

Manx Museum and National Trust Act, 1959

[8 & 9 ELIZ. II]

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation of terms.

Constitution

3. Constitution of Trust.

Manx Museum

4. Vesting of lands.
5. Manx Museum.
Museum to be open to the public.
6. Trust may obtain specimens of birds, fishes, animals or eggs.

Ancient Monuments

7. Governor to declare ancient monument to which Act shall apply.
8. Gift, etc., of ancient monument to Trust.
9. Sale or gift by limited owner.
10. Guardianship of ancient monuments.
11. Protection of ancient monuments.
12. Effect of preservation order.
13. Notice to owners of such monuments.
14. Voluntary contributions.
15. Injury to ancient or historic monument.
16. Schemes for preserving amenities of ancient monuments.

ii *Manx Museum and National Trust Act, 1959* [8 & 9 ELIZ. II]

17. Power of Trust to enter upon lands.
18. Service of documents.
19. Placing of tablets on ancient monuments of historical interest.
20. Reports of finding of archaeological objects.
21. Restriction of export of archaeological objects.
22. Prohibition of injury, etc., to archaeological objects.
23. Restriction of excavation for archaeological purposes.

Manx National Trust

24. Powers and duties of Manx Museum and National Trust.
25. Power to acquire real estate, etc.
26. Powers exercisable over Trust.
27. Power to make, etc., bye-laws.
28. Trust to be exempt from Income Tax.
29. Repeals.
30. Crown rights.
31. Commencement of Act.

Schedules:—

First Schedule — Repeals.

Second Schedule—Part I: Provisions as to confirmation, variation and revocation of preservation schemes.

Part II: Provisions as to compensation.

Third Schedule — Vesting of real estate.

[8 & 9 ELIZ. II] *Manx Museum and National Trust Act, 1959* 97



Isle of Man) Passed — 20th October, 1959.
to Wit. } Received Royal Assent — 20th November, 1959.
Announced to Tynwald — 19th January, 1960.

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

WE, your Majesty's most dutiful and loyal subjects, the Lieutenant-Governor, Council, Deemsters and Keys of the said Isle, do humbly beseech your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lieutenant-Governor, Council, Deemsters, and Keys, in Tynwald assembled, and by the authority of the same, as follows (that is to say):

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

2. (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):— Interpretation of terms.

"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;

"archaeological object" means any chattel, 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 the said expression includes ancient human and animal remains, but does not include treasure trove;

“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;

“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 described in paragraph one of the Third Schedule to this Act;

“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 committee or receiver of the estate of any person of unsound mind or a mental deficient;
- (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 Commissioners of Crown lands, the Government Property Trustees, the Forestry, Mines and Lands 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;

“ the Trust ” means the Manx Museum and National Trust.

(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.

Constitution

3. (1) The Trust shall continue to consist of the following members—
(a) one person to be nominated by the Governor by Warrant under his hand;
(b) one person to be appointed by the Legislative Council;
(c) the Speaker of the House of Keys;
(d) one member of the House of Keys for each sheading, to be elected by the House of Keys;
(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) one person to be from time to time appointed by the Government Property Trustees from amongst their own members;
(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) five persons to be co-opted by the Trust.
- (2) With respect to the tenure of office of the members of the Trust, the following provisions shall take effect—
(a) the term during which the members (other than the Speaker) shall from time to time hold office shall be five years;
(b) the members of the Trust when this Act comes into operation shall continue to be Trustees until the 31st day of October, 1961, and shall then retire;
(c) a retiring member of the Trust shall on the expiry of his term of office continue to act as a member of the Trust until his successor is nominated, appointed, elected or co-opted;

Constitution
of Trust.

- (d) if any member of the Trust appointed or elected by any of the various bodies referred to in sub-section (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) any casual vacancy in the members of the Trust shall be filled in the same manner as the place vacated, but any person nominated, appointed, elected or co-opted to fill any casual vacancy shall hold office only so long as the person in whose place he is so nominated, appointed, elected or co-opted would have held office;
 - (f) a retiring member of the Trust shall, if qualified, be eligible for re-election.
- (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) the provisions contained in the First Schedule to the Boards of Tynwald Act, 1952 (except paragraphs one and two) shall be incorporated with this Act and apply to the Trust and in construing such Schedule for the purposes of this Act the expression "Board" shall be construed to mean the Trust.

Manx Museum.

Vesting of
lands.

4. The land and buildings described in the Third Schedule to this Act at present vested in the Government Property Trustees are hereby without any conveyance absolutely transferred to and vested in the Trust and its successors.

Manx
Museum.

5. (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.

[8 & 9 ELIZ. II] *Manx Museum and National Trust Act, 1959* 101

(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.

(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. Museum to be open to the public.

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

Ancient Monuments.

7. The Governor 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. Governor to declare ancient monument to which Act shall apply.

8. 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. Gift, etc., of ancient monument to Trust.

9. 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. Sale or gift by limited owner.

10. (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. Guardianship of ancient monuments.

(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.

Protection
of ancient
monuments.

11. (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 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 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.

