

National Archives Act, 1986, Regulations, 1988

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I, Charles J. Haughey, Taoiseach, in exercise of the powers conferred on me by section 19 of the National Archives Act, 1986 (No. 11 of 1986), hereby make the following Regulations after consultation with the Director, within the meaning of the Regulations:

Citation:

1. These Regulations may be cited as the National Archives Act, 1986, Regulations, 1988.

Definitions:

2. In these Regulations -

"the Act" means the National Archives Act, 1986;

"the Director" includes an officer appointed under section 4(4) of the Act to perform the functions of the Director;

"Certifying Officer", "Consenting Officer", "Designated Officer" and Requisitioning Officer" have the meanings assigned to them respectively by Regulation 3;

"record" includes a file or other assembly of records;

"section" refers to a section of the Act.

Authorised Officers:

3. (1) (a) Pursuant to section 1(3) an officer authorised for the purposes of sections 7(4), 8(2), 8(4), 8(6), and 10(5) shall be of not less than Principal or equivalent grade and shall be known as a Certifying Officer.

(b) In exceptional circumstances, an officer of less than Principal or equivalent grade may, with the consent of the Taoiseach, be appointed as a Certifying Officer.

(c) A Certifying Officer shall be appointed from time to time by the Secretary or equivalent officer of the Department of State concerned.

(d) More than one Certifying Officer may be appointed in a Department of State.

(e) At least one Certifying Officer shall be appointed by the Secretary or equivalent officer to be responsible for overseeing the implementation of the Act and these regulations in that Department of State.

(2) (a) Pursuant to section 1(3), an officer authorised for the purpose of section 8(9) shall be appointed by the Secretary or equivalent officer, be of not less than Executive Officer or equivalent grade and shall be known as a Requisitioning Officer.

(b) More than one Requisitioning Officer may be appointed in a Department of State.

(3) (a) Pursuant to section 1(3), an officer of the Department of the Taoiseach authorised for the purpose of section 8(4) shall be appointed from time to time by the Secretary of that Department and shall be known as the Consenting Officer.

(b) The Consenting Officer may be a Certifying Officer or any other officer of not less than Principal or equivalent grade.

(c) More than one Consenting Officer may be appointed.

(4) The Director and Consenting Officer shall be advised separately from time to time of the names of the Certifying Officers in each Department and the Director shall also be advised from time to time of the names of the Requisitioning Officers.

Age of records:

4. The age of a record shall be determined by the age of the latest substantive entry on it.

Transfer of Departmental records to the National Archives:

5. (1) Records which are to be transferred in accordance with the provisions of the Act shall be transferred to the National Archives not later than the end of the year in which they become 30 years old.

(2) (a) On or before 1 September each year, unless alternative arrangements have been approved in advance by the Director, each Department of State shall send to the Director one or more schedules listing all records which will be 30 years old as determined by Regulation 4(1) before the 1 January next occurring, and which have not already been included in a schedule previously prepared under this Regulation.

(b) Every schedule shall be prepared in accordance with guidelines issued by the Director, and shall indicate in general the records it is proposed to transfer, the records or part or parts of a record it is proposed to retain pursuant to the provisions of section 8(2), 8(4)(a), 8(4)(b) and 8(4)(c) and the records it is proposed to dispose of under section 7.

(3) When an individual record or a number of records are being transferred to the National Archives, an officer of the Department of State shall complete the form at Appendix 3 and attach it to the record or records prior to transfer.

(4) Each Department of State shall be responsible for the arrangement, numbering, cleaning, packing and labelling of its records which are to be transferred to the National Archives and for the carriage of such records to the National Archives in accordance with guidelines issued by the Director, unless alternative arrangements have been approved in advance by the Director.

Disposal of Departmental Records:

6. (1) (a) A request under section 7 by a Certifying Officer for authorisation for the disposal of Departmental records shall be made on the form set out in Appendix 1.

(b) In the case of records of the Supreme Court or the High Court, the request shall be made on the form set out in Appendix 2.

(c) If authorisation for the disposal of the records is granted, the completed form shall be returned to the appropriate Department of State and a copy shall be retained in the National Archives.

(2) (a) The Director may notify a Department, in regard to any of the records shown in the schedule provided for in Regulation 5, of his intention to consider the issue of a certificate under section 8(3) and may seek to examine such records for that purpose.

