

COVER:

Proclamation no. 58

The persons named have been presented as Tories, Robbers and Rapparees by the Grand Juries of Counties Cork, Tyrone and Kilkenny. If they do not surrender themselves for trial, they are to be convicted for High Treason and are to suffer accordingly.
5 May 1716

Ordnance Survey – OS 88
Cork 1-49

Extracts from Name Books for
County Cork.
1838-1842

PAGE 1:

Proclamation no. 38

Ships from Hamburg and other places west of the Sound between Denmark and Sweden are to be freed from the quarantine imposed in Irish ports in 1711 to prevent the spread of plague from the Baltic and north-west Germany.
11 July 1712

PAGES 2-3:

An Óige – Irish Youth Hostel
Association – 2005/58

Photograph of Aughavannagh
Hostel, County Wicklow.
circa 1964

Handbook Cover, and pages 86
– 87, showing locations of
hostels at Mellifont and
Omeath, County Louth.
1943–1944

Photograph of three climbers
on Mangerton Mountain,
County Kerry.
circa 1966



BY THE
Lords Justices and Council of *Ireland*,
A
PROCLAMATION.

Con Phipps Canc. fo. Tuam.



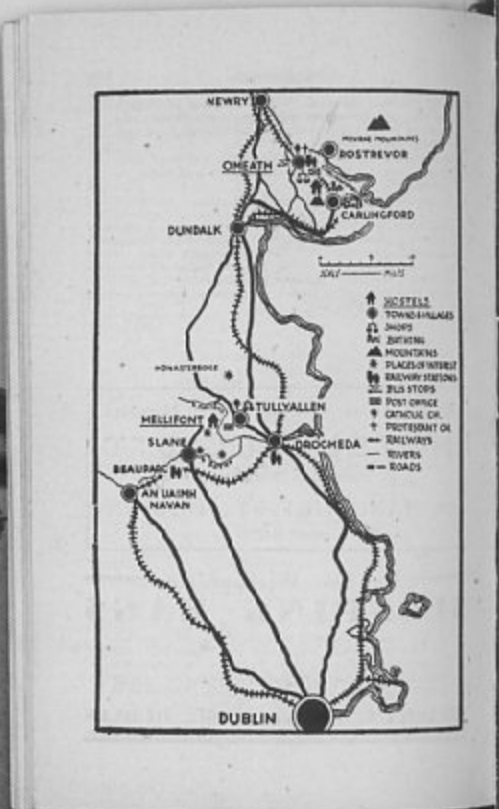
HEREAS His Grace the Lord Lieutenant and Council of this Kingdom, by their Order in Council, bearing Date the Third Day of *October* last, Reciting, that several places in the *Baltick-Sea*, and other places near *Altena Gluckstadt*, the little *East Hamburg* on the *Elb*, *Bremen* on the *Weser* and *Emden* on the *Eems*, had been for some time past and then were Infected with the Plague, did out of their Care of the Lives and Health of Her Majesties Subjects of this Kingdom, and to prevent the Infection that might happen by Ships coming into any of the Ports thereof, from any of the said Places, direct and require, That all Ships and Persons coming in the same from the *Baltick-Sea* or any the places aforesaid, should Perform their Quarentine in such manner and in such places as in and by the said Order they were directed. And to the intent that no Person whatsoever might pretend Ignorance of the said Order, did by their Proclamation bearing Date the sixth Day of the same Month of *October* last give Notice of the said Order, and required all Persons to yield Obedience to the same.

We the Lords Justices and Council in Obedience to Her Majesties Commands do by this our Proclamation Order publish and declare That the Quarentine ordered and appointed by the before mentioned Proclamation, be and is hereby taken off from all Ships and Persons that now are or shall hereafter come from *Hamborough*, or any other place without the Sound, whereof the Commissioners of Her Majesty's Revenue and all Officers of the Customs, and all other Her Majesty's Officers and Subjects concerned, are required to take Notice and to take effectuall Care, That this our Proclamation be put in due Execution.

Given at the *Council-Chamber* in *Dublin*, the 11th Day of *July*, 1712.

*Abercorn, W. Meath, W. Kildare, Cha. Feilding, P. Savage, Richard Cox, Rob. Doyne,
Rob. Rochfort, Cha. Dering, Donat. Brien, Wm. Steuart, Sam. Dopping.*

God Save the Queen.



Ad
o
Ac

Bo
St
M
M
Ch
RA
In
Br

Submitted to the Minister for Arts, Sports and Tourism and laid before each House of the Oireachtas in 2007 in accordance with section 21 of the National Archives Act, 1986.

Published by:
 National Archives Advisory Council, 2007.

