



National Trust Act 1971

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ELIZABETH II



1971 CHAPTER vi

An Act to amend the constitution of the National Trust for Places of Historic Interest or Natural Beauty; to amend the National Trust Acts 1907 to 1953; to confer further powers on the said National Trust; and for other purposes. [17th February 1971]

WHEREAS—

(1) By the National Trust Act 1907 (in this Act referred to as 1907 c. cxxxvi. “the Act of 1907”) the National Trust for Places of Historic Interest or Natural Beauty (in this Act referred to as “the National Trust”) was incorporated:

(2) The National Trust was established for the general purposes of promoting the permanent preservation for the benefit of the nation of lands and tenements, including buildings, of beauty or historic interest, and as regards lands for the preservation, so far as practicable, of their natural aspect, features and animal and plant life:

(3) By the National Trust Charity Scheme Confirmation Act 1919 c. lxxxiv. 1919, the National Trust Act 1937, the National Trust Act 1939 1937 c. lvii. and the National Trust Act 1953, the purposes of the National 1939 c. lxxxvi. Trust were extended and further powers were conferred on the 1953 c. vii. National Trust:

(4) Since the incorporation of the National Trust as aforesaid the membership of the National Trust, the property in its ownership and its responsibilities have all greatly increased, and it is expedient that the constitution of the National Trust should be amended as in this Act provided:

(5) It is expedient that the other powers contained in this Act should be conferred on the National Trust and that the other provisions contained in this Act should be enacted:

(6) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and 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:—

PART I

PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the National Trust Act 1971.

(2) The National Trust Acts 1907 to 1953 and this Act may be cited together as the National Trust Acts 1907 to 1971.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Constitution of National Trust.

Part III.—General powers.

Part IV.—River Wey Navigation and Godalming Navigation.

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Interpretation.

3.—(1) In this Act, unless the subject or context otherwise requires—

1907 c. cxxxvi.

“ the Act of 1907 ” means the National Trust Act 1907;

1937 c. lvii.

“ the Act of 1937 ” means the National Trust Act 1937;

1953 c. vii.

“ the Act of 1953 ” means the National Trust Act 1953;

“ appointed member ” means a member of the council appointed pursuant to section 8 (Appointed members of council) of this Act;

“ the council ” means the council of the National Trust constituted in accordance with this Act;

“ elected member ” means a member of the council elected pursuant to section 7 (Elected members of council) of this Act;

“ the existing council ” means the council of the National Trust constituted in accordance with the Act of 1907;

“ the existing executive committee ” means the executive committee appointed in accordance with section 20 (Powers and proceedings of council) of the Act of 1907;

“ member ” means a member of the National Trust;

“ members’ resolution ” means a resolution, notice of which shall have been duly given in accordance with the provisions of paragraph 7 of Schedule 2 to this Act;

“ the National Trust ” means the National Trust for Places of Historic Interest or Natural Beauty;

“ Trust property ” has the same meaning as in the Act of 1937;

“ year ” means a period of twelve months ending on the 31st December.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

(3) In this Act the reference to the Secretary of State in section 22 is a reference to the Secretary of State for Trade and Industry and all other references to the Secretary of State are, except as respects Wales and Monmouthshire, references to the Secretary of State for the Environment and, as respects Wales and Monmouthshire, are references to the Secretary of State for Wales.

PART II

CONSTITUTION OF NATIONAL TRUST

4.—(1) The members of the National Trust shall be divided into the following classes:—

Constitution
of National
Trust.

(a) ordinary subscribing members;

(b) life members;

(c) benefactors;

(d) corporate members;

(e) junior members;

(f) family members;

(g) such other classes as the council may from time to time by resolution determine.

(2) Ordinary subscribing members shall be annual subscribers to the funds of the National Trust of such minimum annual subscription as may from time to time be determined by the council in accordance with section 3 (Subscriptions of ordinary subscribing members) of the Act of 1953.

(3) Life members shall be persons who have made to the funds of the National Trust a subscription of not less than such minimum amount as at the time when the subscription was made had been determined by resolution of the council.

PART II
—cont.

(4) Benefactors shall be persons who have given to the National Trust such sum of money or other property as, in the opinion of the council, is such as to entitle such persons to be distinguished as benefactors.

(5) Corporate members shall be such corporate or other bodies or associations as the council may from time to time by resolution determine who make annual subscriptions to the funds of the National Trust of such minimum amount as the council may by resolution from time to time determine. The council may from time to time by resolution determine different minimum annual subscriptions for different classes of corporate members.

(6) Junior members shall be annual subscribers to the funds of the National Trust of such minimum annual subscription and of such an age as the council may from time to time by resolution determine.

(7) Family members shall be persons who are members of the family of an ordinary subscribing member residing with such member and who make to the funds of the National Trust an annual subscription of such minimum amount as the council may from time to time by resolution determine.

General
meetings.

5.—(1) General meetings of the National Trust shall be held once at least in every year and shall be called and held in accordance with the regulations contained in Schedule 2 to this Act.

(2) The said regulations may be altered or added to in pursuance of a resolution passed and confirmed in accordance with the next following subsection.

(3) A resolution for the purposes of the last preceding subsection shall be—

- (a) passed at a meeting of the council of which not less than twenty-one days' notice has been given setting out the resolution to be proposed;
- (b) passed by a majority of not less than two-thirds of the members of the council present at the meeting; and
- (c) approved at the next annual general meeting of the National Trust.

Council of
National
Trust.

