

# **The National Trust Acts 1907 - 1971**

**as varied by a Parliamentary Scheme implemented by  
The Charities (National Trust) Order 2005**

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*Most of the detailed provisions about the management and administration of the National Trust (as distinct from its purposes and its powers) are now contained in for The Charities (National Trust) Order 2005 and the Parliamentary Scheme, which are published in a separate document available from the National Trust, Heelis, Kemble Drive, Swindon SN2 2NA, or on our website: [www.nationaltrust.org.uk](http://www.nationaltrust.org.uk)*

**By the Parliamentary Scheme, which came into full effect on 1<sup>st</sup> September 2005, powers and duties previously conferred by the National Trust Acts on the Council became powers and duties of the Board of Trustees.**

**The text of the National Trust Acts which follows has been amended to reflect that change.**

**CHAPTER cxxxvi.**

A.D. 1907

An Act to incorporate and confer powers upon the National Trust for Places of Historic Interest or Natural Beauty.

[21<sup>st</sup> 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 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):-

1. This Act may be cited as the National Trust Act 1907. Short Title
2. In this Act unless the subject or context otherwise requires- Interpretation
- "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. *[By the Parliamentary Scheme dated 12<sup>th</sup> January 2005 (implemented by The Charities (National Trust) Order 2005), all powers and duties originally conferred by this Act on the Council became powers and duties of the Board of Trustees (as defined in clause 1(1) of the Parliamentary Scheme), and references in this Act to the Council have, therefore, been replaced by references to the Board of Trustees.]*
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. Incorporation of National Trust
4. (1) The National Trust shall be established 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. General purposes of National Trust.
- (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 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. Present property of Association vested in National Trust.
  
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. Memorandum and articles of association of Association to be void.
  
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 Nothing to affect previous rights and responsibilities.

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.
10. *[repealed by Statute Law (Repeals) Act 2004, s. 1 and sch. 1, pt. 17, group 9]*
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 Board of Trustees 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.
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.
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 affecting any property in or to which the Association would but for such dissolution and avoidance have been interested or become entitled.

Contracts prior to Act to be binding.

National Trust to satisfy liabilities of Association.

Books &c. continued evidence.

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

14. *[repealed by s. 32 of N.T. Act 1971.]*

15. *[repealed by s. 3 of N.T. Act 1953.]*

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.

As to liability of members.

17. *[repealed by s.32 of N.T. Act 1971]*

18. *[repealed by s.32 of N.T. Act 1971]*

19. *[repealed by s.32 of N.T. Act 1971]*

20. *[repealed by s.32 of N.T. Act 1971]*

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 Board of Trustees 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 held so by the National Trust and shall be inalienable.

*See N.T. Act 1971 Sec. 27.*

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 Board of Trustees 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 mortgagees 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.
25. *[repealed by s.32 of N.T. Act 1971]*
26. *[repealed by s.32 of N.T. Act 1971]*
27. The Board of Trustees 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):-
- Application of revenue
- varied by N.T. Act 1937 Sec. 10*
- 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.
- extended by N.T. Act 1953 Sec. 4*
- 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 Board of Trustees may from time to time direct and may if the Board of Trustees see fit be invested in investments in which trustees are by law entitled to invest trust funds.
- extended by N.T. Act 1937 Sec. 4. N.T. Act 1937 Sec. 14.*
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.
- Capital. *further extended by N.T. Act 1953, Sec. 4.*
29. By virtue of this Act there shall be imposed upon the National Trust with respect of 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):-
- Powers exercisable over certain Trust property.
- (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:
- extended by N.T. Act 1971. Sec. 23.*
- (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 subsection 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 subsection (F) of the section of this Act of which the marginal note is "Powers exercisable over certain Trust property."

*varied by N.T. Act 1971 sec. 23(3).*

(3) The National Trust may make such reasonable charges as they may from time to time determine in respect of the playing of games sailing boating bathing and fishing and other forms of recreation on any lands or property or waterway of the National Trust.

*subsections (3) to (5) extended by N.T. Act, 1971*

(4) In this section the expression "waterway" means any lake river canal or other waters.

