

## 20-year rule, records of local interest: Frequently Asked Questions

### What is transition to the 20-year rule for records of local interest?

In 2013 the government began its move towards transferring records when they are 20 years old, instead of 30. During 2013 The National Archives (TNA) received records from 1983 and 1984, and in 2014 records from 1985 and 1986. Two further years' worth of government records are being transferred to TNA each year until 2022 when we will receive the records from 2001 and 2002.

On 1 January 2015 the 20-year rule was extended to include a range of local bodies covered by the Act. This means that the public sector organisations specified in the [statutory instrument amending the Public Records Act](#) (magistrates' courts, prisons, coroners' courts, NHS organisations and some arms-length bodies including the Environment Agency) are now obliged to transfer records selected for permanent preservation to a Place of Deposit at **20 years after their creation**, rather than the previous 30 years. This change is being phased in over a [10 year transition period](#), so for 2015, the period within which records must transfer is 29 years (records up to 1986). It will reduce by a further year during each year of the transition period until 2024.

### How long will the transition last for?

The second phase of the 20-year rule requires the listed public sector organisations to transfer two-years' worth of public records every year to Places of Deposit. This transition will take place between 2015 and 2025, by which time the provisions for both central and local organisations will be aligned.

### What will this mean for Places of Deposit?

Places of Deposit should expect to accession increased volumes of public records from the public sector organisations listed in Schedule 1 of the above cited instrument during the transition period. The policy is also likely to encourage the deposit of records that were overdue for transfer under the previous 30-year rule (i.e. historic material).

In order to support this increased rate of transfer TNA wishes to move from the existing reactive model of transfers to one based on more regular communication and planning between Places of Deposit and organisations transferring to them.

### What records are covered by the second phase of the 20-year rule, records of local interest?

In many cases, Places of Deposit will already receive records from transferring organisations covered by the extended legislation for the 20-year rule. Records from the following organisations are required to transfer records to approved Places of Deposit:

- prisons, remand centres, secure training centres or young offenders institutions
- coroner's courts
- the Environment Agency, except board minutes or records which relate to the formulation or development of policy governing the work of the Environment Agency, which transfer directly to The National Archives

- Family Practitioner Committees for localities in England and Wales
- the Forestry Commission, except board minutes or records which relate to the formulation or development of policy governing the work of the Forestry Commission, which transfer directly to The National Archives
- health service hospitals within the meaning of the National Health Service Act 1977 in England
- health service hospitals within the meaning of the National Health Service Act 2006 in Wales
- the Homes & Communities Agency that were formerly records of the Commission for New Towns or the Urban Regeneration Agency, except board minutes or records which relate to the formulation or development of policy governing the work of the Commission for New Towns or the Urban Regeneration Agency, which transfer directly to The National Archives
- Magistrates' courts
- the Maritime and Coastguard Agency, where they are of local interest;
- National Health Authorities including Clinical Commissioning Groups, National Health Service trusts and NHS Foundations in England
- National Health Authorities for district or localities in Wales, or for areas in or consisting of Wales, including National Health Service trusts all of whose hospitals, establishments and facilities are situated in Wales
- Natural England, except board minutes or records which relate to the formulation or development of policy governing the work of Natural England, which transfer directly to The National Archives
- Rent Tribunals or Local Valuation Courts

Some of the public sector organisations listed above are now defunct, but their surviving records held by other organisations remain in scope.

### **What guidance and support is available for the public sector organisations listed?**

A series of training events and workshops is being offered by TNA for these organisations throughout 2015 in preparation for the transfer of public records under the new policy. [New guidance](#) is also available which outlines the necessary procedures for the transfer of records to Places of Deposit. This includes guidance regarding selection, appraisal, sensitivity review and preparation of records for transfer.

Transferring organisations are being reminded that Places of Deposit may refuse to accept record transfers if they do not comply with national guidance or locally-agreed procedures.

### **Will the transfer of public records to Places of Deposit be monitored?**

Yes, the volume of public records being transferred to Places of Deposit from the public sector organisations listed under Schedule 1 will be monitored. The volume of records leaving these public sector organisations will be published in a new Record Transfer Report (RTR) issued by TNA.

Local authority Places of Deposit will be asked to provide TNA with information about the volume of their public records accessioned in their annual Accessions return. Additional fields will be added to the 2015 accessions survey to allow for this. TNA may contact archive services or transferring organisations for further information about their return.

**Will Places of Deposit receive payment for the records specified in Schedule 1 they receive during the transition?**

Local authority Places of Deposit will receive retrospective payment in proportion to the volume of public records listed in the schedule they notify to TNA in their annual Accessions return during the transition period. It is only available to Places of Deposit which are run by or on behalf of local authorities or joint services where the local authority is a major partner. This money is known as a 'New Burdens' payment, and is designed to cover the additional costs of processing higher volumes of public records.

**How much New Burdens funding is being made available?**

£7.1 million has been secured in New Burdens payments from central government over the ten year transitional period. £6.6 million of this amount will be payable to Places of Deposit, with £0.5 million paid to coroners courts across the ten years.