Copies available from:
 National Archives Advisory Council,
 c/o National Archives,
 Bishop Street, Dublin 8, Ireland
 Tel: +353 1 407 2300
 LoCall: 1890 252 424
 Fax: +353 1 407 2333
 E-mail: mail@nationalarchives.ie

The text of this report is also available on the National Archives web site:
<http://www.nationalarchives.ie>

Designed by:
 Ger Garland

Printed by:
 Brunswick Press

The archives reproduced in this report are held in the National Archives, and were either transferred to the National Archives or underwent conservation, microfilming or scanning in 2005.



bruíca tuáirín 87

Sleamh na Meala—Mellifont

Address.—Mellifont Abbey, Co. Louth. ¼ mile S.W. of bridge over Mattock R.

RESIDENT WARDENS.—Mr. and Mrs. Mohan.

ACCOMMODATION.—1 to men; 1 to women.

Book in advance through An Óige Office.

STOPS.—James Brannigan, Mellifont Cross (1¼ miles); McNeill's, Tullyallen (2 miles). Eggs from Mrs. Mohan. Milk from neighbouring farm: apply Mrs. Mohan.

CHURCHES.—Tullyallen; Mellifont, 1¼ miles.

RAILWAY STATIONS.—Drogheda, 7 miles; Beauparc, 10 miles.

Bus Stop.—Slane, 6 miles. P.O.—Tullyallen.

CONTENTS

Introduction	4
Meetings of the Council	7
A New Building for the National Archives	7
Review of Archival Legislation	7
Records Management	8
Local Authority Records	8
Land Commission Records	8
Records held in Solicitors' Offices	8
Scottish Records Advisory Council	10
Public Profile of the National Archives	10
Visit of the National Archives Advisory Council to Cork	10
Appendix I: Membership of the National Archives Advisory Council, 2005	13
Appendix II: The National Archives Act (1986): A submission by the National Archives Advisory Council	14
Appendix III: Local Authority Archives Sub-Committee: Submission on changes needed in current legislation relating to Local Authority Archives	16
INDEX	18

PAGE 4:

Department of the Taoiseach –
2005/151/369

Message of sympathy from
Indira Gandhi, Prime Minister
of the Republic of India, on the
death of Eamon De Valera.
29 August 1975

PAGE 5:

Department of the Taoiseach –
2005/151/369

Message of sympathy from
Harold Wilson, Prime Minister
of the United Kingdom, on the
death of Eamon De Valera.
29 August 1975

INTRODUCTION

The National Archives Advisory Council was established in January 1987 under the National Archives Act, 1986. The principal statutory function of the Council is to advise the Minister, in the exercise of his powers under the 1986 Act, on all matters affecting archives within the scope of the Act, and on the use of the archives by the public. The main responsibility of the National Archives relates to the records of Government Departments.

Membership of the Council is listed in Appendix I. Section 21 of the National Archives Act, 1986 requires the National Archives Advisory Council to submit its Report to the Minister prior to laying the Report before both Houses of the Oireachtas. The current National Archives Advisory Council was appointed by the Minister for Arts, Sport and Tourism on 21 November 2002.

Message from Shrimati Indira Gandhi,
Prime Minister of the Republic of India to
His Excellency Mr. Liam Cosgrave, Taoiseach.

QUOTE:

" I am deeply grieved to learn of the passing away of Eamon de Valera, the great Irish Statesman and Patriot. He led his country to freedom and nurtured the fledgling Republic for many decades during his long and dedicated service to Ireland. During our own freedom struggle, we drew inspiration from de Valera. My father regarded him as a friend and it was a privilege to receive him in India. We held him in great respect and admiration. I send my condolences to the bereaved family. We share their sorrow and that of the Irish People on this sad occasion.

Indira Gandhi."

UNQUOTE.



MESSAGE FROM THE PRIME MINISTER
TO THE TAOISEACH

On behalf of Her Majesty's
Government I offer our condolences
on the death of Mr de Valera. We
recognise and respect his life-long
devotion to his country. I send
our sympathy to his family and to
Irishmen all over the world who are
mourning his death.

Harold Wilson

29 August 1975



LEFT:

Pembroke Estate – 1101/8/54
Elevation of proposed Post
Office for Cornelius O'Sullivan
at Sandymount Green, Dublin.
3 July 1900

MEETINGS OF THE COUNCIL

The Council held ten formal meetings during the calendar year of 2005:

31 January: The Council met at the National Archives

7 March: The Council met at the National Archives

25 April: The Council met at the National Archives

6 May: The Council held a joint meeting with the Scottish Records Advisory Council at the Westbury Hotel, Dublin

20 June: The Council met at the National Archives

18 July: The Council met at the National Archives

5 September: The Council met at the National Archives

24 October: The Council met at Cork City Council Offices

21 November: The Council met at the Westbury Hotel, Dublin

5 December: The Council met at the Westbury Hotel, Dublin

7

A NEW BUILDING FOR THE NATIONAL ARCHIVES

The Secretary General of the Department of Arts, Sport and Tourism reported to the Council at its meeting on 31 January 2005. He stated that the decision had been taken to rebuild on the Bishop Street site and that the project would have to be funded through a Public Private Partnership.

