



Museums and Galleries Act 1992

1992 CHAPTER 44

An Act to establish Boards of Trustees of the National Gallery, the Tate Gallery, the National Portrait Gallery and the Wallace Collection; to transfer property to them and confer functions on them; to make new provision as to transfers to and between the collections of certain museums, galleries and libraries; to make provision for and in connection with the vesting of land in the governing bodies of such institutions; to make provision for the financing of such institutions and of the Museums and Galleries Commission; to make further provision with respect to the giving of indemnities against the loss of, or damage to, objects on loan to certain institutions; to change the name of, and to make further provision with respect to, the British Museum (Natural History); and to amend certain enactments relating to museums, galleries and libraries; and for purposes connected therewith. [16th March 1992]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Annotations:

Extent Information

E1 For extent provisions of this Act, see [s. 11\(5\)\(6\)](#)

Modifications etc. (not altering text)

C1 Functions of the Lord President of the Council under this Act transferred (3.7.1992) to the Secretary of State (or no longer exercisable by the Lord President in the case of functions exercisable by him concurrently with the Secretary of State) by [S.I. 1992/1311](#), [art. 3\(1\)](#), [Sch. 1 Pt.I](#)

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The new Boards of Trustees

1 Establishment, constitution, functions and property etc. of new Boards of Trustees.

- (1) There shall be bodies corporate known as—
- (a) the Board of Trustees of the National Gallery (in this Act referred to as “the National Gallery Board”);
 - (b) the Board of Trustees of the Tate Gallery (in this Act referred to as “the Tate Gallery Board”);
 - (c) the Board of Trustees of the National Portrait Gallery (in this Act referred to as “the National Portrait Gallery Board”); and
 - (d) the Board of Trustees of the Wallace Collection (in this Act referred to as “the Wallace Collection Board”);

and any reference in this Act to a “new Board” is a reference to any of those bodies corporate.

- (2) The Schedules to this Act specified in paragraphs (a) to (d) below shall have effect with respect to the constitution and functions of the new Boards so specified, that is to say—
- (a) Schedule 1, with respect to the National Gallery Board;
 - (b) Schedule 2, with respect to the Tate Gallery Board;
 - (c) Schedule 3, with respect to the National Portrait Gallery Board; and
 - (d) Schedule 4, with respect to the Wallace Collection Board;

and references to “the Board” in any of those Schedules are references to that one of the new Boards with respect to which that Schedule has effect.

- (3) On the vesting day for a new Board there shall, by virtue of this subsection, be transferred to and vested in the new Board—
- (a) all the property and rights which immediately before that day are held by any of the new Board’s predecessor Trustees in their capacity as such; and
 - (b) any liabilities or obligations to which, immediately before that day, any of those Trustees are subject in that capacity.

- (4) References in subsection (3) above to property, rights, liabilities and obligations are references to any property, rights, liabilities or obligations whether or not capable of being transferred or assigned.

- (5) On and after the vesting day for a new Board—
- (a) any agreement (whether in writing or not) which subsists immediately before that day and to which the transferors are a party shall have effect as if the new Board had been the party to it; and
 - (b) any reference to the transferors in such an agreement or in any other agreement, instrument or document (other than an enactment) 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 new Board.

- (6) Without prejudice to the generality of subsections (3) to (5) above, any legal proceedings or applications to any authority pending immediately before the vesting day for a new Board by or against the transferors shall be continued by or against the new Board to the exclusion of the transferors.

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- (7) The substitution effected by subsections (3) to (5) above of a new Board for the transferors as employer under contracts of employment subsisting immediately before the vesting day for that new Board shall be treated for the purposes of the application of [F1section 218(3) of the Employment Rights Act 1996] (continuity of employment on statutory substitution of employers) as the substitution of one body corporate for another body corporate.
- (8) If, immediately before the vesting day for the National Gallery Board, any person is custodian trustee of property held on trust for the National Gallery, then—
- (a) in the application of subsections (3), (5) and (6) above in the case of that new Board, any reference in those subsections to the new Board's predecessor Trustees or to the transferors includes a reference to the custodian trustee in his capacity as such; and
 - (b) immediately after the transfer effected under subsection (3) above by virtue of this subsection, the custodian trusteeship shall terminate.
- (9) The National Gallery Board shall pay to any person whose custodian trusteeship terminates by virtue of subsection (8) above an amount equal to, and in lieu of, any sums to which that person would have become entitled in connection with the termination of the custodian trusteeship, had the termination been effected otherwise than by this Act.
- (10) In this section—
- “the predecessor Trustees” means—
 - (a) in relation to the National Gallery Board, the National Gallery Trustees;
 - (b) in relation to the Tate Gallery Board, the Tate Gallery Trustees;
 - (c) in relation to the National Portrait Gallery Board, the National Portrait Gallery Trustees; and
 - (d) in relation to the Wallace Collection Board, the Trustees of the Wallace Collection;
 - “the transferors”, in relation to a new Board, means the new Board's predecessor Trustees and includes a reference to any of those Trustees in their capacity as such;
 - “the vesting day”, in relation to a new Board, means the day appointed under section 11(4) below for the coming into force of subsections (3) to (6) above in relation to that new Board.

Annotations:

Amendments (Textual)

- F1 Words in s. 1(7) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, Sch. 1 para. 55 (with ss. 191, 192, 193, 194, 195, 202)

Commencement Information

- II S. 1 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

2 The general functions of the new Boards.

- (1) So far as practicable and subject to the provisions of this Act, the National Gallery Board shall maintain a collection of works of art, principally consisting of pictures,

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of established merit or significance, and of documents relating to those works, and shall—

- (a) care for, preserve and add to the works of art and the documents in their collection;
 - (b) secure that the works of art are exhibited to the public;
 - (c) secure that the works of art and the documents are available to persons seeking to inspect them in connection with study or research; and
 - (d) generally promote the public's enjoyment and understanding of painting and other fine art both by means of the Board's collection and by such other means as they consider appropriate.
- (2) So far as practicable and subject to the provisions of this Act, the Tate Gallery Board shall maintain a collection of British works of art and of documents relating to those works, and a collection of Twentieth Century and contemporary works of art and of documents relating to those works, and shall—
- (a) care for, preserve and add to the works of art and the documents in their collections;
 - (b) secure that the works of art are exhibited to the public;
 - (c) secure that the works of art and the documents are available to persons seeking to inspect them in connection with study or research; and
 - (d) generally promote the public's enjoyment and understanding of British art, and of Twentieth Century and contemporary art, both by means of the Board's collections and by such other means as they consider appropriate;
- and any reference in this Act to a new Board's collection shall, in its application to the Tate Gallery Board, be taken as a reference to either or both of that Board's collections.
- (3) So far as practicable and subject to the provisions of this Act, the National Portrait Gallery Board shall maintain a collection of portraits of the most eminent persons in British history, of other works of art relevant to portraiture and of documents relating to those portraits and other works of art, and shall—
- (a) care for, preserve and add to the portraits and other works of art and the documents in their collection;
 - (b) secure that the portraits are exhibited to the public;
 - (c) secure that the portraits and other works of art and the documents are available to persons seeking to inspect them in connection with study or research; and
 - (d) generally promote the public's enjoyment and understanding of portraiture of British persons and British history through portraiture both by means of the Board's collection and by such other means as they consider appropriate.
- (4) So far as practicable and subject to the provisions of this Act, the Wallace Collection Board shall maintain the collection of objects known as the Wallace Collection and shall—
- (a) care for and preserve the objects in their collection;
 - (b) secure that the objects are exhibited to the public;
 - (c) secure that the objects are available to persons seeking to inspect them in connection with study or research; and
 - (d) generally promote the public's enjoyment and understanding of fine and applied art both by means of the Board's collection and by such other means as they consider appropriate.

