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The sole purpose of each Act is to confirm a Provisional Order under the Private Legislation Procedure Acts.

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Note with Regard to the 1979 Edition of The Constitution

Except as amended by subsequent Provisional Orders or [in cases where the Members or the council are empowered to effect amendments] by the Members or the council, the six Orders are printed in the form as enacted. Any references in the Orders to public legislation should therefore be read as amended where appropriate by any such legislation.
National Trust for Scotland Order Confirmation Act, 1935

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Acts 1899 and 1933 relating to National Trust for Scotland.

[20th December 1935.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty’s Principal Secretaries of State under the provision of the Private Legislation Procedure (Scotland) Acts 1899 and 1933 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament:

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:-

Confirmation of Order in schedule

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed.

Short title

2. This Act may be cited as the National Trust for Scotland Order Confirmation Act 1935.
SCHEDULE

NATIONAL TRUST FOR SCOTLAND

Provisional Order to incorporate and confer powers on the National Trust for Scotland for Places of Historic Interest or Natural Beauty and for other purposes.

WHEREAS there has existed for many years a National Trust for Places of Historic Interest or Natural Beauty the said trust having been originally incorporated in the year eighteen hundred and ninety-four as an association not for profit under the Companies Acts 1862-1890 with the liability of members limited by guarantee:

And whereas for the more effective carrying out of the purposes for which the said association was instituted the said association was by the National Trust Act 1907 (hereinafter referred to as “the Act of 1907”) dissolved and was reincorporated under the name and title of the National Trust for Places of Historic Interest and Natural Beauty (hereinafter referred to as “the National Trust”):

And whereas while the Act of 1907 in no way restricts the National Trust from exercising in Scotland the powers vested in them under the Act of 1907 the said powers have not in fact been exercised in Scotland and the operations of the National Trust have been limited to England and other parts of Britain:

And whereas in nineteen hundred and thirty-one a trust for purposes similar to those for which the National Trust was incorporated was formed in Scotland with the approval and assistance of the National Trust entitled “the National Trust for Scotland for Places of Historic Interest or Natural Beauty Limited” (hereinafter referred to as “the Scottish Association”) being incorporated under the Companies Act 1929 as an association not for profit having no share capital and with the liability of members limited by guarantee in order to carry out work and confer benefits in Scotland similar to those carried out in England and other parts of Britain through the operation of the National Trust:

And whereas the Scottish Association in furtherance of the said purposes have acquired considerable property in Scotland and are or are reputed to be the owners of or interested in the properties specified in the First Schedule to this Order:

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

And whereas with a view to the continuance and development of the work of the Scottish Association for obtaining and preserving lands and buildings as aforesaid and for the permanent holding and maintenance thereof and for 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 Scottish Association should be dissolved and reincorporated as in this Order provided and that the powers of this Order should be conferred:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Acts 1899 and 1933:

Now therefore in pursuance of the powers contained in the last-mentioned Acts as read with the Secretaries of State Act 1926 the Secretary of State orders as follows:-
Short title and commencement of Order
1.- (1) This Order may be cited as the National Trust for Scotland Order 1935
(2) This Order shall come into operation on the date of the passing of the Act
confirming this Order which date is hereinafter referred to as “the commencement
of this Order”.

Interpretation
2. In this Order unless there be something in the subject or context repugnant to
such construction the following expressions shall have the meanings hereinafter
respectively assigned to them (namely):
- “The Scottish Association” means the National Trust for Scotland for Places of
Historic Interest or Natural Beauty Limited incorporated under the Companies
Act 1929 and dissolved by this Order;
- “Lands” include lochs rivers and other lands covered by water;
- “The National Trust for Scotland” means the National Trust for Scotland for
Places of Historic Interest or Natural Beauty incorporated by this Order;
- “The council” means the council of the National Trust for Scotland appointed in
pursuance of this Order.

Incorporation of National Trust for Scotland
3.- (1) The Scottish Association shall be dissolved and the several persons who
immediately before the commencement of this Order were members thereof and all
other persons who shall subscribe to or who shall hereafter become members of the
National Trust for Scotland in accordance with the provisions of this Order shall be and
they are hereby incorporated for the purposes hereinafter mentioned by the name of
“The National Trust for Scotland for Places of Historic Interest and Natural Beauty” and
by that name shall be a body corporate with perpetual succession and a common seal
and by that name may sue or be sued and shall have all the other privileges of a body
corporate.
(2) The domicile of the National Trust for Scotland with reference to all judicial
proceedings or actions at law shall be and be deemed to be in Edinburgh.