6.—(1) The affairs of the National Trust shall be administered by a council to be called "the council of the National Trust" consisting, subject to the provisions of this Act, of fifty-two persons of whom twenty-six shall be elected members and twenty-six shall be appointed members.

(2) The council shall be deemed fully constituted and all acts and proceedings of the council shall be deemed valid in all respects if and so long as twenty-six members shall have been elected to the council as provided by the Act of 1907 or by this Act.

7.—(1) At the annual general meeting of the National Trust to be held in the year 1971 nine elected members of the existing council shall retire from office; at the annual general meeting to be held in the year 1972 eight other elected members of the existing council shall retire from office; and at the annual general meeting to be held in the year 1973 the remaining eight elected members of the existing council shall retire from office.

PART II
—cont.

Elected
members of
council.

(2) The council shall determine amongst themselves which of their number shall be those to retire at the annual general meetings to be held in the years 1971 and 1972.

(3) At the annual general meeting to be held in the year 1974 and in every third year thereafter the eight elected members who have been longest in office shall retire; and at all other annual general meetings the nine elected members who have been longest in office shall retire.

(4) At the annual general meeting to be held in the year 1971 the members in person or by proxy shall elect ten members of the council and thereafter at every annual general meeting of the National Trust the members present in person or by proxy shall elect an equivalent number of members to fill up the vacated offices of the elected members who retire at that meeting pursuant to this section.

(5) No person other than an elected member retiring at the meeting and offering himself for re-election shall be eligible for election as an elected member unless nominated by three members.

8.—(1) Subject to the provisions of this section, each of the bodies or persons named in Part I of Schedule 1 to this Act may appoint a member of the council, and the bodies named in Part II of the said schedule may jointly appoint a member of the council:

Appointed
members of
council.

Provided that in default of agreement by such last-mentioned bodies a majority of them may exercise the right of appointment hereby conferred on them.

(2) An appointed member shall hold office for three years and shall then retire from office but shall be eligible for re-appointment.

(3) At the annual general meeting to be held in the year 1976 and in every sixth year thereafter the names of the bodies or persons entitled to appoint a member of the council shall be submitted to the meeting and the members present in person or by proxy may determine that a member or members of the council shall be appointed by some body or person other than those named in the said Schedule 1 by way of substitution for any one or more of those bodies or persons but so that the number of appointed members to be appointed by the bodies or persons named in the said schedule shall be twenty-six.

PART II
—cont.

(4) On the passing of this Act one of the two members of the existing council appointed by the Trustees of the British Museum, one of the two members of the existing council appointed by the Trustees of the National Gallery and one of the two members of the existing council appointed by the President of the Royal Academy of Arts shall retire from office. For the purposes of this subsection the decision as to which of the said members shall retire shall, in default of agreement, be decided by the body or person by whom the members in question were appointed.

(5) On the passing of this Act all members of the existing council appointed in accordance with the provisions of subsection (2) of section 18 (Establishment of council) of the Act of 1907 who have then been in office for three years or longer shall retire from office and thereafter all other members of the existing council appointed as aforesaid shall retire at the expiration of three years from the date of their appointment. All members of the council retiring from office in accordance with this subsection shall be eligible for re-appointment.

Chairman
and deputy
chairman.

9.—(1) The council shall elect from their number a chairman of the National Trust and a deputy chairman of the National Trust:

Provided that the council may, if they think fit, elect a person who is not a member of the council to be chairman of the National Trust and in that event so long as that person holds office as such chairman the membership of the council shall be increased to fifty-three members.

(2) A chairman or deputy chairman elected pursuant to subsection (1) of this section shall hold office for three years and shall then retire from office, but shall be eligible for re-election.

Casual
vacancies.

10.—(1) If any elected member dies or resigns or becomes disqualified the council may appoint in his place another member to be a member of the council and any member appointed under this subsection shall continue a member of the council until the next annual general meeting after his appointment.

(2) If any appointed member dies or resigns or becomes disqualified the body or person by whom he was appointed may appoint another person in his place and any person appointed under this subsection shall for the purpose of retirement from office, and for all other purposes, be deemed to occupy the position of the person to whose place he has been appointed.

(3) If the chairman or deputy chairman of the National Trust dies or resigns or becomes disqualified the council shall appoint another person in his place and any person appointed under this subsection shall for the purpose of retirement from office, and for all other purposes, be deemed to occupy the position of the person to whose place he has been appointed.

11.—(1) The entire business of the National Trust shall be arranged and managed by the council who may exercise all such powers of the National Trust as are not exercisable only by the National Trust in general meeting and no regulation made or resolution passed by the National Trust in general meeting shall invalidate any prior act of the council which would have been valid if such regulation or resolution had not been made or passed.

PART II
—cont.
Powers and
duties of
council.

(2) The council shall have power to make such regulations as to the procedure of the council (including the quorum required at its meetings) and for the conduct of the business and affairs of the National Trust and for the dispatch of business at meetings as the council may deem necessary:

Provided that such regulations are not inconsistent with or do not contravene any of the provisions of the National Trust Acts 1907 to 1971.

(3) The council may appoint such officers and servants as they may from time to time think desirable and fix their salaries and wages and the conditions of service including the provision of pensions on retirement and determine their respective duties and the tenure of their offices.

(4) The council may exercise the powers of borrowing on mortgage which are by the National Trust Acts 1907 to 1971 conferred on the National Trust.

(5) The council may appoint from their own number any committee for any special purpose and may add to any such committee for such length of time and with such powers of voting or otherwise as the council may think fit any member or other person whose aid they judge useful to forward the objects of the National Trust.

