

New Burdens funding: a guide for local authority places of deposit

This guidance is designed as a set of FAQs for local authority places of deposit to give background information to the transition to the 20-year rule, outline what a New Burdens payment is, the eligibility criteria for archive services claiming funding, and the processes involved for receiving payment.

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For any other queries, please contact the 20 year rule team via asd@nationalarchives.gsi.gov.uk

1. What is the '20 year rule'?

The [Public Records Act](#) has required central government departments, and certain other public record bodies, to identify records of historical value and transfer them for permanent preservation to The National Archives, or to appointed places of deposit, by the time they are 30 years old. The Government is reducing this timeframe from 30 to 20 by phasing the shift during a 10-year period.

1.1 How does the change affect places of deposit in particular?

On 1 January 2015 the 20-year rule was extended beyond that of central government transfers to The National Archives (TNA) to include a range of local bodies covered by the Act who transfer to places of deposit. 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) will in future be 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.

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

1.2 How does the move to the 20-year rule work in practice?

To make the shift to the 20-year rule change more manageable, it is being phased in over a [10-year transition period](#), which commenced in 1 January 2015. This will require the listed public sector organisations to transfer two-years' worth of public records every year to places of deposit. In practice records due for transfer during 2016 will be those dating up to and including 1988. During 2017, records dated up to and including 1990 will be due for transfer and so on.

This transition will take place between 2015 and 2025.

1.3 What is New Burdens funding?

The funding is made available from central government to account for changes made to legislation that are estimated to have a disadvantageous financial effect on local authorities. In this instance the New Burdens payment compensates local authorities for the increased activities that places of deposit may experience during the transition period. The money is designed to cover the additional costs of processing higher volumes of public records.

A total of £7.1 million has been secured in New Burdens funding from central government over the ten-year transitional period, of which £6.6 million will be payable to places of deposit, and £0.5 million paid to coroners' courts, across the ten years.

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

TNA undertook two surveys of the records held by public record bodies over the course of 2013 to establish the volume of their holdings and the proportion liable for transfer (both under the 20-year rule and former 30-year rule). The information received formed the basis of calculations to establish the likely 'burden' places of deposit would experience in receiving the additional records.

1.5 How much funding is available for places of deposit?

For each year of transition, £660,000 of New Burdens funding will be allocated proportionately based on the volume of eligible public records accessioned in a calendar year. Archive services which report no eligible public record accessions will not receive funding.

This means that if the total volume of eligible public records reported by all places of deposit in the 2016 Accessions survey were 1,000 linear metres, a place of deposit which reported 50 linear metres of eligible records in their return would receive payment of £33,000 (i.e. 5% of the total funding available for that year).

Please note that this is a **proportion**, and not a fixed rate per linear metre of records reported, and as such payments will vary between years depending on the total volume of records reported. New Burdens payments will be paid once annually during the transition period.

2. Reporting public records

2.1 How do archives report their accessioned public records in relation to New Burdens funding?

Places of deposit need to highlight their public records in their return to the annual Accessions to Repositories survey submitted to TNA. No payments can be made in respect of accessions that are not reported in the survey. If public record accessions information is received after the survey deadline, payment cannot be guaranteed.

2.2 How do archive services report the volume of eligible records?

For consistency with current reporting of 20-year rule transfers by government departments, **the reporting unit will need to be in 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.

This means that for a public record collection recorded by a place of deposit as having a volume of 0.8 cubic metres an in-house measure should be reported as 9.6 linear metres.

If no details are given in an Accessions return for the size of an otherwise eligible public record collection, TNA will be unable to calculate the amount of New Burdens funding a service would otherwise be eligible for, and will not be in a position to make payment.

2.3 Why do archives need to report the quantities of public records for 1988 and earlier, and then 1989-2004?

The data is needed in this way for auditing purposes, so that the figures can tally with information received from the transferring organisations specified in the [legislation amending the Public Records Act](#) which are also surveyed as part of the reporting process.

2.4 Should all existing public record holdings be reported by archive services as part of the Accessions to Repositories survey?

No. TNA should have a record of all existing public record holdings for places of deposit in [Discovery](#). If any existing collections information in Discovery for public records needs to be updated, please notify us separately at asd@nationalarchives.gsi.gov.uk

New Burdens funding cannot support any pre-transition period public record activities conducted by places of deposit, due to the fact that the change in legislation which introduced the new '20 year rule' came into effect on 1 January 2015.

