

# Museums Bill

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## CONTENTS

### *Scope and interpretation*

- 1 Museums in the United Kingdom to which this Act applies
- 2 Definition of “cultural object”
- 3 Definition of “exchange of cultural objects”
- 4 Definition of “international co-operation”

### *Agreements, proposals and directions*

- 5 Power of trustees to reach agreements
- 6 Power of Secretary of State to make proposals
- 7 Response by trustees to proposal
- 8 Power of Secretary of State to reach agreements
- 9 Power of Secretary of State to issue directions

### *Amendments of other Acts*

- 10 Amendments of Imperial War Museum Act 1920
- 11 Amendments of National Maritime Museum Act 1934
- 12 Amendments of British Museum Act 1963
- 13 Amendments of National Heritage Act 1983

### *Miscellaneous*

- 14 Finance
- 15 Short title and commencement



A

**B I L L**

TO

Clarify the respective responsibilities of trustees and the Secretary of State in terms of international co-operation and the exchange of cultural objects between museums.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

*Scope and interpretation***1 Museums in the United Kingdom to which this Act applies**

The provisions of this Act shall apply to the following museums in the United Kingdom—

- (a) the Armouries; 5
- (b) the British Museum;
- (c) the Imperial War Museum;
- (d) the National Maritime Museum;
- (e) the Natural History Museum;
- (f) the Science Museum; 10
- (g) the Victoria and Albert Museum.

**2 Definition of “cultural object”**

For the purposes of this Act, “cultural object” means any object which is of importance for archaeology, prehistory, history, literature, art or science and which belongs to any of the following categories— 15

- (a) rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;
- (b) objects relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artists and to events of national importance; 20

- (c) products of archaeological excavations (whether regular or clandestine) or of archaeological discoveries;
- (d) elements of historical monuments or archaeological sites which have been dismembered;
- (e) antiquities more than one hundred years old, such as inscriptions, coins and engraved seals; 5
- (f) objects of ethnological interest;
- (g) objects of artistic interest which are –
  - (i) pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand); 10
  - (ii) original works of statuary art and sculpture in any material;
  - (iii) original engravings, prints and lithographs;
  - (iv) original artistic assemblages and montages in any material;
- (h) rare manuscripts and incunabula, books more than one hundred years old, documents and publications of special interest (historical, artistic, scientific or literary), singly or in collections; 15
- (i) postage, revenue and similar stamps, singly or in collections;
- (j) archives, including sound, photographic and cinematographic archives; 20
- (k) articles of furniture and musical instruments more than one hundred years old.

### 3 Definition of “exchange of cultural objects”

- (1) For the purposes of this Act, “exchange of cultural objects” means an agreement under which – 25
  - (a) a museum in the United Kingdom disposes of a cultural object or objects in its collections with the intention of the object or objects being transferred to a museum in a country other than the United Kingdom, and
  - (b) the museum disposing of a cultural object or cultural objects in accordance with paragraph (a) is receiving a cultural object or objects from a museum in the country where the museum receiving the cultural object or objects being transferred in accordance with paragraph (a) is located. 30
- (2) For the purposes of subsection (1), an “agreement” means any agreement which is reached between either the Secretary of State or the trustees of the relevant museum in the United Kingdom, on the one hand, and the Government of, or a museum, museums or public institution in, the relevant country, on the other. 35
- (3) No exchange under this section shall involve the sale by a museum in the United Kingdom of a cultural object in its collections. 40

### 4 Definition of “international co-operation”

- (1) For the purposes of this Act, “international co-operation” means an agreement under which –
  - (a) a museum in the United Kingdom – 45

