



National Heritage (Scotland) Act 1985

1985 CHAPTER 16

PART VI

MISCELLANEOUS AND GENERAL

F120

Textual Amendments

F1 S. 20 repealed (1.4.2000) by 1997 c. 29, s. 33(2), Sch. 4; S.I. 1998/2329, art. 3

21 Amendment of Historic Buildings and Ancient Monuments Act 1953.49.

- (1) The ^{M1}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

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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 ”.

Marginal Citations

M1 1953 c.

22 Finance.

- (1) The Secretary of State may out of money provided by Parliament pay to each of the Boards mentioned in subsection (2) ^{F2}. . . sums towards their expenditure ^{F2}. . .
- (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, [^{F3}Edinburgh and] the Board of Trustees of the National Galleries of Scotland^{F4}....
- (3) The payments may be made on such conditions as the Secretary of State imposes ^{F5}. . .

Textual Amendments

- F2** 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
- F3** Words in s. 22(2) substituted (1.2.2013) by National Library of Scotland Act 2012 (asp 3), s. 12(3), Sch. 2 para. 2(a); S.S.I. 2013/1, art. 2

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- F4** Words in s. 22(2) repealed (1.2.2013) by National Library of Scotland Act 2012 (asp 3), s. 12(3), **Sch. 2 para. 2(b)**; S.S.I. 2013/1, art. 2
- F5** 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

23 Power of Secretary of State to make grants.

- (1) The Secretary of State may [^{F6}, subject to such conditions as he thinks fit,] make ^{F7}. . . payments ^{F7}. . . 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.

Textual Amendments

- F6** 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
- F7** 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

24 Amendments and repeals.

- (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.

25 Commencement, citation and extent.

- (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.

Modifications etc. (not altering text)

- C1** 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)

Changes to legislation:

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