The Secretary General also presented the possibility of the Military Archives being unified under National Archives management on the one site. It would be necessary to have agreement on the position and location of off-site storage.

The Secretary General addressed the concerns of the Council members with regard to the PPP process, by indicating that there would be no problem and minimal risk. It probably would be on a build and guaranteed-rental income basis.

The Secretary General attended the meeting of the Council held on 5 September to present a proposal relating to the relocation of the National Archives to premises at Parnell Square, Dublin. He pointed out that the option of Parnell Square had been recently tabled by the Office of Public Works as an innovative initiative, which would provide the National Archives with state of the art accommodation, while at the same time enabling the National Archives to operate without disruption at Bishop Street, while the new premises were under construction. Parnell Square consists of six Georgian houses, which had heretofore housed Coláiste Mhuire, but were now in State ownership. Storage for the National Archives could be provided in a six-storey building to be constructed to the rear of the houses. The OPW would be preparing a detailed report on the site to include an investigation into the possibility of building three further floors for storage underground.

REVIEW OF ARCHIVAL LEGISLATION

The Council agreed at its first meeting of 2005 that the issue of archival legislation would be dealt with in a comprehensive way and would be given priority. The Council set up a Local Authority Archives sub-committee, a National Archives Act, 1986 sub-committee and a Copyright, FOI and Data Protection sub-committee, with the following terms of reference – "To review existing legislation; to consider appropriate amendments and report and make recommendations to the Council". The National Archives Act, 1986 report is in Appendix II; the Local Authority Archives report is in Appendix III.

Papers delivered at the one-day seminar on reform of archival legislation, held in University College Dublin in October 2004, were published in the Winter 2004-2005 edition of *Irish Archives*, the journal of the Irish Society for Archives.

The Secretary General of the Department of Arts, Sport and Tourism reported to the Council at its meeting on 31 January 2005 that the 1986 and 1994 / 2001 Acts were due for re-appraisal and that the review was still on-going. The Chairman of the Council expressed concern about the position of the National Archives in relation to Government and indicated that he and the Council did not favour semi-state status. The Secretary General stated that arising from the recent enactment of the National Cultural Institutions Act, 1997, there were no plans to make a semi-state body of the National Archives.

RECORDS MANAGEMENT

At the meeting of 31 January members of the Council raised with the Secretary General the Council's concern at the quality of record keeping and filing within Government Departments. The Secretary General agreed with the Council that such a problem did exist and he offered to convey the concerns of the Council to the Minister for Finance.

The Council noted the comments made by the Minister for Justice, Equality and Law Reform, at the commencement of 2005, relating to the release of Department of Justice archives and to the setting up of an archives advisory group. The Council emphasised that the National Archives Advisory Council is the statutory advisory body on archives and that groups, such as that suggested for the Department of Justice, should not be permitted to proliferate.

LOCAL AUTHORITY RECORDS

Pursuant to the advisory role set out in the Local Government Act, 2001, the concerns of the Council have not abated with regard to the absence of the services of an archivist within some local authorities. A further letter relating to these concerns was sent to the Minister for the Environment, Heritage and Local Government.

LAND COMMISSION RECORDS

The difficulty in gaining access to the records of the Land Commission was brought to the attention of the Council. The Chairman corresponded with the Minister for Arts, Sport and Tourism, who wrote to the relevant minister, the Minister for Agriculture and Food. The latter Minister, in response, indicated that the Department of Agriculture and Food had identified some records of the Land Commission, such as the Fair Rents Orders, that could be handed over to the custodianship of the National Archives; but as the records of the Land Commission are regularly consulted by individuals and solicitors, they are regarded as day to day working documents. The Department also considers that general access by the public to the records of the Land Commission is not possible as 'this might well breach data protection rights and general confidentiality in the respect of the records'. Access to the records is allowed under the Freedom of Information Acts (subject to the usual restrictions).

RECORDS HELD IN SOLICITORS' OFFICES

Following the initiative taken by the Chairman of the Council to draw to the attention of solicitors throughout the country the value their legal holdings could have to historical and local research, an Agreement in relation to the deposit in the National Archives or with a Local Authority Archive Service of documents by solicitors' offices was drawn up, agreed upon and the Minister for Arts, Sport and Tourism officiated at the announcement of the Agreement, which was held at the offices of the Law Society at the beginning of July. It will be possible to download a copy of the agreement from the Law Society's website.