- (i) disposes of a cultural object or objects in its collections with the intention of the object or objects being transferred to a museum in a country other than the United Kingdom, or
  - (ii) provides a benefit to a museum or museums in a country other than the United Kingdom, 5
- and
- (b) the museum –
    - (i) disposing of a cultural object or objects in accordance with paragraph (a)(i) is receiving a benefit from a museum or museums in the country where the museum or museums receiving the cultural object or objects being transferred in accordance with paragraph (a)(i) is located, or 10
    - (ii) providing a benefit in accordance with paragraph (a)(ii) is receiving –
      - (a) a cultural object or objects from a museum or museums in the country where the museum or museums receiving the benefit in accordance with paragraph (a)(ii) is located, or 15
      - (b) a benefit from a museum or museums in the country where the museum or museums receiving the benefit in accordance with paragraph (a)(ii) is located. 20
- (2) For the purposes of subsection (1), a “benefit” means –
- (a) the loan of a cultural object or objects for a specified period to the museum in receipt of the benefit for public exhibition, or
  - (b) the provision of any service or information which will assist the museum in receipt of the benefit with – 25
    - (i) the care and preservation of objects in the collections,
    - (ii) the promotion of the public’s enjoyment and understanding of objects in the collections,
    - (iii) the provision of education, instruction and advice relating to objects in the collections, 30
    - (iv) research relating to objects in the collections, or
    - (v) the production and publication of books, films or other informative material relating to objects in the collections.
- (3) For the purposes of subsection (1), an “agreement” means any agreement which is reached between either the Secretary of State or the trustees of the relevant museum in the United Kingdom, on the one hand, and the Government of, or a museum, museums or public institution in, the relevant country, on the other. 35
- (4) No international co-operation under this section shall involve the sale by a museum in the United Kingdom of a cultural object in its collections. 40

*Agreements, proposals and directions*

## 5 Power of trustees to reach agreements

- (1) The trustees of a museum specified in section 1 may reach an agreement for international co-operation between the museum of which they are trustees and a museum or museums in a country other than the United Kingdom or for the exchange of cultural objects between the museum of which they are the 45

- trustees and a museum or museums in a country other than the United Kingdom.
- (2) Any agreement reached under this section shall be made in writing and shall specify –
- (a) any cultural object to be transferred from the museum in the United Kingdom, 5
  - (b) the museum or museums in a country other than the United Kingdom to which such objects are to be transferred,
  - (c) any benefit which the museum in the United Kingdom is to provide,
  - (d) the museum or museums in a country other than the United Kingdom to which such benefit is to be provided, 10
  - (e) any cultural object which a museum or museums in a country other than the United Kingdom is to transfer to the museum in the United Kingdom,
  - (f) any benefit which a museum or museums in a country other than the United Kingdom is to provide to the museum in the United Kingdom. 15
- (3) The trustees may not reach any agreement under this section which involves the transfer of a cultural object or objects from the collections of the museum of which they are trustees unless they are satisfied that the following conditions will be met when the cultural object or objects have been transferred to the museum or museums in a country other than the United Kingdom – 20
- (a) that the object or objects will be held in secure conditions and be subject to appropriate care;
  - (b) that the object or objects will be appropriately displayed and that appropriate arrangements will be made for access to the object or objects by scholars, researchers and visitors; and 25
  - (c) that the object or objects will not be sold or otherwise disposed of by the museum or museums in the country other than the United Kingdom.
- (4) The trustees of the museum in the United Kingdom that are a party to an agreement under this section shall make that agreement public as soon as is practicable after the agreement is reached. 30
- 6 Power of Secretary of State to make proposals**
- (1) The Secretary of State may make proposals to the trustees of a museum specified in section 1 relating to a possible agreement for international co-operation or for the exchange of cultural objects. 35
- (2) Any proposal made under this section shall be made in writing and shall specify –
- (a) any cultural object which it is proposed be transferred from the museum in the United Kingdom,
  - (b) the museum or museums in a country other than the United Kingdom to which it is proposed that such objects be transferred, 40
  - (c) any benefit which it is proposed that the museum in the United Kingdom provide,
  - (d) the museum or museums in a country other than the United Kingdom to which it is proposed that such benefit be provided, 45
  - (e) any cultural object or objects which it is proposed that a museum or museums in a country other than the United Kingdom will transfer to the museum in the United Kingdom,

