

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the National Heritage Act 1983, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Sections 1, 9, 17 and 23.

#### THE BOARDS

#### PART I

#### VICTORIA AND ALBERT MUSEUM

##### Modifications etc. (not altering text)

- C1** *Sch. 1 Pt. I:* functions of the Secretary of State transferred by *S.I. 1983/879*, 1984/1814, 1986/600, 1992/1311 and as from 29.4.1986 to 2.7.1992 exercisable by the Lord President of the Council by virtue of *S.I. 1986/600*, *arts. 2(1), 7(1)*, **Sch 1 Pt. I** and as from 3.7.1992 again exercisable by the Secretary of State by virtue of *S.I. 1992/1311*, *art. 3(1)*, **Sch. 1 Pt.I** and references to the Secretary of State from 29.4.1986 to 2.7.1992 and from 3.7.1992 to be construed accordingly by virtue of *S.I. 1986/600*, **art. 7(1)** and *S.I. 1992/1311*, **art. 12(4)**

##### *Status*

- 1 The Board of Trustees of the Victoria and Albert Museum shall be a body corporate.
- 2 (1) Subject to sub-paragraph (3), 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.
- (2) The trustees and their staff shall not be regarded as civil servants and the Board's property shall not be regarded as property of, or held on behalf of, the Crown.
- (3) In relation to any matter as respects which the Board act by virtue of a direction under section 2(4), the Board shall enjoy the same privileges, immunities and exemptions as those enjoyed in relation to that matter by the Minister giving the direction.
- (4) Subject to sub-paragraph (5) and any other enactment, the Board shall not be exempt from any tax, duty, rate, levy or other charge whatever (whether general or local).
- (5) Any hereditament occupied by or on behalf of the Board shall [<sup>F1</sup>for the purposes of Part III of the Local Government Finance Act 1988 be treated as if it were a Crown hereditament.]

##### Textual Amendments

- F1** Words substituted by *S.I. 1990/776*, *art. 8*, **Sch. 3 para. 24**

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### *Membership*

- 3 (1) The Board shall consist of not less than 12 nor more than 20 members (referred to in this Part of this Schedule as “trustees”).
- (2) The trustees shall be appointed by the Prime Minister, who shall appoint one of them to be chairman.
- (3) In appointing any trustee, the Prime Minister shall have regard to the desirability of the person’s having knowledge or experience of art, craft, design, management, industrial relations, administration, or any other subject knowledge or experience of which would be of use to the Board in exercising their functions.
- (4) Subject to the following provisions of this paragraph, a trustee or chairman shall hold and vacate office in accordance with the terms of his appointment, but no trustee shall be appointed for a period of more than 5 years.
- (5) A chairman or trustee may resign his office by notice in writing addressed to the Prime Minister.
- (6) If a chairman ceases to be a trustee he shall also cease to be chairman.
- (7) A person who ceases to be a trustee, or ceases to be chairman, shall be eligible for re-appointment.

### *Staff*

- 4 (1) There shall be a Director of the Victoria and Albert Museum who shall be appointed by the Board with the approval of the Prime Minister.
- (2) The Director shall be responsible to the Board for the general exercise of the Board’s functions.
- (3) The Board may appoint such other employees as the Board think fit.
- (4) The Board shall pay to their employees such remuneration and allowances as the Board may determine.
- (5) The employees shall be appointed on such other terms and conditions as the Board may determine.
- (6) A determination under sub-paragraph (4) or (5) is ineffective unless made with the approval of the Secretary of State given with the Treasury’s consent.
- (7) Employment with the Board shall be included among the kinds of employment to which a scheme under section 1 of the <sup>M1</sup>Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) “Victoria and Albert Museum” shall be inserted after “ Tate Gallery ”.

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#### **Marginal Citations**

**M1** 1972 c. 11.

- 5 (1) The Board shall make, not later than such date as the Secretary of State may determine, an offer of employment by the Board to each person employed

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immediately before that date in the civil service of the State for the purposes of the institution known as the Victoria and Albert Museum.

