Keeper and the government. This was in parallel to the statutory Scottish Records Advisory Council (SRAC), whose role is to advise ministers. In 1988 it was decided to merge the directors of the NRAS with the SRAC, and the council maintains this role today. The SRAC is established under the 1937 Public Records Scotland Act, and the legislation is silent on how the membership is constituted. However, it has been the aim of successive chairs of the SRAC to include at least one private owner of archives among the members, though it has not always been possible to find a suitable individual. The long term future of the SRAC is being considered in the light of government policy.

The NRAS has been of huge importance over the years, not only for the work it has done, but because it has acted as a catalyst and a focus for other contributors. Local authority archivists in Scotland have made major additions to the register and are now its main contributor. The NRAS also continues to work closely with another partner, the Business Archives Council Scotland (BACS).

Functions of the NRAS

The NRAS has developed over the years so that today it is the primary vehicle in Scotland for dealing with archives that remain in private custody and ownership. Its functions can be divided into three: identification, access and advice. These are summarised in *Table 1*. The first covers identification of new collections of private archives, which can be by word of mouth, through monitoring business bankruptcies and the deaths of individual owners, or from information supplied by academics or local archivists.

Once the collection is identified, it is surveyed, either by NRAS staff or by another professional archivist, though in a very few cases an existing list may be considered good enough to add to the register. More commonly the archivist carrying out the survey will use any existing list as a guide, but will expand and improve it, and put it in the standard style of the register. The level of detail in the survey will depend mainly on the nature of the collection, though the conditions for listing will also have an influence, as it is easier to do a more detailed list in the archive than in an owner's house hundreds of miles from the office. A survey is not usually a full list of the archive, unless the records are of exceptional importance. Normally the archivist will leave the existing order of the documents, and list them by bundle or other obvious grouping, giving the covering dates and picking out items of particular interest. A logical reference system is used and bundles or boxes are clearly marked to facilitate future identification and access. Each survey is also given a unique number.

The next stage is for the surveys to be publicised, by distributing copies on paper to a number of institutions, by submitting summary details to the NRA in London, and, in many cases by making the survey available on the NRAS website. Owners are asked if they agree to the survey of their archives going online. If an owner prefers not to have this done, their wishes are respected, but fortunately, around 80% of them are willing. When the survey is made available on the website, the name of the owner is given, but no contact details, so that all inquiries must be directed through the NRAS office in Edinburgh. This is itself an advantage to owners, as it screens inquiries that would otherwise have come straight to them. The website is increasingly the most effective way of getting the maximum information to researchers worldwide. Effort in this area results in more specific inquiries from researchers, which can save staff time in dealing with them.

Once collections have been surveyed, it is also essential to maintain contact, and in the case of archives that have been surveyed, the NRAS writes to owners every five years. This checks that the owner still lives at that address and that they still have the archives concerned. In practice this works fairly well, but 10% of inquiries, on average, do not receive replies, which means that the archives are out of view and potentially at risk.

The second main function of the NRAS is concerned with access. Inquiries from researchers run at about 500 per year, and one member of staff works full time providing answers. The availability of surveys on the web helps reduce the burden, as researchers can more readily identify material that interests them. Staff also filter inquiries, for example some owners have indicated they do not have the time to receive family history requests. Frivolous or hopeless inquiries too, can be caught at this stage before they are passed to owners. Once a genuine enquiry is identified, it is passed to the owner and then access is arranged, usually at the owner's premises. If this is not convenient, and if the owner can arrange transport to a suitable local archive, or to the National Archives in Edinburgh, then arrangements can be made for access at one of those locations, under normal archive security.

