

**NATIONAL LIBRARY OF SCOTLAND ACT 1925**  
**1925 c.73**

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An Act to establish a National Library in Scotland on the foundation of the Library gifted for that purpose by the Faculty of Advocates, and for purposes connected therewith.

*[7th August 1925]*

### **Establishment of Library and constitution of Board of Trustees.**

1. – (1) There shall be established and founded in Scotland a library with the name of the National Library of Scotland (in this Act referred to as "the Library"), and for the purpose of managing the Library and for the other purposes of this Act there shall be constituted a Board of Trustees (in this Act referred to as "the Board"), which shall be a body corporate by the name of "The Trustees of the National Library of Scotland," with perpetual succession and a common seal, and power to sue and be sued, and to acquire and hold property for the purposes of the Library and of this Act. Service on the Board of all legal processes and notices shall be effected by service on their secretary.

(2) The Board shall be constituted and their proceedings shall be determined in accordance with the provisions contained in the Schedule to this Act.

(3) Any document purporting to be sealed with the seal of the Board or to be signed in the name of the Board by the chairman or the secretary of the Board or any person authorised by the Board to act in that behalf shall be receivable in evidence of the particulars stated in that document.

### **Powers and duties of Board.**

2. The Board shall have the general management and control of the Library, and for that purpose may–

(a) make, revoke or vary statutes for securing the due administration of the Library and preserving the books and other articles belonging thereto, including statutes regulating admission to the Library;

(b) accept and receive for the purposes of the Library or any of them gifts or bequests of money, books or articles, or any other property;[FN1

(c) dispose of any book or other article belonging to the Library where–

(i) the disposal is of a duplicate book or duplicate article, and is by way of exchange, sale, or gift; or

(ii) the disposal is by way of sale, exchange or gift of a book or article which in the opinion of the Board is not required for the purposes of the Library; or

(iii) the disposal is of a book or article which the Board are satisfied has become useless for the purposes of the Library by reason of damage, physical deterioration, or infestation by destructive organisms]

(d) with the consent of the [FN2 Secretary of State] apply any money received by the Board on the exchange, sale, or disposal of any books or other articles and any moneys received by the Board from any other source and not subject to any specific direction or condition in the purchase of any book or other article which in the opinion of the Board it is desirable to acquire for the Library, or otherwise in defraying any of the expenses of the Board;

(e) lend to any library, gallery, or museum under the control of a public authority or university in Great Britain or to any library, gallery, museum, or [FN3 public exhibition], any duplicate book or other duplicate article belonging to the Library, or any book or other article, not being a duplicate, which can in the opinion of the Board be temporarily removed from the Library without injury to the interests of the students or of the public using the Library:

Provided that, before making any such loan, the Board shall be satisfied that due provision is made for the safety and insurance of the book or other article lent, and for payment of all expenses in connection with the removal and return thereof or otherwise in connection with such loan;

(f) subject as hereinafter provided, . . . [FN4] appoint a librarian and other officers, assistants, or servants on such terms and subject to such conditions as the Board think fit;

(g) subject to the provisions of this Act, do such other things as appear to the Board to be necessary or expedient for furthering the interests and increasing the utility of the Library.

**FN2** Words substituted by virtue of S.I. 1965/603, arts. 2(1), 3(1)(a), Sch.

**FN1** S. 2(c) substituted by National Heritage (Scotland) Act 1985 (c.16, SIF 78), s. 18(1)

FN3 Words substituted by National Heritage (Scotland) Act 1985 (c.16, SIF 78), s. 18(2)

FN4 Words repealed by National Heritage (Scotland) Act 1985 (c.16, SIF 78), ss. 18(3), 24, Sch. 2 Pt. II

**[FN1 Consent of Secretary of State.**

**2A.** – (1) The appointment of the librarian shall be subject to the approval of the Secretary of State.

(2) The terms and conditions on which the librarian, officers, assistants and servants are employed shall be subject to the approval of the Secretary of State **FN2 . . . .]**

FN1 S. 2A inserted by National Heritage (Scotland) Act 1985 (c.16, SIF 78), s. 18(4)

FN2 Words in s. 2(A) repealed (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 13(2), Pt. IV; S.I. 1998/3178, art. 3

**Transfer of Advocates' Library.**

**3.** – (1) On the appointed day there shall by virtue of this Act be transferred from the Faculty of Advocates (hereinafter in this Act referred to as "the Faculty") to the Board the entire contents of the Advocates' Library, with the exception of the Faculty's collection of law books, legal manuscripts and papers, the Faculty Records, and pictures and articles of furniture belonging to the Faculty, and the property so transferred shall, subject to the provisions of this Act, be held by the Board for public use to all posterity.