(5) Nothing in subsection (3) of this section shall empower the National Trust to make any charge in respect of navigation in tidal waters.

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.

Arrangements with local authorities and others.

32. *[repealed by s.32 of N.T. Act 1971]*

Bye-laws as to buildings.

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.
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. Bye-laws to be exhibited.
35. *[repealed by s.12(2) of N.T. Act 1937]*
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. Restriction on digging gravel &c. from commons.
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 exerciseable by any person. Saving of rights
38. *[repealed by Statute Law (Repeals) Act 2004, s. 1 and sch. 1, pt. 17, group 9]*
39. *[repealed by Statute Law (Repeals) Act 2004, s. 1 and sch. 1, pt. 17, group 9]*

## SCHEDULES referred to in the foregoing Act

## THE FIRST SCHEDULE

## PROPERTIES OF THE NATIONAL TRUST

## PART 1.

## 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	Croshwaite	Brandehow Park Derwentwater 108 acres.
Monmouthshire	Dixton Hadnock	9 acres on Kymin Hill.
Cornwall	Tintagel	Old 14th century house known as "The Old Post Office".
Kent	Westerham	3 ½ acres on Crockham Hill.
Devonshire	Rockbeare	21 acres on Rockbeare Hill known as Prickly Pear Blossoms Park and Recreation Ground.
Derbyshire	Winsten	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 years.
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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[Schedule 2 repealed by s. 32 of N.T. Act 1971]

**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).

*[15<sup>th</sup> 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

**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 Board of Trustees 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. *[annulled by s. 13 of N.T. Act 1937.]*
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.

**CHAPTER Ivii.**

A.D. 1907

An Act to confer further powers upon the National Trust for Places of Historic Interest or Natural Beauty and for other purposes.

[1<sup>st</sup> July 1937]

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 (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 assurator of an interest for life or other limited interest:

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.
- (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.

Short and collective titles.

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 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;

"The Council" means the Council of the National Trust. *[By the Parliamentary Scheme dated 12<sup>th</sup> January 2005 (implemented by The Charities (National Trust) Order 2005), all powers and duties originally conferred by this Act on the Council became powers and duties of the Board of Trustees (as defined in clause 1(1) of the Parliamentary Scheme), and references in this Act to the Council have, therefore, been replaced by references to the Board of Trustees.]*

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

Extension of general purposes of National Trust

- (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.

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

Extension of powers of National Trust.

- (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 Board of Trustees 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 Board of Trustees 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. *[repealed by s. 32 of N.T. Act 1971]*

6. (1) *[repealed by Statute Law (Repeals) Act 2004, s. 1 and sch. 1, pt. 17, group 9]*

Assurances of land and personal property.

- (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

Grants and contributions by local authorities.

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 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.
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. Power to enter into agreements restricting use of land.
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 Board of Trustees to the general purposes of the National Trust. Accounts
10. Notwithstanding the provisions of Section 27 (Application of Revenue) of the Act of 1907 the Board of Trustees 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. Application of Trust Property.
11. *[Subs. (1) repealed by s.32 of N.T. Act 1971]* Byelaws.
- (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 24 (Byelaws) of the National Trust Act 1971* or Section 33 (Byelaws 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.

Provisions applicable to bye-laws.

*varied by N.T. Act 1971 Sec. 24 (4).*

- (2) *[repealed by Statute Law (Repeals) Act 2004, s. 1 and sch. 1, pt. 17, group 9]*

13. *[repealed by Statute Law (Repeals) Act 2004, s. 1 and sch. 1, pt. 17, group 9]*

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".

Amendment of Section 27 of Act of 1907

15. *[repealed by s. 16 of N.T. Act 1939]*

16. *[repealed by Statute Law (Repeals) Act 2004, s. 1 and sch. 1, pt. 17, group 9]*

**CHAPTER lxxxvi.**

A.D. 1907

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.

[28<sup>th</sup> July 1939]

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:

Preamble.

