

The
National Trust Acts

1907 to 1953.

WITH
EXTRACTS FROM CERTAIN PUBLIC ACTS

THE NATIONAL TRUST
42 Queen Anne's Gate, S.W.1.

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CHAPTER cxxxvi.

An Act to incorporate and confer powers upon the A.D. 1907.
National Trust for Places of Historic Interest or
Natural Beauty. [21st August, 1907.]

WHEREAS the National Trust for Places of Historic Interest or Natural Beauty (hereinafter referred to as " the Association ") was in the year 1894 incorporated as an Association not for profit under the Companies Acts 1862 to 1890 with a liability of the members limited by guarantee :

And whereas the Association was incorporated for the 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 :

And whereas the Association in furtherance of those purposes have acquired considerable property comprising common park and mountain land and buildings and are or are reputed to be the owners of or interested in the properties specified in the First Schedule to this Act to the extent and in the manner therein specified :

And whereas the public are admitted to the enjoyment of the lands buildings and property held by the Association but no adequate powers exist for regulating the use of or protecting the property of the Association or for controlling the persons using the same or resorting thereto :

And whereas with a view to the continuance of the work of the Association for obtaining and preserving lands and buildings as aforesaid and for the permanent holding and maintenance thereof and for the preventing as far as possible their destruction

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A.D. 1907. or disfigurement and for promoting the permanent preservation of buildings places or property having historic associations or being celebrated for their natural beauty it is expedient that the Association should be dissolved and re-incorporated as in this Act provided and that the powers of this Act should be conferred :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it 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 (that is to say) :—

Short title. 1. This Act may be cited as the National Trust Act 1907.

Interpretation. 2. In this Act unless the subject or context otherwise requires—

“ The Association ” means the National Trust for Places of Historic Interest or Natural Beauty incorporated under the Companies Acts 1862 to 1890 and dissolved by this Act ;

“ The National Trust ” means the National Trust for Places of Historic Interest or Natural Beauty incorporated by this Act ;

“ The Trust property ” means the property held by the National Trust for purposes of preservation ;

“ The council ” means the council of the National Trust appointed by this Act.

Incorporation of National Trust. 3. From and after the passing of this Act the Association shall be dissolved and the several persons who immediately before the passing of this Act were members thereof and all other persons who shall subscribe to or who shall hereafter become members of the National Trust in accordance with the provisions of this Act and their executors administrators successors and assigns respectively shall be and they are hereby incorporated for the purposes hereinafter mentioned by the name of “ The National Trust for Places of Historic Interest or Natural Beauty ” and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold deal with and dispose of lands and other property without licence in mortmain.

A.D. 1907. 4.—(1) The National Trust shall be established for the General purposes of National Trust. 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.

(2) Subject to the provisions and for the purposes of this Act the National Trust may acquire by purchase gift or otherwise and may hold without licence in mortmain lands buildings and hereditaments and any rights easements or interests therein or thereover and any other property of whatsoever nature and may maintain and manage or assist in the maintenance and management of lands as open spaces or places of public resort and buildings for purposes of public recreation resort or instruction and may accept property in trust for any public purposes and may act in any trusts for or as trustee of any property devoted to public purposes and may do all acts or things and take all such proceedings as they may deem desirable in the furtherance of the objects of the National Trust and they may upon or with respect to any property belonging to them or in which they have any interest do all such things and make all such provisions as may be beneficial for the property or desirable for the comfort or convenience of persons resorting to or using such property and may exercise full powers of ownership over their lands and property according to their estate and interest therein not inconsistent with the objects for which they are constituted and may apply their funds to all or any of such objects.

5. No dividend bonus or other profit shall at any time be paid out of the income or property of the National Trust to any member of the National Trust. National Trust not to divide profits among its members.

6. Subject to the provisions of this Act all the lands buildings rights and easements which immediately before the passing of this Act were vested in the Association or any person in trust for them or to which the Association are in any wise entitled or which immediately before the passing of this Act were the property of the Association and all moneys securities credits effects and other property whatsoever which immediately before the passing of this Act belonged to the Association or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the Association and immediately before the passing of this Act in force shall be and the same are Present property of Association vested in National Trust.

A.D. 1907. hereby vested in the National Trust to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Association or any trustee on their behalf and may subject and according to the provisions of this Act be held and enjoyed sued for and recovered maintained dealt with and disposed of by the National Trust as they think fit.

Memorandum and articles of association of Association to be void.

7. Subject to the provisions of this Act the memorandum and articles of association of the Association shall as to any prospective operation thereof be wholly void and the National Trust and the members thereof shall be exempted from all the provisions restrictions and requirements of any Act which applied to the Association and the members thereof as such. But nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum or articles of association incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the National Trust as nearly as may be in like manner as the same might have been enforced by or on behalf of the Association if this Act had not been passed.

Nothing to affect previous rights and liabilities.

8. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the Association or the members thereof as such shall be as valid as if the National Trust had not been incorporated and the said memorandum and articles of association had not been avoided by this Act and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the National Trust were not incorporated and the said memorandum and articles of association were not avoided by this Act and this Act were not passed would be incident to or consequent on any and every thing so done or suffered and with respect to all such rights liabilities claims and demands the National Trust and the members and property thereof shall to all intents and purposes represent the Association and the members thereof as such and the property of the Association as the case may be and the generality of this enactment shall not be restricted by any of the other sections and provisions of this Act.

9. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with the Association or any trustees or persons acting on behalf of the Association or by to or with any other person to whose rights and liabilities they have succeeded and now in force shall be as binding and of as full force and effect in every respect against or in favour of the National Trust and may be enforced as fully and effectually as if instead of the Association or the trustees or persons acting on behalf of the Association the National Trust had been a party thereto.

A.D. 1907. Contracts prior to Act to be binding.

10. Nothing in this Act contained shall release discharge or suspend any action or other proceeding which was pending by or against the Association or any member thereof in relation to the affairs of the Association or to which the Association or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action suit or other proceeding may be maintained prosecuted or continued by or in favour of or against the National Trust (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Association or any member thereof if this Act had not been passed the National Trust and the members thereof being in reference to the matters aforesaid in all respects substituted for the Association and its members respectively.

Actions &c. not to abate.

11. From and after the passing of this Act and except as is by this Act otherwise expressly provided the National Trust shall in all respects be subject to and shall discharge all obligations and liabilities to which the Association immediately before the passing of this Act were subject and shall indemnify the members council officers and servants of the Association and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

National Trust to satisfy liabilities of Association.

12. All documents books and writings which if the dissolution of the Association and the avoidance of its memorandum and articles of association had not taken place would have been receivable in evidence shall be admitted as evidence in all courts and elsewhere notwithstanding such dissolution and avoidance.

Books &c. continued evidence.

13. The dissolution of the Association and the avoidance of its memorandum and articles of association shall not affect any deed or other instruments or any testamentary disposition of or

Saving to National Trust of benefits of deeds &c. in which Association interested.

A.D. 1907. affecting any property in or to which the Association would but for such dissolution and avoidance have been interested or become entitled.

Constitution of National Trust.

14. The members of the National Trust shall be divided into (A) ordinary subscribing members (B) life members (C) honorary members and (D) local corresponding members:—

Repealed by Sec. 3 of N.T. Act 1953 and Resolution of Council of 16th December 1953.

- (A) *Ordinary subscribing members shall be annual subscribers to the funds of the National Trust of ten shillings or more;*
- (B) Life members shall be the persons who were life members of the Association and any persons who shall hereafter pay to the funds of the National Trust the sum of twenty pounds or such other sum as the council may from time to time specify in that behalf;
- (C) Honorary members shall be the persons who were honorary members of the Association and any persons who shall give to the National Trust any property which or any part of which in the opinion of the council is proper to be preserved for the benefit of the nation or who shall give to the National Trust such sum of money or other property as shall appear to the council to entitle such persons to be distinguished as honorary members;
- (D) Local corresponding members shall be the persons who were local corresponding members of the Association and any persons who without pecuniary contribution undertake to further the objects of the National Trust in any parish district or place in such manner as to the council may seem meet.

Subscriptions.

15. *Every ordinary subscribing member shall be liable for the amount of his subscription and the subscriptions of such members shall be payable on the first day of January in each year;*

Repealed by Sec. 3 of N.T. Act 1953.

Provided that any such member may at any time previously to the thirty-first day of December in any year resign his membership and cease to be a member by sending his resignation in writing to the secretary of the National Trust but subject to such resignation in writing every such member shall be liable for the amount of his subscription in respect of the ensuing year.

As to liability of members.

16. No member of the National Trust shall be liable for or to contribute towards the payment of the debts and liabilities of the National Trust beyond the amount of the annual

subscription of such member or of any contribution agreed to be given and remaining unpaid. A.D. 1907.

