

**EXPLANATORY MEMORANDUM TO  
THE CHARITIES (NATIONAL TRUST) ORDER 2005**

**1.** This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 An Order to bring into effect the provisions contained in a Scheme of the Charity Commissioners made under s.17 of the Charities Act 1993 in connection with the governance and administration of the National Trust for Places of Historic Interest or Natural Beauty.

2.2 The purpose of the scheme is to change the way that the Trust is governed by establishing a Board of trustees, by setting out the way in which that Board operates, and by defining the relationship between the Board, the Council of the Trust, and the general membership of the Trust.

2.3 The scheme also sets out new procedures for the way in which elections are held and general meetings are conducted together with other miscellaneous improvements which will streamline and modernise the way in which the charity functions.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Background**

4.1 The National Trust currently operates under the provisions of the National Trust Acts 1907 to 1971.

4.2 The Charity Commission has the power under s.17 of the Charities Act 1993 to make a scheme for the administration of a charity which amends an Act of Parliament where it is satisfied that it should do so.

4.3 Under section 17(2) such a scheme may be given effect to by an order of the Secretary of State, which is required to be laid in draft before Parliament.

**5. Extent**

5.1 This instrument applies to England and Wales.

**6. European Convention on Human Rights**

Fiona Mactaggart MP, Parliamentary Under Secretary for Race Equality, Community Policy and Civil Renewal has made the following statement regarding Human Rights:

In my view the provisions of the Charities (National Trust) Order 2005 are compatible with the Convention rights.

## **7. Policy background**

7.1 This Order is required to bring into effect a Scheme made by the Charity Commissioners under section 17 of the Charities Act 1993 which will alter the governance arrangements for the administration of the National Trust. It does not extend to altering the objects and policies of the charity. The Order is necessary because the Scheme alters the provisions made by an Act of Parliament to establish and regulate the National Trust, the National Trust Acts 1907 to 1971. These Acts are not public general Acts of Parliament and therefore the order is not subject to the affirmative resolution procedure.

7.2 The Order will enable the National Trust, through the Charity Commissioners' Scheme, to redefine the trusteeship of the charity and deal with the administrative arrangements for trustee meetings; define the relationship between the Council and the Board of trustees; and clarify arrangements for procedures at general meetings.

7.3 As required by section 20 of the Charities Act 1993, public notice of the proposals was given. Membership of the charity is around 3 million and representations, ranging from stylistic points to more substantive queries, were made to the Charity Commission and the National Trust by some 20 members of the public but in no case was there any objection to the Scheme.

7.4 The change is important as it will enable the National Trust to modernise its governance and other administrative arrangements, to adopt current good practice and improve transparency, to the benefit of its members and the general public.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as no impact on business, charities or voluntary bodies is foreseen as it affects the National Trust only.

8.2 No impact on the public sector is foreseen.

## **9. Contact**

Helen Morgan at the Home Office Tel:020 035 5355 or e-mail: [helenc.morgan@homeoffice.gsi.gov.uk](mailto:helenc.morgan@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.