

*Status: Point in time view as at 01/07/1999.*

*Changes to legislation: There are currently no known outstanding effects for the National Galleries of Scotland Act 1906. (See end of Document for details)*

## [<sup>F2</sup>SCHEDULE

### THE BOARD

#### Textual Amendments

**F2** Ss. 5, 9, Sch.(as originally enacted) repealed by Statute Law Revision Act 1927 (c.42)

#### STATUS

- 1 The Board of Trustees of the National Galleries of Scotland shall be a body corporate.
- 2 (1) Subject to sub-paragraph (3), 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 Crown servants and the Board's property shall not, subject to section 20 of the National Heritage (Scotland) Act 1985, be regarded as property of, or held on behalf of, the Crown.  
(3) Subject to section 20 of the National Heritage (Scotland) Act 1985 and to any other enactment, the Board shall not be exempt from any tax, duty, rate, levy or other charge whatever (whether general or local).

#### MEMBERSHIP

- 3 (1) The Board shall consist of not less than 7 and not more than 12 members (referred to in this Part of this Schedule as "trustees").  
(2) The trustees shall be appointed by the Secretary of State, who shall appoint one of them to be chairman.  
(3) In appointing any trustee, the Secretary of State shall have regard to the desirability of the person's having knowledge or experience of Fine Arts, or of management, industrial relations, or administration or of any other subject knowledge or experience of which would be of use to the Board in exercising their functions.  
(4) 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 4 years.  
(5) A chairman or trustee may resign his office by notice in writing addressed to the Secretary of State.  
(6) If a chairman ceases to be a trustee he shall also cease to be chairman.  
(7) A person who ceases to be a trustee, or ceases to be a chairman, shall be eligible for re-appointment.

#### STAFF

- 4 (1) There shall be a Director of the National Galleries of Scotland who shall be appointed by the Board with the approval of the Secretary of State.  
(2) The Director shall be responsible to the Board for the general exercise of the Board's functions.

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- (3) The Board may appoint such employees as the Board thinks fit.
- (4) The employees shall be appointed on such terms and conditions as the Board may determine.
- (5) A determination under sub-paragraph (4) shall be subject to the approval of the Secretary of State <sup>F3</sup> . . .

#### Textual Amendments

**F3** Words in [Sch. para. 4\(5\)](#) omitted (1.7.1999) by [S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 10\(a\)](#), [Pt. IV; S.I. 1998/3178, art. 3](#)

#### 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 the chairman must be a trustee.
- (5) A committee shall act in accordance with such directions as the Board may make from time to time.
- (6) The arrangements may provide for anything done by a committee to have effect as if done by the Board.
- (7) The quorum for meetings of the Board shall not at any time be less than 4.
- (8) The validity of any proceedings of the Board or of a committee shall not be affected by any vacancy among the trustees or members or by any defect in the appointment of any trustee or member.

#### 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 Secretary of State may determine <sup>F4</sup> . . .

#### Textual Amendments

**F4** Words in [Sch. para. 6](#) omitted (1.7.1999) by [S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 10\(b\)](#), [Pt. IV; S.I. 1998/3178, art. 3](#)

#### INSTRUMENTS

- 7 (1) The fixing of the seal of the Board shall be authenticated by the chairman or another member of the Board and some other person authorised either generally or specially by the Board to act for that purpose.

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- (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, in accordance with best commercial practice, a statement of accounts in respect of each financial year.
- (3) The statement shall comply with any directions given by the Secretary of State<sup>F5</sup> 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.
- (4) The Board shall send the statement to the Secretary of State at such time as he may direct.
- (5) The Secretary of State shall, on or before 31st August in any year, send to the [F6 Auditor General for Scotland] the statement prepared by the Board under sub-paragraph (2) for the financial year last ended.
- (6) The Comptroller and Auditor General shall examine, certify and report on the statement sent to him under sub-paragraph (5) and shall lay copies of it and of his report before each House of Parliament.
- (7) In this paragraph "financial year" means the period of 12 months ending with 31st March each year.

#### Textual Amendments

- F5** Words in Sch. para. 8(3) omitted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 10(c), Pt. IV; S.I. 1998/3178, art. 3
- F6** Words in Sch. para. 8(5) substituted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 10(d); S.I. 1998/3178, art. 3

#### REPORTS

- 9 (1) The Board shall make to the Secretary of State a report on the exercise of their functions since the last report was made.
- (2) Each report shall be made not later than the expiry of the period of 3 years (or such shorter period as the Secretary of State may direct) from the preceding report.
- (3) 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.
- (4) Each report shall include a statement of the total amount received by the Board by way of admission charges in the period covered by the report, and shall include information (in such detail as the Board think fit) about rates of, exemptions from, reductions in and the effect of admission charges made by the Board.

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- (5) The Secretary of State shall lay a copy of each report before each House of Parliament.]

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