

Matthews B (Barry)

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From: Alison Rosie [Alison.Rosie@nas.gov.uk]
Sent: 30 March 2007 10:31
To: Cultural Bill Consultation
Subject: SRAC response to the draft Culture (Scotland) Bill

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Dear Mr Matthews,

I am pleased to enclose the comments of the Scottish Records Advisory Council on the draft Culture (Scotland) Bill. If you have any questions about the Council's response do not hesitate to contact me,

Yours sincerely,

Alison Rosie

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DRAFT RESPONSE OF THE SCOTTISH RECORDS ADVISORY COUNCIL TO THE DRAFT CULTURE (SCOTLAND) BILL

The Scottish Records Advisory Council is grateful for the opportunity to comment on the draft Culture (Scotland) Bill (henceforth “the Bill”). While the bulk of the Bill lies outside the direct remit of the Council, it is good to see its recognition of the contribution made by archives both national and local to culture and its enjoyment in Scotland. In particular the Council is pleased to see that local authority archives are included amongst the cultural services that local authorities may provide (clause 7(d) of the Bill), and that the existing legislation in this particular area is to be supplemented, not only by the general provisions of clauses 1-3, but also with the useful specific provision in clause 4, that in deciding whether to dispose of any records, a local authority are to have regard to the extent to which the records may be used for cultural purposes.

With regard to clause 2 of the Bill and the guidance on local cultural entitlements to be issued by the Scottish Ministers, the Council notes that under section 53 of the Local Government etc (Scotland) Act 1994 local authorities are already required to “have regard to” to the guidance of the Keeper of the Records of Scotland. Recent experiences with some local authority archive service provisions have caused concern to the Council that this provision does not provide the Keeper with enough authority to intervene when real problems arise with the provision of archives services to the requisite professional standard. So there must be some concern in general that a “having regard” requirement will prove to have insufficient force to ensure at least a minimum quality of local cultural entitlements around the country.

The Council would wish to ensure that with regard to archives the required minimum standards were monitored to the professional standards acceptable to the Keeper and his staff in the National Archives of Scotland (NAS) rather than left as the responsibility of Ministers. The Council expresses the hope that the quality assurance framework document referred to at para. 2.7 of the consultation document will have appropriate provision for archive services, on the basis of the professional advice available from the Keeper and his colleagues.

The Council is pleased to see that the consultation document recognises the NAS amongst the National Collections, while at the same time acknowledging that the National Archives have the special feature of being an integral part of the management of government business and must therefore be treated differently in various respects from the other bodies amongst the National Collections. Thus the Council is content that the Bill contains no specific provisions on the NAS to parallel those on the National Library, Museum or Galleries. But the Council has long pressed the case for an Archives (Scotland) Act which would define the functions of the NAS in legislation in an up-to-date manner reflecting their modern objectives, and this need will become even more apparent after the Bill has performed that task for the other members of the National Collections. We would therefore argue that, contrary to the apparent implication of paragraph 1.9, the National Archives are inadequately covered by existing legislation (as

indeed is the position with local authority archives), and that the Bill makes regularisation and modernisation of the position still more pressing.

Finally, the Council is of the view that re-naming the Royal Commission on the Ancient and Historical Monuments of Scotland as the National Record of Scotland would be a mistake and a probable cause of significant confusion between the re-named body and the NAS. The NAS is responsible for the public records of Scotland, properly and legally speaking, and it is not so very long ago that it was itself known as the Scottish Record Office. The head of the NAS is the Keeper of the Records of Scotland, and the Council's own name also refers specifically to records in the same sense. The suggested new name for the RCAHMS is therefore inaccurate as well as imprecise, and will be misleading to the public. The result would be misdirection of would-be users of RCAHMS and NAS services, and the twin costs of irritation to them and inconvenience to those who would have to redirect the victims of the confusion. The Council understands that the suggested new name is drawn from the National Monuments Record for which RCAHMS is responsible. It can also understand why that name is thought inappropriate for the reconstituted body, and there are also problems with alternatives such as National Heritage of Scotland; but it is clear that there would be still more significant difficulties with National Records of Scotland.

For and on behalf of the Scottish Records Advisory Council

Hector L MacQueen
Chair
March 2007.