- (2) The terms of the offer shall be such that they are, taken as a whole, not less favourable to the person to whom the offer is made than the terms on which he is employed on the date on which the offer is made.
- (3) In determining whether the terms of the offer are more or less favourable to that person than those enjoyed by him on the date of the offer no account shall be taken of the fact that employment with the Board is not employment in the service of the Crown.
- (4) An offer made in pursuance of this paragraph shall not be revocable during the period of 3 months commencing with the date on which it is made.
- (5) Where a person becomes an employee of the Board in consequence of this paragraph, then, for the purposes of the <sup>M2</sup>Employment Protection (Consolidation) Act 1978, his period of employment in the civil service of the State shall count as a period of employment by the Board and the change of employment shall not break the continuity of the period of employment.
- (6) Any dispute arising under this paragraph as to whether or not the terms of any employment offered by the Board are, taken as a whole, less favourable than those applying to a person's employment in the civil service of the State shall be referred to and determined by an industrial tribunal.
- (7) An industrial tribunal shall not consider a complaint whereby a dispute mentioned in sub-paragraph (6) is referred to it unless the complaint is presented to the tribunal before the end of the period of 3 months beginning with the date of the offer of employment or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of the period of 3 months.
- (8) An appeal shall lie to the Employment Appeal Tribunal on a question of law arising from any decision of, or arising in proceedings before, an industrial tribunal under this paragraph; and no appeal shall lie except to the Employment Appeal Tribunal from any decision of an industrial tribunal under this paragraph.

#### **Marginal Citations**

**M2** 1978 c. 44.

#### *Proceedings*

- 6 (1) The Board may regulate their own procedure (including, subject to sub-paragraph (7), quorum).
- (2) In doing so, they may make arrangements for any of their functions, other than the power to acquire or dispose of land, to be discharged by committees.
- (3) Any committee shall be appointed, and may be dissolved, by the Board.
- (4) A committee may include as members persons who are not trustees, but at least two of the members (including the committee's chairman) must be trustees.

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- (5) A committee shall act in accordance with such directions as the Board may make from time to time.
- (6) Anything done by a committee under the arrangements shall, if the arrangements so provide, have effect as if done by the Board.
- (7) The quorum for meetings of the Board shall not at any time be less than the greater of—
  - (a) four, and
  - (b) the number equal to one third of the number of trustees at the time concerned (treating any fraction as one).
- (8) The validity of any proceedings of the Board shall not be affected by any vacancy among the trustees or by any defect in the appointment of any trustee.

#### *Allowances*

- 7 The Board may pay to each of the trustees and the members of any committee such reasonable allowances in respect of expenses or loss of remuneration as the Secretary of State may determine with the Treasury's approval.

#### *Instruments*

- 8 (1) The fixing of the seal of the Board shall be authenticated by the signature of the chairman or of some other person authorised either generally or specially by the Board to act for that purpose.
- (2) A document purporting to be duly executed under the seal of the Board, or to be signed on the Board's behalf, shall be received in evidence and, unless the contrary is proved, be deemed to be so executed or signed.

#### *Finance*

- 9 For the purposes of the provisions of the <sup>M3</sup>Exchequer and Audit Departments Acts 1866 and <sup>M4</sup>1921 which relate to appropriation accounts—
  - (a) the Board shall be treated as a department of the public service, and
  - (b) the Director of the Victoria and Albert Museum shall be treated as a public officer.

#### **Marginal Citations**

- M3** 1866 c. 39.  
**M4** 1921 c. 52.

#### *Reports*

- 10 (1) The Board shall make to the Secretary of State a report on the exercise of their functions since the last report was made or (in the case of the first) since the Board's establishment.

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- (2) The first report shall be made not later than the expiry of the period of 3 years (or such shorter period as the Secretary of State may direct) commencing with the day of the Board's establishment.
- (3) Each subsequent report shall be made not later than 3 years (or such shorter period as the Secretary of State may direct) since the last was made.
- (4) Each report shall include a statement of action taken by the Board to enable disabled members of the public to use any services or facilities provided by the Board.
- (5) Each report shall include a statement of the total amount received by the Board by way of admission charges in the period covered by the report, and shall include information (in such detail as the Board think fit) about rates of, exemptions from and reductions in admission charges made by the Board.
- (6) The Secretary of State shall lay a copy of each report before each House of Parliament.