Services should only report the records their service has fully appraised and accessioned as public records **during the set calendar year**. Funding will only be available during the transition period – that is, for eligible public records which are accessioned up to and including the end of December 2024. The last New Burdens payment round will therefore be in 2025, in respect of local authority places of deposit's public record accessions of 2024.

3. Eligibility

3.1 Which archive services are eligible for funding?

Funding is only available to local authority places of deposit; that is, places of deposit which are run by or on behalf of local authorities or joint services where the local authority is a major partner.

Receipt of funding is conditional upon the archive service's continuing to meet the requirements of the Public Records Act and remaining an appointed place of deposit.

3.2 What types of records are eligible for New Burdens funding?

Public records from the following public sector organisations (as specified in the [secondary legislation](#) amending the Public Records Act), are eligible for funding:

- Prisons, remand or secure training centres, or young offenders institutions
- Coroners' courts
- The Environment Agency
- Family Practitioner Committees for localities in England and Wales
- The Forestry Commission
- Health service hospitals within the meaning of the National Health Service Act 1977 in England or 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
- Magistrates' courts
- The Maritime and Coastguard Agency
- National Health Authorities including Clinical Commissioning Groups, NHS trusts and Foundations in England, or for trusts all of whose hospitals, establishments and facilities are situated in Wales
- Natural England
- Rent Tribunals or Local Valuation Courts

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

3.3 Are records only eligible if they cover a particular timeframe?

Yes - all eligible classes of public records that are reported in the annual Accessions to Repositories survey will be eligible if their covering dates cover **up to and including 2004 (i.e. the end of the transition period) even if this means they are transferring earlier than required under the transition provisions.** This means that although the transfer schedule for records during 2016 makes records of 1987 and 1988 due for transfer to places of deposit, pre-1987 records (i.e. legacy records that should have been transferred under the first year of transition, and also under the former 30 year rule) *and* records dated 1988 to 2004 will also be covered.

Records of 2005 to the present day will not be eligible. Any post-2004 parts of collections cannot be counted as part of the volume of eligible records. In the instance of a register straddling these two date areas, the date of the register must be considered as the **date recorded for the last entry**, and if this date is later than 2004, the register cannot be counted.

The dates of the records must also relate to the organisations whose classes of public record are represented in Schedule 1 of the local transition regulations. It is possible that the records of a pre-NHS hospital, dated 1930-1932, may not be public records, unless it is evidenced that the hospital later became an NHS institution, or that the records were used by an NHS hospital.

3.4 What types of records are not eligible for funding?

3.4.1 Official records such as records of schools, councils and the police which are not currently covered by the Public Records Act, and should therefore not be marked as public records on the annual Accessions return.

Example: Registers of Little Middleton School – not public records, not eligible

3.4.2 Public Records, other than those within the specified classes (see [schedule 1](#) in secondary legislation amending the Public Records Act) such as county court or Territorial and Auxiliary Forces Association records, are not eligible. TNA is aware that places of deposit may still receive some older legacy records of these organisations that should have been deposited previously, but in general they should not be receiving regular current transfers from such organisations

Example: High Wycombe County Court, court registers – public record body, but not eligible class

Example: Central Buckinghamshire Magistrates' Court, court registers - public record body, listed in schedule 1, eligible

3.4.3 Records whose covering dates fall outside of the transition timeframe – that is, which are dated 2005 to the present, are not eligible for funding

Example: St Peter's Hospital, accident and emergency registers, 1966-2000 – public record body, records within pre-2005 timeframe, eligible

Example: Ashford and St Peter's NHS Trust, photographs of wards, 2005-2007 – public record body, post-2005 records, not eligible

Example: Ashford NHS Trust, service registers, 2000-2012 – public record body, only records to 2004 will be eligible

3.4.4 Records that have been reported to TNA as accessioned by a repository before the commencement of the 20 year rule transition in 2015 will not be eligible for New Burdens funding.

3.4.5 Public records that have been transferred to the reporting repository from another place of deposit will not be eligible, unless it is evidenced that the other place of deposit was merely acting as a conduit for transfer of the records and they were not made available for access/formally accessioned there, or that archive service received the collection in error from the public record body.

Please note archives must seek permission from TNA to transfer public records to another place of deposit in accordance with section 4(3) of the Public Records Act.