RIGHT:

2004/66/6(4)

Letter from [Colonel] Charost, the French Commandant of the Town of Killala [County Mayo] appointing Citizen O'Donnell to the office of Commander of the National Guard.

22 Fructidor in Year 6 of the French Republic [8 September 1798]

Liberty

2004/66/6 (4)

Equality

In the Name of the French Republic

Army of Ireland

Town of Killalla

The Commandant of the Town of Killalla
in consideration of the civism and Military Talents
of Citizen O'Donnell inhabitant of Killalla appoints
him to fill the office of Commander of the National
guard.

9

All Officers Subalterns and Privates
shall obey him in every order he may issue
for the service of the French Republic

Killalla 22 Fructidor 6 Year
of the French Republic
The Commandant of the Killalla District

Charost

SCOTTISH RECORDS ADVISORY COUNCIL

On the occasion of the visit to Dublin (Friday 6 May) by the Scottish Records Advisory Council, led by the Chairman Professor Hector McQueen, a programme was devised, whereby experts in the administration, in the archival experience and in records management policy in relation to the Freedom of Information Act, 1997 and the Data Protection Acts, 1988 and 2003 delivered papers and exchanged views.

Following the seminar a joint meeting of the Scottish Records Advisory Council and the National Archives Advisory Council was held. Among the issues raised were: the long-term preservation of the records of Tribunals of Inquiry; the role of the archivist as the neutral custodian; and the possible influence of the Freedom of Information Act and of the 30-year rule on the manner in which records are created.

The current situation in Scotland was presented: there is a great need for legislation and for the up-dating of the existing 70-year old law; however, it would appear that due to the introduction and enactment of Freedom of Information legislation, a wait-and-see attitude is prevailing.

The structure and role of the two Councils were compared: where the National Archives Advisory Council has a budget and is a statutory advisory body of twelve members appointed by the Minister, the Scottish Records Advisory Council has no budget, meets just twice a year and appointment to the SRAC is by application and interview.

PUBLIC PROFILE OF THE NATIONAL ARCHIVES

Council noted the continuing success of the Genealogy Service, commenced in January 2003, whereby the public can avail of advice and assistance from a professional genealogist with regard to genealogical or local studies research. This personal service is available, free of charge, during the same opening hours as those of the Reading Room.

The Council welcomed the launch, in December 2005, of the Project for the Digitisation of the Census Returns for 1901 and 1911, a joint project between the National Archives of Ireland and the Library and Archives of Canada, with the support of the National Library of Ireland, the Public Record Office of Northern Ireland and with funding from the Department of Arts, Sport and Tourism.

The Council noted that two Open Days were held at the National Archives, one on Saturday 12 February and the other, as usual, held in September, during Archives Awareness Month. These events greatly assist in raising the public profile and awareness of the National Archives.

VISIT OF THE NATIONAL ARCHIVES ADVISORY COUNCIL TO CORK

Cork City was European City of Culture in 2005, and the National Archives Advisory Council was invited by Cork City Council and the City and County Archivist to visit Cork on Monday 24 October 2005. A presentation was given by the City and County Archivist on the current situation of their records and how a new dedicated archives building was nearing completion. The building is funded by Cork City Council on a site within a residential street in Blackpool, owned by the City Council.

Prior to holding its meeting the Council was welcomed by the Lord Mayor. In the afternoon Council members visited the 'hard hat' site of the city and county archives, which was nearing completion.

RIGHT:

Department of the Taoiseach -
2005/151/664

Extract from a leaflet on anti-Catholic bias produced by the Association for Legal Justice (enclosed with a letter from Fathers Brian J. Brady, Denis Faul and Raymond Murray).
April 1974

ASSOCIATION FOR LEGAL JUSTICE,
25 Divis Street,
Belfast.

Anti-Catholic Bias in the Courts of Northern Ireland

A SAMPLE STUDY - APRIL 1974.

We still await the report of the Joint British-Irish Commission on Law Enforcement. The flood of inspired leaks about its contents continues unabated. It is said that the four British/N. Ireland members demanded extradition but eventually agreed to extra-territorial courts.

Observers of the legal scene in Northern Ireland will not be surprised that the Northern Ireland judges wanted extradition. They seem to take a particular delight in meting out the heaviest possible sentences to one group of extremists and letting the members of the other group off comparatively lightly.

They often betray their feelings in their courtroom remarks as well as in the sentences they impose. This emerged quite clearly from our analysis of cases decided by the Northern Ireland Courts during March 1974. Many of the judges in our Diplock (non-jury) Courts show a marked Anti-Catholic bias. Since it is Catholics who are most likely to seek refuge in the South, extradition would provide further opportunities for these judges to vent their spleen on members of the Catholic community.

The Association for Legal Justice presents below a further sample study. It concerns cases involving terrorist-type offences decided in the Northern Ireland Courts during April, 1974.