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- (5) Subject to the provisions of this Act, a new Board may, for the purposes of whichever of subsections (1) to (4) above confers functions upon them—
- provide education, instruction and advice and carry out research;
 - enter into contracts and other agreements (including agreements for the new Board's occupation or management of its principal building or of other premises); and
 - acquire and dispose of land and other property.
- (6) Subject to the provisions of this Act, a new Board may do such things (including requiring payment for admission or for other services or for goods provided by them) as they think necessary or expedient—
- for preserving, and increasing the utility of, their collection;
 - for securing the due administration of anything vested in or acquired by them, and any premises occupied or managed by them, under or by virtue of this Act; and
 - otherwise for the purposes of their functions.
- (7) If a Minister of the Crown directs a new Board to exercise functions—
- which are exercisable by him (whether by virtue of an enactment or otherwise),
 - which in his opinion can appropriately be exercised by that new Board, having regard to their functions and resources, and
 - which are specified in the direction,
- the new Board shall exercise them on his behalf in such manner as he may from time to time direct; but nothing in this subsection authorises the new Board to exercise a function of making regulations or other instruments of a legislative character.
- (8) A new Board shall not acquire or dispose of land without the consent of the Lord President of the Council.
- (9) A new Board may allow premises occupied or managed by them to be used by other persons (for payment or otherwise) for purposes not connected with the functions mentioned in whichever of subsections (1) to (4) above has effect in relation to that new Board, if the new Board are satisfied that to do so would not conflict unduly with those functions.
- (10) The reference in subsection (5)(b) above to a new Board's "principal building" is a reference—
- in the case of the National Gallery Board, to the premises known as the National Gallery;
 - in the case of the Tate Gallery Board, to the premises known as the Tate Gallery;
 - in the case of the National Portrait Gallery Board, to the premises known as the National Portrait Gallery; and
 - in the case of the Wallace Collection Board, to the premises known as Hertford House.

Annotations:

Commencement Information

I2 S. 2 wholly in force at 1.9.1992 by s. 11(4) and S.I. 1992/1874, art. 2

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3 Power of the new Boards to form companies.

- (1) With the consent of the Lord President of the Council and subject to any conditions he may impose, a new Board may form, or take part in forming, one or more bodies corporate which, or each of which, has as its main object or objects—
 - (a) one or more of those mentioned in whichever of subsections (2) to (5) below has effect in relation to that new Board; or
 - (b) any other object or objects incidental to the new Board's functions.
- (2) In relation to the National Gallery Board, the objects are—
 - (a) the production and publication of books, films or other informative material relating to fine art;
 - (b) the production of replicas or reproductions of works of art, or of souvenirs;
 - (c) the sale (whether or not at an hour when the collection is open to the public for viewing) of informative material relating to fine art, of replicas or reproductions of works of art, or of souvenirs or other goods; and
 - (d) the provision (whether or not at such an hour) of catering or car parking or other services or facilities for the public at any premises occupied or managed by the Board.
- (3) In relation to the Tate Gallery Board, the objects are—
 - (a) the production and publication of books, films or other informative material relating to British art or Twentieth Century or contemporary art;
 - (b) the commissioning of works of art;
 - (c) the production of replicas or reproductions of works of art, or of souvenirs;
 - (d) the sale (whether or not at an hour when the collection is open to the public for viewing) of informative material relating to art, of replicas or reproductions of works of art, or of souvenirs or other goods; and
 - (e) the provision (whether or not at such an hour) of catering or car parking or other services or facilities for the public at any premises occupied or managed by the Board.
- (4) In relation to the National Portrait Gallery Board, the objects are—
 - (a) the production and publication of books, films or other informative material relating to portraiture of British persons or British history through portraiture;
 - (b) the commissioning of portraits of eminent British persons;
 - (c) the production of replicas or reproductions of such portraits, or of souvenirs;
 - (d) the sale (whether or not at an hour when the collection is open to the public for viewing) of informative material relating to portraiture of British persons or British history through portraiture, of replicas or reproductions of portraits of eminent British persons, or of souvenirs or other goods; and
 - (e) the provision (whether or not at such an hour) of catering or car parking or other services or facilities for the public at any premises occupied or managed by the Board.
- (5) In relation to the Wallace Collection Board, the objects are—
 - (a) the production and publication of books, films or other informative material relating to fine or applied art;
 - (b) the production of replicas or reproductions of works of art, or of souvenirs;

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- (c) the sale (whether or not at an hour when the collection is open to the public for viewing) of informative material relating to fine or applied art, of replicas or reproductions of works of art, or of souvenirs or other goods; and
 - (d) the provision (whether or not at such an hour) of catering or car parking or other services or facilities for the public at any premises occupied or managed by the Board.
- (6) A new Board authorised by subsection (1) above to form or take part in forming any such body as is mentioned in that subsection may hold interests in any such body, 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).
- (7) This section is without prejudice to any power of a new Board to undertake by virtue of section 2 above anything mentioned in subsection (1)(b) above or in whichever of subsections (2) to (5) above has effect in relation to that new Board.

Annotations:

Commencement Information

I3 S. 3 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

4 Acquisition and disposal of pictures and other objects.

- (1) The National Gallery Board, the Tate Gallery Board or the National Portrait Gallery Board may, in particular, acquire (whether by purchase, exchange or gift) any relevant objects which, in the opinion of the Board concerned, it is desirable to add to their collection.
- (2) In this section “relevant objects” means—
- (a) in the case of the National Gallery Board, works of art,
 - (b) in the case of the Tate Gallery Board, works of art, and
 - (c) in the case of the National Portrait Gallery Board, portraits or other works of art relevant to portraiture,
- and, in each case, includes any documents relating to a relevant object which falls, or has at any time fallen, within paragraph (a), (b) or (c) above, as the case may be, and which is, or at that time was, comprised in the Board’s collection.
- (3) The National Gallery Board shall not dispose of a relevant object the property in which is vested in them and which is comprised in their collection unless the disposal is an exercise of the power conferred by section 6 below.
- (4) The Tate Gallery Board shall not dispose of a relevant object the property in which is vested in them and which is comprised in their collections unless—
- (a) the disposal is an exercise of the power conferred by section 6 below;
 - (b) the disposal is of a relevant object which, in the Board’s opinion, is unsuitable for retention in their collections and can be disposed of without detriment to the interests of students or other members of the public; or
 - (c) the disposal (by whatever means, including destruction) is of a relevant object which the Board are satisfied has become useless for the purposes of their collections by reason of damage, physical deterioration, or infestation by destructive organisms;

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but this subsection is without prejudice to any trust or condition (express or implied) prohibiting or restricting disposal of the relevant object.

- (5) The National Portrait Gallery Board shall not dispose of a relevant object the property in which is vested in them and which is comprised in their collection unless—
- (a) the disposal is an exercise of the power conferred by section 6 below;
 - (b) the disposal is by way of sale, exchange or gift of a relevant object which is a duplicate of another relevant object the property in which is so vested and which is so comprised;
 - (c) the disposal (by whatever means) is of a portrait and the Board are satisfied that the identification formerly accepted by them of the person portrayed has been discredited; or
 - (d) the disposal (by whatever means, including destruction) is of a relevant object which the Board are satisfied has become useless for the purposes of their collection by reason of damage, physical deterioration or infestation by destructive organisms;
- and a relevant object may be disposed of by the Board as mentioned in paragraph (d) above notwithstanding a trust or condition (express or implied) prohibiting or restricting the disposal of the relevant object.
- (6) The Wallace Collection Board shall neither add any object to their collection nor dispose of any object the property in which is vested in them and which is comprised in their collection.
- (7) Money accruing to a new Board by virtue of a disposal mentioned in this section shall be applied by the Board in the acquisition of relevant objects to be added to their collection.

