

## APPENDIX A

### PUBLIC RECORDS ACT (NI) 1923

An Act to establish a Public Record Office of Northern Ireland for the reception and preservation of certain public records appertaining to Northern Ireland, and for purposes connected therewith [22nd June, 1923].

WHEREAS it is provided by subsection (2) of section nine of the Government of Ireland Act, 1920, as modified in its application to Northern Ireland by or in pursuance of the Irish Free State (Consequential Provisions) Act, 1922 (Session 2), that the Public Record Office of Ireland shall be for the purposes of the said Government of Ireland Act, a reserved matter, but that nothing in the said subsection shall prevent the Parliament or Government of Northern Ireland establishing a Public Record Office of Northern Ireland for the reception and preservation of public records appertaining to Northern Ireland which otherwise would be deposited in the Public Record Office of Ireland, and that, if a Public Record Office of Northern Ireland is so established, provision may be made by the Governor of Northern Ireland for the removal to that Office of such probates, letters of administration or other testamentary records granted or coming into existence not earlier than twenty years prior to the appointed day for the purposes of the said subsection as in his opinion properly belong to Northern Ireland and can conveniently be removed to that Office.

BE it therefore enacted by the King's most excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:

1.(1) There shall be established a Public Record Office of Northern Ireland for the reception and preservation of public records to which this Act applies.

(2) This Act shall apply to the following public records:

(a) Northern Ireland records, that is to say, all records of any court, Government department, authority or office in Northern Ireland with respect to which the Parliament of Northern Ireland has power to make laws, and

(b) Imperial records, that is to say, public records appertaining to Northern Ireland to which this Act may be applied by any order made by the Governor of Northern Ireland in Council under the provisions of this Act, and not being Northern Ireland Records.

(3) For the purposes of this Act the expression 'records' means rolls, records, writs, books, proceedings, decrees, bills, warrants, accounts, maps, papers and documents of a public nature.

**2.(1)** The Northern Ireland records shall be under the charge and superintendence of the Minister of Finance for Northern Ireland for the time being (in this Act referred to as 'the Minister of Finance') in the name and on behalf of the Governor of Northern Ireland, and shall be removed to the Public Record Office of Northern Ireland in manner hereinafter in this Act provided:

Provided that, until such removal, the persons having the care of any such records shall continue to have the charge of them subject to such orders as the Minister of Finance is by this Act empowered to give concerning the same.

(2) The Minister of Finance shall appoint a fit person duly qualified by his knowledge of records to be Deputy Keeper of the Records of Northern Ireland, and such Deputy Keeper shall act as chief Record Keeper under the Minister of Finance, and shall superintend all persons employed in the Public Record Office of Northern Ireland in keeping the records in the custody of the Minister of Finance, and shall discharge all such other duties as may be required of him under this Act and subject to such directions as he may receive from the Minister of Finance.

(3) The Minister of Finance shall appoint all such officers, clerks and servants as shall be necessary for the purposes of this Act, and the persons so appointed shall assist in executing this Act under the superintendence of the Deputy Keeper of the Records of Northern Ireland in such manner as the Minister of Finance may direct.

(4) The said Deputy Keeper of the Records and officers, clerks and servants shall be removable by the Minister of Finance.

(5) There shall be paid out of moneys provided by Parliament to the said Deputy Keeper of the Records and to the officers, clerks and servants appointed in pursuance of this section, such annual salaries or remuneration as the Minister of Finance may determine.

**3.** The Minister of Finance shall by warrant under his hand from time to time appoint a fit person to attend all courts, Government departments or offices in Northern Ireland and in his name to receive and take charge of all Northern Ireland records of which the charge and superintendence are by this Act vested in the Minister of Finance, and the judge of the court or principal officer of the department or office to which any Northern Ireland records belong, upon sight of the warrant of the person thereby appointed to take charge of the Northern Ireland records to be delivered from that court, department or office into the custody of the Minister of Finance, shall give the necessary orders to the proper officer of his court, department or office for the delivery thereof. As soon as such Northern Ireland records have been so delivered to the person appointed to receive them in pursuance of such warrant, such Northern Ireland records shall be deemed to be in the custody of the Minister of Finance and shall forthwith be removed to and deposited in the Public Record Office of Northern Ireland, and shall be subject to the rules made under this Act; and the person receiving any such Northern Ireland records shall thereupon deliver the schedule thereof and receipt for the same under his hand to the judge or officer from whom he receives them, and shall deliver a copy of

such schedule to the Minister of Finance or to the officer appointed by the Minister of Finance to receive the same into the said Public Record Office: Provided that –

(a) in the case of Northern Ireland records forming part of the records of any court of justice, no such warrant shall be issued by the Minister of Finance without the approval and countersignature of the Lord Chief Justice of Northern Ireland;