17. The first general meeting of the National Trust shall be held within six months after the passing of this Act and the future general meetings shall be held once at least every year at such time and place as the council may appoint and the general meetings shall be called and held in accordance with the regulations contained in the Second Schedule to this Act. General meetings.

18.—(1) The affairs of the National Trust shall be administered by a council to be called "the council of the National Trust" consisting of a president of the council and fifty members of whom twenty-five shall be elected annually from among the members at the annual general meeting of the National Trust. Establishment of council.

(2) Any of the bodies or persons hereinafter named may appoint a member or members to the council of the National Trust as follows (that is to say):—

Two members may be appointed by each of the following bodies or persons:—

- The Trustees of the National Gallery;
- The President of the Royal Academy of Arts; and
- The Trustees of the British Museum;

And one member may be appointed by each of the following bodies or persons:—

- The Youth Hostels Association (*in place of The President of the Royal Society of Painters in Water Colours*);
- The President of the Society of Antiquaries of London;
- The President of the Royal Institute of British Architects;
- The President of the Linnean Society;
- The President of the Entomological Society;
- The Royal Horticultural Society (*in place of The President of the Royal Botanic Society*);
- The Vice-Chancellor of the University of Oxford;
- The Vice-Chancellor of the University of Cambridge;
- The Vice-Chancellor of the University of London;

The National Trust for Scotland for Places of Historic Interest or Natural Beauty (*in place of The senate of the University of Edinburgh*);

The National Museum of Wales (*in place of The senate of the University of Glasgow*);

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The Ramblers Association (*in place of The senate of the University of Saint Andrew's*);

The Governor of Northern Ireland (*in place of The senate of the University of Dublin*);

The chairman of the Commons Preservation Society;

The Society for the Promotion of Nature Reserves (*in place of the chairman of the Kyrle Society*);

The Selborne Society;

The County Councils Association;

The Society for the Protection of Ancient Buildings;
and

The Trustees of Public Reservations Massachusetts United States of America.

(3) Any annual general meeting of the National Trust may determine that a member or members of the council shall be appointed by or on behalf of some body or persons other than those hereinbefore mentioned either by way of addition to or by way of substitution for any one or more of the bodies or persons so mentioned or by way of increase or reduction of the number of members appointed by or on behalf of any of the bodies or persons so mentioned but so that the number of appointed members shall not exceed twenty-five.

(4) 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-five members shall have been elected to the council as by this section provided.

Supply of
casual
vacancies in
council.

19. If any elected member of the council dies or resigns the council may appoint in his place another member to be a member of the council and any member appointed under this section shall continue a member of the council until the next annual general meeting after his appointment and the acts of the council shall not be deemed invalid by reason of the death or resignation of any member or members thereof.

Powers and
proceedings
of council.

20.—(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.

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(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 despatch of business at meetings as the council may deem necessary provided that such regulations do not contravene any of the provisions of this Act.

(3) The council may elect a president for such periods as they may from time to time fix by their regulations and 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 pension on retirement and determine their respective duties and the tenure of their offices.

(4) The council may also elect any number of honorary vice-presidents but the persons so elected shall not by reason of such election be members of the council.

(5) The council may exercise the powers of borrowing on mortgage which are by this Act conferred on the National Trust.

(6) The council shall appoint from their own number an executive committee 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 of the National Trust or other person whose aid they judge useful to forward the objects of the National Trust and such committee shall exercise and enjoy all the powers conferred upon the council by this Act except the power of electing a president and except any other power which the council expressly withholds from the committee. But the council may impose conditions and limitations as to the exercise of any of the powers enjoyed by the committee.

(7) The council may also 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 of the National Trust or other person whose aid they judge useful to forward the objects of the National Trust.

(8) The executive committee shall have power of appointing sub-committees for special purposes similar in all respects to the powers hereby conferred upon the council of appointing committees for special purposes. The executive committee may also appoint a chairman to hold office during such period as the committee may specify and may make such regulations as to the procedure of the committee as the council is hereby empowered to make as to the procedure of the council.

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(9) No act or proceeding of the council the executive committee or of any 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 or in any committee or sub-committee.

(10) No defect in the qualification or election of any person or persons acting as member or members of the council the executive committee or of any committee or sub-committee shall be deemed to invalidate any proceedings of such council executive 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.

(11) The council the executive committee and all committees and sub-committees appointed as aforesaid 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 meetings of the National Trust and a register of the members of the National Trust with their respective last-known places of abode.

(12) Any minute made of proceedings at a meeting of the National Trust the council the executive committee or of any 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 president of the council or the chairman of the executive committee or sub-committee as the case may be shall be receivable evidence of such proceedings in all legal proceedings without further proof and until the contrary is proved every meeting of the council the executive committee or of any committee or sub-committee shall be deemed to have been duly convened and held and all the members thereof to have been duly qualified.

(13) Any instrument which if made by private persons would be required to be under seal shall be under the seal of the National Trust. Any notice 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 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

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resolution of the council or executive committee but it shall not be necessary in any legal proceedings to prove that the member signing any such order or other document were authorised to sign and such authority shall be presumed until the contrary is proved.

21.—(1) The property specified in the First Part of the First Schedule to this Act so far as the same is vested in the National Trust shall be held by the National Trust for preservation for the benefit of the nation in accordance with the objects of the National Trust and shall not be chargeable with any debts or liabilities of the National Trust and shall be inalienable.

Certain property of Trust to be inalienable. Extended. N.T. Act 1919 Sch. (1) N.T. Act 1939 Sec. 12.

(2) Whenever after the passing of this Act any lands or tenements (including buildings) shall become vested in the National Trust the council may by resolution determine that such lands or tenements or such portions thereof as may be specified in such resolution are proper to be held for the benefit of the nation and such lands or buildings shall thereupon be so held by the National Trust and shall be inalienable.

22. The National Trust may raise money by borrowing on the security of any of their property (not being property specified in the First Schedule to this Act or in any such resolution of the council as proper to be held for the benefit of the nation) by way of specific mortgage thereof and by charging or appropriating as security for money borrowed the rents profits or income derivable from any of the lands and properties of the National Trust including the rents profits and income arising from any property held for the benefit of the nation.

Power to raise money.

23. The provisions of sections 45 and 47 to 55 (both inclusive) of the Companies Clauses Consolidation Act 1845 shall so far as applicable extend and apply to the raising of money by the National Trust under the provisions of this Act and to the mortgages of the National Trust and to the mortgages or other securities granted or given by the National Trust and in those sections any reference to the company shall for the purposes of this Act be deemed to be references to the National Trust.

Incorporation of certain provisions of Companies Clauses Consolidation Act as to mortgages.

24. The mortgagees of the National Trust (other than mortgagees of specific properties with a power of foreclosure and sale) may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Appointment of receiver.

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Accounts.

25. Proper accounts shall be kept of all sums of money received and expended by the National Trust and of the matters in respect of which such receipt and expenditure take place and of the property credits and liabilities of the National Trust and subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed in accordance with the regulations for the time being of the National Trust such accounts shall be open at all reasonable times to the inspection of the members.

Audit.

26. Once at least in every year the accounts of the National Trust shall be examined and audited by an auditor or auditors being a member or members of the Institute of Chartered Accountants and such auditor or auditors shall be elected annually at the annual general meeting and any previously elected auditor or auditors shall be eligible for re-election.

Application of revenue.

Varied.
N.T. Act
1937
Sec. 10.

Extended
N.T. Act
1953
Sec. 4.

27. The council shall apply all money received by the National Trust under this Act except money borrowed and money received from the sale of lands or other moneys received on capital account as follows (that is to say) :—

First. In payment of the working and establishment expenses of the National Trust and the cost of management maintenance upkeep and improvement of the Trust property ;

Secondly. In payment of the interest on moneys borrowed under the powers of this Act and of the instalments (if any) of principal money so borrowed :

And the balance if any shall be applied in furthering the objects for which the National Trust is established in such manner as the council may from time to time direct and may if the council see fit be invested in *securities in which trustees are by law entitled to invest trust funds.*

Extended
N.T. Act
1937
Sec. 4.
N.T. Act,
1937.
Sec. 14.

Capital.
Further
extended
N.T. Act
1953,
Sec. 4.

28. All moneys received by the National Trust on capital account shall subject to any conditions attached to any gift be applicable in or towards the repayment of moneys borrowed or otherwise in furthering the objects for which the National Trust is established.

Powers
exercisable
over certain
Trust
property.