APRIL, 1974

	Catholics	Protestants	Total
Cases Decided	47	36	83
Acquittals/Charges withdrawn	6	5	11
Found Guilty - No Penalty	-	1	1
Fined	6	8	14
Suspended Sentences	3	3	6
Sent to Training School and Borstal	3	-	3
Sent to Prison	29	19	48
Average Prison Sentence	6.5	3.7	

A comparison with the March figure shows that the judges are consistent in their Anti-Catholic prejudice. In other words the March figures were not a freak statistic. If anything, a greater bias against Catholics emerges in the April figures especially under the two headings below:-

	MARCH		APRIL	
	Catholics	Protestants	Catholics	Protestants

Numbers sent to Prison and Borstal	70%	60%	67%	53%
Average length of prison sentence	6.1 years	3.7 years	6.5 years	3.7 years

CENSUS OF IRELAND, 1901

(Two Examples of the mode of filling up this Table are given on the other side.)

FORM A.

RETURN of the MEMBERS of this FAMILY and their VISITORS, BOARDERS, SERVANTS, &c., who slept or abode in this House on the night of the 31st March 1901.

Number.	NAME and SURNAME.		RELATION to Head of Family.	RELIGIOUS PROFESSION.	EDUCATION.	AGE.		SEX.	RANK, PROFESSION, OR OCCUPATION.	MARRIAGE.
	Christian Name.	Surname.				Years in last Birth-day.	Months for Infants under one Year.			
1	Sarah	Freeze	Head of family.	Roman Catholic	Read + write	35		F	Lucome from house property + Boarding House keeper	Not married
2	Norah	Freeze	Sister	Roman Catholic	Read + write	24		F	Assistant to head of family	Not married
3	Mary	Freeze	Sister	Roman Catholic	Read + write	19		F	Phorthand + pupil scholar	Not married
4	Richard	Lawton	Boarder	Roman Catholic	Read + write	32		M	Lucome from house property + Boarder	Not married
5	Robert	Yamara	Boarder	Roman Catholic	Read + write	20		M	Studying for Cleric	Not married
6	Robert	Cullis	Boarder	Roman Catholic	Read + write	21		M	Studying for Cleric	Not married
7	Samuel	Wearney	Boarder	Congregational	Read + write	18		M	Clerk in Public Works office Custom House	Not married
8	James	Mullan	Boarder	Roman Catholic	Read + write	19		M	Abstractor in Public Works office Custom House	Not married
9	Robert	Gracey	Boarder	Roman Catholic	Read + write	19		M	Clerk in Public Works office City Hall	Not married

I hereby certify, as required by the Act 63 Vic., cap. 6, s. 6 (1), that the foregoing Return is correct, according to the best of my knowledge and belief.

8573
Robert Adamson (Signature of Enumerator.)

I believe the foregoing to be a true and correct copy of the original.

Sarah Freeze

ABOVE:
Census 1901, Dublin, 72/44
Form A 14 return for the household of Miss Sarah Freeze, 14 Leeson Street Lower, Dublin (a boarding house).

RIGHT:
Ordnance Survey - OS 88 Cork 1-49
Extract from Name Books for County Cork. 1838-1842

1901.

No. on Form B. 14

... of the night of SUNDAY, the 31st of MARCH, 1901.

MARRIAGE.	WHERE BORN.	IRISH LANGUAGE.	If Deaf and Dumb, Dumb only; Blind; Imbecile or Idiot; or Lunatic.
Wife of ...	If in Ireland, state in what County or City; if elsewhere, state the name of the County.	Write the word "Irish" in this column opposite the name of each person who speaks Irish only, and the words "Irish & English" opposite the names of those who can speak both languages. In other cases no entry should be made in this column.	Write the respective infirmities opposite the name of the afflicted person.
Mrs. Lippesora		
Mrs. Lippesora		
Mrs. Lippesora		
Mrs. ...	Dublin City		
Mrs. ...	Co. Kilkenny	Irish English	
Mrs. ...	Co. Cork	Irish English	
Mrs. ...	Co. Dublin		
Mrs. ...	Co. Down		
Mrs. ...	Co. Down		

... to be a true Return.

