
STATUTORY INSTRUMENTS

1998 No. 261 (N.I. 2)

Museums and Galleries (Northern Ireland) Order 1998 ^{F1}

- - - - - 11th February 1998

F1 functions transf. by SR 1998/481

PART I INTRODUCTORY

Title and commencement

- 1.—(1) This Order may be cited as the Museums and Galleries (Northern Ireland) Order 1998.
(2) This Order shall come into operation on such day as the Department may by order appoint^{F2}.

F2 fully exercised by SR 1998/65

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Board” means the Board of Trustees of the National Museums and Galleries of Northern Ireland;

“the Department” means the Department of Education;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“the appointed day” means the day appointed by the Department under Article 1(2).

(3) References in this Order to property, rights and liabilities are references to any property, rights and liabilities whether or not capable of being transferred or assigned.

PART II

THE BOARD OF TRUSTEES OF THE NATIONAL MUSEUMS AND GALLERIES OF NORTHERN IRELAND

The Board of Trustees of the National Museums and Galleries of Northern Ireland

3.—(1) On the appointed day, there shall be established a body to be known as the Board of Trustees of the National Museums and Galleries of Northern Ireland.

(2) Schedule 1 shall have effect in relation to the Board.

(3) The following bodies are hereby abolished, namely—

- (a) the Trustees of the Ulster Folk and Transport Museum; and
- (b) the Trustees of the Ulster Museum.

(4) Schedule 2 shall have effect—

- (a) for the purposes of transferring to the Board the property, rights and liabilities of the bodies abolished by paragraph (3); and
- (b) for making provision in consequence of paragraph (3).

Functions of the Board

4.—(1) So far as practicable and subject to the provisions of this Order, the Board shall—

- (a) care for, preserve and add to the objects in its collections;
- (b) secure that the objects are exhibited to the public and assist the public by interpreting the significance of the objects;
- (c) secure that the objects are available to persons seeking to inspect them in connection with study or research; and
- (d) generally promote the awareness, appreciation and understanding by the public of—
 - (i) art, history and science;
 - (ii) the culture and way of life of people; and
 - (iii) the migration and settlement of people,both by means of the Board's collections and by such other means as the Board considers appropriate.

(2) In carrying out its functions the Board shall have particular regard to the heritage of Northern Ireland.

(3) Without prejudice to the generality of paragraph (1), the Board may, for the purposes of its functions—

- (a) incur expenditure (including the purchase of any object which, in the opinion of the Board, it is desirable to acquire);
- (b) accept gifts or bequests of money or objects or other property and execute any lawful trust having objects similar to those of the Board or incidental or conducive to the attainment or furtherance of any object of the Board;
- (c) give assistance (including financial assistance) to bodies having functions similar to those of the Board;
- (d) provide education, training, instruction and advice, and carry out research;
- (e) compile and maintain an archive;

- (f) co-operate with other persons or bodies;
 - (g) enter into contracts and other agreements;
 - (h) erect buildings or reconstruct existing buildings and carry out such other works as the Board may think fit;
 - (i) except where the terms upon which the object is held expressly provide to the contrary, lend any object for the time being vested in the Board;
 - (j) borrow any object for exhibition;
 - (k) do all such other acts (including requiring payment for services or goods provided by the Board) as appear to the Board to be necessary or expedient for the performance of all or any of the functions of the Board or as are incidental to the carrying out of those functions.
- (4) In paragraph (3)(e), “archive” includes any collection of sound recordings, images or information, however stored.
- (5) In deciding whether or not to lend any object in accordance with paragraph (3)(i), and in determining the time for which, and the conditions subject to which, an object is to be lent, the Board—
- (a) shall give special consideration to a request for the loan of an object for public exhibition; and
 - (b) subject to that, shall have regard to the interests of persons visiting the Board's collections, the suitability of the prospective borrower, the purpose of the loan, the physical condition and degree of rarity of the object, and any risks to which it is likely to be exposed.
- (6) The Board may allow premises occupied or managed by the Board to be used by other persons (for payment or otherwise) for purposes not connected with the functions mentioned in paragraph (1), if the Board is satisfied that to do so would not conflict unduly with those functions.
- (7) The Board shall, in accordance with arrangements agreed with the Department, make provision for consultation with the bodies mentioned in paragraph (8) on the exercise by the Board of its functions.
- (8) The bodies referred to in paragraph (7) are—
- (a) district councils;
 - (b) education and library boards; and
 - (c) such other bodies as the Department and the Board, acting jointly, may determine.

