



# National Heritage Act 1997

## 1997 CHAPTER 14

An Act to extend the powers of the Trustees of the National Heritage Memorial Fund. [27th February 1997]

Be it enacted by the Queen'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:—

### **1 Financial assistance from the National Heritage Memorial Fund.**

- (1) For section 3 of the <sup>M1</sup>National Heritage Act 1980 (grants and loans from the fund) there is substituted—

#### **“3 Financial assistance towards property, etc.**

- (1) The powers of the Trustees to give financial assistance under this section are exercisable in the case of things of any kind which are of scenic, historic, archaeological, aesthetic, architectural, engineering, artistic or scientific interest, including animals and plants which are of zoological or botanical interest.
- (2) The Trustees may, for the purpose of—
- (a) securing the preservation or enhancement of such things,
  - (b) encouraging the study and understanding of them and the compilation and dissemination of information about them,
  - (c) securing or improving access to them, or their display,
  - (d) encouraging enjoyment of them, or
  - (e) encouraging the maintenance and development of the skills required for their preservation or enhancement,

or for any purpose ancillary to those purposes, give financial assistance for any project which appears to them to be of public benefit.

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- (3) The projects for which financial assistance may be given under this section for any of the purposes mentioned in subsection (2) above include (among others) projects for any person to whom the assistance is to be given to—
    - (a) acquire property of any kind (including land),
    - (b) construct or convert buildings,
    - (c) carry out other works, or
    - (d) provide education or training.
  - (4) Before giving any financial assistance under this section for any project, the Trustees—
    - (a) shall obtain any expert advice about the project they consider appropriate, and
    - (b) must be satisfied that the project is of importance to the national heritage.
  - (5) Financial assistance under this section shall be given by way of grant or loan out of the Fund, and in giving such assistance the Trustees may impose any conditions they think fit.
  - (6) The conditions that may be imposed in giving such assistance may relate (among other things) to—
    - (a) maintenance, repair, insurance and safe-keeping,
    - (b) means of access or display,
    - (c) disposal or lending, or
    - (d) repayment of grant or loan.
  - (7) In giving any financial assistance under this section for any project for the preservation or enhancement of anything, or determining the conditions on which such assistance is to be given, the Trustees shall bear in mind the desirability of public access to, or the public display of, the thing in question and of its enjoyment by the public.
  - (8) The Secretary of State may, with the consent of the Treasury, apply sums received by him under this section as money provided by Parliament instead of paying them into the Consolidated Fund”.
- (2) After that section there is inserted—

**“3A Financial assistance towards exhibitions, archives, etc.**

- (1) The Trustees may give financial assistance for any project within subsection (2) below which appears to them—
  - (a) to relate to an important aspect of the history, natural history or landscape of the United Kingdom, and
  - (b) to be of public benefit.
- (2) The projects within this subsection are projects for any person to whom the assistance is to be given to—
  - (a) set up and maintain a public exhibition,
  - (b) compile and maintain an archive,
  - (c) publish archive material, or

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- (d) compile and publish a comprehensive work of reference (or publish a comprehensive work of reference that has previously been compiled), or to do any ancillary thing.
- (3) In subsection (2) above, “archive” includes any collection of sound recordings, images or other information, however stored.
- (4) Before giving any financial assistance under this section for any project, the Trustees shall obtain any expert advice about the project they consider appropriate.
- (5) Subsections (5), (6) and (8) of section 3 above apply for the purposes of this section as they apply for the purposes of that.
- (6) In giving any financial assistance under this section for any project to compile or maintain an archive, or determining the conditions on which such assistance is to be given, the Trustees shall bear in mind the desirability of public access to the archive”.

**Marginal Citations**

M1 1980 c. 17.

**2 Remuneration and staff.**

In Schedule 1 to the <sup>M2</sup>National Heritage Act 1980 (the trustees of the fund)—

- (a) after paragraph 4 there is inserted—

**“4A Remuneration**

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.”,

- (b) in paragraph 5(2) (allowances), for the words from “the Secretary of State” onwards there is substituted “ the Trustees think fit ”, and
- (c) for paragraph 6 (staff) there is substituted—

“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.”

**Marginal Citations**

M2 1980 c.17.

**3 Consequential amendments.**

The Schedule (which makes consequential amendments) shall have effect.

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#### **4 Short title, commencement and extent.**

- (1) This Act may be cited as the National Heritage Act 1997.
- (2) The preceding sections of this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint and different days may be appointed for different purposes.
- (3) This Act extends to Northern Ireland.

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#### **Subordinate Legislation Made**

**P1** [S. 4\(2\)](#) power fully exercised (16.2.1998); 4.3.1998 appointed day by [S.I. 1998/292](#)

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## SCHEDULE

Section 3.

