

*Changes to legislation: There are currently no known outstanding effects
for the British Library Act 1972. (See end of Document for details)*

SCHEDULE

Section 2.

THE BRITISH LIBRARY BOARD AND ITS ADVISORY COUNCILS

Constitution and membership of the Board

- 1 The Board shall be a body corporate, with perpetual succession and a common seal.
- 2 Subject to the following provisions of this Schedule, a member of the Board shall hold and vacate office in accordance with the terms of his appointment; but no member of the Board shall be appointed for a period of less than three years or more than seven years.
- 3 A member of the Board may, by notice in writing addressed to the Secretary of State (or, in the case of the member appointed by Her Majesty, by notice in writing to Her) resign his membership, and the chairman may by such a notice resign his office as such without resigning his membership.
- 4 A member of the Board who ceases to be a member, or ceases to be chairman, shall be eligible for re-appointment.

Remuneration, allowances and pensions

- 5 (1) The Board—
 - (a) shall pay to the members thereof such remuneration and allowances as the Secretary of State may determine; and
 - (b) as regards any member in whose case the Secretary of State may determine, shall pay such pension, allowance or gratuity to or in respect of him, or make such payments towards the provision of such pension, allowance or gratuity, as may be so determined;and, if a person ceases to be member of the Board and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation, the Secretary of State may require the Board to pay to that person a sum of such amount as the Secretary of State may determine.
- (2) The Secretary of State shall, as soon as possible after the first appointment of a person as a member of the Board, lay before each House of Parliament a statement of the salary and allowances that are or will be payable to that person under this paragraph; and if a subsequent determination by him under this paragraph involves a departure from the terms of that statement, or if a determination under this paragraph relates to the payment of, or the payment towards the provision of, a pension, allowance or gratuity to, or in respect of, a member of the Board, the Secretary of State shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.
- (3) Any determination by the Secretary of State under this paragraph, and the imposition by him of any requirement thereunder, shall require the approval of the Minister for the Civil Service.

Modifications etc. (not altering text)

- C1** Functions of the Minister for the Civil Service under para. 5(3) now exercisable by the Treasury by virtue of S.I. 1981/1670, **arts. 2, 3(5)(6), 4**

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6 F1

Textual Amendments

F1 Sch. para. 6 repealed by House of Commons Disqualification Act 1975 (c. 24), Sch. 3

Proceedings

- 7 (1) The quorum of the Board shall be five; and the arrangements relating to meetings of the Board shall be such as the Board may determine.
- (2) The Board shall have power to regulate their own procedure.
- 8 The validity of any proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of any member.
- 9 The application of the seal of the Board shall be authenticated by the signature of the secretary or of some other person authorised by the Board, either generally or specially, to act for that purpose.
- 10 Any document purporting to be a document duly executed under the seal of the Board, or to be signed on behalf of the Board, shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed or, as the case may be, signed.

Incidental powers

- 11 (1) It shall be within the capacity of the Board as a statutory corporation to do all such things, and enter into all such transactions, as are incidental or conducive to the discharge of its functions ^{F2}....
- (2) The Board may frame, and vary and revoke from time to time, rules relating to the exercise by them of any power or the manner of entering into any transaction; and the rules may, with the approval of the Secretary of State, provide for the imposition of charges for any services provided by the Board or for the loan or use of any item from their collections.
- (3) Without prejudice to the foregoing, the powers of the Board shall include power to acquire or dispose of any property, whether or not for the purposes of their collections, but subject to the following sub-paragraphs.
- (4) The power of the Board to dispose of an article transferred to them by section 3(1) (a) of this Act shall be exercisable only if—
- (a) it is a duplicate of another article in the Board's collections (whether or not so transferred), or
 - (b) it appears to the Board to have been printed not earlier than the year 1850, and a copy of that article made by photography or a process akin to photography is held by the Board, or
 - (c) in the opinion of the Board it is unfit to be retained in their collections and can be disposed of without detriment to the interests of students; [^{F3}or
 - (d) the disposal is an exercise of the power conferred by section 6 of the Museums and Galleries Act 1992.]

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- (5) Where any property in the hands of the Board (whether or not transferred to them under section 3(1)(a) of this Act) is subject to any trust or condition—
- (a) they shall not dispose of or deal with it in any manner inconsistent with the trust or condition [^{F4}except as provided by section 6 of the Museums and Galleries Act 1992]; and
 - (b) it shall be subject to the same trust or condition in the hands of any person acquiring it from the Board.

