

SCHEDULES

SCHEDULE 1

Article 3(2).

THE BOARD OF TRUSTEES OF THE NATIONAL MUSEUMS AND GALLERIES OF NORTHERN IRELAND

Incorporation and status

1.—(1) The Board shall be a body corporate to which, subject to the provisions of this Order, section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply.

(2) The Board shall not—

- (a) dispose of or charge any property vested in it except in accordance with the provisions of this Order;
- (b) except with the approval in writing of the Department, acquire or dispose of any estate in land.

2. 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 and its property shall not be regarded as the property of, or property held on behalf of, the Crown.

Membership

3.—(1) The Board shall consist of not fewer than 12 nor more than 15 persons (in this Schedule referred to as “trustees”) as the Head of the Department shall appoint after consultation with—

(a) such persons as appear to him to represent—

- (i) district councils;
- (ii) persons engaged in providing education;
- (iii) persons engaged in promoting the awareness, appreciation and understanding by the public of the heritage of Northern Ireland;

(b) such other persons as the Head of the Department shall think fit.

(2) In the period of 12 months from the making of this Order, sub-paragraph (1) shall have effect with the omission of the words from “after consultation with” to the end.

(3) The Head of the Department shall appoint one of the trustees to be chairman who, in the case of an equality of votes, shall have a second or casting vote.

(4) The trustees may elect one of their number as vice-chairman.

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

(2) A trustee shall be deemed to have vacated his office and the Board shall declare his place vacant in the following circumstances—

- (a) where he gives to the Head of the Department a notice in writing of his resignation;
 - (b) where he becomes bankrupt [^{F1}or has had a debt relief order made in respect of him] or makes a composition with his creditors [^{F2}or is the subject of a bankruptcy restrictions order][^{F1}or a debt relief restrictions order] ;
 - (c) where in the opinion of the Head of the Department he has failed to comply with the terms of his appointment or is otherwise unable or unfit to discharge his functions and the Head of the Department so informs the Board in writing;
 - (d) where he is convicted of an indictable offence and is sentenced to a term of imprisonment of not less than 3 months; or
 - (e) where he fails, without leave of the Board, to attend any meetings of the Board, or of a committee thereof of which he is a member, for a period of 6 consecutive months.
- (3) A person who ceases to be a trustee shall be eligible for re-appointment.
- (4) The Board may pay to its chairman such salary as the Department may determine.
- (5) The Board may pay travelling and subsistence allowances and other expenses necessarily incurred by trustees and members of committees and sub-committees of the Board in the performance of their functions and such allowances and expenses shall be paid at such rates as the Department may determine.

F1	Words in Sch. 1 para. 4(2)(b) inserted (7.3.2016) by The Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/108), art. 1, Sch. para. 18
F2	Words in Sch. 1 para. 4(2)(b) inserted (13.5.2008) by Insolvency (Disqualification from Office: General) Order (Northern Ireland) 2008 (S.R. 2008/94), arts. 1, 2, Sch. Pt. 1 para. 6

Staff

5.—(1) The right of the Board under section 19(1)(a)(vi) of the Interpretation Act (Northern Ireland) 1954 to employ staff shall be exercised subject to any direction which may be given by the Department with respect to the terms and conditions of service of persons employed or to be employed by the Board.

(2) The remuneration of persons employed by the Board shall be at such rate as the Board may, with the consent of the Department, determine.

(3) The Board may, in accordance with arrangements determined by the Department, make provision for the payment on death or retirement of pensions, gratuities or other like benefits to or in respect of the service of persons employed by the Board.

6.—(1) The Board shall, in accordance with procedures approved by the Department, appoint a fit person to be its chief executive officer.

(2) The chief executive officer of the Board shall be responsible to the Board for the general exercise of the Board's functions.

(3) Before making an appointment under sub-paragraph (1), the Board shall supply to the Department particulars of the names, previous experience and qualifications of the persons from whom it proposes to make a selection.

(4) If the Department considers that any person whose name is submitted under sub-paragraph(3) is not a fit person to be the chief executive officer of the Board, the Department may give directions prohibiting his appointment.

