



Isle of Man

Ellan Vannin

AT 4 of 1959

**MANX MUSEUM AND NATIONAL TRUST
ACT 1959**



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Index

Section	Page
1 Short title	5
1A Main purposes of Act	5
2 Interpretation of terms	5
<i>Constitution</i>	
<hr/>	
3 Continuation of the Trust	7
3A Legal status	7
3B Who comprises the Trust	8
3C Application of particular provisions of Statutory Boards Act 1987	8
<i>Appointment and term of office of trustees</i>	
<hr/>	
3D Minister's appointee	8
3E Appointment of chairperson and other trustees	8
3F Requirements for making appointment recommendation	9
3G Term of office of trustees	9
3H General powers concerning appointments not affected	9
<i>Vice-chairperson</i>	
<hr/>	
3I Vice-chairperson	10
<i>Manx Museum</i>	
<hr/>	
4 [Repealed]	10
5 Manx Museum	10
6 Trust may obtain specimens of birds, fishes, animals, or eggs	11
<i>Ancient Monuments</i>	
<hr/>	
7 Trust to declare ancient monument to which Act shall apply	11
8 Gift, etc, of ancient monument to Trust	11
9 Sale or gift by limited owner	11
10 Guardianship of ancient monuments	11
11 Protection of ancient monuments	12
12 Effect of preservation order	13
13 Notice to owners of such monuments	13
14 Voluntary contributions	13
15 Injury to ancient or historic monument	14

16	Schemes for preserving amenities of ancient monuments	14
17	Power of Trust to enter upon lands	16
18	Service of documents	16
19	Placing of tablets on ancient monuments of historical interest	16
20	Reports of finding of archaeological objects.....	17
21	Restriction of export of archaeological objects.....	17
21A	Restrictions on use of metal detectors	18
22	Prohibition of injury, etc, to archaeological objects.....	19
23	Restriction of excavation for archaeological purposes.....	19
	<i>Manx National Trust</i>	20
24	Powers and duties of Manx Museum and National Trust	20
	<i>General</i>	20
25	Power to acquire real estate, etc	20
25A	Certain property of Trust to be inalienable	21
25B	Power to enter into agreements restricting use of land	22
26	Powers exercisable over Trust	22
26A	Trustees' duty to consult on heritage matters.....	23
27	Power to make, etc, bye-laws	23
28	Trust to be exempt from Income Tax.....	23
29	Ministerial meetings with stakeholders	23
30	Crown rights	24
31	Commencement of Act	24
	<i>Transitional provisions for Manx Museum and National Trust (Amendment) Act 2011</i>	24
32	Definitions for ss 32 to 35	24
33	Appointment of new chairperson and other trustees	24
34	Existing trustees continue until appointments take effect	25
35	Expiry of transitional provisions.....	25
	FIRST SCHEDULE	27
	SECOND SCHEDULE	27
	THIRD SCHEDULE	29
	ENDNOTES	31
	TABLE OF LEGISLATION HISTORY	31
	TABLE OF RENUMBERED PROVISIONS	31
	TABLE OF ENDNOTE REFERENCES	31



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<i>Received Royal Assent:</i>	<i>20 November 1959</i>
<i>Passed:</i>	<i>19 January 1960</i>
<i>Commenced:</i>	<i>19 January 1960</i>

[Repealed]¹

GENERAL NOTES

1. The maximum fines in this Act are as increased by the *Manx Museum Act 1984* Sch and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.
2. References to hard labour are to be construed in accordance with the *Custody Act 1995* Sch 3 para 1.

1 Short title

This Act may be cited for all purposes as the Manx Museum and National Trust Act, 1959.

1A Main purposes of Act

The main purposes of this Act are to —

- (a) provide for the Manx Museum and National Trust (*Thie-tashtee Vannin as y Barrantys Ashoonagh*); and
- (b) promote public confidence in the Trust and its relationship with the Government.²

2 Interpretation of terms

- (1) In the construction of this Act the following expressions shall have, unless inconsistent with the context, the meanings hereby assigned to them (that is to say): —

“**ancient monument**” shall include any monument or group of monuments, and any part or remains of a monument, or group of monuments, the preservation of which is in the opinion of the trust a matter of public interest by reason of the historic, architectural, traditional, artistic, scientific or archaeological interest attaching thereto, and the site of any

such monument or of any remains thereof, and any part of the adjoining land, which may in the opinion of the Trust be required for the purpose of fencing, covering in, or otherwise preserving the monument from injury, or for the purpose of preserving the amenities of a monument or for providing or facilitating access thereto or for the exercise of proper control or management with respect thereto. And shall include any dwelling house, building or erection, and the fittings, furniture and contents thereof illustrative of the mode of life, occupation, habits and customs of the people of this Island in bygone days;

“**appointment recommendation**” has the meaning given under section 3E(1) and (3);³

“**archaeological object**” means any chattel including ancient human and animal remains, whether in a manufactured or partly manufactured or unmanufactured state which by reason of the archaeological interest attaching thereto, or of its association with any Manx historical event or person, has a value substantially greater than its intrinsic (including artistic) value, and notwithstanding the provisions of section 30 of this Act the said expression includes all treasure;⁴

“**chairperson**” means the Trust’s chairperson, appointed under section 3E(1);⁵

“**Council of Ministers appointee**” has the meaning given under section 3E(1);⁶

“**Department**” means the Department of Economic Development;⁷

“**entitled**” means beneficially entitled and the expression “**land**” means land which is the site of an ancient monument whether the land is or is not subject to encumbrance;

“**inspector**” means an inspector of ancient monuments appointed by the Trust;

“**maintenance**” and “**maintain**” shall include the fencing, repairing and covering in of a monument and the doing of any other act or thing which may be required for the purpose of repairing the monument or protecting it from decay or injury or the restoration of the same to its known or assumed original condition when erected, and without prejudice to the generality of the foregoing provisions power to make examination of the monument or open up the monument and make excavations therein for the purpose of examination or otherwise;

“**member**”, of the Department, means a person who, under section 2 of the *Government Departments Act 1987*, is a member of the Department;⁸

“**Minister**” means the Minister for the Department;⁹

“**Minister’s appointee**” has the meaning under section 3D(1);¹⁰

“**monument**” shall include any building, structure or other work, whether above or below the surface of the land, other than an ecclesiastical building for the time being used for ecclesiastical purposes, and any cave or excavation;