(2) The transfer hereinbefore in this section provided shall have effect as a full discharge to the Faculty of all duties, obligations and liabilities incumbent on them with respect to the property transferred, whether under any Act of Parliament, charter, trust, gift, bequest, deed, or otherwise.

(3) The Faculty's collection of law books excepted from the aforesaid transfer shall remain vested in the Faculty for the purposes of their Law Library.

(4) Any question which may arise as to what are law books or legal manuscripts and papers, or pictures, or articles of furniture belonging to the Faculty within the meaning of this section shall be determined by the Keeper of the Advocates' Library.

(5) Nothing in this section contained shall affect the rights of any body or person other than the Faculty in or with respect to any book or other article forming part of the contents of the Advocates' Library which has been deposited therein for custody only, or which is not the property of the Faculty.

**Transfer of funds of Endowment Trust.**

**4.** – (1) As soon as conveniently may be after the appointed day, the Trustees of the Endowment Trust shall convey and make over to the Board the funds in their possession as such Trustees, or the investments representing those funds, together with any accumulations of the income of those funds, after deducting–

(a) the amount of any expenses incurred by the said Trustees in the execution and management of their Trust (including the expense of such conveyance); and

(b) any sums which the said Trustees may have applied to the maintenance of the Advocates' Library:

to be held and administered by the Board subject to the provisions of this Act and to any specific direction or condition attaching to any part of those funds.

(2) The receipt of the Board shall have effect as a full discharge to the said Trustees of all their duties, obligations, and liabilities as Trustees of the Endowment Trust, and after the completion of the aforesaid conveyance that trust shall cease to exist.

**Transfer of privilege under Copyright Act 1911 c. 46.**

**5.** – (1) From and after the appointed day, and subject to the provisions of this section, the privilege enjoyed by the Advocates' Library under the Copyright Act 1911, shall be transferred to the Library, . . . . . **[FN1]**

- (2) Copies of law books delivered for the Board as the authority of the Library under the said section as so amended shall be transmitted by the Board to the Faculty.
- (3) The Board shall cause to be inserted in the written demands made for them under the said section as so amended such law books as may be named in writing to them by the Faculty.
- (4) Copies of law books transmitted to the Faculty in pursuance of this section shall vest in the Faculty for the purposes of their Law Library.
- (5) Any question which may arise between the Board and the Faculty as to what are law books within the meaning of this section shall be settled by agreement between their respective librarians, or, if they fail to agree, by the librarian of the Edinburgh University Library for the time being.

FN1 Words amend Copyright Act 1911 (c. 46), s. 15

### **Board and Faculty to make joint regulations.**

6. Regulations shall from time to time be made by the Board and the Faculty jointly—
- (a) for the purposes of the immediately preceding section of this Act; and
  - (b) for facilitating the interchange of books and other articles between the Library and the Law Library of the Faculty; and
  - (c) for facilitating the consultation and use on the one hand of books contained in the Library by the Judges of the Court of Session and the Faculty and on the other hand of books contained in the Faculty's Law Library by the public; and
  - (d) for regulating the borrowing of books from the Library by the existing members of the Faculty, who shall during their respective lifetimes enjoy with respect to the Library as nearly as may be the same right of borrowing books as the existing members of the Faculty enjoy with respect to the Advocates' Library, subject to the payment by the Faculty to the Board of any expense incurred by the Board in consequence of the exercise of this right.

For the purpose of the foregoing provision, the expression "existing members of the Faculty" means all persons who at the date of the passing of this Act are members or intrants of the Faculty or who at that date enjoy by resolution of the Faculty the right of borrowing books from the Advocates' Library.

### **Gifts and bequests to Library.**

7. All books and other articles or money which after the passing of this Act are expressly given or bequeathed to the public or to the nation or to the Board for the purposes of the Library, or given or bequeathed by words showing an intention that the gift or bequest should enure to or for the benefit of the Library, or which are acquired by purchase or otherwise for the purposes of the Library, shall vest in the Board and be held by the Board for the purposes of the Library.

