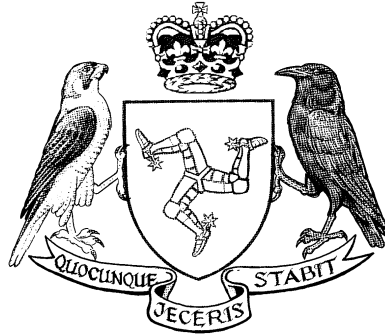


MANX MUSEUM AND NATIONAL TRUST (AMENDMENT) ACT 2011

Arrangement of Sections

Section

1. Short title
2. Act amended
3. Long title repealed
4. New section 1A
5. Section 2 (interpretation of terms) amended
6. Section 3 (Constitution of Trust) substituted
7. Section 21A (restrictions on use of metal detectors) amended
8. New section 26A
9. New section 29
10. New cross-heading and ss 32 to 35



Isle of Man } Signed in Tynwald: 12th July 2011
to Wit } Received Royal Assent: 12th October 2011
Announced to Tynwald: 18th October 2011

AN ACT

to amend the Manx Museum and National Trust Act 1959 about the constitution of the Manx Museum and National Trust, the appointment of persons to offices under that Act and to make further provision about the Trust's functions; and for connected purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

1. The short title of this Act is the Manx Museum and National Trust (Amendment) Act 2011. Short title

2. This Act amends the Manx Museum and National Trust Act 1959. Act amended
[XVIII p.1106]

3. The long title is repealed. Long title repealed

4. After section 1, add — New section 1A
 - 1A. 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

“Main
purposes
of Act

- (b) promote public confidence in the Trust and its relationship with the Government.”.

Section 2
(interpretation
of terms)
amended

5. (1) In section 2(1), insert the following definitions alphabetically —

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

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

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

“Department” means the Department of Community, Culture and Leisure;

[c.13]

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

“Minister” means the Minister for the Department;

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

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

(2) After section 2(2), add —

“(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.”.

Section 3
(Constitution
of Trust)
substituted

6. For section 3, substitute —

“Continuation of the Trust **3.** (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*).

c.16 *Manx Museum and National Trust (Amendment) Act 2011* 497

Legal status **3A.** The Trust continues to be a body corporate with perpetual succession and to have a common seal.

Who comprises the Trust **3B.** 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.

Application of particular provisions of Statutory Boards Act 1987 **3C.** (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. [c.14]

(2) The provisions applied under subsection (1) apply as if the Trust were a Statutory Board, and with other necessary changes.

Appointment and term of office of trustees

Minister's appointee **3D.** (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.

Appointment of chairperson and other trustees **3E.** (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.

Requirements
for making
appointment
recommendation

3F. 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.

Term of
office of
trustees

3G. (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.

General powers concerning appointments not affected **3H.** To avoid any doubt, sections 20 and 22 of the Interpretation Act 1976 apply for an appointment under section 3D or 3E. [c.20]

Vice-chairperson

Vice-chairperson **3I.** (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.”.

7. In section 21A(4), for “Chairman or Vice-Chairman” (both occurrences) substitute “chairperson or vice-chairperson”. Section 21A (restrictions on use of metal detectors) amended

8. After section 26 add — New section 26A

“Trustees’ duty to consult on heritage matters **26A.** In performing the Trust’s functions relating to the Island’s heritage, the trustees must consult with the persons or organisations they consider appropriate.”.

9. After section 28 add — New section 29

“Ministerial meetings with stakeholders **29.** (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.”.

New cross-heading and ss 32 to 35

10. After section 31 add —

“Transitional provisions for Manx Museum and National Trust (Amendment) Act 2011

Definitions for ss 32 to 35

32. 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;

[c.20]

“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.

Appointment of new chairperson and other trustees

33. (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.

Existing trustees continue until appointments take effect

34. (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).

[c.14]

(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).

Expiry of transitional provisions

35. Sections 32, 33 and 34, this section and the cross-heading immediately before section 32 expire on the second anniversary of the commencement.”.