3.4.6 Records that appear to have been legitimately disposed of to private depositors before the Public Records Act came into effect will not be eligible. There are however instances of records, which should have been selected for permanent preservation under the Public Records Act,

improperly passing into the hands of private individuals such as former staff of institutions. In these cases, TNA will honour New Burdens payments in respect of those items, but accession documentation should be amended to record them as having been transferred under the Public Records Act by the relevant organisation via the individual concerned, and it is important that their provenance is recorded clearly in the Accessions template to alert the 20 year rule programme's team.

Example: Blankshire Hospital, patient register, 1950-1958, transferred by former member of hospital staff – eligible, as records would have otherwise been selected for permanent preservation by the NHS hospital

Example: Ambridge gaol, inmates register, 1865-1872, acquired through private auction – in this instance, there is no evidence that this became part of the modern prison system whose institutions are listed as public record bodies within the Act - therefore ineligible, as not a public record

3.4.7 Records that have not undergone appraisal and selection for transfer under the Public Records Act, or that have been selected contrary to TNA guidance are not eligible for funding. Also, records presented under section 3(6) of the Public Records Act will not be eligible for funding, as they cease to be public records upon presentation. Where records have been presented, you will have received a formal presentation instrument from TNA.

Where it has been agreed that the place of deposit will undertake appraisal and selection on behalf of transferring organisations, and has physically received records which have yet to be processed, these records should not be reported until selection has actually taken place. If some of the material has been processed, that selected portion of the total may be reported, but the linear metres of these must be deducted from future reports of the overall accession.

In some cases, archives may be holding records of transferring bodies otherwise than under the Act, such as through providing storage and management services for current or semi-current records on behalf of a coroner. These should not be reported in Accessions until they have undergone appraisal and selection, and held primarily for the purposes of the Public Records Act.

Archives should only report in their Accessions return records deposited from public record bodies once they have been selected and transferred under the Act. Payment cannot be made in respect of collections that have not been selected for permanent preservation under the Act.

Places of deposit are reminded that records which have been selected and formally transferred under the Act cannot lawfully be subsequently appraised, weeded or destroyed without the permission of the Secretary of State under section 6 of the Act, transferred elsewhere (including another place of deposit) without approval under section 4(3), or returned to the creator of the records (other than temporarily in accordance with section 4(6) of the Act). Such approvals are infrequently given, and places of deposit should not assume that they will be.

If you are uncertain of the status of your records, please contact us at asd@nationalarchives.gsi.gov.uk

4. The process

4.1 What happens after places of deposit send in their Accessions returns?

Firstly places of deposit must report any eligible collections for a given year by the deadline of the Accessions survey. The 20-year rule team then inspects all returns and identifies collections flagged as 'public records' to determine their eligibility using the above specified criteria. Some archivists may be contacted by a member of the team for clarification of eligibility.

TNA reserves the right to inspect any collections to verify their reported size.

Once the team is satisfied of the status and eligibility of all reported public record collections, all places of deposit are notified of the team's findings regarding their eligibility, and given the opportunity to respond or send revisions within a two week deadline. At this point eligible places of deposit must agree by email to the total amount of linear metres of records reported, and confirm no further appraisal will be conducted.

Payments are made on the basis that the relevant archive service continues to be appointed as a place of deposit, meeting the requirements of section 4(1) and 5(5) of the Public Records Act (now linked to the [Archive Service Accreditation](#) programme).

4.2 How do eligible places of deposit receive payment?

Archives must complete a 'New Supplier Form' to record the relevant bank details necessary for payment (in most cases, this will be bank details for the parent authority's account) and return it with their Accessions return. Any changes in payment details must be notified promptly.

Without receipt of bank details, no payment can be issued.

If payment details are not received from an eligible place of deposit, that archive service will become ineligible for funding after the point in which the given deadline has passed. TNA reserves the right to re-apportion any New Burdens payments that are not claimed for proportionately amongst the remaining eligible archive services for that year.

Once the annual New Burdens funding arrives at TNA from central government, eligible places of deposit will be formally notified by email of their funding amount, with a payment date. TNA will aim to do this in the first quarter of the financial year. Archives must alert their finance department to make them aware that they will be receiving this funding. Payment will be made by BACS to the account details provided in the New Supplier Form.

A list of all eligible public record collections, and payments made to places of deposit in respect of those records, will be [published](#) annually.

4.3 How can a New Burdens payment be spent?

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 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 physical or digital storage provision.

For audit purposes, archives may be required to provide evidence of the spending of this New Burdens payment to The National Archives. This may form part of reporting to the Department for Culture Media and Sport, and the Department for Communities and Local Government.

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