(6) The council shall meet at least four times in every year.

12.—(1) There shall be an executive committee of the National Trust consisting of the chairman of each of the regional committees and other persons appointed by the council, but so that the total membership of the executive committee shall not exceed twenty-five persons, of whom not less than thirteen shall be members of the council.

Executive
committee.

(2) A member of the executive committee appointed by the council shall hold office for three years and shall then retire from office but shall be eligible for re-appointment.

(3) The chairman and deputy chairman of the National Trust shall be ex officio chairman and deputy chairman respectively of the executive committee unless the council otherwise determines, in which event the executive committee shall elect from their number a chairman and deputy chairman of the executive committee.

PART II
—cont.

(4) The executive committee shall exercise and enjoy all the powers conferred on the council by this Act except in regard to those matters which are specified in Schedule 3 to this Act and except any other power which the council expressly withholds from the executive committee:

Provided that the council may impose such conditions and limitations as they think fit as to the exercise of any of the powers conferred by this subsection upon the executive committee.

(5) The executive committee shall have power to appoint sub-committees for special purposes similar in all respects to the power conferred upon the council by subsection (5) of section 11 (Powers and duties of council) of this Act of appointing committees for special purposes.

(6) The executive committee shall have power to make such regulations as to the procedure of the executive committee (including the quorum required at its meetings) and for the dispatch of business at meetings of the executive committee as the executive committee may deem necessary:

Provided that such regulations do not contravene any of the provisions of this Act.

(7) Until the date on which the members of the executive committee are appointed by the council under subsection (1) of this section the existing executive committee shall exercise the powers conferred on the executive committee by this section and section 13 (Regional committees) of this Act. On the said date the appointment of members of the existing executive committee as members of that committee shall terminate.

Regional
committees.

13.—(1) The executive committee may, with the approval of the council, delegate to regional committees such powers and duties of the executive committee as the executive committee think fit.

(2) The chairman and members of a regional committee shall be appointed by the executive committee from the members:

Provided that the chairman of a regional committee shall not be appointed by the executive committee without the approval of the council.

(3) A regional committee shall have power to appoint local committees for special purposes which local committees may comprise such members or other persons whose aid the regional committee judge to be useful in forwarding the objects of the National Trust.

(4) Nothing in this section shall affect the constitution or powers of any committee of management appointed in pursuance

of any deed conveying property to the National Trust or of any management agreement executed contemporaneously with such deed.

PART II
—cont.

(5) Nothing in this section shall affect the constitution or powers of any regional committee established under the Act of 1907 and the delegation of powers and duties to any such committee and the appointment of the chairman thereof shall be deemed for the purposes of this section to have been made with the approval of the council.

14.—(1) No act or proceeding of the council, of the executive committee or of any regional committee, local or other committee or sub-committee shall be questioned on account of there being at the time of such act or proceeding any vacancy or vacancies in the council, executive committee, regional committee, local or other committee or sub-committee, as the case may be.

Proceedings
of council,
etc.

(2) No defect in the qualification or election of any person or persons acting as a member or members of the council, the executive committee, a regional committee, committee or sub-committee shall be deemed to invalidate any proceedings of the council, executive committee, regional committee, local or other committee or sub-committee in which he or they has or have taken part in cases where the majority of members, parties to such proceedings, are duly entitled to act.

(3) The council, the executive committee and all regional committees, local or other committees and sub-committees appointed in accordance with the provisions of this Act shall cause minutes to be made of all proceedings at any meeting thereof respectively and the council shall at all times cause to be kept minutes of the general meetings of the National Trust and a register of the members with their respective usual or last known addresses.

(4) Any minute made of proceedings at a meeting of the National Trust, the council, the executive committee or of any regional committee, local or other committee or sub-committee respectively, if signed either at the meeting at which such proceedings took place or at the next ensuing meeting by any person purporting for the time being to be the chairman of such meeting, shall be receivable evidence of such proceedings in all legal proceedings without further proof and, until the contrary is proved, every meeting of the National Trust, the council, the executive committee or of any regional committee, local or other committee or sub-committee shall be deemed to have been duly convened and held and all the members thereof to have been duly qualified.

PART II
—cont.
Authentica-
tion of
documents.

15.—(1) Any instrument which if made by a private person would be required to be under seal shall be under the seal of the National Trust.

(2) Subject to the provisions of subsection (1) of this section, any notice, consent, approval or other document issued by or on behalf of the National Trust shall be deemed to be duly executed if signed by the chairman, the deputy chairman or the secretary of the National Trust, but, subject as aforesaid, any appointment made by the National Trust and any contract, order or other document made by or proceeding from the National Trust shall be deemed to be duly executed either if sealed with the seal of the National Trust or signed by two or more members of the council authorised to sign by a resolution of the council or the executive committee but it shall not be necessary in any legal proceedings to prove that the members signing any such contract, order or other document were authorised to sign and such authority shall be presumed until the contrary is proved.

Retirement
under age
limit.

16.—(1) Subject to the provisions of this section, no person shall be capable of being appointed chairman or deputy chairman of the National Trust or a member of the council or the executive committee or of any regional committee, local or other committee or sub-committee if at the time of appointment he has attained the specified age limit.

(2) Subject as aforesaid, a chairman or deputy chairman of the National Trust or a member of the council or the executive committee shall vacate his office at the conclusion of the annual general meeting commencing next after he attains the specified age limit.

(3) Subject as aforesaid, a member of a regional committee, local or other committee or sub-committee shall vacate his office at the conclusion of the meeting of such committee or sub-committee commencing next after he attains the specified age limit.