Annotations:

Commencement Information

I4 S. 4 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

5 Lending and borrowing of pictures and other objects.

- (1) The National Gallery Board, the Tate Gallery Board or the National Portrait Gallery Board may lend any relevant object the property in which is vested in the Board and which is comprised in the Board's collection (whether the loan is for purposes of public exhibition or not and whether, under the terms of the loan, the relevant object is to remain in the United Kingdom or not) but the power conferred by this subsection is subject to the requirements of subsection (2) below.
- (2) In deciding whether or not to lend a relevant object, and in determining the time for which, and the conditions subject to which, a relevant object is to be lent, a Board mentioned in subsection (1) above—
- (a) shall give special consideration to a request for the loan of a relevant object for public exhibition; and
 - (b) subject to that, shall have regard to the interests of students and other persons visiting the Board's collection, the suitability of the prospective borrower, the purpose of the loan, the physical condition and degree of rarity of the relevant object, and any risks to which it is likely to be exposed.

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- (3) Where the property in a relevant object has become vested in a Board mentioned in subsection (1) above subject to a trust or condition, the power conferred on the Board by that subsection is exercisable in a manner inconsistent with the trust or condition if either—
 - (a) 50 years have elapsed since the date on which the property became so vested in the Board or in any person through whom the Board derives title to the relevant object; or
 - (b) the person who first imposed the trust or condition has, or his personal representatives have, consented in writing to the exercise of the power in that manner.
- (4) A Board mentioned in subsection (1) above may accept loans of relevant objects for the purpose (depending on the terms of the loan) of exhibiting them, or of study or research by the Board or by persons seeking to inspect them.
- (5) “Relevant object” has the same meaning in this section as it has in section 4 above.

Annotations:

Commencement Information

I5 S. 5 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Transfers to and from certain institutions

6 Transfer of objects or related documents between institutions.

- (1) Any body for the time being specified in Part I of Schedule 5 to this Act may, by way of sale, gift or exchange, transfer an object the property in which is vested in them and which is comprised in their collection, if the transfer is to any other body for the time being specified in either Part of that Schedule.
- (2) This section applies in relation to a document as it applies in relation to an object other than a document.
- (3) Where the property in an object has become vested in a body subject to a trust or condition, the power conferred by subsection (1) above shall be exercisable in a manner inconsistent with the trust or condition if the person who first imposed the trust or condition has, or his personal representatives or (in Scotland) his executors have, consented to the exercise of the power in that manner.
- (4) Where a body in whom an object has become vested subject to a trust or condition transfers the object under this section to another body, the object shall be held by that other body subject to the same trust or condition.
- (5) The powers conferred on a body by subsection (1) above are in addition to any other powers of transfer which the body may have.
- (6) The ^{F2} . . . Secretary of State may by order amend Schedule 5 to this Act by adding any body in the United Kingdom to those for the time being specified in that Schedule.
- (7) The power to make an order under subsection (6) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

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[^{F3}(8) The power of the Secretary of State to make an order under subsection (6) may, for the purpose of this section's application to transfers of objects by bodies in Scotland, be exercised separately.]

Annotations:

Amendments (Textual)

F2 Words in s. 6(6) repealed (3.7.1992) by S.I. 1992/1311, art. 12(2), **Sch. 2 para. 8(2)**

F3 S. 6(8) added (1.7.1999) by S.I. 1999/1756, art. 2, **Sch. para. 14**; S.I. 1998/3178, **art. 3**

Modifications etc. (not altering text)

C2 S. 6(6): transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch.**; S.I. 1998/3178, **art. 3**

Commencement Information

I6 S. 6 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, **art. 2**

7 Gifts to the nation.

(1) In any case where—

(a) a work of art is given for the benefit of the public or the nation, and

(b) the donor has made no provision as to the person responsible for its care,

it shall, subject to subsection (2) below, vest in such of the bodies for the time being specified in Schedule 5 to this Act as the Lord President of the Council may direct.

(2) If the body in whom a gift by will would, apart from this subsection, vest under this section determine that the work of art is not fit to be part of their collection, it shall unless otherwise disposed of by the testator become part of his residuary estate.

Annotations:

Commencement Information

I7 S. 7 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, **art. 2**

8 Power to transfer land to governing bodies, and exemption from stamp duty.

(1) Where any land occupied wholly or partly for the purposes of any institution specified in column 1 of Schedule 6 to this Act is vested in the Secretary of State, he may, notwithstanding any prohibition or restriction to the contrary, transfer the land to the body specified in relation to that institution in column 2 of that Schedule.

(2) Stamp duty shall not be chargeable on any instrument certified to the Commissioners of Inland Revenue by the Secretary of State as having been made or executed for the purpose of giving effect to a transfer by him of land occupied wholly or partly for the purposes of any institution specified in column 1 of Schedule 6 to this Act to the body specified in relation to that institution in column 2 of that Schedule.

(3) An instrument such as is mentioned in subsection (2) above is not duly stamped unless

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- (a) it has, in accordance with the provisions of section 12 of the ^{M1}Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it has been duly stamped; or
- (b) it has been stamped with the duty to which it would, apart from subsection (2) above, be liable.

Annotations:

Commencement Information

I8 S. 8 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Marginal Citations

M1 1891 c. 39.

Finance, accounts and indemnities

9 Finance for, and accounts of, certain museums and galleries etc.

- (1) The [^{F4}Secretary of State] may out of money provided by Parliament pay to the bodies specified in Schedule 7 to this Act such sums towards their expenditure as the Treasury may approve.
- (2) Payments under this section may be made on such conditions as the [^{F4}Secretary of State] may with the approval of the Treasury impose.
- (3) Each of the bodies specified in Schedule 7 to this Act shall keep proper accounts and proper records in relation to those accounts.
- (4) Each of those bodies shall prepare a statement of accounts in respect of each financial year, and that statement shall give a true and fair view of the state of the body's affairs at the end of the financial year and of the body's income and expenditure in the financial year.
- (5) The statement shall comply with any directions given by the [^{F4}Secretary of State], with the Treasury's consent, as to—
 - (a) the information which is to be contained in the statement;
 - (b) the form which the statement is to take;
 - (c) the manner in which the information is to be presented; or
 - (d) the methods and principles according to which the statement is to be prepared.
- (6) Each of those bodies shall send their statement to the [^{F4}Secretary of State] at such time as he may direct.
- (7) The [^{F4}Secretary of State] shall, on or before 31st August in any year, send to the Comptroller and Auditor General the statements prepared under subsection (4) above for the financial year last ended.
- (8) The Comptroller and Auditor General shall examine, certify and report on each statement sent to him under subsection (7) above and shall lay copies of it and of his report before each House of Parliament.
- (9) In this section—
^{F5}
.....

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“financial year”, in relation to any body, means the period—

- (a) beginning with the day appointed under section 11(4) below for the commencement of this section in relation to that body, and
 - (b) ending with 31st March following that day,
- and each successive period of twelve months.

Annotations:

Amendments (Textual)

- F4** Words in s. 9(1)(2)(5)-(7) substituted (3.7.1992) by [S.I. 1992/1311, art. 12\(2\), Sch. 2 para. 8\(3\)\(b\)](#)
- F5** Definition of "the appropriate Minister" in s. 9(9) repealed (3.7.1992) by [S.I. 1992/1311, art. 12\(2\), Sch. 2 para. 8\(3\)\(a\)](#)

Modifications etc. (not altering text)

- C3** [S. 9](#): transfer of certain functions (1.7.1999) by [S.I. 1999/672, art. 2, Sch.](#); [S.I. 1998/3178, art. 3](#)

Commencement Information

- I9** [S. 9](#) wholly in force at 1.4.1993, see [s. 11\(4\)](#) and [S.I. 1992/1874, art. 3](#)

10 Indemnities.

- (1) In section 16 of the ^{M2}National Heritage Act 1980, in subsection (1) (Minister’s power to indemnify institutions, bodies or persons falling within subsection (2) against loss of or damage to objects lent by them to other institutions, bodies or persons falling within that subsection)—

- (a) the words “falling within subsection (2) below” shall cease to have effect; and
- (b) for the words “falling within that subsection” there shall be substituted the words “ which falls within subsection (2) below ”;

and, in subsection (2), for the words “referred to above” there shall be substituted the words “ which fall within this subsection ”.

