



The Moray Council Museums Service

Acquisition and Disposal Policy

February 2010

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Acquisition and Disposal Policy

1. Museum's statement of purpose

To collect; record; care for; promote understanding and appreciation of; and support the history, culture and heritage of Moray for the benefit of local communities, schools, and visitors to the area. [2003]

2. Existing collections, including the subjects or themes and the periods of time and /or geographic areas to which the collections relate

The collections currently owned and cared for by the Moray Council consist of three principal groups of material:

- The collections of the former Falconer Museum, acquired originally by the Trustees of the Falconer Museum, dating from approximately 1872 up to 1975;
- The collections of The Moray Council (formerly the Moray District Council) acquired since 1975.
- A handling collection, acquired by donation or purchase by the Friends of the Falconer Museum.

The collections cover the period from time immemorial to the present day. The geographical areas covered include the UK, Europe, North America, Asia, the Middle and Far East, Africa, and the Pacific. The wide geographical representation within the collections reflects the nature of the collections that were donated to the museum in the years immediately following its establishment. Those collections were in accordance with the aims of the museum's founders at that time.

Very nearly half the entire collection (numerically) is natural history specimens. These are largely the original collections of Dr. Hugh Falconer, and Drs. Innes and Keith, reflecting a strong and unique affinity between those collections and collectors, and the Falconer Museum itself.

Less than 10% of the total collection is on loan to the Council.

The following summary of the makeup of the collections is drawn from The National Audit of Scotland's Museums (The Scottish Museums Council, July 2002), and remains an accurate overview:

Archaeology	6.2%
Archives	5.5%
Coins & medals	10.7%
Costume & Textiles	1.3%
Culture	<1%
Domestic Life	7%

Fine Art	3.5%
Health	<1%
Industry and Commerce	9.6%
Maritime	1.6%
Natural Sciences	43.3%
Photography	<1%
Society	5.2%
Sport and Leisure	<1%
Transport	<1%
Warfare and Defence	1.3%
Weapons and Accessories	<1%
World Culture	1.9%

3. Criteria governing future acquisition policy including the subjects or themes, periods of time and/or geographic areas and any collections which will not be subject to further acquisition.

The Collecting Area is the area defined as the administrative area of The Moray Council. Items made in, at some point used within, or otherwise provenanced to the Museum'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.

The period of time to which the collection relates is from the time immemorial to the present day.

It is the Policy of The Moray Council Museums Service to collect, document, preserve, interpret and exhibit material evidence and associated information for the public benefit, associated with:

- The Prehistory and History of Moray
- The Social History of Moray
- The Natural History and Geology of Moray
- Contemporary life within Moray

In particular Moray Council Museums Service will seek to ensure that those items most pertinent to Moray are retained in Moray, or failing which are assigned to the National Museum of Scotland.

The following subject areas will be collected:

Social History (including costume)

Social History items will be collected when they relate to the domestic, personal, social or working life of the people of Moray. The Museums will maintain, but not add to its firearms collection. The Museums will not collect large, heavy, bulky industrial items or machinery during the life of this Policy. Representative contemporary items will also be collected.

Biology

Biological specimens from, or relating to Moray, will be collected for reference and display purposes, subject to paragraph 8.d. Systematic collections will not be made although the museums will accept previously existing systematic collections which relate wholly or partly to Moray.

Numismatics

The Museum will collect Scottish and Post 1715 British Coins. No other coinage will be collected unless they are found in an archaeological context, or are otherwise closely associated with other objects that meet the criteria of this policy. Tokens, communion tokens and medals will be collected in relation to the area of collection.

Geology

Geological specimens from, or relating to Moray, will be collected for reference and display purposes. Systematic collections will not be made although previously existing systematic collections which relate wholly or partly to Moray may be accepted.

Documents and Photographs

The document collection will only be added to when the material is supplementary to a museum item or collection; is a displayable item in its own right; or is an addition to the archival collections already held by the Museum. The principal responsibility for document collections within Moray will be the Moray Council's Local Heritage Service, or its successor as may be determined by The Council. Photographs will be collected only in as far as they relate to the history or natural history of Moray, to people associated with Moray; or to supplement other material in the collections. The collection of archives will be subject to the conditions in paragraph 11.