(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

[8 & 9 ELIZ. II] *Manx Museum and National Trust Act, 1959* 103

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. 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. Effect of preservation order.

13. (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 sub-section. Notice to owners of such monuments.

(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 fifty pounds 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. 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. Voluntary contributions.

15. 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 fifty pounds 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 Injury to ancient or historic monument.

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.

Schemes for preserving amenities of ancient monuments.

16. (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 twenty pounds for every day on which the contravention occurs or continues.

(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) The powers vested in the Isle of Man Local Government Board by Section 6 (b) of the Town and Country Planning Act, 1934, shall not be exercised by that Board in relation to any monument or ancient monument affected by the Act except after consultation with and subject to the approval of the Trust.

17. (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:

Power of Trust to enter upon lands.

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 five pounds.

Service of documents.

18. (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.

Placing of tablets on ancient monuments of historical interest.

19. 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.

Reports of finding of archaeological objects.

20. (1) Every person who finds any archaeological object shall, within fourteen days after he has found such object, make a report of such finding to a member of the police on duty in the district in which such object was found or to an officer of the Trust, and shall when making such report state his own name and address, the nature or character of the said object and the time and place at which and the circumstances in which it was found by him, and shall also, and whether he has or has not made such report as aforesaid, and irrespective of the person to whom he has made such report (if any) give to any member of the police or officer of the Trust on request any information within his knowledge in relation to such object or the finding thereof and shall permit any member of the police or officer of the Trust to inspect, examine or photograph such object.

(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 a member of the police or the officer of the Trust information in relation to such archaeological object or the finding thereof, or
- (d) gives to a member of the police or an officer of 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,

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 ten pounds.

21. (1) It shall not be lawful for any person to export or attempt to export or sell for export any archaeological object without or otherwise than in accordance with a licence issued by the Trust under this section. Restriction of export of archaeological objects.

(2) The Trust may at their discretion issue to any person a licence to export any particular archaeological object and may insert in any such licence such conditions and restrictions as they shall think proper.

(3) Any person who exports or attempts to export or sells for export 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 fifty pounds or, at the discretion of the court, to imprisonment for any term not exceeding six months, or to both such fine and such imprisonment.

22. (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. Prohibition of injury, etc., to archaeological objects.

(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 fifty pounds 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. (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. Restriction of excavation for archaeological purposes.

(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 twenty-five pounds.

(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.

Powers and duties of Manx Museum and National Trust

24. 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.

Power to acquire real estate, etc.

25. 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.

26. The Trust with respect to the trust property—

Powers exercisable over Trust.

- (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.

27. (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.

Power to make etc. bye-laws.

(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.

110 *Manx Museum and National Trust Act, 1959* [8 & 9 ELIZ. II]

Trust to be exempt from Income Tax.

28. 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.

Repeals.

29. (1) The Acts specified in the First Schedule to this Act are hereby repealed: Provided that any regulations, bye-laws, rules, schemes or orders made under any Act hereby repealed shall have effect as if they were regulations, bye-laws, rules, schemes or orders made or given under this Act.

Crown rights.

30. 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.

Commencement of Act.

31. 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.

Schedules

FIRST SCHEDULE

REPEALS

The Museum and Ancient Monuments Act, 1886.
The Manx Museum Library and Art Gallery Act, 1922.
The Manx Museum Library and Art Gallery Act, 1925.
The Ancient Monuments Preservation Act, 1938.
The Manx Museum and Art Gallery Act, 1947.
The Manx Museum and National Trust Act, 1951..

SECOND SCHEDULE

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

[8 & 9 ELIZ. II] *Manx Museum and National Trust Act, 1959* 111

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.

112 *Manx Museum and National Trust Act, 1959* [8 & 9 ELIZ. II]

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 SCHEDULE

Vesting of Real Estate

Nov. 1921/131

1. A parcel of land situate at the North end of Mona Terrace, Finch Road, in the Borough of Douglas and Parish of Onchan ALSO a plot on the South side of the said parcel of land and in the rear and opposite to the dwelling house numbered "13" in Mona Terrace aforesaid ALSO a plot of land situate in the rear and opposite to the dwelling house numbered "12" in Mona Terrace aforesaid with the Museum buildings erected thereon ALSO a parcel of land situate at the North end of Mona Terrace aforesaid WITH the dwelling house and buildings thereon erected and commonly called "Clifton House," all of which said hereditaments were conveyed to the Government Property Trustees by Deed of Conveyance bearing date the Twenty-fifth day of October 1921 from Llewellyn Stanley Kneale, Robert Clucas and George Frederick Clucas, the then Trustees under the Will of Henry Bloom Noble deceased and are delineated and coloured "pink" on the plan annexed to such Deed.

July 1934/106

2. A certain plot of land situate abutting upon the lane in the rear of Mona Terrace and opposite the rear of the dwelling house No. "11" in Mona Terrace in the Borough of Douglas and Parish of Onchan TOGETHER WITH any buildings and premises thereon erected and to which the Government Property Trustees became entitled by Deed of Conveyance bearing date the Twenty-sixth day of June, 1934, from the Trustees of Philip Shimmin and Others.