
STATUTORY INSTRUMENTS

1995 No. 1622 (N.I. 7)

NORTHERN IRELAND

**The Armagh Observatory and Planetarium
(Northern Ireland) Order 1995**

Made - - - - *28th June 1995*
Coming into operation *29th August 1995*

At the Court at Buckingham Palace, the 28th day of June 1995

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974(1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Armagh Observatory and Planetarium (Northern Ireland) Order 1995.

(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(2) 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 Act of 1791” means the Act passed by the Irish Parliament in the session held in the thirty-first year of the reign of His Majesty King George the Third, chapter forty-six, intituled, An Act for settling and preserving a Public Observatory and Museum in the City of Armagh for ever;

“facilities” includes land and equipment;

(1) 1974 c. 28
(2) 1954 c. 33 (N.I.)

“relevant trusts” means the trusts mentioned in the Act of 1791;

“the Department” means the Department of Education;

“the Governors” has the meaning assigned by Article 3(2).

The Governors of the Armagh Observatory and Planetarium

3.—(1) The corporation created by section 2 of the Act of 1791 shall continue in being but shall hereafter be known as “the Governors of the Armagh Observatory and Planetarium” and the observatory, museum and other facilities for the time being vested in that corporation shall hereafter be known as “the Armagh Observatory and Planetarium”.

(2) That corporation is hereafter in this Order referred to as “the Governors”.

(3) Schedule 1 shall have effect in relation to the Governors.

Functions of the Governors

4.—(1) The Governors shall, for the purpose of developing and improving the knowledge, appreciation and practice of astronomy and related sciences, maintain and manage the Armagh Observatory and Planetarium and may take such other action as the Governors may think proper for the purpose of acquiring or disseminating knowledge relating to astronomy and related sciences.

(2) Without prejudice to the generality of paragraph (1), the Governors may for the purposes of their functions under that paragraph—

- (a) exercise any power heretofore exercisable by them by virtue of the Act of 1791 or any relevant trusts;
- (b) provide, maintain and manage such facilities as appear to them to be complementary or ancillary to, or otherwise appropriate to be provided in association with, any facilities for the time being maintained and managed by them;
- (c) accept gifts or bequests and execute any lawful trust having objects similar to the objects of the Governors or incidental or conducive to the attainment or furtherance of any of those objects;
- (d) give assistance (including financial assistance) to bodies having objects similar to those of the Governors;
- (e) make charges for goods and services provided by them;
- (f) carry out, or assist in the carrying out of, research;
- (g) provide information and advice;
- (h) do all such other acts as appear to the Governors to be necessary or expedient for the performance of those functions or as are incidental to the carrying out of those functions.

(3) The Governors may allow premises owned or occupied by them to be used by other persons (for payment or otherwise) for purposes not connected with the functions of the Governors if the Governors are satisfied that to do so would not conflict unduly with those functions.

(4) Any property or right which but for this Order would have been held or exercisable by, or for the benefit of, the person holding the office referred to in the Act of 1791 as keeper (or astronomer and keeper) of the observatory and museum shall be held or exercisable by, or for the benefit of, the Governors for the purposes of their functions under this Order.

Byelaws

5.—(1) The Governors may make byelaws—

- (a) regulating admission (including the making of charges) to premises owned or occupied by the Governors for the purposes of their functions under this Order (“relevant premises”);
- (b) regulating the conduct of persons on relevant premises;
- (c) for the protection of property vested in the Governors or in their custody (“relevant property”); and
- (d) otherwise securing the efficient administration of relevant property or relevant premises.

(2) Byelaws made under this Article may authorise persons employed by the Governors to exercise such powers and perform such duties as the Governors may consider necessary for the enforcement of the byelaws and in particular any person so authorised may, after due warning, remove or exclude from relevant premises a person who contravenes or whom he reasonably suspects of contravening the byelaws.

(3) Byelaws under this Article shall not come into operation until approved by the Department.