(4) In this section “specified age limit” means—

(a) in the case of a chairman or deputy chairman of the National Trust, the chairman of the executive committee or of any of its sub-committees or of any regional committee the age of seventy years; and

(b) in the case of a member of the council, a member of the executive committee, a member of a regional committee, a member of a local or other committee or a member of any sub-committee, the age of seventy-five years.

17.—(1) If a member of the council fails throughout a period of twelve consecutive months to attend any meeting of the council, he shall, unless the failure was due to some reason approved by resolution of the council, cease to be a member of the council.

PART II
—cont.
Vacation of office by failure to attend meetings.

(2) If a member of the executive committee or of any regional, local or other committee or sub-committee fails to attend three consecutive meetings of the committee or sub-committee, as the case may be, of which he is a member, he shall, unless the failure was due to some reason approved by resolution of that committee or sub-committee, cease to be a member thereof.

(3) The provisions of section 10 (Casual vacancies) of this Act shall apply in the case of any vacancy caused by the vacation of the office of any person, other than an appointed member, by reason of the provisions of this section.

18.—(1) The National Trust may pay to the chairman of the National Trust, the chairman of the executive committee and the chairman of each regional committee such remuneration not exceeding the following annual amounts:—

Remuneration of chairmen.

- (a) the chairman of the National Trust, two thousand pounds;
- (b) the chairman of the executive committee, three thousand pounds;
- (c) the chairman of a regional committee, two thousand pounds;

or such other annual amounts as the council may from time to time by resolution determine and as shall be approved by the members in general meeting.

(2) The National Trust may pay to the chairman of the properties sub-committee and to any other person holding an equivalent office in the National Trust having, in the opinion of the council comparable responsibilities, such annual amounts as the council may from time to time determine, and as shall be approved by the members in general meeting.

(3) In this section “the properties sub-committee” means any sub-committee appointed by the executive committee under section 12 (Executive committee) of this Act for the special purpose of managing the Trust property.

19. The National Trust may defray any expenses wholly, necessarily and exclusively incurred by members of the council, the executive committee or a regional committee or any local or other committee or sub-committee for the purpose of carrying out their duties as such members.

Expenses of members of council, etc.

PART II
—cont.
Books of
account.

20.—(1) The National Trust shall cause to be kept proper books of account with respect to—

- (a) all sums of money received and expended by the National Trust and the matters in respect of which the receipt and expenditure take place;
- (b) all purchases and sales of property by the National Trust;
- (c) the assets and liabilities of the National Trust.

(2) For the purpose of the foregoing subsection, proper books of account shall not be deemed to be kept with respect to the matters aforesaid if there are not kept such books as are necessary to give a true and fair view of the state of the affairs of the National Trust and to explain its transactions.

Accounts.

21.—(1) The accounts to be laid before an ordinary meeting shall include—

- (a) one or more statements dealing with the income and expenditure of and with all other movements on funds of the National Trust and, so far as practicable, of trusts administered by the National Trust, for the preceding year; and
- (b) one or more statements dealing with the funds, assets and liabilities of the National Trust and, so far as practicable, of trusts administered by the National Trust, as at the end of the preceding year (hereinafter referred to as “the accounting date”).

(2) The accounts shall give a true and fair view of the state of affairs of the National Trust at the end of the year and of its transactions for the year:

Provided that—

- (i) it shall not be necessary to place any value on inalienable property or on other property or personal chattels held in trust, or acquired by the National Trust for preservation;
- (ii) it shall not be necessary to take account of any obligation for the future maintenance of property held by the National Trust for preservation.

(3) In any accounts of the National Trust laid before an ordinary meeting, or in a statement annexed thereto, there shall be shown—

- (a) particulars of any remuneration of chairmen paid in pursuance of section 18 of this Act;

- PART II
—cont.
- (b) the aggregate remuneration paid to members of the council or former members of the council;
- (c) by reference to each pair of adjacent points on a scale whereon the lowest point and the succeeding points are the same as the lowest point and the succeeding ones on the scale prescribed by section 8 of the Companies Act 1967, the number (if any) of persons in the employ- 1967 c. 81.
ment of the National Trust whose annual rate of remuneration exceeded the lower point but did not exceed the higher;
- (d) where practicable the estimated amount, if it is material, of contracts for capital expenditure so far as not provided for;
- (e) the extent to which any items shown in the statement of transactions are materially affected—
- (i) by transactions of a sort not usually undertaken by a charity having objects similar to those of the National Trust or otherwise of an exceptional or non-recurrent nature; or
 - (ii) by any change in the basis of accounting;
- (f) if the aggregate amount of loans, other than bank loans or overdrafts, made to the National Trust, which are repayable otherwise than by instalments and fall due for repayment after the expiration of five years from the accounting date, or which are repayable by instalments any of which fall due for payment after the expiration of that period, is material, the aggregate amount of such loans and the terms on which each such loan is repayable and the rate at which interest is payable thereon:
- Provided that if it is impracticable to specify separately such particulars thereof, it shall be sufficient to give a general indication of the terms on which the loans are repayable and the rates at which interest is payable thereon;
- (g) particulars of property other than personal chattels purchased or otherwise acquired by the National Trust during the preceding year, unless such particulars are given in the report of the council to be laid before the ordinary meeting;
- (h) the amount of revenue deficits on improvements to and provision of amenities for the special trust properties which have been financed from general funds, together with a summary of movements during the year and a note specifying whether interest or administrative costs have been taken into account in the movements.