General purposes of National Trust for Scotland
4.- (1) The National Trust for Scotland shall be established for the purposes of
promoting the permanent preservation for the benefit of the nation of lands and
buildings in Scotland of historic or national interest or natural beauty and also of articles
and objects of historic or national interest and as regards lands for the preservation (so
far as practicable) of their natural aspect and features and animal and plant life and as
regards buildings for the preservation (so far as practicable) of their architectural or
historic features and contents so far as of national or historic interest.
(2) Subject to the provisions and for the purposes of this Order the National Trust
for Scotland may acquire by purchase gift or otherwise or may feu lease hold deal with
and dispose of (unconditionally or subject to any conditions or restrictions) lands and
buildings in Scotland and any rights or interests therein or thereover and also any
property moveable or personal of whatsoever nature or any right of interest therein and
may co-operate or assist in the acquisition of any such lands building or other property
or any right or interest therein where such acquisition is deemed by the council to be of
advantage to the National Trust for Scotland in the carrying out of its purposes and the
National Trust for Scotland may maintain and manage or assist in the maintenance and
management of lands as open spaces or as places of public resort or for scientific
purposes and buildings for purposes of this Order and may accept or otherwise hold or
manage property whether heritable or moveable for any public or national purposes and may act in any trusts for or as trustee of any property devoted to public or national purposes with power to impose such restrictions of access by the public as may be required or authorised by the trust deed of the said lands or as may be found necessary of desirable for the preservation of the natural or acquired features or of the amenity of the said lands or of the animal or plant life or of the use of the said lands for agricultural or any other purposes provided that such restrictions are not contrary to the conditions under which the said lands were acquired and may undertake or assist in the care management and development (with or without the possession of any legal interest therein) of any opens spaces garden or other lands or any building and may upon or with respect to any property belonging to them or in which they have any interest erect all such buildings and do all such things and make all such provisions as may be beneficial for the property or desirable for the comfort or convenience for 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 employ such agents officers and servants as they may deem necessary for carrying out these purposes and mad 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 for Scotland and may apply their funds to all or any such objects.

**National Trust for Scotland not to divide profits among its members**

5. Subject to the provisions of this Order the whole income and property of the National Trust for Scotland shall be applied solely towards the promotion of the objects of the National Trust for Scotland and no dividend bonus or other like profit shall at any time be paid out of the income or property of the National Trust for Scotland to any member of the National Trust for Scotland.

**Present property of Scottish Association vested in National Trust for Scotland**

6.- (1) Subject to the provisions of this Order the whole lands buildings and property heritable or real and moveable or personal or all or any kind an all right title and interest in the same which immediately before the commencement of this Order were vested in the Scottish Association or any other person in trust for them or to which the Scottish Association are in anywise entitled or which immediately before the commencement of this Order were the property of the Scottish Association and all moneys securities credits effects and other property whatsoever which immediately before the commencement of this Order belonged in any manner of way to the Scottish Association or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the Scottish Association and immediately before the commencement of this Order in force shall be and the same are by virtue of this Order hereby vested in the National Trust for Scotland to the same extent and for the same estate and interest as the same were previously to the commencement of this Order vested in the Scottish Association or any trustee on their behalf without the necessity of any disposition assignation conveyance notarial instrument or notice of title and may be subject and according to the provisions of this Order be held and enjoyed sued for and recovered maintained dealt with and disposed of by the National Trust for Scotland as they think fit.

(2) Without prejudice to anything contained in the preceding subsection of this section if the National Trust for Scotland think fit to complete a title to any part of the heritable property vested in them by virtue of this Order by expending a notarial instrument or notice of title or otherwise this Order shall be deemed to be and may be
used as a general disposition or assignation as the case may be of such heritable property in favour of the National Trust for Scotland.

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

Nothing to affect previous rights and liabilities
8. Everything before the commencement of this Order done or suffered by or with reference to the Scottish Association of the members thereof as such shall be as valid as if the National Trust for Scotland had not been incorporate and the said memorandum and articles of association had not been avoided by this Order and such incorporation and avoidance and this Order 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 for Scotland were not incorporated and the said memorandum and articles of association were not avoided by this Order and the Act confirming this Order were not passed would be incident to or consequent on any and everything so done or suffered and with respect to all such rights liabilities claims and demands the National Trust for Scotland and the members and property thereof shall to all intents and purposes represent the Scottish Association and the members thereof as such and the property of the Scottish Association as the case may be.