The third function of NRAS is providing advice to owners. The initial advice is on the historic importance of the archives, though staff do not give valuations. They will also advise on how to store and preserve the collection, including advice on where to obtain equipment and supplies. This may include a visit from a conservation expert on the staff of the National Archives, if the records are of particular interest, or are in a hazardous condition. If the material is at risk, for example from dampness, this will be pointed out to the owner. NRAS can also give owners basic advice on matters like tax incentives and conservation grants; generally this will mean directing the owner to a source of expert advice. Finally, if requested, NRAS will advise on a suitable place to deposit or gift their archives. This may be linked to discussions on tax advantages. Neither NRAS staff nor the other archivists working with them will actively seek deposits or gifts to their own or a related institution, but always aim to give objective advice.

The NRAS today consists of two professional archivist staff, plus an administrative assistant, all based in the Private Records Branch of the National Archives of Scotland in Edinburgh. In addition, the Business Archives Council for Scotland employs two staff, based at Glasgow University, who survey business records and advise owners on records management. One of these posts is funded by a grant from the NAS, on condition that BACS raises the money to pay for the other.

The largest contribution to the register today comes from local authority archivists. When the NRAS was first set up there were no local archive services, but the network has grown considerably until now 41 out of 43 local authorities in Scotland have a professional archivist in post and provide a service to the public. The principal work of these archivists is of course with their own archives, but a number are also able to offer advice to owners of private archives within their areas, and carry out surveys of material of historical significance still in private hands. Often their local knowledge is of value in identifying owners of potentially important material, and the existence of a local archive service is often a focus for private owners to approach them for advice. It is not uncommon for local archives to have open days at which they invite owners of private archives to bring in their records for an opinion on their historical value. In some cases this will lead to deposit.

There are over 4,100 surveys on the register today, but over 500 of these are out of date and have been replaced. That still means that over 3,500 private collections of archives in Scotland have been documented and registered, and are available for access by researchers. New surveys are being added to the register at a rate of around 30 per year. The proportions vary from year to year, but roughly 30% are contributed by NRAS' own staff, 25% by the BACS, and the remaining 45% by local authority and other archivists in Scotland.

Table 1: Functions of the National Register of Archives (Scotland)

1. Identification

1.1 Identifying new collections (word of mouth, monitoring press for business bankruptcies, etc.)

1.2 Surveying/listing

1.3 Publicising the surveys/lists (distribution on paper, website, etc.)

1.4 Maintaining the register (five yearly checks with owners, etc.)

2. Access

2.1 Answering enquiries from researchers about the availability of sources

2.2 Filtering enquiries (for example to screen out frivolous requests) before passing to the owner

2.3 Arranging access for researchers with owners

2.4 In some cases, arranging temporary deposit of collections in NAS or other local archive for consultation by researchers

3. Advice to Owners

3.1 Advising owners on the security and preservation of their collections

3.2 Advising on conservation grants, tax incentives, etc.

3.3 Advising owners, when requested, on suitable archives in which to deposit or gift their collections

Incentives for Private Archives

Archives and records are considered private property in the United Kingdom, and it is up to owners to dispose of them as they wish. Public archive agencies have no power to acquire records except as gifts or deposits. There are, however, two measures that recognise the public importance of private archives, one concerning taxation and the other controls on the export of cultural property. These are both matters which are reserved to the UK parliament in London, and are therefore dealt with at a UK level, rather than by the administrations in Scotland and the other home countries.

The taxation measures are known as Acceptance in Lieu, and this scheme allows individuals to offer items of cultural property, including archives, to the state in full or part payment of their tax liabilities. This gives the owner of the archive around 17% advantage in value over selling privately, which represents the additional tax that would be charged on the sale. Owners also avoid the high premiums charged by salerooms as commission. The items are then allocated to an appropriate public museum, archive or library.

