

Changes to legislation: National Heritage Act 1980, SCHEDULE 1 is up to date with all changes known to be in force on or before 17 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

Section 1(4).

THE TRUSTEES OF THE NATIONAL HERITAGE MEMORIAL FUND

Status

- 1 The Trustees shall not be regarded as acting on behalf of the Crown and neither they nor their officers or servants shall be regarded as Crown servants.
- 2 ^{[F1}Section 40 of the ^{M1}General Rate Act 1967 (relief for charities and other organisations)]^{[F1}Sections 43(6), ^{[F2}45(6)]^{[F2}45A] and 47 of the Local Government Finance Act 1988], section 4 of the ^{M2}Local Government (Financial Provisions etc.) (Scotland) Act 1962 (corresponding provisions for Scotland) and Article 41 of the ^{M3}Rates (Northern Ireland) Order 1977 (corresponding provisions for Northern Ireland) shall apply to any hereditament, lands and heritages occupied by the Trustees for the purposes of this Act as they apply to a hereditament, lands and heritages occupied by trustees for a charity.

Textual Amendments

- F1** Words “Sections 43(6), 45(6) and 47 of the Local Government Finance Act 1988” substituted (E.W.) for “Section 40 of the General Rate Act 1967 (relief for charities and other organisations)” by [S.I. 1990/776](#), arts. 2(2), 8, [Sch. 3 para. 20](#)
- F2** Word in [Sch. 1 para. 2](#) substituted (E.W.) (19.7.2007 with effect in accordance with s. 3(3)) by [Rating \(Empty Properties\) Act 2007 \(c. 9\)](#), s. 3(2), [Sch. 1 para. 7](#)

Marginal Citations

- M1** 1967 c. 9.
M2 1962 c. 9.
M3 [S.I. 1977/2157](#).

Tenure of office of trustee

- 3 (1) Subject to the provisions of this paragraph, a member of the body constituted by section 1(2) of this Act (in this Schedule referred to as “a trustee”) shall hold and vacate his office in accordance with the terms of his appointment.
 - (2) A person shall not be appointed a trustee for more than three years.
 - (3) A trustee may resign by notice in writing to the Prime Minister.
 - (4) The Prime Minister may terminate the appointment of a trustee if he is satisfied that—
 - (a) for a period of six months beginning not more than nine months previously he has, without the consent of the other trustees, failed to attend the meetings of the trustees;

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- (b) he is an undischarged bankrupt or has made an arrangement with his creditors or is insolvent within the meaning of paragraph 9(2)(a) of Schedule 3 to the ^{M4}Conveyancing and Feudal Reform (Scotland) Act 1970;
- [^{F3}(ba) he is a person in relation to whom a moratorium period under a debt relief order applies (under Part 7A of the Insolvency Act 1986);]
- (c) he is by reason of physical or mental illness, or for any other reason, incapable of carrying out his duties; or
- (d) he has been convicted of such a criminal offence, or his conduct has been such, that it is not in the Prime Minister's opinion fitting that he should remain a trustee.

[^{F4}(4A) The Prime Minister shall consult the Scottish Ministers before exercising any power of his under sub-paragraph (4)(d) above to terminate the appointment of a trustee in respect of whose appointment he was required by section 1(3A) of this Act to consult those Ministers.]

(5) A person who ceases or has ceased to be a trustee may be re-appointed.

Textual Amendments

- F3** Sch. 1 para. 3(4)(ba) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 11** (with art. 5)
- F4** Sch. 1 para. 3(4A) inserted (20.4.2000) by [S.I. 2000/1102](#), **arts. 4, 6(2)** (with art. 6(1))

Marginal Citations

- M4** 1970 c. 35.

Tenure of office of chairman

- 4 (1) Subject to the provisions of this paragraph, the chairman of the Trustees shall hold and vacate his office in accordance with the terms of his appointment.
- (2) The chairman may resign his office by notice in writing to the Prime Minister.
- (3) A trustee who ceases or has ceased to be chairmen may be reappointed to that office.
- (4) If the chairman ceases to be a trustee he shall also cease to be chairman.

[^{F5}Remuneration]

Textual Amendments

- F5** [S. 4A](#) and crossheading inserted (4.3.1998) by [1997 c. 14, s. 2\(a\)](#); [S.I. 1997/292](#), **art.2**

[^{F6}4A There may be paid out of the Fund to a trustee such remuneration, on such terms and conditions, as the Secretary of State may approve.]

Textual Amendments

- F6** [Sch. 1 para. 4A](#) and crossheading inserted (4.3.1998) by [1997 c. 14, s. 2\(a\)](#); [S.I. 1998/292](#), **art.2**

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Expenses and allowances

- 5 (1) All administrative and other expenses incurred by the Trustees in discharging their functions [^{F7}may] be defrayed out of the Fund.
- (2) There may be paid out of the Fund to a trustee such allowances as [^{F8}the Trustees think fit].

Textual Amendments

- F7** Words in Sch. 1 para. 5(1) substituted (21.12.1993) by 1993 c. 39, s. 36, Sch. 4 para. 7; S.I. 1993/2632, art. 3.
- F8** Words in Sch. 1 para. 5(2) substituted (4.3.1998) by 1997 c. 14, s. 2(b); S.I. 1998/292, art.2

Modifications etc. (not altering text)

- C1** For the reference to the Minister for the Civil Service there is substituted a reference to the Treasury by S.I. 1981/1670, arts. 2(1)(c), 3(5)

Staff

- [^{F9}6 The Trustees may appoint such officers and servants as they think fit, on such terms (including terms as to remuneration and pensions) as they think fit.]

Textual Amendments

- F9** Sch. 1 para. 6 substituted (4.3.1998) by 1997 c. 14, s. 2(c); S.I. 1998/292, art.2

Proceedings

- 7 (1) Subject to the provisions of this Act—
- (a) the Trustees shall discharge their functions in accordance with such arrangements as they may determine; and
- (b) those arrangements may provide for any function to be discharged under the general direction of the Trustees by a committee or committees consisting of three or more trustees.
- (2) Anything done by a committee under the arrangements shall, if the arrangements so provide, have effect as if done by the Trustees.
- (3) The validity of any proceedings of the Trustees shall not be affected by any vacancy among the trustees or by any defect in the appointment of a trustee.
- (4) The arrangements made under this paragraph may include provisions specifying a quorum for meetings of the Trustees and any committee; and until a quorum is so specified in relation to meetings of the Trustees the quorum for such meetings shall be such as may be determined by [^{F10}the Secretary of State].

Textual Amendments

- F10** Words in Sch. 1 para. 7(4) substituted (3. 7. 1992) by S.I. 1992/1311, art. 12(2), Sch. 2 para. 5(2)(a).

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Changes and effects yet to be applied to :

- Sch. 1 para. 2 words substituted by [2023 c. 53 Sch. para. 17](#)