“**Museum**” means the land and buildings comprising the Public Museum, Library and Art Gallery comprised in a Conveyance made 25th October 1921 between (1) the Trustees of Henry Bloom Noble deceased and (2) the Government Property Trustees;¹¹

“**owner**” shall include —

- (a) any person entitled for an estate in fee to the possession or receipt of the rents and profits of any land;
- (b) any person entitled under any existing or future will or other instrument for the term of his own life or the life of any other person to the possession or receipt of the rents and profits of any land and tenure;
- (c) the guardians of any minor or the receiver of a mental patient;¹²
- (d) any body corporate or corporation sole or any trustees for charitable public or private persons or purposes in whom any property may be vested;
- (e) the Crown Estate Commissioners, any Department or Statutory Board and any other Government or Tynwald body, Board or committee in whom any property may be vested by Act, order, gift, conveyance or otherwise;¹³

“**the Trust**” means the Manx Museum and National Trust;

“**trustee**” means the Minister’s appointee or a Council of Ministers appointee (including the chairperson).¹⁴

- (2) References in any enactment or other document to the Manx Museum and Ancient Monuments Trustees shall be construed as reference to the Manx Museum and National Trust.
- (3) In this Act —
 - (a) a reference to a function includes a power; and
 - (b) a reference to performing a function includes exercising a power.¹⁵

Constitution

3 Continuation of the Trust

- (1) The Manx Museum and National Trust (*Thie-tashtee Vannin as y Barrantys Ashoonagh*) is continued in existence.
- (2) The Trust may continue to perform its functions under this Act under the name Manx National Heritage (*Eiraght Ashoonagh Vannin*).¹⁶

3A Legal status

The Trust continues to be a body corporate with perpetual succession and to have a common seal.¹⁷

3B Who comprises the Trust

The Trust is comprised of the following persons as its trustees —

- (a) a chairperson;
- (b) at least 8, but no more than 14, other trustees.¹⁸

3C Application of particular provisions of Statutory Boards Act 1987

- (1) Schedule 2 (exercise of functions of Statutory Boards) of the *Statutory Boards Act 1987*, other than paragraphs 1, 3(2)(a), 6 and 7, applies to the Trust and the trustees.
- (2) The provisions applied under subsection (1) apply as if the Trust were a Statutory Board, and with other necessary changes.¹⁹

Appointment and term of office of trustees²⁰

3D Minister's appointee

- (1) The Minister is to appoint one person as a trustee (the “**Minister's appointee**”).
- (2) Only a member of the Department (but not the Minister) can be the Minister's appointee.
- (3) The Minister must tell the Council of Ministers about the appointment, or any change in the appointment, of the Minister's appointee.²¹

3E Appointment of chairperson and other trustees

- (1) The persons who are to be the chairperson and the trustees, other than the Minister's appointee, (each a “Council of Ministers appointee”) are to be appointed by the Council of Ministers on the recommendation (an “appointment recommendation”) of an interview panel.
- (2) The interview panel is comprised of the following persons as its members —
 - (a) the Minister, as its chairperson;
 - (b) the Minister's appointee;
 - (c) two other persons appointed by the Council of Ministers.
- (3) If appointments have been made under subsection (1) and they are still in force, the Trust may recommend (also an “appointment recommendation”) to the Council of Ministers the appointment of further trustees.
- (4) However the Trust can not make an appointment recommendation —
 - (a) for the chairperson; or

- (b) for a person if, were the person to be appointed, a majority of the trustees would be persons recommended under subsection (3).
- (5) Neither the Minister nor a member of Tynwald can be appointed to the interview panel under subsection (2)(c) or be a Council of Ministers appointee.
- (6) Despite subsections (1) and (3), the appointment of a Council of Ministers appointee does not take effect until it is approved by Tynwald.²²

3F Requirements for making appointment recommendation

The following apply for making an appointment recommendation –

- (a) the areas of interest of the Trust and the Department must be considered;
- (b) appropriate professional advice must be obtained.²³

3G Term of office of trustees

- (1) The Minister's appointee –
 - (a) holds office as a trustee at the Minister's will, but goes out of office on ceasing to be a member of the Department or on resignation by written notice to the Minister; and
 - (b) is eligible for reappointment.
- (2) Council of Ministers appointees may be appointed at different times and for different terms.
- (3) A Council of Ministers appointee –
 - (a) may be appointed for any term up to 5 years, but goes out of office on becoming a member of Tynwald or on resignation by written notice to the Council of Ministers; and
 - (b) is eligible for reappointment.
- (4) However, a Council of Ministers appointee can not be appointed as the chairperson or as a trustee for more than 2 consecutive terms.
- (5) Subsection (4) does not prevent a Council of Ministers appointee from being appointed to the following after the 2 consecutive terms end –
 - (a) for the chairperson - as a trustee other than the chairperson;
 - (b) for a trustee other than the chairperson - as the chairperson.²⁴

3H General powers concerning appointments not affected

To avoid any doubt, sections 20 and 22 of the *Interpretation Act 1976* apply for an appointment under section 3D or 3E.²⁵

*Vice-chairperson*²⁶**3I Vice-chairperson**

- (1) The trustees must, by ballot, elect a trustee other than the chairperson or the Minister's appointee (an "eligible trustee") to be the Trust's vice-chairperson.
- (2) Elections for vice-chairperson must be held annually or on any earlier vacancy in that office.
- (3) The office becomes vacant if the person holding it ceases to be an eligible trustee or resigns by written notice to the chairperson.²⁷

*Manx Museum***4 [Repealed]**²⁸**5 Manx Museum**

- (1) The Museum shall be held by the Trust as a Public Museum, Library and Art Gallery and also for any purpose of a historical, scientific, archaeological, ecclesiastical, physical, industrial or educational character with or incidental to a Public Museum, Library or Art Gallery.
- (2) The Trust shall keep the Museum and any additions thereto in good order and repair.
- (3) The Museum shall be used for storing, classifying, and exhibiting objects of art, or of antiquarian, scientific, literary, historical, or educational interest, whether the property of such Trust or of any other person or body.
- (4) All persons or public bodies owning or having the custody or control of articles of any description suitable to be kept, stored, or exhibited in the Museum, are hereby authorised and empowered to transfer the same, either absolutely or on such conditions as they may deem proper, to the Trust, or may, with the consent of the Trust, deposit them on loan.
- (4A) Public records, within the meaning of the *Public Records Act 1999*, may not be transferred to the Trust under subsection (4) above otherwise than on loan and in accordance with section 3 of that Act.²⁹

Museum to be open to the public

- (5) The Museum shall be open to the public on such days and for such hours and subject to such conditions as the Trust may determine, subject to the approval of Tynwald.

