



# National Gallery and Tate Gallery Act 1954

## 1954 CHAPTER 65

### **1 Transfer from National Gallery Trustees to Tate Gallery Trustees of responsibility for Tate Gallery collection**

- (1) The responsibility for the collection at the Tate Gallery shall on the date of the coming into operation of this Act pass from the National Gallery Trustees to the Tate Gallery Trustees and the Tate Gallery Trustees shall thereafter be independent of the National Gallery Trustees.
- (2) There shall vest in the Tate Gallery Trustees all the pictures and other works of art which on the said date form part of the collection at the Tate Gallery and which immediately before that date were vested in the National Gallery Trustees.
- (3) The Tate Gallery Trustees shall have the like powers and duties in relation to the pictures and other works of art vested in them by the foregoing provisions of this section as apart from those provisions would have been exercisable by and incumbent upon the National Gallery Trustees.

### **2 Powers of transfer between the National Gallery and Tate Gallery collections**

- (1) Either of the said two bodies of Trustees may lend or transfer any picture or other work of art to the other.
- (2) The said two bodies of Trustees shall from time to time consult together to consider whether any loans or transfers should be made under this section; and in exercising their powers under this section the said two bodies of Trustees shall have regard to the desirability—
  - (a) of maintaining in the National Gallery a collection of pictures of established merit or significance,
  - (b) of maintaining in the Tate Gallery a collection of British pictures and a collection of modern pictures, and
  - (c) of securing that each picture is in that collection where it will be available and on view in the best context.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Any dispute between the said two bodies of Trustees as to how their powers under this section should be exercised shall be referred to a committee constituted in accordance with the next following subsection who, in deciding the dispute, shall have regard to the principles laid down in subsection (2) of this section; and it shall be the duty of the said two bodies of Trustees to give effect to any decision of the committee on the reference of a dispute.
- (4) The committee shall consist of—
- (a) a chairman appointed by the Treasury after consultation with both bodies of Trustees,
  - (b) the director of the National Gallery and the director of the Tate Gallery, and
  - (c) two persons to be nominated by each of the said two bodies of Trustees from among themselves;
- and neither of those directors nor any of those Trustees shall be qualified to be appointed, or to act as, chairman of the Committee.

### **3 Allocation of gifts and bequests**

- (1) Where any picture or other work of art would, apart from this section, have vested under section three of the National Gallery Act, 1856 (which relates to gifts or bequests where the donor or testator has made no special provision) in the National Gallery Trustees (subject, in the case of a bequest, to the Trustees' power of selection under the proviso to that section), the Treasury may direct that that picture or other work of art shall instead vest in the Tate Gallery Trustees or in one of the institutions listed in the First Schedule to this Act; and thereupon the said power of selection shall be exercisable by the Tate Gallery Trustees or, as the case may be, the institution so nominated by the Treasury.
- (2) In the proviso to the said section three the references to the director of the National Gallery shall be omitted.
- (3) The Treasury may by order contained in a statutory instrument add any institution in the United Kingdom to those listed in the First Schedule to this Act and the reference in the foregoing subsection to that Schedule shall be construed accordingly.
- (4) A draft of any order under this section shall be laid before Parliament and the Treasury shall not make the order unless the draft has been approved by a resolution of each House of Parliament.

### **4 Powers of lending exercisable by National Gallery Trustees and Tate Gallery Trustees**

- (1) Subject to the provisions of this section, the National Gallery Trustees and the Tate Gallery Trustees shall respectively have power to lend pictures or other works of art vested in them—
- (a) for public exhibition, whether in the United Kingdom or elsewhere; or
  - (b) for display—
    - (i) in a public building or official residence in the United Kingdom or elsewhere for the furnishing of which the Minister of Works is responsible; or
    - (ii) in the official residence of the Governor of a colony.