- (2) After that section there shall be inserted—

“16A Reporting of indemnities given under section 16.

- (1) For each of the successive periods of six months ending with 31st March and 30th September in each year, each of the Ministers shall prepare a report specifying—

- (a) the number of undertakings given by him under section 16 above during that period; and
- (b) the amount or value, expressed in sterling, of any contingent liabilities as at the end of that period in respect of such of the undertakings given by him under that section at any time as remain outstanding at the end of that period.

- (2) A report under subsection (1) above shall be laid before Parliament not later than two months after the end of the period to which it relates.

- (3) Subsections (1) and (2) above shall apply in relation to undertakings given under section 16 above by the Department of Education for Northern Ireland

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- (a) with the substitution for references to each of the Ministers of references to that Department; and
- (b) with the substitution for the reference to Parliament in subsection (2) of a reference to the Northern Ireland Assembly.”

Annotations:

Commencement Information

I10 S. 10 wholly in force at 1.9.1992, see s. 11(4) and S.I. 1992/1874, art. 2

Marginal Citations

M2 1980 c. 17.

Supplementary provisions

11 Short title, minor and supplemental provisions, commencement and extent.

- (1) This Act may be cited as the Museums and Galleries Act 1992.
- (2) Schedule 8 to this Act, which contains minor and consequential provisions, shall have effect.
- (3) The enactments mentioned in Schedule 9 to this Act, which include some that are spent or of no further utility, are hereby repealed to the extent specified in the third column of that Schedule.
- (4) The provisions of this Act shall come into force on such day as the Lord President of the Council may by order made by statutory instrument appoint, and different days may be appointed for different provisions or for different purposes.
- (5) The provisions of this Act which extend to Scotland are sections 6, 7, 8 and 10 above, this section, Schedules 5 and 6 and so much of Schedules 8 and 9 to this Act as relates to enactments extending there.
- (6) The provisions of this Act which extend to Northern Ireland are sections 6, 7 and 10 above, this section, Schedule 5 and so much of Schedules 8 and 9 to this Act as relates to enactments extending there.
- (7) In Schedules 5, 6 and 7 to this Act—
 - (a) any reference to any of the new Boards shall, as respects any time before the vesting day for that new Board, within the meaning of section 1 above, be construed as a reference to the new Board’s predecessor Trustees, within the meaning of that section; and
 - (b) any reference to the Natural History Museum or to the Trustees of the Natural History Museum shall, as respects any time before the coming into force of paragraph 1 of Schedule 8 to this Act, be construed respectively as references to the British Museum (Natural History) or to the Trustees of the British Museum (Natural History).

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Annotations:

Subordinate Legislation Made

P1 S. 11(4): 1.9.1992 and 1.4.1993 appointed for specified provisions by S.I. 1992/1874, **arts.2, 3**

Commencement Information

I11 S. 11 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, **art. 2**

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SCHEDULES

SCHEDULE 1

Section 1(2)(a).

THE BOARD OF TRUSTEES OF THE NATIONAL GALLERY

Annotations:

Commencement Information

I12 Sch. 1 wholly in force at 1.9.1992, see s. 11(4) and S.I. 1992/1874, art. 2

Status

- 1 (1) Subject to sub-paragraph (3) below, 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(7) of this Act, the Board shall enjoy the same privileges, immunities and exemptions as those enjoyed in relation to that matter by the Minister giving the direction.

Annotations:

Commencement Information

I13 Sch. 1 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Membership

- 2 (1) The Board shall consist of not less than twelve nor more than fourteen members (in this Schedule referred to as "trustees") of whom—
 - (a) one shall be appointed by the Tate Gallery Board from among the members of that Board; and
 - (b) the remainder shall be appointed by the Prime Minister;and the trustees shall appoint one of their number to be chairman.
- (2) In appointing any trustee, the Prime Minister shall have regard to the desirability of that person's having knowledge and experience which would be of use to the Board in exercising their functions.
- (3) No trustee shall be appointed for a period of more than five years.
- (4) A trustee appointed by the Tate Gallery Board shall cease to be a trustee—
 - (a) if he ceases to be a member of that Board; or
 - (b) if he resigns his office as trustee by notice in writing addressed to that Board;

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- and any other trustee may resign his office by notice in writing addressed to the Prime Minister.
- (5) A person shall cease to be chairman—
- (a) if he resigns as such by notice in writing addressed to the Board; or
 - (b) if he ceases to be a trustee.
- (6) Subject to the provisions of this paragraph, a trustee or chairman shall hold and vacate office in accordance with the terms of his appointment.
- (7) A person who ceases to be a trustee or chairman shall be eligible for re-appointment.
- (8) Any appointment by virtue of which a person holds office as one of the National Gallery Trustees immediately before the day of the Board's establishment—
- (a) shall have effect on and after that day as an appointment under paragraph (b) of sub-paragraph (1) above or, if he was appointed by the Tate Gallery Board, paragraph (a) of that sub-paragraph; and
 - (b) shall, notwithstanding sub-paragraph (3) above, so have effect until the expiration of the period for which that person was appointed as one of the National Gallery Trustees.
- (9) Any appointment made by the National Gallery Trustees under or by virtue of which a person holds office, immediately before the day of the Board's establishment,—
- (a) as one of the Tate Gallery Trustees, or
 - (b) as a member of the Tate Gallery Board,
- shall have effect on and after that day as an appointment made by the Board, but subject to the provisions of Schedule 2 to this Act.
- (10) Any reference in this paragraph (other than sub-paragraph (9) above) to the Tate Gallery Board shall be construed, as respects any time before the establishment of that Board, as a reference to the Tate Gallery Trustees, and references to a member of that Board shall be construed accordingly.
- (11) The Lord President of the Council may by order made by statutory instrument amend sub-paragraph (1) above by varying the greater or the lesser number of members of the Board for the time being there specified.

Annotations:

Commencement Information

I14 Sch. 1 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Staff

- 3
- (1) There shall be a Director of the National Gallery 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) Subject to such conditions as the Lord President of the Council may impose with the consent of the Treasury—

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- (a) the Board shall pay to their employees such remuneration and allowances as the Board may determine; and
 - (b) the employees shall be appointed on such other terms and conditions as the Board may determine.
- (5) Any appointment by virtue of which a person holds office as Director of the National Gallery immediately before the day of the Board's establishment shall have effect on and after that day as an appointment under sub-paragraph (1) above; and, subject to sub-paragraph (4) above, that person shall continue to hold his office on the terms and conditions on which he held it immediately before that day, with any necessary modifications.

Annotations:

Commencement Information

I15 Sch. 1 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Proceedings

- 4
- (1) Subject to the provisions of this paragraph the Board may regulate their own procedure (including, subject to sub-paragraph (7) below, quorum).
 - (2) The Board 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 such 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 one of the members must be a trustee.
 - (5) A committee shall act in accordance with such directions as the Board may give 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.