29. By virtue of this Act there shall be imposed upon the National Trust with respect to any of the Trust property which consists of common or commonable land the following duties and the National Trust shall (subject to the provisions of this Act)

have with respect to the same property the following powers (namely) :—

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- (A) Except as in this Act otherwise provided they shall at all times keep such property unenclosed and unbuilt on as open spaces for the recreation and enjoyment of the public :
- (B) They may plant drain level and otherwise improve and alter any part or parts of such property so far as they may deem necessary or desirable and they may make temporary enclosures for the purposes of this sub-section and for the purpose of protecting or renovating turf and for protecting trees and plantations :
- (C) They may make and maintain roads footpaths and ways over such property and may make and maintain ornamental ponds and waters on such property :
- (D) They may on such property erect sheds for tools and materials and may maintain and repair such sheds :
- (E) They shall by all lawful means prevent resist and abate all enclosures and encroachments upon and all attempts to enclose or encroach upon such property or any part thereof or to appropriate or use the same or the soil timber or roads thereof or any part thereof for any purpose inconsistent with this Act :
- (F) They may set apart from time to time parts of such property upon which persons may play games or hold meetings or gatherings for athletic sports.

30.—(1) The National Trust may make such reasonable charges for the admission of the public to any of the property of the National Trust or any part or parts thereof or for the use by the public of any such property as they may from time to time determine.

Power to
charge for
admission to
Trust
property.

(2). The National Trust shall not make charges for admission to any common or commonable land or to any other property of the Trust to which the public had a right of access at the date when such property was acquired by the National Trust or the Association except such part or parts of such common or commonable land as may be from time to time set apart under the provisions of and for the purposes specified in sub-section (F) of the section of this Act of which the marginal note is " Powers exercisable over certain Trust property."

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Arrangements with local authorities and others.

31. The National Trust may act in concert with and make any arrangements and agreements with any local authority now or hereafter constituted or with any residents or committee of residents in the neighbourhood of any land or property of the National Trust or with any other persons for giving effect to the objects of this Act.

Bye-laws.

Extended.
N.T. Act
1937
Sec. 12.
N.T. Act
1939
Sec. 14.

32. For the regulation and protection of and for prevention of nuisances and preservation of order upon any lands or property of the National Trust held for the benefit of the nation the National Trust may make revoke and alter bye-laws for any of 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 :
- (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

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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 building 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 bye-laws 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 photographic cart or 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 anything placed thereon in contravention of the bye-laws :
- (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 this Act 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 bye-laws 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 bye-laws made under this Act :

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Extended.
N.T. Act
1937
Sec. 11.Bye-laws as
to buildings.

(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 bye-laws made thereunder.

33. The National Trust may in respect of any building forming part of the Trust property and being open to the public whether on payment or not make bye-laws for the purposes specified in section 3 of the Public Libraries Act 1901 in respect of such building as if they were a library authority under that Act and the provisions of section 2 of the Libraries Offences Act 1898 shall apply to any such building.

Bye-laws to
be exhibited.

34. Copies of the bye-laws for the time being in force shall be put up by the National Trust on the Trust property at such places and in such manner as the National Trust think best calculated to give information to persons resorting to such property.

Provisions
applicable to
bye-laws.Repealed.
N.T. Act
1937
Sec. 12(2)

35. *The provisions of sections 182 183 184 186 and 251 of the Public Health Act 1875 shall apply to bye-laws to be made under this Act as if the National Trust were a local authority:*

Provided that in section 184 (Confirmation of bye-laws) of the said Act the Secretary of State for the Home Department shall for the purposes of this section be deemed to be substituted for the Local Government Board and in the said sections for the purposes of this Act the expression "this Act" shall mean this Act.

Restriction
on digging
gravel &c.
from
commons.

36. Any common or commonable land the soil of which is vested in the National Trust shall be deemed to be a common to which the provisions of section 20 of the Commons Act 1876 apply.

Saving of
rights.

37. All rights of common commonable or other like rights or rights of way in over or affecting the Trust property shall remain and be unaffected by the provisions of this Act and save as in this Act expressly provided nothing contained in or done under or in pursuance of this Act shall take away abridge or prejudicially affect any estate vested in or any right belonging to and previously to the passing of this Act exercisable by any person.

Copy of Act
to be
registered.

38. The National Trust shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered

within three months from the passing of this Act the National Trust shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any member of the council of the National Trust who knowingly and wilfully authorises such default shall incur the like penalty. Every penalty under this section shall be recoverable summarily.

There shall be paid to the registrar by the National Trust on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

39. The costs charges and expenses of and incidental to the preparation obtaining and passing of this Act or otherwise in relation thereto shall be paid by the National Trust. Costs of Act.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

PROPERTIES OF THE NATIONAL TRUST.

PART I.

PROPERTIES TO BE HELD AND PRESERVED FOR THE BENEFIT OF THE NATION.

Freehold.

County.	Parish.	Name and Description of Property.
Merionethshire	Llanaber	The cliff known as "Dinas-o-leu," Barmouth.
Sussex	Alfriston	The Old Clergy House.
Cornwall	Tintagel	15 acres of cliff land at Barras Head.
Wiltshire	Salisbury	The Joiners' Hall
Kent	Brasted	Land on Toy's Hill.
Cambridgeshire	Wicken	About 4 acres of Wicken Fen.
Kent	Westerham	15 acres of woodland on Ide Hill.
Derbyshire	Duffield	Duffield Castle.
Co. Cork	Kilmeen	Kanturk Castle.
Buckinghamshire	Long Crendon	The Old Court House.
Surrey	Godalming	Eashing Bridges.
Cumberland	Crosthwaite	Brandlehow Park Derwentwater 108 acres.
Monmouthshire	Dixton Hadnock	9 acres on Kymyn Hill.
Cornwall	Tintagel	Old 14th century house known as "The Old Post Office."

County.	Parish.	Name and Description of Property.
Kent	Westerham ..	3½ acres on Crockham Hill.
Devonshire ..	Rockbeare ..	21 acres on Rockbeare Hill known as Prickly Pear Blossoms Park and Recreation Ground.
Derbyshire ..	Winster	Old Market House.
Berkshire ..	Newtown	Land at Newtown Common.
Surrey	Thursley	Hindhead Inval and Weydown Commons 750 acres.
Cumberland ..	Greystoke ..	Gowbarrow Deer Park and Aira Force 750 acres.
Berkshire ..	Newbury	Monument to Viscount Falkland.
Yorkshire ..	Sharow	Old Sanctuary Cross.
Gloucestershire	Westbury-on-Trym	Westbury College Gatehouse.
Cambridgeshire	Burwell	30 acres of Fenland.
Surrey	Wimbledon ..	Mill Pond at Merton.
Somerset	Barrington ..	Barrington Court and 34 acres of land adjoining.

Other than Freehold.

Dorset	Portesham ..	Monument to Vice-Admiral Sir Thomas Hardy.	Lease for 500 yrs.
Cumberland ..	Keswick	Monument to John Ruskin on Friars Crag Derwentwater.	Tenancy at will.

PART II.

ALIENABLE PROPERTIES.

Somerset	Barrington and Shepton Beauchamp.	185 acres of farm land occupied with Barrington Court.
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THE SECOND SCHEDULE.

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.
3. The council of the executive committee may whenever they think fit and the executive committee (or in their default the council) shall upon a requisition made in writing and signed by any thirty or more members convene an extraordinary meeting.
4. Any requisition made by the members shall express the object of the meeting proposed to be called and shall be left with the secretary of the National Trust.

5. Upon the receipt of such requisition the executive committee (or in their default the council) shall forthwith proceed to convene a general meeting and if the executive committee or the council do not convene the same within fourteen days from the date of the receipt of such requisition the requisitionists may themselves convene a meeting.

6. A notice of every general meeting and of the agenda shall be given to the members at such time and in such form and manner as the council may from time to time prescribe.

7. Notice of any motion proposed to be made at a general meeting by any person not being a member of the council shall be sent to the secretary of the National Trust fourteen days before the general meeting. Such notice shall be signed by the proposer and two seconders being members of the National Trust and no motion made by any member other than a member of the council shall be entertained by a general meeting unless notice thereof has been given as aforesaid.

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

9. Twenty members shall form a quorum for a general meeting.

10. If within an hour from the time appointed for a meeting convened upon the requisition of members a quorum be not present the meeting shall be dissolved. In any other case the meeting may transact such business as they think necessary notwithstanding the absence of a quorum.

11. At every general meeting all matters which come up for the decision of such meeting shall be decided by a majority of votes of the members personally present and voting by show of hands unless a poll be demanded as hereinafter mentioned.

12. The president of the council or in his absence the chairman of the executive committee shall take the chair at a general meeting.

