



# Elgin Museum

## Collections Development Policy 2014

### @15/5/2014

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Adopted by EMMC: 29/7/2014

Adopted by The Moray Society Board: 29/7/2014 (signed copy on file)

Review date: 28/7/2017

#### History:

Elgin Museum's Acquisitions and Disposals Policy 2008, produced in accordance with MLA Accreditation Standard, 2008

Elgin Museum's Acquisitions and Disposals Policy 2004, produced in accordance with MLA Accreditation Standard, 2004.

## **Background to the policy**

The ACE template used sets out the principles that will provide the governing bodies and the workforce of museums with a framework for responsible and ethical acquisition and disposal of collections. It provides clear procedures and decision-making processes common to Accredited museums.

Implementing the policy will enable museums to demonstrate the public benefit in their approach to collections development. It provides a basis for open and transparent decision-making and an informed dialogue between governing bodies, donors, funding bodies and other stakeholders.

This policy applies to material which the museum owns and has accessioned into the collection or intends to own and accession into the collection.

The acquisition, management and disposal of collections will be guided by:

- a museum's constitution and statement of purpose
- the legal basis on which the collections are held
- the public benefit derived from the effective use and management of the collections
- an assessment of the needs of the museum's collections
- the collections held by other museums and organisations collecting in the same or related geographic areas or subject fields

## Collections Development Policy

**Name of museum: Elgin Museum**

**Name of governing body: The Moray Society**

**Date on which this policy was approved by governing body: 29/7/2014**

**Date at which this policy is due for review: 28/7/2017**

### 1. Museum's statement of purpose

The Moray Society, a membership organisation, owns and manages the Elgin Museum. The purpose of Elgin Museum is to conserve and display the objects and archive in its care, to act as a focus for learning and enjoyment for all and to support the appreciation of the natural history, culture and heritage of Moray and to maintain the buildings in its ownership.

### 2. An overview of current collections

#### 2.0 General outline of the collections

##### Donations:

By far the majority of the items in the collections have been donated to The Moray Society (and its forerunners) or Elgin Museum, from 1836 to the present day. There are approximately **36,660** items in total, spanning the following categories:

Archaeology	1666 approx.
Foreign ethnography	866 approx.
Geology	1642 approx.
Natural History	11926 approx.*
Social History	20560 approx.

*\* This number includes multiples of butterflies and moths.*

(Data from National Audit 2002)

##### Loans:

A minority of accessions (less than 0.1%) have been loaned to Elgin Museum. Future policy will be that loans will be accepted only:-

a) For the purposes of:

- temporary display
- research
- photography

- in exceptional circumstances, such as to ensure the object's availability for study or immediate preservation.

b) In accordance with Elgin Museum's Documentation Policies and Procedures for Loans-in, which specify fixed term agreements.

Existing loans will be reviewed and objects returned to the owner or converted to donations; if the best option is to continue the loan, this will be arranged using the new process.

##### **Current loans (2014):**

#### **2.0.1 L.1987.5, L.2003.36 (Neil Gordon, Edinburgh)**

This is the archive, and some other possessions, of the Rev. Dr. George Gordon of Birnie, one of the founders of Elgin Museum and a leading scholar in his day, and spanning the years 1832-1893. His correspondents included many of

the geologists, natural historians and antiquarians of the day: Thomas Huxley, Charles Darwin, Roderick Murchison, Archibald Geikie. This collection is of direct relevance to much of the Museum's collection and history, and to the history of the area. Its location is documented and the collection is therefore accessible to researchers and published as 'George Gordon: An annotated catalogue of his scientific correspondence' by Susan Bennett and Michael Collie (ISBN 1 85928 070 6). The family wish to retain ownership (2014 renewal) but will consider a donation in the future.

## **2.0.2**

- L.1988.15-22** Aberdeen University
- L.1989.16-22** Inverness Museum
- L.1990.12** Moray Council Museums
- L.1989.19-22** Moray Council Museums

These loans consist of 13 mounted specimens of birds, mammals and amphibians. They have been incorporated into the Natural History diorama and will be returned when no longer required. (See **4.2**)

## **2.0.3 L.1989.13** (Moray Council Museums)

This is a collection of Neolithic pottery sherds, some of which are in the archaeology display in the Rear Gallery. The Museum has the best examples on display and it has been agreed that all the items from this excavation should remain for the time being under one roof. When the display is dismantled and the sherds are no longer required the complete collection will be returned to Moray Council Museums.