Annotations:

Commencement Information

I16 Sch. 1 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

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- (b) if he ceases to be a trustee.
- (7) Subject to the provisions of this paragraph, a trustee or chairman shall hold and vacate office in accordance with the terms of his appointment.
- (8) A person who ceases to be a trustee or chairman shall be eligible for re-appointment.
- (9) Any appointment by virtue of which a person holds office as one of the Tate Gallery Trustees immediately before the day of the Board's establishment—
 - (a) shall have effect on and after that day as an appointment under paragraph (b) of sub-paragraph (1) above or, if he was appointed by the National Gallery Board, paragraph (a) of that sub-paragraph; and
 - (b) shall, notwithstanding sub-paragraph (4) above, so have effect until the expiration of the period for which that person was appointed as one of the Tate Gallery Trustees.
- (10) Any appointment made by the Tate Gallery Trustees under or by virtue of which a person holds office, immediately before the day of the Board's establishment,—
 - (a) as one of the National Gallery Trustees, or
 - (b) as a member of the National Gallery Board,
 shall have effect on and after that day as an appointment made by the Board, but subject to the provisions of Schedule 1 to this Act.
- (11) Any reference in this paragraph (other than sub-paragraph (10) above) to the National Gallery Board shall be construed, as respects any time before the establishment of that Board, as a reference to the National Gallery Trustees, and references to a member of that Board shall be construed accordingly.
- (12) The Lord President of the Council may by order made by statutory instrument—
 - (a) amend sub-paragraph (1) above by varying the number of members of the Board for the time being there specified; or
 - (b) amend sub-paragraph (2) above by varying the number of trustees for the time being there specified who must be practising artists.

Annotations:

Commencement Information

I22 Sch. 2 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Staff

- 3 (1) There shall be a Director of the Tate Gallery 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) Subject to such conditions as the Lord President of the Council may impose with the consent of the Treasury—
 - (a) the Board shall pay to their employees such remuneration and allowances as the Board may determine; and

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- (b) the employees shall be appointed on such other terms and conditions as the Board may determine.
- (5) Any appointment by virtue of which a person holds office as Director of the Tate Gallery immediately before the day of the Board's establishment shall have effect on and after that day as an appointment under sub-paragraph (1) above; and, subject to sub-paragraph (4) above, that person shall continue to hold his office on the terms and conditions on which he held it immediately before that day, with any necessary modifications.

Annotations:

Commencement Information

I23 Sch. 2 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Proceedings

- 4 (1) Subject to the provisions of this paragraph the Board may regulate their own procedure (including, subject to sub-paragraph (7) below, quorum).
- (2) The Board 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 such 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 one of the members must be a trustee.
- (5) A committee shall act in accordance with such directions as the Board may give 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 one third of the number for the time being specified in paragraph 2(1) above as the number of trustees, rounding any resulting fraction up to the next whole number.
- (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.

Annotations:

Commencement Information

I24 Sch. 2 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Allowances

- 5 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 Lord President of the Council may determine with the Treasury's approval.

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Annotations:

Commencement Information

I25 Sch. 2 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Instruments

- 6 (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.

Annotations:

Commencement Information

I26 Sch. 2 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Reports

- 7 (1) The Board shall make to the Lord President of the Council a report on the exercise of their functions since the making of their last report or, in the case of the first report, on the exercise of their functions and those of the Tate Gallery Trustees since the making of the last report by those Trustees.
- (2) The first report shall be made not later than the end of the period of three years (or such shorter period as the Lord President may direct) beginning with the day of the Board's establishment.
- (3) Each subsequent report shall be made not later than three years (or such shorter period as the Lord President may direct) after the last was made.
- (4) The Lord President shall lay a copy of each report before each House of Parliament.

Annotations:

Commencement Information

I27 Sch. 2 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

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SCHEDULE 3

Section 1(2)(c).

THE BOARD OF TRUSTEES OF THE NATIONAL PORTRAIT GALLERY

Annotations:

Commencement Information

I28 Sch. 3 wholly in force at 1.9.1992, see s. 11(4) and S.I. 1992/1874, art. 2

Status

- 1 (1) Subject to sub-paragraph (3) below, 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(7) of this Act, the Board shall enjoy the same privileges, immunities and exemptions as those enjoyed in relation to that matter by the Minister giving the direction.

Annotations:

Commencement Information

I29 Sch. 3 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Membership

- 2 (1) The Board shall consist of sixteen members (in this Schedule referred to as "trustees") who shall be appointed by the Prime Minister; and the trustees shall appoint one of their number to be chairman.
- (2) In appointing any trustee, the Prime Minister shall have regard to the desirability of that person's having knowledge and experience which would be of use to the Board in exercising their functions.
- (3) No trustee shall be appointed for a period of more than five years.
- (4) A trustee may resign his office by notice in writing addressed to the Prime Minister.
- (5) A person shall cease to be chairman—
 - (a) if he resigns as such by notice in writing addressed to the Board; or
 - (b) if he ceases to be a trustee.
- (6) Subject to the provisions of this paragraph, a trustee or chairman shall hold and vacate office in accordance with the terms of his appointment.
- (7) A person who ceases to be a trustee or chairman shall be eligible for re-appointment.
- (8) Any appointment by virtue of which a person holds office as one of the National Portrait Gallery Trustees immediately before the day of the Board's establishment—
 - (a) shall have effect on and after that day as an appointment under sub-paragraph (1) above; and

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(b) shall, notwithstanding sub-paragraph (3) above, so have effect until the expiration of the period for which that person was appointed as one of the National Portrait Gallery Trustees.

(9) The Lord President of the Council may by order made by statutory instrument amend sub-paragraph (1) above by varying the number of members of the Board for the time being there specified.

Annotations:

Commencement Information

I30 Sch. 3 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Staff

- 3
- (1) There shall be a Director of the National Portrait Gallery 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) Subject to such conditions as the Lord President of the Council may impose with the consent of the Treasury—
 - (a) the Board shall pay to their employees such remuneration and allowances as the Board may determine; and
 - (b) the employees shall be appointed on such other terms and conditions as the Board may determine.
 - (5) Any appointment by virtue of which a person holds office as Director of the National Portrait Gallery immediately before the day of the Board's establishment shall have effect on and after that day as an appointment under sub-paragraph (1) above; and, subject to sub-paragraph (4) above, that person shall continue to hold his office on the terms and conditions on which he held it immediately before that day, with any necessary modifications.

Annotations:

Commencement Information

I31 Sch. 3 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Proceedings

- 4
- (1) Subject to the provisions of this paragraph the Board may regulate their own procedure (including, subject to sub-paragraph (7) below, quorum).
 - (2) The Board 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 such 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 one of the members must be a trustee.
- (5) A committee shall act in accordance with such directions as the Board may give 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 one third of the number for the time being specified in paragraph 2(1) above as the number of trustees, rounding any resulting fraction up to the next whole number.
- (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.

Annotations:

Commencement Information

I32 Sch. 3 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Allowances

- 5 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 Lord President of the Council may determine with the Treasury's approval.

Annotations:

Commencement Information

I33 Sch. 3 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Instruments

- 6 (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.

Annotations:

Commencement Information

I34 Sch. 3 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Reports

- 7 (1) The Board shall make to the Lord President of the Council a report on the exercise of their functions since the making of their last report or, in the case of the first report,

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- (2) In appointing any trustee, the Prime Minister shall have regard to the desirability of that person's having knowledge and experience which would be of use to the Board in exercising their functions.
- (3) No trustee shall be appointed for a period of more than five years.
- (4) A trustee may resign his office by notice in writing addressed to the Prime Minister.
- (5) A person shall cease to be chairman—
 - (a) if he resigns as such by notice in writing addressed to the Board; or
 - (b) if he ceases to be a trustee.
- (6) Subject to the provisions of this paragraph, a trustee or chairman shall hold and vacate office in accordance with the terms of his appointment.
- (7) A person who ceases to be a trustee or chairman shall be eligible for re-appointment.
- (8) Any appointment by virtue of which a person holds office as one of the Trustees of the Wallace Collection immediately before the day of the Board's establishment—
 - (a) shall have effect on and after that day as an appointment under sub-paragraph (1) above; and
 - (b) shall, notwithstanding sub-paragraph (3) above, so have effect until the expiration of the period for which that person was appointed as one of the Trustees of the Wallace Collection.
- (9) The Lord President of the Council may by order made by statutory instrument amend sub-paragraph (1) above by varying the number for the time being there specified as the minimum number of members of the Board.

