



# National Heritage (Scotland) Act 1985

## 1985 CHAPTER 16

### PART III

#### THE NATIONAL GALLERIES OF SCOTLAND

#### **16 Purposes of Board of National Galleries.**

- (1) In the <sup>M1</sup>National Galleries of Scotland Act 1906, in section 3 (which relates to the establishment of the Board), for the words “such other purposes connected with the promotion of the Fine Arts in Scotland as may be prescribed” there shall be substituted the words “the other purposes mentioned in section 4A(1) of this Act.”
- (2) For section 4 of the said Act there shall be substituted—

#### **“4 Further provision as to Board.**

The Schedule to this Act shall have effect with respect to the Board.

#### **4A Board’s general functions.**

- (1) So far as practicable and subject to the provisions of this Act, the Board shall—
  - (a) care for, preserve and add to the objects in their collections,
  - (b) secure that the objects are exhibited to the public,
  - (c) secure that the objects are available to persons seeking to inspect them in connection with study or research, and
  - (d) generally promote the public’s enjoyment and understanding of the Fine Arts both by means of the Board’s collections and by such other means as they consider appropriate.
- (2) For those purposes the Board may, subject to the provisions of this Act—
  - (a) provide education, instruction and advice and carry out research, and
  - (b) enter into any contracts or other agreements including (subject to subsection (4)) contracts for the acquisition and disposal of land.

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*Changes to legislation: There are currently no known outstanding effects for the National Heritage (Scotland) Act 1985, Section 16. (See end of Document for details)*

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- (3) Subject to the provisions of this Act, the Board may do such things (including requiring payment for admission or for other services or for goods provided by them) as they think necessary or expedient—
- (a) for preserving, and increasing the utility of, their collections,
  - (b) for securing the due administration of anything vested in or acquired by them, and any premises occupied or managed by them under or by virtue of this Act, and
  - (c) otherwise for the purposes of their functions.
- (4) The Board shall not enter into any contract or agreement for the acquisition or disposal of land (except a contract or agreement for a period not exceeding one year) without the consent of the Secretary of State.
- (5) The Board may allow premises owned or occupied by them, or any of their resources or services, to be used by other persons (for payment or otherwise) for purposes not connected with the Board's functions if they are satisfied that to do so would not conflict unduly with those functions.

#### **4B Power of Board to form companies.**

- (1) With the consent of the Secretary of State and subject to any conditions he may impose, the Board may form or take part in forming one or more bodies corporate which (or each of which) has as its main object or objects one or more of those mentioned in subsection (2).
- (2) The objects are—
- (a) the production and publication of books, films or other informative material relating to the Fine Arts,
  - (b) the commissioning of works of art,
  - (c) the production of replicas or reproductions of works of art, or of souvenirs,
  - (d) the sale of informative material relating to the Fine Arts, of works of art, of replicas or reproductions of such works, or souvenirs, and
  - (e) the provision of catering or car parking or other services or facilities for the public at any premises occupied or managed by the Board.
- (3) The Board may hold interests in any such body, exercise rights conferred by the holding of interests in it, and provide financial or other assistance to or in respect of it (including assistance by way of guarantee of its obligations).
- (4) This section is without prejudice to any power of the Board to undertake anything mentioned in subsection (2) by virtue of section 4A.

#### **4C Acquisition and disposal of objects.**

- (1) The Board may acquire (whether by purchase, exchange or gift) any objects which in their opinion it is desirable to add to their collections.
- (2) Without prejudice to any power apart from this subsection, a Minister of the Crown may transfer to the Board any object (whether or not he acquired it before the Board's establishment) if in his opinion it would appropriately form part of their collections.

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- (3) The Board may not dispose of an object the property in which is vested in them and which is comprised in their collections unless—
- (a) the disposal is by way of sale, exchange or gift of an object which is a duplicate of another object the property in which is so vested and which is so comprised, or
  - (b) the disposal is by way of sale, exchange or gift of an object which in the Board’s opinion is unsuitable for retention in their collections and can be disposed of without detriment to the interests of students or other members of the public, or
  - (c) the disposal is by way of sale or gift made to, or exchange made with, any institution mentioned in subsection (4), or
  - (d) the disposal is made, with the approval of the Secretary of State, to any institution other than those mentioned in subsection (4), or
  - (e) the disposal (by whatever means, including destruction) is of an object which the Board are satisfied has become useless for the purposes of their collections by reason of damage, physical deterioration, or infestation by destructive organisms.
- (4) The institutions mentioned in subsection (3)(c) are the institutions for the time being listed in Schedule 1 to the National Gallery and Tate Gallery Act 1954 (ignoring the words “The National Galleries of Scotland”), the National Gallery Trustees and the Tate Gallery Trustees.
- (5) An object may be disposed of as mentioned in subsection (3)(e) notwithstanding a trust or condition (express or implied) prohibiting or restricting the disposal of the object.
- (6) Money accruing to the Board by virtue of a disposal mentioned in this section shall be applied by the Board in the acquisition of objects to be added to their collections.

#### **4D Lending and borrowing of objects.**

- (1) Subject to subsection (2), the Board may lend any object the property in which is vested in them and which is comprised in their collections (whether or not the loan is for purposes of public exhibition, and whether or not under the terms of the loan the object is to remain in the United Kingdom).
- (2) In deciding whether or not to lend an object, and in determining the time for which and the conditions subject to which an object is to be lent, the Board—
- (a) shall give special consideration to a request for the loan of an object for public exhibition, and
  - (b) subject to that, shall have regard to the interests of students and other persons visiting the Board’s collections, the suitability of the prospective borrower, the purpose of the loan, the physical condition and degree of rarity of the object, and any risks to which it is likely to be exposed.
- (3) Where the property in an object has become vested in the Board subject to a condition, they may exercise the power conferred by subsection (1) in a manner inconsistent with the condition if either—

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- (a) 25 years have elapsed since the date on which the property became vested in the Board (or, where it became vested in them under section 4C(2), the Minister), or
  - (b) the person who first imposed the condition or his personal representatives have consented in writing to the exercise of the power in that manner.
- (4) The Board may accept loans of objects for the purpose (depending on the terms of the loan) of exhibiting them, or of study or research by the Board or by persons seeking to inspect them.”

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**Marginal Citations**

**M1** [1906 c. 50.](#)

**Changes to legislation:**

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