- (6) The Trust shall have power to make such reasonable charges as the Trust may determine, for the inspection of any document which has been removed from the General Registry to the Museum under section 6 of the *Public Records Act 1999* or for the supply of a copy of any such document.³⁰
- (7) [Repealed]³¹

6 Trust may obtain specimens of birds, fishes, animals, or eggs

Notwithstanding any enactment to the contrary, it shall be lawful for any person, authorised in writing by the Trust, and acting on their behalf, to take and kill any wild bird, fish, or other animal, or to take the eggs of any wild birds, which may be required by the Trust for the purposes of the Museum, without being liable to any proceedings or penalty for so doing.

Ancient Monuments

7 Trust to declare ancient monument to which Act shall apply

The Trust may, from time to time, by Order, with the consent of the owner, declare that any monument shall be deemed to be an ancient monument to which this Act applies.³²

8 Gift, etc, of ancient monument to Trust

The owner of any ancient monument may by deed or will give, devise or bequeath to the Trust such ancient monument and it shall be lawful for the Trust to accept such gift, devise or bequest if they think it expedient to do so.

9 Sale or gift by limited owner

Any sale, gift, devise or bequest to the Trust of an ancient monument by an owner who is not the owner in fee simple in possession for his own benefit of such property shall include and convey to the Trust the absolute ownership of such ancient monument.

10 Guardianship of ancient monuments

- (1) The owner of any ancient monument may by deed under his hand constitute the Trust guardians of such monument and the Trust may accept such guardianship if they think it expedient to do so.
- (2) Every person deriving title to any ancient monument from, through or under any owner who has constituted the Trust guardians of the monuments under this section shall be bound by the deed executed by the owner for that purpose, notwithstanding that such owner was not the

absolute holder in fee simple in possession of such ancient monument, and the execution of any such deed by any person who was not such absolute owner shall not render him subject to any liability on account of any depreciation of property attributable thereto.

- (3) The owner of an ancient monument of which the Trust are guardians shall, except save as in this Act expressly provided, have the same estate right, title and interest in and to such monument in all respects as if the Trust had not been constituted guardians thereof, but the Trust may maintain such monument and shall for the purposes of such maintenance at all reasonable times have access to such monument by themselves or their workmen for the purpose of inspecting and maintaining it as in this Act defined, and may bring to such monument such materials and do such acts and things as may be required for the maintenance thereof.

11 Protection of ancient monuments

- (1) If the Trust is of opinion that any ancient monument is in danger of destruction or removal or damage from neglect or injudicious treatment, and that the preservation of the monument is of national importance, the Trust may make an order (in this Act referred to as “a preservation order”) placing the monument under the protection of the Trust.
- (2) Where the Trust has reason to believe that any ancient monument is in danger as aforesaid they may themselves, or by any person authorised in writing by them, enter at any reasonable time upon any premises for the purpose of enabling them to determine by inspection of the monument whether it is proper for them to make an order under this section. Provided that unless the Trust consider the inspection of the monument is a matter of immediate urgency, not less than seven clear days’ notice to the occupier of the premises shall be given of their intention so to enter upon them.
- (3) On the making of a preservation order the Trust shall cause a copy of such order to be fixed on some conspicuous part of the monument and shall also cause a copy of the order together with a notice stating the effect thereof to be served upon the owner and upon the occupier of the monument.
- (4) The preservation order shall have effect for a period of eighteen months after the date on which it is made. On the expiration of that period and for a period of one month thereafter the owner or occupier of the premises affected by such order may apply by petition to Tynwald to have such order set aside. If —
 - (a) at the first sitting of Tynwald held after the presentation of such petition or any sitting to which it may be continued or adjourned Tynwald shall not pass a resolution setting the same aside, or

- (b) no such petition is presented within either of the said periods,³³
the monument to which such order refers shall thenceforth vest in the Trust in all respects as if the Trust had been nominated guardians of such monument by the owner thereof.³⁴
- (5) Not less than fourteen days' notice in writing shall be given by the owner and occupier of any ancient monument to the Trust of the sitting of Tynwald at which it is proposed to move for a resolution setting aside a preservation order. And the Trust may appear before Tynwald and be heard in opposition to the resolution to set aside the preservation order. The costs in connection with any such petition shall be in the discretion of Tynwald.

12 Effect of preservation order

While a preservation order is in force the monument to which the order relates shall not be demolished or removed, nor shall any additions or alterations be made thereto, or any work carried out in connection therewith, except with the written consent of the Trust.

13 Notice to owners of such monuments

- (1) The Trust shall from time to time cause to be prepared and published a list containing such monuments as are considered by the Trust as being monuments the preservation of which is of national importance, or should otherwise be included in such list, and shall inform the owners and occupiers of such monuments of their intention and of the penalties which may be incurred by a person guilty of an offence under the next succeeding subsection.
- (2) Where an owner of an ancient monument which is included in any such list of monuments proposes to demolish or remove in whole or in part, structurally alter or make additions to the monument, he shall forthwith give notice of his intention to the Trust and shall not commence any work of demolition, removal, alteration or addition for a period of one month after having given such notice, and any person guilty of a contravention or non-compliance with this provision shall be liable on summary conviction at the suit of the Trust to a fine not exceeding £2,500 or to imprisonment for a term not exceeding one month or to both.
- (3) This section shall not apply to any structure which is occupied as a dwelling house by any person other than a person employed as a caretaker thereof or his family.

14 Voluntary contributions

The Trust shall have power to receive voluntary contributions towards the cost of the maintenance and preservation of any ancient monument and the

amenities of such monument, and to enter into any agreement with the owner of any such monument, or with any other person, as to the maintenance and preservation of the monument and the cost thereof, notwithstanding that the Trust are not the owners or guardians of the monument, and may make regulations relating to any monument as to access or otherwise including the power to make charges for such access in cases where the monument is vested in the Trust.

15 Injury to ancient or historic monument

If any person injures or defaces any monument of which the Trust are the owners or guardians, or which is the subject of a preservation order, that person shall on summary conviction at the suit of the Trust be liable to a fine not exceeding £5,000 and in addition to the fine to pay such sums as the court by which he is tried may think just for the purpose of repairing any damages caused by him, or to imprisonment with or without hard labour for a term not exceeding one month, and for the purpose of this section the owner of an ancient monument of which the Trust are guardians or which is subject to a preservation order shall be liable in all respects as if he were not the owner thereof.

