

APPENDIX ONE

DATA LABEL: PUBLIC

West Lothian Council Museums Service

Governed by West Lothian Council

DRAFT

Acquisitions and Disposal Policy

2012 – 2017

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1. Statement of Purpose

Mission Statement: To enhance the quality of life in West Lothian by providing a museums service that serves the educational, cultural and leisure needs of our communities now and in the future.

Motto: Preserving the Past for the Present and Future

Key Outcome: WLC requires all its Heritage Services to make heritage resources available to our communities. The Museums Service seeks to fulfil this demand by working to ensure that:

Our citizens have an appropriate museum collection held in trust for them, which is well safeguarded, researched and readily available to them now and in the future.

In pursuit of this outcome the Museums Service prioritises the following activities:

- Collecting, recording and safeguarding artefacts relating to the historical and cultural life of West Lothian
- Encouraging life-long learning, inspiration, inclusion and enjoyment by promoting formal and informal access to West Lothian's museum collections
- Working to quality standards set for West Lothian Council and the national museum sector
- Working in partnership with accredited independent museums open to the public in West Lothian

2. Existing collections

The existing collections of West Lothian Council Museums consist principally of items relating to the social and industrial history of West Lothian from the late 19th century to the present. Particular themes include:

- The history of West Lothian Council and its predecessors, including the civic regalia of the former Burghs
- The history of the self-help movement, in particular Friendly Societies, including banners, regalia and memorabilia
- The social, domestic and industrial history of areas served by community museums, namely Whitburn, Armadale, Broxburn and Blackridge,
- Objects associated with individuals native to, or closely associated with, these areas.

In addition the collections include:

- Geological specimens from the carboniferous period relating to the later coal and shale mining industries
- Archaeological finds illustrating human activity in the West Lothian area from the Bronze Age to the Mediaeval period.
- Photographic prints, negatives and slides, both original and copied from loans, illustrating West Lothian history in relation to the object collections.

3. Future Acquisitions

Set out below are the criteria governing future acquisition policy including the subjects or themes, periods of time and/or geographic areas and any collections which will not be subject to further acquisition.

- 3.1** The Collecting Area for West Lothian Council Museums Service will be the area defined by the boundaries of West Lothian Council as described in Local Government Re-organisation of April 1996. Items relevant to the earlier County of Linlithgowshire but originating outwith the present day boundaries may be collected but in consultation with Accredited museums currently collecting in that area.
- 3.2** The period of time to which the collection relates will be from the Carboniferous period to the present.
- 3.3** Items made in, at some point used within, or otherwise provenanced to the West Lothian Council Museums Service's Collecting Area, may be acquired, regardless of their location at the time of acquisition. Where this involves the collection of items from a place within the geographical sphere of influence of another museum, a principle of open actions and good communications will apply.
- 3.4** The mission of West Lothian Council Museums Service (WLCMS) is to enhance the quality of life by providing a museums service that serves the educational, cultural and leisure needs of the community now and in the future. Its key outcome includes collecting objects appropriate to the heritage of West Lothian and making them readily available to citizens. This happens through exhibitions, but also to a large extent through reminiscence work, school and public handling sessions and other outreach services. Accordingly priority will be given to items suitable for handling and educational use and objects related to areas with community museums. Collecting will continue to take into consideration the collecting policies of other local museums (see ¶ 5 below) as well as constraints of storage and conservation requirements.

Items falling into the following subject areas may be collected, always subject to the availability of suitable storage space and environmental conditions and display capacity:

3.4.1 Civic and Social History

Items in this category relate to the history of local government in West Lothian and the history of the communities, which grew up within its boundaries. These are the most extensive categories within West Lothian Council Museums Service's existing collection and will remain collecting priorities in the future. This category includes items falling into four broad subject areas as defined by the Social History and Industrial Classification (SHIC) published by the Museums Documentation Association, namely.:

Community life; Domestic and family life; Personal life; Working life

3.4.2 Archaeology:

West Lothian Council Museums Service is an approved institution for the distribution of Treasure Trove and will seek to receive items appropriate to its collecting area and storage and display facilities. All archaeological collecting will be in accordance with the relevant current legislation (See ¶8.6 below).