## **2.0.4 L.1995.37** (Sir Alistair Gordon-Cumming)

Water colour sketches of the symbols in the Sculptor's Cave, Covesea, by Constance Gordon-Cumming. These paintings have been stored in archival conditions. The Museum has been trying since 2008 to get the owner to update the status.

## **2.0.5** Rolling loan agreement with NMS of Birnie excavation material.

**2.0.6** Historic loans have been pursued and where a dead end has been reached, the surviving objects have been accessioned to the collection with appropriate record made. In the cases of a distillery sample bottle from Cragganmore (L1978.669) and 2 weaving instruments from Knockando we continue to have difficulty confirming status with the known lenders.

## **2.1 The Major Collections**

### **2.1.1 Geology**

This is a mixed collection of palaeontology, mineralogy and rock specimens, mainly from Moray.

The palaeontology collection is described in detail in the application in February 2008 for its "Recognition" by Scottish Government as a collection of National Significance, the status granted in 2008; the specimens and supporting archive were reviewed and entered on databases. Original papers and correspondence are held in archival conditions. The collection comprises fossil fish from the Middle and Upper Old Red Sandstones, and fossil reptiles and trackways from the Permian sandstone, and reptiles from the Triassic sandstone, from the local area.

A significant area in the Museum is dedicated to their permanent display, enhanced by models and a Recognition Fund funded MRI/CT derived 3D dicynodont skull model. The fossils are of importance, not only as specimens (including type and unique specimens) but also for the part they played in the history of understanding of geology, locally and world-wide.

Research using the collections continues, stimulated by modern methods of study. A renewal of collaboration with National Museums Scotland has been established.

A small part of the geology collection is used solely for educational purposes and has not been accessioned. The mineralogy and rock specimens require assessment.

With funding from the Recognition Fund for 2014/5, a review of the Geology Store is being carried out for its contents to be catalogued and rationalised and as a forerunner to a reorganisation of the stores to improve physical and intellectual access.

National Audit Star Items:

- *Rhynchodipterus elginensis* (1898.2.1) - fossil fish, Type and unique from Rosebrae Quarry.
- *Gordonia juddiana* Newton (1890.3.1) - Permian reptile from Cutties Hillock, Type.
- *Leptopleuron lacertinum* (renamed) (1978.718.1) - Triassic reptile, from Lossiemouth Quarry
- *Hyperodapedon gordonii* (1886.3) - Triassic reptile, from Lossiemouth Quarry, and one of the specimens key to Huxley's assessment of the reptile beds being Triassic.
- *Stagonolepis robertsoni* (1858.10) - Triassic reptile and Type, from Lossiemouth Quarry. Named and identified first as a fish by Agassiz in 1844, and re-assigned as a reptile by T.H. Huxley - note his red numbering on the specimen, R27. Probably the first photographed fossil vertebrate (see S.M.Andrews, 1983, p. 32, Fig. 18).
- *Ornithosuchus longidens* Huxley - jaw (1978.570.1) - Triassic reptile and Type, from Findrassie Quarry. Huxley's red numbering (R1).
- *Dicynodon traquairi* (renamed) (1999.5.1) - Permian reptile from Clashach Quarry
- Sandstone slab with single large Permian reptile footprint (1978.883.4) - from Masonhaugh Quarry

### 2.1.2 Natural History

Birds and eggs: It has become apparent that the a large proportion of the natural history in the Museum is in store, and not on display or in use because the specimens are in poor condition and/or are irrelevant to the collecting policy, at least since 2009. The specimens are therefore under review, beginning with the stuffed birds and eggs, and taking advice from NMS and the Recorder for Moray and Nairn.

Moths and butterflies: The collections are strong in numerical terms and visually attractive, but have suffered over time from insect and mould damage, and there is little accompanying data so they are of little scientific value. A preliminary assessment by NMS will be followed up.

Herbaria: There are herbaria of local plants from the 19<sup>th</sup> and 20<sup>th</sup> centuries.

Molluscs: An interesting historical collection of Molluscs from the Moray Firth has been identified as made by George Gordon. It has been documented and can be associated with the letters in the Gordon Archive and Gordon's list in the 'Zoologist' (1854).

Miscellaneous: there are a few exotic natural history items, and items of skeletal material. All rhino material was donated to NMS in 2013.