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

Short and collective titles

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. *[By the Parliamentary Scheme dated 12<sup>th</sup> January 2005 (implemented by The Charities (National Trust) Order 2005), all powers and duties originally conferred by this Act on the Council became powers and duties of the Board of Trustees (as defined in clause 1(1) of the Parliamentary Scheme), and references in this Act to the Council have, therefore, been replaced by references to the Board of Trustees.]*

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:-

- (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 Board of Trustees 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

Power to grant settled mansion and lands to National Trust.

Board of Trustees 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.
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

Conditions  
of grant.

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.
- (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.
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.

Terms of Lease  
by National  
Trust.

Restrictions on  
consent and  
protection of  
Trustees.

- (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.
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;

Exercise of  
discretion of  
Court.

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

Mansion and lands to be inalienable by National Trust.

*see N.T. Act 1971 sec. 27.*

Exercise of powers by trustees for sale and statutory owners.

Service of notices.

Jurisdiction and procedure.

Grant of easements in respect of inalienable properties.

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

13. If the Board of Trustees 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. *[repealed by s. 32 of N.T. Act 1971.]*
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.
16. (1) *[subsection (1) repealed by Statute Law (Repeals) Act 2004, s. 1 and sch. 1, pt. 17, group 9]*
- (2) The Act of 1937 and this Act shall not extend to Northern Ireland.
- (3) *[subsection (3) repealed by Statute Law (Repeals) Act 2004, s. 1 and sch. 1, pt. 17, group 9]*
17. *[repealed by Statute Law (Repeals) Act 2004, s. 1 and sch. 1, pt. 17, group 9]*

Powers of  
Act  
cumulative.

Extent of  
Acts.

**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 Board of Trustees 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 Board of Trustees of the National Trust under the National Trust Acts 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 Board of Trustees 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; *[by the Parliamentary Scheme dated 12<sup>th</sup> January 2005 (implemented by The Charities (National Trust) Order 2005), all powers and duties originally conferred by this Act on the Council became powers and duties of the Board of Trustees (as defined in clause 1(1) of the Parliamentary Scheme), and references in this Act to the Council have, therefore, been replaced by references to the Board of Trustees]*
- “the National Trust” means the National Trust for Places of Historic Interest or Natural Beauty.
3. (1) The Board of Trustees 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) *[repealed by Statute Law (Repeals) Act 2004, s. 1 and sch. 1, pt. 17, group 9]*
4. (1) Notwithstanding anything contained in section 27 (Application of revenue) or section 28 (Capital) of the Act of 1907 the Board of Trustees 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 receipt 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) *[ceased to have effect through the Parliamentary Scheme dated 12<sup>th</sup> January 2005 (implemented by The Charities (National Trust) Order 2005)]*
- (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."
5. *[repealed by Statute Law (Repeals) Act 2004, s. 1 and sch. 1, pt. 17, group 9]*

## CHAPTER vi

An Act to amend the constitution of the National Trust for Places of Historic Interest or Natural Beauty; to amend the National Trust Acts 1907 to 1953; to confer further powers on the said National Trust; and for other purposes.

*[17th February 1971]*

WHEREAS -

- (1) By the National Trust Act 1907 (in this Act referred to as “the Act of 1907”) the National Trust for Places of Historic Interest or Natural Beauty (in this Act referred to as “the National Trust”) was incorporated:
- (2) 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:
- (3) By the National Trust Charity Scheme Confirmation Act 1919, the National Trust Act 1937, the National Trust Act 1939 and the National Trust Act 1953, the purposes of the National Trust were extended and further powers were conferred on the National Trust:
- (4) Since the incorporation of the National Trust as aforesaid the membership of the National Trust, the property in its ownership and its responsibilities have all greatly increased, and it is expedient that the constitution of the National Trust should be amended as in this Act provided:
- (5) 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:
- (6) The purposes of this Act cannot be effected 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:-

