STATUTORY INSTRUMENTS

1973 No. 416 (N.I. 7)

NORTHERN IRELAND

The Museums (Northern Ireland) Order 1973

Laid before Parliament in draft

Made ... ... 8*th March* 1973

Coming into Operation—
Articles 5, 6, 10, 11 (2), 13 (*in relation to Part II of the Schedule*) *and Part II of the Schedule* 1*st October* 1973

Remainder .. .. .. 1*st April* 1973

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At the Court at Buckingham Palace, the 8th day of March 1973

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 1 (3) of the Northern Ireland (Temporary Provisions) Act 1972 (a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

INTRODUCTORY

Title, commencement and construction

1.—(1) This Order may be cited as the Museums (Northern Ireland) Order 1973.

(2) Articles 5, 6, 10, 11 (2), 13 insofar as it relates to Part II of the Schedule and that Part of the Schedule shall come into operation on 1st October 1973 and the remaining provisions of this Order shall come into operation on the 1st April 1973.

(3) Part III shall be construed as one with the Museum Acts (Northern Ireland) 1961 and 1965 (b) and those Acts and Part III may be cited together as the Museum Acts (Northern Ireland) 1961 to 1973.

(4) Part IV shall be construed as one with the Ulster Folk Museum Acts (Northern Ireland) 1958 and 1967 (c) and those Acts and Part IV may be cited together as the Ulster Folk and Transport Museum Acts (Northern Ireland) 1958 to 1973.

Interpretation and temporary provision

2.—(1) The Interpretation Act (Northern Ireland) 1954 (d) shall apply to Article 1 and the following provisions of this Order as it applies to an Act of the Parliament of Northern Ireland.

(2) So long as section 1 of the Northern Ireland (Temporary Provisions) Act 1972 has effect—

(*a*) subsection (1) (*a*) of that section applies to all functions which are conferred by this Order on the Minister of Education;

(*b*) paragraph 4 (5) of the Schedule to that Act applies to any order which under this Order is subject to affirmative resolution.

(a) 1972 c. 22.
(b) 1961 c. 13 (N.I.); 1965 c. 4 (N.I.).
(c) 1958 c. 7 (N.I.); 1967 c. 13 (N.I.).
(d) 1954 c. 33 (N.I.).

PART II

TRANSFER OF FUNCTIONS

Transfer of functions

3.—(1) Subject to paragraph (2), the functions exercisable immediately before 1st April 1973 (in this Article referred to as "the transfer date") by the Ministry of Finance under or for the purposes of the following provisions, that is to say—

section 5 of the University and Collegiate and Scientific Institutions Act (Northern Ireland) 1938 (a);

the Ulster Folk Museum Acts (Northern Ireland) 1958 and 1967;

the Museum Acts (Northern Ireland) 1961 and 1965;

any provision in force on the transfer date amending or extending any of the above-mentioned provisions;

shall be, and are hereby, transferred to the Ministry of Education.

(2) The functions exercisable immediately before the transfer date by the Ministry of Finance under or for the purposes of section 7 (9) of the Ulster Folk Museum (Amendment) Act (Northern Ireland) 1967 and section 12 (3) of the Museum Act (Northern Ireland) 1961 shall not be transferred to the Ministry of Education by virtue of this Article.

(3) The following provisions of this Article shall apply in relation to transferred functions.

(4) In the construction and for the purposes of any transferred provision (including the provisions mentioned in paragraph (1)), judgment, decree, order, award, deed, contract, regulation, bye law, certificate or other document passed or made before the transfer date, any reference to, or which is to be construed as a reference to, the Ministry of Finance, shall, so far only as may be necessary for the purpose or in consequence of the transfer, be construed as a reference to the Ministry of Education.

(5) The transfer shall not affect any order, regulation, rule, appointment, direction, instruction, approval, requirement or authorisation made or given or other thing done by or in relation to the Ministry of Finance before the transfer date but any such matter shall, if in force immediately before that date continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by or in relation to the Ministry of Education.

(6) Anything commenced before the transfer date by or under the authority of the Ministry of Finance may, so far as it relates to any transferred functions, be carried on or completed on and after the transfer date by or under the authority of the Ministry of Education.

