

Ian MacFarlane

From: DIPR-CC (MULTIUSER) <DIPR-CC@mod.uk>
Sent: 19 August 2013 13:14
To: imacfarlane@royalgunpowdermills.com
Subject: RE: 20130703 - Royal Gunpowder Mills

Thanks Ian,

This is useful for our records and it will save time hunting for the correct reference should we need to discuss matters in the future.

The content doesn't appear to change things or alter the advice as below, which should mean you can continue unabated.

Thanks and regards,

Tim

-----Original Message-----

From: Ian MacFarlane [mailto:imacfarlane@royalgunpowdermills.com]
Sent: 16 August 2013 16:58
To: DIPR-CC (MULTIUSER)
Subject: RE: 20130703 - Royal Gunpowder Mills

Hello Tim,

I have found and attached what appears to be the Deed of Gift between MOD and the Trust, extracted from our charitable foundation charter.

Is that helpful?

Thank you,

Ian MacFarlane

IT Coordinator

www.royalgunpowdermills.com

01992707370

Royal Gunpowder Mills, Beaulieu Drive, Waltham Abbey, Essex, EN9 1JY England & Wales Registered Charity No. 1062968 --

---Original Message-----

From: DIPR-CC (MULTIUSER) [mailto:DIPR-CC@mod.uk]
Sent: 14 August 2013 16:09
To: imacfarlane@royalgunpowdermills.com
Cc: andrew.coates@royalgunpowdermills.com
Subject: RE: 20130703 - Royal Gunpowder Mills

Hello Ian,

Thank you for this. Unfortunately it is just the licence from HMSO, and not the deed of gift from the MOD, but we may be able to make headway anyway.

If the material you wish to reproduce is that licensed under the agreement scanned in from OPSI/ HMSO under their reference SOA27/1039, then where the same top-level restrictions must apply (ie the material licensed is restricted to the same as per the definition under para 1, Licensed Material, which excludes anything marked Restricted or similar, or publications which are as of now available for sale by MOD, or most likely TSO Shop, if any were found), the remainder of information can be re-used by you under the terms of the Open Government Licence version 2.0, linked to here:

<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2>

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Assuming it still is Crown copyright.

There is no charge, and you can still reproduce, publish and sell the material (as was the maximum permissible by the HMSO agreement), and indeed more (there is no limitation to just "hard copy" under these licence terms, nor is there a time limit, so there is no need to come back to us in respect of the same material).

For the sake of ease all round where the HMSO agreement required you to state "(C) Crown copyright 19xx" etc, as at Clause 5.1, I am content for you to continue to use the same terminology under this agreement, so that no change needs to be made at your end if you are reprinting or similar.

As per my email below, if there is material that has been gifted to the Trust by the MOD (and it was the Deed of Gift I was hoping to find, which should clarify this), then it would no longer be Crown copyright- the copyright would have been effectively assigned to the Trust. This would tally with Andrew's assertion that the archive of material left on site "(which includes maps, plans, photographs and documents relating to the historic uses of the site)" can be used for certain purposes. If it is material MOD has given to you by way of gift, then you can do with it what you like!

Either way, I think this is getting a little over complex, as provided no material is Restricted, or otherwise for sale, which essentially should only mean "what you have used before under the HMSO agreement", or alternatively was part of the Deed of Gift from MOD (if not that addressed by HMSO), then you can assume the licence terms MOD is content to grant for the works are at least as broad as those offered by HMSO (they are in fact broader), and with the acknowledgement staying the same, it means no action on your part:

Unlike the HMSO agreement, the Open Government Licence does not require a signature or action by you.

I hope that clears things up, and you are content that you can proceed with your plans.

If you do have a copy of the Deed of Gift between MOD and the Trust it would still be helpful for our local records, should we need to refer to it in the future (and to save us having to retrieve all the possible files from the archives, just to find it).

With thanks and kind regards,

Tim

-----Original Message-----

From: Ian MacFarlane [mailto:imacfarlane@royalgunpowdermills.com]

Sent: 09 August 2013 16:24

To: DIPR-CC (MULTIUSER)

Cc: DIPR-CU(Hunt, Nicola Mrs)

Subject: RE: 20130703 - Royal Gunpowder Mills

Hello Tim and Nicola,

I have attached the copy of our original deed - SOA27-1039 - dated 6-2-2001.