Contracts to be binding
9. Subject to the provisions of this Order all purchase sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the commencement of this Order by or with the Scottish Association or any trustees or persons acting on behalf of the Scottish Association or by 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 for Scotland and may be enforced as fully and effectually as if instead of the Scottish Association or the trustees or person acting on behalf of the Scottish Association the National Trust for Scotland had been a party thereto.

Actions &c. not to abate
10. Nothing in this Order contained shall release discharge or suspend any action or other proceeding which was pending by or against the Scottish Association or any member thereof in relation to the affairs of the Scottish Association or to which the Scottish Association or any member thereof in relation to such affairs were parties immediately before the commencement of this Order but such action suit or other proceeding may be maintained prosecuted or continued by or in favour of or against the
National Trust for Scotland (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 Scottish Association or any member thereof if the Act confirming this Order had not been passed the National Trust for Scotland and the members thereof being in reference to the matters aforesaid in all respects substituted for the Scottish Association and its members respectively.

National Trust for Scotland to satisfy liabilities of Scottish Association

11. The National Trust for Scotland shall in all respects be subject to and shall discharge all obligations and liabilities to which the Scottish Association immediately before the commencement of this Order were subject and shall indemnify the members council officers and servants of the Scottish Association and their respective representative from all such obligations and liabilities and from all expenses and costs in that behalf.

Books &c. continued evidence

12. All documents books and writings which if the dissolution of the Scottish 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.

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

13. The dissolution of the Scottish Association and the avoidance of its memorandum and articles of association shall not affect any deed or other instrument or any testamentary disposition of or affecting any property in or to which the Scottish Association would but for such dissolution and avoidance have been interested or become entitled.

Constitution of National Trust for Scotland

14. The members of the National Trust for Scotland shall be divided into (a) honorary members (b) life members (c) ordinary members (d) local corresponding members (e) representative members and (f) such other persons as the council shall see fit to admit to membership:

(a) honorary members shall be the persons who were honorary members of the Scottish Association and any persons who shall give to the National Trust for Scotland 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 and such as to entitle such person to be distinguished as an honorary member or who shall give to the National Trust for Scotland such sum of money or other property or such special services as shall appear to the council to entitle such persons to be distinguished as honorary members;

(b) life members shall be the persons who were life members of the Scottish Association and any persons who shall hereafter be donors to the National Trust for Scotland of the sum of twenty pounds or such other sum as the council may from time to time specify in that behalf;

(c) [Repealed by S.3(3) of 1961 Order]. For position with regard to ordinary members see S.3 of 1961 Order page 49

(d) local corresponding members shall be persons who without pecuniary contribution undertake to further or in the opinion of the council are
furthering the objects of the National Trust for Scotland in such manner as to the council may seem meet;

(e) representative members shall be those members of the council nominated to represent public or other bodies as hereinafter provided;

(f) such other persons or bodies or groups of persons as may promote the purposes of the National Trust for Scotland as the council shall see fit to admit to membership with or without pecuniary contribution.

Note:

In accordance with the above powers the council have created four further categories of members, viz:

(g) Junior Members (under the age of 21).

(h) Family Members (includes parents and all children under the age of 18).

(i) Corporate Members (representing corporate or other bodies or associations).

(j) Double Life Members (includes parents and all children under the age of 18).

As to liability of members

16. No member of the National Trust for Scotland shall be liable for or to contribute towards the payment of the debts and liabilities of the National Trust for Scotland beyond the amount of [ ] any contribution agreed to be given and remaining unpaid.

General meetings

17. The first general meeting of the National Trust for Scotland shall be held within six months after the commencement of this Order and 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 Order.

Establishment of Council:

18.-(1) The affairs of the National Trust for Scotland shall be administered by a council to be called the “council of the Trust” consisting of a president, vice-presidents who shall at no time exceed six in number, fifty members of the National Trust for Scotland to be elected as hereinafter in this Order provided and hereinafter called “elected members” representatives of public or scientific bodies hereinafter in this Order called “representative members” and such additional members as may be co-opted as provided for by section 20 of this Order.

(2) Each of the following bodies shall be entitled to nominated one representative member (namely):

[As amended at general meetings in accordance with S.18(4) below. Revised list of bodies show in the Third Schedule to this Order – see page 30]

(3) The president vice presidents and members of the council of the Scottish Association shall form and constitute the council subject to re-election and rotation as hereinafter in this Order provided.