Display: The principle permanent display is a woodland diorama from 1989, due for revision or removal as soon as time permits.

National Audit Star Items:

ELGNM 2013.2 formerly L1987.24 Black Moray (Kellas) cat

### 2.1.3 Social History

This is a large collection of some 20,000 pieces, mainly drawn from the Moray area. The displays in the Front Gallery in the "People and Place" exhibition (2003), and the Rear Hall "Victoriana" display (2008), draw particularly from this group. There are examples in the categories: domestic and laundry, kitchenware, tableware, ornamental, lighting, handicraft, recreation, society and law, education, religion, working life, transport, agriculture.

National Audit Star Items:

ELGNM 1889.3 Man trap

1978.696 Old Scots Plough

1978.1516 Spey Currach

1994.25 Weaver's Deacon's box 1658

1972.42 Souter diesel engine

#### **2.1.4 Costume & Textiles**

The costume collection consists of approximately 200 pieces of male, female and children's clothing and personal accessories from the 18<sup>th</sup>, 19th and 20th centuries. The pieces are generally in good condition and there are some interesting local items. There is a textile collection consisting of approximately 30 items, including linen made in Elgin and several dated samplers made mainly by local girls in the 19<sup>th</sup> century.

#### **2.1.5 Arms and Armour**

There are some 100 items in this group including swords, targes, powder horns and flasks, pistols and Scottish weaponry. Three items have links with Culloden.

#### **2.1.6 Documents and Ephemera**

This collection consists of approximately 800 miscellaneous items relating to the people and towns of Elgin and Moray. A very valuable archive of some 1300 letters associated with one of the Museum's founders, Rev. Dr George Gordon (L1987.5 and L2003.36) is of international significance. (See Current loans in 2.0)

The history of the Museum is well documented with accession registers, minutes, letters, visitor books and other ephemera dating from around 1836 to the present day.

The Watson Papers, a collection of approximately 6,000 bills and letters, relate to Watson's Sawmills in Elgin and date from the late nineteenth century. The letters refer to a wide range of topics of social interest such as shipbuilding, railways, and domestic buildings. We also hold the important papers of the Grants of Wester Elchies (1788-1922) - subjects include life in India, including the Indian Mutiny, and letters from the Front in WWI. Both collections have been listed and stored in archival conditions. In 2013/2014 the Elgin Trades were wound up and their archive and other ephemera donated to the Museum. These are being catalogued.

Many of the objects in the collection have related papers filed in Object History Files.

#### **2.1.7 Photographs**

The collection includes a variety of photographs, negatives and postcards of local persons and places. There are some 200-glass negatives donated by a local photographic studio. A few of these have prints to correspond. The collection has been recorded and sorted into acid free boxes. These photographs can be scanned.

There is a small collection of aerial photographs of Moray from different sources, and several thousand negatives from a local photographer, Tony Spring (Studio Tyrell).

#### **2.1.8 Numismatics**

This comprises a miscellaneous collection of British, Scottish and foreign coins. There is also a representative collection of British trade tokens, Scottish communion tokens and commemorative and military medals, some of which relate to people of the area.

Roman silver coins from Birnie, near Elgin, are on loan and display on a rolling basis (after conservation and research) from National Museums Scotland, or were allocated to Elgin Museum by Treasure Trove if found before formal excavation at Birnie. Similar coins have been found by metal detectorists in other areas of Moray including Clarkly Hill, and allocated by Treasure Trove.

#### **2.1.9 Fine Art**

There is a small collection of drawings, engravings, lithographs, oil and watercolour paintings and a few pieces of sculpture.

The Etta Sharp Collection, donated in 1947, is a small but fine collection of 49 paintings representative of the development of the English watercolour tradition from the late eighteenth century until the early twentieth century. They form an important part of the Museum art collection, and include works by significant artists such as Turner, Constable, Varley, Cox, Brabazon, Flint, Grimm, and Rowlandson.

National Audit Star Items:

ELGNM 1978.229 Ramsay MacDonald bust by Jacob Epstein

### **2.1.10 Archaeology**

The archaeology collection consists of Scottish, British and foreign material, although the majority is Scottish and from Moray.

