

Bequests

Bequests are one means of acquiring objects or financial support. Museums and galleries need to be aware of some important legal and management considerations in this area.

- Any items or money to be bequeathed must be expressed in a legal Will.
- The organisation is entitled to claim the gift once Probate has been carried out.
- The organisation is not restricted by the request and can reject the offer.
- If the bequest is accompanied by unsuitable conditions the organisation can apply to the court or the executors to have the Will amended.
- If items have been disposed of before the time of the organisation's claim in the event of a deceased estate, the executors have the responsibility for the return of the requested items, or be held liable.
- If items have been disposed of by the donor before their death, the organisation has no claim despite the fact it is mentioned in the Will.
- The executors of the Will should honour the legacy; however in some instances it is up to the beneficiary to chase up the bequest themselves. This process is made difficult if the would-be-donor dies intestate or has no legal representation. In these situations the organisation may not necessarily be notified of the death.

Bequests of Objects

If bequests of objects are to be accepted, it is vital to formulate a carefully worded policy that can be published on your website and shared with anyone interested in leaving a bequest.

- The bequests policy should include:
 - an invitation to discuss any bequests with the organisation's managing committee or staff
 - the need for a bequest to appear in a legal Will.
 - an outline of the collections policy describing what the museum will collect.
 - an assertion of the organisation's right to reject, return or dispose of unsuitable objects.

Your collection policy should also be updated to include a clause which covers bequests as an additional acquisition method, if this is not included in the current policy.

As well as publishing your bequests policy, you should have anyone interested in making a bequest sign a Deed of Gift form (see our Deed of Gift Form template).

This will assist you if there are any questions about which items have been bequeathed. It will also assist you if any extra items have been left in the will which do not fall within your collecting area and need to be rejected.

Bequests of Money

Gifts of money can be handled in a number of ways.

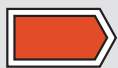
A general purpose fund can be established in which these gifts (in addition to money obtained from other sources) is deposited.

Alternatively, an organisation may establish project based bequest funds which can be used as a resource for special projects. For this to occur an organisation must nominate specific projects. Some popular programs financed through bequests are:

- staff training and development
- a conservation program for the most significant objects
- backlog documentation and/or research programs
- purchase of collection management systems, including imaging facilities
- exhibition development including multi media components
- development of education packages and programs
- publication of a catalogue or other works
- provision of updated controlled storage facilities and equipment.

Any potential donors should also be made aware of the various projects available so they can nominate in which area they would like their money used.

Large financial gifts should be maintained as individual components of the overall museum infrastructure. Donations should be managed in separate areas of the organisational budget which reflect their different objectives. Assistance from an accountant and/or a solicitor is advised. The services of these professionals may be employed to draft a bequest policy if this method is felt to become a major source of acquisition.



You might also like ...

Donations resource by Simposons Solicitors

<http://www.simpsons.com.au/documents/museums/acquisition/DONATION.pdf>