Annotations:

Commencement Information

I38 Sch. 4 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Staff

- 3 (1) There shall be a Director of the Wallace Collection 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) Subject to such conditions as the Lord President of the Council may impose with the consent of the Treasury—
 - (a) the Board shall pay to their employees such remuneration and allowances as the Board may determine; and
 - (b) the employees shall be appointed on such other terms and conditions as the Board may determine.
- (5) Any appointment by virtue of which a person holds office as Director of the Wallace Collection immediately before the day of the Board's establishment shall have effect on and after that day as an appointment under sub-paragraph (1) above; and, subject

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to sub-paragraph (4) above, that person shall continue to hold his office on the terms and conditions on which he held it immediately before that day, with any necessary modifications.

Annotations:

Commencement Information

I39 Sch. 4 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Proceedings

- 4 (1) Subject to the provisions of this paragraph the Board may regulate their own procedure (including, subject to sub-paragraph (7) below, quorum).
- (2) The Board 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 such 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 one of the members must be a trustee.
- (5) A committee shall act in accordance with such directions as the Board may give 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 three.
- (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.

Annotations:

Commencement Information

I40 Sch. 4 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Allowances

- 5 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 Lord President of the Council may determine with the Treasury's approval.

Annotations:

Commencement Information

I41 Sch. 4 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk team to align the Museums and Galleries Act 1992 with changes that have already been made by the original team to the Museums and Galleries Act 1992. Any changes that have already been made by the original team appear in the content and are referenced with annotations. (See end of Document for details)

Instruments

- 6 (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.

Annotations:

Commencement Information

I42 Sch. 4 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Reports

- 7 (1) The Board shall make to the Lord President of the Council a report on the exercise of their functions since the making of their last report or, in the case of the first report, on the exercise of their functions and those of the Trustees of the Wallace Collection since the making of the last report by those Trustees.
- (2) The first report shall be made not later than the end of the period of three years (or such shorter period as the Lord President may direct) beginning with the day of the Board's establishment.
- (3) Each subsequent report shall be made not later than three years (or such shorter period as the Lord President may direct) after the last was made.
- (4) The Lord President shall lay a copy of each report before each House of Parliament.

Annotations:

Commencement Information

I43 Sch. 4 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

SCHEDULE 5

Sections 6 and 7.

TRANSFERS TO AND FROM CERTAIN COLLECTIONS

Annotations:

Commencement Information

I44 Sch. 5 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk team to certain parts of the Museums and Galleries Act 1992. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

PART I

TRANSFERORS AND TRANSFEREES

Annotations:

Commencement Information

I45 Sch. 5 Pt. I wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

The Board of Trustees of the Armouries
 The British Library Board
 The Trustees of the British Museum
 The Trustees of the Imperial War Museum
 The Board of Governors of the Museum of London
 The Board of Trustees of the National Gallery
 The Board of Trustees of the National Galleries of Scotland
 The Board of Trustees of the National Library of Scotland
 The Trustees of the National Maritime Museum
 The Board of Trustees of the National Museums and Galleries on Merseyside
 The Board of Trustees of the National Museums of Scotland
 The Board of Trustees of the National Portrait Gallery
 The Trustees of the Natural History Museum
 The Board of Trustees of the Science Museum
 The Board of Trustees of the Tate Gallery
 The Board of Trustees of the Victoria and Albert Museum
 [^{F6}The Historic Buildings and Monuments Commission for England]

Annotations:

Amendments (Textual)

F6 Entry in Sch. 5 Pt. I inserted (23.11.2000) by S.I. 2000/2955, art. 2(1)

PART II

TRANSFEREES ONLY

Annotations:

Commencement Information

I46 Sch. 5 Pt. II wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

The Court of Governors of the National Library of Wales
 The Council of the National Museum of Wales
 The Trustees of the Ulster Museum
 The Trustees of the Ulster Folk and Transport Museum
 [^{F7}The Board of Trustees of The National Museums and Galleries of Northern Ireland]
 [^{F8}Historic Royal Palaces]
 [^{F8}The National Trust for Places of Historic Interest or Natural Beauty]

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Annotations:

Amendments (Textual)

- F7** Provision in Sch. 5 Pt. II inserted (1.4.1998) by [S.I. 1998/613](#), [arts. 1, 2](#)
F8 Entries in Sch. 5 Pt. II inserted (23.11.2000) by [S.I. 2000/2955](#), [art. 2\(2\)](#)

SCHEDULE 6

Section 8.

BODIES TO WHOM LAND MAY BE TRANSFERRED

Annotations:

Commencement Information

- I47** [Sch. 6](#) wholly in force at 1.9.1992 see [s. 11\(4\)](#) and [S.I. 1992/1874](#), [art. 2](#)

<i>Institution</i>	<i>Governing body</i>
The British Library	The British Library Board
The British Museum	The Trustees of the British Museum
The Imperial War Museum	The Trustees of the Imperial War Museum
The National Gallery	The Board of Trustees of the National Gallery
The National Galleries of Scotland	The Board of Trustees of the National Galleries of Scotland
The National Library of Scotland	The Board of Trustees of the National Library of Scotland
The National Maritime Museum	The Trustees of the National Maritime Museum
The National Museums of Scotland	The Board of Trustees of the National Museums of Scotland
The National Portrait Gallery	The Board of Trustees of the National Portrait Gallery
The Natural History Museum	The Trustees of the Natural History Museum
The Science Museum	The Board of Trustees of the Science Museum
The Tate Gallery	The Board of Trustees of the Tate Gallery
The Victoria and Albert Museum	The Board of Trustees of the Victoria and Albert Museum
The Wallace Collection	The Board of Trustees of the Wallace Collection

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SCHEDULE 7

Section 9.

BODIES TO WHOM GRANTS ARE PAYABLE

Annotations:

Commencement Information

I48 Sch. 7 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

PART I

BY THE LORD PRESIDENT OF THE COUNCIL

Annotations:

Commencement Information

I49 Sch. 7 Pt. I wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Museums and galleries

The Trustees of the British Museum
 The Trustees of the Imperial War Museum
 The Board of Trustees of the National Gallery
 The Trustees of the National Maritime Museum
 The Board of Trustees of the National Portrait Gallery
 The Trustees of the Natural History Museum
 The Board of Trustees of the Science Museum
 The Board of Trustees of the Tate Gallery
 The Board of Trustees of the Victoria and Albert Museum
 The Board of Trustees of the Wallace Collection

Other institutions

The Museums and Galleries Commission

PART II

BY THE SECRETARY OF STATE

Annotations:

Commencement Information

I50 Sch. 7 Pt. II wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

The Court of Governors of the National Library of Wales
 The Council of the National Museum of Wales

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SCHEDULE 8

Section 11(2).