PART II
—cont.

(4) The accounts shall be approved by the council and signed on their behalf by two members of the council.

(5) The accounts shall have annexed thereto the report of the auditors, who shall have the right to attend the general meeting to which the accounts are presented.

1925 c. 23.

(6) For the purposes of this section the expression “personal chattels” has the same meaning as in paragraph (1) (x) of section 55 of the Administration of Estates Act 1925, subject to the omission of the words “used at the death of the intestate” in that paragraph, and “special trust property” means property administered by the National Trust under a trust by which the income of the trust must be applied to that property only.

Audit.

22. Once at least in every year the accounts of the National Trust shall be examined and audited by an auditor or auditors to be elected annually at the annual general meeting and any previously elected auditor or auditors shall be eligible for re-election:

Provided that a person shall not be qualified to be appointed as an auditor under this section unless he is a member of one or more of the following bodies:—

the Institute of Chartered Accountants in England and Wales;

the Institute of Chartered Accountants of Scotland;

the Association of Certified and Corporate Accountants;

the Institute of Chartered Accountants in Ireland;

any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161 (1) (a) of the Companies Act 1948 by the Secretary of State;

1948 c. 38.

but a Scottish firm may be so appointed if each of the partners is qualified to be so appointed.

PART III

GENERAL POWERS

Further powers over certain common or commonable land.

23.—(1) Subject to the provisions of this section, in addition to the powers conferred on the National Trust by section 29 (Powers exercisable over certain Trust property) of the Act of 1907, the National Trust shall have power with respect to any Trust property to which that section applies to do anything appearing to the National Trust to be desirable for the purpose

of providing, or improving, opportunities for the enjoyment of the property by the public, and in the interests of persons resorting thereto, and in particular—

PART III
—cont.

- (a) to provide or arrange for the provision of facilities and services for the enjoyment or convenience of the public, including meals and refreshments, parking places for vehicles, shelters and lavatory accommodation;
- (b) to erect buildings and carry out works.

(2) The erection of any building (other than a shed for tools and materials), or the construction of any other work, whereby access by the public to any Trust property to which the said section 29 applies is prevented or impeded, shall not be lawful unless the consent of the Secretary of State is obtained, and in giving or withholding his consent the Secretary of State shall have regard to the same considerations and shall, if necessary, hold the same inquiries as are directed by the Commons Act 1876, to be taken into consideration and held by the Secretary of State before forming an opinion whether an application under the Inclosure Acts 1845 to 1882 shall be acceded to or not. 1876 c. 56.

(3) Notwithstanding anything in subsection (2) of section 30 (Power to charge for admission to Trust property) of the Act of 1907 the National Trust may make such reasonable charges as they may from time to time determine for the use by the public of any facilities, services, parking places or other accommodation provided under this section.

24.—(1) The National Trust may make byelaws for the regulation and protection of and for the prevention and suppression of nuisances and the preservation of order upon and the regulation of the conduct and securing the safety of any person resorting to any lands or property of the National Trust held for the benefit of the nation, and in particular and without prejudice to the generality of the foregoing, for the following purposes, that is to say:—

- (a) for prohibiting any person without lawful authority from digging, cutting or taking turves, sods, gravel, stone, sand, clay or other substance on or from such lands or property and from cutting, felling or injuring any gorse, heather, timber or other tree, shrub, brushwood or other plant growing thereon;
- (b) for prohibiting or regulating the lighting of any fire on such lands or property;
- (c) for prohibiting or regulating the firing or discharge of firearms or the throwing or discharge of missiles on such lands or property without lawful authority;

PART III
—cont.

- (d) for prohibiting the deposit on such lands or property or in any pond thereon of road-sand, materials for repair of roads or wood or any dung, rubbish or other offensive matter;
- (e) for prohibiting the injury, defacement or removal of any building, structure or other thing upon such lands or property or of seats, fences, notice boards or other things put up or maintained by the National Trust;
- (f) for prohibiting or regulating the posting or painting of bills, placards, advertisements or notices on trees or fences or notice boards on such lands or property;
- (g) for prohibiting any person without lawful authority from bird catching, setting traps or nets or liming trees or laying snares for birds or other animals, taking birds' eggs or nests and shooting, driving or chasing game or other animals on such lands or property;
- (h) for prohibiting or regulating the drawing or propelling upon such lands or property without lawful authority of any carriage, cart, caravan, truck, motor car, cycle or other vehicle and the erecting or permitting to remain on such lands or property without the consent of the National Trust or other lawful authority any buildings, shed, tent, fence, post, railing or other structure, whether used in connection with the playing of games or not, and for authorising an officer of the National Trust to remove therefrom any vehicle, drawn or propelled thereon, and any structure erected thereon in contravention of the byelaws and for prescribing any roads other than public roads upon which motor cars and cycles may be used;
- (i) for prohibiting or regulating the placing on such lands or property of any show, exhibition, swing, roundabout or other like thing and for authorising an officer of the National Trust to remove from such lands or property any thing placed thereon in contravention of the byelaws;
- (j) for regulating games to be played and other means of recreation to be exercised on such lands or property and assemblages of persons thereon;
- (k) for regulating the use of any portion of such lands or property temporarily closed or set apart under the National Trust Acts 1907 to 1971 for any purpose;
- (l) for prohibiting or regulating horses being exercised or broken in on such lands without lawful authority;
- (m) for prohibiting any person without lawful authority from turning out or permitting to remain on such