## PART 1.

## PRELIMINARY.

1. (1) This Act may be cited as the National Trust Act 1971. Short and collective titles.
- (2) The National Trust Acts 1907 to 1953 and this Act may be cited together as the National Trust Acts 1907 to 1971.
2. This Act is divided into Parts as follows:- Division of Act into Parts.
  - Part I - Preliminary
  - Part II - Constitution of National Trust.
  - Part III - General powers.
  - Part IV - River Wey Navigation and Godalming Navigation.
  - Part V - Miscellaneous
3. (1) In this Act, unless the subject or context otherwise requires- Interpretation.
  - “the Act of 1907” means the National Trust Act 1907;
  - “the Act of 1937” means the National Trust Act 1937;
  - “the Act of 1953” means the National Trust Act 1953;
  - “the Council” means the council of the National Trust constituted in accordance with this Act *[By the Parliamentary Scheme dated 12<sup>th</sup> January 2005 (implemented by The Charities (National Trust) Order 2005), all powers and duties originally conferred by this Act on the Council became powers and duties of the Board of Trustees (as defined in clause 1(1) of the Parliamentary Scheme), and references in this Act to the Council have, therefore, been replaced by references to the Board of Trustees.];*
  - “member” means a member of the National Trust;
  - “the National Trust” means the National Trust for Places of Historic Interest or Natural Beauty;
  - “Trust property” has the same meaning as in the Act of 1937;
  - “year” means a period of twelve months ending on the 31st December.
  - [The former definitions of “appointed member”, “elected member”, “the existing Council”, “the existing executive committee” and “members’ resolution” ceased to have effect through the Parliamentary Scheme dated 12<sup>th</sup> January 2005 (implemented by The Charities (National Trust) Order 2005)]*
- (2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that

enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

- (3) In this Act the reference to the Secretary of State in section 22 is a reference to the Secretary of State for Trade and Industry and all other references to the Secretary of State are, except as respects Wales and Monmouthshire, references to the Secretary of State for the Environment and, as respects Wales and Monmouthshire, are references to the Secretary of State for Wales.

## PART II.

### CONSTITUTION OF NATIONAL TRUST

4. (1) The members of the National Trust shall be divided into the following classes-
- (a) ordinary subscribing members;
  - (b) life members;
  - (c) benefactors;
  - (d) corporate members;
  - (e) junior members;
  - (f) family members;
  - (g) such other classes as the Board of Trustees may from time to time by resolution determine.
- (2) Ordinary subscribing members shall be annual subscribers to the funds of the National Trust of such minimum annual subscription as may from time to time be determined by the Board of Trustees in accordance with section 3 (Subscriptions of ordinary subscribing members) of the Act of 1953.
- (3) Life members shall be persons who have made to the funds of the National Trust a subscription of not less than such minimum amount as at the time when the subscription was made had been determined by resolution of the Board of Trustees.
- (4) Benefactors shall be persons who have given to the National Trust such sum of money or other property as, in the opinion of the Board of Trustees, is such as to entitle such persons to be distinguished as benefactors.
- (5) Corporate members shall be such corporate or other bodies or associations as the Board of Trustees may from time to time by resolution determine who make annual subscriptions to the funds of the National Trust of such minimum amount as the Board of Trustees may by resolution from time to time determine. The Board of Trustees may from time to time by resolution determine different

Constitution of  
National Trust.

minimum annual subscriptions for different classes of corporate members.

- (6) Junior members shall be annual subscribers to the funds of the National Trust of such minimum annual subscription and of such an age as the Board of Trustees may from time to time by resolution determine.
- (7) Family members shall be persons who are members of the family of an ordinary subscribing member residing with such member and who make to the funds of the National Trust an annual subscription of such minimum amount as the Board of Trustees may from time to time by resolution determine.

*[sections 5–19 inclusive ceased to have effect through the Parliamentary Scheme dated 12<sup>th</sup> January 2005 (implemented by The Charities (National Trust) Order 2005)]*

20. (1) The National Trust shall cause to be kept proper books of account with respect to-
- Books of account.
- (a) all sums of money received and expended by the National Trust and the matters in respect of which the receipt and expenditure take place;
- (b) all purchases and sales of property by the National Trust;
- (c) the assets and liabilities of the National Trust;
- (2) For the purpose of the foregoing subsection, proper books of account shall not be deemed to be kept with respect to the matters aforesaid if there are not kept such books as are necessary to give a true and fair view of the state of the affairs of the National Trust and to explain its transactions.

