# EXPLANATORY MEMORANDUM

## The Natural History Museum (Authorised Repositories) Order 2004 No. 1392

Laying Authority and Purpose

1. This explanatory memorandum is laid before Parliament by Command of Her Majesty

2. This memorandum contains information for the Joint Committee on Statutory Instruments.

3. The Department for Culture, Media and Sport is responsible for this Instrument.

Description

4. This Instrument amends the definition of the authorised repository set out in paragraph 4 of Part 2 of the Third Schedule to the British Museum Act 1963. By doing so, this Instrument allows the Natural History Museum to dispose of part of its Wandsworth store site (that part known as 249-251 Merton Road), which is deemed surplus to requirements.

Matters of Special Interest to the joint Committee on Statutory Instruments

5. There are no matters of special interest to the committee.

Legislative Background

6. This Instrument is necessary because the Trustees of the Natural History Museum wish to sell a part of the Museum's Wandsworth store which is now surplus to requirements. Section 10(3) of the British Museum Act 1963 prohibits the Trustees from selling any part of the store because the entire site is designated as an authorised repository under section 10(1) of that Act. However, section 10(2) of the Act allows the Secretary of State to amend the definition of any authorised repository, as set out in Part 2 of the Third Schedule to the Act. To allow the sale to proceed, the Secretary of State must therefore use this power to exclude the part to be sold from the relevant definition.

7. This is the fourth such Instrument made to amend the list of authorised repositories of the Natural History Museum set out in [Part 2 of ]the Third Schedule to the Act.

8. Paragraph 4 of Part 2 of Schedule 3 was added by The British Museum (Natural History)(Authorised Repositories) Order 1982 S.I. 1982/1238 and amended by The Natural History Museum (Authorised Repositories) Orders 1985 S.I.1985/462 and 1995 S.I. 1995/654.

Extent

9. This order extends to the Natural History Museum alone.

10. This Memorandum has been approved by a Minister of State in the Department for Culture, Media and Sport.

European Convention on Human Rights

11. In the view of the Secretary of State for Culture, Media and Sport, the provisions of the Natural History Museum (Authorised Repositories) Order 2004 are compatible with the Convention rights, within the meaning of the Human Rights Act 1998.

Policy Background

12. The British Museum Act 1963 was intended to perform various functions in relation to the British Museum and the Natural History Museum, notably providing for their separation. However, one of the main objectives of the Act was to provide for the use and safekeeping of the museums' respective collections. It was therefore important that the museums should be provided with sufficient storage space. To that end, the Act provides for the designation of particular sites as authorised repositories. Due to the potential significance of any reduction in the storage capacity of either museum, the Act provides that no building or site may be sold by the relevant Trustees whilst it is designated as an authorised repository. Furthermore, no such site or building may lose the status of authorised repository without the consent of the Trustees and of Parliament. At the request of the Trustees, who have decided that part of the Wandsworth repository is now surplus to requirements, the Secretary of State has made this Order to re-define the repository so that the description in the Act no longer covers the surplus part, enabling the Trustees to sell it.

Impact

13. The financial impact of this change will be minimal. However the Natural History Museum will benefit from being able to better manage its estate to suit its needs. We expect the regulatory impact of this Instrument will be negligible and have not therefore produced a Regulatory Impact Assessment.

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