- lands any cattle, sheep or other animals and for authorising an officer of the National Trust to remove therefrom any cattle, sheep or other animal being thereon in contravention of the byelaws or suffering from disease;
- (n) generally for prohibiting or regulating any act or thing tending to injure or disfigure such lands or property or to interfere with the use and enjoyment thereof by the public;
- (o) for authorising an officer of the National Trust after due warning to remove or exclude from such lands or property any person who within his view commits an offence against the byelaws made under this Act;
- (p) for prohibiting the hindrance or obstruction of an officer of the National Trust in the exercise of his powers or duties under this Act or under any byelaws made thereunder;
- (q) for permitting the public or any specified persons or person to view and to make copies or reproductions of or extracts from any chattel vested in the National Trust on such terms in all respects as may be from time to time prescribed by the council;
- (r) for regulating the speed of vehicles on any road on such lands or property, not being a road within the meaning of the Road Traffic Act 1960;
- (s) for prohibiting or regulating sailing, boating, bathing and fishing and other forms of recreation on any waterway forming part of such lands or property.

1960 c. 16.

(2) In this section the expression “officer of the National Trust” shall be deemed to include a voluntary worker as well as a paid officer of the National Trust and “waterway” means any lake, river, canal or other waters.

(3) Notwithstanding the repeal by this Act of section 32 (Byelaws) of the Act of 1907, all byelaws made by the National Trust under that section and in force immediately prior to the passing of this Act shall continue to have effect until revoked by the National Trust.

(4) Section 12 (Provisions applicable to byelaws) of the Act of 1937 shall have effect as if for the words “section 32 (Byelaws)” there were substituted the words “section 24 (Byelaws) of the National Trust Act 1971”.

(5) For the purposes of this section any lands or property in which the National Trust is entitled to a leasehold interest in possession shall be deemed to be lands or property of the National Trust held for the benefit of the nation.

(6) Nothing in any byelaw made in pursuance of this section shall prejudice or affect the lawful exercise of the powers or functions of any river authority, of the Isle of Wight River and

PART III
—cont.

1930 c. 44.

Water Authority, of the Conservators of the River Thames, of the Lee Conservancy Catchment Board or of any internal drainage board within the meaning of the Land Drainage Act 1930 and before making any byelaws under this section which in the opinion of the National Trust might conflict with any byelaws made by a river authority or other drainage authority within the meaning of the said Act of 1930 the National Trust shall consult with the Association of River Authorities and the Association of Drainage Authorities.

(7) Nothing in this section shall be taken to empower the National Trust to make any byelaw prohibiting, restricting or interfering with rights of navigation in any tidal waters or in any waterway which is not tidal water.

Extension of
power to
charge for
admission to
Trust
property.

25. Section 30 (Power to charge for admission to Trust property) of the Act of 1907 shall have effect as if at the end thereof there were inserted the following subsections:—

“(3) The National Trust may make such reasonable charges as they may from time to time determine in respect of the playing of games, sailing, boating, bathing and fishing and other forms of recreation on any lands or property or waterway of the National Trust.

(4) In this section the expression “waterway” means any lake, river, canal or other waters.

(5) Nothing in subsection (3) of this section shall empower the National Trust to make any charge in respect of navigation in tidal waters.”

Occupation
of Trust
property by
member.

26. Notwithstanding section 5 (National Trust not to divide profits among its members) of the Act of 1907, it shall be lawful for any member of the National Trust (not being a member of the council) by agreement with the National Trust to reside in or occupy any of the Trust property either at the best rent that could reasonably be obtained or (in the case of any property other than property acquired and held as an investment under paragraph (a) of section 4 (Extension of powers of National Trust) of the Act of 1937) at a less rent or gratuitously and on such other terms and conditions as the council shall think fit to approve:

Provided that it shall be the duty of a member of the executive committee, a regional committee, a local or other committee or a sub-committee who resides in or occupies any of the Trust property to declare the nature of his interest at any meeting of the executive committee, a regional committee, a local or other committee or a sub-committee at which any question in relation to that property is considered and he shall not take part in the consideration or discussion of, or vote on, the question.

27. Section 84 of the Law of Property Act 1925 (which contains power to discharge or modify restrictive covenants affecting land) shall not apply to restrictions imposed (whether before or after the passing of this Act) for the purpose of—

- (a) preserving; or
- (b) protecting or augmenting the amenities of; or
- (c) securing the access to and enjoyment by the public of;

any property which is or becomes inalienable by or under section 21 (Certain property of Trust to be inalienable) of the Act of 1907 or by section 8 (Mansion and lands to be inalienable by National Trust) of the National Trust Act 1939.

PART III
—cont.
Restrictions
for
protection of
Trust
property.
1925 c. 20.

1939 c. lxxxvi.

28.—(1) Notwithstanding anything in the National Trust Acts 1907 to 1953, the National Trust may dispose of Kanturk Castle whether by way of sale or gift to the Office of Public Works of the Republic of Ireland, the National Trust for Ireland or such other body in the said republic as the council may decide.

Kanturk
Castle.

(2) In this section “Kanturk Castle” means all the property of the National Trust known as The Old Court or Kanturk Castle in the Parish of Kilmeen in the Barony of Duhallow and County of Cork in the Republic of Ireland.

PART IV

RIVER WEY NAVIGATION AND GODALMING NAVIGATION

29. In this Part of this Act, unless the subject or context otherwise requires—

Interpretation
of Part IV.

“the Act of 1670” means the Act passed in the twenty-second and twenty-third years of the reign of His Majesty King Charles II intituled “An Act for settling and preserving the navigation of the River Wey in the County of Surrey”;

1670 c. 26.

