



CHURCH OF IRELAND  
THE REPRESENTATIVE CHURCH BODY  
LIBRARY AND ARCHIVES COMMITTEE

## GUIDELINES *for the* Safe Custody and Copyright of Parish Records and Memorials in Burial Grounds

Arising from some recent situations involving copying and/or publication of parish registers and other records held locally, the Library and Archives Committee has been prompted to issue the following *Guidelines*.

These are designed to:-

1. Assist members of the clergy and select vestries with the care and custody of records held in parishes;
2. Raise awareness about the legal restrictions in place concerning copyright in the text of parish records and in inscriptions on memorials, with particular reference to publishing such data on the internet or in printed formats.

### PARISH REGISTERS

Church of Ireland parish registers (for baptisms, marriages and burials) are unique resources for determining family relationships as well as a variety of other legal, medical or social purposes. Church of Ireland parish registers are the oldest church records available on the island of Ireland and many contain personal data not recorded anywhere else.

#### *Keeping the records safe*

It is thanks to the diligence of previous and current generations that parish registers survive to the present day. This collective rich legacy of keeping records safe is something to be cherished and continued. When members of the clergy enter new details into registers, they should do so using permanent black ink. Good quality black ink roller-ball pens are satisfactory; pencils or low grade pens and any ink colour other than black, should not be used. When registers are not in use, the Constitution of the Church of Ireland (ch. 3, sec. 24.(7), in tandem with the laws in both jurisdictions) expects the registers to be stored in "an adequate safe" (*ie* a locked, fireproof safe). The Representative Church Body Library, the Church's principal repository for records, actively encourages the transfer of **all** non-current parish registers to its safe, secure and permanent custody where the environmental and fireproof conditions are controlled. If such conditions cannot be guaranteed at a local level, then the registers (along with other non-current records) should be transferred to the Library.

### *Copyright*

Parish registers are subject to copyright. Copyright in all pre-1871 registers resides with the relevant state. In Northern Ireland, copyright in registers of baptisms and burials up to 1871 and marriages before 1845 is subject to the Public Records Act (Northern Ireland), 1923. In the Republic of Ireland, copyright in registers of baptisms and burials up to 1871, and marriages before 1845 is subject to the National Archives (Ireland) Act, 1986. All post-1845 registers of Church of Ireland marriages are subject to the Civil Registration Act, 2004 in the Republic of Ireland and the Marriage (Northern Ireland) Order, 2003 in Northern Ireland. Copyright in all registers of baptisms and burials from 1871 onwards is held by The Representative Church Body, subject to the regulations in the Constitution of the Church of Ireland.

### *Access*

The Church's Constitution (ch. 3 sec. 25.(2), in tandem with the laws in both jurisdictions) makes provision for access to data held in parish registers. Where parish registers are retained locally, the law requires that members of the public be afforded access to the data contained in the registers. This access must be supervised. It is the responsibility of the member(s) of the clergy in a parish to ensure that the parish registers are treated with respect and due care. When being consulted by members of the public, no markings whatsoever should be made on the registers. The registers should be supported and pages turned carefully. No photography should be permitted.

### *Copying and/or publishing records*

From time to time, members of the clergy shall need to make certified copies of entries in parish registers to facilitate family research, applications for passports or other lawful purposes. This is permitted under the terms of the legislation referred to above. Furthermore, members of the public (including parishioners, genealogists and other researchers) may be permitted to transcribe or copy out the content of registers by hand but are not permitted to publish that information without permission from the copyright holder. **Details from entries for marriages, baptisms or burials created more recently than 100 years should not be posted on the internet or published in any other formats.**

***Carte blanche* photography of registers either by parishioners or researchers is prohibited: any electronic recording of images requires the appropriate permission from the relevant copyright holder.** Any breach could render the Public Record Office of Northern Ireland, the National Archives of Ireland, the respective General Registrars in the Republic of Ireland or Northern Ireland, and/or The Representative Church Body subject to prosecution. The Representative Church Body Library can provide advice about seeking relevant copyright permissions. The Library will also be glad to take custody of all non-current parish registers. Contact information for the Library is provided at the end.

## **VESTRY MINUTES AND OTHER PARISH RECORDS**

Generally the copyright of other Church records, including vestry minutes, created within parishes by churchwardens, select vestry members or parishioners, is held in trust by The Representative Church Body or by other Church trustees.

Members of a select vestry must ensure that key information discussed, and decisions made, at select vestry meetings is accurately recorded in the vestry records ('the minutes'). The minutes should be carefully retained for future reference. The secretary to the select vestry takes responsibility for drafting the text of the minutes for approval by the members.

Select vestry minute books are important records which need to be maintained and preserved as an historic record of the long-term value of local parish life and evolution of the Church of Ireland as a whole. **Whilst copies of minutes may be shared electronically between members, a master set of printed or hand-written records must be maintained in a bound volume.** The secretary to the select vestry should be responsible for printing (or writing out by hand) a master set. In the case of printed pages, these should be secured into a hardcopy volume. It is this hardcopy that should be signed and dated by the chairperson of the meeting at which the minutes are considered and agreed.

The Representative Church Body Library is the official place of deposit for all non-current Church of Ireland records and welcomes transfers of select vestry minutes, records of general vestry meetings and related parish records including accounts, preachers' books, maps, plans, drawings, photographs, the records of parish organisations and/or any other parish records. Records are held permanently in the Library's safe and secure facilities and retained in perpetuity. To preserve confidentiality, a forty-year closure rule is applied to all select vestry minutes; it is only with the permission of the officiating member of the clergy or the secretary to a select vestry that access may be granted (either in the Library or in parish custody) to records within the forty-year period.

## **MEMORIALS AND THEIR INSCRIPTIONS IN BURIAL GROUNDS**

A number of recent worthy projects at local level have involved members of the community carrying out maintenance and repairs to burial grounds and recording information inscribed on memorials, including headstones and plaques erected at graves. This work is to be commended and encouraged but members of the clergy, select vestries and third parties do need to be mindful about copyright restrictions and aware of the sensitivities surrounding publication of images or details of memorials in burial grounds.

Memorials are usually erected by the family or persons connected to the deceased, who bear the costs of the memorial. Both the memorial and the information inscribed thereon, belong to the person(s) who erect the memorial and/or their descendants. As the parties responsible for the management of burial grounds, members of the clergy and select vestries need to proceed with caution where there is any proposal that a parish should publish details relating to graves in a burial ground or where there is an approach from a third party wanting to publish such information. Any proposal should be scrutinized

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carefully by the select vestry which should obtain full details of the content of the intended publication, the form it would take and what exactly is being sought from the vestry.

These enquiries are to allow vestry members to take an informed decision whether a proposed publication would, or would not, be in the best interests of the parish (or the wider Church). It is strongly recommended that neither images nor details of inscriptions on memorials erected within the past forty years ever be uploaded to the internet or published in any other formats.

It is hoped that these *Guidelines* will facilitate clergy and select vestries to deal sensitively and sensibly with information in their custody, know what rules to apply, and **KEEP THE RECORDS SAFE!**

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**For further information please contact:**

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