16 Schemes for preserving amenities of ancient monuments

- (1) For the purpose of preserving the amenities of any ancient monument, the Trust may, subject to the provisions of this section, prepare and confirm a scheme (hereafter in this Act referred to as “a preservation scheme”) for any area comprising or adjacent to the site of the monument, being an area to which, in the opinion of the Trust, it is necessary or expedient for that purpose that the scheme should apply.
- (2) Every preservation scheme shall define by reference to a map annexed thereto the area to which the scheme is applicable (hereafter in this Act referred to as “the controlled area”) and may provide for all or any of the following matters (that is to say) —
 - (a) for prohibiting or restricting the construction, erection or execution of buildings, structures and other works above ground within the controlled area, or the alteration or extension of such buildings, structures or works in such manner as materially to affect their external appearance;
 - (b) for prescribing the position, height, size, design, materials, colour and screening, and otherwise regulating the external appearance of buildings, structures and other works above ground within the controlled area;
 - (c) for prohibiting or restricting the felling of trees, quarrying and excavations within the controlled area;

- (d) for otherwise restricting the user of land within the controlled area to such extent as may appear to the Trust to be expedient for the purpose of preserving the amenities of the monument;
 - (e) for such other matters as appear to the Trust to be incidental to or consequential on the foregoing provisions of this section or to be necessary for giving effect to these provisions.
- (3) The provisions of Part I of the Second Schedule to this Act shall have effect with respect to the confirmation, variation and revocation of preservation schemes.
- (4) Nothing in any preservation scheme shall affect any building, structure or other work above ground or any alteration or extension thereof, if it was constructed, erected or executed before the date when notice of intention to confirm the scheme was published in two newspapers printed and circulating in this Isle under Part I of the Second Schedule to this Act, and for the purpose of this provision a building, structure or other work, and any alteration or extension thereof shall be deemed to have been constructed, erected or executed before that date —
 - (a) if its construction, erection or execution was begun before that date; or
 - (b) if and so far as its construction, erection or execution was necessary for the purpose of performing a contract made before that date.
- (5) Any person whose property is injuriously affected by the coming into force of a preservation scheme shall be entitled to obtain compensation in respect thereof from the Trust, subject to the provisions of Part II of the Second Schedule to this Act.
- (6) If any person contravenes any provision of a preservation scheme for the time being in force he shall be liable on summary conviction at the suit of the Trust to a fine not exceeding £100 for every day on which the contravention occurs or continues.³⁵
- (7) If, after any person has been convicted of a contravention of a preservation scheme by reason that any building, structure or other work is not in conformity with the scheme, the contravention continues after the expiration of such period as the court before whom he was convicted may determine, the Trust shall have power to do all such acts as, in their opinion, are necessary for removing so much of the building, structure or work as is not in conformity with the scheme, or for making it conform with the scheme, and any expenses incurred by the Trust in so doing shall be recoverable summarily as a civil debt from the person convicted.
- (8) [Repealed]³⁶

17 Power of Trust to enter upon lands

- (1) Subject as hereinafter provided, an inspector or any person specially authorised in writing in that behalf by the Trust, after giving not less than fourteen days' notice in writing to the occupier of his intention so to do and on production of his authority if so required by or on behalf of the occupier, may enter for the purposes of investigation at all reasonable times upon any land which the Trust have reason to believe contains an ancient monument, and may make excavations in the land for the purposes of examination or may enter and remain for a reasonable time on any land for the purpose of making observations and collecting data and specimens of or relating to natural history, geology or any other matter within the purview of the Trust:

Provided that —

- (a) no person shall, under the powers conferred by this section, enter any dwelling house or any building, park, garden, pleasure ground or other land used for the amenity or convenience of a dwelling house except with the consent of the occupier; and
 - (b) no excavation shall be made under the said powers except with the consent of every person whose consent to the making of the excavation would, apart from this section, be required.
- (2) If any person wilfully obstructs or hinders any person duly authorised by the Trust in the exercise of the powers conferred by this section, he shall be liable on summary conviction at the suit of the Trust to a fine not exceeding £200.

18 Service of documents

- (1) Every document, required or authorised to be served under this Act upon the owner or occupier of an ancient monument, may be served either by delivering it or leaving it at the usual or last known place of abode of the person on whom it is to be served, or by sending it by post as a registered letter addressed to him at his last known place of abode, or, if that cannot be found, by fixing it on some conspicuous part of the monument.
- (2) Any such document may, as the case requires, be addressed to the "owner" or "occupier" of the monument (describing it) without further name or description.

19 Placing of tablets on ancient monuments of historical interest

The Trust may, with the consent of the owner of an ancient monument which is of historical interest, place or cause to be placed on such ancient monument a tablet, plate, inscription, or other notice, stating the facts in relation to such ancient monument which give rise to the historical interest thereof.

20 Reports of finding of archaeological objects

- (1) A person who finds an object which he or she believes or has reasonable grounds for believing is an archaeological object must notify the Trust before the end of the notice period and permit the Trust to inspect, examine or photograph the object.³⁷
- (1A) The notice period is 14 days beginning with —
- (a) the day after the object is found; or
 - (b) if later, the day on which the person who found the object first believes or has reason to believe the object is an archaeological object.³⁸
- (1B) The notification must include —
- (a) the name and address of the person who found the object;
 - (b) the nature and character of the object;
 - (c) details of the time and place at which, and the circumstances in which, the object was found; and
 - (d) any other information requested by the Trust in relation to the object.³⁹
- (2) Every person who finds an archaeological object and —
- (a) fails without reasonable excuse to make a report of such finding in accordance with this section, or
 - (b) makes under this section a report of such finding which is to his knowledge false or misleading in any material respect, or
 - (c) in contravention of this section fails or refuses to give to the Trust information in relation to such archaeological object or the finding thereof, or⁴⁰
 - (d) gives to the Trust information in relation to such archaeological object or the finding thereof which is to his knowledge false or misleading in a material respect,⁴¹

shall be guilty of an offence under this section and shall be liable on summary conviction to custody for not more than 12 months, a fine not exceeding £5,000, or both.⁴²

21 Restriction of export of archaeological objects

- (1) Any person who —
- (a) removes an archaeological object from the Island to the United Kingdom; or
 - (b) exports an archaeological object from the Island to a country outside the United Kingdom; or
 - (c) sells an archaeological object for such removal or export,

without or otherwise than in accordance with a licence issued by the Trust under subsection (2) below, shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding £5,000 or a sum equal to two times the value of the goods, whichever is the greater, or to both.