## PART II

### SCIENCE MUSEUM

#### Modifications etc. (not altering text)

- C2** [Sch. 1 Pt. II](#): functions of the Secretary of State transferred by [S.I. 1983/879](#), 1984/1814, 1986/600, 1992/1311 and as from 29.4.1986 to 2.7.1992 exercisable by the Lord President of the Council by virtue of [S.I. 1986/600](#), [arts. 2\(1\)](#), [7\(1\)](#), [Sch 1 Pt. I](#) and as from 3.7.1992 again exercisable by the Secretary of State by virtue of [S.I. 1992/1311](#), [art. 3\(1\)](#), [Sch. 1 Pt.I](#) and references to the Secretary of State from 29.4.1986 to 2.7.1992 and from 3.7.1992 to be construed accordingly by virtue of [S.I. 1986/600](#), [art. 7\(1\)](#) and [S.I. 1992/1311](#), [art. 12\(4\)](#)

#### *Status*

- 11 The Board of Trustees of the Science Museum shall be a body corporate.
- 12
- (1) Subject to sub-paragraph (3), 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.
  - (2) The trustees and their staff shall not be regarded as civil servants and the Board's property shall not be regarded as property of, or held on behalf of, the Crown.
  - (3) In relation to any matter as respects which the Board act by virtue of a direction under section 10(4), the Board shall enjoy the same privileges, immunities and exemptions as those enjoyed in relation to that matter by the Minister giving the direction.
  - (4) Subject to sub-paragraph (5) and any other enactment, the Board shall not be exempt from any tax, duty, rate, levy or other charge whatever (whether general or local).
  - (5) Any hereditament occupied by or on behalf of the Board shall [<sup>F2</sup>for the purposes of Part III of the Local Government Finance Act 1988 be treated as if it were a Crown hereditament.]

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### Textual Amendments

**F2** Words substituted by [S.I. 1990/776, art. 8, Sch. 3 para. 24](#)

#### *Membership*

- 13 (1) The Board shall consist of not less than 12 nor more than 20 members (referred to in this Part of this Schedule as “trustees”).
- (2) The trustees shall be appointed by the Prime Minister, who shall appoint one of them to be chairman.
- (3) In appointing any trustee, the Prime Minister shall have regard to the desirability of the person’s having knowledge or experience of the development of science and technology, management, industrial relations, administration, or any other subject knowledge or experience of which would be of use to the Board in exercising their functions.
- (4) Subject to the following provisions of this paragraph, a trustee or chairman shall hold and vacate office in accordance with the terms of his appointment, but no trustee shall be appointed for a period of more than 5 years.
- (5) A chairman or trustee may resign his office by notice in writing addressed to the Prime Minister.
- (6) If a chairman ceases to be a trustee he shall also cease to be chairman.
- (7) A person who ceases to be a trustee, or ceases to be chairman, shall be eligible for re-appointment.

#### *Staff*

- 14 (1) There shall be a Director of the Science Museum who shall be appointed by the Board with the approval of the Prime Minister.
- (2) The Director shall be responsible to the Board for the general exercise of the Board’s functions.
- (3) The Board may appoint such other employees as the Board think fit.
- (4) The Board shall pay to their employees such remuneration and allowances as the Board may determine.
- (5) The employees shall be appointed on such other terms and conditions as the Board may determine.
- (6) A determination under sub-paragraph (4) or (5) is ineffective unless made with the approval of the Secretary of State given with the Treasury’s consent.
- (7) Employment with the Board shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) “Science Museum” shall be inserted after “ National Portrait Gallery ”.