### **Provisions with respect to existing premises. [FN1]**

8. With respect to the premises at present occupied by the Faculty in connection with the Advocates' Library or for the purpose of their professional use (in this section referred to as "the existing premises"), the following provisions shall have effect:— (1) As soon as conveniently may be after the appointed day, and pending the provision of premises for the permanent accommodation of the Library, the Faculty shall make available to the Commissioners of Works for the use of the Board, for the accommodation and the general purposes of the Library, such portion or portions of the existing premises as may not be reasonably required by the Faculty in connection with their Law Library (including future additions to that Library) or for the purpose of their professional use:

- (2) When premises for the permanent accommodation of the Library have been provided, the foregoing provision shall cease to have effect, and the existing premises, as the same may have

been reconstructed, extended and adapted, shall be allocated between the Faculty and the Commissioners of Works for the use of the Board:

(3) Any question as to the portion or portions of the existing premises to be made available as aforesaid, or as to the subsequent allocation of the existing premises shall be settled by agreement between the Faculty and the Commissioners of Works, or, if they fail to agree, by the Lord President of the Court of Session:

(4) No rent or other consideration in money shall be payable to the Faculty in respect of the occupation by the Commissioners of Works for the use of the Board of the portion or portions of the existing premises made available by the Faculty as aforesaid: Provided that any expenses of the reconstruction, extension or adaptation of the said portion or portions for the use of the Board, or of the re-adaptation thereof, for the use of the Faculty, or of the repair, maintenance and insurance thereof during the occupation as aforesaid by the Commissioners of Works shall be borne by the Commissioners of Works who shall also pay all rates and taxes leviable on the said portion or portions with respect to the period of such occupation.

**FN1** Functions of Commissioners of Works now exercisable by Secretary of State and property transferred to Secretary of State for the Environment: S.R. & O. 1945/991 (Rev. XV, p. 232: 1945 I, p. 1414), art. 1, S.I. 1962/1549 and 1970/1681, art. 2

#### **Agreement for purposes of Act. [FN1]**

**9.** Subject to the provisions of this Act, the Faculty, the Board and the Commissioners of Works, or any two of them, may make and carry into effect any agreement which may be necessary for giving effect to the provisions of this Act.

**FN1** Functions of Commissioners of Works now exercisable by Secretary of State and property transferred to Secretary of State for the Environment: S.R. & O. 1945/991 (Rev. XV, p. 232: 1945 I, p. 1414), art. 1, S.I. 1962/1549 and 1970/1681, art. 2

#### **10. [FN1]**

**FN1** S. 10 repealed by National Heritage (Scotland) Act 1985 (c.16, SIF 78), s. 24, Sch. 2 Pt. II

#### **Interpretation. [FN1]**

**11.** In this Act, unless the context otherwise requires,—

The expression "the appointed day" means such day as may be fixed by Order of His Majesty in Council, either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act;

The expression "the Endowment Trust" means the Scottish National Library Endowment Trust, constituted by a trust deed by the Right Honourable The Viscount Novar and others, dated the fifth, sixth, seventh and fourteenth, and registered in the Books of Council and Session the nineteenth, all days of March, in the year nineteen hundred and twenty-three;

The expression "the Faculty" means the Faculty of Advocates, and in reference to the acquisition, holding or disposal of heritable property includes the treasurer of the Faculty or any other person or persons acting on behalf of the Faculty.

**FN1** 26.10.1925 appointed under s. 11 for all purposes and provisions by S.R. & O. 1925/1026 (Rev. XVI p. 553: 1925, p. 1210)

#### **Short title.**

**12.** This Act may be cited as the National Library of Scotland Act 1925.

*Transitory Provisions.*

**First meeting of Board.**

**13. – (1)–(3) . [FN1]**

(4) Until otherwise provided by regulation of the Board, nine members present at any meeting of the Board shall be a quorum, and the proceedings at the first meeting shall not be invalidated by the circumstance that the full number of appointed members of the Board have not been appointed.

(5) At the first meeting of the Board or at any adjournment thereof the members present shall proceed to co-opt five Trustees in accordance with the provisions of the Schedule to this Act, and to make regulations with respect to the subsequent meetings and procedure of the Board.

[FN1] S. 13(1)—(3) repealed by Statute Law Revision Act 1950 (c. 6)

**14. [FN1]**

[FN1] S. 14 repealed by Superannuation Act 1972 (c. 11), Sch. 7 paras. 1—3, Sch. 8

**SCHEDULE**

Sections 1 and 13.

[FN1]

**1.1** The Board shall consist of thirty-two members, of whom eleven shall be ex-officio members, sixteen shall be appointed as hereinafter provided, and five, being persons of eminence in literature or public life, not otherwise members of the Board, shall be co-opted by the Trustees.

The ex-officio members shall consist of the following persons:—

The Lord President of the Court of Session;

The Lord Advocate;

[FN2 A member of the Scottish Executive];

The Dean of the Faculty of Advocates;

The Minister of the High Kirk (St. Giles), Edinburgh;

[FN2 The Member of the Scottish Parliament for Edinburgh Central];

The Lord Provost of Edinburgh;

The Lord Provost of Glasgow;

The Lord Provost of Dundee;

The Lord Provost of Aberdeen;

The Queen's and Lord Treasurer's Remembrancer.

