

What is a Public Record? Summary Guidance Note for Places of Deposit

1. About this note

- 1.1 This note is intended to provide basic summary guidance and clarification to places of deposit, (primarily local authority record offices) on what records are defined as public records, and what constitutes a public record under the Public Records Act, 1958.

Note: This circular provides summary guidance only, and does not constitute a legal opinion as to the status of a particular record. If in doubt, please contact the Public Record Office (PRO) at the address given in paragraph 7.1 of this circular, or seek further legal advice.

2. The Public Records Act, 1958

- 2.1 The general principle enshrined in the Public Records Act, 1958 is that there shall be a single central repository for public records, the Public Record Office, and that those records adjudged worthy of permanent preservation shall be housed and made available to public inspection there. However, under certain specific provisions of the 1958 act, public records may be preserved elsewhere:

- 1) *section 4 (1) of the act provides for the deposit of any class of public records selected for permanent preservation, at the Lord Chancellor's discretion in places other the Public Record Office; (Note: since 1993, the Lord Chancellor has delegated some of his powers, including appointing places of deposit, to the Keeper of Public Records);*
- 2) *under section 3 (6) of the Act, public records which have not been selected for permanent preservation may, subject to the Lord Chancellor's approval, be disposed of in any other way as an alternative to their destruction; normally this is by presentation to the recipient; (Note: conditions relating to public access and subsequent disposal of the records are usually applied);*
- 3) *under section 2(4)f of the Act, the Keeper of Public Records may make arrangements for the separate housing of films and other records which have to be kept under special conditions. This has been done in respect of films and other audio-visual records and electronic records.*

3. The place of deposit network; the role of the PRO

- 3.1** Organisations running places of deposit are expected to care for public records in their custody in accordance with the Public Records Acts and guidelines drawn up by the Public Record Office and government departments. In particular, facilities for storage and public use of the records should reach certain standards.
- 3.2** At present there are about 250 places of deposit, run by some 150 organisations. Over half the places of deposit are run by local authorities. Public records are preserved in places of deposit either because they were created locally and have a specific local interest, or they are of a nature or format which requires specialised skills for their preservation and/or use, not available at the PRO. In addition, certain public records bodies (such as museums and galleries) have an administrative need to keep their own archives.
- 3.3** Staff of the PRO's Archive Inspection Services Department are responsible for inspecting current and prospective places of deposit and reporting on storage and access facilities and dealing with enquiries from places of deposit about the management and custody of deposited public records. For details of how to contact the Archive Inspection Services Department see paragraph 7.1.

4. Definition of public records

- 4.1** Public Records are defined in section 10 (1) of the Public Records Act, 1958, and the First Schedule of that Act. 'Records' in general are defined as carriers of information in any format (e.g. paper, photographic, film, sound, electronic, three dimensional models) (section 10(1)). 'Public Records' are specifically defined in the First Schedule; these definitions are summarised overleaf.

In very general terms, as a broad rule of thumb, if the creator of a record was a central government department, agency or body, or predecessor to a modern department of state, funded from central Treasury funds granted through a parliamentary vote, then its records are likely to be public records falling within the definition and scope of the 1958 Act. It is advisable to study the provenance and administrative history of a record (where known) to ascertain if it is a public record.

4.2 Decisions as to the status of the records of a particular body or institution may be enshrined in its establishing or enabling legislation. Determination of status may also be assessed by the Legal and Policy Adviser of the PRO's Records Management Department, by reference to the Public Records Act, 1958. Such determination will take into account such factors as the method of establishment of a body, its term of reference or charter, how it is financed and who audits its accounts, how it is staffed, to whom it reports, whether or not it is subject to ministerial direction, or scrutiny by Parliament, and its powers to own property.

