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1.0 Introduction

- 1.1 This is the Policy Statement regulating the acquisition of items for the Collections of West Lothian Council Museums Service. The adoption and implementation of such a policy by West Lothian Council is a requirement of the MLA Accreditation Scheme for Museums in the UK.
- 1.2 This represents the aims and plans of West Lothian Council Museums Service at the time of its adoption in February 2006 and as such will be subject to revision as the Museum develops. It is intended that this policy should be reconsidered at least once every five years and no later than February 2011 and a revised statement brought before West Lothian Council for its agreement. The Scottish Museums

Council will be notified of any changes to the Acquisition and Disposal Policy and the implications of such changes for the future of existing collections.

1.3 This Policy Statement supersedes all previous and existing practices and policies, formal or informal, relating to the acquisition of items for the collections of the museum.

1.4 The existing collections of West Lothian Council Museums Service include material grouped into the following subject areas:

Photographs: Prints, negatives and slides, both original and copied from loans, recording the history of West Lothian.

Social History: Items relating to the lives of West Lothian residents past and present, in particular the history of West Lothian Council and its predecessors, including the civic regalia of the former Burghs. There is also a significant collection of friendly society banners, regalia and memorabilia. For those communities where display facilities exist, namely Whitburn, Armadale, Broxburn and Blackridge, the material covers many aspects of the communities' social, domestic and working history as well as objects associated with individuals native to these areas.

In addition a few items of archaeology and geology are held.

1.5 The objectives for future collecting are set out in Past, Present and Future: A Strategy for Museums in West Lothian (2004).

The mission of West Lothian Council Museums Service (WLCMS) is to enhance the quality of life by providing a museums service that serves the educational, cultural and leisure needs of the community now and in the future. Its key objectives include collecting objects appropriate to the heritage of West Lothian and providing access to these collections through exhibitions, reminiscence work, education and other outreach services. Accordingly priority will be given to items suitable for handling and educational use and objects related to community projects. Collecting will continue to take into consideration the collecting policies of other local museums as well as constraints of storage and conservation requirements.

Items falling into the following subject areas may be collected, always subject to the availability of suitable storage space:

1.5.1 Social History

Items relating to the history of local government in West Lothian and the communities, which grew up within its boundaries. This is the most extensive collection within West Lothian Council Museums Services existing collection and will remain a collecting priority in the future. This category includes items falling into four broad subject areas as defined by the Social History and Industrial Classification (SHIC) published by the Museums Documentation Association, viz.: Community life; Domestic and family life; Personal life; Working life

1.5.2 Archaeology:

West Lothian Council Museums Service is an approved institution for the distribution of Treasure Trove and will seek to receive items appropriate to its collecting area and storage facilities. All archaeological collecting will be in accordance with the relevant current legislation (See ¶2.6 below).

Finds which are not claimed by the Queen & Lord Treasurer's Remembrancer, which have come to light as a result of an excavation undertaken by the Council or as a planning condition imposed by the Council are to be deposited with West Lothian Council Museums Service as part of the project design.

Objects dating to before 1707, the Act of Union of Scotland and England may be considered as archaeological (this date is used by the Royal Commission on Ancient & Historic monuments of Scotland). This therefore covers the following periods: Mesolithic, Neolithic, Bronze Age, Iron Age, Roman, Dark Ages, Mediaeval and Early Modern. Casual finds after this date will be considered for the social history collection unless found on excavation.

For collecting purposes, archaeological objects will be subdivided into three categories:

a) **Artefacts or manuports** - an object which is the product of human art and workmanship, or which has been introduced from outwith the district by human agencies, e.g. pottery, flint, building material etc

b) **Biological specimens** - faunal and floral remains which provide evidence concerning the nature of the environment in which people have lived and which they exploited e.g. wood, grain, pollen, bones etc.

c) **Sites** - the physical remains of permanent or temporary habitation sites. These are often ephemeral and transient and can only practically be preserved in documentary form - in writing, film and drawing. This is nonetheless an essential and integral part of the evidence for human activity in the district. As well as existing in its own right, such evidence must accompany the types of objects outlined in paragraphs a) and b). Evidence in this form will be placed with the West Lothian Council Archives Service for long-term storage and cross referenced to the Sites and Monuments Record maintained by for the council by the West of Scotland Archaeology Service (WOSAS), of which the council is a member and on the archaeological trigger maps prepared by WOSAS for use by the council in the planning process.