“the Act of 1760” means the Act passed in the thirty-third year of the reign of His Majesty King George II intituled “An Act for extending and continuing the Navigation of the River Wey, otherwise Wye, in the County of Surrey to the Town of Godalming, in the said County”;

1760 c. 45.

“the Godalming Navigation” means the navigation authorised by the Act of 1760 and all cuts, canals, weirs, locks, river works, towing paths, lockhouses, ferries, easements, watercourses and water rights now vested in or possessed or exercisable by the National Trust by virtue of that Act and the Guildford Corporation Act 1967;

1967 c. xxviii.

PART IV
—cont.

“ the Wey Navigation ” means the navigation authorised by the Act of 1670 and all cuts, canals, weirs, locks, river works, towing paths, lockhouses, ferries, easements, watercourses and water rights now vested in or possessed or exercisable by the National Trust as successors in title of the proprietors constituted by or under that Act.

Management
of Wey
Navigation and
Godalming
Navigation.

30. Notwithstanding anything in the Act of 1670 or the Act of 1760, the National Trust may maintain, manage and administer the Wey Navigation and the Godalming Navigation as a single navigation and undertaking, and for that purpose may apply and use any capital moneys or revenue received by the National Trust from or in respect of either of the said navigations to or for the purposes of the other of the said navigations in such manner as the National Trust in its discretion may think fit:

Provided that any capital moneys held as a source of income for the upkeep of either of the said navigations shall not be used otherwise than as a source of upkeep for either or both of those navigations.

Extension to
Wey Naviga-
tion of powers
of National
Trust under
the Guildford
Corporation
Act 1938.
1938 c. lxxxvi.
1967 c. xxviii.

31. The powers exercisable by the National Trust under paragraphs (c) and (d) of subsection (4) of section 78 (Power to purchase Godalming Navigation) of the Guildford Corporation Act 1938, by virtue of section 49 (Godalming Navigation) of the Guildford Corporation Act 1967, shall extend and apply to the lands and waters of the Wey Navigation as if such lands and waters were lands and waters referred to in the said paragraphs (c) and (d).

PART V

MISCELLANEOUS

Repeals.

32. The following provisions are hereby repealed:—

Act of 1907—

- Section 14 (Constitution of National Trust);
- Section 17 (General meetings);
- Section 18 (Establishment of council);
- Section 19 (Supply of casual vacancies in council);
- Section 20 (Powers and proceedings of council);
- Section 25 (Accounts);
- Section 26 (Audit);
- Section 32 (Byelaws);
- The Second Schedule;

Act of 1937—

Section 5 (Occupation of Trust property by member);
Subsection (1) of section 11 (Byelaws);

PART V
—cont.

The National Trust Act 1939—

Section 14 (Extension of power to make byelaws).

1939 c. lxxxvi.

33. This Act shall not extend to Northern Ireland.

Extent of Act.

34. The costs, charges and expenses of and incidental to the preparation of, the applying for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the National Trust and may in whole or in part be defrayed out of income.

Costs of Act.

SCHEDULES

Section 8.

SCHEDULE 1

PART I

BODIES AND PERSONS AUTHORISED TO APPOINT A MEMBER OF
THE COUNCIL

The Trustees of the British Museum.
 The Courtauld Institute.
 The Institute of Landscape Architects.
 The Trustees of the National Gallery.
 The Royal Academy of Arts.
 The Royal Institute of British Architects.
 The Society of Antiquaries of London.
 The Society for the Protection of Ancient Buildings.
 The British Ecological Society.
 The Trustees of the British Museum (Natural History).
 The Linnean Society.
 The Royal Horticultural Society.
 The Commons, Open Spaces and Footpaths Preservation Society.
 The Council for the Protection of Rural England.
 The Council for the Protection of Rural Wales.
 The Ramblers' Association.
 The Society for the Promotion of Nature Reserves.
 The National Federation of Women's Institutes.
 The Youth Hostels Association (England and Wales).
 The Civic Trust.
 The National Museum of Wales.
 The County Councils Association.
 The Governor of Northern Ireland.
 The National Trust for Scotland for Places of Historic Interest or
 Natural Beauty.
 The Natural Environment Research Council.

PART II

BODIES AUTHORISED JOINTLY TO APPOINT A MEMBER OF THE COUNCIL

The Council for British Archaeology.
 The Georgian Group.
 The Victorian Society.
 The Ancient Monuments Society.

Section 5.

SCHEDULE 2

REGULATIONS GOVERNING THE CALLING AND HOLDING OF
GENERAL MEETINGS OF THE NATIONAL TRUST

1. The annual general meetings shall be called ordinary meetings and all other general meetings shall be called extraordinary meetings.

2. The council at each ordinary meeting shall lay before the meeting a report of the work done in the preceding year and the accounts of the National Trust for that year. A copy of the said report and of the said accounts shall be dispatched to each member on or before the 30th June preceding the date of the ordinary meeting.

3.—(1) The council or the executive committee may whenever they think fit convene an extraordinary meeting, and the council shall upon a requisition made in writing and signed by one-twentieth of one per cent. or more of the members registered in the books of the National Trust as stated in the annual report preceding the date of the requisition, convene an extraordinary meeting.

(2) Any such requisition made by the members shall specify the object of the meeting proposed to be called and shall be left with the Secretary of the National Trust.

(3) Upon the receipt of such requisition the council shall forthwith proceed to convene a general meeting, and if the council do not convene the same within twenty-eight days from the date of receipt of the requisition, the requisitionists may themselves convene a meeting.