To qualify under Acceptance in Lieu, the items must satisfy one or more of three tests, often known as the Waverley Criteria, after the committee that first developed them in 1952. They must be of preeminent importance to national life and history, to a particular branch of learning, or to a particular area in the country. The criteria are usually expressed nowadays in three questions. Is the item so closely connected with our history and national life that its departure would be a misfortune? Is it of outstanding aesthetic importance? Is it of outstanding importance to some branch of art, learning or history? An expert panel assesses the importance of items. The scheme is operated by the Museums, Libraries and Archives Council, an agency of the Department of Culture, Media and Sport^{For further information on the Acceptance in Lieu scheme, see:}

http://www.mla.gov.uk/website/programmes/cultural_property/acceptance_in_lieu. Although DCMS is a department for England only, the scheme is operated across the UK as it involves taxation, a function that is not devolved.

Acceptance in Lieu is regarded as one of the most important ways for public institutions to acquire works of art. At present it applies only to private individuals who offer their cultural property to the nation, and not to business corporations. The Goodison Report of 2004 *Securing the Best for our Museums: Private Giving and Government Support* the Goodison Report published January 2004, ISBN: 0-947819-83-5. Despite the title, the report deals with a range of cultural goods, including archives. See: [http://www.hm-treasury.gov.uk/...](http://www.hm-treasury.gov.uk/) recommended that the scheme should be extended to corporations, as an incentive to them to recognise the value of their records and take greater steps to preserve and manage them. The UK government has not, so far, taken up this recommendation. A further tax incentive applying to archives, but very little used, is conditional exemption from inheritance tax and capital gains tax. First introduced as far back as 1896, this means that an owner who inherits a heritage asset can defer paying the tax he or she would have paid, provided they allow public access to it. It is conditional on remaining publicly accessible, and if the owner does not maintain this, or sells the item, the tax becomes payable. If the conditions are maintained, however, the exemption can be applied for by each succeeding generation, allowing the assets to remain in private hands, which is the underlying aim of the measure. Following changes in the Finance Act 1998, exemption can be claimed only for heritage assets that are judged to be preeminent under the Waverley Criteria. The owner must agree to preserve the assets and keep them in the UK, to give reasonable public access to them (some measure of which must be "open access" – without prior appointment), and to publicise the access arrangements. The Inland Revenue, the UK tax authority, maintains a website showing all the heritage assets that are accessible under the scheme, by geographic area^{For the search facility for works of art including archives, see:} <http://www.hmrc.gov.uk/heritag...>.

Cultural property that is subject to conditional exemption can also be sold to a public institution on preferential terms, by reducing the tax burden. In normal circumstances, an owner who decided to sell would be liable to pay the deferred tax at 40%, leaving them 60% of the agreed sale price. If they sell to a Schedule 3 body, which includes most of the public archives, galleries and museums in the UK, the institution pays 70% of the sale price direct to the owner, who is freed from the tax liability. These arrangements are known as private treaty sales²³.

The Goodison report recommended that conditional exemption should be extended to count against other taxes, and that the access requirement should be eased. Very few archives are in the scheme. The only one in Scotland which appears on the website is the Dalhousie Muniments, which were on long term loan to the National Archives of Scotland and were purchased in 2007, though at least one other owner has investigated the scheme. Goodison recognised that owners of archives had not made much use of conditional exemption. He pointed out that this was partly because the financial values of archives had only recently begun to rise. He recommended that the scheme be publicised further to private owners⁴.

Private archives are also subject to export controls, again operated at the UK level [56](#). These are contained in secondary legislation, the Export of Objects of Cultural Interest 2003 (S.I. 2003/2759) issued under the Export Control Act 2002. This prohibits the export of “any item of cultural interest” more than 50 years old without a licence. A general licence allows most cultural objects below a certain monetary value to be exported, while for higher value material a special licence has to be obtained [57](#). There is no minimum value for archives and all exports require a special licence.