(4) It shall be in the power of the National Trust for Scotland at any general meeting to vary the bodies empowered to nominate representative members to select additional bodies other than those mentioned in subsection (2) of this section who shall have the right to nominate representatives to the council and to withdraw such right from any of the bodies mentioned in subsection (2) of this section or additional bodies from time to time as may be thought fit to determine the number of representative
members to be nominated by any such bodies and to vary such number when thought fit and to make such arrangement as may be considered desirable with any of the said bodies so as to provide that new representative members shall be nominated from time to time provided always that the number of representative members shall never exceed the number of elected members.

(5) A representative member shall not be required to pay any subscription by reason of his being a representative member.

(6) The president and vice-presidents shall be members of the National Trust for Scotland and shall be elected at the annual general meeting of the National Trust for Scotland they shall hold office for one year and shall be eligible for re-election.

(7) The elected members of the council shall retire by rotation and shall be elected at the annual general meeting of the National Trust for Scotland in each year in accordance with the regulations contained in the Second Schedule to this Order.

(8) Subject to the provisions of the subsections (4) of this section the National Trust for Scotland shall have power from time to time in general meeting to increase or reduce the number of elected members of the council.

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 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.

Co-opted members
20. The council shall have power at any time and from time to time to appoint a person being a member of the National Trust for Scotland as an additional member of the council. Such additional member shall retire from office at the next following ordinary general meeting but shall be eligible for election by the National Trust for Scotland at that meeting as an elected member of the council. At no time shall the co-opted members acting on the council exceed four in number.

Powers and proceedings of council
21.- (1) The entire business of the National Trust for Scotland shall be managed and administered by the council who may exercise all such powers of the National Trust for Scotland as are not exerciseable only by the National Trust for Scotland in general meeting. Provided that no regulation made or resolution passed by the National Trust for Scotland in general meeting shall abrogate or invalidate any prior act of the council which would have been valid if such regulation or resolution had not been made or passed.

(2) The council shall have full power from time to time to make any regulation as to the procedure of the council or any committee thereof (including the quorum required at any meetings of the council or of such committee) the rotation of members of the council the eligibility of members of the council for re-election the filling up of vacancies on the council and generally as to all matters relating to the government and administration of the National Trust for Scotland and the affairs thereof. Provided that such regulations do not contravene any of the provisions of this Order and in the event of there being any inconstancy between the provision of this Order and the provisions of such regulation the provision of this Order shall prevail. The regulations set forth in the Second Schedule to this Order shall be the regulations of the National Trust for Scotland until altered varied or rescinded in manner hereinbefore provided.
(3) The council may elect a chairman for such periods as they may from time to time fix by their regulations and may appoint such agents officers and servants as they may be from time to time think desirable and fix their salaries and wages and the conditions of the service including the provision of pension on retirement and determine their respective duties and the tenure of their office.

(4) The council may exercise the powers of borrowing on mortgage which are by this Order conferred on the National Trust for Scotland.

(5) The council may appoint from their own number an executive committee (hereinafter in this Order referred to as “the 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 for Scotland or other person whose aid they judge useful to forward the objects of the National Trust for Scotland and such committee shall exercise and enjoy all the powers conferred upon the council by this Order except the power to borrow on mortgage and the power of electing a president and except any other power which the council expressly withholds from the committee and the council may impose conditions and limitations as to the exercise of any of the powers enjoyed by the committee.

(6) 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 for Scotland or other person whose aid they judge useful to forward the objects of the National Trust for Scotland.

(7) The executive committee shall have power to appoint from their own number sub-committees for special purposes and to add to any such sub-committees or to the executive committee for such length of time and with such powers of voting or otherwise as the executive committee may think fit any member of the National Trust for Scotland or other person whose aid they judge useful to forward the purposes for which the executive committee or such sub-committee has been appointed. The executive committee may also appoint a chairman to hold office during such period as the executive committee may specify and may make such regulations as to the procedure of the executive committee as the council is hereby empowered to make as the procedure of the council.

(8) The council shall have power to appoint a finance committee and an investment committee or either one of such committees and may nominate and appoint to any such committee any member of the National Trust for Scotland whether such member is a member of the council or not.

(9) No act or proceeding of the council the executive committee or of any committee or sub-committee shall be questioned on account of their being at the time of such act or proceeding any vacancy or vacancies in the council the executive committee or in any committee or sub-committee.