(4) A person who contravenes any byelaw made under this Article or who obstructs any person authorised in accordance with paragraph (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Grants to the Governors

6.—(1) The Department may, on such terms and conditions as it thinks fit, pay to the Governors for the purposes of their functions under this Order such sums as the Department thinks fit.

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

(3) The Governors shall be a public body for the purposes of Schedule 1 to the Financial Provisions (Northern Ireland) Order 1983(3).

Annual report

7. The Governors shall, in respect of each financial year, prepare and submit to the Department a report on the exercise by the Governors of their functions under this Order and the Department shall lay a copy of that report before the Assembly.

Accounts of the Governors

8.—(1) The Governors shall keep proper accounts and proper records in relation to those accounts.

(2) The Governors shall prepare and submit to the Department a statement of accounts in respect of each financial year, and that statement shall be in such form and contain such information as the Department may direct and shall give a true and fair view of the state of the Governors' affairs at the end of the financial year and of the income and expenditure of the Governors in the financial year.

(3) The statement of accounts shall be examined and certified by auditors appointed by the Governors with the approval of the Department and the report of the auditors thereon shall be sent to the Governors and to the Department.

(4) The accounts, books and records of the Governors shall be open at all times to inspection by the Comptroller and Auditor General for Northern Ireland and by officers of the Department.

Disposal of land by the Governors

9.—(1) The Governors may, with the consent in writing of the Department, dispose of any land held by them.

(2) Where the Department grants consent under this Article in relation to any disposal of land, it may give such directions—

(a) in relation to that disposal; and

(b) for securing the investment of any moneys arising from that disposal,

as it thinks fit.

(3) The Governors shall comply with any directions under paragraph (2).

(4) This Article applies notwithstanding anything in the terms of any relevant trusts.

Repeals

10. The statutory provisions set out in Schedule 2 are hereby repealed to the extent specified in the third column of that Schedule.

N. H. Nicholls
Clerk of the Privy Council

SCHEDULES

SCHEDULE 1

Article 3(3).

THE GOVERNORS OF THE ARMAGH OBSERVATORY AND PLANETARIUM

Preliminary

1. Section 19 of the Interpretation Act (Northern Ireland) Act 1954⁽⁴⁾ shall apply to the Governors, but—

- (a) they shall not dispose of or charge any movable property vested in them if that is inconsistent with any conditions attaching to the property subject to which the property is vested in them;
- (b) they shall not acquire any land, except with the consent in writing of the Department;
- (c) they shall not dispose of any land, except in accordance with Article 9.

Membership

2.—(1) The Governors shall consist of—

- (a) the Church of Ireland Archbishop of Armagh who shall be chairman of the Governors;
- (b) the dean of the chapter of the Church of Ireland cathedral of Armagh;
- (c) the other members of the chapter of the Church of Ireland cathedral of Armagh;
- (d) one person appointed by the Department;
- (e) one person appointed by the Queen's University of Belfast;
- (f) any persons for the time being appointed under sub-paragraph (2).

(2) The Governors referred to in sub-paragraph (1)(a) to (e) may appoint not more than 3 other persons to be members of the Governors.

3.—(1) An appointed Governor appointed after the coming into operation of this Order shall, subject to sub-paragraphs (2) to (5), hold office for a period of 5 years.

(2) An appointed Governor shall—

- (a) hold and vacate office in accordance with the terms of his appointment; and
- (b) on expiry of his term of office be eligible for re-appointment.

(3) An appointed Governor shall be deemed to have vacated his office and the Governors shall declare his place vacant in the following circumstances—

- (a) where he gives to the chairman of the Governors a notice in writing of his resignation and so informs the body which appointed him a Governor;
- (b) where he becomes bankrupt or makes a composition with his creditors; or
- (c) where he is convicted of an indictable offence and sentenced to a term of imprisonment of not less than 3 months.

(4) 1954 c. 33 (N.I)

(4) Any body entitled to appoint a Governor under paragraph 2(1)(d) or (e) or (2) may remove any Governor so appointed and appoint another Governor in his place.

(5) Where an appointed Governor dies or ceases to hold office, the body which appointed him a Governor may appoint another in his place.

