SCHEDULES

SCHEDULE 2

Section 1(2)(b).

THE BOARD OF TRUSTEES OF THE TATE GALLERY

Commencement Information
I1 Sch. 2 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.

Commencement Information
I2 Sch. 2 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 **[**[F1]fourteen**]** members (in this Schedule referred to as "trustees") of whom—

(a) one shall be appointed by the National 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) At least three of the trustees shall be practising artists.

(3) 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.

(4) No trustee shall be appointed for a period of more than five years.

(5) A trustee appointed by the National 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;

and any other trustee may resign his office by notice in writing addressed to the Prime Minister.

(6) 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.

(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.

Textual Amendments

F1 Word in Sch. 2 para. 2(1) substituted (21.3.2008) by Tate Gallery Board (Additional Members) Order 2008 (S.I. 2008/919), arts. 1, **2**

Commencement Information

I3 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

(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.

Commencement Information

I4 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.

Commencement Information

I5 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.

Commencement Information

I6 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.

Commencement Information

I7 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.

Commencement Information

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

Changes to legislation:
There are currently no known outstanding effects for the Museums and Galleries Act 1992, SCHEDULE 2.