13. If neither the president or the chairman of the executive committee be present the meeting shall elect a chairman. The chairman shall in case the votes at any general meeting or in the case of a poll 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.

14. At a general meeting one-third of the members of the executive committee or any twenty members of the National Trust may demand a poll in respect of any resolution and on such demand being made a poll of the National Trust shall be taken accordingly by voting papers in such manner as the chairman may direct and the result of the poll shall be deemed to be the decision of the general meeting on the resolution.

15. Every member shall have one vote only with the exception of the chairman's casting vote.

SCHEDULE.

A.D. 1919.

SCHEME FOR THE APPLICATION OR MANAGEMENT OF THE CHARITY CALLED THE NATIONAL TRUST FOR PLACES OF HISTORIC INTEREST OR NATURAL BEAUTY INCORPORATED BY THE NATIONAL TRUST ACT 1907 (7 EDW. VII. CAP. CXXXVI. LOCAL AND PRIVATE).

1. Notwithstanding the enactment contained in section 21 of the above-mentioned National Trust Act 1907 that the following properties shall be inalienable—

(A) the properties specified in the First Part of the First Schedule to the said Act so far as the same are vested in the above-mentioned National Trust for Places of Historic Interest or Natural Beauty (hereinafter called "the Trust"); and

(B) any properties which after the passing of the said Act have already become or which may hereafter become vested in the Trust and in respect of which such a resolution as is referred to in sub-section (2) of the said section has been or may be passed;

and notwithstanding any other provision of the said Act it shall be lawful for the Trust to grant leases of those properties or of any of them or of any parts or part thereof for such terms of years at such rents and with and subject to such provisions reservations covenants and conditions as the council of the Trust from time to time think proper provided that a lease under the provisions of this clause shall not be valid or effectual unless the Charity Commissioners being satisfied that the same may with due regard to the purposes of the Trust properly be granted shall by their order have sanctioned the grant thereof.

2. In the furtherance of the purposes of the Trust the Trust may acquire by purchase gift or otherwise and may hold without licence in mortmain any lands buildings and hereditaments and any rights easements or interest therein or thereover which in the opinion of the said council it may be desirable to hold with a view to preserving promoting or augmenting the amenities of any previously acquired property of the Trust Provided that—

(i) property shall not be acquired under the provisions of this clause by purchase unless the Charity Commissioners shall by their order have sanctioned such acquisition; and

(ii) property acquired under the same provisions otherwise than by purchase shall be sold within one year from the acquisition thereof or such extended period as may be determined by the said Commissioners unless the said Commissioners shall by their order have sanctioned such acquisition or shall in like manner sanction the retention thereof.

3. Any question as to the construction of this scheme or as to the regularity or the validity of any acts done or about to be done under this scheme shall be determined conclusively by the Charity Commissioners upon such application made to them for the purpose as they think sufficient.

4. The date of this scheme shall be the date of the Act of Parliament confirming the same.

Annulled.
N.T. Act
1937
Sec. 13.

CHAPTER lxxxiv.

A.D. 1919. An Act to confirm a Scheme of the Charity Commissioners for the application or management of the Charity called the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907 (7 Edw. VII. cap. cxxxvi. Local and Private). [15th August 1919.]

WHEREAS the Charity Commissioners in their report to His Majesty of their proceedings during the year one thousand nine hundred and eighteen reported that they had approved and certified a scheme for the application or management of the Charity called the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907 (7 Edw. VII cap. cxxxvi. Local and Private):

And whereas it is expedient that the said scheme as the same is fully set out and defined in the schedule to this Act should be confirmed.

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 said scheme is hereby confirmed Provided always that nothing in this Act or in the said scheme shall be held to interfere with the ordinary jurisdiction over endowed charities now exercisable or hereafter to become exercisable by the High Court of Justice and the Charity Commissioners.

2. This Act may be cited as the National Trust Charity Scheme Confirmation Act 1919.

Confirmation of Scheme.

Short title.

A N
A C T

A.D. 1937. To confer further powers upon the National Trust for places of Historic Interest or Natural Beauty and for other purposes. [1st July 1937.]

7 Edw. 7. c. cxxxvi. WHEREAS by the National Trust Act 1907 (in this Act called "the Act of 1907") the National Trust for Places of Historic Interest or Natural Beauty (in this Act called "the National Trust") was incorporated:

And whereas 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:

9 & 10
Geo. 5.
c. lxxxiv.

And whereas by the National Trust Charity Scheme Confirmation Act 1919 (in this Act called "the Act of 1919") a Scheme of the Charity Commissioners for the application or management of the National Trust was confirmed:

And whereas the National Trust with the generous support of landowners donors subscribers and others has acquired by purchase gift and otherwise considerable property including lands and buildings and funds for the upkeep and preservation thereof:

And whereas the use by the public for purposes of recreation resort and instruction of the lands and buildings held by the National Trust has increased and is increasing:

And whereas with the objects of promoting the preservation of buildings and chattels of national interest or of architectural historic or artistic interest and places of natural interest or beauty and of protecting and augmenting the amenities of such buildings and places and of facilitating access by the public to such buildings chattels and places it is expedient that the purposes and powers of the National Trust should be extended as by this Act provided:

And whereas in furtherance of the said objects it is expedient to make provision for the assurance of property to the National Trust subject to the reservation in favour of the assuror of an interest for life or other limited interest:

A.D. 1937.

And whereas 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:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please your Majesty that it may be enacted and be it 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.—(1) This Act may be cited as the National Trust Act 1937.

Short and
collective
titles.

(2) The National Trust Act 1907 and the National Trust Charity Scheme Confirmation Act 1919 and this Act may be cited together as the National Trust Acts 1907 to 1937.

2. In this Act unless the subject or context otherwise requires—

Interpreta-
tion.

"The National Trust" means the National Trust for Places of Historic Interest or Natural Beauty;

"The Act of 1907" means the National Trust Act 1907;

"The Act of 1919" means the National Trust Charity Scheme Confirmation Act 1919;

"The Scheme" means the Scheme set out in the Schedule to the Act of 1919;

"The Trust Property" includes all property from time to time vested for a legal estate in the National Trust;

"Assurance" "assure" and "assuror" have the same respective meanings as in the Mortmain and Charitable Uses Act 1888;

51 & 52
Vict.
c. 42.

"The Council" means the Council of the National Trust.

A.D. 1937.
Extension
of general
purposes
of
National
Trust.

3. The purposes of the National Trust shall be extended so as to include the promotion of—

- (a) The preservation of buildings of national interest or architectural historic or artistic interest and places of natural interest or beauty and the protection and augmentation of the amenities of such buildings and places and their surroundings ;
- (b) The preservation of furniture and pictures and chattels of any description having national or historic or artistic interest ;
- (c) The access to and enjoyment of such buildings places and chattels by the public ;

and all such purposes shall be deemed to be purposes of the Act of 1907.

Extension
of powers
of
National
Trust.

4. The powers of the National Trust shall be extended so as to include—

- (a) The acquisition in any manner (including acquisition by purchase out of any funds applicable for the general purposes of the National Trust or liable to be invested in the purchase of land) and retention of any lands buildings and hereditaments and any rights easements or interests therein or thereover which in the opinion of the Council it may be desirable to hold as investments with a view to the provision out of the rents and profits thereof of funds applicable for the maintenance and preservation of any other part of the Trust Property or for any particular purpose of the National Trust or for its general purposes ;
- (b) The acquisition in any manner and retention of any investments (being at the time of acquisition of a nature authorised by Section 4 (Powers of investment) of the National Trust Act 1953 or of a nature authorised by the Trusts imposed by the donor of the same or of the funds out of which the same shall be acquired) the income whereof shall be applicable (subject to any trusts imposed by the donor or otherwise affecting the same) at the discretion of the Council for the preservation and maintenance of the Trust Property or any specified part or parts thereof or for any particular purpose of the National Trust or for its general purposes.

Varied by
Sec. 4 of
N.T. Act
1953

5. 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 or of any Committee 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 of this Act) at a less rent or gratuitously and on such other terms and conditions as the Council shall think fit to approve.

6.—(1) Part II of the Mortmain and Charitable Uses Act 1888 and so much of Section 5 of the Mortmain and Charitable Uses Act 1891 as requires land assured by Will to be sold within one year from the death of the Testator or the extended period referred to in that section shall not apply to an assurance of land of any quantity or of personal estate to the National Trust for any purpose for which the National Trust is authorised to hold the same.

(2) For the purposes of Section 55 of the Settled Land Act 1925 (which empowers tenants for life to grant land for public and charitable purposes) any grant or lease of settled land to the National Trust shall be deemed to be made for the general benefit of the settled land and for a charitable purpose in connection with the settled land and in the application of that section to grants or leases made to the National Trust five acres shall be substituted for one acre.