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- 15 (1) The Board shall make, not later than such date as the Secretary of State may determine, an offer of employment by the Board to each person employed immediately before that date in the civil service of the State for the purposes of the institution known as the Science Museum or that known as the Patent Museum.
- (2) The terms of the offer shall be such that they are, taken as a whole, not less favourable to the person to whom the offer is made than the terms on which he is employed on the date on which the offer is made.
- (3) In determining whether the terms of the offer are more or less favourable to that person than those enjoyed by him on the date of the offer no account shall be taken of the fact that employment with the Board is not employment in the service of the Crown.
- (4) An offer made in pursuance of this paragraph shall not be revocable during the period of 3 months commencing with the date on which it is made.
- (5) Where a person becomes an employee of the Board in consequence of this paragraph, then, for the purposes of the <sup>M5</sup>Employment Protection (Consolidation) Act 1978, his period of employment in the civil service of the State shall count as a period of employment by the Board and the change of employment shall not break the continuity of the period of employment.
- (6) Any dispute arising under this paragraph as to whether or not the terms of any employment offered by the Board are, taken as a whole, less favourable than those applying to a person's employment in the civil service of the State shall be referred to and determined by an industrial tribunal.
- (7) An industrial tribunal shall not consider a complaint whereby a dispute mentioned in sub-paragraph (6) is referred to it unless the complaint is presented to the tribunal before the end of the period of 3 months beginning with the date of the offer of employment or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of the period of 3 months.
- (8) An appeal shall lie to the Employment Appeal Tribunal on a question of law arising from any decision of, or arising in proceedings before, an industrial tribunal under this paragraph; and no appeal shall lie except to the Employment Appeal Tribunal from any decision of an industrial tribunal under this paragraph.

**Marginal Citations**

**M5** 1978 c. 44.

*Proceedings*

- 16 (1) The Board may regulate their own procedure (including, subject to sub-paragraph (7), quorum).
- (2) In doing so, they may make arrangements for any of their functions, other than the power to acquire or dispose of land, to be discharged by committees.
- (3) Any committee shall be appointed, and may be dissolved, by the Board.

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- (4) A committee may include as members persons who are not trustees, but at least two of the members (including the committee's chairman) must be trustees.
- (5) A committee shall act in accordance with such directions as the Board may make from time to time.
- (6) Anything done by a committee under the arrangements shall, if the arrangements so provide, have effect as if done by the Board.
- (7) The quorum for meetings of the Board shall not at any time be less than the greater of—
  - (a) four, and
  - (b) the number equal to one third of the number of trustees at the time concerned (treating any fraction as one).
- (8) The validity of any proceedings of the Board shall not be affected by any vacancy among the trustees or by any defect in the appointment of any trustee.

#### *Allowances*

- 17 The Board may pay to each of the trustees and the members of any committee such reasonable allowances in respect of expenses or loss of remuneration as the Secretary of State may determine with the Treasury's approval.

#### *Instruments*

- 18 (1) The fixing of the seal of the Board shall be authenticated by the signature of the chairman or of some other person authorised either generally or specially by the Board to act for that purpose.
- (2) A document purporting to be duly executed under the seal of the Board, or to be signed on the Board's behalf, shall be received in evidence and, unless the contrary is proved, be deemed to be so executed or signed.

#### *Finance*

- 19 For the purposes of the provisions of the <sup>M6</sup>Exchequer and Audit Departments Acts 1866 and <sup>M7</sup>1921 which relate to appropriation accounts—
- (a) the Board shall be treated as a department of the public service, and
  - (b) the Director of the Science Museum shall be treated as a public officer.

#### **Marginal Citations**

**M6** 1866 c. 39.

**M7** 1921 c. 52.

#### *Reports*

- 20 (1) The Board shall make to the Secretary of State a report on the exercise of their functions since the last report was made or (in the case of the first) since the Board's establishment.



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- (2) The first report shall be made not later than the expiry of the period of 3 years (or such shorter period as the Secretary of State may direct) commencing with the day of the Board's establishment.
- (3) Each subsequent report shall be made not later than 3 years (or such shorter period as the Secretary of State may direct) since the last was made.
- (4) Each report shall include a statement of action taken by the Board to enable disabled members of the public to use any services or facilities provided by the Board.
- (5) Each report shall include a statement of the total amount received by the Board by way of admission charges in the period covered by the report, and shall include information (in such detail as the Board think fit) about rates of, exemptions from and reductions in admission charges made by the Board.
- (6) The Secretary of State shall lay a copy of each report before each House of Parliament.