(b) every such warrant shall specify and describe the Northern Ireland records intended to be delivered to the person thereby authorised to receive them;

(c) the Minister of Finance shall not issue any such warrant for the removal of any Northern Ireland records unless or until the records described in such warrant are of the age of twenty years from the making thereof, or, if the records are under that age, unless the removal thereof has been requested by the judge of the court or principal officer of the department or office to which they belong, and, in the case of records of a court, with the approval also of the Lord Chief Justice of Northern Ireland;

(d) if it appears to the judge of any court, with the approval of the Lord Chief Justice of Northern Ireland, or to the principal officer of any Government department or office, that it will be conducive to the ends of justice or to the due performance of the business of such court, department or office that any records belonging thereto should not be delivered into the custody of the Minister of Finance at the end of twenty years from the making thereof, it shall be lawful for such judge or principal officer to certify in writing accordingly to the Minister of Finance, and the Minister of Finance upon receiving such certificate may from year to year, but not for any time longer than a year, without a new certificate, withhold the issue of any warrant for the removal into his custody of the records mentioned in such certificate.

**4.** The removal of any Northern Ireland record to the Public Record Office of Northern Ireland by accordance with this Act shall not in any manner affect the legal authenticity of that record, but any such record deposited in that Public Record Office and there kept under the authority of this Act, shall be taken to be in its legal place of deposit, and every such record so removed shall be of the same legal validity in all courts and proceedings as if such record had not been removed.

**5.** It shall be lawful for any trustee or other person having the custody of any deeds or documents, which in the opinion of the Minister of Finance are fit to be deposited in the Public Record Office of Northern Ireland, so to deposit the same with the permission of the Minister of Finance, and subject to any rules to be made under this Act, in a repository which may be provided for that purpose in the said Public Record Office, and any deeds or documents so deposited shall be deemed to be Northern Ireland records in the custody of the Minister of Finance.

6.(1) The Minister of Finance shall cause to be made a seal of the Public Record Office of Northern Ireland, and shall cause to be sealed or stamped therewith all certified copies, made as hereinafter in this section provided, of any Northern Ireland records in his custody.

(2) The Minister of Finance or Deputy Keeper of the Records of Northern Ireland may allow copies to be made of any Northern Ireland record in the custody of that Minister, at the request and cost of any person desiring to procure the same, and any copy so made shall be examined and certified as a true and authentic copy by the said Deputy Keeper of the Records, or by such officer of the Public Record Office of Northern Ireland as the Minister of Finance may appoint for that purpose, and shall be sealed or stamped with the seal of the said Public Record Office without any proof of the seal or stamp or of the signature, or official character of the person purporting to have signed the same and shall be delivered to the person for whose use the copy was made.

(3) Every copy of a Northern Ireland record in the custody of the Minister of Finance, certified under this section and purporting to be sealed or stamped with the seal of the Public Record Office of Northern Ireland, shall be received as evidence in any court of justice and before any legal tribunal in Northern Ireland, and before either House of the Parliament of Northern Ireland or any committee of either or both of those Houses, without any further or other proof thereof, in every case in which the original record could have been received there as evidence.

7.(1) It shall be lawful for the Governor of Northern Ireland to cause to be printed from time to time such calendars, catalogues and indexes of Northern Ireland records, and also such Northern Ireland records in the custody of the Minister of Finance, as that Minister may recommend as fit to be printed.

(2) All Northern Ireland records, calendars, catalogues and indexes of records which are printed in accordance with the provisions of this section shall be published and sold for such reasonable sums as may be approved by the Minister of Finance, and the proceeds of all such sales shall be placed to the credit of the Exchequer of Northern Ireland, and carried to the account of the Consolidated Fund thereof :

Provided that, so many printed copies of any such records, calendars, catalogues and indexes as the Minister of Finance may direct may be presented gratuitously to departments of the Government, institutions and libraries in Northern Ireland.

(3) The Minister of Finance shall have power to purchase, for the use of the Public Record Office of Northern Ireland, such private calendars, catalogues and indexes to the Northern Ireland records as the Minister of Finance may think fit, and every calendar, catalogue and index to any Northern Ireland records in the custody of the Minister of Finance which may be compiled, continued or copied after the passing of this Act by any officer of, or person employed in, the said Public Record Office, except such printed copies as may be sold or presented gratuitously under this

section, shall belong to the Governor of Northern Ireland for the use of the said public Record Office.