1.5.3 Photographs, prints and drawings:

Photographs, topographical prints and other locally relevant material will be collected for the purpose of enhancing the interpretation of the object collection. Original photographs and negatives donated to West Lothian Council Local History Library may be accepted by West Lothian Council Museums Service for safekeeping, but will generally be transferred to West Lothian Council Archives and Records Centre. Copies of original non-duplicate photographs collected by West Lothian Council Museums Service will be donated to West Lothian Council Local History Library. West Lothian Council Archives Service also collects photographs and none of the collections are exclusive. New work may be commissioned when gaps in the existing collections are identified. The Local History Librarian, the

Archivist and the Senior Planner Conservation and Design for West Lothian Council will be informed of such commissions.

1.5.4 Architectural material:

Material including the fabric of a building as well as fixtures and fittings that have been salvaged from West Lothian Council approved demolitions, alterations and maintenance to historic buildings and constructions of architectural merit.

1.5.5 Public Art and Monuments:

All externally situated public art, historic buildings and monuments in the ownership or guardianship of the council are identified on a database established and maintained by the council Design and Conservation Officer, Strategic Planning.

1.5.6 Visual Arts:

Should future opportunity arise through the availability of increased funding and further storage and display facilities the West Lothian Council Museums Service will consider developing a visual arts collection. Until that time the work of local artists or local subjects may be collected to complement the portraits of civic dignitaries currently displayed at County Buildings.

1.5.7 Numismatics:

There is currently very little numismatic material in the West Lothian Council Museums Service collections. Development of the numismatic collection will be restricted to coins, notes, medals and tokens with a particular connection to West Lothian, or such as may be required for display purposes. Coins recovered from excavations will be accepted with other excavated material.

1.5.8 Geology:

There is a small amount of material in the West Lothian Council Museums Service Collections relating to the geological history of West Lothian. Future collecting will aim to represent the rich geological heritage of West Lothian.

1.5.9 Natural History:

There are currently no natural history specimens in the Museums Services Collections. In the future specimens may be obtained or borrowed for display purposes but given the limited space available for collection storage there is no intention to initiate the collecting of this type of material.

2.0 General Rules for Acquisition

- 2.1 West Lothian Council Museums Service recognises its responsibility, in making new acquisitions, to ensure that care, documentation and use of the collections will meet the Accreditation Standard. Accordingly, it will consider limitations on collecting imposed by factors such as inadequate staffing, storage and care of collections arrangements. Where the acquisition of any item would result in significant financial implications, the matter will be referred to West Lothian Council for decision.

- 2.2 West Lothian Council Museums Service will exercise due diligence and will make every effort not to acquire, whether by purchase, gift, bequest or exchange, any object or specimen unless the governing body or responsible officer is satisfied that the museum can acquire valid title to the item in question.
- 2.3 In particular, West Lothian Council Museums Service will not acquire any object or specimen unless it is satisfied that the object or specimen has not been acquired in, or exported from, its country of origin (or any intermediate country in which it may have been legally owned) in violation of that country's laws. For the purposes of this paragraph 'country of origin' includes the United Kingdom.
- 2.4 In accordance with the provisions of the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which the UK ratified with effect from November 1 2002, and the Dealing in Cultural Objects (Offences) Act 2003, West Lothian Council Museums Service will reject any items that have been illicitly traded. The Governing body will be guided by the UK national guidance on the responsible acquisition of cultural property issued by DCMS in 2005.
- 2.5 So far as biological and geological material is concerned, West Lothian Council Museums Service will not acquire by any direct or indirect means any specimen that has been collected, sold or otherwise transferred in contravention of any national or international wildlife protection or natural history conservation law or treaty of the United Kingdom or any other country, except with the express consent of an appropriate outside authority.
- 2.6 Under the legal principles of Treasure Trove and *bona vacantia*, the discovery of antiquities in Scotland is a matter for report to the Crown. Scottish archaeological material will therefore not be acquired by any means other than allocation to West Lothian Council Museums Service by the Crown, normally on the advice of the Treasure Trove Advisory Panel or the Historic Scotland Finds Disposal Panel, unless the Museums Development Officer acting on West Lothian Council's behalf, is satisfied that valid title to the item in question can be acquired, such as by certificate of 'No Claim' from the Treasure Trove Advisory Panel Secretariat.
- 2.7 The only exceptions to the above General Rules – 2.2, 2.3, 2.4, 2.6 - will be in specific circumstances where the museum is either:
- acting as an externally approved repository of last resort for material from the UK; or
 - acquiring an item of minor importance that lacks secure ownership history but in the best judgment of experts in the field concerned has not been illicitly traded; or
 - acting with the permission of authorities with the requisite jurisdiction in the country of origin; or
 - in possession of reliable documentary evidence that the item was exported from its country of origin before 1970.