4. The ordinary meeting shall be held on such date between the 1st September and the 31st December in each year and at such time and place as the council shall appoint.

5. Notice of every general meeting and of the agenda shall be dispatched to the members not less than thirty-five days before the date of the meeting in such form and manner as the council may from time to time prescribe.

6.—(1) No business, except such as is appointed by this Act to be dealt with at an ordinary meeting, shall be transacted at any such meeting, unless special notice of such business has been given in the notice convening the meeting. Special notice shall not be given of any such business except in accordance with a resolution of the council or the executive committee or a members' resolution.

(2) No business shall be transacted at any extraordinary meeting other than business of which notice has been given in the notice convening the meeting.

7. Notice of a members' resolution or of the nomination of a person for election as an elected member shall be sent to the Secretary of the National Trust so as to be received by him not later than the 15th August preceding the ordinary meeting. Notice of a members' resolution shall be signed by not less than ten members and shall specify the resolution. Notice of a nomination shall be signed by three members. No members' resolution and no such nomination shall be entertained by an ordinary meeting unless notice has been given as aforesaid.

8. The council may refuse to accept a members' resolution which contains matter of a defamatory nature.

9. The members proposing a members' resolution may submit with the notice of the resolution a statement in explanation thereof and the council shall dispatch a copy of such statement to every member with the notice of the ordinary meeting at which the resolution is to be proposed:

SCH. 2
—cont.

Provided that—

- (i) no such statement shall exceed 500 words in length;
- (ii) if such statement exceeds 500 words in length the members submitting the statement shall repay to the National Trust the cost of printing the statement, unless the members present in person or by proxy at the ordinary meeting otherwise resolve; and
- (iii) the council may refuse to accept any statement which contains matter of a defamatory nature.

10. The non-receipt of a notice by any member shall not invalidate the proceedings of any general meeting.

11. One hundred members present in person or by proxy shall form a quorum for a general meeting.

12. If within one hour from the time appointed for a general meeting a quorum is not present no business shall be transacted other than the election of members of the council, the consideration of the report of the council and the accounts, and the election of the auditors.

13. At every general meeting all matters which come up for decision at such meeting shall be decided by a majority of the votes of the members present in person and voting by show of hands unless a poll is demanded as hereinafter provided.

14. At a general meeting a poll may be demanded in respect of any resolution by—

- (i) one-third of the members of the executive committee; or
- (ii) not less than ten members present in person at the meeting.

If a poll is duly demanded as aforesaid the matter for decision shall be decided by a majority of the votes of the members present in person or by proxy and voting.

15. At a general meeting every member, other than a member of a class referred to in paragraph (g) of subsection (1) of section 4 (Constitution of National Trust) of this Act, shall have one vote. Votes may be given either personally or by proxies, authorised by writing in the following form:—

FORM OF PROXY

I, being a member of the National Trust, hereby appoint

, or failing him,
, or failing him,

as my proxy to vote for me and on my behalf at the general meeting of the Trust to be held on , 19 ,
at

and at any adjournment thereof and, in particular, in respect of the undermentioned resolutions referred to in the notice of general meeting dated , 19 , to vote:

- *For/Against resolution numbered 1.
- *For/Against resolution numbered 2.
- *For/Against resolution numbered 3.
- *For/Against resolution numbered 4.
- *Delete whichever is not desired.

Should this proxy form be returned signed but without any specific instructions in respect of any particular resolution, then my said proxy is hereby authorised to vote for or against such particular resolution or refrain from voting as he may think fit in his absolute discretion.

SCH. 2
—cont.

Date , 19 .

Signature

Membership number

NOTES AND INSTRUCTIONS

(1) If any other proxy be preferred, strike out the names printed above and add the name of the proxy so desired.

(2) This proxy form, duly signed, must reach the head office of the Trust not later than seven days before the day of the meeting.

16. No person shall be entitled to vote as a proxy unless the instrument appointing such proxy shall have been received by the Secretary of the National Trust not less than seven days before the day appointed for holding the meeting at which such proxy is to be used.

17. If neither the chairman nor the deputy chairman of the National Trust is present at a general meeting, the meeting shall elect a chairman. The chairman shall in case the votes at any general meeting are equally divided have, as well as his own vote, a second or casting vote. The chairman may with the consent of the meeting adjourn any meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left undisposed of at a meeting at which the adjournment took place, unless in pursuance of a notice and agenda given to the members as hereinbefore prescribed.

SCHEDULE 3

Section 12.

MATTERS IN RESPECT OF WHICH EXECUTIVE COMMITTEE NOT TO EXERCISE POWERS CONFERRED ON COUNCIL

1. The general policy of the National Trust including—
 - (a) the principles on which properties should be acquired;
 - (b) the principles governing access to properties by the public;
 - (c) the standard of the amenities to be provided at properties;
 - (d) the standards of restoration, modernisation and upkeep of properties.
2. The appointment of members of the executive committee.
3. The remuneration of any office holders.
4. Regional boundaries.

SCH. 3
—cont.

5. The delegation of powers to regional committees.
6. The appointment of chairmen of regional committees.
7. Proposals for the alteration of the National Trust Acts and byelaws.
8. The periodic review of the bodies and persons entitled to appoint members of the council in accordance with section 8 (Appointed members of council) of this Act.
9. Approval of the annual budget of the National Trust.
10. Approval of the annual accounts of the National Trust.
11. The form and content of the annual report.
12. Arrangements for the general meetings of the National Trust.
13. Examination of the quarterly reports of the executive committee.

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