Fine Art

The Museum will not collect fine art systematically. Works by Peter Anson, by other local established artists and topographic art relating to Moray will continue to be collected. Paintings, prints and drawings will be collected as historical reference material only. Where the Museum seeks to collect the work of "local" artists, or to acquire "local" views, the area defined above will normally be used as the basis for decisions.

Ethnography

The museum will not acquire foreign ethnographic material unless there is a strong local connection with the collector, subject to the conditions in paragraph 8.c.

Archaeology

Archaeological material will not be acquired by any means other than allocation to the Museum by the Treasure Trove Advisory Panel or the Finds Disposal Panel, subject to the conditions in paragraph 8.e.

Handling

Any object which is a duplicate of another in the collection, or is deemed to be appropriate for use in delivering workshops, interactive exhibits or for object loans.

4. Limitations on collecting

The museum recognises its responsibility, in acquiring additions to its collections, to ensure that care of collections, documentation arrangements and use of collections will meet the requirements of the Accreditation Standard. It will take into account limitations on collecting imposed by such factors as staffing, storage and care of collection arrangements.

5. Collecting policies of other museums

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 museums:

The Moray Society (The Elgin Museum)
Aberdeenshire Council museums
Aberdeen City Council museums
The University of Aberdeen museums
Angus Council museums
Highland Council museums

6. Policy review procedure

The Acquisition and Disposal Policy will be published and reviewed from time to time, at least once every five years. The date when the policy is next due for review is noted above.

Museum Galleries Scotland will be notified of any changes to the Acquisition and Disposal Policy, and the implications of any such changes for the future of existing collections.

7. Acquisitions not covered by the policy

Acquisitions outside the current stated policy will only 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.

8. Acquisition procedures

a. The museum will exercise due diligence and 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 a valid title to the item in question.

b. In particular, the museum 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).

c. 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, the museum will reject any items that have been illicitly traded. The governing body will be guided by the national guidance on the responsible acquisition of cultural property issued by the Department for Culture, Media and Sport in 2005.

d. So far as biological and geological material is concerned, the museum 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.

e. The museum will not acquire archaeological antiquities (including excavated ceramics) in any case where the governing body or responsible officer has any suspicion that the circumstances of their recovery involved a failure to follow the appropriate legal procedures. In Scotland, under the laws of *bona vacantia* including Treasure Trove, the Crown has title to all ownerless objects including antiquities. Scottish archaeological material cannot therefore be legally acquired by means other than by allocation to Moray Museums Service by the Crown. Where the Crown chooses to forego its title to a portable antiquity, a Curator or other responsible person acting on behalf of the Moray Council can establish that valid title to the item in question has been acquired, by ensuring that a certificate of 'No Claim' has been issued on behalf of the Crown.

f. Any exceptions to the above clauses 8a, 8b, 8c, or 8e will only be because the museum is either:

acquiring an item of minor importance that lacks secure ownership history but in the best judgement 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

acting as an externally approved repository of last resort for material of local (UK) origin; or

in possession of reliable documentary evidence that the item was exported from its country of origin before 1970.

In these cases the museum will be open and transparent in the way it makes decisions and will act only with the express consent of an appropriate outside authority.

g. As the museum holds or intends to acquire human remains from any period, it will follow the guidelines in the “Guidance for the Care of Human Remains in Scottish Museums” issued by Museums Galleries Scotland in 2008.

9. Spoliation

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.

10. The Repatriation and Restitution of objects and human remains

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 (unless covered by the “*Guidance for the Care of Human Remains in Scottish Museums*” issued by Museums Galleries Scotland in 2008), objects or specimens to a country or people of origin. The museum will take such decisions on a case by case basis; within its legal position and taking into account all ethical implications and available guidance. This will mean that the procedures described in 12a-12d, 12g and 12s below will be followed but the remaining procedures are not appropriate.

11. Management of archives

As the museum holds / intends to acquire archives, including photographs and printed ephemera, its governing body will be guided by the Code of Practice on Archives for Museums and Galleries in the United Kingdom (3rd ed., 2002).