In these cases West Lothian Council Museums Service will be open and transparent in the way it makes decisions and will act only with the permission of an appropriate outside authority.

- 2.8 The museum will use the statement of principles 'Spoliation of Works of Art during the Nazi, Holocaust and World War II period' issued for non-national museums in 1999 by the Museums and Galleries Commission.

3.0 Collecting Procedures - including gifts and loans

- 3.1 The Museums Development Officer as the West Lothian Council's senior museum professional, will normally have delegated authority and responsibility for the acceptance or rejection of potential gifts or bequests to the Museum, for soliciting gifts of material for the collections within the terms of this policy, and for making recommendations and taking action on the purchase of material in accordance with this Policy and within West Lothian Council's normal standing orders.
- 3.2 Items offered to West Lothian Council Museums Service as gifts or bequests will not normally be accepted if they are subject to any restrictive covenant or special conditions, such as that they be displayed in a particular way. In exceptional circumstances, if the Museums Development Officer feels that the item(s) in question are of over-riding importance, West Lothian Council may be asked to approve the acquisition of a specific item to which conditions are attached. A general exception to this rule will be deemed to exist in respect of restrictive covenants or conditions intended only to assure the permanent protection of the item concerned in the Museum's collections, such as restrictions placed upon any legal powers of disposal that the Museum may have; under such circumstances, the Museums Development Officer may reasonably recommend that West Lothian Council accept the gift or bequest in question.
- 3.4 The acceptance of items, on loan, normally for a finite period for display or specific study, may be authorised by the Museums Development Officer acting on West Lothian Council's behalf. In exceptional cases, a privately owned item of major importance that falls within the scope of this Policy may be accepted on a finite long loan, whether or not it is required for immediate display or study. No item will be received on "permanent loan", a term which has no legal status. The period of all loans will normally be agreed in writing between the Museums Development Officer and the owner of the item at the time of deposit. Where the term of a loan has expired, it may be renewed or extended for further finite periods, at the discretion of both the owner and the Museums Development Officer.

4.0 Collecting Area

- 4.1 The Collecting Area for West Lothian Council Museums Service will be the area defined by the boundaries of West Lothian Council as described in Local Government Re-organisation of April 1996. Items relevant to the earlier County of Linlithgowshire but originating without the present day boundaries may be collected but in consultation with Museums, Archives and Libraries Council Accredited (or Registered) museums currently collecting in that area.
- 4.2 The period of time to which the collection relates will be from the Carboniferous period to the present.
- 4.3 The museum will take account of the collecting policies of other museums and other organisations collecting in the same or related areas or subject fields. It will consult with these organisations where conflicts of interest may arise or to define areas of specialisms, in order to avoid unnecessary duplication and waste of resources.

Specific reference is made to the following museum(s)

Almond Valley Heritage Trust is recognised as holding a nationally significant collection related to the shale oil industry. The trust also collects objects connected to West Lothian's arable and livestock farming, geology and the engineering and extractive industries.

Linlithgow Heritage Trust collecting area is defined as the geographical area within the boundaries of the Royal Burgh of Linlithgow, the Parish of Linlithgow and historically Linlithgow as County Town of Linlithgowshire.