J. J. ... (Signature of Head of Family).

APPENDIX I TO THIS REPORT:

MEMBERSHIP OF THE NATIONAL ARCHIVES ADVISORY COUNCIL, 2005

His Honour Judge Bryan McMahon
Chairman of the Council

Dr John Bowman
Broadcaster and Historian

Dr Maurice J. Bric, MRIA
Chairman, Irish Research Council for the Humanities and Social Sciences; Senior Lecturer in History, University College Dublin

Kathleen Browne, BA, FLAI
former Kerry County Librarian

Professor Mary E. Daly, MRIA
Dean, Faculty of Arts, University College Dublin; member of the Irish Manuscripts Commission

Joan Johnson
Honorary Archivist for Newtown School and Waterford Quakers; Member of the Friends' Historical Committee in Ireland

Máire Mac Conghail
Comhalta de Coimisiún Lámhscríbhinní na hÉireann (Member of the Irish Manuscripts Commission)

Christopher O'Connell
Eircom Manager; Local Historian

Professor Eunan O'Halpin
Professor of Contemporary Irish History, Trinity College Dublin

Carol C. Quinn, RMSA, BA, DAA
Chairman, Society of Archivists, Ireland; Archivist, Boole Library, University College Cork

Dr Raymond Refaussé
Librarian and Archivist, Representative Church Body Library

John Wilson, MA, H.Dip.Ed. *
former Tánaiste and Minister; Commissioner for Victims

*September 2005: resignation of NAAC member John Wilson.
October 2005: Minister appointed Mairead Dunlevy a member of NAAC.

SECRETARY TO THE COUNCIL

Patrick Corcoran,
Department of Arts, Sport and Tourism

Received Name.	Orthography.	Authority.	Situations.
Mullinahone	Mullinahone
...
...
...

APPENDIX II TO THIS REPORT

The National Archives Act (1986)

A submission by the National Archives Advisory Council.

The National Archives Act, 1986, legislated for the establishment of the National Archives. This agency's chief responsibility relates to various aspects of the management of archives of Departments of State. The Act is now almost twenty years old and the archives/records management sectors have moved on in that time. It is the advice of the NAAC that the 1986 National Archives Act be reviewed.

The following points have been specifically identified by the Council as needing attention. In addition the Council recommends that the Department of Arts, Sport and Tourism conducts a review to establish the extent to which the current Act is being complied with. The Council is particularly concerned that decentralisation could lead to a possible danger of loss of records and that all Departments should be fully aware of their responsibilities under the 1986 Act.

1. Impact of Data Protection and Freedom of Information legislation

1.1 There needs to be a review of the 1986 Act in light of subsequent legislation relating to FOI and Data Protection. In particular there is an anomaly regarding records between 1975 and 1998 not being available under either piece of legislation. Additionally, in view of the 30-year rule, there is a need for further examination of any overlap or anomaly.

1.2 An examination or review should be undertaken to see on what grounds documents are withheld under FOI and to see what criteria are used and what reasons are being given when a decision to withhold documents is made under the FOI Act. An independent review procedure is required to ensure that decisions are not arbitrary and to ensure that there is a uniformity of procedures. The review should also examine the criteria used to withhold records under the NA Act and it should also compare such criteria with the criteria used under FOI.

2. Withholding of records from public inspection

2.1 At present the Director of the National Archives has no role in determining which records are withheld from public inspection under Sections 8.2 and 8.4 of the National Archives Act. The issue of withholding records under Section 8(4) is decided by the Consenting Officer in the Department of the Taoiseach. The Director of the National Archives should be involved in these decisions.

2.2 Certificates issued under Section 8.4 should set out more specific criteria for the withholding of the records covered by them. These criteria should be publicly accessible. There should also be a limit to the number of times such Certificates can be re-issued. A mandatory review after a specified time limit should be included in any legislation.

3. Records not currently covered by the National Archives Act

3.1 Records of bodies other than Departments of State:

There is a danger of records being lost with the transfer of functions from the Health Boards to the HSE. The records of all statutory bodies and bodies being privatised and such other bodies as the Minister might schedule from time to time should come under the scope of the NA Act. Extra staff and resources would be required by the NA for this. Existing legislation may cover this and the Minister may be able to issue regulations. Any reform of the NA Act should include provision for allowing the Minister to bring bodies within its scope by regulation/statutory order.

3.2 Any legislation effecting privatisation of public service bodies should include a provision protecting the records of such organisations.

4. Users' Committee

4.1 The National Archives Act should make provision for the Director to establish a Users' Committee to include a maximum of two members of the NAAC. This committee would submit an annual report to the NAAC.

5. Electronic records

5.1 Electronic records should receive special mention in the Act as records requiring early intervention. Electronic records should be appraised for ultimate preservation or disposal no less than five years after their creation.

5.2 The issue of distributed custody and who (either the National Archives or relevant scheduled body) should bear the cost of maintaining accessibility and providing physical access should be addressed in new legislation. Distributed custody would have practical implications for provision of access given the programme to decentralise government departments currently underway in this country.