Committees

- 7.—(1) The Board shall appoint from among its members—
- (a) an Audit Committee;
 - (b) a Staffing Committee.
- (2) The Board may appoint such other committees as it thinks fit to assist it in the discharge of its functions or to perform such functions as it may delegate to such committees.
- (3) The Board may—
- (a) appoint as members of any committee established under sub-paragraph (2), or
 - (b) authorise any such committee to co-opt as members of the committee,
- persons who are not trustees.
- (4) The Board may authorise a committee to appoint sub-committees for such advisory purposes as the Board may approve.
- (5) A committee may—
- (a) appoint as members of any sub-committee established under sub-paragraph (4), or
 - (b) authorise any such sub-committee to co-opt as members of the sub-committee,
- persons who are not trustees or members of the committee who appointed the sub-committee.
- (6) At least one member of—
- (a) any committee established under sub-paragraph (2);
 - (b) any sub-committee established under sub-paragraph (4),
- shall be a trustee.
- (7) This paragraph has effect notwithstanding any provision contained in any agreement or other instrument relating to property vested in the Board.

Procedure

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

9.—(1) Without prejudice to section 19(1)(a)(v) of the Interpretation Act (Northern Ireland) 1954, the Board shall make standing orders for the Board and its 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 trustee or a member of any committee or sub-committee of the Board of any pecuniary interest in, or family relationship relevant to, any matter to be discussed at a meeting and the withdrawal by such a trustee or 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 officers;

Changes to legislation: There are currently no known outstanding effects for the Museums and Galleries (Northern Ireland) Order 1998. (See end of Document for details)

- (i) such other matters connected with the conduct of its business as the Board thinks fit.
- (2) The Board shall, by standing orders, specify the functions to be performed by the Audit Committee and the Staffing Committee.
- (3) Standing orders shall not be made under this paragraph except with the approval in writing of the Department.
- (4) The common seal of the Board shall, when applied to a document, be attested by the signatures of any two trustees authorised by the Board to act for that purpose.

Assembly disqualification

10. In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices) there shall be inserted (at the appropriate place) the following entry—

“Chairman of the Board of Trustees of the National Museums and Galleries of Northern Ireland.”.

SCHEDULE 2

Article 3(4).

TRANSFER OF PROPERTY, ETC., TO THE BOARD FROM FORMER BODIES

Interpretation

- 1.** In this Schedule, “former body” means a body abolished by Article 3(3).

Transfer of property, etc.

- 2.** On the appointed day all property, rights and liabilities to which a former body is entitled or subject immediately before that day shall be transferred to, and by virtue of this Schedule vest in, the Board.
- 3.** On and after the appointed day—
 - (a) any agreement (whether in writing or not) which subsists immediately before that day and to which a former body is a party shall have effect as if the Board had been the party to it; and
 - (b) any reference to a former body in such an agreement or in any other agreement, instrument or document (other than a statutory provision) 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 Board.
- 4.** Without prejudice to the generality of paragraphs 2 and 3, any legal proceedings or applications to any authority pending immediately before the appointed day by or against a former body shall be continued by or against the Board to the exclusion of that body.
- 5.** Stamp duty shall not be chargeable in respect of any transfer effected by this Schedule.

Contracts of employment

- 6.** Paragraph 2 does not apply to rights and liabilities under a contract of employment, but paragraph 7 applies to any person who immediately before the appointed day is employed by a former body.

7. The contract of employment between a person to whom this paragraph applies and the former body shall have effect from the appointed day as if originally made between him and the Board.

8. Without prejudice to paragraph 7—

- (a) all the former body's rights, powers, duties and liabilities under or in connection with a contract to which that paragraph applies shall by virtue of that paragraph be transferred to the Board on the appointed day; and
- (b) anything done before that day by or in relation to the former body in respect of that contract or the employee shall be deemed from that day to have been done by or in relation to the Board.

9. Paragraphs 7 and 8 are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions but no such right shall arise by reason only of the change in employer effected by paragraph 7.

Accounting Arrangements

10.—(1) The Board shall make arrangements for a statement of accounts to be prepared, in accordance with directions of the Department, in relation to each former body for the period beginning on 31st March 1997 and ending on the appointed day and, subject to those directions, to be submitted to the Comptroller and Auditor General for Northern Ireland.

(2) The Comptroller and Auditor General shall examine, certify and report on the statements of accounts submitted to him under sub-paragraph (1).

(3) The Department shall lay before the Assembly a copy of the certified statements of accounts together with any report thereon of the Comptroller and Auditor General.

Reporting Arrangements

11. The Board shall, in relation to each former body, make arrangements for a report to be prepared, in accordance with directions of the Department, in respect of the exercise of the functions of each of those bodies for the period beginning on 31st March 1997 and ending on the appointed day and the Department shall lay a copy of that report before the Assembly.

Schedule 3 — Amendments

Schedule 4 — Repeals

Changes to legislation:

There are currently no known outstanding effects for the Museums and Galleries (Northern Ireland) Order 1998.