Thank you,

Ian MacFarlane

IT Coordinator

www.royalgunpowdermills.com

01992707370

Royal Gunpowder Mills, Beaulieu Drive, Waltham Abbey, Essex, EN9 1JY England & Wales Registered Charity No. 1062968 --

---Original Message-----

From: DIPR-CC (MULTIUSER) [mailto:DIPR-CC@mod.uk]

Sent: 10 July 2013 08:35

To: andrew.coates@royalgunpowdermills.com
Cc: Ian MacFarlane
Subject: RE: 20130703 - Royal Gunpowder Mills

Sir,

Thank you for the extract below.

I am a little unsure how the two come together though, and think we need to try and determine in the first;

Ian's original enquiry (as attached) requested permission to use unspecified materiel which may or may not have originally been pursuant to an agreement with HMSO.

And your response below indicates you think the materiel may have formed part of a gift.

If the MOD has gifted materiel to you, following the correct disposal procedures, it is no longer Crown copyright. As such MOD has no ability to licence it to you, I would assume the Charitable Trust took an effective assignment of it.

To determine that, might you be able to let me know if there was a reference number on the Deed itself, so that I can track down the file here (there are really quite a lot with references that may be appropriate), something like "21/191/2" may be present on the front cover, or something like "DEO/11/5".

Alternatively if you have an electronic copy of the Deed and you can email it, that would save the time in my retrieving it from MOD's archives.

And concurrently, if you can confirm exactly what the materiel is you wish to reproduce, we can hopefully then work out if either it is and remains Crown copyright of MOD origin, in which case my colleague Nicola's reference to MOD licensing it to you may stand, or if it is solely materiel the Trust now holds as a result of the Gift, a lot of time may be saved!

Thanks & regards,

Tim Allsop (in Nicola's absence).

From: Andrew Coates [mailto:andrew.coates@royalgunpowdermills.com]
Sent: 04 July 2013 13:35
To: DIPR-CU(Hunt, Nicola Mrs)
Cc: Ian MacFarlane
Subject: 20130703 - Royal Gunpowder Mills

Dear Mrs Hunt,

Thank you for your email to Ian, I thought I would write because there appears to be a little confusion here in that what is now known as the Waltham Abbey Royal Gunpowder Mills site was transferred from the MOD to the Charitable Trust via a Deed of Gift in 1997 (See extract below)

Charitable Framework

(1) to preserve manage research conserve and display for the benefit of the general public and of the nation at large (a) whatever of the historical and archaeological heritage may exist in all that land at waltham abbey essex more particularly shown edged red on the plan annexed to a transfer dated 27th march 1997 and made between waltham abbey trust company limited (registered company number 3325864) and the secretary of state for defence together with inter alia the archaeological remains buildings roads pathways and waterways situated thereon ("waltham abbey royal gunpowder mills") in the form of ancient monuments listed buildings and features of particular historic or archaeological interest; and (b) the natural aspect features and bird animal tree and plant life of the waltham abbey royal gunpowder mills;

(2) to advance the education and knowledge of the public relating to the history and development of gunpowder explosives propellants and ballistic and other missiles and the preservation history archaeological and industrial heritage and natural history of the waltham abbey royal gunpowder mills (including without prejudice to the generality of the foregoing the establishment of and acquisition of exhibits for an interpretative and education centre for the promotion of knowledge about gunpowder propellants explosives projectiles ballistic and other missiles and a centre for training dissemination of information and other educational facilities) and to conduct or cause to be conducted research into such matters and to publish or otherwise disseminate the useful results thereof;

Because the Deed of Gift included the land, buildings, structures, artefacts and the archive of material left on site (which includes maps, plans, photographs and documents relating to the historic uses of the site), our trustees have understood that the gifted material can be used for the continued dissemination of information about this historic and important site.

We would be grateful if you could confirm our understanding of the position.

Regarding your question about whether or not we are a public depository, whilst we accept deposits which add to our archive, we are not one registered to accept publications on behalf of the National Library for example.

If you have any further questions, please do not hesitate to get in touch.

Many thanks

Regards,

Andrew Coates

Chief Executive

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Royal Gunpowder Mills

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