Of the appointed members:—

Five shall be persons appointed by Her Majesty on the recommendation of the Secretary of State, one of whom at least shall be representative of organised labour;

Five shall be persons appointed by the Faculty;

Four shall be persons appointed jointly by the Scottish universities; and

Two shall be persons appointed by the Convention of Scottish Local Authorities.]

**FN1** Sch. para. 1 substituted by the National Heritage (Scotland) Act 1985 (c.16, SIF 78), s. 18(5)

**FN2** Words in Sch. 1 para. 1 substituted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 13(3)(a); S.I. 1998/3178, art. 3

2. The members of the Board appointed by His Majesty shall hold office during His Majesty's pleasure, and one of those members, nominated by His Majesty in that behalf, shall act as chairman of the Board.

The period of office of the other appointed members and of the co-opted members of the Board shall be five years from the date of appointment, or from the date on which the appointment is expressed to take effect: Provided that, in the case of the five members appointed by the Faculty, and in the case of the five co-opted members, the first appointments shall be for the respective periods of one, two, three, four and five years; and that, in the case of the four members appointed by the Senatus Academicus of the Universities, the first appointments shall be for the respective periods of one, two, three, and four years, in the order of the seniority of the Universities; and the periods of office of the members first appointed or first co-opted as aforesaid shall determine accordingly.

3. If any vacancy occurs by death, resignation, or any other cause other than effluxion of time, the vacancy shall be filled by His Majesty, or by the appropriate appointing body, or by the Trustees, as the case may be, and a person so appointed or co-opted to fill a vacancy shall hold office so long only as the member in whose place he is appointed or co-opted would have held office.

4. Any Trustee ceasing to hold office shall be eligible to be again appointed or co-opted.

5. The Board may appoint one of the Trustees to be vice-chairman of the Board, and in the absence of the chairman, the vice-chairman shall preside at meetings of the board. In the absence of the chairman and vice-chairman, the Trustees present at a meeting may appoint one of their number to preside thereat. The chairman, vice-chairman, or Trustee presiding at any meeting shall have a casting as well as a deliberative vote.

6. The Board may make regulations—

(a) for issuing notices relating to the appointment (other than the first appointments) of members of the Board, and for convening meetings (other than the first meeting) of the Board; and

(b) for regulating the proceedings (including the quorum) of the Board; and

(c) for enabling the Board to constitute committees, and to include as members of committees persons who are not members of the Board; and

(d) for authorising the delegation to committees of all or any of the powers of the Board (other than the power to acquire or dispose of land), and for regulating the proceedings (including the quorum) of committees.

7. The powers of the Board may be exercised notwithstanding any vacancy in their number.

[FN1

8. – (1) The Board shall keep proper accounts and proper records in relation to them.

(2) The Board shall prepare, in accordance with best commercial practice, a statement of accounts in respect of each financial year.

(3) The statement shall comply with any directions given by the Secretary of State FN2 . . . as to the information to be contained in the statement, the manner in which the information is to be presented or the methods and principles according to which the statement is to be prepared.

(4) The Board shall send the statement to the Secretary of State at such time as he may direct.

(5) The Secretary of State shall, FN3 . . . , send to the [FN4 Auditor General [FN5 for auditing] for Scotland ] the statement prepared by the Board under sub-paragraph (2) for the financial year last ended.

[FN6] (6) .....  
(7) In this paragraph "financial year" means the period of 12 months ending with 31st March each year. ]

**FN1** Sch. para. 8 added by National Heritage (Scotland) Act 1985 (c.16, SIF 78), s. 18(6)

**FN2** Words in Sch. para. 8(3) repealed (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 13(3)(b), Pt. IV; S.I. 1998/3178, art. 3

**FN4** Words in Sch. para. 8(5) substituted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 13(3)(c); S.I. 1998/3178, art. 3

**FN3** Words in Sch. para. 8(5) repealed (S.) (1.4.2000) by 2000 asp 1, s. 26, Sch. 4 para. 2(a); S.S.I. 2000/10, art. 2(3)

**FN5** Words in Sch. para. 8(5) inserted (S.) (1.4.2000) by 2000 asp 1, s. 26, Sch. 4 para. 2(a); S.S.I. 2000/10, art. 2(3)

**FN6** Sch. para. 8(6) repealed (S.) (1.4.2000) by 2000 asp 1, s. 26, Sch. 4 para. 2(b); S.S.I. 2000/10, art. 2(3)