The quantity of material is not large but there are some very good artefacts representing Moray's past, many of which are on display. They span the Mesolithic, Neolithic, Bronze Age, Iron Age and Viking periods. There is also an excellent collection of Pictish, early Christian and Mediaeval stone carvings. The catalogue of our Pictish stones from Kinneddar and Burghead was published in 2009 and is available for sale. In 2014 a new and significant Pictish stone, the Dandaleith stone, has been allocated by Treasure Trove.

Over the past 50 years, we have been allocated various assemblages from local excavations. Some of these have been fully documented, or published by the excavators, but a rolling programme is in place to complete accessioning, with the assistance of Aberdeenshire Council Archaeology Service, with whom we have a close working relationship.

Foreign archaeology consists of some Greek and Roman pieces collected in the Mediterranean and in Britain and a collection of pre-Spanish pottery excavated by Dr James Cooper Clark, from Moray, when on British Government expeditions to Central America, Peru and Belize in 1913 and 1928.

The Museum continues to enjoy good relations with local metal detectorists. An interesting collection of Treasure Trove items has been claimed from their finds. The Museum has bid for these items where appropriate and in consultation with Moray Council Museums Service and other regional heritage services. Recently found items are on display in the Museum.

National Audit Star Items:

1871.4 Burghead bull Pictish stone

1994.61 Class II Pictish stone from Kinneddar

1939.6 Fragments from a Pictish cist from Kinneddar

1855.1.14 David and the lion - carved stone from Kinneddar

1914.1 Bronze Age jet necklace from Burgie

1888.3 Bronze age spear from Roseisle

1888.10 Gold torc from Law Farm, Urquhart (on loan to the Hunterian Museum in 2014)

1986.4 Mediaeval jug from Flanders (Elgin High Street)

### **2.1.11 Foreign ethnography**

This collection consists of an interesting collection of foreign artefacts brought home by travellers from Moray. There are some 800 items, representing the human history of many countries, including India, China, Japan, Pacific Islands, South-East Asia and North and South America.

### **2.1.12 Books, offprints, museum catalogues**

The Museum has a non-lending Library. There is a small collection of books and pamphlets which were acquired and/or written by members of the Elgin and Morayshire Literary Association (the fore-runner of The Moray Society). There are offprints of many articles referring to research, especially on the palaeontological specimens (see 2.1.1) and miscellaneous modern reference books and maps. There is also a good collection of 19th and early 20th century reference books such as the complete PSAS, local history books, George Gordon's bound copies of 'The Zoologist' and Ray Society Monographs, early geology books and Spalding Club Volumes. There are also some novels with Moray connections.

### **2.1.13 Human remains**

The principal human remains in the collection are Star Audit items, which are of considerable interest to the public, and all are on permanent display – the Peruvian mummy behind a removable curtain. In addition to the Star items are three Iron Age cervical vertebrae showing evidence of beheading, from the Sculptor's Cave, Covesea. All four of

these cited examples of human remains have been published in 21<sup>st</sup> century university dating and research programmes, and the results are presented adjacent to the displays.

National Audit Star Items:

1989.29 Bronze Age skeleton in cist from Roseisle

1846.1 Peruvian mummy

1916.4 Shrunken head from Equador

### **2.1.14 Scottish silver**

We have 11 items of Elgin silver, including the John Shanks snuff box, and in addition, 2 silver makers' punches. Recent donations are a cowrie shell and silver snuff box, and a 3 part (un-matched) tea service. We have one piece each from Edinburgh, Banff and Aberdeen.

## **2. Themes and priorities for future collecting**

### **3.1 Geology**

Geology specimens will be passively collected if these prove to be local in origin or where they fill significant gaps in the collection as comparisons. Such specimens would also, where appropriate, be assessed by outside experts, such as those from National Museums Scotland. (See also Policy 8.d) Fossil specimen acquisition must comply with the Scottish Fossil Code (2008).

### **3.2 Natural history**

The Museum will not seek to collect biological specimens as part of a systematic collection; however if appropriate and exceptionally, some specimens may be obtained for educational purposes or for specific displays, but bearing in mind the limitations in Policy 5. below. (See also Policy 8.d) The Museum has no facilities for taxidermy; therefore fresh specimens will not be taken into Elgin Museum.

### **3.3 Social history**

Social history items will be collected if they fill gaps in the collection and relate to Moray, and in particular the Laich. Agricultural items will only be collected in exceptional circumstances; such items would in the first instance be referred to another appropriate Museum.