4.3 Table 1: Public records for the purposes of the Public Records Act, 1958

CATEGORY OF PUBLIC RECORDS	FIRST SCHEDULE	NOTES
Records of government departments and agencies	Para 2	These records belong to the Crown and are created, inherited or taken over for administrative use. Executive Agencies established under the 'Next Steps' initiative remain part of the Civil Service and the ministers of their sponsoring department are responsible to Parliament for them.
Records of boards and establishment under government departments of non-departmental and other public bodies.	Para 3 Para 7	The Table following paragraph 3 of the First Schedule lists bodies whose records are public records. The list is updated in line with subsequent legislation. The Lord Chancellor can decide whether or not such records are public records. These decisions are published in the Keeper's Annual Report.
Records of English and Welsh courts	Para 4	This covers the records of any tribunal exercising a jurisdiction over or connected with any UK government departmental function. Included are the records of Quarter Sessions, Magistrates Courts and Coroners Courts for which under s. 4(2) of the 1958 Act the Lord Chancellor should choose a place of deposit.
Records in the PRO before 1959	Para 5 Para 6	Covers records which were taken into the PRO as public records under the Public Record Office Act 1838. Any records which are continuations of these classes are also covered.
Records designated by Orders in Council as public records	Para 7	Only covers British Rail and the New Towns Commission to date.

5. What is *not* a public record

5.1 Table 2: Major series of records which are NOT public records under the 1958 and 1967 Acts

a.	Records created by local authorities e.g. local authority education and school records, fire service records, local personal social services records
b.	Records of the Duchy of Lancaster (except the records of the Chancery Court of the County Palatine of Lancaster, which are public records).
c.	Police records (except those of the Metropolitan Police, which ARE public records).
d.	Registers of births, marriages, deaths and adoptions kept or deposited in the General Register Office.
e.	Records of the Public Trust Office relating to individual trusts.
f.	Records of government departments or bodies wholly or mainly concerned with Scottish affairs or which carry on their activities wholly or mainly in Scotland. Separate legislation applies to these records, which are under the charge and superintendence of the Keeper of the Records in Scotland.
g.	Records of the government of Northern Ireland. These are preserved in the Public Record Office of Northern Ireland.
h.	Bodies whose constitution provides that they do not carry out functions, or hold property, on behalf of the Crown, or which have the power to own their own property (unless are named in the First Schedule of the 1958 Act or are given public record status by other legislation).
i.	Records of parliament.
j.	The Royal Archives.
k.	Records of nationalised industries. (Except of British Coal, which are public records. British Rail records which are preserved in the PRO became public records on transfer; other British Rail records are NOT public records.)
l.	Records of privatised businesses, utilities, railways, power companies and water companies created since privatisation.
m.	Records of the Established Church.

6. Summary list of public records deposited in places of deposit

6.1 Listed below is a summary table of most of the types of public record commonly found in places of deposit. Not all places of deposit will hold all of these types of record, and many will typically be found in a large local authority record office. For ease of reference these have been grouped thematically. This list is not exhaustive.

Table 3: Summary list of types of public record commonly held by places of deposit.

<p>1. LEGAL & COURT RECORDS:</p> <ul style="list-style-type: none"> • Coroners' records • County Court records • Great Sessions records • Petty Sessions records • Probate records • Quarter Sessions records • Advisory Committee on Justices of the Peace records • Palatine Court records • Hundred Court records • Magistrate Court records • Assize Court records • Ancient Court records
<p>2. HEALTH RECORDS:</p> <ul style="list-style-type: none"> • Health Authority records • Hospital Management Committee records • Health Executive Council records • Hospital records (includes records of hospitals absorbed into the NHS, but NOT records of private hospitals and clinics, or charitable hospitals) • Patient medical records
<p>3. EDUCATION, EMPLOYMENT & SOCIAL RECORDS:</p> <ul style="list-style-type: none"> • Youth Employment Committee records • Advisory committee on Recruiting and Exemptions (agriculture) • Home Office prison records and Gaol registers • historical health and safety records relating to occupational health & safety at work • Prison Commission records • Wales Advisory Body for Local Authority Higher Education records
<p>4. FINANCE & REVENUE RECORDS:</p> <ul style="list-style-type: none"> • Board of Inland Revenue Area Assessment Committee records, • Board of Inland Revenue local advisory body records • Board of Inland Revenue records relating to coinage, taxation, duties ,weights and measures • Valuation Office records • Valuation Panel records • Panel of Referees appointed under the Finance Act of 1910 records • Tithe Commissioners records • Advisory Committees on General Commissioners of Income Tax

