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## STATUTORY INSTRUMENTS

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# 1998 No. 261 (N.I. 2)

## Museums and Galleries (Northern Ireland) Order 1998 <sup>F1</sup>

- - - - - 11th February 1998

**F1** functions transf. by SR 1998/481

### PART I INTRODUCTORY

#### Title and commencement

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

**F2** fully exercised by SR 1998/65

#### Interpretation

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

(2) In this Order—

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

“the Department” means the Department of Education;

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

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

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

## PART II

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

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

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

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

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

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

(4) Schedule 2 shall have effect—

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

#### **Functions of the Board**

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

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

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

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

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

- (f) co-operate with other persons or bodies;
  - (g) enter into contracts and other agreements;
  - (h) erect buildings or reconstruct existing buildings and carry out such other works as the Board may think fit;
  - (i) except where the terms upon which the object is held expressly provide to the contrary, lend any object for the time being vested in the Board;
  - (j) borrow any object for exhibition;
  - (k) do all such other acts (including requiring payment for services or goods provided by the Board) as appear to the Board to be necessary or expedient for the performance of all or any of the functions of the Board or as are incidental to the carrying out of those functions.
- (4) In paragraph (3)(e), “archive” includes any collection of sound recordings, images or information, however stored.
- (5) In deciding whether or not to lend any object in accordance with paragraph (3)(i), and in determining the time for which, and the conditions subject to which, an object is to be lent, the Board—
- (a) shall give special consideration to a request for the loan of an object for public exhibition; and
  - (b) subject to that, shall have regard to the interests of persons visiting the Board's collections, the suitability of the prospective borrower, the purpose of the loan, the physical condition and degree of rarity of the object, and any risks to which it is likely to be exposed.
- (6) The Board may allow premises occupied or managed by the Board to be used by other persons (for payment or otherwise) for purposes not connected with the functions mentioned in paragraph (1), if the Board is satisfied that to do so would not conflict unduly with those functions.
- (7) The Board shall, in accordance with arrangements agreed with the Department, make provision for consultation with the bodies mentioned in paragraph (8) on the exercise by the Board of its functions.
- (8) The bodies referred to in paragraph (7) are—
- (a) district councils;
  - (b) <sup>F3</sup>the Education Authority] ; and
  - (c) such other bodies as the Department and the Board, acting jointly, may determine.

**F3** Words in [art. 4\(8\)\(b\)](#) substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), [Sch. 3 para. 19](#) (with [Sch. 2 para. 4\(3\)](#)); [S.R. 2015/35](#), [art. 2\(b\)](#)

## Disposal of objects

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

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

- (a) the disposal is by way of sale, exchange or gift of an object which is a duplicate of another object the property in which is so vested and which is so comprised; or
- (b) the disposal is by way of sale, exchange or gift of an object which in the opinion of the Board is unsuitable for retention in its collections and can be disposed of without detriment to the interests of students or other members of the public; or

- (c) the disposal is by way of sale or gift made to, or exchange made with, any institution mentioned in Part I of Schedule 5 to the Museums and Galleries Act 1992; or
- (d) the disposal (by whatever means, including destruction) is of an object which the Board is satisfied has become useless for the purposes of its collections by reason of damage, physical deterioration or infestation by destructive organisms; or
- (e) the Department consents to the disposal.

(3) An object may only be disposed of as mentioned in paragraph (2)(a), (b) or (c) where the disposal is not inconsistent with any trust or condition (express or implied) prohibiting or restricting the disposal of the object.

(4) An object may be disposed of as mentioned in paragraph (2)(d) or (e) notwithstanding a trust or condition (express or implied) prohibiting or restricting the disposal of the object.

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

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

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

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

(4) Without prejudice to paragraph (3)—

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

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

(6) In this Article—

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

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

### **Power of Board to make bye-laws**

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

- (a) regulating admission (including the making of charges) to any premises occupied or managed by the Board;

- (b) regulating the conduct of persons on those premises;
- (c) for the preservation of property vested in the Board or in the custody of the Board;
- (d) otherwise securing the efficient administration of any premises occupied or managed by the Board.

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

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

### **Power of Board to form companies**

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

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

### **Financial provisions**

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

(2) The Department may attach—

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

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

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

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

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

### **Accounts of the Board**

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

(2) In respect of each financial year—

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