(b) Where the Director so notifies his intention, the Department shall retain the records until a certificate has been received by it from the Director and an authorisation has been made under paragraph (f) below or until transfer to the National Archives is agreed.

(c) The certificate shall be provided by the Director not later than the 1 January following the making of the schedule.

(d) A certificate by the Director under Section 8(3) shall be as set out in Appendix 1A or 2A as appropriate.. A copy of the certificate shall be retained in the National Archives.

(e) On receipt of a certificate, the Department shall deal with the record as provided in section 8(3).

(f) If a Department of State wishes to dispose of records in respect of which a certificate has been issued by the Director under section 8(3), a Certifying Officer of the Department of State shall complete the authorisation in the form set out at Appendix 1A or 2A. The consent of the Chief Justice, in the case of records of the Supreme Court, and of the President of the High Court, in the case of records of the High Court, shall be in the form indicated in Appendix 2A.

Retention of records and withholding records from public inspection:

7. (1) (a) On or before 1 September in each year, each Department of State (except the Department of the Taoiseach) shall send to the Consenting Officer a copy of every schedule prepared under Regulation 5.

(b) In respect of those records or part or parts of a record which the Department proposes to retain/or withhold from public inspection, the Certifying Officer shall complete the certificate set out in Appendix 5. The certificate shall be sent to the Consenting Officer with the schedule referred to in paragraph (a)

- (c) The Consenting Officer may ask the appropriate Certifying Officer to explain the grounds for the retention or withholding of a record under section 8(4), and may seek to inspect the record in situ or have it forwarded to him for inspection.
 - (d) If the Consenting Officer is satisfied that the retention/or withholding of a record under section 8(4) is justified, the certificate shall be completed accordingly.
 - (e) If the Consenting Officer is not satisfied that the retention/or withholding of a record under section 8(4) is justified, the certificate shall be completed accordingly and the record shall be transferred to the National Archives and made available for public inspection not later than the following 1 January.
 - (f) Completed certificates shall be returned to the appropriate Department, but the Consenting Officer shall retain copies and shall also send copies to the Director.
 - (g) In respect of records of the Department of the Taoiseach which that Department proposes to retain or withhold from public inspection, the Certifying Officer shall complete the form set out in Appendix 5A and shall send a copy to the Director.
- (2) When certifying a record or records for retention under section 8(2), a Certifying Officer shall complete the form set out in Appendix 4. Copies of the Certificate shall be sent to the Director and Consenting Officer.
 - (3) A Certifying Officer shall make arrangements to have the record which has been retained or withheld pursuant to section 8(2) or 8(4) brought forward for review as appropriate pursuant to sections 8(6) and 10(5).

Retention and withholding of part or parts of records:

- 8. (1) (a) Where a certificate under section 8(4) will relate only to a part or parts of a record, the part or parts to be so certified shall, but only in such cases as it is possible to do so without causing physical damage, be abstracted from the record retained in a Department of State and the original record shall then be transferred to the National Archives using the form set out at Appendix 3.
 - (b) Where a part of a record has been abstracted, this shall be indicated in any schedule or finding aid which refers to the record.
 - (c) The part or parts to which the certificate will relate shall be dealt with in accordance with Regulation 7 prior to the transfer of the original record to the National Archives.
- (2) Where any part of a record is to be abstracted in accordance with paragraph (1), the following procedure shall also be observed:
 - (a) The form set out at Appendix 6 shall be completed in respect of each part abstracted and inserted in the place of the abstracted part, if possible, or otherwise associated with the original record. Where necessary, more than one such form may be completed in respect of any such part.

(b) The part or parts abstracted should then be filed under separate cover clearly marked "ABSTRACTIONS" and this separate cover shall be assigned the same reference or index number as the original record.

Review of a record or part or parts thereof:

9. (1) Pursuant to sections 8(6) and 10(5), the form set out at Appendix 7 shall be used for each and every subsequent review of a record or any part thereof retained under section 8(2) or 8(4).

(2) Where on any review a Certifying Officer decides that the record or any part of a record may be transferred to the National Archives or made available for public inspection, he shall complete the form set out at Appendix 3 and in the case of records that have not already been transferred to the National Archives, make arrangements for their transfer to the National Archives.

(3) Where on the occasion of each review an authorised officer decides that a record or any part thereof should be retained or continued to be withheld from public inspection, he shall complete the form at Appendix 7 accordingly and arrange to have the record or part thereof brought forward for further review before the expiry of the next subsequent 5 year period.