### **3.4 Costume and textiles**

Items of costume and textiles will be collected passively, where they have a provenance relating to Moray. Before acquisition, particular consideration will be given to the physical condition, and the potential resource needed for any repair or conservation.

### **3.5 Arms and armour**

Items relating to people from Moray or associated with the Elginshire Volunteers will be passively collected, but otherwise, regimental items will be referred to Fort George in the first instance, and thereafter to other specialist repositories.

### **3.6 Documents and ephemera**

Collection of documents will continue if related to objects in the collection, to Moray and in particular, to the Elgin area. Consideration will be given to possible greater relevance to the collections of other members of Moray Heritage Connections.

### **3.7 Photographs**

Photographic material will be collected if it relates to the history or natural history of Elgin or Moray. Any items that may be of interest to the principle alternative local repository, Moray Council Local Heritage Centre, will be offered for copying for their archive.

### **3.8 Numismatics**

Coins will be collected if they are Scottish or if they are an interesting local find. Medals and trade and communion tokens will be collected if they have a good local connection. Campaign medals may otherwise be referred to Fort George or similar institution.

Every effort will be made to maintain good relations with local metal detectorists.

### **3.9 Fine art**

Fine art will be collected passively, especially if it has a Moray connection.

### **3.10. Archaeology**

The Museum will continue to maintain an active association with archaeologists excavating in Moray and with metal detectorists. The Museum will seek to collect archaeological material from eastern Moray (especially from the Laich). Where appropriate such collecting will be done in collaboration with other museums within the current province of Aberdeenshire Council Archaeology Service. Items will be notified to the Treasure Trove Panel as appropriate. (See Policy 8.f) It is recognised that some material may require specialist conservation treatment, and the resource required for this will be taken into account before accepting or seeking to acquire an item.

In conjunction with the receipt of recent Treasure Trove, from flints to a one ton Pictish stone, a priority is to make restricted alterations to the archaeology display area, including an additional display case and re-display of the log boat.

### **3.11. Foreign ethnography**

The collection as it now stands is still an interesting part of the history of Moray and of the Museum. The Museum will not seek actively to acquire foreign ethnographical material unless there is some strong connection with Moray. Otherwise, foreign ethnography will be referred to an appropriate institution such as Marischal Museum, University of Aberdeen or National Museums Scotland.

### **3.12. Books, offprints, museum catalogues**

Every effort will be made to acquire copies of research papers relating to the collection as they are published. The Museum will continue to add to the library any publications that will contribute to knowledge of the locality and of the collection. The Museum will accept as donation or acquire by purchase any publications relating to Elgin Museum, the Moray Society or the Elgin and Morayshire Literary and Scientific Association, and maintain if possible its membership of the Society of Antiquaries of Scotland. Consideration will be given to the limitations of safe and accessible storage for any publications held in the Museum.

### **3.13 Human remains**

The Museum will not seek to acquire human remains, unless in compliance with current legislation (and Policies 8.h and 10) and unless of a local archaeological nature, and found in Moray.

### **3.14 Silver**

The Museum will continue to collect passively Scottish silver. The Museum's holding of silver is adequate as a representative of the genre but it is not seen as a priority to augment this actively, given the current prices of Elgin silver and the ease with which silver has been borrowed in the past if required for a temporary display.

## **4. Themes and priorities for rationalisation and disposal**

Responsible, curatorially-motivated disposal takes place as part of the Museum's long-term collections policy, in order to increase public benefit derived from the Museum collections<sup>1</sup>. This section sets out the Museum's approach to rationalisation and disposal referred to in clause 13 (e) and 13 (f).

### **4.1 Geology**

Since the fossil collection achieved Recognised status in 2008, the Museum has acknowledged the inadequacy of the Geology Store and with funding from the Recognition Fund, begun a process of review and plan for reorganisation, taking advice from NMS. For one year (2014/15) we have a Recognition Fund funded palaeontologist working on the geology collection, to carry out the groundwork for the next phase: a reorganising of the storage to allow provision

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<sup>1</sup> See Museums Association 'Disposals Toolkit' pg 5.

of an associated work space to improve both physical and intellectual access. No accessioned material is likely to be considered for disposal, but the previously unaccessioned solid geology and mineralogy without provenance or documentation will be assessed for its value to the Museum.

