
STATUTORY INSTRUMENTS

1986 No. 226**MUSEUMS AND GALLERIES****The Merseyside Museums and Galleries Order 1986***Made* - - - - - 12th February 1986*Laid before Parliament* 13th February 1986*Coming into Operation* 20th February 1986

At the Court at Buckingham Palace, the 12th day of February 1986

Present

The Queen's Most Excellent Majesty in Council

Whereas it appears to the Chancellor of the Duchy of Lancaster that certain collections of works of art and of objects of historical and scientific interest belonging to Merseyside County Council are of such national importance that they should on 1st April 1986 be vested in a body of trustees appointed by him and supported by moneys provided by Parliament and he has made a recommendation to that effect to Her Majesty in Council:

Now Her Majesty, in pursuance of section 46 of the Local Government Act 1985(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:—

Citation, interpretation and commencement

1.— (1) This Order may be cited as the Merseyside Museums and Galleries Order 1986 and shall come into operation on 20th February 1986.

(2) In this Order—

“the Board” means the Board of Trustees of the National Museums and Galleries on Merseyside established under Article 2;

“the Chancellor” means the Chancellor of the Duchy of Lancaster;

“the collections” means the works of art and objects that are vested in or acquired by the Board in accordance with this Order;

“vesting day” means 1st April 1986; and

“works” means works of art.

(a) 1985 c.51.

Establishment of Board of Trustees of the National Museums and Galleries on Merseyside

2.— (1) There shall be a body known as the Board of Trustees of the National Museums and Galleries on Merseyside.

(2) The Schedule to this Order shall have effect with respect to the Board.

The Board's General Functions

3.— (1) The purposes of the Board so far as practicable and subject to the provisions of this Order shall be to—

- (a) care for, preserve and add to the collections,
- (b) secure that the collections are exhibited to the public,
- (c) secure that the collections are available to persons seeking to inspect them in connection with study or research, and
- (d) promote generally the public enjoyment and understanding of art, history and science, both by means of the collections and by such other means as they consider appropriate.

(2) For those purposes the Board may, subject to the provisions of this Order—

- (a) provide education, instruction and advice and carry out research,
- (b) enter into contracts and other agreements,
- (c) acquire and dispose of land and other property, and
- (d) make grants towards the maintenance and upkeep of buildings in which any of the collections are held.

(3) Subject to the provisions of this Order the Board may do such things as they think necessary or expedient—

- (a) for preserving, and increasing the utility of the collections,
- (b) for securing the due administration of anything vested in or acquired by them, and any premises occupied or managed by them, under or by virtue of this Order or otherwise, and
- (c) otherwise for the purposes of and incidental to their functions.

(4) The Board shall not acquire or dispose of land without the Chancellor's consent which may be given subject to such conditions as the Chancellor sees fit.

(5) The Board may allow premises occupied or managed by them to be used by other persons (for payment or otherwise) for purposes not connected with the purposes mentioned in paragraph (1) if the Board are satisfied that to do so would not conflict unduly with those purposes.

Power of the Board to form companies

4.— (1) With the consent of the Chancellor and subject to any conditions he may impose, the Board may form or take part in forming one or more bodies corporate which (or each of which) has as its main object or objects one or more of those mentioned in paragraph (2).

(2) The objects are—

- (a) the production, publication and sale of books, films and other informative material relating to the fields of learning specified in Article 3(1)(d) and exemplified by any of the collections,
- (b) the commissioning of works of art, craft or design,
- (c) the production and sale of replicas or reproductions of any works or objects in the collections or of souvenirs, and
- (d) the provision of catering or car parking or other services or facilities for the public at any premises occupied or managed by the Board.

(3) The Board may hold interests in any such body, 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).

(4) This Article is without prejudice to any power of the Board to undertake anything mentioned in paragraph (2) by virtue of Article 3.

