EXPLANATORY MEMORANDUM TO

THE TRANFER OF FUNCTIONS (MUSEUM AND OTHER STAFF) ORDER 2011

2011 No. 1213

1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order transfers certain statutory functions relating to the consent to appointment, and to the terms, conditions, remuneration and allowances, of staff of the Imperial War Museum, the British Museum, the Natural History Museum and the Registrar of Public Lending Right from the Treasury to the Secretary of State for Culture, Olympics, Media and Sport.

2.2 The Order requires consequential amendments to be made to the Imperial War Museum Act 1920 (in respect of the Imperial War Museum), the British Museum Act 1963 (in respect of the British Museum and the Natural History Museum) and the Public Lending Right Act 1979 (in respect of the Registrar of Public Lending Right).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 Section 1 of the Ministers of the Crown Act 1975 provides for the transfer of functions between Ministers. Sections 1 and 2 allow for supplementary and consequential provision (including the amendment of legislation).

4.2 The Imperial War Museum Act 1920, the British Museum Act 1963 and the Public Lending Right Act 1979 set out certain functions that must be exercised by the Treasury in relation to the consent to appointment, and to the terms, conditions, remuneration and allowances, of staff employed by Imperial War Museum, the British Museum, the Natural History Museum and the Registrar of Public Lending Right. For reasons elaborated in paragraph 7 below it is agreed that these functions ought to be exercised by the Secretary of State.

4.3 It is therefore necessary to provide for a transfer of functions from the Treasury to the Secretary of State and to amend: (a) section 2(1)(f) of the Imperial War Museum Act 1920 (consent to appointment, and to terms and conditions, of officers of Board of Trustees of Imperial War Museum); (b) section 6 of the British Museum Act 1963 (functions relating to appointment, and terms and conditions, of staff of British Museum and Natural History Museum); and (c) paragraph 7(4) of the Schedule to the Public Lending Right

Act 1979 (approval in relation to certain directions and determinations by Registrar of Public Lending Right).

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 No statements have been made in this respect, as the Order has no impact.

7. Policy background

- What is being done and why

7.1 In the Coalition Agreement, published May 2010, the Government stated its commitment to give national museums and galleries greater freedoms. As part of this, a number of options to reduce or remove administrative burdens and streamline processes for national museums are being considered.

7.2 The governing Acts for the Imperial War Museum, the British Museum, the Natural History Museum and the Registrar for Public Lending Right, contain certain statutory functions of the Treasury to approve the appointment, remuneration, terms and conditions and allowances for the staff employed by those bodies. The four bodies, being Non-Departmental Public Bodies sponsored by the Department for Culture, Media and Sport, are considered exceptional in requiring formal Treasury approval for determinations relating to staff, rather than the approval of their sponsor department. The proposed transfer of functions will allow the Secretary of State to formally approve staff pay, terms and conditions and allowances at the Imperial War Museum, the British Museum, the Natural History Museum and the Registrar for Public Lending Right.

7.3 This change will assist the Government in delivering its commitment to give greater administrative freedoms by removing an additional level of administration and streamlining the approvals processes in these areas. The proposed change will also bring these bodies in line with most other Non-Departmental Public Bodies.

7.4 The Order has the support of the Treasury.

- Consolidation

7.4 The Department does not intend to consolidate the legislation which is amended by this Order.

8. Consultation outcome

8.1 No public consultations were carried out in relation to this Order.

9. Guidance

9.1 The Department does not intend to issue any guidance alongside this instrument as it is not considered necessary.

10. Impact

10.1 In light of the fact that this instrument simply transfers existing statutory functions from the Treasury to the Secretary of State, the impact on business, charities or voluntary bodies is foreseen to be nil.

10.2 The is no financial impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 There are no plans to perform monitoring or review.

13. Contact

Saima Mirza at the Department for Culture, Media and Sport (Tel: 020 7211 6176 or email: saima.mirza@culture.gsi.gov.uk) can answer any queries regarding the instrument.