



National Heritage Act 1983

1983 CHAPTER 47

Royal Botanic Gardens, Kew

23 Establishment of Board of Trustees.

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

24 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) provide advice, instruction and education in relation to those aspects of the science of plants with which the Board are for the time being in fact concerned,
 - (c) provide other services (including quarantine) in relation to plants,
 - (d) care for their collections of plants, preserved plant material other objects relating to plants, books and records,
 - (e) Keep the collections as national reference collections, secure that they are available to persons for the purposes of study, and add to and adapt them as scientific needs and the Board's resources allow, 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) For those purposes the Board may, subject to the provisions of this Act—
 - (a) enter into contracts and other agreements (including agreements for the Board's occupation or management of land),
 - (b) acquire and dispose of land and other property, and
 - (c) 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 occupied or managed by them.

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- (3) Subject to the provisions of this Act, the Board may do such things as they think necessary or expedient—
- (a) for preserving, and increasing the utility of, their collections,
 - (b) for securing the due administration of anything vested in or acquired by them, and any land occupied or managed by them, under or by virtue of this Act, and
 - (c) otherwise for the purposes of their functions.
- (4) Subsection (5) applies to functions which are exercisable by a Minister of the Crown (whether by virtue of an enactment or otherwise) in relation to the management of Kew Gardens or other land and which in his opinion can appropriately be exercised by the Board having regard to their functions and resources; but subsection (5) does not apply to a function of making regulations or other instruments of a legislative character.
- (5) If the Minister directs the Board to exercise functions specified in the direction in relation to land so specified, the Board shall exercise them on his behalf in such manner as he may from time to time direct.
- (6) The Board shall not acquire or dispose of land without the consent of the [^{F1}Secretary of State]; but that restriction does not apply to the grant of a lease of, or a licence or concession in respect of, land if the term of the proposed grant is less than one year.
- ^{F2}(7)
- ^{F3}(8)
- (9) The Board's name shall not be taken to confine their activities to Kew.

Textual Amendments

- F1** Words in s. 24(6) substituted (27.3.2002) by [S.I. 2002/794](#), art. 5(1), [Sch. 1 para. 22\(1\)\(2\)](#) (with arts. 5(3), 6)
- F2** [S. 24\(7\)](#) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, [Sch. 11 para. 102](#), [Sch. 12](#); [S.I. 2006/2541](#), art. 2 (with Sch.)
- F3** [S. 24\(8\)](#) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, [Sch. 11 para. 103](#), [Sch. 12](#); [S.I. 2006/2541](#), art. 2 (with Sch.)

25 Power of Board to form companies.

- (1) With the consent of the [^{F4}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
- ^{F5}(a) one or more of the particular objects mentioned in subsection (2), or
 - (b) any other object or objects incidental to the Board's functions.]
- (2) The [^{F6}particular 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 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, of informative material relating to the science of plants or related subjects, or of souvenirs relating to plants or to the Board's activities, and

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- (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.
- (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 24.

Textual Amendments

- F4** Words in s. 25(1) substituted (27.3.2002) by [S.I. 2002/794, art. 5\(1\), Sch. 1 para. 23](#) (with arts. 5(3), 6)
- F5** S. 25(1)(a)(b) substituted for words in s. 25(1) (14.2.2012) by [Public Bodies Act 2011 \(c. 24\), ss. 32\(4\)\(a\), 38\(1\)](#)
- F6** Words in s. 25(2) substituted (14.2.2012) by [Public Bodies Act 2011 \(c. 24\), ss. 32\(4\)\(b\), 38\(1\)](#)

26 Initial vesting in Board.

- (1) Where the property in an object was vested in the Minister of Agriculture, Fisheries and Food 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 Gardens, 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.
- (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 exercisable by or incumbent on that Minister 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 41(2) for the coming into force of this section.

27 Acquisition and disposal of objects.

- (1) The Board may acquire (whether by purchase, exchange or gift) any objects which in their opinion it is desirable to add to their collections.
- (2) The Board may not dispose of an object the property in which is vested in them and which is comprised in their collections unless—
 - (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

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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.
- (3) An object may be disposed of as mentioned in subsection (2)(c) notwithstanding a trust or condition (express or implied) prohibiting or restricting the disposal of the object.

28 Lending and borrowing of objects.

- (1) Subject to subsection (2), the Board may lend any object the property in which is vested in them and which is comprised in their collections (whether or not the loan is for purposes of public exhibition, and whether or not under the terms of the loan the object is to remain in the United Kingdom).
- (2) In deciding whether or not to lend an object, and in determining the time for which and the conditions subject to which an object is to be lent, the Board—
 - (a) shall give special consideration to a request for the loan of an object for public exhibition, and
 - (b) subject to that, shall have regard to the interests of students and other persons visiting the Board's collections, the suitability of the prospective borrower, the purpose of the loan, the physical condition and degree of rarity of the object, and any risks to which it is likely to be exposed.
- (3) The Board may accept loans of objects for the purpose (depending on the terms of the loan) of exhibiting them, or of study or research by the Board or by persons seeking to inspect them.

29 Finance.

- (1) The [^{F7}Secretary of State] may out of money provided by Parliament pay to the Board such sums towards their expenditure as the Treasury may approve.
- (2) The payment may be made on such conditions as the [^{F8}Secretary of State] imposes with the Treasury's approval.

Textual Amendments

- F7** Words in s. 29(1) substituted (27.3.2002) by S.I. 2002/794, art. 5(1), **Sch. 1 para. 24(1)(2)** (with arts. 5(3), 6)
- F8** Word in s. 29(2) substituted (27.3.2002) by S.I. 2002/794, art. 5(1), **Sch. 1 para. 24(1)(3)** (with arts. 5(3), 6)

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