Finds which are not claimed by the Queen & Lord Treasurer's Remembrancer, which have come to light as a result of an excavation undertaken by the Council or as a planning condition imposed by the Council are to be deposited with West Lothian Council Museums Service as part of the project design.

Objects dating to before 1707, the Act of Union of Scotland and England may be considered as archaeological (this date is used by the Royal Commission on Ancient & Historic monuments of Scotland). This therefore covers the following periods: Mesolithic, Neolithic, Bronze Age, Iron Age, Roman, Dark Ages, Mediaeval and Early Modern. Casual finds after this date will be considered for the social history collection unless found on excavation.

For collecting purposes, archaeological objects will be subdivided into three categories:

a) **Artefacts or manuports** - an object which is the product of human art and workmanship, or which has been introduced from outwith the district by human agencies, e.g. pottery, flint, building material etc

b) **Biological specimens** - faunal and floral remains which provide evidence concerning the nature of the environment in which people have lived and which they exploited e.g. wood, grain, pollen, bones etc.

c) **Sites** - the physical remains of permanent or temporary habitation sites. These are often ephemeral and transient and can only practically be preserved in documentary form - in writing, film and drawing. This is nonetheless an essential and integral part of the evidence for human activity in the district. As well as existing in its own right, such evidence must accompany the types of objects outlined in paragraphs a) and b). Evidence in this form will be placed with the West Lothian Council Archives Service for long-term storage and cross referenced to the Sites and Monuments Record maintained by for the council by the West of Scotland Archaeology Service (WOSAS), of which the council is a member and on the archaeological trigger maps prepared by WOSAS for use by the council in the planning process.

3.4.3 Photographs, prints and drawings:

Photographs, topographical prints and other locally relevant material will be collected only for the purpose of enhancing the interpretation of the object collection. West Lothian Council Archives and Records Centre holds the Council's principal collection of original photographs. Original photographs and negatives donated to West Lothian Council Local History Library were in the past accepted by West Lothian Council Museums Service for safekeeping. Such photographs are now deposited with West Lothian Council Archives and Records Centre. Copies of original non-duplicate photographs collected by West Lothian Council Museums Service will be donated to West Lothian Council Local History Library. New work may be commissioned when gaps in the existing collections are identified. The Local History Librarian, the Archivist and the Senior Planner Conservation and Design for West Lothian Council will be informed of such commissions.

3.4.4 Architectural material:

Material including the fabric of a building as well as fixtures and fittings that have been salvaged from West Lothian Council approved demolitions, alterations and maintenance to historic buildings and constructions of

architectural merit. This material has been collected in the past, but limitations on storage will prevent future collecting of all but the smallest examples.

3.4.5 Public Art and Monuments:

All externally situated historic buildings and monuments in the ownership or guardianship of the council are identified on a database established and maintained in partnership by the council's Planning and Conservation Officer, Strategic Planning, Community Arts and Structures. All public art is subject to the Public Art Strategy adopted in 2008 under which Public Art in West Lothian is supervised by the Public Art Strategy Group. The Museums Service will no longer collect such material.

3.4.6 Visual Arts:

West Lothian Council's visual arts collection, housed mainly at County Buildings in Linlithgow, is supervised by the Museums Officer but is not part of the Museum Service's collection. The Museum Service does not seek to collect visual art. However the Museums Service will consider accepting donations of the work of local artists or local subjects which illustrate the historical development of the area, if appropriate storage and display facilities are available at the time. Where the Museum seeks to collect the work of "local" artists, or to acquire "local" views, the area defined at ¶ 3.1 above will normally be used as the basis for decisions.

3.4.7 Numismatics:

There is currently very little numismatic material in the West Lothian Council Museums Service collections. Development of the numismatic collection will be restricted to coins, notes, medals and tokens with a particular connection to West Lothian, or such as may be required for display purposes. Coins recovered from excavations will be accepted with other excavated material.

3.4.8 Geology:

There is a small amount of material in the West Lothian Council Museums Service Collections relating to the geological history of West Lothian. Future collecting of specimens which represent the rich geological heritage of West Lothian may be undertaken, but a comprehensive collection will not be created..