5. MILITARY AND WAR RECORDS:

- *Ministry of Defence (Navy): Port Auxiliary Service records*
- *Navy Works Department (Property Services Agency) records*
- *Regimental records*
- *Squadron records*
- *Territorial and Auxiliary Forces Association records*
- *War Agricultural Executive Committee records*
- *World War I Military Service Appeals Tribunal records*
- *records of the regular territorial and military battalions*
- *Admiralty and Royal Navy records*
- *Air Ministry and Royal Air Force records*
- *War Artists Advisory Committee records*
- *Directorate of Military Survey records*
- *Hydrographic Office records*
- *Royal Military Academies and College records*

6. TRANSPORT RECORDS:

- *Rail Users' Consultative Committee records*
- *Motor Vehicle Licensing records*
- *Railway Records: records of British Rail transferred to the PRO are deemed to be public records by an order in Council. BR records falling outside this arrangement are **NOT** public records, nor are railway records pre 1948 nationalisation.*

7. ENVIRONMENTAL RECORDS:

- *Commission for New Towns records*
- *Records of Meteorological Offices within the United Kingdom*
- *Health & Safety Executive plans of abandoned non-coal mines*
- *Forestry Commission records*
- *records of the Environment Agency and predecessors*
- *records relating to rivers, water, drainage, sewerage, and waste reclamation, where they have been passed to the Environment Agency but **NOT** records of the former Regional Water Boards, and privatised water companies (see separate guidance note for full details)*

8. TRADE & INDUSTRY RECORDS:

- *HM Customs and Excise records: shipping registers*
- *National Coal Board: pre-vesting date records of collieries*
- *National Coal Board: area/divisional post-nationalisation records,
Note that records of nationalised industries are **NOT** public records, e.g. nationalised shipbuilding industries, Central Electricity Generating Board, and regional electricity boards, British Steel, British Leyland/British Motor Corporation, British Gas and regional gas boards*
- *some business records e.g. records of former publicly owned businesses, such as Girobank, British Telecom (up to date of privatisation)*

9. HERITAGE AND CULTURAL RECORDS:

- *records of national museums and galleries appointed under section 4 (1) of the Public Records Act, 1958 to hold their own records*
- *records of heritage and cultural organisations e.g. National Monuments Record*

10. OFFICIAL PAPERS OF PRIVATE INDIVIDUALS:

- *official papers of political figures, ministers, secretaries of state created through public office and service (e.g. the Eden papers at Birmingham University, the Gaitskell papers at University College London)*

11. PUBLIC RECORDS OF INDIVIDUAL LOCAL SIGNIFICANCE: e.g.

- *Stannary Court records (Devon & Cornwall)*
- *Gaol Delivery and Oyer and Terminer Records (London)*
- *Home Office State Management Scheme records (Carlisle)*

12. RECORDS IN SPECIALIST MEDIA

- *Audio-visual records created by, or under instruction from government departments, or subsidiary authorities*
- *Digital records created by, or under instruction from government departments, or subsidiary authorities*
- *Electronic records created by, or under instruction from government departments, or subsidiary authorities*
- *Moving image media created by, or under instruction from government departments, or subsidiary authorities*
- *Photographic material created by, or under instruction from government departments, or subsidiary authorities*

7. Further Guidance

7.1 Further guidance is available from the Archive Inspection Services Department of the Public Record Office, Kew, Richmond, Surrey, TW9 4DU, Tel: 020 8876 3444, (*e-mail at archive.inspection@pro.gov.uk*).

7.2 The following publications and further guidance may be useful:

Beyond the PRO: Public Records in Places of Deposit, available from the above address gives detailed guidance about preserving and making available to users public records kept outside the Public Record Office; other guidance is available concerning court records, magistrates court records, coroner's records, Environment Agency records and health records;

BS 5454: *1989 Recommendations for Storage and Exhibition of Archival Documents* (BSI, 1989)

A Standard for Record Repositories (Historical Manuscripts Commission, second edition, 1997), available from the Royal Commission on Historical Manuscripts, Quality House, Quality Court, Chancery Lane, London WC2A 1HP, (Tel 020 7242 1198)

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