Licences are granted by the Secretary of State (the government minister) who will normally seek the advice of a specialist in the field. If the specialist believes the item to be of national importance, he or she can object to the export, and the matter is then referred to the Review Committee on the Export of Works of Art (RCEWA), a non statutory, independent body that advises the Secretary of State. The mandate of the RCEWA is, firstly, to advise on the principles which should govern the control of export of objects of cultural interest, secondly to advise the Secretary of State on all cases where refusal of an export licence for an object of cultural interest is suggested on grounds of national importance, and thirdly to advise in cases where a special Exchequer grant is needed towards the purchase of an object that would otherwise be exported [58](#). There are 8 members of the committee who all have expertise in one or more areas of the work; there is normally a member expert in manuscripts, for example. In addition, the committee takes the opinion of three independent assessors in each case that comes before it, who are normally the acknowledged experts in their field. The assessors all vote on whether the item or items fulfil the Waverley Criteria. As with Acceptance in Lieu, the scheme is operated by the Museums, Libraries and Archives Council (MLA). Further details of the RCEWA’s work are available on the MLA website **The main site on cultural property matters is at: [9](#).**

If the expert adviser and the RCEWA believe an item or collection satisfies one or more of the Waverley Criteria, the committee advises the Secretary of State who may impose a temporary ban on export. The ban is normally between 2 and 4 months, and the aim is to allow time for a similar offer to be made to the owner from within the United Kingdom. If there is no such offer within the period of the ban, the Secretary of State will then normally grant a licence for the export to go ahead. This system has operated periodically in the past and meant that private archives of national importance are “saved for the nation”. The most recent case involving Scottish records was in 2002, when a series of records from the town of Kelso in the Scottish Borders, which had been collected by a private individual living in England, were offered for sale to a North American university library. The case was referred to the review committee, and a temporary ban imposed, which allowed sufficient time for Scottish Borders Council, the local authority, to raise funds to acquire the majority of the records.

The case was particularly interesting because it also involved a series of 18th century court records from Kelso, which had been in the hands of a private firm of lawyers in the town, who in the past had acted part time as court officials. The court records were held to be public records, and the Keeper of the Records of Scotland acted to reclaim them, using a measure peculiar to Scotland. Under Scots Law, which differs from that elsewhere in the UK, such records can be held to be *extra commercium*, meaning that they cannot pass into private ownership. Although this has not been tested in court since the early 20th century, it has been used from time to time to retrieve archives that come up for sale or for export. In such cases, the Keeper normally makes an *ex gratia* payment to the person or persons from whom he reclaims the records. This is not, in any sense, a purchase, as the possessor of the records has no claim of ownership, but it does act as an incentive, and helps to smooth the process. In the case of the Kelso papers, a payment was made in recognition of the efforts of the holder of the records. He had originally saved them from possible destruction, and had looked after them in the interim. The *extra commercium* measure only applies to public records which have wrongly ended up in private hands, and has no effect on private material.

Public Funding for Private Archives

The tax measures are intended to ensure that cultural assets including archives remain in private hands but with rights of public access. Sometimes the pressures on owners force them to sell, and public archives then have the challenge of deciding whether and how to acquire them. Few organisations have large, or any budget for purchase, and are obliged to raise funds. Although the archives world is not affected by price inflation in the way the art world has been, it is clear that greater awareness of the richness of the archival heritage is beginning to push up prices. The two principal sources of funding are the National Heritage Memorial Fund (NHMF) established in 1980, and the Heritage Lottery Fund (HLF) set up in 1994 to administer the proceeds of the UK lottery. The two are closely related. The NHMF was set up in succession to the National Land Fund to commemorate those who had given their lives for the UK, and is run by an independent board of trustees. It receives an annual grant from the government to help acquire or preserve any land, building or object of outstanding importance. In 1994, the NHMF Trustees were also given the major task of distributing the heritage share of Lottery money for good causes, which it now operates through the Heritage Lottery Fund (HLF). Both funds are concerned with cultural objects including archives, but have different roles and distinct approaches. The NHMF is the fund of last resort, and is able to act very quickly in emergencies. In contrast, the HLF offers opportunities for conserving our heritage with a greater emphasis on improved access, learning and engagement [1011](#).