7.—(1) The Council of any county or borough or urban or rural district or parish or two or more of them may with the consent of the Minister of Health and of any other Government Department or authority whose consent would be required if the intended transaction were a sale by deed assure to the National Trust any land or building vested in them which the National Trust has power to acquire and hold and such land shall thenceforward be held by the National Trust accordingly subject nevertheless to any trusts covenants or restrictions affecting the same.

(2) The Council of any county or borough or urban or rural district or parish may with the consent of the Minister of Health contribute to the expenses of acquisition by the National Trust of any land or building wholly or partly within or in the neighbourhood of the district of such council or to the expenses of maintenance and preservation of any land or building wholly or partly

A.D. 1937.
Occupation
of Trust
Property by
Member.

Assurances
of land and
personal
property.
54 & 55 Vict.
c. 73.

15 & 16
Geo. 5. c. 18.

Grants and
contribu-
tions by
local
authorities.

A.D. 1937.

within or in the neighbourhood of such district vested or proposed to be vested in the National Trust provided that the consent of the Minister of Health shall not be required in respect of any contribution by the London County Council under the provisions of this subsection.

Power to enter into agreements restricting use of land.

8. Where any person is willing to agree with the National Trust that any land or any part thereof shall so far as his interest in the land enables him to bind it be made subject either permanently or for a specified period to conditions restricting the planning development or use thereof in any manner the National Trust may if it thinks fit enter into an agreement with him or accept a covenant from him to that effect and shall have power to enforce such agreement or covenant against persons deriving title under him in the like manner and to the like extent as if the National Trust were possessed of or entitled to or interested in adjacent land and as if the agreement or covenant had been and had been expressed to be entered into for the benefit of that adjacent land.

Accounts.

9. Separate accounts shall be kept of all sums of money received or expended by the National Trust and not applicable at the discretion of the Council to the general purposes of the National Trust.

Application of Trust Property.

10. Notwithstanding the provisions of Section 27 (Application of Revenue) of the Act of 1907 the Council may from time to time by resolution determine that the expenses of and concerning any one or more purposes of the National Trust shall (subject to any trusts imposed by the donor or otherwise affecting the same) be defrayed exclusively out of any specified part or parts of the Trust Property or the capital or income of any particular fund or funds and such determination (unless and until modified or abrogated by a like resolution) shall be binding.

Bye-laws.

11.—(1) Section 32 (Bye-laws) of the Act of 1907 shall be read and have effect as if at the end thereof the following paragraph were added :—

“(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.”

A.D. 1937.

(2) Section 33 (Bye-laws as to buildings) of the Act of 1907 shall apply in respect of any building notwithstanding that the same may be open to the public at specified times or for specified periods only.

12.—(1) The provisions contained in subsections (2) (3) (4) (5) (6) (7) and (10) of Section 250 and in Sections 251 and 252 of the Local Government Act 1933 shall apply to bye-laws made by the National Trust under Section 32 (Bye-laws) or Section 33 (Bye-laws as to buildings) of the Act of 1907 as amended or extended by this Act as if the National Trust were a local authority within the meaning of those sections and the secretary of the National Trust were the clerk to such local authority. The confirming authority for the purpose of that application of the said sections shall be the Secretary of State.

(2) Section 35 (Provisions applicable to bye-laws) of the Act of 1907 is hereby repealed.

13. Paragraph 2 of the Scheme is hereby annulled.

14. Section 27 (Application of Revenue) of the Act of 1907 shall be read and have effect as if the word “ investments ” were substituted for the word “ securities.”

15.—(1) *The National Trust Acts 1907 to 1937 shall extend to the Isle of Man :*

Provided always that the powers of the Trust shall not be exercised with reference to any property situate in the Isle of Man without the approval of Tynwald and that nothing in the said Acts shall extend to prejudice or affect the rights and powers of the Manx Museum and Ancient Monuments Trustees.

(2) *This Act shall not extend to Northern Ireland.*

16. The costs charges and expenses of and incidental to the preparation applying for 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 revenue.

Provisions applicable to bye-laws. 23 & 24 Geo. 5. c. 51.

Amendment of Section 27 of Act of 1907.

Extent of Acts.

Repealed by Sec. 16 of N.T. Act 1939.

Costs of Act.

AN
ACT

To make further provision with respect to the transfer of lands to the National Trust for Places of Historic Interest or Natural Beauty and for other purposes. [28th July 1939.]

Preamble

WHEREAS under the National Trust Acts 1907 to 1937 the National Trust for Places of Historic Interest or Natural Beauty (in this Act called "the National Trust") has power to acquire lands for the purposes of those Acts :

And whereas by the National Trust Act 1937 it is provided that grants and leases made by tenants for life to the National Trust of settled land not exceeding five acres in extent shall be deemed to be made for the general benefit of the settled land and for a charitable purpose in connection with the settled land but it has been found that the power so conferred upon tenants for life is insufficient fully to attain the objects contemplated at the passing of that Act :

And whereas it is expedient to make such further provision as in this Act contained with respect to grants to the National Trust by limited owners and trustees for sale of houses and lands suitable to be acquired by the National Trust :

And whereas 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 :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it 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.—(1) This Act may be cited as the National Trust Act 1939. Short and collective titles.

(2) The National Trust Acts 1907 to 1937 and this Act may be cited together as the National Trust Acts 1907 to 1939.

2. In this Act unless the subject or context otherwise requires :— Interpretation.

"The National Trust" means the National Trust for Places of Historic Interest or Natural Beauty ;

"The Act of 1907" means the National Trust Act 1907 ;

"The Scheme" means the Scheme set out in the Schedule to the National Trust Charity Scheme Confirmation Act 1919 ;

"The Act of 1937" means the National Trust Act 1937 ;

"Settlement" "Settled land" "Tenant for life" "Trustees of the Settlement" "Statutory owner" and "Trustees for sale" have the same respective meanings as in the Settled Land Act 1925 ;

"Principal Mansion House" means a principal mansion house on settled land within the meaning of Section 65 of the Settled Land Act 1925 ;

"The Council" means the Council of the National Trust.

3.—(1) If a Settlement comprises a principal mansion house the National Trust may accept and retain and the tenant for life may grant gratuitously or otherwise to the National Trust in fee simple or absolutely or for the whole or any less estate (not being a leasehold interest created pursuant to Section 4 of this Act) comprised in the Settlement :— Power to grant settled mansion and lands to National Trust.

(a) the principal mansion house on the settled land and the pleasure grounds and park and lands (if any) usually occupied therewith (in this Act together referred to as "the mansion house") ;

(b) any lands occupied or enjoyed for the purposes of agriculture sport or afforestation the acquisition of which in

the opinion of the Council is necessary or desirable for preserving the amenities of the principal mansion house (in this Act together referred to as "amenity lands");

- (c) (i) an annual sum charged upon any other lands or buildings comprised in the Settlement; or
- (ii) the settled interest or estate in any such lands or buildings and any rights easements or interests therein or thereover; or
- (iii) capital moneys subject to the Settlement or investments representing the same (in this Act together or separately referred to as "the endowment") which in the opinion of the Council it may be desirable to hold for the provision by means of such annual sum or out of the rents profits and income of such lands buildings capital moneys or investments of adequate funds applicable for the maintenance and preservation of the mansion house and the amenity lands held or acquired by the National Trust

subject nevertheless to any incumbrance having priority to the Settlement and to any lease or tenancy affecting the property assured.

(2) Any disposition under the power conferred by this Section shall be deemed to be a transaction authorised by the Settled Land Act 1925 and that Act shall apply accordingly.

(3) Any transfer of capital moneys or investments thereof under the powers conferred by this section shall be executed by the Trustees of the Settlement by the direction of the tenant for life.

Conditions of grant.

4. Any disposition under the power conferred by Section 3 of this Act (not being a disposition authorised by the Settled Land Act 1925 or by the terms of the Settlement) shall be void unless:—

- (a) such disposition is made with the previous consent in writing of the Trustees of the Settlement or under an Order of the Court authorising the same to be carried into effect upon such conditions (as to the form of the lease to be made as hereinafter in this section mentioned and otherwise) as the Trustees of the Settlement before giving their consent may require or the Court may direct;

(b) the Commissioners of Works shall certify that the principal mansion house included or proposed to be included in such disposition is or comprises a building of national interest or architectural historic or artistic interest;

(c) upon or within three months after the making of such disposition the National Trust shall execute a lease of the lands and buildings comprised in such disposition or of such part thereof as shall be agreed between the National Trust and the tenant for life or statutory owner containing such provisions as in the next following section mentioned. Such lease (in this Act referred to as "the Lease") shall be by way of Vesting Deed in favour of the tenant for life or statutory owner and so far as applicable Section 10 and subsection (2) of Section 53 of the Settled Land Act 1925 shall apply as if the acceptance of the lease were the acquisition of land to be made subject to the Settlement which affected the land comprised in the lease immediately before the making of the disposition thereof authorised by this Act;

(d) under the Lease or otherwise the National Trust shall be subject to an obligation to maintain and preserve the mansion house and amenity lands included in such disposition so far as there shall be funds available for that purpose from the endowment but not further.