6. Audit

6.1 There is a need for an audit function for the NA. The NAAC would review the Director's reports.

7. Departmental Record Officers and Departmental Records

7.1 The number of professional Archivist posts in the National Archives needs to be increased by the number of Government Departments it serves. These archivists would form part of a cadre from which staff would be seconded to Government Departments to act for a time as Departmental Records Officers. Although seconded to a Department, each Archivist would remain part of the establishment of the National Archives and would spend no more than two years in any one Department before reverting to the National Archives. These officers would alternate their placements in Government Departments with periods of service in the National Archives. They would, therefore, identify with the National Archives and reflect its ethos and concerns. In the context of de-centralisation and the massive movement of civil servants between departments, effective records management and maintenance of the corporate memory will be crucial. This would seem to be an opportune time to press this proposal.

- 7.2 The Act as it currently stands sets out penalties for the theft or destruction of 'archives'. However, such penalties do not apply to the unauthorised destruction of 'Departmental records' as defined in the Act. Departmental records should be accorded protections similar to those that apply to 'archives'. The situation should exist that Departments cannot destroy records without penalty. See definitions appended.
- 7.3 National Schools should be required to maintain records in compliance with the requirements of the Department of Education and its successor bodies.
- 7.4 The status of Coroners' Records needs to be determined. Currently it is not clear if these are 'Departmental records' as defined in the Act. If they are deemed to be 'Departmental records', local archives which meet the appropriate standards for storage of archives should be declared 'places of deposit' under the National Archives Act for receipt of such records. If it is deemed that these records are not 'Departmental records' then they may be preserved locally without reference to the National Archives.
- 8. Powers of the Director of the National Archives**
- 8.1 There is a lack of powers on the part of the Director to inspect actual records as distinct from their accommodation. A regulation could be made by the Minister regarding this.
- 8.2 Section 4(1)(d) of the National Archives Act, 1986, states that the functions of the Director of the National Archives include the inspection and examination of arrangements for the preservation of Departmental records and, with the consent or at the request of the appropriate member of the Government, the examination of Departmental Records. The fact that the examination of Departmental records may take place only 'with the consent or at the request of the appropriate member of the Government' (i.e. the Minister responsible for that particular department or agency) means that the powers of the Director to inspect records in Government Departments and agencies is severely curtailed. The Director should have powers in respect of Departmental records similar to the powers exercised by the Comptroller and Auditor General in respect of accounts. The auditing or inspection of records in Government Departments or agencies could only be undertaken successfully if the National Archives were given the staff resources as well as the powers to undertake this function.

APPENDIX A [to submission]

Definitions of 'records'

Australia - Archives Act 1983

'record' means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microform, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is, or has been, kept by reason of any information or matter that it contains or can be obtained from it or by reason of its connection with any event, person, circumstance or thing.

Canada - Library and Archives Canada Act, 2004

'record' means any documentary material other than a publication, regardless of medium or form.

InterPARES (international research project on preservation of authentic records in electronic systems)

Record: A document made or received and set aside in the course of a practical activity.

In most jurisdictions 'records' seem to be defined only in relation to the entity or organisation that has created them (i.e. Privy Council Records, Presidential Records, Federal Record etc). Otherwise the term 'record' seems to be regarded as self-evident.

The EU may examine the whole area of record and archive keeping and the operation of FOI and the 30-year rule.

APPENDIX B [to submission]

Legislation in question:

National Archives Act, 1986

Freedom of Information Act, 1997 and Freedom of Information (Amendment) Act 2003

Data Protection Act, 1988 and Data Protection (Amendment) Act 2003

APPENDIX C [to submission]

Land Commission Records

The National Archives Advisory Council received representations from Professor Vincent Comerford of NUI, Maynooth, concerning lack of public access to the records of the Land Commission (LC). The NAAC was also aware of this problem, from the experience of Council members and from contacts with other researchers. Members of the NAAC met officials from the LC and whilst there was a useful exchange of views, no progress was made towards improving access. The records are still regarded as working documents to which there is no general right of access.

The NAAC asked Minister O'Donoghue to raise this with the Minister for Agriculture and Food, which he did.

- Within the local authority, there is a need for adequate and proper dedicated budgets for the Archives Services. Such a budget should not be allocated by reducing the budget of the library service.
- It needs to be recognized that Heritage Council funding is not capital funding and should not be viewed as D/EHLG funding.

Tax Relief for the Donation of Heritage Items

- Local Authorities should be designated as an appropriate place of deposit where there is a permanent repository.

2.3 Role of the Department of the Environment, Heritage and Local Government

- Structures need to be established within the D/EHLG which will enable serious attention to be given to all matters associated with Local Authority Archives Services.
- The implementation of the legislation needs to be reviewed and monitored by the D/EHLG.
- The D/EHLG should collect data on Local Authority Archives Services i.e. how much money is being spent; how many archivists have been appointed, what services are provided etc.
- The establishment of a system of accreditation of Local Authority Archives Services should be investigated. If a Local Authority meets an agreed standard in terms of record care there should be an acknowledgement e.g. Quality mark.