Disposal of objects

5.—(1) The Board shall not dispose of any object the property in which is vested in it and which is comprised in its collections, except in accordance with the following provisions of this Article.

(2) The Board may dispose of any object the property in which is vested in it and which is comprised in its collections if—

- (a) the disposal is by way of sale, exchange or gift of an object which is a duplicate of another object the property in which is so vested and which is so comprised; or
- (b) the disposal is by way of sale, exchange or gift of an object which in the opinion of the Board is unsuitable for retention in its collections and can be disposed of without detriment to the interests of students or other members of the public; or
- (c) the disposal is by way of sale or gift made to, or exchange made with, any institution mentioned in Part I of Schedule 5 to the Museums and Galleries Act 1992; or

- (d) the disposal (by whatever means, including destruction) is of an object which the Board is satisfied has become useless for the purposes of its collections by reason of damage, physical deterioration or infestation by destructive organisms; or
 - (e) the Department consents to the disposal.
- (3) An object may only be disposed of as mentioned in paragraph (2)(a), (b) or (c) where the disposal is not inconsistent with any trust or condition (express or implied) prohibiting or restricting the disposal of the object.
- (4) An object may be disposed of as mentioned in paragraph (2)(d) or (e) notwithstanding a trust or condition (express or implied) prohibiting or restricting the disposal of the object.

Transfer by other bodies of assets, etc. to the Board

6.—(1) This Article applies to any body which is designated by the Department under this paragraph as a body having, in the opinion of the Department, functions similar to any of those of the Board.

(2) The Board and any body to which this Article applies shall have power, with the approval of the Department and notwithstanding anything contained in any instrument relating to that body, to enter into and carry into effect an agreement for the transfer, on such day and on such terms and conditions as may be specified in the agreement, by that body to the Board of all such property, rights and liabilities held, enjoyed or incurred by that body as may be so specified.

(3) Where, by virtue of an agreement made under paragraph (2), there is a transfer of rights and liabilities under a contract of employment between a person and the transferring body, that contract shall have effect from the transfer day as if originally made between that person and the Board.

(4) Without prejudice to paragraph (3)—

- (a) all the transferring body's rights, powers, duties and liabilities under or in connection with a contract to which that paragraph applies shall by virtue of that paragraph be transferred to the Board on the transfer day; and
- (b) anything done before that day by or in relation to the transferring body in respect of that contract or the employee shall be deemed from that day to have been done by or in relation to the Board.

(5) Paragraphs (3) and (4) are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions but no such right shall arise by reason only of the change in employment effected by paragraph (3).

(6) In this Article—

“transferring body” means a body (being a body to which this Article applies) which has entered into an agreement with the Board in accordance with paragraph (2);

“transfer day”, in relation to an agreement made between the Board and a transferring body in accordance with paragraph (2), means the day specified in that agreement for the transfer by a transferring body to the Board of such property, rights and liabilities as may be specified in the agreement.

Power of Board to make bye-laws

7.—(1) The Board may from time to time make bye-laws—

- (a) regulating admission (including the making of charges) to any premises occupied or managed by the Board;
- (b) regulating the conduct of persons on those premises;
- (c) for the preservation of property vested in the Board or in the custody of the Board;

- (d) otherwise securing the efficient administration of any premises occupied or managed by the Board.

(2) Bye-laws made under paragraph (1) may authorise persons employed by the Board to exercise such powers and perform such duties as the Board may consider necessary for the enforcement of such bye-laws and in particular any person so authorised may, after due warning, remove or exclude from any premises occupied or managed by the Board a person who—

- (a) contravenes any such bye-law; or
- (b) commits, or whom he reasonably suspects of committing, an offence against section 4 of the Vagrancy Act 1824.

Power of Board to form companies

8.—(1) The Board may form, or take part in forming, one or more bodies corporate.

(2) The Board may hold interests in any such body as is mentioned in paragraph (1), exercise rights conferred by the holding of interests in it, and provide financial or other assistance to or in respect of it (including assistance by way of guarantee of its obligations).

Financial provisions

9.—(1) The Department may make grants to the Board.

