

[1 EDW. 8. & *National Trust Act, 1937.* [Ch. Ivii.]
1 GEO. 6.]



CHAPTER Ivii.

An Act to confer further powers upon the National Trust for Places of Historic Interest or Natural Beauty and for other purposes. [1st July 1937.] A.D. 1937.

WHEREAS by the National Trust Act 1907 (in this Act called "the Act of 1907") the National Trust for Places of Historic Interest or Natural Beauty (in this Act called "the National Trust") was incorporated: 7 Edw. 7.
c. cxxxvi.

And whereas the National Trust was established for the general purposes of promoting the permanent preservation for the benefit of the nation of lands and tenements (including buildings) of beauty or historic interest and as regards lands for the preservation (so far as practicable) of their natural aspect features and animal and plant life:

And whereas by the National Trust Charity Scheme Confirmation Act 1919 (in this Act called "the Act of 1919") a scheme of the Charity Commissioners for the application or management of the National Trust was confirmed: 9 & 10
Geo. 5.
c. lxxxiv.

And whereas the National Trust with the generous support of landowners donors subscribers and others has acquired by purchase gift and otherwise considerable property including lands and buildings and funds for the upkeep and preservation thereof:

And whereas the use by the public for purposes of recreation resort and instruction of the lands and buildings held by the National Trust has increased and is increasing:

A.D. 1937.

— And whereas with the objects of promoting the preservation of buildings and chattels of national interest or of architectural historic or artistic interest and places of natural interest or beauty and of protecting and augmenting the amenities of such buildings and places and of facilitating access by the public to such buildings chattels and places it is expedient that the purposes and powers of the National Trust should be extended as by this Act provided :

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

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

And whereas the objects of this Act cannot be attained without the authority of Parliament :

May it therefore please your Majesty that it may be enacted and be it 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 :—

Short and
collective
titles.

1.—(1) This Act may be cited as the National Trust Act 1937.

(2) The National Trust Act 1907 the National Trust Charity Scheme Confirmation Act 1919 and this Act may be cited together as the National Trust Acts 1907 to 1937.

Interpreta-
tion.

2. In this Act unless the subject or context otherwise requires—

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

“ The Act of 1907 ” means the National Trust Act 1907 ;

“ The Act of 1919 ” means the National Trust Charity Scheme Confirmation Act 1919 ;

“The scheme” means the scheme set out in the schedule to the Act of 1919; A.D. 1937.

“The Trust property” includes all property from time to time vested for a legal estate in the National Trust;

“Assurance” “assure” and “assuror” have the same respective meanings as in the Mortmain and Charitable Uses Act 1888; 51 & 52 Vict. c. 42.

“The council” means the council of the National Trust.

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

(a) The preservation of buildings of national interest or architectural historic or artistic interest and places of natural interest or beauty and the protection and augmentation of the amenities of such buildings and places and their surroundings;

(b) The preservation of furniture pictures and chattels of any description having national or historic or artistic interest;

(c) The access to and enjoyment of such buildings places and chattels by the public;

and all such purposes shall be deemed to be purposes of the Act of 1907.

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

(a) The acquisition in any manner (including acquisition by purchase out of any funds applicable for the general purposes of the National Trust or liable to be invested in the purchase of land) and retention of any lands buildings and hereditaments and any rights easements 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 maintenance and preservation of any other part of the Trust property or for any particular purpose of the National Trust or for its general purposes;

A.D. 1937.

(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 preservation and maintenance of the Trust property or any specified part or parts thereof or for any particular purpose of the National Trust or for its general purposes.

Occupation
of Trust
property by
member.

5. Notwithstanding section 5 (National Trust not to divide profits among its members) of the Act of 1907 it shall be lawful for any member of the National Trust (not being a member of the council or of any committee of the council) by agreement with the National Trust to reside in or occupy any of the 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 of this Act) at a less rent or gratuitously and on such other terms and conditions as the council shall think fit to approve.

Assurances
of land and
personal
property.
54 & 55 Vict.
c. 73.

6.—(1) Part II of the Mortmain and Charitable Uses Act 1888 and so much of section 5 of the Mortmain and Charitable Uses Act 1891 as requires land assured by will to be sold within one year from the death of the testator or the extended period referred to in that section shall not apply to an assurance of land of any quantity or of personal estate to the National Trust for any purpose for which the National Trust is authorised to hold the same.

15 & 16
Geo. 5. c. 18.