#### **4.2 Natural history:**

The Museum is having difficulty with storage and conservation of much of its natural history collection. The intention is to review all the natural history material, and to ascertain the circumstances of its collection - for example, whether there is a particular historical link with the Museum and its alumni, and to assess the physical state and need for conservation or repair and the resources available for this. It has become apparent that a large proportion of the natural history in the Museum is in store, and neither on display or in use because the specimens are in poor condition and/or are irrelevant to the collecting policy, and thereby they restrict access to the stores and impede the improved storage and study of the major collections. Recourse to the Disposals Procedures may be the appropriate action for some of the material and the specimens are therefore under review.

**Stuffed birds and eggs:** This collection is a priority. Working with NMS and the Bird Recorder for Moray and Nairn, the Museum is rationalising the collection into specimens fit only for destructive disposal, those to be transferred to NMS and those to be retained.

**Moths and butterflies:** The collections have suffered over time from insect and mould damage, and there is little accompanying data so they are of little scientific value. A preliminary assessment by NMS will be followed up.

**Display:** The woodland diorama from 1989 is due for revision or removal as soon as time permits as in its current state it offers little of educational or entertainment value.

**4.3 Architectural stone and glass** related to the Historic Scotland collection at Elgin Cathedral. If an agreement can be reached with Historic Scotland, we would consider location of our examples to their display and storage if they can be made more accessible to the public in this way.

**4.4 Other areas of the collection** – there are no plans for rationalisation or disposals unless unexpected irreparable deterioration is found on routine inspection.

#### **5. 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.

#### **6. 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 specialism, in order to avoid unnecessary duplication and waste of resources.

**Specific reference** is made to the following museums and organisations: the Falconer Museum in Forres, Moray Museums and Heritage Forum, Aberdeen University and Aberdeenshire Council Archaeology Service.

#### **7. Policy review procedure**

The collections development 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.

Museums Galleries Scotland will be notified of any changes to the collections development policy, and the implications of any such changes for the future of existing collections.

#### **8. 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.

## 9. 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 Elgin Museum by the Crown. Where the Crown chooses to forego its title to a portable antiquity, a responsible person acting on behalf of the Moray Society, 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 9a, 9b, 9c, or 9e will only be because the museum is:
  - acting as an externally approved repository of last resort for material of local (UK) origin
  - 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
  - acting with the permission of authorities with the requisite jurisdiction in the country of origin
  - 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.

## 10. 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.

### **11. 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 museums' issued by DCMS in 2005), 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 13a-13d, 13g and 13o/s below will be followed but the remaining procedures are not appropriate.

### **12. Management of archives**

As the museum holds and 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 (third edition, 2002).

### **13. Disposal procedures**

NB The Memorandum and Articles of Association of The Moray Society, 9<sup>th</sup> September, 1987, require (and it is expected that a similar clause will occur in the revision of 2014):

3. "In the furtherance of the above mentioned objects but not further or otherwise the Society...(ii) may:- **(c)** sell, let, grant heritable security, turn to account, manage and improve all or any of the property or assets of the Society subject to such terms and conditions as may be thought expedient and to exercise any rights,, privileges or advantages, servitudes or other benefits for the time being attached to such property or assets and to undertake, maintain, execute and do all such lawful acts, matters and things as the Society may be obliged or required or ought to do as the owner of such property or assets provided always that the Society shall create no heritable security, charge, pledge or any encumbrance (other than those arising by operation of law) over any exhibit or material comprised in or acquired for the purpose of display in the Museum and provided further that no such exhibit or material shall be disposed of **(a)** unless professional advice has first been taken from the Scottish Museums Council [now Museums Galleries Scotland], the Royal Museum of Scotland [now National Museums Scotland]and the Museum and Galleries Commission [now Museums Libraries and Archive Council, MLA] or their respective successor bodies; **(b)** the consent obtained from 75% of the members to a resolution detailing the proposed disposal present at a general meeting duly convened for the purpose; and **(c)** it is offered first to any local authority museum or national museum, failing which to any university, college or charitable institution having objects similar to the objects of the Society, by exchange, gift or private treaty sale before such exhibits or materials are offered for sale to the public by auction or in any other manner;"

#### **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 13g-13s 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 13g-13m and 13o/s 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 or other individual 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 Museums Galleries Scotland.
- 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 13a-13d and 13g-13h will be followed as will the procedures in paragraphs 13p-13s.
- 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**

- o/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.