^{F5}(6)

Textual Amendments

- F2** Words in Sch. para. 11(1) omitted (29.6.2021) by virtue of [British Library Board \(Power to Borrow\) Act 2021 \(c. 15\), ss. 1, 2\(2\)](#)
- F3** Sch. para. 11(4)(d) and word "or" preceding it substituted (1.9.1992) for words by [Museums and Galleries Act 1992 \(c. 44\), s. 11\(2\), Sch. 8 Pt. II para. 12\(1\)](#); S.I. 1992/1874, [art. 2](#)
- F4** Words in Sch. para. 11(5)(a) inserted (1.9.1992) by [Museums and Galleries Act 1992 \(c. 44\), s. 11\(2\), Sch. 8 Pt. II para. 12\(2\)](#); S.I. 1992/1874, [art. 2](#)
- F5** Sch. para. 11(6) repealed (1.9.1992) by [Museums and Galleries Act 1992 \(c. 44\), s. 11\(3\), Sch. 9](#); S.I. 1992/1874, [art. 2](#)

Staff

- 12 (1) The Board shall appoint a secretary, and may appoint such other officers as they may determine, and may pay to their officers and other persons employed by them such remuneration and allowances as the Secretary of State may determine with the approval of the Minister for the Civil Service.
- (2) The Board shall, in the case of such officers or other persons employed by them as may be determined by the Board with the approval of the Minister for the Civil Service (not being members of the Board), pay such pensions, allowances or gratuities to or in respect of them as may be so determined, make such payments towards the provision of such pensions, allowances or gratuities as may be so determined or provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be so determined.
- (3) Where a participant in such a scheme as is referred to above becomes a member of the Board, he may be treated for the purposes of the scheme as if his service as a member of the Board were service as a person employed by the Board otherwise than as such a member, and his rights under the scheme shall not be affected by paragraph 5(1)(b) of this Schedule.

Modifications etc. (not altering text)

- C2** Functions of the Minister for the Civil Service under para. 12(1) now exercisable by the Treasury by virtue of [S.I. 1981/1670, arts. 2, 3\(5\)\(6\), 4](#)
- C3** Functions of the Minister for the Civil Service under para. 12(2) now exercisable by the Treasury by virtue of [S.I. 1981/1670, arts. 2, 3\(5\)\(6\), 4](#)

- 13 (1) In the case of persons to be employed by them on and after the appointed day who immediately before that day are employed either in the civil service of the State or

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by the trustees of the British Museum, the Board shall, in negotiating their terms of employment, ensure that the terms, taken as a whole, are not less favourable in the case of each such person than those on which he is employed at the time when an offer is made to him of employment with the Board.

- (2) In the following provisions of this paragraph, . . . ^{F6}“the Act of 1965” means the ^{M1}Redundancy Payments Act 1965 and “the Superannuation Acts” means the ^{M2}Superannuation Acts 1965 and ^{M3}1972.
- (3) Where a person enters the employment of the Board on the appointed day having been, immediately before that day, employed as mentioned in sub-paragraph (1) above, then—
- (a) for the purposes of [^{F7}the Employment Rights Act 1996] any period during which he was so employed before that day (other than a period excepted by sub-paragraph (4) below) shall count as a period of employment with the Board, and the change of employer shall not break the continuity of the period of employment; and
- (b) if he was employed by the trustees of the British Museum and his contract of employment was terminated with a view to his being re-employed by the Board as from that day, he is not to be treated for the purposes of the Act of 1965 as having been dismissed by reason of redundancy.
- (4) A period of employment excepted by this sub-paragraph is one which ended before the appointed day in consequence of termination of the employment, where there was made to the person in respect of that termination a payment in accordance with Part I of the Act of 1965, or under the Superannuation Acts or any enactment replaced by either of those Acts, or under any such arrangements as are mentioned in section 41(3) of the Act of 1965.

Textual Amendments

- F6** Definition of “the Act of 1963” repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\), Sch. 17](#)
- F7** Words in [Sch. para. 13\(3\)\(a\)](#) substituted (22.8.1996) by [1996 c. 18, ss. 240, 243, Sch. 1 para. 4](#) (with ss. 191 - 195, 202)

Marginal Citations

- M1** [1965 c. 62.](#)
- M2** [1965 c. 74.](#)
- M3** [1972 c. 11.](#)

Advisory Councils

- 14 (1) An Advisory Council constituted by the Board in accordance with section 2(3) of this Act shall consist of a chairman and such number of other members as the Secretary of State may specify in directions given under that subsection.
- (2) The Board shall pay to the chairman and other members of an Advisory Council such remuneration by way of fees, and such allowances, as may be determined by the Secretary of State with the approval of the Minister for the Civil Service.

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Modifications etc. (not altering text)

- C4** Functions of the Minister for the Civil Service under para. 14(2) now exercisable by the Treasury by virtue of S.I. 1981/1670, **arts. 2, 3(5)(6), 4**

Changes to legislation:

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