Initial Vesting in Board

5.— (1) Subject to the provisions of this Order, where the property in—

- (a) a work or object was vested in Merseyside County Council (“the Council”) immediately before vesting day and the work or object was specified in the Inventory Books and Records and Books and Records of Accession then kept by the organisation known as the Merseyside Museums and Galleries Service (“the Service”),
- (b) an object, being a document or record, was vested in the Council immediately before that day and the object then related to—
 - (i) a work or object falling under sub-paragraph (a),
 - (ii) the history or administration of the Service, or
 - (iii) a museum or gallery which immediately before that day formed part of the Service, or
- (c) a chattel was vested in the Council immediately before vesting day and the chattel was then in use in respect of the collections or solely for the purposes of the Service,

then the property shall on that day become vested in the Board.

(2) In the case of a work or object mentioned in paragraph 1(a), it is immaterial that, immediately before vesting day, it was situated elsewhere than at premises managed for the purposes of the Service.

(3) Any interest which was vested in the Council immediately before vesting day, and which then subsisted in a fund or share in a fund (whether or not of money) then held for the purposes of the Service, shall on that day become vested instead in the Board.

(4) On vesting day any right, power, duty or liability which was immediately before that day exercisable by or incumbent on the Council—

- (a) in relation to any work or object or chattel mentioned in paragraph (1), or

(b) by virtue of the Council having any interest mentioned in paragraph (3) shall instead become exercisable by or incumbent on the Board.

Acquisition and disposal of works and objects

6.— (1) The Board may acquire (whether by purchase, exchange or gift) any works and objects which in their opinion it is desirable to add to the collections.

(2) Subject to paragraph (4) the Board may not dispose of a work or object the property in which is vested in or acquired by them in accordance with this Order unless—

- (a) the disposal is by way of sale, exchange or gift of a work or object which is a duplicate of another work or object the property in which is so vested or which is so acquired,
- (b) the disposal is by way of sale, exchange or gift of a work or object which in the Board's opinion is unsuitable for retention in the collections and can be disposed of without detriment to the interests of students or members of the public,
- (c) disposal is by way of sale or gift made to, or exchange made with, any body or institution mentioned in paragraph (3), or
- (d) the disposal (by whatever means, including destruction) is of a work or object which the Board are satisfied has become useless for the purposes of the collections by reason of damage, physical deterioration, or infestation by destructive organisms.

(3) The bodies and institutions mentioned in paragraph (2)(c) are the Trustees of the National Gallery and of the Tate Gallery and the institutions for the time being listed in Schedule 1 to the National Gallery and Tate Gallery Act 1954(a).

(4) A work or object may not be disposed of as mentioned in paragraph (2) in contravention of a trust or condition (express or implied) prohibiting or restricting the disposal of the work or object.

(5) Money accruing to the Board by virtue of a disposal mentioned in this Article shall be applied by the Board in the acquisition of works and objects to be added to the collections.

Lending and borrowing works and objects

7.— (1) Subject to paragraph (2), the Board may lend any work or object in the collections (whether or not the loan is for the purposes of public exhibition, and whether or not under the terms of the loan the work or object is to remain in the United Kingdom).

(2) In deciding whether or not to lend a work or object, and in determining the time for which and the conditions subject to which a work or object is to be lent, the Board—

(a) 1954 c.65.

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- (a) shall give consideration to a request for the loan of a work or object for public exhibition, and
- (b) subject to that, shall have regard to the interests of students and other persons visiting the collections, the suitability of the prospective borrower, the purpose of the loan, the physical condition and the degree of rarity of the work or object, and any risks to which it is likely to be exposed.
- (3) The Board may accept loans of works or objects for any purposes mentioned in Article 3(1)(b), (c), and (d) above.

Finance

8.— (1) The Chancellor may out of money provided by Parliament pay to the Board such sums towards their expenditure as the Treasury may approve.

(2) The payment may be made on such conditions as the Chancellor imposes with the Treasury's approval.

G. I. de Deney,
Clerk of the Privy Council.

Article 2

THE SCHEDULE

The Board

1. The Board of Trustees of the National Museums and Galleries on Merseyside shall be a body corporate.

2.— (1) 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.— (1) The Board shall consist of not less than 14 nor more than 20 members (referred to in the Schedule as "trustees").

(2) The trustees shall be appointed by the Chancellor, who shall appoint one of them to be chairman.

