



National Library of Scotland Act 2012

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Acquisitions, deposits, disposal and loan of objects

3 Acquisitions, deposits and disposal of objects

- (1) NLS may—
 - (a) acquire (by purchase, exchange or gift),
 - (b) accept on deposit,any object which it considers it is desirable to add to its collections.
- (2) The powers in subsection (1) are in addition to any other powers or means of acquisition or acceptance on deposit.
- (3) NLS may dispose of any object from its collections if—
 - (a) the object is a duplicate of, or similar to, another object in the collections,
 - (b) NLS considers that the object is not required for the purposes of the collections,
 - (c) because of damage, deterioration or infestation by destructive organisms, the object is no longer of use for the purposes of the collections,
 - (d) the object is hazardous,
 - (e) in any other case, the Scottish Ministers agree to the disposal.
- (4) Disposal under subsection (3) may be by sale, exchange, gift, return or destruction.
- (5) The power in subsection (3) is in addition to any other powers of disposal, in particular those conferred by—
 - (a) section 6 of the Museums and Galleries Act 1992 (c.44), and
 - (b) section 2 of the Holocaust (Return of Cultural Objects) Act 2009 (c.16).
- (6) The power in subsection (3) does not apply in relation to an object which is relevant material within the meaning of section 7 of the 2003 Act.
- (7) Where an object is subject to a prohibition or restriction on disposal, NLS may dispose of the object under subsection (3) in a manner inconsistent with the prohibition or restriction only—
 - (a) with the consent of the person having the right to enforce the prohibition or restriction, or

- (b) in the circumstances mentioned in subsection (3)(c) or (d).

4 Borrowing and lending of objects

- (1) NLS may borrow or accept loans of objects for the purposes of exhibition, study or research.
- (2) NLS may lend any object from its collections.
- (3) In deciding whether or not to lend an object (and in determining the period for which and the conditions on which the object is to be lent), NLS is to have regard to—
 - (a) the interests of users of the collections,
 - (b) the suitability of the prospective borrower,
 - (c) the purpose of the loan,
 - (d) the physical condition and degree of rarity of the object,
 - (e) any risk to which the object is likely to be exposed and the extent to which that risk can be mitigated or indemnified.
- (4) The powers in subsections (1) and (2) are in addition to any other powers of borrowing, accepting loans or lending.
- (5) The power in subsection (2) does not apply in relation to an object which is relevant material within the meaning of section 7 of the 2003 Act.
- (6) Where an object is subject to a prohibition or restriction on lending, NLS may lend the object under subsection (2) in a manner inconsistent with the prohibition or restriction only—
 - (a) with the consent of the person having the right to enforce the prohibition or restriction, or
 - (b) where, despite taking all reasonable steps, NLS is unable to ascertain the name and contact details of any person having that right.