**How was this total 'new burdens' payment calculated?**

TNA undertook two surveys of the records held by the public sector organisations listed in Schedule 1 over the course of 2013 to establish what records they currently hold and what proportion would be liable for transfer (both under the 20-year rule and the former 30-year rule). The information received then formed the basis of calculations to establish the likely 'burden' Places of Deposit would experience in receiving the additional records.

**How will this New Burdens payment be calculated for an individual Place of Deposit?**

For each year of the policy, £660,000 of New Burdens funding will be divided up proportionately between Places of Deposit. These payments will vary between years and will be based on the volume of public records listed in Schedule 1 accessioned in a calendar year by an individual Place of Deposit as a proportion of the total accessioned by all Places of Deposit. Please note that this is a proportion, and not a fixed rate per linear metre of records reported. New Burdens payments will be paid once annually to these Places of Deposit during the transition period.

The volume of these records accessioned by a Place of Deposit will need to be recorded in the accessions information submitted to TNA, beginning from the 2015 Accessions to Repositories survey. No payments can be made in respect of accessions that are not reported in the survey. If we receive your public record accessions information after the Accessions to Repositories survey deadline we cannot guarantee your payment. If you anticipate difficulties in meeting this deadline, please [contact us](#) straight away.

For consistency with current reporting of 20-year rule transfers by government departments, the reporting unit will need to be **linear** metres. Repositories reporting accessions volumes in cubic metres should collect this volume data in the usual way, but then multiply the number of cubic metres by 12 to give a linear metre equivalent, as with

CIPFA returns, rather than calculate directly on the basis of their own local shelving arrangements.

### **How will Places of Deposit receive their New Burdens payment?**

Funding is being made available through central government, though payments will be allocated from TNA directly to Places of Deposit. Individual New Burdens payments will be calculated on the volume of public records accessioned by a Place of Deposit in a calendar year as a proportion of the total volume of public records accessioned by all local authority Places of Deposit in that same calendar year.

Archive services deemed eligible for funding will be sent a form to record their bank details, which upon completion should be returned to the Programmes Team at TNA. Payments cannot be made until this information and the Accessions return have been received.

### **Which records are eligible?**

Only records listed in [Schedule 1](#) that have been transferred under section 4(1) of the Public Records Act 1958 will be counted towards payments under the new burdens formula. Records 'presented', i.e. gifted to Places of Deposit, are not eligible, since they cease to become Public Records. Records transferred between Places of Deposit, or between Places of Deposit and TNA, are also not eligible for funding. Payments are currently limited to paper and other hard copy records.

Overdue records (i.e. those received in the current year which should already have been transferred under the previous 30-year rule) will be eligible for this funding.

Provided end dates for records reported in the Accessions survey fall within the period affected by 20-year rule transition (i.e. up to and including 2004), these records will be available for funding in the year in which they are reported. Any records which fall outside of this timeframe (i.e. records dated 2005 and post-2005 records) will not be eligible for New Burdens payments.

To help the monitoring of the transition to the 20-year rule, Places of Deposit will need to measure the quantities of records in linear metres dated 1986 and earlier, and then records for 1987 to 2004. The data is needed in this way for auditing purposes, so that the figures can tally with information received from the transferring organisations which will be submitting information about their records and 2015 transfers as part of a separate online survey.

### **How can a New Burdens payment be spent by a Place of Deposit?**

The intention of the New Burdens payment is to cover additional costs associated with the implementation of the 20-year policy. It is for Places of Deposit to determine how the payments can most effectively be used to support implementation in their service. This may include indirect support, for example, freeing up staff resource in a non-public records area of activity to assist 20-year rule implementation, or to support functions common to public and non-public records, for example through storage provision. Places of Deposit will be expected to continue meeting the full range of their statutory responsibilities under the Public Records Act.

## **As a Place of Deposit, what should I do now?**

We encourage public sector organisations affected by the 20-year rule and Places of Deposit to discuss at the earliest opportunity what this change will mean and the likely volume and scheduling of transfers over the next 10 years.

These discussions might also cover specific local factors that might affect the process, such as new building projects and staff resourcing. Places of Deposit may also wish to issue local guidance on their reasonable requirements for the processing of transfers in relation to listing, packing, transporting records and sensitivity reviews. Our [guidance](#) for public sector organisations advises them that they should follow any reasonable guidance issued by their Place of Deposit in transferring their records.

We recommend that this should be included in a written memorandum of understanding that may include elements from existing standard deposit agreements. Where it is agreed that a Place of Deposit will carry out some of the functions of the transferring organisation under the Public Records Act, the memorandum should make provision for any charges that the Place of Deposit makes for that service. This should always be agreed in advance between both parties.

In addition to making contact, it will be important to accurately record and report the volume of records transferred from the transferring bodies affected by the 20-year Rule change in the annual Accessions to Repositories survey. At this stage, it will be important for Places of Deposit to monitor transfers and be aware that they will be asked for quantitative information regarding the volume of records transferred in linear metres.