Review of archives which were formerly Departmental records:

10. In the case of archives which were formerly Departmental records and—

(a) were held in the National Archives at the commencement of the Act and are not already available for public inspection, or

(b) were transferred to the National Archives when they were less than 30 years old and are not already available for public inspection, or

(c) were transferred to the National Archives pursuant to section 8(5),

it shall be the responsibility of the Director to arrange for such archives to be examined by the appropriate Certifying Officer for the purpose of complying with the provisions of section 10(3) and 10(5) and Regulations 7 to 9.

Temporary requisition of archives by Officers of Departments:

11. (1) Archives which were formerly Departmental records may be requisitioned by a Requisitioning Officer of the appropriate Department authorised under Regulation 3 subject to the provisions of section 8(9).

(2) Archives temporarily requisitioned under section 8(9) shall be returned not later than six months after requisition unless, at the request of the Requisitioning Officer,

the period of requisition is extended for a further period. Any such extensions shall be granted at the discretion of the Director or an officer of the National Archives designated by the Director for the purpose. Archives which are returned under this provision may be requisitioned again at a later date.

Inspection of archives in the National Archives by Officers of Departments:

12. Archives which were formerly Departmental records and which are not available for public inspection may be inspected in the National Archives by an officer of the appropriate Department who has been authorised to inspect them by the Secretary or a Certifying Officer of that Department.

Making of entries in and additions to archives

13. (1) When, as a result of proceedings in court or for administrative reasons, it is necessary to make an entry in a book, to place a document on a file, or to make other similar additions to archives which were formerly Departmental records, this shall normally be done by an officer of the appropriate Department.

(2) In exceptional circumstances, the Director, or an officer of the National Archives designated by the Director for the purpose, may make such additions to archives which were formerly Departmental records.

Reproduction and publication of archives:

14. (1) Archives in the custody of the National Archives or held elsewhere in accordance with the Act shall not be reproduced by a particular means of reproduction, if the Director, or an officer of the National Archives designated by the Director for the purpose, considers them to be in danger of damage through reproduction by such means.

(2) Archives in the custody of the National Archives or held elsewhere in accordance with the Act may be reproduced by means other than manual transcription only by officers and servants of the National Archives using equipment belonging to the National Archives, unless alternative arrangements have been approved in advance by the Director or an officer of the National Archives designated by the Director for the purpose.

(3) No person shall publish in whole or in part any archives in the custody of the National Archives or held elsewhere in accordance with the Act except with the consent in writing of the Director and in accordance with such conditions as the Director may at his discretion attach to the consent.

Appendix 1

National Archives Act, 1986, Regulations, 1988

DISPOSAL OF DEPARTMENTAL RECORDS UNDER SECTION 7

Form for use by Certifying Officers in connection with Departmental records other than records of the Supreme Court and High Court

CERTIFICATE

I hereby certify that the record(s) (or class(es) of records) described below/in the attached schedule is/are not required in connection with the administration of this Department of State and hereby request authorisation for its/their disposal under section 7 of the National Archives Act, 1986.

Records referred to above:

Certifying Officer
Department/Office/Court

Date:

AUTHORISATION

I am satisfied pursuant to section 7(3) of the National Archives Act, 1986, that the record(s) or class(es) of records referred to above do(es) not warrant preservation by the National Archives and hereby authorise its/their disposal in accordance with section 7(5) of the Act, subject to the following conditions:
State conditions (if any).....

Director or Designated Officer of the National Archives

Date:

Note:

This form may also be used by Departments for disposal of Departmental records (or a class or classes of such records) not in existence at the time of authorisation.

Appendix 1A

National Archives Act, 1986, Regulations, 1988

RETENTION OR DISPOSAL OF DEPARTMENTAL RECORDS
UNDER SECTION 8(3)

Form for use by the Director or designated officer of
the National Archives in connection with
Departmental Records other than records of the
Supreme Court and High Court

CERTIFICATE

I certify, pursuant to section 8(3) of the National Archives Act, 1986, that the record(s) (or class(es) of records) described below/in the attached schedule do(es) not warrant transfer to the National Archives for preservation, and may be retained in the appropriate Department of State, or disposed of as authorised below, subject to the following conditions:

State conditions (if any).....