- (f) any benefit which it is proposed that a museum or museums in a country other than the United Kingdom will provide to the museum in the United Kingdom.
- (3) The Secretary of State may not make any proposal under this section which involves the transfer of a cultural object or objects from the collections of a museum in the United Kingdom unless he is satisfied that the following conditions will be met when the cultural object or objects have been transferred to the museum or museums in a country other than the United Kingdom—
- (a) that the object or objects will be held in secure conditions and be subject to appropriate care; 10
  - (b) that the object or objects will be appropriately displayed and that appropriate arrangements will be made for access to the object or objects by scholars, researchers and visitors; and
  - (c) that the object or objects will not be sold or otherwise disposed of by the museum or museums in the country other than the United Kingdom. 15
- 7 Response by trustees to proposal**
- (1) Where the Secretary of State makes a proposal under section 6, the trustees in receipt of the proposal shall respond in writing within a period of six months.
- (2) The response from the trustees shall specify whether or not the museum has reached an agreement under section 5 relating to the matters specified in the proposal. 20
- (3) If the museum has not reached an agreement under section 5 relating to the matters specified in the proposal, the response shall specify the views of the trustees on—
- (a) the reasons why no such agreement has been reached, 25
  - (b) the prospects of reaching such an agreement in a further period of six months.
- 8 Power of Secretary of State to reach agreements**
- (1) Where the trustees of a museum provide a response under section 7 stating that the museum has not reached an agreement under section 5 relating to the matters specified in a proposal made under section 6, the Secretary of State may reach an agreement relating to the exchange of cultural objects or to international co-operation with the Government of, or a museum, museums or public institution in, the relevant country. 30
- (2) The Secretary of State may not reach an agreement under subsection (1) if he is satisfied that—
- (a) such an agreement was not reached by the trustees for good reason, or
  - (b) there is good reason to believe that such an agreement will be reached by the trustees in a further period of six months,
- provided that the Secretary of State may reach an agreement after a further period of six months if no such agreement has been reached by the trustees and he is not satisfied that an agreement was not reached by the trustees for good reason. 40
- (3) The Secretary of State shall not reach an agreement which involves the transfer of a cultural object or objects from the collections of a museum in the United 45

Kingdom under this section unless he continues to be satisfied that the conditions specified in section 6(3) will be met.

- (4) The Secretary shall lay any agreement reached under this section before Parliament as soon as is practicable after the agreement is reached.

## **9 Power of Secretary of State to issue directions** 5

- (1) Where the Secretary of State reaches an agreement under section 8, he may issue a direction in writing to the trustees of the relevant museum in the United Kingdom requiring the trustees to –
- (a) dispose of a cultural object or objects specified in the agreement,
  - (b) secure the transfer of a cultural object or objects disposed of in pursuance of paragraph (a) to a museum or museums in a country other than the United Kingdom specified in the agreement, 10
  - (c) provide a benefit to a museum or museums in a country other than the United Kingdom specified in the agreement,
  - (d) accept into their collections a cultural object or objects from a museum or museums in a country other than the United Kingdom specified in the agreement, 15
  - (e) accept a benefit from a museum or museums in a country other than the United Kingdom specified in the agreement.
- (2) The Secretary of State shall lay any direction issued under subsection (1) before Parliament as soon as is practicable after the direction is issued. 20

### *Amendments of other Acts*

## **10 Amendments of Imperial War Museum Act 1920**

- (1) The Imperial War Museum Act 1920 (c. 16) is amended as follows.
- (2) In section 2 (powers and duties of Board) after paragraph (c), there is inserted – 25
- “(cc) dispose of any object belonging to the Museum to be transferred to a museum or museums in a country other than the United Kingdom pursuant to an agreement reached by the Trustees under section 5 of the Museums Act 2002 (power of trustees to reach agreements);” 30
- (3) After section 2A there is inserted –