Spending by the two funds on acquiring archives has been relatively modest compared with other cultural sectors, but the HLF has given significant aid to the National Library of Scotland to purchase the archives of the publishing firm John Murray [512](#). The NHMF was also able to provide major funding to the National Archives of Scotland to purchase the Dalhousie Muniments. This was one of the finest private collections of papers deposited in the National Archives of Scotland, of huge significance for the study of Scottish history and the history of the British Empire in America, Canada and India. The owner, the Earl of Dalhousie indicated his desire to sell the collection, which had been deposited in the NAS for over 50 years, and following negotiation, a price of £1.6m was agreed, after tax allowances. NAS made a bid for half the purchase price to the Scottish Minister for Finance which was approved in November 2006. At the same time they applied to the NHMF for the balance of the purchase price, and this was approved by the trustees in February 2007. Both bids were conditional on the other being realised, showing that there was a clear partnership in place to fund the purchase. Although less than the cost of the Murray archive acquired by the library, the price paid for the Dalhousie Muniments was a record for NAS and the highest ever for the purchase of a private Scottish archive collection. It is too early to say what the long term effect of these high profile acquisitions will be on the market for archives. Archivists are aware that high prices are a two edged sword. They underline the importance of the material we hold, but they also mean a risk that future purchases will be unaffordable.

Business Archives

The records and archives of businesses are recognised today as an essential part of the cultural heritage of Scotland. The pace of change in the business world, however, renders its archives very vulnerable. Takeover and merger, sometimes by foreign or multi-national companies, and business failure or bankruptcy can all mean important records are lost from view, or destroyed, because their value is not appreciated. Goodison expressed it concisely: "The risks to important business archives are particularly acute. Many companies conserve their archives professionally and make them available to public access on request. Other companies are more careless about these important historical records." [13](#)

Recognising their importance, public archives in Scotland have secured large quantities of business records. Although the Scottish Record Office acquired records of the pioneering industrial concern the Carron Company in the early 20th century, the systematic collection of business records took off in the 1960s, stimulated in part by the growing interest in economic history. Glasgow University, located in the heartland of heavy industry that helped fuel the world's first industrial revolution, was an early exponent of the new discipline, and today its archive service holds one of the largest collections of business records in the world. The Scottish Business Archive was inaugurated by Sidney Checkland, first professor of economic history, in 1959, and today has over 400 fonds, representing every sector of industry in the West of Scotland¹⁴¹⁵. The foundation of the BACS the following year provided a new network to identify important records, and raise the awareness of business people about their significance.

The appearance of the BACS in 1960 reflected changing research interests, and in particular the growth of economic history as a discipline. It is an independent body concerned with the active preservation of Scottish business records, their management and study by researchers. It has around two hundred members across the world, including companies and associations, libraries, universities and record offices, and individual business people, records managers, archivists and historians. As well as acting as an advocate for business records BACS has two members of staff, based in Glasgow University Archives, who carry out survey work and advise owners on the management of their records. It is a registered charity and its surveying work is funded by the NAS and Glasgow University, and by donations from business and individuals¹⁶¹⁷.

Structural problems in the heavy industrial sector in the west of Scotland and the failure of government policy precipitated the collapse in 1971 of Upper Clyde Shipbuilders, a consortium of some of the most famous names in shipbuilding, including John Brown, Alexander Stephen, Yarrow and Fairfield. The political results were considerable, with industrial action forcing the government to change policy¹⁸¹⁹. The company went into receivership, and a rescue bid was launched to save the large technical archive of the company. Finally a consortium of the SRO, with government funding, and the two local authorities, Clydebank and Glasgow, purchased the records from the Receiver. The quantity was considerable, and they were split across three archives: Glasgow City, Glasgow University, and the SRO. This was a ground breaking initiative, because of its scale, because government money was used to acquire business records, and because a partnership approach was used. It has however, proved highly successful, and the UCS records are one of the more popular holdings in the Glasgow archives. Most public access has been in Glasgow, while the NAS role has been to hold negatives of photographs as a security measure, and to provide skilled conservation work on the collection.