Records referred to above:

Director or Designated Officer of the National Archives
Date:

AUTHORISATION TO BE COMPLETED IF THE DEPARTMENT OF STATE
WISHES TO DISPOSE OF THE ABOVE RECORDS

I certify, pursuant to section 7(4)(a) and 8(3) of the National Archives Act, 1986, that the record(s) or class(es) of records referred to above is/are not required in connection with the administration of this Department of State and hereby authorise its/their disposal in accordance with section 7(5) of the Act.

Certifying Officer
Department/Office/Court.

Date:

Appendix 2

National Archives Act, 1986, Regulations, 1988

DISPOSAL OF DEPARTMENTAL RECORDS UNDER SECTION 7

Form for use by Certifying Officers in connection with records of the Supreme Court and High Court

CERTIFICATE

I certify that the record(s) (or class(es) of records) described below/in the attached schedule is/are not required in connection with the administration of this Court and hereby request authorisation for its/their disposal under section 7 of the National Archives Act, 1986.

Records referred to above:

Certifying Officer of Court
Date:

CONSENT

I consent to the making of the authorisation below.

Chief Justice/President of the High Court

Date:

AUTHORISATION:

I am satisfied, pursuant to section 7(3) of the National Archives Act, 1986, that the record(s) or class(es) of records referred to above do(es) not warrant preservation in the National Archives and hereby authorise its/their disposal in accordance with section 7(5) of the Act, subject to the following conditions:

State conditions (if any).....

Director or Designated Officer of the National Archives

Date:

Note:

This form may also be used by Departments for the disposal of Departmental records (or a class or classes of such records) not in existence at the time of authorisation.

Appendix 2A

National Archives Act, 1986, Regulations, 1988

RETENTION OR DISPOSAL OF DEPARTMENTAL RECORDS UNDER SECTION 8(3)

Form for use by the Director or Designated Officer of the National Archives in connection with records of the Supreme Court and High Court

CERTIFICATE

I hereby certify, pursuant to section 8(3) of the National Archives Act, 1986, that the record(s) (or class(es) of records) described below/in the attached schedule do(es) not warrant transfer to the National Archives for preservation, and may be retained in the appropriate Department of State or disposed of as authorised below, subject to the following conditions:

Records referred to above:

Director or Designated Officer of the National Archives

Date:

AUTHORISATION TO BE COMPLETED IF THE DEPARTMENT OF STATE WISHES TO DISPOSE OF THE ABOVE RECORDS

I certify, pursuant to section 7(4)(a) of the National Archives Act, 1986, that the record(s) or class(es) of records referred to above is/are not required in connection with the administration of this Court and hereby authorise its/their disposal in accordance with section 7(5) of the Act.

Certifying Officer

Court:

Date:

CONSENT

I consent to the making of the authorisation.

Chief Justice/President of the High Court

Date:

Appendix 3

National Archives Act, 1986, Regulations, 1988

TRANSFER OF DEPARTMENTAL RECORDS TO THE NATIONAL ARCHIVES/

RELEASE OF DEPARTMENTAL RECORDS TO PUBLIC INSPECTION.

Form for use by Certifying Officers and officers working
under the supervision of Certifying Officers

CERTIFICATE

I hereby certify that the attached/record(s)/in the attached Schedule* is/are in order for transfer to the National Archives to/ which is/are already with the National Archives may* be made available for public inspection immediately/on 1 January _____ (Year)

Records referred to above:

Name:

Grade:

Department/Office/Court:

Date:

* Delete as appropriate (this form may be used for either a single record or a number of a number of records, and for records which either are still in a Department or are already with the National Archives, as convenient).

Appendix 4

National Archives Act, 1986, Regulations, 1988

RETENTION OF DEPARTMENTAL RECORDS OR PART(S) THEREOF PURSUANT TO SECTION 8(2)

Form for use by Certifying Officers

CERTIFICATE

I hereby certify that, pursuant to section 8(2) of the National Archives Act, 1986, the record(s) (or class(es) of records) described below or the attached schedule is/are in regular use in this Department or is/are required in connection with its administration and that its/their transfer to the National Archives would seriously interfere with the administration of this Department/Office/Court.