- (2) The Trust may at their discretion issue to any person a licence to remove from the Island to the United Kingdom or to export from the Island to a country outside the United Kingdom any archaeological object and may make any such licence subject to such conditions and restrictions as they shall think proper.⁴³

21A Restrictions on use of metal detectors

[P1979/46/42]

- (1) If a person uses a metal detector in a protected area without the written consent of the Trust he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

- (2) In this section —

“metal detector” means any device designed or adapted for detecting or locating any metal or mineral in the ground; and

“protected area” means any place which is either —

- (a) the site of an ancient monument or of any monument under the ownership or the guardianship of the Trust by virtue of this Act; or
- (b) situated in an area which the Trust has by order designated as an area of archaeological importance for the purposes of this section.
- (3) An order made by the Trust under subsection (2) above, shall be laid before Tynwald as soon as may be after it is made, and if Tynwald at the sitting before which such order is so laid resolves that the order shall be annulled, the order shall thereupon cease to have effect.
- (4) The Trust may by resolution depute the chairperson or vice-chairperson of the Trust to exercise the power under subsection (2) above, to make an order designating areas of archaeological importance, subject to such conditions, exceptions and qualifications as may be specified in such resolution; and from the date specified in such resolution, the chairperson or vice-chairperson may exercise such power, subject as aforesaid.⁴⁴
- (5) If a person without the written consent of the Trust removes any object of archaeological or historical interest which he has discovered by the use of a metal detector in a protected area he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000 or two times the value of the object, whichever is the greater.

- (6) A consent granted by the Trust for the purposes of this section may be granted either unconditionally or subject to conditions.
- (7) If any person —
 - (a) in using a metal detector in a protected area in accordance with any consent granted by the Trust for the purposes of this section; or
 - (b) in removing or otherwise dealing with any object which he has discovered by the use of a metal detector in a protected area in accordance with any such consent;

fails to comply with any condition attached to the consent, he shall be guilty of an offence and liable, in a case falling within paragraph (a) above, to the penalty provided by subsection (1) of this section, and in a case falling within paragraph (b) above, to the penalty provided by subsection (5) of this section.

- (8) In any proceedings for an offence under subsection (1) above, it shall be a defence for the accused to prove that he used the metal detector for a purpose other than detecting or locating objects of archaeological or historical interest.
- (9) In any proceedings for an offence under subsection (1) or (5) of this section, it shall be a defence for the accused to prove that he had taken all reasonable precautions to find out whether the place where he used the metal detector was a protected area and did not believe that it was.⁴⁵

22 Prohibition of injury, etc, to archaeological objects

- (1) No person shall injure, deface or destroy any archaeological object, nor shall any person alter any archaeological object otherwise than under and in accordance with a licence in that behalf granted under this section.
- (2) The Trust may, if they think fit, issue to any person a licence to alter a specified archaeological object in such manner, to such extent and subject to such conditions as are specified in such licence.
- (3) Every person who injures, defaces, destroys or alters an archaeological object in contravention of this section shall be guilty of an offence under this section, and shall be liable on summary conviction at the suit of the Trust to a fine not exceeding £5,000 or, at the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

23 Restriction of excavation for archaeological purposes

- (1) No person shall without or otherwise than in accordance with a licence issued by the Trust under this section, dig, or excavate, in or under any land (whether with or without removing the surface of the land) for the

purpose of searching generally for archaeological objects or of searching for, exposing or examining any particular structure or thing of archaeological interest known to be or believed to be in or under such land or for any other archaeological purpose.

- (2) The Trust may at their discretion issue to any person a licence to dig or excavate in or under any specified land for any specified archaeological purposes and may insert in any such licence such conditions and restrictions as they shall think proper.
- (3) Any person who digs or excavates in or under any land in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction at the suit of the Trust to a fine not exceeding £2,500.
- (4) Nothing in this section shall apply to or render unlawful digging or excavation in or under any land for or in the course of any agricultural or industrial operation nor shall a licence under this section operate to render lawful the doing of anything which would be unlawful if this section had not been passed.

Manx National Trust

24 Powers and duties of Manx Museum and National Trust

The Trust shall —

- (a) promote the permanent preservation for the benefit of the people of the Isle of Man of lands and tenements (including buildings) of beauty or historic interest and, as regards lands, the preservation (so far as practicable) of their natural aspect, features and animal and plant life; the preservation of buildings of national interest or architectural, historic or artistic interest, and places of national interest or beauty, and the protection and augmentation of the amenities of such buildings and places and their surroundings;
- (b) preserve all furniture and pictures and chattels of any description having national or historic or artistic interest;
- (c) provide access to, and enjoyment of, such buildings, places and chattels by the public, whenever desirable.

General

25 Power to acquire real estate, etc

Subject to section 25A, the Trust shall have power —

- (a) to acquire land and personal estate,
- (b) to hold land and personal estate;

- (c) to take land on lease or letting;
- (d) to let or lease land not immediately required for the purposes of the Trust;
- (e) with the consent of Tynwald, to sell or exchange land;
- (f) to sell or exchange personal estate;
- (g) with the approval of Tynwald, to raise money by borrowing on the security of the trust property or any part thereof, by way of specific mortgage thereof and by charging or appropriating as security for money borrowed the rents, profits or income derivable from the trust property or any part thereof;
- (h) for the purpose of promoting the interests, powers and duties of the Trust, to act as trustees of any charity or endowment whether such charity or endowment was or is established before or after the passing of this Act and to accept real or personal property given to them as a charity or endowment or upon trust for any purposes in connection with the charity or endowment, and may act as sole trustees of any charity or endowment notwithstanding more than one trustee was either originally appointed or substituted and whether such Trustees were appointed by the court or otherwise;
- (i) the Trustees of any charity may transfer or convey to the Trust any real or personal property comprising the assets or endowment thereof for the purpose of promoting the interests, powers and duties of the Trust and the Trust may accept such transfer or conveyance and shall thereafter be the trustees thereof.⁴⁶

25A Certain property of Trust to be inalienable

[P1907/CXXXVI/21; P1939/CXXXVI/12]

- (1) If, after the commencement of this section, the Calf of Man shall become vested in the Trust, it shall be held by the Trust for preservation for the benefit of the people of the Isle of Man in accordance with the objects of the Trust, and shall not be chargeable with any debts or liabilities of the Trust and shall be inalienable.
- (2) The Trust may, in respect of any other lands or tenements (including buildings) which are vested in it (whether so vested before or after the commencement of this section), by order determine that such lands or tenements are proper to be held for the benefit of the people of the Isle of Man, and such lands or tenements shall thereupon be so held by the Trust and shall, while the order is in force, be inalienable.
- (3) An order under subsection (2) above shall not come into operation until it has been approved by Tynwald.

