

# **NATIONAL GALLERIES OF SCOTLAND ACT 2003**

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These Explanatory Notes have been prepared by Rees & Freres (Parliamentary Agents) on behalf of the promoters of the National Galleries of Scotland Bill, the Board of Trustees of the National Galleries of Scotland (hereafter referred to as the Trustees) in order to assist the reader of the Act. They do not form part of the Act and have not been endorsed by the Parliament.
2. The Notes should be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section, or a part of a section, does not seem to require any explanation or comment, none is given.

### **THE ACT**

3. In pursuance of their statutory functions, the Trustees propose to carry out certain improvements to the National Gallery and the adjacent Royal Scottish Academy buildings on the Mound in Edinburgh. Those improvements form part of a project which is being undertaken by the Trustees and which is known as the Playfair Project. That project will extend into an area of land (hereafter referred to as the relevant land) which currently forms part of Princes Street Gardens (hereafter referred to as the Gardens).
4. The Gardens are held by the City of Edinburgh Council (hereafter referred to as the Council) for the common good and are used as public greenspace. The disposal of any part of the Gardens by the Council to a third party needs to be authorised by a court order. The Council has obtained from the Edinburgh sheriff court an order to dispose of the relevant land to the Trustees as part of the Playfair Project and the Trustees have agreed to dispose of other land to the Council being land which lies to the west of the Royal Scottish Academy and the National Gallery of Scotland and which forms part of the Mound in exchange for the relevant land.
5. The Gardens are also subject to a statutory restriction upon the construction of certain buildings. That restriction is contained in section 22 of the Schedule to the City of Edinburgh District Council Order Confirmation Act 1991 (c.xix) (hereafter referred to as section 22). In particular, section 22 prevents the construction on the relevant land of any part of the improvements forming part of the Playfair Project.
6. The transfer of the relevant land by the Council to the Trustees will not, by virtue of that transfer, have the effect of removing the relevant land from the Gardens. The transfer will only pass the ownership of the relevant land from the Council to the Trustees. Without further legislation, the relevant land—

*These notes refer to the National Galleries of Scotland Act 2003 (asp 16)  
which received Royal Assent on 1 May 2003*

- will continue to be part of the Gardens and remain land forming part of the common good to which the public would continue to have access; and
- the statutory restriction contained in section 22 would continue to apply to the relevant land.

The Act is, therefore, necessary to remove the relevant land from the Gardens and to disapply the effect of section 22 to that land.

## **COMMENTARY ON SECTIONS**

7. Section 1(1) provides that, when the Act comes into force, the relevant land shall cease to form part of the Gardens.

8. Section 1(2) provides that, as a consequence of the relevant land ceasing to form part of the Gardens, the restriction on building contained in section 22 shall cease to apply to the relevant land.

9. Section 2 defines the relevant land. A plan which identifies the location and extent of the relevant land has been produced by the promoter. That plan indicates that the relevant land is a rectangular piece of land forming part of the Gardens. That land lies east of, and adjacent to, the Mound: it measures approximately 59 metres in length and 5.5 metres in width and comprises an area of approximately 319 square metres. The height of the part of the proposed building to be constructed by the Trustees on the relevant land will be approximately 6 metres.

10. Section 3 cites the short title of the Act and provides for it to come into force one week after the day on which it received Royal Assent.

## **PARLIAMENTARY HISTORY OF NATIONAL GALLERIES OF SCOTLAND ACT 2003**

11. The following table sets out, for each Stage of the proceedings in the Scottish Parliament on the Bill for this Act, the dates on which proceedings at that Stage took place, the references to the Official Report of those proceedings and the dates on which Committee Reports were published and the references to those Reports.

### **Proceedings and Reports**

### **Reference**

#### ***Introduction***

28 October 2002

SP Bill 68 (Session 1)

#### ***Preliminary Stage***

##### ***(a) National Galleries of Scotland Bill Committee***

2nd meeting, 2003

3 February 2003, cols 3 – 24

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3rd meeting, 2003 19 February 2003 (in private)

1st Report 2003 (21 February 2003) SP Paper 772  
Preliminary Stage Report on the National  
Galleries of Scotland Bill

*(b) Consideration by the Parliament*

27 February 2003 cols 18798 – 18812

***Consideration Stage***

*National Galleries of Scotland Bill  
Committee*

4th meeting, 2003 12 March 2003, cols 25 – 26

***Final Stage***

*Consideration by the Parliament*

26 March 2003 cols 19950 – 19960

Royal Assent – 1 May 2003

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