3.4.9 Natural History:

There are currently no natural history specimens in the Museums Services Collections. In the future specimens may be obtained or borrowed for display purposes but given the limited space available for collection storage there is no intention to initiate the collecting of this type of material.

4. Limitations on collecting

- 4.1** West Lothian Council Museums Service recognises its responsibility, in making new acquisitions, to ensure that care, documentation and use of the collections will meet the Accreditation Standard. Accordingly, it will consider limitations on collecting imposed by factors such as inadequate staffing, storage and care of collections arrangements. Where the acquisition of any item would result in significant financial implications, the matter will be referred to West Lothian Council for decision.

- 4.2** The Museums Development Officer as the West Lothian Council's senior museum professional, will normally have delegated authority and responsibility for the acceptance or rejection of potential gifts or bequests to the Museum, for soliciting gifts of material for the collections within the terms of this policy, and for making recommendations and taking action on the purchase of material in accordance with this Policy and within West Lothian Council's normal standing orders.
- 4.3** Items offered to West Lothian Council Museums Service as gifts or bequests will not normally be accepted if they are subject to any restrictive covenant or special conditions, such as that they be displayed in a particular way. In exceptional circumstances, if the Museums Development Officer feels that the item(s) in question are of over-riding importance, West Lothian Council may be asked to approve the acquisition of a specific item to which conditions are attached. A general exception to this rule will be deemed to exist in respect of restrictive covenants or conditions intended only to assure the permanent protection of the item concerned in the Museum's collections, such as restrictions placed upon any legal powers of disposal that the Museum may have; under such circumstances, the Museums Development Officer may reasonably recommend that West Lothian Council accept the gift or bequest in question.
- 4.4** The acceptance of items, on loan, normally for a finite period for display or specific study, may be authorised by the Museums Development Officer acting on West Lothian Council's behalf. In exceptional cases, a privately owned item of major importance that falls within the scope of this Policy may be accepted on a finite long loan, whether or not it is required for immediate display or study. No item will be received on "permanent loan", a term which has no legal status. The period of all loans will normally be agreed in writing between the Museums Development Officer and the owner of the item at the time of deposit and will not normally exceed five years. Where the term of a loan has expired, it may be renewed or extended for further finite periods, at the discretion of both the owner and the Museums Development Officer.

5. Collecting policies of other museums

The museum will take account of the collecting policies of other museums and other organisations collecting in the same or related areas or subject fields. It will consult with these organisations where conflicts of interest may arise or to define areas of specialisms, in order to avoid unnecessary duplication and waste of resources.

Specific reference is made to the following museum(s):

Almond Valley Heritage Trust is recognised as holding a nationally significant collection related to the shale oil industry. The trust also collects objects connected to West Lothian's arable and livestock farming, geology and the engineering and extractive industries.

Linlithgow Heritage Trust defines its collecting area as the geographical area within the boundaries of the Royal Burgh of Linlithgow, the Parish of Linlithgow and historically Linlithgow as County Town of Linlithgowshire.

Bennie Museum Trust defines its collecting area as the administrative boundaries of Bathgate, Boghall and Torphichen Community Councils.

West Lothian Council Archives

All archival collections as defined by the Code of Practice on Archives for Museums in the United Kingdom will be offered to West Lothian Council Archives Service in the first instance. However as West Lothian Council Museums Service holds some archives, including photographs and printed ephemera, it will be guided by the Code of Practice on Archives for Museums and Galleries in the United Kingdom (3rd ed., 2002).

6. Policy review procedure

The Acquisition and Disposal Policy will be published and reviewed from time to time, at least once every five years. The date when the policy is next due for review is noted above.

Museum Galleries Scotland will be notified of any changes to the Acquisition and Disposal Policy, and the implications of any such changes for the future of existing collections.