(2) The Department may attach—

- (a) such conditions as it thinks appropriate for securing the proper management and control of money received by the Board under paragraph (1);
- (b) such other conditions as the Department thinks appropriate in the public interest,

to grants made to the Board under paragraph (1).

(3) The Board shall provide the Department with such information relating to the allocation or expenditure of money received by it under paragraph (1) as the Department may require.

(4) The Board may borrow or invest money on such terms and conditions and for such purposes as the Department may approve.

(5) The Board shall be a public body for the purposes of Schedule 1 to the Financial Provisions (Northern Ireland) Order 1983.

Accounts of the Board

10.—(1) The Board shall keep proper accounts and other records in relation thereto.

(2) In respect of each financial year—

- (a) the Board shall prepare and submit to the Comptroller and Auditor General for Northern Ireland a statement of accounts before such date, in such form and containing such information as the Department, with the approval of the Department of Finance and Personnel, may direct and shall before that date send a copy thereof to the Department;
- (b) the Comptroller and Auditor General for Northern Ireland shall examine and certify the statement of accounts submitted to him by the Board and shall send copies of the accounts so certified and any report of his thereon to the Department; and
- (c) the Department shall lay before the Assembly a copy of the certified statement of accounts of the Board together with a copy of any report thereon of the Comptroller and Auditor General for Northern Ireland.

Para. (3) rep. by 2003 NI 5

(4) For the purposes of this Order, the financial year of the Board shall be the period of 12 months ending at midnight on 31st March; but the first financial year of the Board shall be the period beginning with the appointed day and ending at midnight on 31st March next following that day.

Annual report on exercise of functions by the Board

11. The Board shall, within such period after the end of the financial year as the Department may direct, prepare and transmit to the Department a report in respect of the exercise by the Board of its functions in that year and the Department shall lay a copy of that report before the Assembly.

PART III

MUSEUMS AND GALLERIES PROVIDED BY DISTRICT COUNCILS

Provision and maintenance of museums and galleries by district councils

12.—(1) A district council, either alone or together with another district council or any other person, may provide and maintain museums and galleries.

(2) A district council may acquire land otherwise than by agreement for the purposes of paragraph (1).

(3) A district council may pay to another district council sums by way of contribution towards the expenses of the maintenance or provision of a museum or gallery by that other council.

(4) A district council may make grants towards the expenses of the maintenance or provision of a museum or gallery by any person.

(5) A district council shall consult with the Department and such other bodies as the Department may determine before exercising—

- (a) any power mentioned in paragraph (1) in so far as that power relates to the provision of a museum or gallery; or
- (b) any power mentioned in paragraph (4) in so far as that power relates to the making of grants towards the expenses of the provision of a museum or gallery.

(6) In this Article “provide” and “maintain” have the meanings assigned by section 147 of the Local Government Act (Northern Ireland) 1972.

Bye-laws concerning museums and galleries

13.—(1) A district council may from time to time make bye-laws—

- (a) regulating admission (including the making of charges) to museums and galleries maintained by the council or to any part thereof;
- (b) regulating the conduct of persons in such museums and galleries;
- (c) for the preservation of property vested in the council or in its custody for the purposes of such museums and galleries;
- (d) otherwise securing the efficient administration of such museums and galleries.

(2) Without prejudice to section 93 of the Local Government Act (Northern Ireland) 1972, bye-laws made by virtue of paragraph (1) may authorise persons employed by the district council and members of the Royal Ulster Constabulary after due warning to remove or exclude from any museum or gallery maintained by the council a person who commits, or who is reasonably suspected of committing, an offence against any such bye-law or against section 4 of the Vagrancy Act 1824.

Grants

14.—(1) The Department may make grants towards such expenses of a district council in carrying out its functions under Article 12 as may be approved by the Department.

(2) Grants under this Article shall be at such rates or of such amounts and subject to such conditions as the Department may determine.

Article 15—Amendments and repeals

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Museums and Galleries (Northern Ireland) Order 1998. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Article 3(2).

THE BOARD OF TRUSTEES OF THE NATIONAL MUSEUMS AND GALLERIES OF NORTHERN IRELAND

Incorporation and status

1.—(1) The Board shall be a body corporate to which, subject to the provisions of this Order, section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply.

(2) The Board shall not—

- (a) dispose of or charge any property vested in it except in accordance with the provisions of this Order;
- (b) except with the approval in writing of the Department, acquire or dispose of any estate in land.