### PART III

#### ARMOURIES

##### *Status*

- 21 The Board of Trustees of the Armouries shall be a body corporate.
- 22 (1) 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, the trustees and their staff shall not be regarded as civil servants, and the Board's property shall not be regarded as property of, or held on behalf of, the Crown.
- (2) Subject to sub-paragraph (3) and any other enactment, the Board shall not be exempt from any tax, duty, rate, levy or other charge whatever (whether general or local).
- (3) Any hereditament occupied by or on behalf of the Board shall [<sup>F3</sup>for the purposes of Part III of the Local Government Finance Act 1988 be treated as if it were a Crown hereditament.]

#### Textual Amendments

**F3** Words substituted by [S.I. 1990/776, art. 8, Sch. 3 para. 24](#)

##### *Membership*

- 23 (1) The Board shall consist of not less than 6 nor more than 11 members (referred to in this Part of this Schedule as "trustees").
- (2) Subject to sub-paragraphs (3) and (4), the trustees shall be appointed by the Secretary of State.
- (3) One of the trustees shall be appointed by Her Majesty.

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- (4) The Constable of the Tower of London for the time being shall, by virtue of his office, be a trustee.
- (5) In appointing any trustee, the Secretary of State shall have regard to the desirability of the person's having knowledge or experience of arms, armour, the Tower, management, industrial relations, administration, or any other subject knowledge or experience of which would be of use to the Board in exercising their functions.
- (6) The Secretary of State shall appoint one of the trustees to be chairman.
- (7) Subject to the following provisions of this paragraph, a trustee or chairman shall hold and vacate office in accordance with the terms of his appointment, but no trustee shall be appointed for a period of more than 5 years.
- (8) A trustee may resign his office by notice in writing addressed to the Secretary of State or, in the case of a person appointed by Her Majesty, to Her Majesty; but this sub-paragraph does not apply to a person who is a trustee by virtue of sub-paragraph (4).
- (9) A chairman may resign his office as chairman by notice in writing addressed to the Secretary of State.
- (10) If a chairman ceases to be a trustee he shall also cease to be chairman.
- (11) A person who ceases to be a trustee, or ceases to be chairman, shall be eligible for re-appointment.

#### *Staff*

- 24 (1) There shall be a Master of the Armouries who shall be appointed by the Board with the approval of the Secretary of State.
- (2) The Master shall be responsible to the Board for the general exercise of the Board's functions.
- (3) The Board may appoint such other employees as the Board think fit.
- (4) The Board shall pay to their employees such remuneration and allowances as the Board may determine.
- (5) The employees shall be appointed on such other terms and conditions as the Board may determine.
- (6) A determination under sub-paragraph (4) or (5) is ineffective unless made with the approval of the Secretary of State given with the Treasury's consent.
- (7) Employment with the Board shall be included among the kinds of employment to which a scheme under section 1 of the <sup>M8</sup>Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) "Armouries" shall be inserted before "British Museum".

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#### **Marginal Citations**

**M8** 1972 c. 11.

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- 25
- (1) The Board shall make, not later than such date as the Secretary of State may determine, an offer of employment by the Board to each person employed immediately before that date in the civil service of the State for the purposes of the institution known as the Armouries.
  - (2) The terms of the offer shall be such that they are, taken as a whole, not less favourable to the person to whom the offer is made than the terms on which he is employed on the date on which the offer is made.
  - (3) In determining whether the terms of the offer are more or less favourable to that person than those enjoyed by him on the date of the offer no account shall be taken of the fact that employment with the Board is not employment in the service of the Crown.
  - (4) An offer made in pursuance of this paragraph shall not be revocable during the period of 3 months commencing with the date on which it is made.
  - (5) Where a person becomes an employee of the Board in consequence of this paragraph, then, for the purposes of the <sup>M9</sup>Employment Protection (Consolidation) Act 1978, his period of employment in the civil service of the State shall count as a period of employment by the Board and the change of employment shall not break the continuity of the period of employment.
  - (6) Any dispute arising under this paragraph as to whether or not the terms of any employment offered by the Board are, taken as a whole, less favourable than those applying to a person's employment in the civil service of the State shall be referred to and determined by an industrial tribunal.
  - (7) An industrial tribunal shall not consider a complaint whereby a dispute mentioned in sub-paragraph (6) is referred to it unless the complaint is presented to the tribunal before the end of the period of 3 months beginning with the date of the offer of employment or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of the period of 3 months.
  - (8) An appeal shall lie to the Employment Appeal Tribunal on a question of law arising from any decision of, or arising in proceedings before, an industrial tribunal under this paragraph; and no appeal shall lie except to the Employment Appeal Tribunal from any decision of an industrial tribunal under this paragraph.

