



# Museums and Galleries Act 1992

## 1992 CHAPTER 44

### *Transfers to and from certain institutions*

#### **6 Transfer of objects or related documents between institutions. U.K.**

- (1) Any body for the time being specified in Part I of Schedule 5 to this Act may, by way of sale, gift or exchange, transfer an object the property in which is vested in them and which is comprised in their collection, if the transfer is to any other body for the time being specified in either Part of that Schedule.
- (2) This section applies in relation to a document as it applies in relation to an object other than a document.
- (3) Where the property in an object has become vested in a body subject to a trust or condition, the power conferred by subsection (1) above shall be exercisable in a manner inconsistent with the trust or condition if the person who first imposed the trust or condition has, or his personal representatives or (in Scotland) his executors have, consented to the exercise of the power in that manner.
- (4) Where a body in whom an object has become vested subject to a trust or condition transfers the object under this section to another body, the object shall be held by that other body subject to the same trust or condition.
- (5) The powers conferred on a body by subsection (1) above are in addition to any other powers of transfer which the body may have.
- (6) The <sup>F1</sup> . . . Secretary of State may by order amend Schedule 5 to this Act by adding any body in the United Kingdom to those for the time being specified in that Schedule.
- (7) The power to make an order under subsection (6) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- [<sup>F2</sup>(8) The power of the Secretary of State to make an order under subsection (6) may, for the purpose of this section's application to transfers of objects by bodies in Scotland, be exercised separately.]

*Changes to legislation: There are currently no known outstanding effects for the Museums and Galleries Act 1992, Cross Heading: Transfers to and from certain institutions. (See end of Document for details)*

#### Textual Amendments

- F1** Words in s. 6(6) repealed (3.7.1992) by [S.I. 1992/1311, art. 12\(2\)](#), [Sch. 2 para. 8\(2\)](#)  
**F2** S. 6(8) added (1.7.1999) by [S.I. 1999/1756, art. 2](#), [Sch. para. 14](#); [S.I. 1998/3178, art. 3](#)

#### Modifications etc. (not altering text)

- C1** S. 6(6): transfer of certain functions (1.7.1999) by [S.I. 1999/672, art. 2](#), [Sch.](#); [S.I. 1998/3178, art. 3](#)

#### Commencement Information

- I1** S. 6 wholly in force at 1.9.1992 see s. 11(4) and [S.I. 1992/1874, art. 2](#)

## 7 Gifts to the nation. **U.K.**

- (1) In any case where—
- (a) a work of art is given for the benefit of the public or the nation, and
  - (b) the donor has made no provision as to the person responsible for its care,
- it shall, subject to subsection (2) below, vest in such of the bodies for the time being specified in Schedule 5 to this Act as the Lord President of the Council may direct.
- (2) If the body in whom a gift by will would, apart from this subsection, vest under this section determine that the work of art is not fit to be part of their collection, it shall unless otherwise disposed of by the testator become part of his residuary estate.

#### Commencement Information

- I2** S. 7 wholly in force at 1.9.1992 see s. 11(4) and [S.I. 1992/1874, art. 2](#)

## 8 Power to transfer land to governing bodies, and exemption from stamp duty. **E** **+W+S**

- (1) Where any land occupied wholly or partly for the purposes of any institution specified in column 1 of Schedule 6 to this Act is vested in the Secretary of State, he may, notwithstanding any prohibition or restriction to the contrary, transfer the land to the body specified in relation to that institution in column 2 of that Schedule.
- (2) Stamp duty shall not be chargeable on any instrument certified to the Commissioners of Inland Revenue by the Secretary of State as having been made or executed for the purpose of giving effect to a transfer by him of land occupied wholly or partly for the purposes of any institution specified in column 1 of Schedule 6 to this Act to the body specified in relation to that institution in column 2 of that Schedule.
- (3) An instrument such as is mentioned in subsection (2) above is not duly stamped unless—
- (a) it has, in accordance with the provisions of section 12 of the <sup>M1</sup>Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it has been duly stamped; or
  - (b) it has been stamped with the duty to which it would, apart from subsection (2) above, be liable.

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**Changes to legislation:** There are currently no known outstanding effects for the Museums and Galleries Act 1992, Cross Heading: Transfers to and from certain institutions. (See end of Document for details)

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**Commencement Information**

**I3** S. 8 wholly in force at 1.9.1992 see s. 11(4) and [S.I. 1992/1874, art. 2](#)

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**Marginal Citations**

**M1** 1891 c. 39.

[<sup>F3</sup>**8A.** Stamp duty land tax **U.K.**

- (1) This section applies to a land transaction by which land occupied wholly or partly for the purposes of an institution specified in column 1 of Schedule 6 to this Act is transferred by the Secretary of State to the body specified in relation to that institution in column 2 of that Schedule.
- (2) For the purposes of stamp duty land tax, the land transaction is exempt from charge.
- (3) Relief under this section must be claimed in a land transaction return or an amendment of such a return.
- (4) In this section—
  - “land transaction” has the meaning given by section 43(1) of the Finance Act 2003;
  - “land transaction return” has the meaning given by section 76(1) of that Act.]

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**Textual Amendments**

**F3** S. 8A inserted (1.12.2003) by [The Stamp Duty Land Tax \(Consequential Amendment of Enactments\) Regulations 2003 \(S.I. 2003/2867\)](#), reg. 1, **Sch. para. 21**

**Changes to legislation:**

There are currently no known outstanding effects for the Museums and Galleries Act 1992, Cross Heading: Transfers to and from certain institutions.