



CHAPTER iv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to the National Trust for Scotland.

[22nd December 1938.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament:

26 Geo. 5. &
1 Edw. 8.
c. 52.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed.
2. This Act may be cited as the National Trust for Scotland Order Confirmation Act 1938.

Confirmation
of Order in
schedule.

Short title.

SCHEDULE.

THE NATIONAL TRUST FOR SCOTLAND.

Provisional Order to confer further powers upon the National Trust for Scotland for Places of Historic Interest or Natural Beauty and for other purposes.

26 Geo. 5. &
1 Edw. 8.
c. ii.

WHEREAS the National Trust for Scotland for Places of Historic Interest or Natural Beauty (in this Order called "the National Trust for Scotland") was incorporated by the National Trust for Scotland Order 1935 (in this Order called "the Order of 1935"):

And whereas the National Trust for Scotland was established for the general purposes of promoting the permanent preservation for the benefit of the nation of lands and buildings in Scotland of historic or national interest or natural beauty and also of articles and objects of historic or national interest and as regards lands for the preservation (so far as practicable) of their natural aspect and features and animal and plant life and as regards buildings for the preservation (so far as practicable) of their architectural or historic features and contents so far as of national or historic interest:

And whereas the National Trust for Scotland with the generous support of land-owners donors subscribers and others has acquired by purchase gift and otherwise considerable property including lands and buildings as well as articles and objects of historic or national interest and also funds for the restoration preservation and upkeep thereof:

And whereas the use and enjoyment by the public for purposes of recreation resort and education of the lands and buildings as well as of the articles and objects thereon or therein held by the National Trust for Scotland has increased and is increasing:

And whereas with the objects of promoting the preservation of buildings and articles of artistic or

scientific interest and of places of historic or national interest or natural beauty and of protecting improving and augmenting the amenities of such buildings and places and of facilitating access by the public to such buildings places and articles and the use and enjoyment by the public thereof and of reconditioning and carrying out improvements on any of the lands held by the National Trust for Scotland it is expedient that the purposes and powers of the National Trust for Scotland should be extended as by this Order provided :

And whereas in furtherance of the said objects it is expedient to make provision for the conveyance or lease of property to the National Trust for Scotland subject to the reservation in favour of the grantor of such conveyance or lease of an interest for life or other limited interest :

And whereas it is expedient that the other powers contained in this Order should be conferred on the National Trust for Scotland and that the other provisions contained in this Order should be enacted :

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936 :

Now therefore in pursuance of the powers contained in the last mentioned Act the Secretary of State orders as follows :—

1.—(1) This Order may be cited as the National Trust for Scotland Order 1938 and this Order and the National Trust for Scotland Order 1935 may be cited together as the National Trust for Scotland Orders 1935 and 1938.

Short and collective titles and commencement of Order.

(2) This Order shall come into operation on the date of the passing of the Act confirming this Order.

2. In this Order unless there be something in the subject or context repugnant to such construction the following expressions shall have the meanings hereinafter respectively assigned to them (namely) :—

Interpretation.

“The National Trust for Scotland” means the National Trust for Scotland for Places of Historic Interest or Natural Beauty ;

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"The Order of 1935" means the National Trust for Scotland Order 1935;

"The Trust property" includes property of every description whether heritable or moveable and rights and interests of every kind connected therewith from time to time vested in or belonging to or in the custody or the control of the National Trust for Scotland;

"The council" means the council of the National Trust for Scotland appointed in pursuance of the Order of 1935.

Extension of general purposes of National Trust for Scotland.

3. The purposes of the National Trust for Scotland shall be extended so as to include the promotion of—

- (a) The preservation of buildings of architectural or artistic interest and places of historic or national interest or natural beauty and the protection improvement and augmentation of the amenities of such buildings and places and their surroundings;
- (b) The preservation of articles and objects of any description having artistic or antiquarian interest;
- (c) The access to and enjoyment of such buildings places articles and objects by the public;

and all such purposes shall be deemed to be purposes of the Order of 1935.

Extension of powers of National Trust for Scotland.

4. The powers of the National Trust for Scotland shall be extended so as to include—

- (a) The acquisition in any manner (including acquisition by purchase out of any funds applicable for the general purposes of the National Trust for Scotland or available to be invested in the purchase of land) and retention of any lands and buildings and any rights servitudes or interests therein or thereover which in the opinion of the council it may be desirable to hold as investments with a view to the provision out of the rents and profits thereof of funds applicable for the reconditioning

reconstruction restoration maintenance and preservation of any other part of the Trust property or for any particular purpose of the National Trust for Scotland or for its general purposes;

- (b) The acquisition in any manner and retention of any investments (being at the time of acquisition of a nature authorised by the general law for the investment of trust funds or of a nature authorised by the trusts imposed by the donor of the same or of the funds out of which the same shall be acquired) the income whereof shall be applicable (subject to any trusts imposed by the donor or otherwise affecting the same) at the discretion of the council for the reconditioning reconstruction restoration maintenance and preservation of the Trust property or any specified part or parts thereof or for any particular purpose of the National Trust for Scotland or for its general purposes;
- (c) The reconditioning reconstruction and restoration of any parts or portions of the Trust property.

5. Notwithstanding anything contained in section 5 (National Trust for Scotland not to divide profits among its members) of the Order of 1935 it shall be lawful for any member of the National Trust for Scotland by agreement with the National Trust for Scotland to reside in or occupy or make use of any Trust property either at the best rent that could reasonably be obtained or (in the case of any property other than property acquired and held as an investment under paragraph (a) of section 4 (Extension of powers of National Trust for Scotland) of this Order) at a less rent or rent free and also on such other terms and conditions as the council shall think fit to approve.

Occupation of Trust property by member.

6. Notwithstanding anything contained in any Act any county council town council or district council in Scotland or any two or more of them may with the consent of the Secretary of State or of any other Government department or authority whose consent would be required if the intended transaction were a sale by deed

Grants by local authorities.

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convey (whether with or without any purchase price being paid therefor) to the National Trust for Scotland any land or building vested in such council or councils which the National Trust for Scotland has power to acquire and hold and such land or building shall thenceforward be held by the National Trust for Scotland accordingly subject nevertheless to any trusts or restrictions affecting the same.

Power to enter into agreements restricting use of land.

7. Where any person is willing to agree with the National Trust for Scotland 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 being conditions which are in conformity with the purposes of the National Trust for Scotland as defined by the Order of 1935 and this Order the National Trust for Scotland may if it thinks fit enter into an agreement with such person to that effect and if the agreement shall have been recorded in the appropriate register of sasines the National Trust for Scotland shall have power to enforce such agreement against persons deriving title to the land from the person with whom it was entered into :

Provided that no such agreement shall at any time be enforceable against a third party who shall have in bona fide onerously acquired right (whether completed by infestment or not) to the land prior to the agreement being recorded as aforesaid or against any persons deriving title from such third party.

Byelaws.

8.—(1) Section 33 (Byelaws) of the Order of 1935 shall be read and have effect as if at the end thereof the following paragraph were added :—

“(r) For permitting the public or any specified persons or person to view and to make copies or reproductions of any article or object or extracts from any books manuscripts or writings forming part of the Trust property on such terms in all respects as may be from time to time prescribed by the council.”

(2) Section 35 (Byelaws as to buildings) of the Order of 1935 shall apply in respect of any building

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notwithstanding that the same may be open to the public at specified times or for specified periods only.

9. The costs charges and expenses of and incidental to the preparation applying for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the National Trust for Scotland. Costs of Order.

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