**Marginal Citations**

**M9** 1978 c. 44.

*Proceedings*

- 26
- (1) The Board may regulate their own procedure (including, subject to sub-paragraph (7), quorum).
  - (2) In doing so, they may make arrangements for any of their functions, other than the power to acquire or dispose of land, to be discharged by committees.
  - (3) Any committee shall be appointed, and may be dissolved, by the Board.

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- (4) A committee may include as members persons who are not trustees, but at least two of the members (including the committee's chairman) must be trustees.
- (5) A committee shall act in accordance with such directions as the Board may make from time to time.
- (6) Anything done by a committee under the arrangements shall, if the arrangements so provide, have effect as if done by the Board.
- (7) The quorum for meetings of the Board shall not at any time be less than the greater of—
  - (a) three, and
  - (b) the number equal to one third of the number of trustees at the time concerned (treating any fraction as one).
- (8) The validity of any proceedings of the Board shall not be affected by any vacancy among the trustees or by any defect in the appointment of any trustee.

#### *Allowances*

- 27        The Board may pay to each of the trustees and the members of any committee such reasonable allowances in respect of expenses or loss of remuneration as the Secretary of State may determine with the Treasury's approval.

#### *Instruments*

- 28        (1) The fixing of the seal of the Board shall be authenticated by the signature of the chairman or of some other person authorised either generally or specially by the Board to act for that purpose.
- (2) A document purporting to be duly executed under the seal of the Board, or to be signed on the Board's behalf, shall be received in evidence and, unless the contrary is proved, be deemed to be so executed or signed.

#### *Accounts*

- 29        (1) The Board shall keep proper accounts and proper records in relation to them.
- (2) The Board shall prepare a statement of accounts in respect of each financial year.
- (3) The statement shall give a true and fair view of the state of the Board's affairs at the end of the financial year and of the Board's income and expenditure in the financial year.
- (4) The statement shall comply with any directions given by the Secretary of State with the Treasury's consent as to the information to be contained in the statement, the manner in which the information is to be presented or the methods and principles according to which the statement is to be prepared.
- (5) The Board shall send the statement to the Secretary of State at such time as he may direct.
- (6) The Secretary of State shall, on or before 31 August in any year, send to the Comptroller and Auditor General the statement prepared by the Board under subparagraph (2) for the financial year last ended.

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- (7) The Comptroller and Auditor General shall examine, certify and report on the statement sent to him under sub-paragraph (6) and shall lay copies of it and of his report before each House of Parliament.
- (8) In this paragraph “financial year” means the period commencing with the day of the Board’s establishment and ending with the second 31 March following that day, and each successive period of 12 months.

#### *Information*

- 30 (1) The Board shall make to the Secretary of State a report on the exercise of their functions since the last report was made or (in the case of the first) since the Board’s establishment.
- (2) The first report shall be made not later than the expiry of the period of 3 years (or such shorter period as the Secretary of State may direct) commencing with the day of the Board’s establishment.
- (3) Each subsequent report shall be made not later than 3 years (or such shorter period as the Secretary of State may direct) since the last was made.
- (4) The Secretary of State shall lay a copy of each report before each House of Parliament.
- (5) Each report shall include a statement of action taken by the Board to enable disabled members of the public to use any services or facilities provided by the Board.
- (6) Each report shall include a statement of the total amount received by the Board by way of admission charges in the period covered by the report, and shall include information (in such detail as the Board think fit) about rates of, exemptions from and reductions in admission charges made by the Board.
- (7) The Board shall furnish the Secretary of State with such information relating to their property and the discharge and proposed discharge of their functions as he may require, and for that purpose they shall permit any person authorised by him to inspect and make copies of any accounts or other documents of the Board and shall give such explanation of them as that person or the Secretary of State may require.