7. Acquisitions not covered by the policy

- 7.1** Acquisitions outside the current stated policy will only be made in very exceptional circumstances, and then only after proper consideration by the governing body of the museum itself, having regard to the interests of other museums.
- 7.2** In an emergency, and to ensure the preservation locally [and in public ownership] of important material, the Museums Development Officer is exceptionally authorised to collect material from outside the museum's stated collecting area, relating to those parts of the Lothians not yet covered by any museum service. Such material is acquired on the understanding that it may be transferred to other museums at a future time.

8. Acquisition procedures

- 8.1** West Lothian Council Museums Service will exercise due diligence and will make every effort not to acquire, whether by purchase, gift, bequest or exchange, any object or specimen unless the governing body or responsible officer is satisfied that the museum can acquire valid title to the item in question.
- 8.2** In particular, West Lothian Council Museums Service will not acquire any object or specimen unless it is satisfied that the object or specimen has not been acquired in, or exported from, its country of origin (or any intermediate country in which it may have been legally owned) in violation of that country's laws. (For the purposes of this paragraph 'country of origin' includes the United Kingdom).
- 8.3** In accordance with the provisions of the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which the UK ratified with effect from November 1 2002, West Lothian Council Museums Service will reject any items that have been illicitly traded. The Governing body will be guided by the UK national

guidance on the responsible acquisition of cultural property issued by DCMS in 2005.

- 8.4** So far as biological and geological material is concerned, West Lothian Council Museums Service will not acquire by any direct or indirect means any specimen that has been collected, sold or otherwise transferred in contravention of any national or international wildlife protection or natural history conservation law or treaty of the United Kingdom or any other country, except with the express consent of an appropriate outside authority.
- 8.5** The museum will not acquire archaeological antiquities (including excavated ceramics) in any case where the governing body or responsible officer has any suspicion that the circumstances of their recovery involved a failure to follow the appropriate legal procedures.
- 8.6** In Scotland, under the laws of *bona vacantia* including Treasure Trove, the Crown has title to all ownerless objects including antiquities. Scottish archaeological material cannot therefore be legally acquired by means other than by allocation to West Lothian Council Museums Service by the Crown. Where the Crown chooses to forego its title to a portable antiquity, a Curator or other responsible person acting on behalf of West Lothian Council, can establish that valid title to the item in question has been acquired by ensuring that a certificate of 'No Claim' has been issued on behalf of the Crown.
- 8.7** Any exceptions to the above clauses 8.1, 8.2, 8.3, 8.5 or 8.6 will only be because the museum is either:
- acting as an externally approved repository of last resort for material of local (UK) origin; or
 - acquiring an item of minor importance that lacks secure ownership history but in the best judgement of experts in the field concerned has not been illicitly traded; or
 - acting with the permission of authorities with the requisite jurisdiction in the country of origin; or
 - in possession of reliable documentary evidence that the item was exported from its country of origin before 1970.

In these cases the museum will be open and transparent in the way it makes decisions and will act only with the express consent of an appropriate outside authority.

- 8.8** The museum does not hold or intend to acquire any human remains.

9. Spoliation

The museum will use the statement of principles 'Spoliation of Works of Art during the Nazi, Holocaust and World War II period', issued for non-national museums in 1999 by the Museums and Galleries Commission.

10. The Repatriation and Restitution of objects and human remains

The museum's governing body, acting on the advice of the museum's professional staff, if any, may take a decision to return human remains (unless covered by the

“Guidance for the care of human remains in museums” issued by DCMS in 2005), objects or specimens to a country or people of origin. The museum will take such decisions on a case by case basis; within its legal position and taking into account all ethical implications and available guidance. This will mean that the procedures described in 12.1 -12.4, 12.7 and 12.14 below will be followed but the remaining procedures are not appropriate.

11 Management of Archives

See ¶ 5 above and reference to West Lothian Council Archives

12 Disposal procedures

Disposal preliminaries

12.1 The governing body will ensure that the disposal process is carried out openly and with transparency.

12.2 By definition, West Lothian Council Museums Service has a long-term purpose and holds collections in trust for society in relation to its stated objectives. West Lothian Council therefore accepts the principle that sound curatorial reasons for disposal must be established before consideration is given to the disposal of any items in the museum’s collection.

Reasons for Disposal

12.2.1 To remove from the collections any item which is too badly damaged or deteriorated to be of any further use for the purposes of the museum.