(3) Subject to the following provisions of this paragraph, a trustee or chairman shall hold and vacate office in accordance with the terms of his appointment but no trustee shall be appointed for a period of more than 5 years.

(4) A chairman or trustee may resign his office by notice in writing addressed to the Chancellor.

(5) If a chairman ceases to be a trustee he shall also cease to be chairman.

(6) A person who ceases to be a trustee, or ceases to be chairman, shall be eligible for re-appointment.

Staff

4.— (1) There shall be a director of the National Museums and Galleries on Merseyside who shall be appointed by the Board with the approval of the Chancellor.

(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) The Board shall pay to their employees such remuneration and allowances as the Board may determine.

(5) The employees shall be appointed on such other terms and conditions as the Board may determine.

(6) A determination under sub-paragraph (4) or (5) is ineffective unless made with the approval of the Chancellor given with the Treasury's consent.

Proceedings

5.— (1) The Board may regulate their own procedure (including, subject to sub-paragraph (7), quorum).

(2) In doing so, they 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 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 two of the members (including the committee's chairman) must be trustees.

(5) A committee shall act in accordance with such directions as the Board may make 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 the greater of—

(a) four, and

(b) the number equal to one third of the number of trustees at the time concerned (treating any fraction as one).

(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.

Allowances

6. 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 Chancellor may determine with the Treasury's approval.

Instruments

7.— (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.

Accounts

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

(2) The Board shall prepare a statement of accounts in respect of each financial year.

(3) The statement shall give a true and fair view of the state of the Board's affairs at the end of the financial year and of the Board's income and expenditure in the financial year.

(4) The statement shall comply with any directions given by the Chancellor with the Treasury's consent as to the information to be contained in the statement, the manner in which the information is to be presented or the methods and principles according to which the statement is to be prepared.

(5) The Board shall send the statement to the Chancellor at such time as he may direct.

(6) The Chancellor shall, on or before 31 August in any year, send to the Comptroller and Auditor General the statement prepared by the Board under sub-paragraph (2) for the financial year last ended.

(7) The Comptroller and Auditor General shall examine, certify and report on the statement sent to him under sub-paragraph (6) and shall lay copies of it and of his report before each House of Parliament.

(8) In this paragraph "financial year" means the period commencing with the day of the Board's establishment and ending with the second 31 March following that day, and each successive period of 12 months.

Reports

9.— (1) The Board shall make to the Chancellor a report on the exercise of their functions since the last report was made or (in the case of the first) since the Board's establishment.

(2) The first report shall be made not later than the expiry of the period of 3 years (or such shorter period as the Chancellor may direct) commencing with the day of the Board's establishment.

(3) Each subsequent report shall be made not later than 3 years (or such shorter period as the Chancellor may direct) since the last was made.

(4) Each report shall include a statement of action taken by the Board to enable disabled members of the public to use any services or facilities provided by the Board.

(5) The Chancellor shall lay a copy of each report before each House of Parliament.

10. The Board shall furnish the Chancellor with such information relating to their property and the discharge and proposed discharge of their functions as he may require, and for that purpose they shall permit any person authorised by him to inspect and make copies of any accounts or other documents of the Board and shall give such explanation of them as that person or the Chancellor may require.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, made under section 46 of the Local Government Act 1985, makes provision for the transfer to a Board of Trustees on 1st April 1986 of the collection of works of art and objects of historical and scientific interest previously held by Merseyside County Council.

Article 2 and the Schedule to the Order incorporate the Board of Trustees of the National Museums and Galleries on Merseyside and regulate the appointment of trustees and staff and the proceedings and administration of the Board.

Articles 3 and 4 set out the purposes and functions of the Board.

Article 5 transfers to the Board the collections and objects formerly vested in Merseyside County Council, as described in the books and records kept by the Merseyside Museums and Galleries Service, together with associated archives and chattels used in connection with the Service.

Articles 6 and 7 regulate the disposal, lending and borrowing of items in the collections.

Article 8 empowers the Chancellor of the Duchy of Lancaster to pay to the Board such sums and subject to such conditions as the Treasury may approve.

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