



# National Heritage (Scotland) Act 1985

## 1985 CHAPTER 16

### PART II

#### ROYAL BOTANIC GARDEN, EDINBURGH

#### **10 Establishment of Board of Trustees.**

- (1) There shall be a body known as the Board of Trustees of the Royal Botanic Garden, Edinburgh.
- (2) Part II of Schedule 1 shall have effect with respect to the Board.

#### **11 The Board's general functions.**

- (1) So far as practicable and subject to the provisions of this Act, the Board shall—
  - (a) carry out investigation and research into the science of plants and related subjects, and disseminate the results of the investigation and research,
  - (b) maintain and develop collections of living plants and preserved plant material, books, archives and other related objects,
  - (c) keep the collections as national reference collections, and secure that they are available to persons for the purposes of study,
  - (d) provide advice, information and education, in any manner which seems appropriate to them, in relation to any aspect of the science of plants or of any related subject,
  - (e) provide other services (including quarantine) in relation to plants, and
  - (f) afford to members of the public opportunities to enter any land occupied or managed by the Board for the purpose of gaining knowledge and enjoyment from the Board's collections.
- (2) If the Secretary of State directs the Board to exercise functions which are exercisable by him (whether by virtue of an enactment or otherwise), which in his opinion can appropriately be exercised by the Board having regard to their functions and resources the Board shall exercise them on his behalf in such manner as he may from time to

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time direct; but nothing in this subsection authorises the Board to exercise a function of making regulations or other instruments of a legislative nature.

- (3) The Board's name shall not be taken to confine their activities to Edinburgh.

## **12 Powers of the Board.**

- (1) Subject to the provisions of this Act, the Board may do anything, whether in Scotland or elsewhere, which they consider necessary, expedient or desirable,—
- (a) for preserving, enlarging, and increasing the utility of, their collections;
  - (b) for securing the proper administration of any moveable property vested in or held by them, and any heritable property, owned, occupied or managed by them; or
  - (c) otherwise for the purpose of discharging their functions.
- (2) Without prejudice to the generality of the foregoing, the Board may—
- (a) enter into any contract or agreement, including a contract or agreement for the acquisition or disposal of land;
  - (b) manage, develop or carry out works on land, and maintain or assist in the maintenance of any such works;
  - (c) undertake or execute any trust;
  - (d) act as agents for other persons;
  - (e) with the consent of the Secretary of State, make grants to any person;
  - (f) with the consent of the Secretary of State, invest and borrow money;
  - (g) lend, sell, give, use for exchange or otherwise dispose of any item related to their functions; and
  - (h) provide or assist in the promotion of publicity related to their functions.
- (3) The Board may require payment for any advice, instruction, education or other service provided by the Board or for any goods provided by them, or for entry to any land owned, occupied or managed by them.
- (4) 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.

## **13 Limitations on Board's powers.**

- (1) 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.
- (2) The Board shall not, without the consent of the Secretary of State, alter the hours during which members of the public may enter the grounds of the Royal Botanic Garden, Edinburgh.
- (3) The Board shall not, without the consent of the Secretary of State, fix or alter any fees chargeable to members of the public for such entry.
- (4) The Board may not dispose of an object the property in which is vested in them and which is comprised in their collections unless—

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- (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 (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.

#### **14 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 science of plants or related subjects or to the Board and their functions,
  - (b) the production and sale of souvenirs relating to plants or to the Board's activities,
  - (c) the sale of plants produced by the Board or objects relating to plants or of informative material relating to the science of plants or related subjects,
  - (d) the provision of catering or car parking or other services or facilities for the public at any land occupied or managed by the Board, or
  - (e) any other activity which the Board consider relevant and conducive to the carrying out of their functions.
- (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 12.

#### **15 Initial vesting in Board.**

- (1) Where the property in an object was vested in the Secretary of State immediately before the vesting day, and the object—
  - (a) then formed part of the collections of plants (other than those growing in land), preserved plant material, other objects relating to plants, or books or records, of the institution known as the Royal Botanic Garden, Edinburgh, or
  - (b) was then in use in respect of the collections or solely for the purposes of the administration of the institution,then the property shall on that day become vested instead in the Board.

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- (2) In the case of an object mentioned in subsection (1)(a), it is immaterial that, immediately before the vesting day, it was situated elsewhere than at premises managed for the purposes of the institution (as where it was on loan).
- (3) On the vesting day any right, power, duty or liability which was immediately before that day vested in, exercisable by or incumbent on the Secretary of State in relation to any object mentioned in subsection (1) shall instead become exercisable by or incumbent on the Board.
- (4) In this section “the vesting day” means the day appointed under section 25 for the coming into force of this section.

**Changes to legislation:**

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