12.2.2 To improve the curatorial care of the collections by the disposal of duplicate or unprovenanced material of low intrinsic relevance to the Acquisition Policy.

12.2.3 To transfer to the ownership of another Accredited museum any item which, by reasons of changes in public, social or educational need, administrative responsibility, development priorities, or the establishment of a new Accredited museum, the Museums Development Officer advises the West Lothian Council would be more appropriately placed elsewhere.

12.3 The museum will confirm that it is legally free to dispose of an item and agreements on disposal made with donors will be taken into account.

12.3.1 Items given or bequeathed will not normally be disposed of without prior consultation with the original donors or their families within the first generation, and wherever possible their approval should be obtained to the course of action proposed. This is, however, a matter of courtesy rather than a legal requirement. The Museums Development Officer shall be entitled to waive this requirement where all reasonable efforts to trace a donor have failed, and additionally where no details of the donor exist.

12.3.2 In appropriate circumstances, having taken account of the procedure set out in paragraphs 12.2-12.3 and 12.7-12.8 of this Policy, the Museums Development Officer may recommend the return of an item to its original donor.

12.4 When disposal of a museum object is being considered, the museum will establish if it was acquired with the aid of an external funding organisation. In

such cases, any conditions attached to the original grant will be followed. This may include repayment of the original grant and a proportion of the proceeds if the item is disposed of by sale.

Motivation for disposal and method of disposal

12.5 When disposal is motivated by curatorial reasons the procedures outlined in paragraphs 12.7-12.15 will be followed and the method of disposal may be by gift, sale or destruction.

12.6 In exceptional cases, the disposal may be motivated principally by financial reasons. The method of disposal will therefore be by sale and the procedures outlined below in paragraphs 12.7-12.13 and 12.15 will be followed. In cases where disposal is motivated by financial reasons, the governing body will not undertake disposal unless it can be demonstrated that all the following exceptional circumstances are met in full:

- the disposal will significantly improve the long-term public benefit derived from the remaining collection,
- the disposal will not be undertaken to generate short-term revenue (for example to meet a budget deficit),
- the disposal will be undertaken as a last resort after other sources of funding have been thoroughly explored.

The disposal decision-making process

12.7 Whether the disposal is motivated either by curatorial or financial reasons, the decision to dispose of material from the collections will be taken by the governing body only after full consideration of the reasons for disposal. Other factors including the public benefit, the implications for the museum's collections and collections held by museums and other organisations collecting the same material or in related fields will be considered. External expert advice will be obtained and the views of stakeholders such as donors, researchers, local and source communities and others served by the museum will also be sought.

12.7.1 Where recommendations concerning the disposal of museum items are to be made, it is understood that there will need to be certain preliminary investigations before a report can usefully be brought before the West Lothian Council. This may include such matters as obtaining valuations, seeking the views of donors, and contacts with other Accredited museums which may be interested in accepting transfers. Within the terms of this policy, it is understood that the Museums Development Officer under the supervision of the Chief Executive Officer has authority to act in this way, without prejudice to West Lothian Council's eventual decision.

Responsibility for disposal decision-making

12.8 No museum item may be disposed of without the specific authority of West Lothian Council, through the acceptance of a minute of the appropriate Committee according to West Lothian Council's normal standing orders. A decision to dispose of a specimen or object, whether by gift, sale or destruction will be the responsibility of the West Lothian Council acting on the advice of the Museums Development Officer, and not of the Museums Development Officer acting alone.

12.8.1 If the disposal of a quantity of similar material is proposed, West Lothian Council may, however, give the Museums Development Officer delegated authority to act in the specific, once a general principle has been approved.

12.8.2 Where recommendations concerning the disposal of museum items are to be made, it is understood that there will need to be certain preliminary investigations before a report can usefully be brought before the West Lothian Council. This may include such matters as obtaining valuations, seeking the views of donors, and contacts with other Accredited museums which may be interested in accepting transfers. Within the terms of this policy, it is understood that the Museums Development Officer under the supervision of the Chief Executive Officer has authority to act in this way, without prejudice to West Lothian Council's eventual decision.