- (2) The said Trustees shall not lend for exhibition or display outside the United Kingdom a picture or other work of art which appears to them to have been executed by a foreign artist before the year seventeen hundred unless the loan has been approved by an order of the Treasury contained in a statutory instrument; and a draft of any such statutory instrument shall be laid before Parliament.
- (3) The number of paintings or other works of art which are at any time on loan under paragraph (b) of subsection (1) of this section shall not exceed—
- (a) in the case of the National Gallery, one-twentieth of the total number of works of art then vested in the Trustees of that Gallery, and
  - (b) in the case of the Tate Gallery, one-tenth of the total number of works of art then vested in the Trustees of that Gallery,
- but the Treasury may from time to time by order increase or reduce either of the fractions mentioned in the foregoing paragraphs.
- An order under this subsection shall be made by statutory instrument a draft of which has been laid before Parliament, and an order increasing either of the said fractions shall not be made unless the draft has been approved by a resolution of each House of Parliament.
- (4) A loan under paragraph (b) of subsection (1) of this section shall require the consent of the Treasury and shall be effected through the Minister of Works.
- (5) Before lending a picture or other work of art under this section, the Trustees shall satisfy themselves—
- (a) that, taking account of its age and material, and, in the case of a picture, of the atmospheric conditions under which it has been kept, it is proper to expose it to the atmospheric changes, vibration and other ordinary incidents attending its removal, and
  - (b) that it will not be exposed to any unnecessary or exceptional hazards,
- and the Trustees shall have particular regard to those considerations in determining the time for which, and conditions subject to which, the loan is made.
- (6) It shall be the duty of the authority responsible for any picture or other work of art while it is displayed under this section in any public building or official residence to afford reasonable opportunities of viewing the picture or other work of art to any applicant who satisfies them that he is a student or engaged in research and that the application is made for the purpose of his studies or researches.
- (7) In the case of a picture or other work of art which has been given or bequeathed, the powers conferred by this section shall not be exercisable—
- (a) until fifteen years have elapsed since the date on which the property passed to the nation, unless the donor or his personal representatives or the personal representatives of the testator, as the case may be, have consented to the exercise of those powers; or
  - (b) in any manner inconsistent with any condition attached to the gift or bequest unless either twenty-five years have elapsed since the said date, or the donor or his personal representatives or the personal representatives of the testator, as the case may be, have consented to the exercise of those powers in that manner.
- (8) In this section the expression " colony " includes a protectorate or protected State within the meaning of the British Nationality Act, 1948, and a United Kingdom trust

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territory as defined in that Act, and the expression " Governor " has the same meaning as in that Act.

- (9) The provisions of this section shall be in substitution for the provisions of the National Gallery (Loan) Act, 1883, and the National Gallery (Overseas Loans) Act, 1935; but nothing in this subsection shall affect the terms of any loan made before the coming into operation of this Act.

## **5 Powers to transfer works of art from Tate Gallery for display elsewhere**

- (1) The Tate Gallery Trustees shall have power to transfer a picture or other work of art vested in them to any institution listed in the First Schedule to this Act.
- (2) In the case of a picture or other work of art which has been given or bequeathed, the powers conferred by this section shall not be exercisable in any manner inconsistent with the gift or bequest unless, in the case of a gift, the donor has consented to the exercise of those powers in that manner; and where a picture or other work of art transferred under this section was subject to any trust or condition in the hands of the Tate Gallery Trustees, it shall be subject to the like trust or condition in the hands of the transferees.
- (3) The reference in this section to an institution listed in the First Schedule to this Act includes a reference to any institution added to that Schedule under section three of this Act.

## **6 Abrogation of power to sell works of art in National Gallery**

The power conferred on the National Gallery Trustees by section one of the National Gallery Act, 1856, to sell pictures and other works of art shall cease to have effect.

## **7 National Gallery collection to be vested in the Trustees without their director**

References to the National Gallery Trustees in section one of this Act shall be taken as references to those Trustees together with the director of the National Gallery but, subject to the provisions of that section, any pictures or other works of art which, immediately before the date of the coming into operation of this Act, were vested in the National Gallery Trustees together with the said director shall on the said date vest in those Trustees alone.

## **8 Short title, repeals and commencement**

- (1) This Act may be cited as the National Gallery and Tate Gallery Act, 1954.
- (2) The enactments set out in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) This Act shall come into operation on such date as the Treasury may by order contained in a statutory instrument appoint.