(10) No defect in the qualification of election of any person or persons acting as a member or members of the council the executive committee or 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 shall cause minutes to be kept of all proceedings including therein the names of the members present at any meeting thereof respectively and the council shall at all times cause to be kept minutes of the meetings of the National Trust.
for Scotland and a register of the members of the National Trust for Scotland with the respective last-known places of abode.

(12) Any minute made of proceedings at a meeting of the National Trust for Scotland 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 or acting as the chairman of the council the executive committee 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 and 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) (a) (i) Any notice issued by or on behalf of the National Trust for Scotland shall be deemed to be duly executed if signed by the chairman of the council, the director, a deputy director or the secretary, or as may be otherwise authorised by the council;

(ii) Subject as aforesaid any disposition, assignation, deed, conveyance or formal writing made by or proceeding from the National Trust for Scotland shall be deemed to be duly executed if sealed with the common seal of the National Trust for Scotland and signed both by one member of council or of the executive committee or of the finance committee or investment committee and the director, a deputy director or the secretary or such other member of staff as may be authorised by the council and such subscription on behalf of the National Trust for Scotland shall be binding whether attested by witnesses or not;

(iii) All cheques, bank drafts and other like documents drawn by or on behalf of the National Trust for Scotland shall be signed by one member of the council or the executive committee and the director, a deputy director, the secretary or the treasurer or as many be otherwise authorised by the council;

Note:
The Council at its meeting on 22nd July 1978 authorised that cheques up to £1000 need only be signed by any one of the above signatories.

(b) In this sub-section the expressions ‘Director’, ‘Deputy Director’, ‘Secretary’ and ‘Treasurer’ mean respectively the Director, a Deputy Director, the Secretary and the Treasurer of the National Trust for Scotland.

Certain property of National Trust for Scotland to be inalienable

22.- (1) Subject to the provisions of this section the properties specified in Part I of the First Schedule to this Order so far as the same are vested in the National Trust for Scotland shall be held by the National Trust for Scotland and shall not be chargeable with any debts or liabilities of the National Trust for Scotland and shall be inalienable.

(2) Subject to the provisions of this section whenever after the commencement of this Order any lands or buildings shall be come vested in the National Trust for Scotland the council may by resolution determine that such lands or buildings 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 for Scotland and shall be inalienable.

(3) Notwithstanding anything in this section the National Trust for Scotland may grant leases of the properties referred to in subsection (1) of this section and of the lands or buildings in respect of which such a resolution as is referred to in subsection (2) of this section may be passed 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 reservation covenants and conditions as the council from time to time think proper.
Power to raise money

23. The National Trust for Scotland may raise money by borrowing on the security of any of their property (not being property specified in Part I of the First Schedule to this Order or lands or buildings in respect of which a resolution has been passed by the council in pursuance of subsection (2) of the section of this Order of which the marginal note is “Certain property of National Trust for Scotland to be inalienable”) by way of specific mortgage or bond and disposition in security 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 for Scotland including the rents profits and income arising from any property held for the benefit of the nation.

Incorporation of certain provisions of Companies Clauses Consolidation (Scotland) Act as to mortgages

24. The provisions of sections 48 and 50 to 58 (both inclusive) of the Companies Clauses Consolidation (Scotland) Act 1845 shall so far as applicable extend and apply to the raising of money by the National Trust for Scotland under the provisions of this Order and to the mortgagees of the National Trust for Scotland and to the mortgages bonds and dispositions in security or other securities granted or given by the National Trust for Scotland and in those sections any reference to the company shall for the purposes of this Order be deemed to be references to the National Trust for Scotland.

Appointment of judicial factor

25. The mortgagees of the National Trust for Scotland (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 judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than one thousand pounds in all.

Accounts

26. Proper accounts shall be kept of all sums of money received and expended by the National Trust for Scotland 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 for Scotland 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 for Scotland such accounts shall be open at all reasonable times to the inspection of the members.

Audit

27.- (1) Once at least in every year the accounts of the National Trust for Scotland shall be examined and audited by an auditor or auditors being a member or members of one or more of the following bodies (that is to say) the Society of Accountants in Edinburgh the Institute of Accountants and Actuaries in Glasgow the Society of Accountants in Aberdeen the Institute of Chartered Accountants in England and Wales the Society of Incorporated Accountants and Auditors the Corporation of Accountants Limited the London Association of Certified Accountants Limited.

(2) 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
28. The council shall apply all monies received by the National Trust for Scotland 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 for Scotland and the cost of management maintenance upkeep and improvement of the property of the National Trust for Scotland;
Second In payment of the interest on moneys borrowed under the powers of this Order and of the repayment of instalments (if any) of principal moneys so borrowed;
and the balance if any shall be applied in furthering the objects for which the National Trust for Scotland is established in such manner as the council may from time to time direct or may if the council see fit be invested.