MINOR AND CONSEQUENTIAL PROVISIONS

Annotations:

Extent Information

- E2** Sch. 8: amendments extend to Scotland and Northern Ireland in so far as the enactments they affect also extend there, see s. 11(5)(6)

Commencement Information

- I51** Sch. 8 partly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

PART I

THE BRITISH MUSEUM AND THE BRITISH MUSEUM (NATURAL HISTORY)

Annotations:

Commencement Information

- I52** Sch. 8 Pt. 1 partly in force: Sch. 8 Pt. 1 except for para. 1(7) in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

British Museum (Natural History): change of name

- 1 (1) The body corporate established by section 8 of the ^{M3}British Museum Act 1963 with the name of “the Trustees of the British Museum (Natural History)” and the museum known as “the British Museum (Natural History)” shall instead be known respectively as “the Trustees of the Natural History Museum” and “the Natural History Museum”.
- (2) The amendments specified in the following provisions of this paragraph are made in consequence of sub-paragraph (1) above.
- (3) In the British Museum Act 1963—
- the words “Natural History Museum” shall be substituted for the words “British Museum (Natural History)” wherever occurring in sections 8(1) and (3) and 10(1); and
 - in Schedule 2, in paragraph 4, for the words “that Museum” there shall be substituted the words “the Natural History Museum”.
- (4) In Schedule 8 to the ^{M4}Superannuation Act 1965 (which specifies certain kinds of employment service in which is treated as service in the permanent civil service for pension purposes) for the words “British Museum (Natural History)” there shall be substituted the words “Natural History Museum”.
- (5) In Schedule 1 to the ^{M5}Superannuation Act 1972 (which specifies certain kinds of employment to persons serving in which section 1 of that Act applies) for the words “British Museum (Natural History)” there shall be substituted the words “Natural History Museum”.

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- (6) In section 1(1) of the ^{M6}Museums and Galleries Admission Charges Act 1972 (which specifies the museums and galleries which may make admission charges) for paragraph (b) (the British Museum (Natural History)) there shall be substituted—
 “(b) the Natural History Museum;”.

^{F9}(7)

- (8) In section 507(1)(d) of the ^{M7}Income and Corporation Taxes Act 1988 (tax exemption for the Trustees of the British Museum (Natural History)) for the words “British Museum (Natural History)” there shall be substituted the words “ Natural History Museum ”.

- (9) In section 271(6)(a) of the ^{M8}Taxation of Chargeable Gains Act 1992 (exemption from tax on chargeable gains for the Trustees of the British Museum (Natural History) etc) for the words “British Museum (Natural History)” there shall be substituted the words “ Natural History Museum ”.

Annotations:

Amendments (Textual)

F9 Sch. 8 para. 1(7) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIII Group 1

Commencement Information

I53 Sch. 8 para. 1(1)-(6)(8)(9) in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Marginal Citations

M3 1963 c. 24.
M4 1965 c. 74.
M5 1972 c. 11.
M6 1972 c. 73.
M7 1988 c. 1.
M8 1992 c. 12.

Transfer of certain Ministerial functions

^{F10}2

Annotations:

Amendments (Textual)

F10 Sch. 8 para. 2 repealed (3.7.1992) by S.I. 1992/1311, art. 12(2), sch. 2 para. 8(4)

The British Museum (Purchase of Land) Act 1894

- 3 (1) Section 2 of the ^{M9}British Museum (Purchase of Land) Act 1894 (which requires the purchased property to be managed in such manner as the Treasury may direct and the net rents and profits to be paid into the Exchequer) shall cease to have effect.
- (2) In section 2A of that Act (the purchased property not to be sold without the consent of the Treasury and any proceeds of sale to be paid into the Exchequer) for the words

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from “Treasury” onwards there shall be substituted the words “ Lord President of the Council ”.

Annotations:

Commencement Information

I54 Sch. 8 para. 3 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Marginal Citations

M9 1894 c. 34.

The Charities Act 1960

F114

Annotations:

Amendments (Textual)

F11 Sch. 8 para. 4 repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), Sch.7

The British Museum Act 1963

5 In consequence of section 6 of this Act, in the ^{M10}British Museum Act 1963, the words “ or section 6 of the Museums and Galleries Act 1992 ” shall be inserted—

- (a) at the end of section 3(4); and
- (b) after the word “section” in section 5(3).

Annotations:

Commencement Information

I55 Sch. 8 para. 5 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, art. 2

Marginal Citations

M10 1963 c. 24.

PART II

MISCELLANEOUS AMENDMENTS

Annotations:

Commencement Information

I56 Sch. 8 Pt. II except for para. 10(2) wholly in force at 1.9.1992, see s. 11(4) and S.I. 1992/1874, art. 2

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The National Galleries of Scotland Act 1906

- 6 (1) In section 4C of the ^{M11}National Galleries of Scotland Act 1906, in subsection (3) (restriction on disposal of objects comprised in the collections) for paragraph (c) (disposal to institution mentioned in subsection (4)) there shall be substituted—
- “(c) the disposal is an exercise of the power conferred by section 6 of the Museums and Galleries Act 1992, or”.
- (2) In paragraph (d) of that subsection (disposal, by way of sale, gift or exchange, with approval of Secretary of State, to an institution other than those mentioned in subsection (4)) for the words from “any institution” onwards there shall be substituted the words “ a body other than those for the time being specified in Schedule 5 to that Act, or ”.

Annotations:

Commencement Information

I57 Sch. 8 para. 6 wholly in force at 1.9.1992, see s. 11(4) and S.I. 1992/1874, art. 2

Marginal Citations

M11 1906 c. 50.

The Imperial War Museum Act 1920

- 7 (1) In section 2 of the ^{M12}Imperial War Museum Act 1920 (powers and duties of the Board)—
- (a) in paragraph (b) (powers to acquire and sell land) after the word “sell” there shall be inserted the words “ or make other dispositions of ”; and
- (b) in paragraph (d) (application of moneys received) for the words “sale of any land” there shall be substituted the words “ sale or other disposition of any land ”.
- (2) That section, as so amended, shall be numbered as subsection (1), and at the end of it there shall be added—
- “(2) The Board may allow premises occupied or managed by them to be used by other persons (for payment or otherwise) for purposes not connected with the Board’s functions, if the Board are satisfied that to do so would not unduly conflict with those functions.”
- (3) After that section there shall be inserted—
- “2A Power of the Board to form companies.**
- (1) With the consent of the Lord President of the Council and subject to any conditions he may impose, the Board may form, or take part in forming, one or more bodies corporate which, or each of which, has as its main object or objects one or more of those mentioned in subsection (2) below.
- (2) The objects referred to in subsection (1) above are—
- (a) the production and publication of books, films or other informative material relating to the Museum’s collection or theme;

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- (b) the production of replicas or reproductions of objects relating to the Museum's collection or theme, or of souvenirs;
 - (c) the sale (whether or not at an hour when the collection is open to the public for viewing) of informative material relating to the Museum's collection or theme, or of souvenirs or other goods;
 - (d) the provision (whether or not at such an hour) of catering or car parking or other services or facilities for the public at any premises occupied or managed by the Board; and
 - (e) any other object or objects incidental to the Board's functions.
- (3) The Board may hold interests in any such body, 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).
- (4) This section is without prejudice to any power of the Board to undertake by virtue of section 2 above anything mentioned in subsection (2) above."
- (4) In section 4 of that Act, in subsection (1) (which provides for a Director-General and a Curator to be appointed by the Treasury on such terms and conditions as the Treasury may direct) for the words from "by the Treasury" onwards there shall be substituted the words "by the Board with the approval of the Prime Minister and shall hold office on such terms and subject to such conditions as the Board may determine subject to such conditions as the Lord President of the Council may impose with the consent of the Treasury."
- (5) In subsection (4) of that section (salaries etc. to be such as the Treasury may from time to time determine) for the words "as the Treasury may from time to time determine" there shall be substituted the words "as the Board may determine subject to such conditions as the Lord President of the Council may impose with the consent of the Treasury".
- (6) Nothing in any amendment made by this paragraph shall affect the validity of any appointment, direction or determination made or given under that section by the Treasury before the coming into force of the amendment.