### CONSEQUENTIAL AMENDMENTS

#### PART I

#### ENACTMENTS

##### *National Heritage Act 1980 (c. 17)*

- 1 (1) Section 4 of the National Heritage Act 1980 (other expenditure out of the fund) is amended as follows.
- (2) In subsection (1), for “section 3(1) above” there is substituted “ subsection (2) below ”.
- (3) For subsection (2) there is substituted—
- “(2) The property referred to in subsection (1) above is—
- (a) any land, building or structure which in the opinion of the Trustees is of outstanding scenic, historic, archaeological, aesthetic, architectural, engineering or scientific interest;
  - (b) any object which in their opinion is of outstanding historic, artistic or scientific interest;
  - (c) any collection or group of objects, being a collection or group which taken as a whole is in their opinion of outstanding historic, artistic or scientific interest;
  - (d) any land or object not falling within paragraph (a), (b) or (c) above the acquisition, maintenance or preservation of which is in their opinion desirable by reason of its connection with land or a building or structure falling within paragraph (a) above; or
  - (e) any rights in or over land the acquisition of which is in their opinion desirable for the benefit of land or a building or structure falling within paragraph (a) or (d) above.
- (2A) The Trustees shall not apply the Fund for any purpose under subsection (1) above in respect of any property unless they are of the opinion, after obtaining any expert advice they consider appropriate, that the property (or, in the case of land or an object falling within paragraph (d) of subsection (2) above, the land, building or structure with which it is connected, or in the case of rights falling within paragraph (e) of that subsection, the land, building or structure for whose benefit they are acquired) is of importance to the national heritage.
- (2B) Notwithstanding that an object such as is mentioned in subsection (2) (b) above or a collection or group of objects such as is mentioned in subsection (2)(c) above is not of itself of importance to the national heritage, the Trustees may apply the Fund under subsection (1) above for any purpose connected with its acquisition if—
- (a) they are satisfied that after the acquisition it will form part of a collection or group of objects such as is mentioned in subsection (2) (c) above, and

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- (b) after obtaining any expert advice they consider appropriate, they are of the opinion that that collection or group is of importance to the national heritage.
- (2C) Subsection (7) of section 3 above shall have effect in relation to the application of any sums out of the Fund under this section as it has in relation to the making of a grant or loan under that section.”
- 2 (1) Section 9 of that Act (disposal of property accepted by Commissioners of Inland Revenue) is amended as follows.
- (2) In subsection (2), for “section 3(6)(a), (b) or (c) above”, there is substituted “subsection (2A) below”.
- (3) After subsection (2) there is inserted—
- “(2A) The institutions or bodies referred to in subsection (2) above are—
- (a) any museum, art gallery, library or other similar institution having as its purpose or one of its purposes the preservation for the public benefit of a collection of historic, artistic or scientific interest;
- (b) any body having as its purpose or one of its purposes the provision, improvement or preservation of amenities enjoyed or to be enjoyed by the public or the acquisition of land to be used by the public; and
- (c) any body having nature conservation as its purpose or one of its purposes.”
- 3 In section 17 of that Act (expenses and receipts), for “section 3(6A)” there is substituted “section 3(8)”.
- The National Lottery etc. Act 1993 (c. 39)*
- 4 In section 25 of the National Lottery etc. Act 1993 (application of money by distributing bodies), in subsection (4), for the words from “(acquisition” onwards there is substituted “(other expenditure out of the fund)”.
- 5 In section 44 of that Act (interpretation)—
- (a) in subsection (1), in the definition of “expenditure on or connected with the national heritage”, for the words from “means” to the end there is substituted “means expenditure for any purpose for which expenditure may be incurred under section 3, 3A or 4 of the National Heritage Act 1980”, and
- (b) in subsection (2), after “section 3” there is inserted “3A or 4”.
- 6 In Schedule 4 to that Act (amendments of the <sup>M3</sup>National Heritage Act 1980), paragraphs 3 and 4 are omitted.

**Marginal Citations**

**M3** 1980 c. 17.

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## PART II

### NORTHERN IRELAND LEGISLATION

*Planning (Northern Ireland) Order 1991 SI 1991/1220 (NI 11)*

- 7 In the Planning (Northern Ireland) Order 1991, in Schedule 5, the amendment to section 3(6)(e) of the National Heritage Act 1980 is omitted.

*Historic Monuments and Archaeological Objects  
(Northern Ireland) Order 1995 SI 1995/1625 (NI 9)*

- 8 In the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995, paragraph 2 of Schedule 3 is omitted.

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