### **“2B Duties of Board in respect of directions under the Museums Act 2002**

- (1) Where the Trustees receive a direction from the Secretary of State under section 9 of the Museums Act 2002 (power of Secretary of State to issue directions), the Board, within a period of one year, shall – 35
- (a) dispose of any cultural object or objects belonging to the Museum specified in the relevant agreement,
  - (b) secure the transfer of any cultural object or objects disposed of in pursuance of paragraph (a) to the museum or museums in the country other than the United Kingdom specified in the relevant agreement, 40



- (c) provide the benefit to the museum or museums in the country other than the United Kingdom specified in the relevant agreement,
    - (d) accept into the collections of the Museum any cultural object or objects from the museum or museums in the country other than the United Kingdom specified in the relevant agreement, 5
    - (e) accept any benefit from the museum or museums in the country other than the United Kingdom specified in the relevant agreement.
  - (2) The “relevant agreement” for the purposes of this section is the agreement reached by the Secretary of State under section 8 of the Museums Act 2002 (power of Secretary of State to reach agreements) in respect of which the direction of which the Trustees are in receipt has been issued.”. 10
- 11 Amendments of National Maritime Museum Act 1934** 15
- (1) The National Maritime Museum Act 1934 (c. 43) is amended as follows.
  - (2) In section 2(3) (establishment of Board of trustees and duties of the Board), after paragraph (b), there is inserted –
    - “(bb) dispose of any object vested in them for the purposes of the Museum to be transferred to a museum or museums in a country other than the United Kingdom pursuant to an agreement reached by the Trustees under section 5 of the Museums Act 2002 (power of trustees to reach agreements);”.
  - (3) After section 3 there is inserted –
- “3A Duties of Board in respect of directions under the Museums Act 2002** 25
- (1) Where the Trustees receive a direction from the Secretary of State under section 9 of the Museums Act 2002 (power of Secretary of State to issue directions), the Board, within a period of one year, shall –
    - (a) dispose of any cultural object or objects vested in them for the purposes of the Museum specified in the relevant agreement, 30
    - (b) secure the transfer of any cultural object or objects disposed of in pursuance of paragraph (a) to the museum or museums in the country other than the United Kingdom specified in the relevant agreement,
    - (c) provide any benefit to the museum or museums in the country other than the United Kingdom specified in the relevant agreement, 35
    - (d) accept as having been vested in the Board to be held by the Board for the purposes of the Museum any cultural object or objects from the museum or museums in the country other than the United Kingdom specified in the relevant agreement, 40
    - (e) accept any benefit from the museum or museums in the country other than the United Kingdom specified in the relevant agreement.
  - (2) The “relevant agreement” for the purposes of this section is the agreement reached by the Secretary of State under section 8 of the Museums Act 2002 (power of Secretary of State to reach agreements) in

respect of which the direction of which the Trustees are in receipt has been issued.”.

## 12 Amendments of British Museum Act 1963

- (1) The British Museum Act 1963 (c. 24) is amended as follows.
- (2) After section 5 there is inserted – 5

### “5A Powers and duties of Trustees of the British Museum under the Museums Act 2002

- (1) The Trustees of the British Museum may dispose of any object vested in them and comprised in their collections to be transferred to a museum or museums in a country other than the United Kingdom pursuant to an agreement reached by the Trustees under section 5 of the Museums Act 2002 (power of trustees to reach agreements). 10
- (2) Where the Trustees of the British Museum receive a direction from the Secretary of State under section 9 of the Museums Act 2002 (power of Secretary of State to issue directions), the Trustees, within a period of one year, shall – 15
- (a) dispose of any cultural object or objects vested in them and comprised in their collections specified in the relevant agreement,
  - (b) secure the transfer of any cultural object or objects disposed of in pursuance of paragraph (a) to the museum or museums in the country other than the United Kingdom specified in the relevant agreement, 20
  - (c) provide any benefit to the museum or museums in the country other than the United Kingdom specified in the relevant agreement, 25
  - (d) accept into their collections any cultural object or objects from the museum or museums in the country other than the United Kingdom specified in the relevant agreement,
  - (e) accept any benefit from the museum or museums in the country other than the United Kingdom specified in the relevant agreement. 30
- (3) The “relevant agreement” for the purposes of subsection (2) is the agreement reached by the Secretary of State under section 8 of the Museums Act 2002 (power of Secretary of State to reach agreements) in respect of which the direction of which the Trustees are in receipt has been issued.”. 35
- (3) After section 8 there is inserted –