21. (1) The accounts to be laid before an ordinary meeting shall include-
- Accounts
- (a) one or more statements dealing with the income and expenditure of and with all other movements on funds of the National Trust and, so far as practicable, of trusts administered by the National Trust, for the preceding year; and
- (b) one or more statements dealing with the funds, assets and liabilities of the National Trust and, so far as practicable, of trusts administered by the National Trust, as at the end of the preceding year (hereinafter referred to as "the accounting date").

- (2) The accounts shall give a true and fair view of the state of affairs of the National Trust at the end of the year and of its transactions for the year:

Provided that-

- (i) it shall not be necessary to place any value on inalienable property or on other property or personal chattels held in trust, or acquired by the National Trust for preservation;
- (ii) it shall not be necessary to take account of any obligation for the future maintenance of property held by the National Trust for preservation.

- (3) In any accounts of the National Trust laid before an ordinary meeting, or in a statement annexed thereto, there shall be shown-

- (a) such annual amounts as are paid in accordance with clause 30(2) of dated 12<sup>th</sup> January 2005 (and implemented by The Charities (National Trust) Order 2005),

*wording shown  
was substituted  
for previous sub-  
sections (a) and  
(b) by clause  
30(3) of  
Parliamentary  
Scheme*

- (b) [see marginal note]

- (c) by reference to each pair of adjacent points on a scale whereon the lowest point and the succeeding points are the same as the lowest point and the succeeding ones on the scale prescribed by section 8 of the Companies Act 1967, the number (if any) of persons in the employment of the National Trust whose annual rate of remuneration exceeded the lower point but did not exceed the higher;

- (d) where practicable the estimated amount, if it is material, of contracts for capital expenditure so far as not provided for;

- (e) the extent to which any items shown in the statement of transactions are materially affected-

- (i) by transactions of a sort not usually undertaken by a charity having objects similar to those of the National Trust or otherwise of an exceptional or non-recurrent nature; or

- (ii) by any change in the basis of accounting;

- (f) if the aggregate amount of loans, other than bank loans or overdrafts, made to the National Trust, which are repayable otherwise than by instalments and fall due for repayment after the expiration of five years from the accounting date, or which are repayable by instalments any of which fall due for payment after the expiration of that period, is material, the aggregate amount of such loans and the terms on which each such loan is repayable and the rate at which interest is payable thereon:

Provided that if it is impracticable to specify separately such particulars thereof, it shall be sufficient to give a general indication of the terms on which the loans are repayable and the rates at which interest is payable thereon;

- (g) particulars of property other than personal chattels purchased or otherwise acquired by the National Trust during the preceding year, unless such particulars are given in the report of the Board of Trustees to be laid before the ordinary meeting;
  - (h) the amount of revenue deficits on improvements to and provision of amenities for the special trust properties which have been financed from general funds, together with a summary of movements during the year and a note specifying whether interest or administrative costs have been taken into account in the movements.
- (4) The accounts shall be approved by the Board of Trustees and signed on their behalf by two members of the Board of Trustees.
  - (5) The accounts shall have annexed thereto the report of the auditors, who shall have the right to attend the general meeting to which the accounts are presented.
  - (6) For the purposes of this section the expression "personal chattels" has the same meaning as in paragraph (1) (x) of section 55 of the Administration of Estates Act 1925, subject to the omission of the words "used at the death of the intestate" in that paragraph, and "special trust property" means property administered by the National Trust under a trust by which the income of the trust must be applied to that property only.
22. Once at least in every year the accounts of the National Trust shall be examined and audited by an auditor or auditors to be elected annually at the annual general meeting and any previously elected auditor or auditors shall be eligible for re-election:

Audit

Provided that a person shall not be qualified to be appointed as an auditor under this section unless he is a member of one or more of the following bodies:-

- the Institute of Chartered Accountants in England and Wales;
- the Institute of Chartered Accountants of Scotland;
- the Association of Certified and Corporate Accountants;
- the Institute of Chartered Accountants in Ireland;
- any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161 (1) (a) of the Companies Act 1948 by the Secretary of State;

but a Scottish firm may be so appointed if each of the partners is qualified to be so appointed.