- (4) Subsections (1) and (2) above shall not prevent the exercise of the powers contained in section 25(d) of this Act, in relation to any inalienable lands and tenements if Tynwald is satisfied that such exercise is consistent with the purposes of the Trust and has approved the exercise of those powers.
- (5) Notwithstanding subsections (1) and (2) above, the Trust may grant any easement or right (not including a right to the exclusive possession of the surface) over or in respect of any inalienable lands and tenements, and if such grant be by way of lease the same shall be valid and effectual without the approval of Tynwald.
- (6) For the avoidance of doubt section 28 of the *Interpretation Act 1976* (power to amend or revoke public documents) shall apply to subsection (2) of this section.
- (7) This section shall not prejudice the operation of any enactment relating to the compulsory acquisition of land.⁴⁷

25B Power to enter into agreements restricting use of land

[P1937/LVII/8]

- (1) Where any person is willing to agree with the Trust that any land or any part thereof shall, so far as his interest in the land enables him to bind it, be made subject either permanently or for a specified period to conditions restricting the planning development or use thereof in any manner, the Trust may, if it thinks fit, enter into an agreement with him or accept a covenant from him to that effect.
- (2) The Trust shall have power to enforce such an agreement or covenant against persons deriving title under him in the like manner and to the like extent as if the Trust were possessed of, or entitled to, or interested in, adjacent land and as if the agreement or covenant had been and had been expressed to be entered into for the benefit of that adjacent land.⁴⁸

26 Powers exercisable over Trust

The Trust with respect to the Trust property —

- (a) may plant, drain, level, and otherwise improve and alter, any part or parts of such property, so far as they deem necessary or desirable, and they may make enclosures for these purposes and for the purpose of protecting or renovating turf and for protecting trees and plantations;
- (b) may make and maintain roads, footpaths, and ways over such property, and may make and maintain ornamental ponds and waters on such property;
- (c) may, on such property, erect any necessary buildings, and may maintain and repair such buildings;

- (d) shall, by all lawful means, prevent, resist and abate all enclosures and encroachments upon, and all attempts to enclose or encroach upon such property or any part thereof, or to appropriate or use the same, or the soil, timber, or roads thereof, or any part thereof for any purpose inconsistent with this Act;
- (e) may set apart, from time to time, parts of such property upon which persons may play games or hold meetings or gatherings for athletic sports or may land from boats;
- (f) may make such reasonable charges for the admission of the public to such property, or any part thereof, or for the use by the public of any such property or any part thereof, as they may from time to time determine.

26A Trustees' duty to consult on heritage matters

In performing the Trust's functions relating to the Island's heritage, the trustees must consult with the persons or organisations they consider appropriate.⁴⁹

27 Power to make, etc, bye-laws

- (1) The Trust may from time to time make, revoke and alter bye-laws for the regulation and protection of the trust property, for the prevention of nuisances upon the trust property, and for the preservation of order upon the trust property.
- (2) Any such bye-law may impose penalties for any breach thereof.
- (3) Any such penalties may be recovered, on summary conviction, at the suit of the Trust, or any officer of Police, and shall be added to the General Revenue of the Trust.
- (4) Any bye-laws made, revoked or altered by the Trust under this section shall be subject to the approval of Tynwald.

28 Trust to be exempt from Income Tax

The income derived from any property of the Trust shall be exempt from the provisions of the Income Tax Acts, 1946 and 1958, and any Act amending the same.

29 Ministerial meetings with stakeholders

- (1) The Minister may convene and chair meetings ("stakeholder meetings") with any person whom the Minister considers to be a stakeholder of the Trust in order to discuss any matter relating to the Island's heritage.
- (2) The Minister may participate in the discussion.
- (3) Before convening a stakeholder meeting the Minister may consult the trustees as to —

- (a) the conduct and form of the meeting; or
- (b) the persons he or she proposes to invite to attend.
- (4) The Minister may require all or any of the trustees and the director to attend a stakeholder meeting.
- (5) In this section, “director” means the Trust’s director or, if the Trust has no office of that title, its most senior officer from time to time.⁵⁰

30 Crown rights

Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown, and in particular nothing herein contained authorises the Trust to take, use, or in any manner interfere with, any land, or hereditaments or any rights of whatsoever description belonging to Her Majesty in right of Her Crown, or vested in the Government Property Trustees for the public service of this Isle, without the consent in writing of those Commissioners on behalf of Her Majesty, or the Government Property Trustees, as the case may be, first had and obtained for that purpose.

31 Commencement of Act

This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a Certificate thereof has been signed by the Governor and the Speaker of the House of Keys.

*Transitional provisions for Manx Museum and
National Trust (Amendment) Act 2011⁵¹*

32 Definitions for ss 32 to 35

In sections 32 to 35 —

“**amending Act**” means the *Manx Museum and National Trust (Amendment) Act 2011*;

“**commencement**” means the day on which Royal Assent to the amending Act is announced as mentioned in section 10(1) of the *Interpretation Act 1976*;

“**existing office**” means the offices, under old section 3, of a member of the Trust or of the Chairman or Vice-Chairman of the Trust;

“**new appointment provisions**” means sections 3B and 3D to 3G;

“**old section 3**” means section 3 as in operation before the commencement.

33 Appointment of new chairperson and other trustees

- (1) During the period mentioned in subsection (2) —
 - (a) the Minister must appoint the Minister’s appointee; and

- (b) the Council of Ministers must appoint at least 9 Council of Ministers appointees, one of whom must be appointed as chairperson.
- (2) For subsection (1), the period is –
 - (a) if the Keys is dissolved after the passage, by both the Keys and the Council, of the Bill for the amending Act but before the commencement the period starting on the commencement and ending on the first anniversary of the commencement; or
 - (b) if the Keys is not dissolved during the period mentioned in paragraph (a) the period starting on the first dissolution of the Keys after the commencement and ending on the first anniversary of the dissolution.
- (3) The new appointment provisions apply to the appointments, despite there being existing offices that are still occupied.
- (4) However, the appointments must all take effect on the same day.