12.8.3 The destruction of a museum item will only be acceptable if it has been seriously damaged, or has deteriorated beyond the point of further usefulness to the collection or for reasons of health and safety. The decision to de-accession in this way must be authorised by the West Lothian Council acting on the advice of the Museums Development Officer. The item will need to be formally de-accessioned and the destruction must be carried out in a discreet, confidential and permanent fashion.

Use of proceeds of sale

12.9 Any monies received by West Lothian Council from the disposal of items will be applied for the benefit of the collections. This normally means the purchase of further acquisitions. In exceptional cases, improvements relating to the care of collections in order to meet or exceed Accreditation requirements relating to the risk of damage to and deterioration of the collections may be justifiable. Any monies received in compensation for the damage, loss or destruction of items will be applied in the same way. Advice on those cases where the monies are intended to be used for the care of collections will be sought from MLA.

12.10 The proceeds of a sale will be ring-fenced so it can be demonstrated that they are spent in a manner compatible with the requirements of the Accreditation standard.

Disposal by gift or sale

12.11 Once a decision to dispose of material in the collection has been taken, priority will be given to retaining it within the public domain, unless it is to be destroyed. It will therefore be offered in the first instance, by gift or sale, directly to other Accredited Museums likely to be interested in its acquisition.

12.12 If the material is not acquired by any Accredited Museums to which it was offered directly as a gift or for sale, then the museum community at large will be advised of the intention to dispose of the material, normally through an announcement in the Museums Association's Museums Journal, and in other specialist journals where appropriate.

12.13 The announcement relating to gift or sale will indicate the number and nature of specimens or objects involved, and the basis on which the material will be transferred to another institution. Preference will be given to expressions of interest from other Accredited Museums. A period of at least two months will be allowed for an interest in acquiring the material to be expressed. At the end of this period, if no expressions of interest have been received, the museum may consider disposing of the material to other interested individuals and organisations giving priority to organisations in the public domain.

12.14 The museum will not dispose of items by exchange.

Documenting disposal

12.15 Full records will be kept of all decisions on disposals and the items involved and proper arrangements made for the preservation and/or transfer, as appropriate, of the documentation relating to the items concerned, including photographic records where practicable in accordance with SPECTRUM Procedure on de-accession and disposal.

Glossary

Collections are defined as:

any item entered in the Accession Registers of West Lothian Council Museums Service, whether as gift, or purchase, together with any item not entered in the Accession Registers, but in the possession of West Lothian Council Museums Service at 1st January 2012 which was donated or purchased with the intention that it should become part of the Collections.

Disposal is defined as:

the permanent removal of an item accessioned into the collection from the ownership of museum's governing body by the process of gift, sale or exchange.

Governing body is defined as:

the organisation which normally owns the collections. If another legally separate organisation has been given powers to acquire and/or dispose of collections on behalf of the governing body, this must be made clear in the policy.

Museums Development Officer is defined as:

the professional officer responsible to West Lothian Council through the Chief Executive Officer for the operation of the Museum according to proper professional standards. The Museums Development Officer must have a relevant degree, or a diploma in museum studies (or equivalent), or experience of the principles and practice of museum operation and management as may be determined to be acceptable by Museums Galleries Scotland.

Public domain is defined as:

represented by organisations which are run by public bodies or operate as charities.

Statement of Purpose: this must be the same as that given in the Forward Plan submitted with the Accreditation application.

Valid Title is defined as:

valid legal ownership.

West Lothian Council Museums Service is defined as:

those premises, staff and collections of original material, which may from time to time be under the control of the Museums Development Officer. At the time of adoption of this Policy, this principally encompasses the buildings in which West Lothian Council Museums Service is housed. (The portrait collection normally held at County Buildings in Linlithgow and the civic regalia normally held in the Bank of Scotland at Linlithgow and at West Lothian Civic Centre in Livingston are generally recognised as being the responsibility of West Lothian Council Museums Service but do not form part of the collections. The term "Museum" is used in a functional sense, and may at all times be taken to subsume the terms "Gallery", "Art Gallery", "Heritage Centre" or otherwise as appropriate.