(7) Where on the transfer date any legal proceeding is pending to which the Ministry of Finance is a party, and the proceeding has reference to any of the transferred functions, the Ministry of Education shall be substituted in the proceeding for the Ministry of Finance, and the proceeding shall not abate by reason of the substitution.

(8) All property, rights and liabilities held, used, enjoyed or incurred before the transfer date by the Ministry of Finance in connection with any transferred functions shall as from the transfer date be transferred to the Ministry of Education; and, accordingly, as from that date, by virtue of this Article and without any further conveyance, transfer or assignment—

(a) 1938 c. 18 (N.I.).

(*a*) the said property, real or personal, shall vest in the Ministry of Education;

(*b*) the said rights shall be enjoyed by the Ministry of Education;

(*c*) the said liabilities shall become liabilities of the Ministry of Education.

(9) The Ministry of Education may by order made subject to affirmative resolution make such modifications and adaptations of any transferred provision as may be consequential upon, or may be required for the purpose of giving effect to, the provisions of this Article.

(10) In this Article—

"the transfer date" has the meaning assigned to it in paragraph (1);

"transferred functions" means the functions transferred to the Ministry of Education under this Article;

"the transfer" means the transfer of functions to the Ministry of Education under paragraph (1);

"transferred provision" has the meaning assigned to it by section 1 (*g*) of the Interpretation Act (Northern Ireland) 1954.

(11) References in this Article (except paragraphs (2) and (9)) to a Ministry shall include references to a Minister, but functions, property, rights and liabilities shall not by virtue of this Article be transferred from the Ministry of Finance to the Minister of Education or from the Minister of Finance to the Ministry of Education.

PART III

THE ULSTER MUSEUM

Admission charges and increase of fines

4. In section 2 of the Museum Act (Northern Ireland) 1961 (in this Part referred to as "the Act of 1961")—

(*a*) for paragraph (*f*) of subsection (2) there shall be substituted the following paragraph:—

"(*f*) make such charges for admission to the Museum or any part thereof as the Ministry may approve;";

and in paragraph (*k*) of that subsection the word "other" shall cease to have effect;

(*b*) in subsection (3) (fines for contravention of bye-laws) for the words "five pounds" and "ten shillings" there shall be substituted the words "ten pounds" and "one pound" respectively.

Cesser of Belfast Corporation's contribution to Trustees' expenses

5. The Corporation of the City of Belfast shall not be required to make any contribution to the Trustees of the Ulster Museum in respect of any period after 30th September 1973.

Amendments to the constitution of the Trustees

6. In Schedule 1 to the Act of 1961—

(*a*) for sub-paragraph (1) of paragraph 1 there shall be substituted the following sub-paragraph:—

"(1) The Trustees shall consist of—

(*a*) one person appointed by the Queen's University of Belfast;

(*b*) one person appointed by the New University of Ulster;

(*c*) three persons appointed by the Council of the City of Belfast;

(*d*) nine persons appointed by the Minister of Education.";

(*b*) in paragraph 2 (1) for the words "the Corporation" where they first occur there shall be substituted the words "the Council of the City of Belfast" and for the words "the council of the Corporation" there shall be substituted the words "the Council".

Transfer of Armagh County Museum to the Trustees

7.—(1) Subject to the succeeding provisions of this Article, the Council of the County of Armagh (in this Article referred to as "the Council") and the Trustees of the Ulster Museum may enter into and carry into effect an agreement (in this Article referred to as "the transfer agreement") for the transfer, on such terms and conditions as may be specified in the agreement, by the Council to the Trustees of all such assets and liabilities of the Council held, used, enjoyed or incurred wholly or mainly for the purposes of or in connection with the Armagh County Museum as may be so specified.

(2) The transfer agreement shall be subject to the approval of the Ministry of Finance and the Ministry of Education.

(3) Without prejudice to the generality of paragraph (1), the transfer agreement—

(*a*) shall contain terms and conditions as to the employment by the Trustees of persons who immediately before the date of the execution of the transfer agreement are employed by the Council for purposes wholly or mainly connected with Armagh County Museum, being terms and conditions not less favourable than those which immediately before that date applied to their employment by the Council;

(*b*) may, notwithstanding anything in the Act of 1961, make special provision with respect to the constitution of any Committee appointed to manage the Armagh County Museum.