34 Existing trustees continue until appointments take effect

- (1) Old section 3 continues to apply to the appointment of a person to, and to the holding of, an existing office until the start of the day (the “changeover time”) on which the appointments under section 33 take effect.
- (2) Each holder of an existing office continues in that office until the changeover time.
- (3) Subsections (1) and (2) apply despite the new appointment provisions and section 3 (tenure of office of members of Statutory Boards) of the *Statutory Boards Act 1987*, as applied under old section 3(2)(e).
- (4) At the changeover time, each existing office holder goes out of that office.
- (5) Subsection (4) does not prevent an existing office holder from holding an appointment mentioned in section 33(1).

35 Expiry of transitional provisions

Sections 32, 33 and 34, this section and the crossheading immediately before section 32 expire on the second anniversary of the commencement.

FIRST SCHEDULE⁵²**SECOND SCHEDULE**

Section 16

PART I*Provisions as to confirmation, variation and revocation of preservation schemes*

1. (1) Before confirming a preservation scheme (hereafter in this Schedule referred to as a “scheme”) the Trust shall cause to be published in two newspapers printed and circulating in this Isle, and in such other manner as they think best for informing persons affected, notice of their intention to confirm the scheme, of the place where copies thereof may be inspected, and of the time (which shall not be less than three months) within which and the manner in which representations with respect to the scheme may be made, and shall cause such notice as aforesaid to be given to every local authority whose area comprises any part of the controlled area.
2. Any person affected by the scheme may, within the time appointed under the last foregoing paragraph for making representations, send to the Trust written objection to the scheme stating the specific grounds of objection and the specific modifications required.
3. The Trust after considering any representations and objections duly made with respect to a scheme, may by order confirm the scheme either with or without modifications:
Provided that —
 - (a) where an objection has been duly made to the scheme by any person appearing to the Trust to be affected thereby and has not been withdrawn, the Trust unless they consider the objection to be frivolous or have modified the scheme as required by the objection, shall, before confirming the scheme, direct a public inquiry to be held as hereinafter provided and consider the report of the person who held the inquiry; and
 - (b) a scheme as so confirmed shall not apply to any area to which it would not have applied if it had been confirmed without modification.
4. Any inquiry under this schedule shall be held in accordance with rules made by the Trust for the purpose, and such rules may contain provisions as to the costs of the inquiry.
5. A scheme when so confirmed shall come into force on such date as may be specified in the order confirming it.

6. A scheme may be varied or revoked by a subsequent scheme and the Trust may by order revoke a scheme if they think in the circumstances that the scheme ought to be revoked.

7. As soon as practicable after the making of an order under this schedule confirming or revoking a scheme the order shall be published in two newspapers printed and circulating in this Isle and in such other manner as the Trust think best for informing persons affected, and a copy of the order shall be sent to every local authority whose area comprises any part of the controlled area.

PART II

Provisions as to compensation

1. No person shall be entitled to compensation in respect of a preservation scheme unless within three months from the date on which the scheme comes into force, or within such further time as the Trust may in special circumstances allow, he makes a claim for the purpose in such manner as the Trust may by regulations prescribe.

2. A person shall not be entitled to compensation by reason of the fact that any act or thing done or caused to be done by him has been rendered abortive by a preservation scheme, if or so far as the act or thing was done after the date on which the Trust published in two newspapers printed and circulating in this Isle notice of their intention to confirm the scheme, or by reason of the fact that the performance of any contract made by him after that date is prohibited by the scheme.

3. Where any provision of a preservation scheme was, immediately before the scheme came into force, already in force by virtue of this or any other Act, no compensation shall be payable by reason of any property being injuriously affected by that provision of the preservation scheme if compensation has been paid, or could have been claimed, or was not payable, by reason of that property having been injuriously affected by the provision already in force.

4. Where any provision of a preservation scheme could, immediately before the scheme came into force, have been validly included in a scheme, order, regulation or bye-law by virtue of any other Act, then —

- (a) if no compensation would have been payable by reason of the inclusion of that provision in the scheme, order, regulation or bye-law, no compensation shall be payable in respect of that provision of the preservation scheme: and
- (b) if compensation would have been so payable, the compensation payable in respect of that provision of the preservation scheme shall not be greater than the compensation which would have been so payable.

5. Any dispute as to whether any property is injuriously affected by a preservation scheme, or as to the amount of the sum which is to be paid as compensation in respect of such a scheme, shall be determined by arbitration under and in accordance with the Arbitration Acts, 1910 to 1935.

THIRD SCHEDULE⁵³

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Long title repealed by Manx Museum and National Trust (Amendment) Act 2011 s 3. Text of long title reproduced below:

“An Act to consolidate and revise the Manx Museum and National Trust Acts, 1886 to 1951.”.

² Section 1A inserted by Manx Museum and National Trust (Amendment) Act 2011 s 4.

³ Definition of “appointment recommendation” inserted by Manx Museum and National Trust (Amendment) Act 2011 s 5.

⁴ Definition of “archaeological object” substituted by Manx Museum Act 1984 s 1 and amended by Treasure Act 2017 s 18.

⁵ Definition of “chairperson” inserted by Manx Museum and National Trust (Amendment) Act 2011 s 5.

⁶ Definition of “Council of Ministers appointee” inserted by Manx Museum and National Trust (Amendment) Act 2011 s 5.

⁷ Definition of “Department” inserted by Manx Museum and National Trust (Amendment) Act 2011 s 5 and amended by SD2014/07.

⁸ Definition of “member” inserted by Manx Museum and National Trust (Amendment) Act 2011 s 5.

⁹ Definition of “Minister” inserted by Manx Museum and National Trust (Amendment) Act 2011 s 5.

¹⁰ Definition of “Minister’s appointee” inserted by Manx Museum and National Trust (Amendment) Act 2011 s 5.

¹¹ Definition of “Museum” amended by Statute Law Revision Act 1997 Sch 1.

¹² Para (c) amended by Statute Law Revision Act 1997 Sch1.

¹³ Para (e) amended by Statute Law Revision Act 1997 Sch 1.