(2) For the purposes of section 55 of the Settled Land Act 1925 (which empowers tenants for life to grant land for public and charitable purposes) any grant or lease of settled land to the National Trust shall be deemed to be made for the general benefit of the settled land and for a charitable purpose in connection with the settled

[1 EDW. 8. & *National Trust Act, 1937.* [Ch. lvii.]
1 GEO. 6.]

land and in the application of that section to grants or leases made to the National Trust five acres shall be substituted for one acre. A.D. 1937.
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7.—(1) The council of any county or borough or urban or rural district or parish or two or more of them may with the consent of the Minister of Health and of any other Government department or authority whose consent would be required if the intended transaction were a sale by deed assure to the National Trust any land or building vested in them which the National Trust has power to acquire and hold and such land shall thenceforward be held by the National Trust accordingly subject nevertheless to any trusts covenants or restrictions affecting the same. Grants and contributions by local authorities.

(2) The council of any county or borough or urban or rural district or parish may with the consent of the Minister of Health contribute to the expenses of acquisition by the National Trust of any land or building wholly or partly within or in the neighbourhood of the district of such council or to the expenses of maintenance and preservation of any land or building wholly or partly within or in the neighbourhood of such district vested or proposed to be vested in the National Trust provided that the consent of the Minister of Health shall not be required in respect of any contribution by the London County Council under the provisions of this subsection.

8. Where any person is willing to agree with the National Trust 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 in any manner the National Trust may if it thinks fit enter into an agreement with him or accept a covenant from him to that effect and shall have power to enforce such agreement or covenant against persons deriving title under him in the like manner and to the like extent as if the National Trust were possessed of or entitled to or interested in adjacent land and as if the agreement or covenant had been and had been expressed to be entered into for the benefit of that adjacent land. Power to enter into agreements restricting use of land.

A.D. 1937.

Accounts.

9. Separate accounts shall be kept of all sums of money received or expended by the National Trust and not applicable at the discretion of the council to the general purposes of the National Trust.

Application
of Trust
property.

10. Notwithstanding the provisions of section 27 (Application of revenue) of the Act of 1907 the Council may from time to time by resolution determine that the expenses of and concerning any one or more purposes of the National Trust shall (subject to any trusts imposed by the donor or otherwise affecting the same) be defrayed exclusively out of any specified part or parts of the Trust property or the capital or income of any particular fund or funds and such determination (unless and until modified or abrogated by a like resolution) shall be binding.

Byelaws.

11.—(1) Section 32 (Byelaws) of the Act of 1907 shall be read and have effect as if at the end thereof the following paragraph were added:—

“(Q) For permitting the public or any specified persons or person to view and to make copies or reproductions of or extracts from any chattel vested in the National Trust on such terms in all respects as may be from time to time prescribed by the council.”

(2) Section 33 (Byelaws as to buildings) of the Act of 1907 shall apply in respect of any building notwithstanding that the same may be open to the public at specified times or for specified periods only.

Provisions
applicable
to byelaws.
23 & 24
Geo. 5. c. 51.

12.—(1) The provisions contained in subsections (2) (3) (4) (5) (6) (7) and (10) of section 250 and in sections 251 and 252 of the Local Government Act 1933 shall apply to byelaws made by the National Trust under section 32 (Byelaws) or section 33 (Byelaws as to buildings) of the Act of 1907 as amended or extended by this Act as if the National Trust were a local authority within the meaning of those sections and the secretary of the National Trust were the clerk to such local authority. The confirming authority for the purpose of that application of the said sections shall be the Secretary of State.

[1 EDW. 8. & *National Trust Act*, 1937. [Ch. lvii.]
1 GEO. 6.]

(2) Section 35 (Provisions applicable to byelaws) of the Act of 1907 is hereby repealed. A.D. 1937.

13. Paragraph 2 of the scheme is hereby annulled. Annulment of paragraph 2 of scheme.

14. Section 27 (Application of revenue) of the Act of 1907 shall be read and have effect as if the word "investments" were substituted for the word "securities." Amendment of section 27 of Act of 1907.

15.—(1) The National Trust Acts 1907 to 1937 shall extend to the Isle of Man: Extent of Acts.

Provided always that the powers of the Trust shall not be exercised with reference to any property situate in the Isle of Man without the approval of Tynwald and that nothing in the said Acts shall extend to prejudice or affect the rights and powers of the Manx Museum and Ancient Monuments Trustees.

(2) This Act shall not extend to Northern Ireland.

16. The costs charges and expenses of and incidental to the preparation applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the National Trust and may in whole or in part be defrayed out of revenue. Costs of Act.

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