### **PART IV**

#### **ROYAL BOTANIC GARDENS, KEW**

#### *Status*

- 31 The Board of Trustees of the Royal Botanic Gardens, Kew shall be a body corporate.
- 32 (1) Subject to sub-paragraph (3), 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.
- (2) The trustees and their staff shall not be regarded as civil servants and the Board’s property shall not be regarded as property of, or held on behalf of, the Crown.

*Status: Point in time view as at 01/02/1991.*

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- (3) In relation to any matter as respects which the Board act by virtue of a direction under section 24(5), the Board shall enjoy the same privileges, immunities and exemptions as those enjoyed in relation to that matter by the Minister giving the direction.
- (4) Subject to sub-paragraph (5) and any other enactment, the Board shall not be exempt from any tax, duty, rate, levy or other charge whatever (whether general or local).
- (5) Any hereditament occupied by or on behalf of the Board shall [<sup>F4</sup>for the purposes of Part III of the Local Government Finance Act 1988 be treated as if it were a Crown hereditament.]

#### Textual Amendments

**F4** Words substituted by [S.I. 1990/776, art. 8, Sch. 3 para. 24](#)

#### *Membership*

- 33 (1) The Board shall consist of 12 members (referred to in this Part of this Schedule as “trustees”).
- (2) One of the trustees shall be appointed by Her Majesty and the others shall be appointed by the Minister of Agriculture, Fisheries and Food (referred to in the following provisions of this Schedule as “the Minister”).
- (3) In appointing any trustee, the Minister shall have regard to the desirability of the person’s having knowledge or experience of the science of plants or any related subject, management, industrial relations, administration, or any other subject knowledge or experience of which would be of use to the Board in exercising their functions.
- (4) The Minister shall appoint one of the trustees to be chairman.
- (5) Subject to the following provisions of this paragraph, a trustee or chairman shall hold and vacate office in accordance with the terms of his appointment, but no trustee shall be appointed for a period of more than 5 years.
- (6) A chairman or a trustee appointed by the Minister may resign his office by notice in writing addressed to the Minister, and a trustee appointed by Her Majesty may resign his office by notice in writing addressed to Her Majesty.
- (7) If a chairman ceases to be a trustee he shall also cease to be chairman.
- (8) A person who ceases to be a trustee, or ceases to be chairman, shall be eligible for re-appointment.

#### *Staff*

- 34 (1) There shall be a Director of the Royal Botanic Gardens, Kew who shall be appointed by the Board with the approval of the Minister.

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- (2) The Director shall be responsible to the Board for the general exercise of the Board's functions.
- (3) The Board may appoint such other employees as the Board think fit.
- (4) The Board shall pay to their employees such remuneration and allowances as the Board may determine.
- (5) The employees shall be appointed on such other terms and conditions as the Board may determine.
- (6) A determination under sub-paragraph (4) or (5) is ineffective unless made with the approval of the Minister given with the Treasury's consent.
- (7) Employment with the Board shall be included among the kinds of employment to which a scheme under section 1 of the <sup>M10</sup>Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) "Royal Botanic Gardens, Kew" shall be inserted after "National Portrait Gallery".

#### Marginal Citations

M10 1972 c. 11

- 35 (1) The Board shall make, not later than such date as the Minister may determine, an offer of employment by the Board to each person employed immediately before that date in the civil service of the State for the purposes of the institution known as the Royal Botanic Gardens.
- (2) The terms of the offer shall be such that they are, taken as a whole, not less favourable to the person to whom the offer is made than the terms on which he is employed on the date on which the offer is made.
- (3) In determining whether the terms of the offer are more or less favourable to that person than those enjoyed by him on the date of the offer no account shall be taken of the fact that employment with the Board is not employment in the service of the Crown.
- (4) An offer made in pursuance of this paragraph shall not be revocable during the period of 3 months commencing with the date on which it is made.
- (5) Where a person becomes an employee of the Board in consequence of this paragraph, then, for the purposes of the <sup>M11</sup>Employment Protection (Consolidation) Act 1978, his period of employment in the civil service of the State shall count as a period of employment by the Board and the change of employment shall not break the continuity of the period of employment.
- (6) Any dispute arising under this paragraph as to whether or not the terms of any employment offered by the Board are, taken as a whole, less favourable than those applying to a person's employment in the civil service of the State shall be referred to and determined by an industrial tribunal.
- (7) An industrial tribunal shall not consider a complaint whereby a dispute mentioned in sub-paragraph (6) is referred to it unless the complaint is presented to the tribunal before the end of the period of 3 months beginning with the date of the offer of

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employment or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of the period of 3 months.