(6) In this paragraph “an appointed Governor” means a member of the Governors appointed under paragraph 2(1)(d) or (e) or (2).

4. The Department may, after consultation with the chairman of the Governors, by order made subject to negative resolution amend paragraphs 2 and 3.

5.—(1) Without prejudice to paragraph 2, the Department may appoint a person (in this paragraph referred to as “the nominee”) in relation to the Governors and any committee or sub-committee thereof.

(2) The nominee shall have and may exercise the same rights, powers and privileges as any Governor or any member of any committee or sub-committee of the Governors has or may exercise, except that he shall not vote at any meeting of the Governors or of any such committee or sub-committee.

(3) Section 18(2) of the Interpretation Act (Northern Ireland) 1954⁽⁵⁾ (except so much thereof as relates to remuneration) shall apply to the appointment of a nominee under sub-paragraph (1).

Allowances and expenses

6. The Governors may pay travelling and subsistence allowances and other expenses necessarily incurred by members of the Governors and committees and sub-committees thereof in the performance of their functions and such allowances and expenses shall be at such rates or of such amounts as the Department may determine.

Staff

7.—(1) The right of the Governors under section 19(1)(a)(vi) of the Interpretation Act (Northern Ireland) 1954 to employ staff shall—

- (a) in the case of staff of such description as the Department may direct, be subject to the approval of the Department; and
- (b) be exercised subject to any directions which may be given by the Department with respect to the number and terms and conditions of service of persons employed or to be employed by the Governors.

(2) The remuneration of persons employed by the Governors shall be at such rates as the Governors may, with the approval of the Department, determine.

(3) The Governors may, in accordance with arrangements determined by the Department, make provision for the payment on death or retirement of superannuation benefits to or in respect of persons employed by them.

(4) Nothing in the terms of any relevant trusts shall confer on a person employed by the Governors any right to any land, endowment, lodgings or other benefit of any kind.

Committees

8.—(1) In accordance with arrangements approved by the Department, the Governors may appoint such committees as they think fit and may delegate any of their functions to a committee so appointed.

(5) 1954 c. 33 (N.I.)

(2) A committee may include persons who are not members of the Governors.

(3) In accordance with arrangements approved by the Department, the Governors may authorise a committee to appoint sub-committees for such purposes as the Governors may approve and a sub-committee so appointed may include persons who are not members of the Governors or of the committee which appointed the sub-committee.

(4) The powers of any committee or any sub-committee appointed under this paragraph shall be exercised in accordance with and subject to any directions given by the Governors.

Procedure

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

10. Without prejudice to section 19(1)(a)(v) of the Interpretation Act (Northern Ireland) 1954(6), the Governors shall make standing orders for the Governors and their committees and sub-committees relating to—

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

11. The common seal of the Governors shall, when applied to any document, be authenticated by the signatures of any two members of the Governors authorised by the Governors to act for that purpose.

Formation of bodies corporate

12. The Governors may form bodies corporate, but shall only do so with the approval of the Department and subject to such conditions as the Department may specify in granting any such approval.

SCHEDULE 2

Article 10.

REPEALS

Chapter or Number	Short title	Extent of repeal
1791 c. 46 (Ir.).	An Act for settling and preserving a Public	The whole Act.

(6) 1954 c. 33 (N.I.)

Chapter or Number	Short title	Extent of repeal
	Observatory and Museum in the City of Armagh for ever.	
1928 c. 8 (N.I.).	The School Sites Act (Northern Ireland) 1928.	Section 2.
1938 c. 18 (N.I.).	The University and Collegiate and Scientific Institutions Act (Northern Ireland) 1938.	The whole Act, so far as unrepealed.
1981 NI 14.	The Museums (Northern Ireland) Order 1981.	Article 13(1).
1982 NI 6.	The Departments (Northern Ireland) Order 1982.	In Part II of Schedule 1, the entry relating to the University and Collegiate and Scientific Institutions Act (Northern Ireland) 1938.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the constitution and functions of the Governors of the Armagh Observatory and Planetarium.