



CHAPTER xxxviii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to the National Trust for Scotland.

[6th August 1947.]

**W**HEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament:

26 Geo. 5. &  
1 Edw. 8.  
c. 52.

Be it therefore enacted by the King'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. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed.
2. This Act may be cited as the National Trust for Scotland Order Confirmation Act 1947.

Confirmation  
of Order in  
schedule.

Short title.

## SCHEDULE.

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### THE NATIONAL TRUST FOR SCOTLAND.

*Provisional Order to confer further powers upon the National Trust for Scotland for Places of Historic Interest or Natural Beauty.*

WHEREAS the National Trust for Scotland for Places of Historic Interest or Natural Beauty (in this Order called "the National Trust for Scotland") was incorporated by the National Trust for Scotland Order 1935.

And whereas by the National Trust for Scotland Order 1938 the purposes of the National Trust for Scotland were extended as set forth therein and further powers were conferred on the National Trust for Scotland.

And whereas the National Trust for Scotland was established for the general purposes of promoting the permanent preservation for the benefit of the nation of lands and buildings in Scotland of historic or national interest or natural beauty and also of articles and objects of historic or national interest and as regards lands for the preservation (so far as practicable) of their natural aspect and features and animal and plant life and as regards buildings for the preservation (so far as practicable) of their architectural or historic features and contents so far as of national or historic interest :

And whereas the properties now vested in the National Trust for Scotland include extensive tracts of country townships and villages with a large resident population :

And whereas in order to carry out more effectively the objects and purposes of the National Trust for Scotland and further the improvement of the properties of the National Trust for Scotland and the welfare of those residing thereon it is expedient that the National Trust for Scotland should be empowered to grant feus and excamb lands and heritages as provided in this Order :

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936 :

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary of State orders as follows :—

1.—(1) This Order may be cited as the National Trust for Scotland Order 1947 and shall be construed as one with the National Trust for Scotland Order 1935 and the National Trust for Scotland Order 1938 and this Order and the National Trust for Scotland Order 1935 and the National Trust for Scotland Order 1938 may be cited together as the National Trust for Scotland Orders 1935 to 1947.

(2) This Order shall come into operation on the date of the passing of the Act confirming this Order.

2. In this Order the several words and expressions to which meanings are assigned by the National Trust for Scotland Orders 1935 and 1938 shall have the same respective meanings and in this Order "the Order of 1938" means the National Trust for Scotland Order 1938. Interpretation.

3. Notwithstanding anything contained in the Order of 1935 or the Order of 1938 the powers of the National Trust for Scotland shall (subject to the provisions of the section of this Order of which the marginal note is "Exercise of extended powers") be extended so as to include— Extension of powers of National Trust for Scotland.

(a) Power to grant feus of any lands and heritages forming part or parts of the Trust property for such feu duties and with or without the addition of any grassum or valuable consideration as the Council shall think fit ;

(b) Power to make excambion of any lands and heritages forming part or parts of the Trust property in exchange for other lands and heritages considered by the Council as appropriate and suitable to be held by the National Trust for Scotland and that notwithstanding that the lands and heritages to be taken in exchange may differ in character from such lands and heritages forming part of the Trust property to be given in excambion.

4. The powers conferred on the National Trust for Scotland by the immediately preceding section of this Order shall only apply and be exercised as follows :— Exercise of extended powers.

(1) The said powers shall not extend or apply to any mansion house or other building held by the National Trust for Scotland for the express purpose of the preservation thereof nor to the offices and gardens connected with any such mansion house or other building or necessary for preserving the amenity thereof ;

(2) The powers conferred on the National Trust for Scotland by paragraph (a) of the immediately preceding section of this Order shall in any case where it is proposed to feu an area of ground exceeding twenty acres in extent which forms part of any land or heritage forming part of the Trust property only be exercised with the consent of the Lord Advocate Evidence of such consent shall be given by the signature of the Lord Advocate to the feu charter feu contract or other writ by which the transaction is effected ;

(3) The powers conferred on the National Trust for Scotland by paragraph (b) of the immediately preceding section of this Order shall only be exercised by the Council following upon a resolution to exercise such power being passed by a three-fourths majority vote of the members present at a meeting of the Council in respect of which printed notice has been given that the exercise of such powers will come up for consideration A certified copy of the said resolution or of an excerpt therefrom under the hand of the secretary of the National Trust for Scotland shall be conclusive evidence to a purchaser or any other person dealing with the National Trust for Scotland that the provisions of this subsection have been complied with ;



- (4) Any sums received by the National Trust for Scotland as grassum under the immediately preceding section of this Order shall be treated as capital and shall be held or applied for behoof only of that part of the Trust property of which the lands and heritages feued or excambed formed a part.

Costs of Order.

5. The costs charges and expense of and incidental to the preparation applying for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the National Trust for Scotland.

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