Introduction

Online Transport Archive (OTA) was established as a company limited by guarantee in 2000 to administer a growing collection of ciné films, slides, negatives, prints and commercial postcards relating to all forms of transport. It is the aim of the Archive that the collections are accessible to publishers and to *bona fide* researchers, and where possible used in such a way that they will support fundraising activities for transport preservation projects. Charitable status was achieved in January 2004.

This leaflet complements our General Information leaflet and provides details of the procedure for depositing material, either now or in the future. The document discusses wills and copyright. OTA advises you to seek legal advice regarding any issues about which you are unclear.

Wills and legacies

Transport enthusiasts typically devote a large part of their lives to their hobby. There's no point in ignoring the eventual inevitability of death but sadly many enthusiasts do. With a small amount of preparation, they could ensure that their unique contribution to the hobby – photographs, slides, films, videos etc – can live on for the benefit of other enthusiasts when they're no longer around.

The possessions that a deceased person leaves behind are known as their "estate". If no preparation is made, the whole estate may, at best, pass to distant relatives who have no interest in them. At worst, everything passes to the Crown, which has even less interest in them – they just like the money. In either case, the "rubbish" will go on the tip. Without a will, a person has no say in what happens to the things they own after they die and, furthermore, may not be able to provide for people who depend on them.

A will is nothing more than a list of instructions to be used after death to determine what should be done with someone's money, possessions, property – basically everything they own. It is perfectly possible to do a DIY will at no cost to yourself – a book such as *Make your own will*, published by Which Consumer Guides, will assist. You can even get advice online these days and download a proforma will document, for example www.thinkwill.co.uk

However, in some instances a solicitor can advise. This can be money well spent. *Wills and probate,* also published by Which (2001), or *You need this book first: write your own will* published by The Stationery Office (2001) are useful books to advise on some of the potential pitfalls.

Discussing wills with people is always difficult. Just under a year ago, another collection was nearly lost owing to the non-existence of any will, even though the gentleman concerned was actively considering OTA but had taken no positive steps. Fortunately that situation was resolved satisfactorily, but it serves as a warning as to what might happen.

Donating or bequeathing material to OTA

OTA exists to ensure the long-term safe-keeping of collections of transport-related ciné films, slides, negatives, prints and commercial postcards. For our aims and objectives, please see our General Information leaflet. Unfortunately, it isn't just a case of telling us informally that you want your material to pass to OTA, certain things must be done.

Firstly, please make personal contact with us. If you are happy that OTA is the suitable repository for your collection, you must decide on a number of issues:

- Timing: Do you want to leave your collection to OTA in your will or do you want OTA to administer it during your lifetime? If you intend OTA to receive your material on your death, the strongly preferred option is that you write a legally binding will (see advice earlier in this leaflet). Advice we have taken suggests that the following wording is watertight, although your own solicitor may suggest some minor differences.

  > I give free of inheritance tax and any other taxes and absolutely all my transport-related ciné films, Hi8 cassettes, digital footage, colour slides, negatives, prints with exclusive copyright to ONLINE TRANSPORT ARCHIVE (Company number 4017910, Registered Charity number 1101785) of 8 Aughton Court, Church Road, Upton, WIRRAL, CH49 6JY

- Copyright: Do you want copyright of your collection to pass fully to OTA, or do you want an arrangement whereby your family retain copyright after your death? In the latter case, we strongly prefer a closed-ended arrangement (eg 10 years) after which the material becomes OTA sole copyright. With many donors, OTA has an arrangement whereby a given proportion of any royalty received from use of the collection is paid over to the family or any other beneficiary. Irrespective of copyright, we will make every practicable effort to ensure that the photographer's name is linked to the image in perpetuity (see for example the photographs on the cover of this leaflet).

- Financial: Although OTA generates some income from the use of the Archive, it will help greatly if donors consider making a financial legacy to help with future running and conservation costs etc. The wording for a will, to complement that given earlier, is:

  > I give free of inheritance tax and absolutely the pecuniary legacy of [state sum in figures and words] to the aforementioned ONLINE TRANSPORT ARCHIVE.

Summary

We've all admired the work of earlier enthusiasts. OTA simply wants our work to be properly preserved and accessed by the enthusiasts of the future.

You need to take appropriate action *now* to prevent your irreplaceable collection being consigned to the dustbin, and to ensure its continued availability and access.

OTA's directors hope you will endorse our aims and objectives – should you have any questions please do not hesitate to be in touch. You can contact us by mail:

Secretary, 8 Aughton Court, Church Road,
Upton, WIRRAL. CH49 6JY

or by email:

secretary@onlinetransportarchive.org

or see our website:

www.onlinetransportarchive.org

Online Transport Archive
A company limited by guarantee
Registered in England number 4017910
Registered charity 1101785

Registered office:
8 Aughton Court, Church Road, Upton,
Wirral. CH49 6JY

To: Secretary, Online Transport Archive, 8 Aughton Court, Church Road, Upton, WIRRAL. CH49 6JY

NAME	
ADDRESS	
PHONE	
MOBILE	
EMAIL	

AGREEMENT REGARDING THE DEPOSITING OF MATERIAL WITH OTA

Please tick as appropriate. Delete as appropriate where shown with an asterisk.

☐ It is my intention to will my collection of films / slides / negatives / prints / postcards / transport memorabilia* to Online Transport Archive (OTA).

☐ I have made watertight arrangements in my will to leave my collection to OTA. My solicitor and executors are:

☐ I have made a financial legacy in my will to the benefit of OTA.

☐ It is my wish that my collection of my collection of films / slides / negatives / prints / postcards / transport memorabilia* be placed in the care of OTA during my lifetime. I understand all the material remains my copyright until my death when ownership and copyright passes to OTA. I have informed my executors and solicitor to this effect*.

☐ I should like my films / slides / negatives / prints / postcards / transport memorabilia* collection to be deposited with OTA as soon as possible and arrangements made for its collection.

☐ I confirm that, to the best of my knowledge and other than where an item is specifically marked, I am the copyright holder for the photographic and film material to which this form relates.

I undertake to advise OTA of any significant changes to this agreement.

OTA undertakes that, to the best of its ability, the photographer's or film maker's name will be liked with the images or footage when any use is made of it.

SIGNATURE	
DATE	

OTA

ONLINE TRANSPORT ARCHIVE

A charity, preserving for posterity photographs and moving images of transport

Paul de Beer/Online Transport Archive

ONLINE TRANSPORT ARCHIVE

INFORMATION FOR DEPOSITING COLLECTIONS

Jim Copland/Online Transport Archive

Details correct to June 2005