

# NATIONAL HERITAGE (SCOTLAND) ACT 1985

1985 C. 16

[extracts relating to the National Library of Scotland]

## ARRANGEMENT OF SECTIONS

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### SCHEDULE 2

#### PART II REPEALS

An Act to transfer responsibility for the Royal Scottish Museum and the National Museum of Antiquities of Scotland to a new Board of Trustees of the National Museums of Scotland, to establish a Board of Trustees of the Royal Botanic Garden, Edinburgh, to make provision as to the status, functions and powers of the new Boards, and as to the property to be held by them, to make further provision as to the Boards of Trustees of the National Galleries of Scotland and the National Library of Scotland, to confer on the Secretary of State power to make grants for cultural and scientific purposes, to amend the Public Records (Scotland) Act 1937 and the Historic Buildings and Ancient Monuments Act 1953 and for connected purposes.

[4th April 1985]

[FN1]

Be it enacted by the Queen'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:—

FN1 Act partly in force at Royal Assent see s. 25(1); Act wholly in force at 1.4.1986.

## **PART IV**

### **THE NATIONAL LIBRARY OF SCOTLAND**

#### **Provisions as to National Library of Scotland.**

**18.** The [FN1] National Library of Scotland Act 1925 shall be amended as follows—

(1) For paragraph (c) of section 2 (which relates to the powers and duties of the Board of Trustees), there shall be substituted the following—

" (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"

(2) In paragraph (e) for the words "exhibition approved for the purposes of this provision by the Secretary of State" there shall be substituted the words "public exhibition".

(3) In paragraph (f) the words "and with the consent of the Secretary of State" shall cease to have effect.

(4) After section 2 there shall be inserted—

" 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 given with the Treasury's consent."

(5) For paragraph 1 of the Schedule there shall be substituted—

" 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;

The Secretary of State;

The Dean of the Faculty of Advocates;

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

The Member of 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."

(6) At the end of the Schedule there shall be added the following paragraph—  
" 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 with the Treasury's consent 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, on or before 31st August in any year, send to the Comptroller and Auditor General the statement prepared by the Board under sub-paragraph (2) for the financial year last ended.
- (6) The Comptroller and Auditor General shall examine, certify and report on the statement sent to him under sub-paragraph (5) and shall lay copies of it and of his report before each House of Parliament.
- (7) In this paragraph "financial year" means the period of 12 months ending with 31st March each year."

**FN1** 1925 c. 73.

## **PART V**

### **PUBLIC RECORDS**

#### **Amendment of Public Records (Scotland) Act.**

**19.** — (1) In the [FN1] Public Records (Scotland) Act 1937, in subsection (2) of section (7) (which relates to the Advisory Council)—

(a) the words ", including the chairman," shall be inserted after the words "aforesaid Council"; and

(b) the words from "Provided that" to the end shall cease to have effect.

(2) After section 11 there shall be inserted the following section—  
" Powers of Keeper.

11A. Without prejudice to any other power he may have under this or any other enactment, the Keeper may—

(a) accept responsibility for the safe keeping of records other than public records; and

(b) acquire records and accept gifts and loans of records."

(3) For subsection (3)(b) of section 12 (which relates to the disposal of documents) there shall be substituted—

" (b) the disposal by destruction of any records of older date than the year 1707."

**FN1** 1937 c. 43.

## PART VI

### MISCELLANEOUS AND GENERAL

[FN1] 20.....

FN1 S. 20 repealed (1.4.2000) by 1997 c. 29, s. 33(2), Sch. 4; S.I. 1998/2329, art. 3

#### **Amendment of Historic Buildings and Ancient Monuments Act 1953.49.**

**21.** – (1) The [FN1] Historic Buildings and Ancient Monuments Act 1953 shall be amended as provided in this section.

(2) In section 5 (acquisition by the Minister of historic buildings, their contents and adjoining land) after subsection (2) there shall be inserted the following subsection–  
" (2A) Subject as aforesaid, the Minister shall have power to acquire by agreement, whether by purchase, lease or otherwise, or to accept a gift of–

- (a) any building situated in Scotland and which–
  - (i) is in an area designated as a conservation area under section 262 of the Town and Country Planning (Scotland) Act 1972; and
  - (ii) appears to him to be of special historic or architectural interest;
- (b) any land situated in Scotland and which comprises or is contiguous or adjacent to any building mentioned in paragraph (a) above;
- (c) any garden or other land which is situated in Scotland and which appears to him to be of outstanding historic interest but which is not contiguous or adjacent to a building which appears to him to be of outstanding historic or architectural interest."