Bennie Museum Trust defines their collecting area as the administrative boundaries of Bathgate, Boghall and Torphichen Community Council.

West Lothian Council Archives

All archival collections as defined by the Code of Practice on Archives for Museums in the United Kingdom will be offered to West Lothian Council Archives Service in the first instance. If West Lothian Council Museums Service intends to acquire archives, it will be guided by the Code of Practice on Archives for Museums and Galleries in the United Kingdom (3rd ed., 2002).

- 4.4 Items made in, at some point used within, or otherwise provenanced to the West Lothian Council Museums Service's Collecting Area, may be acquired, regardless of their location at the time of acquisition. Where this involves the collection of items from a place within the geographical sphere of influence of another museum, a principle of open actions and good communications will apply.
- 4.5 In an emergency, and to ensure the preservation locally [and in public ownership] of important material, the Museums Development Officer is exceptionally authorised to collect material from outside the museum's stated collecting area, relating to those parts of the Lothians not yet covered by any museum service. Such material is acquired on the understanding that it may be transferred to other museums at a future time.
- 4.6 Where the Museum seeks to collect the work of "local" artists, or to acquire "local" views, the area defined at 4.1 and 4.2 above will normally be used as the basis for decisions.
- 4.7 Acquisitions outside the current stated policy should be made in very exceptional circumstances, and then only after proper consideration by the governing body of the museum itself, having regard to the interests of other museums.

5.0 Disposal – General Principle

- 5.1 By definition, West Lothian Council Museums Service has a long-term purpose and should possess (or intend to acquire) permanent collections in relation to its stated objectives. West Lothian Council accepts the principle that, except for sound curatorial reasons, there is a strong presumption against the disposal of any items in the museum's collection.

6.0 Reasons for Disposal

- 6.1 To remove from the collections any item which is too badly damaged or deteriorated to be of any further use for the purposes of the museum.
- 6.2 To improve the curatorial care of the collections by the disposal of duplicate or unprovenanced material of low intrinsic relevance to the Acquisition Policy.
- 6.3 To transfer to the ownership of another Accredited museum any item which, by reasons of changes in public, social or educational need, administrative responsibility, development priorities, or the establishment of a new Accredited museum, the Museums Development Officer advises the West Lothian Council would be more appropriately placed elsewhere.

7.0 Authority for Disposal

- 7.1 No museum item may be disposed of without the specific authority of West Lothian Council, through the acceptance of a minute of its Children's Services and Lifelong Learning Committee. Such a decision will be the responsibility of West Lothian Council, acting on the advice of their Museums Development Officer and not of the Museums Development Officer acting alone.
- 7.2 The museum will establish that it is legally free to dispose of an item. Any decision to dispose of material from the collections will be taken only after due consideration.
- 7.3 Decisions to dispose of items will not be made with the principal aim of generating funds.
- 7.4 If the disposal of a quantity of similar material is proposed, West Lothian Council may, however, give the Museums Development Officer delegated authority to act in the specific, once a general principle has been approved.
- 7.5 Where recommendations concerning the disposal of museum items are to be made, it is understood that there will need to be certain preliminary investigations before a report can usefully be brought before the West Lothian Council. This may include such matters as obtaining valuations, seeking the views of donors, and contacts with other Accredited museums which may be interested in accepting transfers. Within the terms of this policy, it is understood that the Museums Development Officer under the supervision of the Chief Executive Officer has authority to act in this way, without prejudice to West Lothian Council's eventual decision.

8.0 Disposal of Purchases, Gifts and Bequests

- 8.1 When disposal of a museum object is being considered, the museum will establish if it was acquired with the aid of an external funding organisation. In such cases, any conditions attached to the original grant will be followed. This may include repayment of the original grant.
- 8.2 Items given or bequeathed will not normally be disposed of without prior consultation with the original donors or their families within the first generation, and wherever

possible their approval should be obtained to the course of action proposed. This is, however, a matter of courtesy rather than a legal requirement. The Museums Development Officer shall be entitled to waive this requirement where all reasonable efforts to trace a donor have failed, and additionally where no details of the donor exist.

