
Formation of a distributed national collection of foreign official gazettes: towards the celestial city?



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WHAT ARE LEGAL GAZETTES?

Official gazettes are the national or state level publications used in most jurisdictions outside the United States and the United Kingdom to promulgate laws and regulations. They contain bills, acts, statutory instruments, regulations, decrees, orders and resolutions and for some jurisdictions international treaties, and selected court reports, usually from the highest court. In addition, all gazettes include formal government notices such as announcements of personnel promotions, auctions, sales and invitations to tender for contracts. Gazettes are often published with supplements, in several separate series or with loose legislative inserts. Most jurisdictions still produce official gazettes in print although increasingly in more recent years they are also made available electronically.

While official gazettes contain the authoritative texts of laws as promulgated, they are often poorly indexed and so difficult to use. For most

purposes, legal researchers prefer more user-friendly commercial compilations of laws. However legal gazettes remain:

- The authoritative statement of the law in case of any dispute or inconsistencies
- A preferred source of correct legal citation
- The most up-to-date (and for some jurisdictions the only) current published source of primary law
- A key source of information about the status of legislation since publication in the official gazette is for many jurisdictions the act which causes a law to come into force
- A unique source of historical information about the development of the law for researchers with access to a long run where the gazette is the only source of primary law

Thus official gazettes constitute a unique but low use source of legal information and other governmental announcements. They are also complex to manage. They are difficult to acquire due to the idiosyncrasies of some government publishing offices; voluminous and unwieldy in that many are published daily and in variable sizes; problematic to arrange at the shelf as they are issued in numerous series and sub-series; costly to preserve as they are printed on low quality paper and often arrive damaged by being folded; expensive to catalogue as they regularly change title; and challenging to use as they are either inadequately indexed or not indexed at all.

THE VISION OF THE DISTRIBUTED NATIONAL COLLECTION

Because gazettes are at the same time key sources of information about primary law, little used by researchers, very costly in staff time to acquire, record, and maintain, and costly in space to house, Jules Winterton, Associate Director and Librarian of the Institute of Advanced Legal Studies, proposed the idea of creating a distributed national collection of official gazettes. The concept was inspired by the work, in the United States, of the Center for Research Libraries (CRL). Its foreign official gazette project aims to collect and preserve official gazettes worldwide up to 1995 and it acquires these in a variety of ways: through purchase, through deposit by member libraries, as a result of preservation filming or through collaborative projects with organisations such as the Association of Research Libraries. Mr Winterton proposed that it was important that a comprehensive collection of official gazettes should be available in the UK to support research but that the pain and cost of acquiring and making available this complex material could be shared among

leading libraries working in partnership to avoid unnecessary duplication of holdings. Partner institutions could take responsibility for maintaining a full set of the gazettes of an allotted number of jurisdictions, and for making them accessible nationally to researchers. The aim would be eventually to assemble the most complete set of each gazette possible, which all researchers could use, from the incomplete sets currently held in various collections.

The idea was considered by the FLARE (Foreign Law Research) Group, an association of leading research libraries dedicated to the improvement of the national coverage, management and exploitation of foreign legal materials in the UK. The five members of FLARE are the Squire Law Library, University of Cambridge; the Bodleian Law Library, University of Oxford; the British Library; the School of Oriental and African Studies Library and the Library of the Institute of Advanced Legal Studies, both part of the University of London. The FLARE group welcomed the proposal and agreed to take the idea forward. In order to facilitate access, it also agreed to create and maintain a union list of official gazettes on its web site at <http://ials.sas.ac.uk/flare/flare.htm> which would eventually map the location of holdings nationally.

As the Institute of Advanced Legal Studies Library (IALS) and the British Library (BL) already had an active collaborative collection development agreement in place, they undertook to act as pioneers to prove the viability of the concept of a distributed national collection of foreign official gazettes through a pilot project to merge their back runs of the *Moniteur Belge*, and the *Gazzetta Ufficiale della Repubblica Italiana*. It was agreed that on this occasion the IALS would deposit its back runs with the BL for safekeeping. This would create a national set of the *Moniteur Belge* from 1831 and of the *Gazzetta Ufficiale* from 1861.

These two gazettes were chosen for several reasons. Both libraries have quite long runs of these titles, with the BL having the longer run in each case; IALS knew that its sets were little used (this could be monitored accurately because both were kept on closed access); the IALS has current subscriptions to commercial legislative titles for each jurisdiction with extensive historical holdings and so most of their researchers' current and historical needs were satisfied; the IALS library is experiencing an acute shortage of space; the alternative possibility of obtaining microform sets for the complete runs was found to be prohibitively expensive.

PROVING THE CONCEPT

British Library staff began by undertaking a detailed shelf check of their institution's holdings to establish definitively the completeness of the run, its extent in linear metres, whether bound or unbound, and the physical condition of the binding and the paper. Staff next visited the IALS to conduct a parallel audit and visual inspection of the stock. The runs were then compared using these criteria and it emerged that:

- IALS stock could be used to fill many gaps in the BL's holdings
- IALS stock was in many cases bound where BL's consisted of loose parts wrapped in acid-free paper for preservation
- IALS bound volumes were both more accessible to patrons and in better condition than BL's loose parts.
- The IALS stock occupied more linear metres than the existing BL holdings, raising storage issues.

Both parties agreed a working model for proceeding with the pilot under which incoming IALS stock would be used both to fill gaps in the BL's runs and to replace existing BL stock in poorer physical condition.

THE FORMAL AGREEMENT

The next step was the negotiation of a legally binding agreement in the form of a trust deed to govern the terms under which the IALS holdings were transferred to the BL. Negotiations lasted about eighteen months as senior management on both sides had to be sure that the interests of neither their institution nor its readers were put at risk. Concerns raised and addressed included the value of the assets being transferred, their futureproofing to the satisfaction of the BL Board and the IALS, and how access for IALS researchers could be assured. The concept of putting stock into quasi shared ownership is novel and issues emerged around possible loss of institutional autonomy and control.