(4) On and from such date as may be specified in the transfer agreement (in this Article referred to as "the transfer date")—

(*a*) the assets and liabilities referred to in paragraph (1) shall vest, by virtue of this Article and without the necessity of any conveyance, assignment, deed of transfer or other instrument, in the Trustees;

(*b*) references in the Act of 1961 to the Ulster Museum shall, where appropriate and subject to paragraph 3 (*b*), be construed as including references to the Armagh County Museum;

(*c*) the Trustees shall be substituted for the Council for the purposes of any legal proceedings pending immediately before that date in relation to any of the property transferred under the transfer agreement and the proceedings shall not abate by reason of the substitution;

(*d*) in the construction and for the purposes of any enactment, judgment, decree, order, award, deed, contract, regulation, bye-law, certificate or other document passed or made before that date any reference which relates to or affects the Armagh County Museum (other than enactments authorising rates to be levied in connection therewith) shall be construed as a reference to the Trustees so far as is necessary for the purpose or in consequence of the transfer of the Armagh County Museum;

(*e*) all moneys, stocks, shares, estates, interests and securities transferred under the transfer agreement which are standing in the books of any corporation or company, or are entered on any register kept in pursuance of any enactment, in the name of the Council shall, on the request of the Trustees, be transferred into the name of the Trustees.

(5) The transfer effected by virtue of this Article shall not affect any rule, bye-law, appointment, direction, approval, requirement or authorisation made or given or other thing done by the Council in relation to the Armagh County Museum before the transfer date but any such matter shall, if in force immediately before that date, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the Trustees.

(6) Stamp duty shall not be chargeable on, or in connection with the transfer agreement.

(7) Section 9 of the Finance Act (Northern Ireland) 1936 (a) shall not apply to the transfer agreement.

PART IV

THE ULSTER FOLK AND TRANSPORT MUSEUM

The Ulster Folk and Transport Museum

8.—(1) The Ulster Folk Museum shall hereafter be known as the Ulster Folk and Transport Museum and the Trustees of the Ulster Folk Museum shall hereafter be known as the Trustees of the Ulster Folk and Transport Museum.

(2) A reference in any transferred provision to the Ulster Folk Museum or to the Trustees of the Ulster Folk Museum shall be construed as a reference to the Ulster Folk and Transport Museum or to the Trustees of the Ulster Folk and Transport Museum respectively.

(3) In this Article "transferred provision" has the meaning assigned to it by section 1 (*g*) of the Interpretation Act (Northern Ireland) 1954.

Trustees' power to lend property and increase of fines

9. In section 2 of the Ulster Folk Museum Act (Northern Ireland) 1958 (in this Part referred to as "the Act of 1958")—

(*a*) in subsection (2) (*f*) (power to lend movable property for a period of six months) for the words "six months" there shall be substituted the words "twelve months";

(*b*) in subsection (5) (fines for contravention of bye-laws) for the words "five pounds" and "ten shillings" there shall be substituted the words "ten pounds" and "one pound" respectively.

Amendments to the constitution of the Trustees

10. In the Schedule to the Act of 1958—

(*a*) for paragraph 2 there shall be substituted the following paragraph:—

"**2.** The Trustees shall consist of—

(*a*) one person appointed by the Queen's University of Belfast;

(*b*) one person appointed by the New University of Ulster;

(*c*) two persons appointed by the Council of the City of Belfast;

(*d*) four persons appointed by such organisation as appears to the Ministry substantially to represent district councils;

(*e*) seven persons appointed by the Minister of Education.";

(a) 1936 c. 33 (N.I.).

(*b*) in paragraph 5 (a Trustee who is appointed by a body listed and is at the time of appointment a member of the council of a local authority must retire from office of Trustee upon ceasing to be a member of such council) for the list of associations and corporations there shall be substituted the following list—

"The Council of the City of Belfast; and

Any such organisation as is mentioned in paragraph 2 (*d*);"

and for the words "the council of a local authority" there shall be substituted the words "a district council";

(*c*) after paragraph 7 there shall be inserted the following paragraph:—

"7A.—(1) Without prejudice to paragraph 2, the Minister of Education may appoint a person (in this paragraph referred to as "the nominee") in relation to the Trustees and any committee appointed by the Trustees.