- 8.3 In appropriate circumstances, having taken account of the procedure set out in paragraphs 7.1 – 7.5 and 9.1 – 9.3 of this Policy, the Museums Development Officer may recommend the return of an item to its original donor.

9.0 Disposal Procedure

- 9.1 Once a decision to dispose of material in the collection has been taken, priority will be given to retaining it within the public domain, unless it is to be destroyed. It will therefore be offered in the first instance, by gift, exchange or sale, directly to other Accredited (or Registered) Museums likely to be interested in its acquisition.
- 9.2 If the material is not acquired by any Accredited (or Registered) Museums to which it was offered directly, then the museum community at large will be advised of the intention to dispose of the material, normally through an announcement in the Museums Association's Museums Journal, and in other professional journals where appropriate.
- 9.3 The announcement will indicate the number and nature of specimens or objects involved, and the basis on which the material will be transferred to another institution. Preference will be given to expressions of interest from other accredited Museums. A period of at least two months will be allowed for an interest in acquiring the material to be expressed. At the end of this period, if no expressions of interest have been received, the museums may consider disposing of the material to other interested individuals and organisations.

10.0 Disposal by Destruction

- 10.1 The destruction of a museum item will only be acceptable if it has been seriously damaged, or has deteriorated beyond the point of further usefulness to the collection. The decision to de-accession in this way must be authorised by the West Lothian Council acting on the advice of the Museums Development Officer. The item will need to be formally de-accessioned and the destruction must be carried out in a discreet, confidential and permanent fashion.

11.0 Procedure Following Disposal

- 11.1 Full records and photographs will be kept of all disposals from West Lothian Council Museums Service. Where items have been disposed of, this shall be recorded in the appropriate register.
- 11.2 Where a museum item is transferred to another Accredited museum, all the associated documentation must accompany the item or follow within a period of one month. Where appropriate, this will include any photographic records. West Lothian

Council Museums Service will retain on file copies of key sections of the documentation for future reference in accordance with the SPECTRUM Procedure on deaccession and disposal.

- 11.3 Any money received by West Lothian Council as the result of the sale of a museum item must be used for the benefit of the collection. Normally this will mean it is placed in the Purchase Fund and used for the acquisition of further items but in exceptional cases improvements relating to the care of collections may be justifiable. Advice on these cases will be sought from MLA.

12.0 Repatriation and Restitution

- 12.1 The museum's governing body, acting on the advice of the museum's professional staff, if any, may take a decision to return human remains, objects or specimens to a country or people of origin. This is entirely a matter for individual museums to consider, taking into account the ethical implications and within their legal position.

Appendix

Model Definitions

1. West Lothian Council Museums Service is defined as those premises, staff and collections of original material, which may from time to time be under the control of the Museums Development Officer. At the time of adoption of this Policy, this principally encompasses the (buildings in which West Lothian Council Museums Service is housed although the Carriage collection normally held at Hopetoun House; the portrait collection normally held at County Buildings in Linlithgow and the civic regalia normally held in the Bank of Scotland at Linlithgow and at West Lothian House in Livingston are generally recognised as being the responsibility of West Lothian Council Museums Service. The term “Museum” is used in a functional sense, and may at all times be taken to subsume the terms “Gallery”, “Art Gallery”, “Heritage Centre” or otherwise as appropriate.
2. “Collections” are defined as:

“any item entered in the Accession Registers of West Lothian Council Museums Service, whether as gift, or purchase, together with any item not entered in the Accession Registers, but in the possession of West Lothian Council Museums Service at 28th February 2006 which was donated or purchased with the intention that it should become part of the Collections.”

“Valid title” is defined as valid legal ownership.
3. The Museums Development Officer is defined as being the professional officer responsible to West Lothian Council through the Chief Executive Officer for the operation of the Museum according to proper professional standards. The Museums Development Officer must have a relevant degree, or a diploma in museum studies (or equivalent), or experience of the principles and practice of museum operation and management as may be determined to be acceptable by the Scottish Museums Council.

Elizabeth S.H. Henderson
January 2006

Customers with Special Requirements

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Please contact the Interpretation and Translation Service on 0131 242 8181.

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