A National Policy on Business Archives

A number of elements for a policy on business archives were launched in the Fourth annual BACS lecture in 2002²⁰²¹ and are summarised in *Table 2*. Together these comprise the outline of a national policy on business archives for Scotland. The first is that companies should be encouraged to have their own archive services, integrated with the management of their records. The second element is that if a company does not have an archive service and wishes to place its records in a public archive, records of multi-national or UK companies with distinct Scottish operations should be preserved in Scotland, collections in which there is a strong local or regional bias should be kept in the locality, a few collections of national importance should go to national places of deposit, and any new deposits should follow existing ones. The third element is that records of legally distinct companies should be kept together whether they are publicly or privately owned.

The fourth element is that companies that wish to dispose of their records should be encouraged to gift them, including intellectual property rights, to an archive service. The fifth element is that companies seeking to deposit their records in a public archive service but retain ownership should pay a contribution to the archive service. The sixth element is that archive services that take records from companies following liquidation or receivership should ensure wherever possible that they obtain ownership of the records, and of the intellectual property in them. The seventh element is that the maintenance of a register of business archives, through NRAS, is a vital step in spreading information and promoting access, and this should be continued. The eighth element is that business archives have particular characteristics and it is important that archivists are trained to understand them, and how to appraise them. The ninth element is that international co-operation among archivists is important to present a co-ordinated response to global change in the business sector.

Tenth and finally, the NAS will work in partnership with the Business Archives Council for Scotland, and with university, local authority and specialist archives to fulfil these principles and to increase access and use of Scottish business archives.

Oil Industry Archives

One of the most interesting initiatives on business records in Scotland has been in the oil industry. The technical importance and cultural impact of the offshore oil and gas industry have been well recognised in Norway but, as Alan Cameron, chair of the BACS pointed out at the Capturing the Energy conference in Aberdeen in March 2006, they have been less recognised in the UK and Scotland²²²³. That conference, called by a group of interested bodies from the oil industry, government, archives and academia, was seen as a first step to right that balance, and to raise awareness of the importance of the oil industry in Scottish and British life. The Frigg UK Documentation Project is the first stage in a larger initiative to record the industry. One of the earlier fields to be discovered, lying between Scotland and Norway, Frigg ceased production in 2004. Its gas platform is now being decommissioned, and this process is to be documented. An archivist was appointed in 2006, with at least one year of funding, to identify key records from the companies and people involved, and carry out some oral history interviews. Based at University of Aberdeen, the post was funded by Total Energy and Petroleum UK and other partners. The conference also pointed the way to a larger “Capturing the Energy” project, which will cover other fields as they close.

There are several significant aspects of this project. First is that the oil industry itself is funding archives work, and the project is jointly supported by the industry and by government. Second, the project is closely linked to the regulatory functions, which in turn means better record keeping to ensure compliance with safety requirements. Finally, there are a number of partners in the project, spanning industry, national and local government, and the academic world, as well as archivists and historians.

This type of broad based support is essential to the success of a project of this size. It is also significant that it builds on the experience of the oil industry in Norway. Archives legislation in Norway gives some backing to collect business records, and there seems to be a greater national awareness of the importance of business to the economy than in Scotland.

Conclusion

The Scottish experience shows that a network of partnerships, local and national, government and academic, public and private, is essential to develop solutions to the problems of public access to private archives. Awareness of archives is not particularly great in Scotland, or elsewhere in the UK, and one of the roles of the network is to help publicise their importance to owners, to business people, to government and to the public. One result of greater awareness is that the market for private archives will grow, putting pressure on already scarce resources. Proposed changes to the tax system at UK level may help archives and other public bodies to acquire more cultural objects, but it remains to be seen whether the politicians will take these up.

In the past private archives meant archives of aristocratic families, and these are still a magnificent and major asset for historical research, complementing the public records. In the last fifty years as the discipline of economic history has developed, business archives have been recognised as a further important historical asset, and public archives have moved to appraise and collect them.