5.—(1) The Lease shall be for such term at such nominal or other yearly rent and subject to such covenants and conditions and generally on such terms and subject to such provisions as may be approved by the Trustees of the Settlement or by the Court. Terms of Lease by National Trust.

(2) The Lease—

(a) shall contain a covenant by the lessee to admit the public to view such part or parts of the demised premises at such times and on such terms as may be agreed upon by the National Trust and therein specified or referred to;

(b) shall contain such restrictive covenants by the lessee in respect of the user of the demised premises as may be reasonably required by the National Trust for ensuring that the principal mansion house shall not be used otherwise than as a private dwelling-house and for preserving the amenities thereof;

(c) may contain a covenant condition or agreement by the lessee against assigning underletting charging or parting with the possession of the premises demised or any part thereof without the licence or consent of the National Trust such licence or consent not to be unreasonably withheld.

(3) Section 84 of the Law of Property Act 1925 shall not apply to restrictions imposed by the Lease.

Restrictions on consent and protection of Trustees.

6.—(1) On receiving any request for their consent under paragraph (a) of Section 4 of this Act the Trustees of the Settlement shall give notice in writing thereof to every person of full age having a beneficial interest under the Settlement which is not limited to take effect subsequent to an estate tail to which a person already in existence is or may become entitled in possession and no such consent by the Trustees shall be effective if any person to whom such notice shall be so given shall within three months after the service thereof request the Trustees in writing not to consent or if any person having such a beneficial interest as aforesaid is under the age of 21 years or of unsound mind.

(2) In considering any such request the Trustees of the Settlement shall have regard to the considerations mentioned in paragraphs (i) to (v) inclusive of the next following section of this Act and to such other considerations as in the circumstances of the case they may consider to be relevant.

(3) Paragraph (a) of Section 97 of the Settled Land Act 1925 shall apply to any consent given by the Trustees of the Settlement under paragraph (a) of Section 4 of this Act.

Exercise of discretion of Court.

7. On any application to the Court for an order under paragraph (a) of Section 4 of this Act the Trustees of the Settlement and all persons (whether of full age or not) having beneficial interests under the Settlement not limited to take effect subsequent to an estate tail to which a person already in existence is or may become entitled in possession and such other persons (if any) as the Court shall direct shall be made respondents to the application and on any such application the Court shall have regard to the following considerations namely :—

(i) the interest of all persons (born or unborn) who have or may be expected to have beneficial interests under the

settlement including the benefit (whether financial or of any other character) to be derived by such persons from the lease hereinbefore mentioned and from any future lease or tenancy that may be granted ;

(ii) any benefit which may be expected to accrue to the part of the settled land not proposed to be assured to the National Trust or to any part thereof either from the preservation of the amenities thereof or otherwise ;

(iii) the amount of the funds (if any) which will be available for the preservation and maintenance by the National Trust of the mansion house and amenity lands proposed to be assured to the National Trust ;

(iv) the relation between (a) the amount of any annual sum proposed to be charged under paragraph (c) of subsection (1) of Section 3 of this Act or (as the case may be) of the estimated present and prospective income derived and to be derived from the ownership of any land and buildings or any capital moneys or investments thereof proposed to be assured under that paragraph and (b) the sum being the average yearly sum expended during the seven years last preceding the application to the Court out of the property subject to the Settlement or the rents profits and income thereof in the maintenance and preservation of the mansion house and amenity lands proposed to be assured to the National Trust ;

(v) the desirability in the public interest of the preservation as part of the inalienable property of the National Trust of the mansion house and amenity lands proposed to be assured ;

(vi) such other considerations as in the circumstances of each case the Court may consider to be relevant.

8. Any mansion house or amenity lands assured to the National Trust under this Act shall be inalienable by the National Trust but so that (except in regard to the Lease) the provisions of Clause 1 of the Scheme shall apply thereto as if the same had become inalienable under Section 21 (Certain property of Trust to be inalienable) of the Act of 1907.

Mansion and lands to be inalienable by National Trust.

Exercise of powers by trustees for sale and statutory owners.

9.—(1) (a) The powers by this Act conferred upon a tenant for life shall for the purposes of subsection (1) of Section 28 of the Law of Property Act 1925 (which confers powers on trustees for sale) be deemed to be powers of the tenant for life under the Settled Land Act 1925.

(b) Before exercising any such powers trustees for sale shall obtain an Order of the Court.

(c) The lease required by Section 4 of this Act to be made shall be made in favour of the trustees for sale.

(d) The instrument or instruments creating the trust for sale and defining beneficial interests in the proceeds of sale or the rents and profits until sale of the land shall be deemed to be the Settlement for the purposes of this Act.

(2) In any case in which the statutory powers of a tenant for life are exercisable by a statutory owner the statutory owner shall not exercise any power by this Act conferred upon a tenant for life except under an Order of the Court.

(3) Section 7 of this Act shall apply to any application for an Order under this Section.

Service of notices.

10. The provisions of Section 196 of the Law of Property Act 1925 shall extend to notices required to be served under this Act.

Jurisdiction and procedure.

11. Section 113 of the Settled Land Act 1925 shall extend and apply to all matters within the jurisdiction of the Court under this Act as it applies to matters within the jurisdiction of the Court under that Act.

Grant of easements in respect of inalienable properties.

12. Notwithstanding anything in Section 21 (certain property of Trust to be inalienable) of the Act of 1907 or in the Scheme the National Trust may grant any easement or right (not including a right to the exclusive possession of the surface) over or in respect of any property made inalienable by or under the said Section or this Act and if such grant be by way of lease the same shall be valid and effectual without the sanction of an Order of the Charity Commissioners.

Extension of power of the National Trust to act as trustee.

13. If the Council shall by resolution declare that in furtherance of the general purposes of the National Trust it is desirable that the public should have access to any land building furniture picture

or chattel of any description the National Trust may act in any trusts for or as trustee of such property as if the same were devoted to public purposes within the meaning of subsection (2) of Section 4 (General purposes of National Trust) of the Act of 1907.

14. For the purposes of Section 32 (Bye-laws) of the Act of 1907 as amended by Section 11 (Bye-laws) of the Act of 1937 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.

Extension of power to make bye-laws.

15. All powers by this Act given to the National Trust or to a tenant for life or to trustees for sale shall be deemed to be in addition to and not in derogation of any other powers conferred on them respectively by Act of Parliament or by deed or will and the National Trust or such tenant for life or trustees for sale as the case may be may exercise all such other powers as if this Act had not been passed.

Powers of Act cumulative.

16.—(1) The National Trust Acts 1907 to 1939 (except subsection (2) of Section 6 of the Act of 1937 and Sections 3 to 11 inclusive of this Act) shall extend to the Isle of Man: Provided always that the powers of the National Trust shall not be exercised with reference to any property situate in the Isle of Man without the approval of the Tynwald and that nothing in the said Acts shall extend to prejudice or affect the rights and powers of the Manx Museum and Ancient Monuments Trustees.

Extent of Acts.

(2) The Act of 1937 and this Act shall not extend to Northern Ireland.

(3) Section 15 (Extent of Acts) of the Act of 1937 is hereby repealed.

17. The costs charges and expenses of and incidental to the preparation applying for 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.

CHAPTER vii

An Act to amend the National Trust Acts 1907 to 1939 to confer further powers upon the National Trust for Places of Historic Interest or Natural Beauty and upon the council thereof and for other purposes.

[6th May 1953.]

WHEREAS by the National Trust Act 1907 (in this Act called "the Act of 1907") the National Trust for Places of Historic interest or Natural Beauty (in this Act called "the National Trust") was incorporated :

And whereas 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 :

And whereas by the National Trust Charity Scheme Confirmation Act 1919 the National Trust Act 1937 and the National Trust Act 1939 the purposes of the National Trust were extended and further powers were conferred on the National Trust :

And whereas provisions are contained in the Act of 1907 with regard to the minimum subscriptions of ordinary subscribing members of the National Trust and the liability for and the payment of such subscriptions :

And whereas it is expedient that the said provisions should be amended as by this Act provided and the provisions contained in this Act with regard to the subscriptions of ordinary subscribing members should be enacted :

And whereas the powers of investment vested in the council of the National Trust under the National Trust Act 1907 to 1939 are unduly restricted and it is expedient in order to carry out more effectively the objects and purposes of the National Trust that the powers of investment of the said council should be enlarged and extended as provided by this Act :

And whereas the objects of this Act cannot be attained 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 :—

1.—(1) This Act may be cited as the National Trust Act 1953. Short and collective titles.
(2) The National Trust Acts 1907 to 1939 and this Act may be cited together as the National Trust Acts 1907 to 1953.