### “8A Powers and duties of Natural History Trustees under the Museums Act 2002

- (1) The Natural History Trustees may dispose of any object vested in them and comprised in their collections to be transferred to a museum or museums in a country other than the United Kingdom pursuant to an agreement reached by the Trustees under section 5 of the Museums Act 2002 (power of trustees to reach agreements). 40
- 45

- (2) Where the Natural History Trustees receive a direction from the Secretary of State under section 9 of the Museums Act 2002 (power of Secretary of State to issue directions), the Trustees, within a period of one year, shall—
- (a) dispose of any cultural object or objects vested in them and comprised in their collections specified in the relevant agreement, 5
  - (b) secure the transfer of any cultural object or objects disposed of in pursuance of paragraph (a) to the museum or museums in the country other than the United Kingdom specified in the relevant agreement, 10
  - (c) provide any benefit to the museum or museums in the country other than the United Kingdom specified in the relevant agreement,
  - (d) accept into their collections any cultural object or objects from the museum or museums in the country other than the United Kingdom specified in the relevant agreement, 15
  - (e) accept any benefit from the museum or museums in the country other than the United Kingdom specified in the relevant agreement. 20
- (3) The “relevant agreement” for the purposes of subsection (2) is the agreement reached by the Secretary of State under section 8 of the Museums Act 2002 (power of Secretary of State to reach agreements) in respect of which the direction of which the Trustees are in receipt has been issued.”. 25

### 13 Amendments of National Heritage Act 1983

- (1) The National Heritage Act 1983 (c. 47) is amended as follows.
- (2) In section 6(3) (acquisition and disposal of objects), after paragraph (c), there is inserted—
- “(cc) the disposal is an exercise of a power or duty conferred by section 6A of this Act, or”.
- (3) After section 6 there is inserted—

#### “6A Powers and duties of Board under the Museums Act 2002

- (1) The Board may dispose of any object the property in which is vested in them and which is comprised in their collections to be transferred to a museum or museums in a country other than the United Kingdom pursuant to an agreement reached by the Trustees under section 5 of the Museums Act 2002 (power of trustees to reach agreements). 35
- (2) Where the Trustees of the Victoria and Albert Museum receive a direction from the Secretary of State under section 9 of the Museums Act 2002 (power of Secretary of State to issue directions), the Board, within a period of one year, shall— 40
- (a) dispose of any cultural object or objects the property in which is vested in them and which is comprised in their collections specified in the relevant agreement, 45
  - (b) secure the transfer of any cultural object or objects disposed of in pursuance of paragraph (a) to the museum or museums in

- the country other than the United Kingdom specified in the relevant agreement,
- (c) provide any benefit to the museum or museums in the country other than the United Kingdom specified in the relevant agreement, 5
- (d) accept into their collections any cultural object or objects from the museum or museums in the country other than the United Kingdom specified in the relevant agreement,
- (e) accept any benefit from the museum or museums in the country other than the United Kingdom specified in the relevant agreement. 10
- (3) The “relevant agreement” for the purposes of subsection (2) is the agreement reached by the Secretary of State under section 8 of the Museums Act 2002 (power of Secretary of State to reach agreements) in respect of which the direction of which the Trustees are in receipt has been issued.”. 15
- (4) In section 14(3) (acquisition and disposal of objects), after paragraph (c), there is inserted –
- “(cc) the disposal is an exercise of a power or duty conferred by section 14A of this Act, or”. 20
- (5) After section 14 there is inserted –