Annotations:

Commencement Information

I58 Sch. 8 para. 7 wholly in force at 1.9.1992, see s. 11(4) and S.I. 1992/1874, art. 2

Marginal Citations

M12 1920 c. 16.

The National Maritime Museum Act 1934

- 8 (1) In section 5 of the ^{M13}National Maritime Museum Act 1934, in subsection (1) (which provides for a Director to be appointed by the Treasury on such terms and conditions as the Treasury may direct) for the words "by the Treasury" and "as the Treasury may direct" there shall be substituted respectively the words "by the Board with the approval of the Prime Minister" and "as the Board may determine subject to such conditions as the Lord President of the Council may impose with the consent of the Treasury".

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- (2) In subsection (2) of that section (which requires Treasury consent as to number and conditions of service of officers and servants and provides for the payment of such salaries or remuneration as the Treasury may determine)—
- (a) the words from “subject to the consent” to “conditions of service” shall be omitted; and
 - (b) for the words “as the Treasury may determine” there shall be substituted the words “ as the Board may determine subject to such conditions as the Lord President of the Council may impose with the consent of the Treasury ”.
- (3) In section 6 of that Act (financial provisions)—
- (a) subsections (1), (3) and (4) shall cease to have effect; and
 - (b) in subsection (2) (disposal of money received by the Board)—
 - (i) for the words from “and such” to “by them” there shall be substituted the words “ may be invested by the Board ”; and
 - (ii) for the words from “or, with” to “otherwise” there shall be substituted the words “ or otherwise ”.
- (4) In Schedule 2 to that Act (constitution and proceedings of the Board) for the word “Treasury” wherever occurring in paragraphs 1 and 3 there shall be substituted the words “ Prime Minister ”.
- (5) Nothing in any amendment made by this paragraph shall affect the validity of any appointment, direction, consent or determination made or given (or having effect as if made or given) under any provision of section 5 of, or Schedule 2 to, that Act by the Treasury before the coming into force of the amendment.

Annotations:

Commencement Information

I59 Sch. 8 para. 8 wholly in force at 1.9.1992, see s. 11(4) and S.I. 1992/1874, art. 2

Marginal Citations

M13 1934 c. 43.

The Imperial War Museum Act 1955

- 9 (1) In section 2 of the ^{M14}Imperial War Museum Act 1955, in subsection (1) (power of Board to lend objects with the consent of the Lord President of the Council) the words “with the consent of the Lord President of the Council” shall cease to have effect.
- (2) In subsection (3) of that section (terms and conditions of loans) the words from “and any loan” onwards shall cease to have effect.

Annotations:

Commencement Information

I60 Sch. 8 para. 9 wholly in force at 1.9.1992, see s. 11(4) and S.I. 1992/1874, art. 2

Marginal Citations

M14 1955 c. 14.

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The Charities Act 1960

F12 10

Annotations:

Amendments (Textual)

F12 Sch. 8 para. 10 repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), Sch.7

The Museum of London Act 1965

- 11 In section 7 of the ^{M15}Museum of London Act 1965 (transfer of objects to and from other organisations)—
- (a) subsections (1), (2) and (4) shall cease to have effect; and
 - (b) in subsection (3)—
 - (i) for the words “subsection (1) of this section” there shall be substituted the words “ section 6 of the Museums and Galleries Act 1992 ”; and
 - (ii) after the word “exercisable” there shall be inserted the words “ by the Board ”.

Annotations:

Commencement Information

I61 Sch. 8 para. 11 wholly in force at 1.9.1992, see s. 11(4) and S.I. 1992/1874, art. 2

Marginal Citations

M15 1965 c. 17.

The British Library Act 1972

- 12 (1) In paragraph 11(4) of the Schedule to the ^{M16}British Library Act 1972 (powers of Board to dispose of articles transferred to them under section 3(1)(a) of that Act) for the words following paragraph (c) there shall be substituted the words “or
- (d) the disposal is an exercise of the power conferred by section 6 of the Museums and Galleries Act 1992.”
- (2) In paragraph 11(5) of that Schedule (restrictions on disposal of property subject to a trust or condition) in paragraph (a), after the word “condition” there shall be inserted the words “ except as provided by section 6 of the Museums and Galleries Act 1992 ”.

Annotations:

Commencement Information

I62 Sch. 8 para. 12 wholly in force at 1.9.1992, see s. 11(4) and S.I. 1992/1874, art. 2

Marginal Citations

M16 1972 c. 54.

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The National Heritage Act 1983

- 13 (1) In paragraph (c) of sections 6(3), 14(3) and 20(3) of the ^{M17}National Heritage Act 1983 (which respectively authorise the Boards of Trustees of the Victoria and Albert Museum, the Science Museum and the Armouries to dispose of objects comprised in their collections if the disposal is by way of sale or gift to, or exchange with, an institution specified in subsection (4) of the section in question) for the words from “by” to “(4)” there shall be substituted the words “an exercise of the power conferred by section 6 of the Museums and Galleries Act 1992”.
- (2) In section 18 of that Act, in subsection (3) (which confers certain powers on the Board of Trustees of the Armouries) after paragraph (c) there shall be added the words “and
- (d) with the consent of the Secretary of State and subject to such conditions as he may impose, make grants to any person for the purpose of promoting enjoyment, knowledge or understanding of arms and armour.”
- (3) At the end of that section there shall be added—
- “(8) The Board may, whether or not for the general purpose mentioned in subsection (1), allow premises occupied or managed by them to be used by other persons (for payment or otherwise) for purposes not connected with the functions mentioned in subsection (2), if the Board are satisfied that to do so would not unduly conflict with those functions.”
- (4) After that section there shall be inserted—
- “18A Power of Board to form companies.**
- (1) With the consent of the Secretary of State and subject to any conditions he may impose, the Board may form or take part in forming one or more bodies corporate which (or each of which) has as its main object or objects one or more of those mentioned in subsection (2).
- (2) The objects are—
- (a) the production and publication of books, films or other informative material relating to the Board’s collection and record;
- (b) the production of replicas or reproductions of objects comprised in their collection or of documents forming part of their record, or of souvenirs;
- (c) the sale (whether or not at an hour when the collection is open to the public for viewing) of informative material relating to their collection or record, of replicas or reproductions of objects comprised in their collection or of documents forming part of their record, or of souvenirs or other goods;
- (d) the provision (whether or not at such an hour) of catering or car parking or other services or facilities for the public at any premises occupied or managed by the Board; and
- (e) any other object or objects incidental to the Board’s functions.
- (3) The Board may hold interests in any such body, 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).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Museums and Galleries Act 1992. Any changes that have already been made by the editorial team to Museums and Galleries Act 1992 are changes that have already been made by the editorial team and are referred to with annotations. (See end of Document for details)

1980 c. 17.	The National Heritage Act 1980.	In section 16(1), the words “falling within subsection (2) below”.
1983 c. 47.	The National Heritage Act 1983.	Sections 6(4), 8, 14(4) and 16. In section 18(3), the word “and” immediately preceding paragraph (c). Section 20(4). In Schedule 1, paragraphs 9 and 19. In Schedule 5, paragraphs 1, 2, 5 and 7.
1985 c. 16.	The National Heritage (Scotland) Act 1985.	Section 8(4). In Schedule 2, paragraph 2.
1992 c. 41.	The Charities Act 1992.	In Schedule 3, paragraph 22.

Annotations:

Amendments (Textual)

F13 Entry repealed (1.8.1993) by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

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Changes and effects yet to be applied to :

- Sch. 2 para. 2(1) text amended by [S.I. 2008/919 art. 2](#)
- Sch. 8 para. 1(8) repealed by [2010 c. 4 Sch. 3 Pt. 1](#)

Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8A inserted by [S.I. 2003/2867 reg. 2 Sch. para. 21](#)

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