Public Records Act (Northern Ireland) 1923 [F1]

1923 CHAPTER 20

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 sub-section (2) of section nine of the Government of Ireland Act, 1920 [M1], as modified in its application to Northern Ireland by or in pursuance of the Irish Free State (Consequential Provisions) Act, 1922 [M2] (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 sub-section 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 sub-section as in his opinion properly belong to Northern Ireland and can conveniently be removed to that Office:

Annotations:

F1 functions transf. by SR 1999/481

Marginal Citations

M1 1920 c. 67

M2 1922 c.2 (13 Geo. 5 sess.2)

1 Establishment of Public Record Office of Northern Ireland.

(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.

Changes to legislation: *There are currently no known outstanding effects for the Public Records Act (Northern Ireland) 1923. (See end of Document for details)*

(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**[**F2 had 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.

Annotations:
F2 SI 1999/663

2 Charge and superintendence of records, and appointment of Deputy Keeper and staff.

(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")**F3**. . . , 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**F4** 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.

Annotations:
F3 SI 1999/663
F4 SR 1976/281; 1982 NI 6

3 Removal of accumulating records to Record Office.

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 Validity of records after removal.

The removal of any Northern Ireland record to the Public Record Office of Northern Ireland by and in 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 Deposit of documents in Record Office by trustees or other persons.

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.

[F5 5A Access to public records

It shall be the duty of the Deputy Keeper of the Records of Northern Ireland to arrange that reasonable facilities are available to the public for inspecting and obtaining copies of those public records in the Public Record Office of Northern Ireland which fall to be disclosed in accordance with the Freedom of Information Act 2000.]

Annotations:
F5 2000 c. 36

6 Seal of Record Office, certified copies of records, and effect of same.

(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 Printing, publication, sale and distribution of records, calendars, etc.

(1) It shall be lawful for the[F6 Minister of Culture, Arts and Leisure] to cause to be printed from time to time such calendars, catalogues and indexes of Northern Ireland records,