### PART III

#### GENERAL POWERS

23. (1) Subject to the provisions of this section, in addition to the powers conferred on the National Trust by section 29 (Powers exercisable over certain Trust property) of the Act of 1907, the National Trust shall have power with respect to any Trust property to which that section applies to do anything appearing to the National Trust to be desirable for the purpose of providing, or improving, opportunities for the enjoyment of the property by the public, and in the interests of persons resorting thereto, and in particular-
- (a) to provide or arrange for the provision of facilities and services for the enjoyment or convenience of the public, including meals and refreshments, parking places for vehicles, shelters and lavatory accommodation;
- (b) to erect buildings and carry out works.
- (2) The erection of any building (other than a shed for tools and materials), or the construction of any other work, whereby access by the public to any Trust property to which the said section 29 applies is prevented or impeded, shall not be lawful unless the consent of the Secretary of State is obtained, and in giving or withholding his consent the Secretary of State shall have regard to the same considerations and shall, if necessary, hold the same inquiries as are directed by the Commons Act 1876, to be taken into consideration and held by the Secretary of State before forming an opinion whether an application under the Inclosure Acts 1845 to 1882 shall be acceded to or not.
- (3) Notwithstanding anything in subsection (2) of section 30 (Power to charge for admission to Trust property) of the Act of 1907 the National Trust may make such reasonable charges as they may from time to time determine for the use by the public of any facilities, services, parking places or other accommodation provided under this section.
24. (1) The National Trust may make byelaws for the regulation and protection of and for the prevention and suppression of nuisances and the preservation of order upon and the regulation of the conduct and securing the safety of any person resorting to any lands or property of the National Trust held for the benefit of the nation, and

Further powers over certain common or commonable land.

Byelaws.

in particular and without prejudice to the generality of the foregoing, for 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 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 buildings, 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 byelaws 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 show, exhibition, swing, roundabout or other like thing and for authorising an officer of the National Trust to remove from such lands or property any thing placed thereon in contravention of the byelaws;
- (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 the National Trust Acts 1907 to 1971 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 byelaws 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 byelaws made under this Act;
- (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 byelaws made thereunder;
- (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 Board of Trustees;

- (r) for regulating the speed of vehicles on any road on such lands or property, not being a road within the meaning of the Road Traffic Act 1960;
  - (s) for prohibiting or regulating sailing, boating, bathing and fishing and other forms of recreation on any waterway forming part of such lands or property.
- (2) In this section the expression "officer of the National Trust" shall be deemed to include a voluntary worker as well as a paid officer of the National Trust and "waterway" means any lake, river, canal or other waters.
  - (3) Notwithstanding the repeal by this Act of section 32 (Byelaws) of the Act of 1907, all byelaws made by the National Trust under that section and in force immediately prior to the passing of this Act shall continue to have effect until revoked by the National Trust.
  - (4) Section 12 (Provisions applicable to byelaws) of the Act of 1937 shall have effect as if for the words "section 32 (Byelaws)" there were substituted the words "section 24 (Byelaws) of the National Trust Act 1971".
  - (5) For the purposes of this section 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.
  - (6) Nothing in any byelaw made in pursuance of this section shall prejudice or affect the lawful exercise of the powers or functions of any river authority, of the Isle of Wight River and Water Authority, of the Conservators of the River Thames, of the Lee Conservancy Catchment Board or of any internal drainage board within the meaning of the Land Drainage Act 1930 and before making any byelaws under this section which in the opinion of the National Trust might conflict with any byelaws made by a river authority or other drainage authority within the meaning of the said Act of 1930 the National Trust shall consult with the Association of River Authorities and the Association of Drainage Authorities.
  - (7) Nothing in this section shall be taken to empower the National Trust to make any byelaw prohibiting, restricting or interfering with rights of navigation in any tidal waters or in any waterway which is not tidal water.
25. Section 30 (Power to charge for admission to Trust property) of the Act of 1907 shall have effect as if at the end thereof there were inserted the following subsections:-

Extension of power to charge for admission to Trust property.

“(3) the National Trust may make such reasonable charges as they may from time to time determine in respect of the playing of games, sailing, boating, bathing and fishing and other forms of recreation on any lands or property or waterway of the National Trust.