May 2005

Members of Sub-committee

Chair: Kathleen Browne, Kerry County Librarian, member of National Archives Advisory Council.

Carol Quinn, Archivist, Boole Library, UCC; Chair Society of Archivists, Ireland, member of National Archives Advisory Council

Frances McGee, Senior Archivist, National Archives

Joanne Rothwell, Waterford County Archivist, Chair Local Authority Archivists Group



LEFT:

Visit of the National Archives Advisory Council to Cork, 24 October 2005:

Frances McGee (National Archives), Joe Kennelly (Cork City Council), Joan Johnson (NAAC), Carol Quinn (NAAC), Raymond Refaussé (NAAC), Bryan McMahon (Chairman, NAAC), Pat Corcoran (Secretary, NAAC), Deirdre Clune (Lord Mayor of Cork), Máire Mac Conghail (NAAC), Kathleen Browne (NAAC), David Craig (Director, National Archives), Brian McGee (Cork City and County Archivist).

INDEX

A

Agriculture and Food, Department of, 8
Agriculture and Food, Minister for, 8, 15
Archival buildings, new, 7, 10
Archival legislation, 7, 10, 14, 16
Archives Awareness Month, 10
Arts, Sport and Tourism, Department of, 10, 14
 Secretary General, 7, 8
Arts, Sport and Tourism, Minister for, 4, 8, 15
Australia, Archives Act, 1983, 15

B

Bishop Street, Dublin, 7
Bowman, Dr John, 13
Bric, Dr Maurice, 13
Browne, Kathleen, 13

C

Canada, Library and Archives, 10
 Library and Archives Canada Act, 2004, 15
Census returns for 1901 and 1911, 10
Certifying Officers, 16
Coláiste Mhuire, Dublin, former premises, 7
Comerford, Prof. Vincent, 15
Comptroller and Auditor General, 15
Consenting Officer, 14
Copyright, 7
Corcoran, Patrick, 13
Cork City Council and Lord Mayor, 10
Cork City and County Archives, 10
Coroners' records, 15
Court records, 17

D

Daly, Prof. Mary, 13
Data Protection Acts, 1988 and 2003, 7, 8, 10, 14
Decentralisation, 14
Departmental Records Officers, 14
Departmental records, 4, 8, 14, 15
Dunlevy, Mairead, 13

E

Education and Science, Department of, 15
Electronic records, 14, 15
Environment, Heritage and Local Government, Department of the, 17
Environment, Heritage and Local Government, Minister for the, 8

F

Fair Rents Orders, 8
Finance, Minister for, 8
Freedom of Information Acts, 1997 and 2003, 7, 8, 10, 14

G

Government Departments, records of, 4, 8, 14, 15

H

Harbours Act, 1996, 16
Health service and hospitals, records of, 14, 16

I

InterPARES, 15
Irish Archives, 7
Irish Society for Archives, 7

J

Johnson, Joan, 13
Justice, Equality and Law Reform, Department of, archives, 8
 archives advisory group, 8
Justice, Equality and Law Reform, Minister for, 8

L

Land Commission, records of, 8, 15
Law Society, 8
Local Authority Archives Services, solicitors' records, 8
Local authority records and archives, 7, 8, 16
Local Government Acts, 1994 and 2001, 7, 8, 16

M

Mac Conghail, Máire, 13
McGee, Frances, 17
McMahon, Judge Bryan, 13
McQueen, Prof. Hector, 10
Military Archives, 7

N

National Archives, 14
 Director of, 14, 15
 Genealogy Service, 10
 legal status of, 7
 new building, 7
 Open Days, 10
 public profile, 10
 staff, 14
 Users' Committee, 14
National Archives Act, 1986, 4, 7, 14
National Archives Advisory Council
 appointment, 4, 10
 legal status, 10
 meetings, 7, 8, 10
 membership and secretary, 13
 submissions concerning legislation, 14, 16
National Cultural Institutions Act, 1997, 7
National Library of Ireland, 10
National Schools, records of 15

O

O'Connell, Christopher, 13
Office of Public Works, 7
O'Donoghue, Minister John, 15
O'Halpin, Prof. Eunan, 13
Oireachtas, Houses of the, 4

P

Parnell Square, Dublin, 7
Places of Deposit, 16
Public Private Partnership, 7
Public Record Office of Northern Ireland, 10
Public bodies, records of, 14

Q

Quinn, Carol, 13, 17

R

Records management, 8, 10, 14, 16
Refaussé, Dr Raymond, 13
Rothwell, Joanne, 17

S

Scotland, legislation, 10
Scottish Records Advisory Council, 7, 10
Solicitors' offices, records, 8

T

Taoiseach, Department of the, 14
Tax relief for donations of heritage items, 17
Tribunals of Inquiry, records of, 10

U

University College Dublin, 7

W

Wilson, John, 13