12. Disposal procedures

Disposal preliminaries

- a. The governing body will ensure that the disposal process is carried out openly and with transparency.
- b. By definition, the museum has a long-term purpose and holds collections in trust for society in relation to its stated objectives. The governing body therefore accepts the principle that sound curatorial reasons for disposal must be established before consideration is given to the disposal of any items in the museum’s collection.
- c. The museum will confirm that it is legally free to dispose of an item and agreements on disposal made with donors will be taken into account.
- d. 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 and a proportion of the proceeds if the item is disposed of by sale.

Motivation for disposal and method of disposal

e. When disposal is motivated by curatorial reasons the procedures outlined in paragraphs 12g-12s will be followed and the method of disposal may be by gift, sale or exchange.

f. In exceptional cases, the disposal may be motivated principally by financial reasons. The method of disposal will therefore be by sale and the procedures outlined below in paragraphs 12g-12m and 12s will be followed. In cases where disposal is motivated by financial reasons, the governing body will not undertake disposal unless it can be demonstrated that all the following exceptional circumstances are met in full:

- the disposal will significantly improve the long-term public benefit derived from the remaining collection,
- the disposal will not be undertaken to generate short-term revenue (for example to meet a budget deficit),
- the disposal will be undertaken as a last resort after other sources of funding have been thoroughly explored.

The disposal decision-making process

g. Whether the disposal is motivated either by curatorial or financial reasons, the decision to dispose of material from the collections will be taken by the governing body only after full consideration of the reasons for disposal. Other factors including the public benefit, the implications for the museum's collections and collections held by museums and other organisations collecting the same material or in related fields will be considered. External expert advice will be obtained and the views of stakeholders such as donors, researchers, local and source communities and others served by the museum will also be sought.

Responsibility for disposal decision-making

h. A decision to dispose of a specimen or object, whether by gift, exchange, sale or destruction (in the case of an item too badly damaged or deteriorated to be of any use for the purposes of the collections or for reasons of health and safety), will be the responsibility of the governing body of the museum acting on the advice of professional curatorial staff, if any, and not of the curator of the collection acting alone.

Use of proceeds of sale

i. Any monies received by the museum governing body from the disposal of items will be applied for the benefit of the collections. This normally means the purchase of further acquisitions. In exceptional cases, improvements relating to the care of collections in order to meet or exceed Accreditation requirements relating to the risk of damage to and deterioration of the collections may be justifiable. Any monies received in compensation for the damage, loss or destruction of items will be applied in the same way. Advice on those cases where the monies are intended to be used for the care of collections will be sought from MLA.

j. The proceeds of a sale will be ring-fenced so it can be demonstrated that

they are spent in a manner compatible with the requirements of the accreditation standard.

Disposal by gift or sale

k. 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 or sale, directly to other Accredited Museums likely to be interested in its acquisition.

l. If the material is not acquired by any Accredited Museums to which it was offered directly as a gift or for sale, 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 specialist journals where appropriate.

m. The announcement relating to gift or sale 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 museum may consider disposing of the material to other interested individuals and organisations giving priority to organisations in the public domain.

Disposal by exchange

n. The nature of disposal by exchange means that the museum will not necessarily be in a position to exchange the material with another Accredited museum. The governing body will therefore ensure that issues relating to accountability and impartiality are carefully considered to avoid undue influence on its decision-making process.

o. In cases where the governing body wishes for sound curatorial reasons to exchange material directly with Accredited or unaccredited museums, with other organisations or with individuals, the procedures in paragraphs 12a-12d and 12g-12h will be followed as will the procedures in paragraphs 12p-12s.

p. If the exchange is proposed to be made with a specific Accredited museum, other Accredited museums which collect in the same or related areas will be directly notified of the proposal and their comments will be requested.

q. If the exchange is proposed with a non-accredited museum, with another type of organisation or with an individual, the museum will make an announcement in the Museums Journal and in other specialist journals where appropriate.

r. Both the notification and announcement must provide information on the number and nature of the specimens or objects involved both in the museum's collection and those intended to be acquired in exchange. A period of at least two months must be allowed for comments to be received. At the end of this period, the governing body must consider the comments before a final decision on the exchange is made.

Documenting disposal

s. Full records will be kept of all decisions on disposals and the items involved and proper arrangements made for the preservation and/or transfer, as appropriate, of the documentation relating to the items concerned, including photographic records where practicable in accordance with SPECTRUM Procedure on deaccession and disposal.