- (8) An appeal shall lie to the Employment Appeal Tribunal on a question of law arising from any decision of, or arising in proceedings before, an industrial tribunal under this paragraph; and no appeal shall lie except to the Employment Appeal Tribunal from any decision of an industrial tribunal under this paragraph.

**Marginal Citations**

**M11** 1978 c. 44.

*Proceedings*

- 36 (1) The Board may regulate their own procedure (including, subject to subparagraph (7), quorum).
- (2) In doing so, they may make arrangements for any of their functions, other than the power to acquire or dispose of land, to be discharged by committees.
- (3) Any committee shall be appointed, and may be dissolved, by the Board.
- (4) A committee may include as members persons who are not trustees, but at least two of the members (including the committee's chairman) must be trustees.
- (5) A committee shall act in accordance with such directions as the Board may make from time to time.
- (6) Anything done by a committee under the arrangements shall, if the arrangements so provide, have effect as if done by the Board.
- (7) The quorum for meetings of the Board shall not at any time be less than four.
- (8) The validity of any proceedings of the Board shall not be affected by any vacancy among the trustees or by any defect in the appointment of any trustee.

*Allowances*

- 37 The Board may pay to each of the trustees and the members of any committee such reasonable allowances in respect of expenses or loss of remuneration as the Minister may determine with the Treasury's approval.

*Instruments*

- 38 (1) The fixing of the seal of the Board shall be authenticated by the signature of the chairman or of some other person authorised either generally or specially by the Board to act for that purpose.
- (2) A document purporting to be duly executed under the seal of the Board, or to be signed on the Board's behalf, shall be received in evidence and, unless the contrary is proved, be deemed to be so executed or signed.



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### *Accounts*

- 39
- (1) The Board shall keep proper accounts and proper records in relation to them.
  - (2) The Board shall prepare a statement of accounts in respect of each financial year.
  - (3) The statement shall give a true and fair view of the state of the Board's affairs at the end of the financial year and of the Board's income and expenditure in the financial year.
  - (4) The statement shall comply with any directions given by the Minister with the Treasury's consent as to the information to be contained in the statement, the manner in which the information is to be presented or the methods and principles according to which the statement is to be prepared.
  - (5) The Board shall send the statement to the Minister at such time as he may direct.
  - (6) The Minister shall, on or before 31 August in any year, send to the Comptroller and Auditor General the statement prepared by the Board under sub-paragraph (2) for the financial year last ended.
  - (7) The Comptroller and Auditor General shall examine, certify and report on the statement sent to him under sub-paragraph (6) and shall lay copies of it and of his report before each House of Parliament.
  - (8) In this paragraph "financial year" means the period commencing with the day of the Board's establishment and ending with the second 31 March following that day, and each successive period of 12 months.

### *Information*

- 40
- (1) The Board shall make to the Minister a report on the exercise of their functions since the last report was made or (in the case of the first) since the Board's establishment.
  - (2) The first report shall be made not later than the expiry of the period of 3 years (or such shorter period as the Minister may direct) commencing with the day of the Board's establishment.
  - (3) Each subsequent report shall be made not later than 3 years (or such shorter period as the Minister may direct) since the last was made.
  - (4) The Minister shall lay a copy of each report before each House of Parliament.
  - (5) Each report shall include a statement of action taken by the Board to enable disabled members of the public to use any services or facilities provided by the Board.
  - (6) The Board shall furnish the Minister with such information relating to their property and the discharge and proposed discharge of their functions as he may require, and for that purpose they shall permit any person authorised by him to inspect and make copies of any accounts or other documents of the Board and shall give such explanation of them as that person or the Minister may require.

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