2. The Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property shall not be regarded as the property of, or property held on behalf of, the Crown.

Membership

3.—(1) The Board shall consist of not fewer than 12 nor more than 15 persons (in this Schedule referred to as “trustees”) as the Head of the Department shall appoint after consultation with—

(a) such persons as appear to him to represent—

- (i) district councils;
- (ii) persons engaged in providing education;
- (iii) persons engaged in promoting the awareness, appreciation and understanding by the public of the heritage of Northern Ireland;

(b) such other persons as the Head of the Department shall think fit.

(2) In the period of 12 months from the making of this Order, sub-paragraph (1) shall have effect with the omission of the words from “after consultation with” to the end.

(3) The Head of the Department shall appoint one of the trustees to be chairman who, in the case of an equality of votes, shall have a second or casting vote.

(4) The trustees may elect one of their number as vice-chairman.

4.—(1) Subject to the following provisions of this paragraph, a trustee shall hold and vacate his office in accordance with the terms of his appointment but no trustee shall be appointed for a period of more than 5 years.

(2) A trustee shall be deemed to have vacated his office and the Board shall declare his place vacant in the following circumstances—

- (a) where he gives to the Head of the Department a notice in writing of his resignation;
 - (b) where he becomes bankrupt or makes a composition with his creditors;
 - (c) where in the opinion of the Head of the Department he has failed to comply with the terms of his appointment or is otherwise unable or unfit to discharge his functions and the Head of the Department so informs the Board in writing;
 - (d) where he is convicted of an indictable offence and is sentenced to a term of imprisonment of not less than 3 months; or
 - (e) where he fails, without leave of the Board, to attend any meetings of the Board, or of a committee thereof of which he is a member, for a period of 6 consecutive months.
- (3) A person who ceases to be a trustee shall be eligible for re-appointment.
- (4) The Board may pay to its chairman such salary as the Department may determine.
- (5) The Board may pay travelling and subsistence allowances and other expenses necessarily incurred by trustees and members of committees and sub-committees of the Board in the performance of their functions and such allowances and expenses shall be paid at such rates as the Department may determine.

Staff

5.—(1) The right of the Board under section 19(1)(a)(vi) of the Interpretation Act (Northern Ireland) 1954 to employ staff shall be exercised subject to any direction which may be given by the Department with respect to the terms and conditions of service of persons employed or to be employed by the Board.

(2) The remuneration of persons employed by the Board shall be at such rate as the Board may, with the consent of the Department, determine.

(3) The Board may, in accordance with arrangements determined by the Department, make provision for the payment on death or retirement of pensions, gratuities or other like benefits to or in respect of the service of persons employed by the Board.

6.—(1) The Board shall, in accordance with procedures approved by the Department, appoint a fit person to be its chief executive officer.

(2) The chief executive officer of the Board shall be responsible to the Board for the general exercise of the Board's functions.

(3) Before making an appointment under sub-paragraph (1), the Board shall supply to the Department particulars of the names, previous experience and qualifications of the persons from whom it proposes to make a selection.

(4) If the Department considers that any person whose name is submitted under sub-paragraph(3) is not a fit person to be the chief executive officer of the Board, the Department may give directions prohibiting his appointment.

Committees

7.—(1) The Board shall appoint from among its members—

- (a) an Audit Committee;
- (b) a Staffing Committee.

(2) The Board may appoint such other committees as it thinks fit to assist it in the discharge of its functions or to perform such functions as it may delegate to such committees.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Museums and Galleries (Northern Ireland) Order 1998. (See end of Document for details)

(3) The Board may—

- (a) appoint as members of any committee established under sub-paragraph (2), or
- (b) authorise any such committee to co-opt as members of the committee,

persons who are not trustees.

(4) The Board may authorise a committee to appoint sub-committees for such advisory purposes as the Board may approve.

(5) A committee may—

- (a) appoint as members of any sub-committee established under sub-paragraph (4), or
- (b) authorise any such sub-committee to co-opt as members of the sub-committee,

persons who are not trustees or members of the committee who appointed the sub-committee.

(6) At least one member of—

- (a) any committee established under sub-paragraph (2);
- (b) any sub-committee established under sub-paragraph (4),

shall be a trustee.

(7) This paragraph has effect notwithstanding any provision contained in any agreement or other instrument relating to property vested in the Board.