2. In this Act unless the subject or context otherwise requires— Interpretation.
"the Act of 1907" means the National Trust Act 1907 ;
"the council" means the council of the National Trust ;
"the National Trust" means the National Trust for Places of Historic Interest or Natural Beauty.

3.—(1) The council may by resolution from time to time determine the minimum amount of the annual subscription required for qualification as an ordinary subscribing member of the National Trust and as from the coming into operation of the first such resolution as aforesaid paragraph (A) of section 14 (Constitution of National Trust) of the Act of 1907 is hereby repealed. Subscriptions of ordinary subscribing members.

(2) Nothing in the last foregoing subsection shall affect the status of a person as an ordinary subscribing member of the National Trust during the currency of an annual subscription of his (whether paid before or after the repeal effected by the last foregoing subsection) if at the time when the subscription was paid it was not less than the minimum annual subscription then required for qualification as an ordinary subscribing member.

(3) Section 15 (Subscriptions) of the Act of 1907 is hereby repealed.

4.—(1) Notwithstanding anything contained in section 27 (Application of revenue) or section 28 (Capital) of the Act of 1907 the council may invest— Powers of investment.

(a) any such balance as is referred to in the said section 27 ;
or
(b) any other moneys from time to time received or held by the National Trust on capital account ;

in all or any of the following investments securities and obligations subject in the case of any such moneys as are referred to in the

foregoing paragraph (b) to the provisions of any trust affecting the same or to any directions conditions or restrictions attached thereto or imposed by the donor thereof :—

- (i) investments in which trustees are for the time being authorised by law to invest trust funds ;
- (ii) public stocks or funds or government securities of any part of Her Majesty's dominions or of the territories under Her protection or the United States of America ;
- (iii) deposit receipts bonds debentures debenture stock mortgages or securities of any corporation company or body whether municipal railway public-utility commercial industrial investment-trust mortgage insurance banking or of any other class registered or incorporated in the United Kingdom of Great Britain and Northern Ireland or any part of Her Majesty's dominions or of the territories under Her protection or the United States of America or guaranteed lien preference or preferred or ordinary or deferred or common stocks or shares of any such corporation company or body or any securities whatsoever issued or guaranteed by any such corporation company or body and in the case of banks and insurance companies whether there is or is not liability for calls or other payments.

(2) The National Trust may retain and hold any investments which may be transferred to the National Trust otherwise than by way of purchase notwithstanding that such investments may not be of the nature authorised by the foregoing provisions of this section.

(3) All investments made by the council shall be made with the advice and under the direction of a finance committee appointed in accordance with the provisions of the Act of 1907.

(4) Paragraph (b) of section 4 (Extension of powers of National Trust) of the National Trust Act 1937 shall be read and have effect as if for the words " the general law for the investment of trust funds " in that paragraph there were substituted the words " section 4 (Powers of investment) of the National Trust Act 1953."

Costs of Act.

5. 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.

Special Exemption enjoyed by the National Trust under General Statutes.

Finance (1909-10) Act, 1910—

PART V.—STAMPS.

74.—(1) Any Conveyance or transfer operating as a voluntary disposition inter vivos shall be chargeable with the like stamp duty as if it were a conveyance or transfer on sale, with the substitution in each case of the value of the property conveyed or transferred for the amount or value of the consideration for the sale :

Stamp Duty on gifts inter vivos.

Provided that this section shall not apply to a conveyance or transfer operating as a voluntary disposition of property to a body of persons incorporated by a special act, if that body is by its act precluded from dividing any profit among its members and the property conveyed is to be held for the purposes of an open space or for the purposes of its preservation for the benefit of the nation.

Finance Act, 1931—

40.—(1) Where any estate or interest in land :—

- (a) is given, devised, or bequeathed by any person to, and so as to become indefeasibly vested in, the National Trust and is held by that Trust inalienably for the public benefit ; or
- (b) is given, devised or bequeathed by any person to, and so as to become indefeasibly vested in, the Commissioners of Works, or a local authority, and accepted by the Commissioners or authority under section two of the Ancient Monuments Consolidation and Amendment Act, 1913 ;

Exemption from death duties in case of land given to National Trust.

Extended Finance Act 1937 Sec. 31 (6).

the Treasury may, if that person dies after the commencement of this Act, and the estate or interest was the whole estate or interest of that person in the land, remit any duties leviable on or with reference to the death of that person, and no property the duties in respect of which are remitted under this section shall be aggregated with any other property for the purpose of fixing the rate of any estate duty.

(2) In this section the expression " National Trust " means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907.

" National Trust."

PART V.—MISCELLANEOUS AND GENERAL.

Exemption from death duties in case of land transferred to National Trust.

31.—(1) Where any estate or interest in land (in this section referred to as "the settled property") is given devised or bequeathed by any person (in this section referred to as "the disposer") in such manner as to render the National Trust entitled indefeasibly to the settled property subject to one or more life interests created by the gift, devise or bequest, being life interests to which this section applies, but to no other interest so created, exemption from death duties shall be granted subject to and in accordance with the provisions of this section.

(2) The life interests to which this section applies are—

- (a) a life interest (whether extending to the whole or to a part only of the rents and profits arising from the settled property, and whether or not determinable upon an event other than death) given to the disposer ;
- (b) a like interest given to the spouse or a child of the disposer and commencing, so as to entitle the beneficiary as from its commencement to receipt for his own use of all the rents and profits to which it extends, on the date of the cesser of an interest given to the disposer as aforesaid ;
- (c) a like interest given to the spouse or a child of the disposer and commencing as aforesaid on the date on which the gift is made ;
- (d) a like interest devised or bequeathed to the spouse or a child of the disposer and commencing as aforesaid on the date of the disposer's death.

(3) In the case of any estate duty that would, but for this provision, have been leviable in respect of the settled property or any part thereof on or with reference to the death after the passing of this Act of the disposer, or of a person, whether being the disposer or a spouse or child of his, to whom such an interest as aforesaid is given, devised or bequeathed, exemption shall be granted, if on the death the settled property passes, or a benefit accrues therefrom, to the National Trust, as follows, that is to say :—

- (a) exemption shall be granted as to an amount of that duty (whether being the whole or a part thereof) corresponding to the extent to which the settled property passes, or a benefit accrues therefrom, to the National Trust as compared with the extent to which the settled property passes, or a benefit accrues therefrom, to any person or persons entitled to such an interest or interests as aforesaid ;

(b) for the purposes of this subsection, the extent to which on a death the settled property passes, or a benefit accrues therefrom, to any person shall be computed by reference to the extent to which that person becomes on the death entitled to receive for his own use the rents and profits arising from the settled property computed as at the death :

Provided that, where the death is that of the disposer under a gift and the National Trust is immediately before the death entitled to any extent to receipt of the rents and profits of the settled property for its own use, the settled property shall be deemed to that extent to pass to the National Trust on the death ;

(c) where exemption is granted as to a part of the estate duty leviable on or with reference to any death, the residue thereof shall be charged and borne in like manner as if the passing on the death, or the benefit accruing on the death, as the case may be, had been a passing, or a benefit accruing, wholly to the person or persons other than the National Trust mentioned in paragraph (a) of this subsection.

(4) In the case of any succession duty that would, but for this provision, have been leviable in respect of a succession taken by the National Trust after the passing of this Act and comprising the settled property or any part thereof, exemption shall be granted as to the whole of that duty :

Provided that the exemption from succession duty granted by this subsection shall not have effect in the case of a succession conferred otherwise than by such a gift, devise or bequest as aforesaid.

(5) The exemptions from duty conferred by the foregoing provisions of this section shall not have effect unless within six months from the date on which the gift is made, or the date of the death of the testator, as the case may be, or, in the case of a gift made before the date of the passing of this Act, that date, or within such extended period as the Commissioners of Inland Revenue may allow, the interest of the National Trust has been so dealt with as to be held by the Trust inalienably.

(6) Where the requirements of subsection (1) of section forty of the Finance Act, 1931, are fulfilled in relation to any estate or interest in land given, devised or bequeathed by any person to the National Trust, then, if that person dies after the passing of this Act, the estate or interest shall be exempt from any duties which might under that subsection have been remitted by the Treasury.