At the heart of the issue is the need for information about the archival assets that are held in private hands. The central plank in providing that information in Scotland is the NRAS, financed and managed within central government, but dependent on a network of archival colleagues in local government, the universities and the voluntary sector to contribute surveys. The NRAS model has worked well over 60 years, and is now harnessing new technologies as it continues to serve owners and researchers and helps preserve vital parts of our archival heritage. It may be a model worth applying in other jurisdictions.

Table 2: Elements of a National Policy on Business Archives

- 1. Companies should be encouraged to have their own archive services, integrated with the management of their records.**
- 2. If a company does not have an archive service and wishes to place its records in a public archive:**
 - records of multi-national or UK companies with distinct Scottish operations should remain in Scotland;**
 - collections with a strong local or regional bias should be located in that area;**
 - collections of national scope or importance should go to national places of deposit;**
 - if significant records of the organisation are already deposited with an archive, further deposits should go there also.**
- 3. Records of legally distinct companies should always be kept together (either intellectually or physically) irrespective of whether they are publicly or privately owned.**
- 4. Companies that wish to dispose of their records should be encouraged to gift them, including intellectual property rights, to an archive service.**

- 5. Companies seeking to deposit their records in a public archive service but retain ownership, should pay a contribution to the archive service.**
- 6. Archive services that take records from companies following liquidation or receivership should ensure wherever possible that they obtain ownership of the records, and of the intellectual property.**
- 7. The maintenance of a register of business archives, through NRAS, is a vital step in spreading information and promoting access, and this should be continued.**
- 8. Business archives have particular characteristics and it is important that archivists are trained to understand them, and how to appraise them.**
- 9. International co-operation among archivists is important to present a co-ordinated response to global change in the business sector.**
- 10. NAS will work in partnership with the Business Archives Council for Scotland and with university, local authority and specialist archives to fulfil these principles and to increase access and use of Scottish business archives.**

1 Quoted in Rosie.

2 See

3 http://www.mla.gov.uk/website/programmes/cultural_property/pts

4 See: [http://www.hm-](http://www.hm-treasury.gov.uk/consultations_and_legislation/goodison_review/consult_goodison_index.cfm)

[treasury.gov.uk/consultations_and_legislation/goodison_review/consult_goodison_index.cfm](http://www.hm-treasury.gov.uk/consultations_and_legislation/goodison_review/consult_goodison_index.cfm)

5 See:

6 http://www.mla.gov.uk/website/programmes/cultural_property/export_licensing

7 <http://www.culture.gov.uk/NR/rdonlyres/AC999CDB-B536-40C3-8D9D-D107D1AE9FC9/0/statutoryguidanceexportlicence.pdf>.

8 http://www.mla.gov.uk/website/programmes/cultural_property/reviewing_committee

9 http://www.mla.gov.uk/website/programmes/cultural_property.

10 See: <http://www.hlf.org.uk/NR/rdonlyres/2DF016A2-0354-44C2-A842-4C42CC55CA17/4730/GeneralmediainformationssheetonNHMF07.doc>

11 .

12 <http://www.nls.uk/jma/index.ht...>

13 Goodison, section 5.52, p.34.

14 Further details on the Glasgow University Archive Service website at:

15 <http://www.archives.gla.ac.uk/...>

16 Further details on the BACS are on its website at

17 www.archives.gla.ac.uk/bacs.

18 See Wikipedia for details:

19 <http://en.wikipedia.org/wiki/U...>

20 Details of the principles with an up to date commentary are available on the BACS website at

21 <http://www.archives.gla.ac.uk/bacs/nationalpolicy.html>

22 See for example <http://www.technologyscotland...> and

23 <http://www.scottish-enterprise...>



George MacKenzie

**Keeper of the Records of Scotland The National Archives of
Scotland Edinburgh**