(2) The nominee shall have and may exercise the same rights, powers and privileges as any Trustee or any member of any committee appointed by the Trustees has or may exercise, except that he shall not vote at any meeting of the Trustees or of any such committee.

(3) Any expenses incurred by or on account of, the nominee solely in connection with his functions as such shall, to such extent as may be approved by the Ministry, be defrayed by the Ministry.".

Financial contributions to the Trustees

11.—(1) Section 7 of the Ulster Folk Museum (Amendment) Act (Northern Ireland) 1967 (financial contributions of Belfast Corporation, the Ministry and county or county borough councils to the Trustees) shall have effect subject to the following provisions of this Article.

(2) For subsections (1) to (8) there shall be substituted the following subsection:—

"(1) The Ministry may, out of moneys provided by Parliament, pay to the Trustees in respect of each financial year such sum as the Ministry may think proper.".

(3) In subsection (9) (*a*) (limit on the aggregate of payments out of Ulster Land Fund to Trustees to establish and equip Museum) the words from "but the aggregate" to the end of the paragraph shall cease to have effect.

PART V

GENERAL

Expenses of Ministry of Finance or Ministry of Education

12. Any increase attributable to the provisions of this Order in the expenses of the Ministry of Finance or the Ministry of Education which under the Museum Act (Northern Ireland) 1961 or the Ulster Folk Museum Acts (Northern Ireland) 1958 and 1967 are to be defrayed out of moneys provided by Parliament shall be defrayed in like manner as those expenses.

Repeals

13. The enactments set out in columns 1 and 2 of the Schedule (which include certain enactments which are unnecessary or spent) are hereby repealed to the extent and subject to the savings specified in column 3 of the Schedule.

W. G. Agnew.

Article 13.

SCHEDULE

Enactments Repealed

Part I

Repeals having effect on 1st April 1973

Chapter	Short Title	Extent of Repeal
1958 c. 7	The Ulster Folk Museum Act (Northern Ireland) 1958.	In the Schedule, paragraph 6 (1).
1961 c. 13	The Museum Act (Northern Ireland) 1961.	In section 2 (2), in paragraph (*k*), the word "other".
		Section 3 (2).
		Section 8 (1).
		Section 10 (2).
		In Schedule 1, paragraph 4 (1).
1967 c. 13	The Ulster Folk Museum (Amendment) Act (Northern Ireland) 1967.	In section 7—
		in subsection (9) (*a*) the words from "but the aggregate" to the end of the paragraph.
1971 c. 6	The Financial Provisions Act (Northern Ireland) 1971.	Section 4 (2) (*a*).

Part II

Repeals having effect on 1st October 1973

Chapter	Short Title	Extent of Repeal
1958 c. 7	The Ulster Folk Museum Act (Northern Ireland) 1958.	Section 6.
		Section 7 (6).
1961 c. 13	The Museum Act (Northern Ireland) 1961.	Section 11 (2) to (8).
1965 c. 4	The Museum (Amendment) Act (Northern Ireland) 1965.	Section 2.
1967 c. 13	The Ulster Folk Museum (Amendment) Act (Northern Ireland) 1967.	In section 7—
		subsection (12);
		in subsection (13) the words "(4) or ".

Chapter	Short Title	Extent of Repeal
1971 c. 6	The Financial Provisions Act (Northern Ireland) 1971.	Section 4 (1), save that the reference to "that Act" in section 4 (2) (*b*) shall continue to be construed as a reference to the Ulster Folk Museum (Amendment) Act (Northern Ireland) 1967.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order revises the legislation governing the Ulster Museum and the Ulster Folk Museum to take account of the reorganisation of local government and provides for the transfer of Armagh County Museum to the Trustees of the Ulster Museum. The Order also empowers the Ulster Museum to charge for admission, transfers the museums' functions of the Ministry of Finance to the Ministry of Education, changes the name of the Ulster Folk Museum, amends its power to lend property and increases the maximum fines which may be specified in the bye-laws of both Museums.