**8.(1)** The Minister of Finance, with such approval as is hereinafter in this section mentioned, may, if he thinks fit make rules respecting the disposal by destruction or otherwise of documents which are deposited in or can under this Act be removed to the Public Record Office of Northern Ireland as Northern Ireland records, and which are not of sufficient public value to justify their preservation in the said Public Record Office. Such rules shall -

- (a) so far as they relate to documents of any court be made with the approval of the Lord Chief Justice of Northern Ireland; and
- (b) so far as they relate to documents removed or about to be removed to the said Public Record Office from any Government department or public office in Northern Ireland, be made with the approval of the head of such department or the principal officer of such office.

(2) Before the power of disposal given by this section is exercised as to any documents, the Minister of Finance shall cause a schedule to be prepared of the documents proposed to be disposed of, showing a list of these documents and such particulars as to their character and contents as may be calculated to enable the Houses of Parliament to judge of the expediency of disposing of such documents in the proposed manner. Where there are several documents of the same class or description, it shall be sufficient to classify them, as far as practicable, according to their nature and contents, instead of specifying each document separately. Such schedule shall be laid before both Houses of Parliament, and if during the next ten days on which either House shall sit, a resolution is passed by either House requiring the preservation of any scheduled record, such record shall not be disposed of.

(3) No rule made in pursuance of this section shall provide for the disposal of any documents of older date than the year eighteen hundred.

(4) Every rule made in pursuance of this section shall be laid before both Houses of Parliament within twenty-one days after it is made, if Parliament be then sitting, and, if not sitting, within twenty-one days after the next meeting of Parliament, and if neither House of Parliament within twenty-one days after the rule has been laid before it presents an Address praying the Governor of Northern Ireland to withhold his assent from the rule, the Governor of Northern Ireland, may, by Order in Council, approve of the rule. Every such rule when approved by Order of the Governor in Council shall, subject to revocation or alteration by a subsequent rule, have effect as if it were enacted in this Act.

**9.** The Minister of Finance shall (without prejudice to the provisions of this Act with respect to the disposal of valueless documents) have power to make rules for carrying this Act into execution, and, in particular, with respect to all or any of the following matters:-

- (1) The management of the Public Record Office of Northern Ireland;
- (2) The admission of persons to the use of the Northern Ireland records, calendars, catalogues and indexes, in his custody;

(3) The amounts of the fees which he shall think proper to be paid in connection with the use of the Northern Ireland records under his charge and superintendence, and the cases in which the payment of fees may be dispensed with;

(4) Any other matter with respect to which rules may be made under this Act. Every such rule shall be laid before both Houses of Parliament within twenty-one days after it is made, if Parliament be then sitting, or, if not sitting, within twenty-one days after the then next meeting of Parliament. All fees payable in accordance with any such rule shall be paid to the credit of the Exchequer of Northern Ireland, and carried to the account of the Consolidated Fund thereof.

**10.** The Deputy Keeper of the Records of Northern Ireland, under the direction of the Minister of Finance, shall once in every year furnish a report to the Governor of Northern Ireland of the proceedings taken in the execution of this Act, and every such report shall be signed by the said Deputy Keeper of the Records and the Minister of Finance and shall be laid before both Houses of Parliament.

**11.** The Public Records (Ireland) Act 1867, Amendment Act, 1875, and the Parochial Records Act 1876 shall, so far as they relate to Northern Ireland records belonging to parishes situate in Northern Ireland, have AD 1923 effect with the following modifications:-

(a) Records belonging to such parishes shall, subject to the provisions of the said Acts, be under the charge and control of the Minister of Finance in the name and on behalf of the Governor of Northern Ireland, and the Minister of Finance shall be substituted in the said Acts for the Master of the Rolls;

(b) References to the Public Record Office of Ireland shall be construed as references to the Public Record Office of Northern Ireland;

(c) References to the Deputy Keeper of the Records shall be construed as references to the Deputy Keeper of the Records of Northern Ireland; and references to the Assistant Deputy Keeper of the Records shall be construed as references to such officer as may be appointed by the Minister of Finance under this Act for the purpose of certifying copies of Northern Ireland records;

(d) The reference in section five of the said Act of 1876 to the Commissioners of Public Works in Ireland and one of their officials shall be construed as a reference to the Ministry of Finance for Northern Ireland and an officer of that Ministry;

(e) Section seven of the said Act of 1876 shall not have effect;

(f) References to the Public Records (Ireland) Act, 1867. Shall be construed as references to this Act.

**12.** If provision is made by or in pursuance of any Act of the Parliament of the United Kingdom, or by any authority of the Government thereof, for the removal to and the reception and preservation in, the Public Record Office of Northern Ireland of any Imperial Records within the meaning of this Act, the Governor of Northern Ireland may, by Order in Council, apply the provisions of this Act, with such modifications as may be specified in the Order in Council, to the purposes of such removal, reception and preservation.

**13.** This Act may be cited as the Public Records Act (Northern Ireland), 1923.