Procedure

8. The proceedings of the Board or of any committee or sub-committee thereof shall not be invalidated by any vacancy among its members or by any defect in the appointment of any of its members.

9.—(1) Without prejudice to section 19(1)(a)(v) of the Interpretation Act (Northern Ireland) 1954, the Board shall make standing orders for the Board and its committees and sub-committees relating to—

- (a) the convening of meetings;
- (b) the fixing of the quorum;
- (c) the conduct of business at meetings;
- (d) the disclosure by a trustee or a member of any committee or sub-committee of the Board of any pecuniary interest in, or family relationship relevant to, any matter to be discussed at a meeting and the withdrawal by such a trustee or member from any discussion on that matter;
- (e) the keeping of minutes, accounts and other records;
- (f) the signing of cheques;
- (g) the custody of deeds and other documents;
- (h) the duties of officers;
- (i) such other matters connected with the conduct of its business as the Board thinks fit.

(2) The Board shall, by standing orders, specify the functions to be performed by the Audit Committee and the Staffing Committee.

(3) Standing orders shall not be made under this paragraph except with the approval in writing of the Department.

(4) The common seal of the Board shall, when applied to a document, be attested by the signatures of any two trustees authorised by the Board to act for that purpose.

Assembly disqualification

10. In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices) there shall be inserted (at the appropriate place) the following entry—

“Chairman of the Board of Trustees of the National Museums and Galleries of Northern Ireland.”.

SCHEDULE 2

Article 3(4).

TRANSFER OF PROPERTY, ETC., TO THE BOARD FROM FORMER BODIES

Interpretation

1. In this Schedule, “former body” means a body abolished by Article 3(3).

Transfer of property, etc.

2. On the appointed day all property, rights and liabilities to which a former body is entitled or subject immediately before that day shall be transferred to, and by virtue of this Schedule vest in, the Board.

3. On and after the appointed day—

- (a) any agreement (whether in writing or not) which subsists immediately before that day and to which a former body is a party shall have effect as if the Board had been the party to it; and
- (b) any reference to a former body in such an agreement or in any other agreement, instrument or document (other than a statutory provision) in being immediately before that day shall, as respects anything falling to be done on or after that day, be construed as a reference to the Board.

4. Without prejudice to the generality of paragraphs 2 and 3, any legal proceedings or applications to any authority pending immediately before the appointed day by or against a former body shall be continued by or against the Board to the exclusion of that body.

5. Stamp duty shall not be chargeable in respect of any transfer effected by this Schedule.

Contracts of employment

6. Paragraph 2 does not apply to rights and liabilities under a contract of employment, but paragraph 7 applies to any person who immediately before the appointed day is employed by a former body.

7. The contract of employment between a person to whom this paragraph applies and the former body shall have effect from the appointed day as if originally made between him and the Board.

8. Without prejudice to paragraph 7—

- (a) all the former body's rights, powers, duties and liabilities under or in connection with a contract to which that paragraph applies shall by virtue of that paragraph be transferred to the Board on the appointed day; and
- (b) anything done before that day by or in relation to the former body in respect of that contract or the employee shall be deemed from that day to have been done by or in relation to the Board.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Museums and Galleries (Northern Ireland) Order 1998. (See end of Document for details)

9. Paragraphs 7 and 8 are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions but no such right shall arise by reason only of the change in employer effected by paragraph 7.

Accounting Arrangements

10.—(1) The Board shall make arrangements for a statement of accounts to be prepared, in accordance with directions of the Department, in relation to each former body for the period beginning on 31st March 1997 and ending on the appointed day and, subject to those directions, to be submitted to the Comptroller and Auditor General for Northern Ireland.

(2) The Comptroller and Auditor General shall examine, certify and report on the statements of accounts submitted to him under sub-paragraph (1).

(3) The Department shall lay before the Assembly a copy of the certified statements of accounts together with any report thereon of the Comptroller and Auditor General.

Reporting Arrangements

11. The Board shall, in relation to each former body, make arrangements for a report to be prepared, in accordance with directions of the Department, in respect of the exercise of the functions of each of those bodies for the period beginning on 31st March 1997 and ending on the appointed day and the Department shall lay a copy of that report before the Assembly.

Schedule 3 — Amendments

Schedule 4 — Repeals

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

There are currently no known outstanding effects for the Museums and Galleries (Northern Ireland) Order 1998.