As regards access, the deed provides that IALS staff and researchers will have the right to consult the material in the BL reading rooms, and or to have it delivered to the IALS for consultation there. In relation to futureproofing, the deed assures long term access to the material through the permanent retention and preservation of a complete national archival set, provides for the runs to be passed on to the other partner or to a collaborating third party library should the need

ever arise and guards against the scattering or discard of the material.

INTEGRATING THE STOCK

IALS library staff prepared their volumes for sending to the BL by inserting book plates to show that the volumes had been transferred under the terms of the trust deed. They then arranged for the volumes to be packed in shelf order and transported to the BL's site at Boston Spa where they were unpacked. Once the transferred runs were delivered to the BL, much detailed work was required to merge the two sets. This work is ongoing at the time of writing and includes:

- Separating the material into volumes/issues to be kept and duplicates for disposal
- Identifying a staff resource for ownership stamping and labelling stock new to the BL
- Developing a shelving plan for the new stock, as it will not exactly fit into the shelf space vacated by departing BL duplicates due to the gap-filling element of the exercise
- Amending the BL catalogue and the FLARE union list
- Removing the duplicates to temporary storage pending disposal

Unexpected snags emerged at this stage. For example it was found that between 1920 and 1939 the *Gazzetta Ufficiale* was issued in two parts. The IALS held part 1 only, because it contained the legislation. BL holds both parts, and so staff had to systematically untie all the paper packages and extract the part 2 issues which could not be discarded because they are not duplicates!

DISPOSAL OF DUPLICATES

The British Library is committed to following open and transparent procedures for the disposal of surplus stock under its deaccessioning policy, which can be consulted on its web site at <http://www.bl.uk/about/policies/bldeaccess.html>. Moreover, under the British Library Act, stock transferred to the BL from the British Museum Library can be discarded only with the specific permission of the Board. In order to comply with the BL deaccessioning policy and the Act, a complex and well documented disposals procedure has to be followed in strict order:

- 1 Seek Board permission for the disposal of stock transferred from the British Museum Library
- 2 Confirm that there is no service requirement for the material elsewhere in the BL, via a general email to all staff

- 3 Offer the surplus material back to the IALS, as required by the trust deed
- 4 Offer to the Bodleian Law Library and the Squire Law Library as they are both partners in the FLARE Group and also hold the most comprehensive collection of foreign legal materials nationally after the BL and the IALS
- 5 Offer to UK academic and research libraries generally via an alert on the lislink and lislaw discussion lists
- 6 Offer to law libraries overseas via international law discussion lists such as int-law, law-1 (ifla), euro-lex, fcil-sis (American Association of Law Libraries members), and the International Association of Law Libraries members' list
- 7 Offer to the second hand book trade for resale, via an open process

If anyone reading this article would care to offer a good home to an incomplete second hand set of either the *Gazzetta Ufficiale* or the *Moniteur Belge*, please contact Jennie Grimshaw at the address below!

OPEN FOR BUSINESS

We envisage completing the integration of the two runs by spring 2006, after which they will be available for consultation in the British Library's St Pancras reading rooms or at the Institute of Advanced Legal Studies for IALS library members. The British Library will continue to subscribe to the *Gazzetta Ufficiale* in order to keep the run up to date; production of the *Moniteur Belge* in print and microform ended in 2002 when the Belgian government decided to make it available electronically only.

Researchers requiring access to foreign official gazettes have two major web-based sources of information about the location of this material both of which were created and are maintained by the FLARE member libraries and are hosted on the IALS website.

The FLAG database was devised as a finding tool that would help improve access to print and microform primary resource materials in foreign, international and comparative law, excluding EU law. It covers a wide spectrum of primary legal materials including law reports and treaties but can be searched by specific categories including official gazettes. It offers general descriptions of the holdings of 62 libraries throughout the UK and includes links to their catalogues. It may be freely accessed at [\[wpld/textbase/collsearch.htm\]\(http://wpld/textbase/collsearch.htm\) and is updated periodically.](http://193.62.18.223/dbtw-</p>
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The FLARE union list is more narrowly focused and is a union list of European official gazettes. Currently it includes the holdings of the British Library and the Institute of Advanced Legal Studies and links to electronic versions where available. The holdings of other FLARE libraries will be added in due course. It can be freely accessed at http://ials.sas.ac.uk/flare/flare_fog_union-list_europe.htm

CONCLUSIONS

The project to create a distributed national collection of foreign official gazettes demonstrates that collaboration between libraries with expertise in the management of specialised materials and their use has the potential to benefit the research community both by saving resources and by making material more widely available. As official gazettes increasingly become available online, this is an appropriate time for libraries to look at historic print holdings which are little used and often incomplete, and seriously consider how best to deal with them in future. The formation of a distributed national collection that is reasonably complete, well documented and accessible will serve the research community well and can enable libraries to make the transition to electronic access more easily.

As the project continues to develop, the lessons learned in the pilot will enable future work to be carried out more swiftly and efficiently. The model described is one which could readily be adopted by other partnerships between libraries with similar interests. The pilot demonstrated the importance of detailed planning, and the need for the support of the senior management of all the institutions involved. Binding legal agreements concerning the transfer and disposal of duplicate material and the negotiation of good access arrangements for researchers cement trust and confidence in the project. Detailed holdings records are essential to guide researchers to the national sets, but are costly in staff time to create because of the complexity of the material. The availability of suitable staff to carry out the detailed work and patience and good will on all sides were also vital to the success of the pilot and will remain key to the success of any similar projects.