(4) In this section the expression ‘waterway’ means any lake, river, canal or other waters.

(5) Nothing in subsection (3) of this section shall empower the National Trust to make any charge in respect of navigation in tidal waters.”

26. 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 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 (Extension of powers of National Trust) of the Act of 1937 ) at a less rent or gratuitously and on such other terms and conditions as the council shall think fit to approve.

Occupation of Trust property by member

*[wording modified by Parliamentary Scheme dated 12<sup>th</sup> January 2005]*

27. Section 84 of the Law of Property Act 1925 (which contains power to discharge or modify restrictive covenants affecting land) shall not apply to restrictions imposed (whether before or after the passing of this Act) for the purpose of-

Restrictions for protection of Trust property.

- (a) preserving; or  
 (b) protecting or augmenting the amenities of; or  
 (c) securing the access to and enjoyment by the public of;

any property which is or becomes inalienable by or under section 21 (Certain property of Trust to be inalienable) of the Act of 1907 or by section 8 (Mansion and lands to be inalienable by National Trust) of the National Trust Act 1939.

28. *[repealed by Statute Law (Repeals) Act 2004, s. 1 and sch. 1, pt. 17, group 9]*

## PART IV

### RIVER WEY NAVIGATION AND GODALMING NAVIGATION

29. In this Part of this Act, unless the subject or context otherwise requires-

Interpretation of Part IV.

“the Act of 1670” means the Act passed in the twenty-second and twenty-third years of the reign of His Majesty King Charles II intituled “An Act for settling and preserving the navigation of the River Wey in the County of Surrey”;

“the Act of 1760” means the Act passed in the thirty-third year of the reign of His Majesty King George II intituled “An Act for extending and continuing the Navigation of the River Wey, otherwise Wye, in the County of Surrey to the Town of Godalming in the said County”;

“the Godalming Navigation” means the navigation authorised by the Act of 1760 and all cuts, canals, weirs, locks, river works, towing paths, lockhouses, ferries, easements, watercourses and water rights now vested in or possessed or exercisable by the National Trust by virtue of that Act and the Guildford Corporation Act 1967;

“the Wey Navigation” means the navigation authorised by the Act of 1670 and all cuts, canals, weirs, locks, river works, towing paths, lockhouses, ferries, easements, watercourses and water rights now vested in or possessed or exercisable by the National Trust as successors in title of the proprietors constituted by or under that Act.

30. Notwithstanding anything in the Act of 1670 or the Act of 1760, the National Trust may maintain, manage and administer the Wey Navigation and the Godalming Navigation as a single navigation and undertaking, and for that purpose may apply and use any capital moneys or revenue received by the National Trust from or in respect of either of the said navigations to or for the purposes of the other of the said navigations in such manner as the National Trust in its discretion may think fit:

Management of  
Wey Navigation  
and Godalming  
Navigation

Provided that any capital moneys held as a source of income for the upkeep of either of the said navigations shall not be used otherwise than as a source of upkeep for either or both of those navigations.

31. The powers exercisable by the National Trust under paragraphs (c) and (d) of subsection (4) of section 78 (Power to purchase Godalming Navigation) of the Guildford Corporation Act 1938, by virtue of section 49 (Godalming Navigation) of the Guildford Corporation Act 1967, shall extend and apply to the lands and waters of the Wey Navigation as if such lands and waters were lands and waters referred to in the said paragraphs (c) and (d)

Extension to Wey  
Navigation of  
powers of  
National Trust  
under the  
Guildford  
Corporation Act  
1938

## PART V

### MISCELLANEOUS

32. *[repealed by Statute Law (Repeals) Act 2004, s. 1 and sch. 1, pt. 17, group 9]*
33. This Act shall not extend to Northern Ireland.
34. *[repealed by Statute Law (Repeals) Act 2004, s. 1 and sch. 1, pt. 17, group 9]*

Extent of Act

***[Schedules 1, 2 and 3 to the 1971 Act ceased to have effect through the Parliamentary Scheme dated 12<sup>th</sup> January 2005 (implemented by The Charities (National Trust) Order 2005)]***