(3) In section 6 (which provides for, amongst other things, grants to the National Trust for Scotland for acquisition of historic buildings)–

- (a) in subsection (2), at the end there shall be added the words "or of any land or garden contiguous or adjacent thereto or such as is referred to in section 5(2A) of this Act."; and
- (b) in subsection (4) (extent) for the words "or buildings" there shall be substituted the words "buildings, land or garden".

(4) In section 8 (power of Minister to accept endowments of historic buildings)–

- (a) in subsection (1), for the words "the following provisions" there shall be substituted the words "subsections (2) to (7)"; and
- (b) after subsection (1) there shall be inserted the following subsection–  
" (1A) Where any instrument coming into operation after the commencement of this subsection contains a provision purporting to be a gift of property to the Minister upon trust to use the income thereof (either for a limited time or in perpetuity) for or towards the upkeep of a garden or other land acquired or accepted by him under section 5(2A)(c) of this Act or a garden or other land which he proposes so to acquire or accept or for or towards the upkeep of any such garden or other land together with other property situated in Scotland, he may accept the gift and, if he does so and the provision does not constitute a charitable trust, subsections (2) to (6) below shall have effect."

; and

(c) in subsection (4), after the word "building", where first and secondly occurring, there shall be inserted the words ", land or garden".

FN1 1953 c.

### **Finance.**

**22.** – (1) The Secretary of State may out of money provided by Parliament pay to each of the Boards mentioned in subsection (2) [FN1] . . . sums towards their expenditure . .

(2) The Boards mentioned in subsection (1) are the Board of Trustees of the National Museums of Scotland, the Board of Trustees of the Royal Botanic Garden, Edinburgh, the Board of Trustees of the National Galleries of Scotland, and the Board of Trustees of the National Library of Scotland.

(3) The payments may be made on such conditions as the Secretary of State imposes [FN2] . . . .

FN1 Words in s. 22(1) omitted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 80(2)(a), Pt. IV; S.I. 1998/3178, art. 3

FN2 Words in s. 22(3) omitted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 80(2)(b), Pt. IV; S.I. 1998/3178, art. 3

### **Power of Secretary of State to make grants.**

**23.** – (1) The Secretary of State may[ FN1 , subject to such conditions as he thinks fit, ] make [FN2] . . . payments [FN2]. . . to any body whose activities appear to him to be likely to promote the development or understanding of cultural or scientific matters.

(2) Any payments under this section shall be made out of money provided by Parliament.

FN1 Words in s. 23(1) inserted (1.9.1992) by Museums and Galleries Act 1992 (c. 44), s. 11(2), Sch. 8 Pt. II para. 14(4); S.I. 1992/1874, art. 2

FN2 Words in s. 23(1) omitted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 80, Pt. IV; S.I. 1998/3178, art. 3

### **Amendments and repeals.**

**24.** – (1) The enactments mentioned in Part I of Schedule 2 to this Act shall have effect with the amendments there specified.

(2) The enactments mentioned in Part II of Schedule 2 are repealed to the extent specified in the third column of that Schedule.

### **Commencement, citation and extent.**

**25.** – [FN1] (1) This Act, except this section, shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different provisions and for different purposes.

(2) This Act may be cited as the National Heritage (Scotland) Act 1985.

(3) This Act applies to Scotland only.

FN1 Power of appointment conferred by s. 25(1) fully exercised: 4.6.1985, 1.10.1985 and 1.4.1986 appointed by S.I. 1985/851, art. 3 (Act wholly in force on or before 1.4.1986)

## **SCHEDULES**

## **SCHEDULE 2**

### **PART II**

#### **REPEALS**

Chapter Short title Extent of repeal

1925 c. 73. The National Library of Scotland Act 1925. In section 2(f), the words "and with the consent of the Secretary of State".

Section 10.

1954 c. 14. The National Museum of Antiquities of Scotland Act 1954. The whole Act.

1954 c. 65. The National gallery and Tate Gallery Act 1954. In the First Schedule, the words "The Royal Scottish Museum".