(7) In this section the expression "the National Trust" has the same meaning as in section forty of the Finance Act, 1931.

Finance Act 1947—

Savings for stamp duty on certain Conveyances and Leases

54.—(1) This Part of this Act so far as it increases any duty chargeable under or by reference to the heading "Conveyance or Transfer whether on sale or otherwise," the heading "Conveyance or Transfer on sale," or the heading "Lease or Tack," in the First Schedule to the Stamp Act, 1891, shall not apply in any case where the conveyance, transfer or letting is made or agreed to be made to a body of persons established for charitable purposes only or to the trustees of a trust so established :

Provided that no instrument not stamped with the duty to which it would apart from this subsection be liable shall be deemed by virtue of this subsection to be duly stamped unless it has in accordance with the provisions of section twelve of the Stamp Act, 1891, been stamped with a particular stamp denoting that it is duly stamped.

Finance Act 1949—

Exemption from estate duty of maintenance funds given to National Trust.

31.—(1) Any exemption from estate duty conferred by section thirty-one of the Finance Act, 1937, in relation to an estate or interest in land given, devised or bequeathed by any person to the National Trust shall, in the case of duty leviable on or with reference to a death occurring after the commencement of this Part of this Act, be granted also, and to the like extent, to any other property given, devised or bequeathed by him with that estate or interest as a source of income for the upkeep of the land.

(2) Property shall not be deemed for the purposes of this section to be given, devised or bequeathed with an estate or interest in land if either is subject to an interest or power of appointment created by the gift, devise or bequest to which the other is not subject :

Provided that for the purposes of this subsection any trust to apply income of the property for the upkeep of the land or in meeting liabilities or expenses accruing in respect of the land or the property (including a trust to accumulate income for any such purpose) shall be treated as creating the like interests in the property as may from time to time subsist in the land.

(3) Where property given, devised or bequeathed with an estate or interest in land is in the opinion of the Commissioners more than enough to provide (with a reasonable margin) for the upkeep of the land out of the income of the property, so much only as is in their

Finance Act, 1949.

opinion enough for that purpose shall be deemed to be given, devised or bequeathed as mentioned in subsection (1) of this section.

(4) In this section the expression "National Trust" means the National Trust for Places of Historic Interest or Natural Beauty or, in relation to Scotland, the National Trust for Scotland for Places of Historic Interest or Natural Beauty.

[The Commissioners above referred to are the Commissioners of Inland Revenue.]

Finance Act 1951—

33.—(1) Section thirty-one of the Finance Act, 1937, and section thirty-one of the Finance Act, 1949 (which sections exempt from estate duty in certain circumstances land given to the National Trust and maintenance funds given with land so exempted, and are hereafter in this section respectively called "the 1937 section" and "the 1949 section") shall in the case of property given to the National Trust be extended as follows :—

Exemptions from estate duty in connection with preservation of land for public benefit.

(a) any exemption from estate duty conferred by the 1937 section in relation to an estate or interest in land given by any person to the Trust shall be granted also, and to the like extent, to any objects ordinarily kept at the time of the gift in a building forming part of the land, and given by him with that estate or interest with a view to their preservation or use in the building, and where objects so given are exempted by virtue of this paragraph the 1949 section shall apply as if they formed part of the building :

(b) where a person gives to the Trust any objects ordinarily kept at the time of the gift in a building which is then inalienably vested in the Trust, and he does so with a view to the objects' preservation or use in the building, then (subject to paragraph (d) of this subsection) the 1937 section and the 1949 section shall apply in the case of the objects so given as if the property comprised in the gift had been an estate or interest in land, except that any condition as to the Trust's interest being held by it inalienably for the public benefit shall not apply ;

(c) where a person gives property to the Trust as a source of income for the upkeep—

(i) of any land which is at the time of the gift inalienably vested in the Trust; or

- (ii) of any objects which are then vested in the Trust and ordinarily kept in a building forming part of any such land, having been given to the Trust with a view to their preservation or use in that building ;

and he gave or joined in giving to the Trust its estate or interest in that land or those objects, as the case may be, then (subject to paragraph (d) of this subsection) the 1937 section shall apply in the case of any of the property so given, whether an estate or interest in land or not, as it applies to an estate or interest in land, except that any condition as to the Trust's interest being held by it inalienably for the public benefit shall not apply ;

- (d) paragraph (b) and sub-paragraph (ii) of paragraph (c) of this sub-section shall not apply in the case of any objects unless the gift of the objects or property in respect of which exemption is claimed by virtue of that paragraph is made by a person who also gave or joined in giving to the Trust its estate or interest in the building in which the objects are ordinarily kept at the time of the said gift.

(2) Where, with a view to the preservation of a house or other building for the public benefit, a person gives or has given an estate or interest in the building to, or to trustees for, a Government department, a local authority or any other body not established or conducted for profit, and the Treasury (whether before or after the time of the gift) direct that the gift should be treated as falling within this subsection, then the 1937 section and the 1949 section, together with the foregoing subsection of this section, shall apply in relation to the building and any grounds given with it and specified in the direction, as if references to the National Trust were references to that department, authority or body or to those trustees as the case may be and as if their estate or interest in the building and any such grounds were inalienably vested in them.

In the two next following subsections any reference to a building includes any grounds specified or to be specified in a direction under this subsection relating to the building.

(3) The Treasury shall not give a direction under the foregoing subsection in the case of any building unless in their opinion—

- (a) the building is one for the preservation of which special steps should be taken by reason of its outstanding historic

or architectural or aesthetic interest and the cost of preserving it ; and

- (b) the department authority or body in question is an appropriate one to be responsible for the building's preservation ;

and before giving any such direction the Treasury may require such undertakings to be entered into as they think appropriate for securing the preservation of the building and reasonable access thereto for the public (including undertakings restricting the use or disposal of the building).

(4) Any undertakings entered into as aforesaid may be varied from time to time by agreement between the Treasury and the person bound by the undertakings, and the Treasury may require further undertakings to be entered into as a condition for agreeing to any such variation or consenting to anything for which their consent is required by any undertaking ; and the obligations imposed by any such undertaking shall be enforceable for the public benefit by injunction (or, in Scotland, by interdict or by petition under section ninety-one of the Court of Session Act, 1868), and any purported disposition of a building in contravention thereof be void, as if the obligations had been imposed by Act of Parliament.

(5) For the purposes of this section, except in so far as the context otherwise requires—

- (a) the expression " gift " includes devise and bequest and the expression " give " shall be construed accordingly, and in relation to a devise or bequest any reference to the time of the gift shall be construed as a reference to the time of the testator's death ;
- (b) the expression " vested " means indefeasibly vested, and a building or land shall be deemed to be inalienably vested in the National Trust if an estate or interest therein is vested in the Trust (whether in possession or not) and has been so dealt with as to be held by the Trust inalienably ;
- (c) any reference to giving objects shall be construed as a reference to giving the whole or a limited interest in the objects, and any reference to objects being vested in the National Trust shall be construed accordingly ;

Finance Act, 1951.

- (d) the expression "National Trust" means the National Trust for Places of Historic Interest or Natural Beauty or, in relation to Scotland, the National Trust for Scotland for Places of Historic Interest or Natural Beauty ;
- (e) the expression "local authority" means the Common Council of the City of London or a local authority within the meaning of the Local Government Act, 1933, the London Government Act, 1939, or the Local Government (Scotland) Act, 1947.

(6) An object shall not be deemed for the purposes of paragraph (a) of subsection (1) of this section to be given with an estate or interest in land if either is subject to an interest or power of appointment created by the gift of it to which the other is not subject :

Provided that, where the object is given subject to one or more life interests created by the gift of it to which the estate or interest is not subject, but which (if it were so subject) would fall within subsection (2) of the 1937 section, then the said paragraph (a) shall apply in relation to the object as it would apply if the estate or interest had also been given subject to that life interest or those life interests.

(7) Where the property given by any person as a source of income for the upkeep of any land or objects is in the opinion of the Commissioners more than enough to provide (with a reasonable margin) for the upkeep of the land or objects out of the income of the property, so much only as is in their opinion enough for that purpose shall be deemed for the purposes of paragraph (c) of subsection (1) of this section to be given as a source of income for the upkeep of the land or objects, and in determining what is enough for that purpose the Commissioners shall have regard to any other property given by the same or any other person as a source of income for the upkeep of the land or objects or any part thereof (with or without any other land or objects).

(8) This section applies to duty leviable on or with reference to any death occurring after the commencement of this Act but in relation to duty so leviable shall apply to gifts made before as well as after that commencement.

[The Commissioners above referred to are the Commissioners of Inland Revenue].