**“14A Powers and duties of Board under the Museums Act 2002**

- (1) The Board may dispose of any object the property in which is vested in them and which is comprised in their collections to be transferred to a museum or museums in a country other than the United Kingdom pursuant to an agreement reached by the Trustees under section 5 of the Museums Act 2002 (power of trustees to reach agreements). 25
- (2) Where the Trustees of the Science Museum receive a direction from the Secretary of State under section 9 of the Museums Act 2002 (power of Secretary of State to issue directions), the Board, within a period of one year, shall – 30
- (a) dispose of any cultural object or objects the property in which is vested in them and which is comprised in their collections specified in the relevant agreement,
- (b) secure the transfer of any cultural object or objects disposed of in pursuance of paragraph (a) to the museum or museums in the country other than the United Kingdom specified in the relevant agreement, 35
- (c) provide any benefit to the museum or museums in the country other than the United Kingdom specified in the relevant agreement, 40
- (d) accept into their collections any cultural object or objects from the museum or museums in the country other than the United Kingdom specified in the relevant agreement,
- (e) accept any benefit from the museum or museums in the country other than the United Kingdom specified in the relevant agreement. 45

- (3) The “relevant agreement” for the purposes of subsection (2) is the agreement reached by the Secretary of State under section 8 of the Museums Act 2002 (power of Secretary of State to reach agreements) in respect of which the direction of which the Trustees are in receipt has been issued.”. 5
- (6) In section 20(3) (acquisition and disposal of objects), after paragraph (c), there is inserted –  
 “(cc) the disposal is an exercise of a power or duty conferred by section 20A of this Act, or”.
- (7) After section 20 there is inserted – 10

#### “20A Powers and duties of Board under the Museums Act 2002

- (1) The Board may dispose of any object the property in which is vested in them and which is comprised in their collections to be transferred to a museum or museums in a country other than the United Kingdom pursuant to an agreement reached by the Trustees under section 5 of the Museums Act 2002 (power of trustees to reach agreements). 15
- (2) Where the Trustees of the Armouries receive a direction from the Secretary of State under section 9 of the Museums Act 2002 (power of Secretary of State to issue directions), the Board, within a period of one year, shall – 20
- (a) dispose of any cultural object or objects the property in which is vested in them and which is comprised in their collections specified in the relevant agreement,
- (b) secure the transfer of any cultural object or objects disposed of in pursuance of paragraph (a) to the museum or museums in the country other than the United Kingdom specified in the relevant agreement, 25
- (c) provide any benefit to the museum or museums in the country other than the United Kingdom specified in the relevant agreement, 30
- (d) accept into their collections any cultural object or objects from the museum or museums in the country other than the United Kingdom specified in the relevant agreement,
- (e) accept any benefit from the museum or museums in the country other than the United Kingdom specified in the relevant agreement. 35
- (3) The “relevant agreement” for the purposes of subsection (2) is the agreement reached by the Secretary of State under section 8 of the Museums Act 2002 (power of Secretary of State to reach agreements) in respect of which the direction of which the Trustees are in receipt has been issued.”. 40

#### *Miscellaneous*

### 14 Finance

*The following are to be paid out of money provided by Parliament –*

- (a) any expenditure incurred by any Minister of the Crown under this Act; 45

- 
- (b) *any increase attributable to this Act in the sums payable out of money so provided under any other enactment.*

**15 Short title and commencement**

- (1) This Act may be cited as the Museums Act 2002.
- (2) This Act shall come into force on 1 January 2003.



# Museums Bill

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## B I L L

To clarify the respective responsibilities of trustees and the Secretary of State in terms of international co-operation and the exchange of cultural objects between museums.

*Ordered to be brought in by  
Mr Edward O'Hara, Tom Cox,  
Mr Andrew Dismore, Mrs Jackie Lawrence,  
Andy Burnham, Mr Richard Allan and  
Mr Kevin McNamara*

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*Ordered by the House of Commons,  
to be Printed, 5th February 2002.*

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Fax 01603 723000*

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS  
LONDON - THE STATIONERY OFFICE LIMITED

Printed in the United Kingdom by  
The Stationery Office Limited  
£3.00

Bill 92

(710747)

53/1

ISBN 0-215-70078-3