Records referred to above:

Certifying Officer,
Department/Office/Court:

Date:

REVIEW DATE

Date not later than which the record(s) must be reviewed (day, month, year, 5 years hence)

Notes:

1. This form may be used in connection with a class or classes of records only if the class or classes have been prescribed by an order made by the Taoiseach under section 8(11) of the National Archives Act, 1986.
2. This/these record(s) must be reviewed at least once in every period of five years commencing on the 1 January on which they would otherwise have been made available for public inspection, with a view to their being transferred to the National Archives and/or made available for public inspection.

Appendix 5

National Archives Act, 1986, Regulations, 1988

RETENTION OR WITHHOLDING FROM PUBLIC INSPECTION OF DEPARTMENTAL RECORDS PURSUANT TO SECTION 8(4)

Form for use by Certifying Officers

CERTIFICATE

I hereby certify, pursuant to section 8(4) of the National Archives Act, 1986, that to make the record(s) or part or parts thereof or class or classes of records described below in the attached schedule available for public inspection would

(Quote one or more of the reasons for not making records available specified in section 8(4).)

Records referred to above:

Certifying Officer
Department/Office/Court:

Date:

CONSENT

I consent to the making of this certificate.
I do not consent to the making of this certificate.

(delete as appropriate)

Consenting Officer
Department of the Taoiseach
Date:

REVIEW DATE

Date not later than which the record(s) must be reviewed (day, month, year, 5 years hence):

Notes:

1. This form may be used in connection with a class or classes of records only if the class or classes have been prescribed by an order made by the Taoiseach in accordance with section 8(11) of the National Archives Act, 1986.

2. This/these record(s) must be reviewed at least once in every period of five years commencing on the 1 January an which they would otherwise have been made available for public inspection, with a view to their being transferred to the National Archives and/or made available for public inspection.

Appendix 5A

National Archives Act, 1986, Regulations, 1988

RETENTION OR WITHHOLDING FROM PUBLIC INSPECTION OF DEPARTMENTAL RECORDS PURSUANT TO SECTION 8(4)

Form for use by Certifying Officers of the
Department of the Taoiseach

CERTIFICATE

I hereby certify, pursuant to section 8(4) of the National Archives Act, 1986, that to make the record(s) or part(s) thereof or class(es) of records described below or in the attached schedule available for public inspection would:

(Quote one or more of the reasons for not making records available specified in section 8(4).)

Records referred to above:

Certifying Officer
Department of the Taoiseach

Date:

REVIEW DATE

Date not later than which the record(s) must be reviewed (day, month, year, 5 years hence):

Notes:

1. This form may be used in connection with a class or classes of records only if the class or classes have been prescribed by an order made by the Taoiseach in accordance with section 8(11) of the National Archives Act, 1986.

2. This/these record(s) must be reviewed at least once in every period of five years commencing on the 1 January on which they would otherwise have been made available for public inspection, with a view to their being transferred to the National Archives and/or made available for public inspection.

Appendix 6

National Archives Act, 1986, Regulations, 1988

ABSTRACTION OF PART(S) OF A RECORD PURSUANT TO REGULATION 8
Form to be completed and inserted in the original record
in place of each part abstracted

(i) Reference number of the separate cover under which the abstracted part has been filed: _____

(ii) How many documents have been abstracted: _____

(iii) The date of each such document: _____

(iv) The description of each document:

[Where appropriate, a composite description may be entered in respect of two or more related documents]

(v) Reason(s) why the part has been abstracted for retention:

[These will be the reasons given on the certificate under section 8(4)]

Name:

Grade:

Department/Office/Court:

Date:

Appendix 7

National Archives Act, 1986, Regulations, 1988

REVIEW OF DEPARTMENTAL RECORDS UNDER SECTIONS 8(6) AND 10(5)

Form to be completed on every review

The record or part(s) thereof or classes of records described below in the attached schedule below must be reviewed at least once in every subsequent 5 year period with a view to their being transferred to the National Archives and/or made available for public inspection.

Records referred to above:

Due for review Date Outcome of
not later than reviewed reviews: Release/Retain

_____	_____	_____
_____	_____	_____
_____	_____	_____

Notes:

1. If following review it is decided that the record may be transferred to the National Archives and/or made available for public inspection, this should be done immediately.
2. If following review it is decided that the record may not be transferred to the National Archives and/or made available for public inspection, a date of a further review should be set. This should be done on a continuing basis until the record is transferred and/or made available for public inspection.
3. This form may be used for single records or attached to a schedule of records which are to be reviewed simultaneously.

GIVEN under my Official Seal,
this 25th day of November 1988