



# National Heritage (Scotland) Act 1985

## 1985 CHAPTER 16

### PART VI

#### MISCELLANEOUS AND GENERAL

#### **21 Amendment of Historic Buildings and Ancient Monuments Act 1953.49.**

- (1) The <sup>M1</sup>Historic Buildings and Ancient Monuments Act 1953 shall be amended as provided in this section.
- (2) In section 5 (acquisition by the Minister of historic buildings, their contents and adjoining land) after subsection (2) there shall be inserted the following subsection—
  - “(2A) Subject as aforesaid, the Minister shall have power to acquire by agreement, whether by purchase, lease or otherwise, or to accept a gift of—
    - (a) any building situated in Scotland and which—
      - (i) is in an area designated as a conservation area under section 262 of the Town and Country Planning (Scotland) Act 1972; and
      - (ii) appears to him to be of special historic or architectural interest;
    - (b) any land situated in Scotland and which comprises or is contiguous or adjacent to any building mentioned in paragraph (a) above;
    - (c) any garden or other land which is situated in Scotland and which appears to him to be of outstanding historic interest but which is not contiguous or adjacent to a building which appears to him to be of outstanding historic or architectural interest.”.
- (3) In section 6 (which provides for, amongst other things, grants to the National Trust for Scotland for acquisition of historic buildings)—
  - (a) in subsection (2), at the end there shall be added the words “ or of any land or garden contiguous or adjacent thereto or such as is referred to in section 5(2A) of this Act. ”; and

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*Changes to legislation: There are currently no known outstanding effects for the National Heritage (Scotland) Act 1985, Section 21. (See end of Document for details)*

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- (b) in subsection (4) (extent) for the words “or buildings” there shall be substituted the words “ buildings, land or garden ”.
- (4) In section 8 (power of Minister to accept endowments of historic buildings)—
- (a) in subsection (1), for the words “the following provisions” there shall be substituted the words “ subsections (2) to (7) ”; and
  - (b) after subsection (1) there shall be inserted the following subsection—
    - “(1A) Where any instrument coming into operation after the commencement of this subsection contains a provision purporting to be a gift of property to the Minister upon trust to use the income thereof (either for a limited time or in perpetuity) for or towards the upkeep of a garden or other land acquired or accepted by him under section 5(2A)(c) of this Act or a garden or other land which he proposes so to acquire or accept or for or towards the upkeep of any such garden or other land together with other property situated in Scotland, he may accept the gift and, if he does so and the provision does not constitute a charitable trust, subsections (2) to (6) below shall have effect.”; and
  - (c) in subsection (4), after the word “building”, where first and secondly occurring, there shall be inserted the words “ , land or garden ”.

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**Marginal Citations**

**M1** 1953 c.

**Changes to legislation:**

There are currently no known outstanding effects for the National Heritage (Scotland) Act 1985, Section 21.