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- ¹⁴ Definition of “trustee” inserted by Manx Museum and National Trust (Amendment) Act 2011 s 5.
- ¹⁵ Subsection (3) inserted by Manx Museum and National Trust (Amendment) Act 2011 s 5.
- ¹⁶ Section 3 substituted by Manx Museum and National Trust (Amendment) Act 2011 s 6.
- ¹⁷ Section 3A inserted by Manx Museum and National Trust (Amendment) Act 2011 s 6.
- ¹⁸ Section 3B inserted by Manx Museum and National Trust (Amendment) Act 2011 s 6.
- ¹⁹ Section 3C inserted by Manx Museum and National Trust (Amendment) Act 2011 s 6.
- ²⁰ Heading inserted by Manx Museum and National Trust (Amendment) Act 2011 s 6.
- ²¹ Section 3D inserted by Manx Museum and National Trust (Amendment) Act 2011 s 6.
- ²² Section 3E inserted by Manx Museum and National Trust (Amendment) Act 2011 s 6.
- ²³ Section 3F inserted by Manx Museum and National Trust (Amendment) Act 2011 s 6.
- ²⁴ Section 3G inserted by Manx Museum and National Trust (Amendment) Act 2011 s 6.
- ²⁵ Section 3H inserted by Manx Museum and National Trust (Amendment) Act 2011 s 6.
- ²⁶ Heading inserted by Manx Museum and National Trust (Amendment) Act 2011 s 6.
- ²⁷ Section 3I inserted by Manx Museum and National Trust (Amendment) Act 2011 s 6.
- ²⁸ S 4 repealed by Statute Law Revision Act 1989 Sch 2.
- ²⁹ Subs (4A) inserted by Public Records Act 1999 Sch 3.
- ³⁰ Subs (6) added by Manx Museum Act 1984 s 3 and amended by Public Records Act 1999 Sch 3.
- ³¹ Subs (7) repealed by Public Records Act 1999 Sch 4.
- ³² S 7 amended by Governor’s General Functions (Transfer) Act 1980 Sch 1.
- ³³ Para (b) inserted by Statute Law Revision Act 1992 Sch 1.
- ³⁴ Subs (4) amended by Statute Law Revision Act 1992 Sch 1.
- ³⁵ Subs (6) amended by Manx Museum Act 1984 Sch.
- ³⁶ Subs (8) repealed by Statute Law Revision Act 1983 Sch 2.
- ³⁷ Subs (1) substituted by Treasure Act 2017 s 18.
- ³⁸ Subs (1A) inserted by Treasure Act 2017 s 18.
- ³⁹ Subs (1B) inserted by Treasure Act 2017 s 18.
- ⁴⁰ Para (c) amended by Treasure Act 2017 s 18.
- ⁴¹ Para (d) amended by Treasure Act 2017 s 18.
- ⁴² Subs (2) amended by Treasure Act 2017 s 18.
- ⁴³ S 21 substituted by Manx Museum Act 1984 s 1.
- ⁴⁴ Sub (4) amended by Manx Museum and National Trust (Amendment) Act 2011 s 7.
- ⁴⁵ S 21 inserted by Manx Museum Act 1984 s 2.
- ⁴⁶ S 25 amended by Manx Museum and National Trust (Amendment) Act 1986 s 3.

⁴⁷ S 25A inserted by Manx Museum and National Trust (Amendment) Act 1986 s 3.

⁴⁸ S 25B inserted by Manx Museum and National Trust (Amendment) Act 1986 s 2.

⁴⁹ Section 26A inserted by Manx Museum and National Trust (Amendment) Act 2011 s 8.

⁵⁰ S 29 inserted by Manx Museum and National Trust (Amendment) Act 2011 s 9.

⁵¹ Sections 32 to 35 and the cross-heading preceding them inserted by Manx Museum and National Trust (Amendment) Act 2011 s 10 until 18/10/2013. The version of section 3 referred to in these sections read as follows—

3 Constitution of Trust

- (1) The Trust shall continue to consist of the following members-
 - (a) [Para (a) repealed by Manx Museum Act 1984 s 5.]
 - (b) one member of the Legislative Council, to be elected by the Legislative Council; [Para (b) substituted by Manx Museum and National Trust (Amendment) Act 1986 s 1.]
 - (c) the Speaker of the House of Keys;
 - (d) one member of the House of Keys, to be elected by the House of Keys; [Para (d) substituted by Manx Museum and National Trust (Amendment) Act 1986 s 1.]
 - (e) one person to be appointed by the Council of the National Trust constituted by the National Trust Acts of the Imperial Parliament;
 - (f) two persons to be from time to time appointed by the Mayor, Aldermen and Burgesses of the Borough of Douglas;
 - (g) one person to be from time to time appointed by each of the following authorities, that is to say: Ramsey Town Commissioners, Castletown Town Commissioners, Peel Town Commissioners;
 - (h) one person to be from time to time appointed by the University of Liverpool;
 - (i) one person to be from time to time appointed by the Isle of Man Education Authority;
 - (j) [Para (j) repealed by Statute Law Revision Act 1997 Sch 2.]
 - (k) one person to be appointed by each of the five societies or institutions selected from time to time by the Trust as representatives of societies or institutions engaged in scientific, artistic, historical or kindred pursuits within this Isle;
 - (l) seven persons to be co-opted by the Trust. [Para (l) amended by Manx Museum and National Trust (Amendment) Act 1986 s 1.]
- (2) With respect to the tenure of office of the members of the Trust, the following provisions shall take effect-
 - (a) to (c) [Paras (a) to (c) repealed by Members of Boards (Miscellaneous Provisions) Act 1976 Sch 2.]
 - (d) if any member of the Trust appointed or elected by any of the various bodies referred to in subsection (1) of this section ceases to be a member of that body or (except in the case of

- representatives of the University of Liverpool and the Council of the National Trust) resides out of the Isle of Man for a continuous period of twelve months, he shall, ipso facto, cease to be a member of the Trust;
- (e) section 3 of the Statutory Boards Act 1987 applies to the Trust as it applies to a Statutory Board. [Para (e) substituted by Council of Ministers Act 1990 Sch 1.]
 - (f) [Para (f) repealed by Statutory Boards Act 1987 Sch 4.]
- (3) With respect to the Trust the following provisions shall take effect —
- (i) the Trust shall continue to be a body corporate by the name of the Manx Museum and National Trust with perpetual succession and a common seal;
 - (ii) the Trust shall elect annually by ballot two of their number to be Chairman and Vice-Chairman respectively and shall also so proceed on any casual vacancy occurring in the office of Chairman or Vice-Chairman by resignation of such office or from any other cause;
 - (iii) Schedule 2 to the Statutory Boards Act 1987 (except paragraphs 1, 6 and 7) applies to the Trust as it applies to a Statutory Board.

⁵² Sch 1 repealed by Statute Law Revision Act 1983 Sch 2.

⁵³ Sch 3 repealed by Statute Law Revision Act 1989 Sch 2.