



Museums and Galleries Act 1992

1992 CHAPTER 44

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

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- (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.
- (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;

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“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.

Textual Amendments

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

I1 S. 1 wholly in force at 1.9.1992 see s. 11(4) and S.I. 1992/1874, **art. 2**

Status:

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Changes to legislation:

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