Capital
29. All moneys received by the National Trust for Scotland on capital account shall at the discretion of the council and subject to any conditions attached to any gift be applied in or towards the repayment of moneys borrowed for capital expenditure be invested in accordance with the provisions of this Order or be applied in the purchase of property (heritable or moveable) appropriate to the objects and purposes for which the National Trust for Scotland is established or be applied otherwise in furthering such objects and purposes.

Powers exercisable over certain Trust property
30. By virtue of this Order there shall be imposed upon the National Trust for Scotland with respect to any of the property of the National Trust for Scotland which consists of commonty or common land the following duties and the National Trust for Scotland shall (subject to the provisions of this Order) have with respect to the same property the following powers (namely):-
(a) Except as in this Order otherwise provided they shall at all times keep such property unbuilt on (subject always to the provisions hereinafter in this section contained) 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 paragraph 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 huts or sheds for tools and materials and the use of workmen employed on such property and shelters with or without sanitary arrangements for the use and convenience of the public resorting to such property and may maintain and repair all such erections;
(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 the appropriate or use the same or the soil timber or roads thereof or any part thereof for any purpose inconsistent with this Order;
(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.

Power to charge for admission to Trust property

31.- (1) The National Trust for Scotland may make such reasonable charges for the admission of the public to any of the property of the National Trust for Scotland or any part or parts thereof or for the use by the public of any such property (including buildings and erections thereon) as they may from time to time determine.

(2) The National Trust for Scotland shall not make charges for admission to any commonalty or common land except such part or parts of such land as may from time to time be set apart under the provisions of and for the purposes specified in paragraph (f) of the section of this Order of which the marginal note is “Powers exerciseable over certain Trust property.”

Arrangements with local authorities and others

32. The National Trust for Scotland may act in concert with and make arrangements and agreements with any Government department or public or private body or 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 for Scotland or with any other persons for giving effect to the objects of this Order.

Byelaws

33. For the regulation and protection of an for prevention of nuisances and preservation of order upon any lands or other property the National Trust for Scotland held for the benefit of the nation and the National Trust for Scotland may make byelaws 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 plants growing thereon;

(b) For prohibiting or regulating the lighting of any fires 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 road or wood or any 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 for Scotland;

(f) For prohibiting or regulating the posting or painting of bills placards advertisements or notice on buildings trees fences rocks or other property of the National Trust for Scotland or notice boards on such lands or property;

(g) For prohibiting any person 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 propelling or leaving 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 for Scotland 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 or servant of the National Trust for Scotland 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 cycles or other vehicles may be used;

(i) For prohibiting or regulating the placing on such lands or property of any photographic cart or machine wireless loudspeaker gramophone or other like instrument or of any show exhibition swing roundabout or other like thing and for authorising an officer or servant of the National Trust for Scotland to remove from such lands or property anything placed thereon in contravention of the byelaws;

(j) For prohibiting or regulating the use of such lands or property by hawkers vendors musicians or other entertainers;

(k) For regulating games to be played and other means of recreation to be exercised on such lands or property and assemblages of persons thereon;

(l) For regulating the use of any portion of such lands or property temporarily closed or set apart under this Order for any purpose;

(m) For prohibiting or regulating horses being exercised or broken in on such lands without lawful authority;

(n) For prohibiting any person without lawful authority from turning out or permitting to remain on such lands any horses cattle sheep or other animals and for authorising an officer or servant of the National Trust for Scotland to remove therefrom any horses cattle sheep or other animals being thereon in contravention of the byelaws or suffering from disease;

(o) 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;

(p) For authorising an officer or servant of the National Trust for Scotland 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 Order;

(q) For prohibiting the hindrance or obstruction of an officer or servant of the National Trust for Scotland in the exercise of his powers or duties under this Order or under any byelaws made thereunder;

(r) For permitting the public or any specified person or person to view and to make copies or reproductions of any article or object or extracts from any books manuscripts or writings forming part of the Trust property on such terms in respects as may be from time to time prescribed by the council.

Provisions applicable to byelaws

34. [Repealed by s. 4(3) of 1961 Order]
Byelaws as to buildings

35. The council may in respect of any building forming part of the property of the National Trust for Scotland and being open to the public whether on payment or not make byelaws for the purpose specified in section 22 of the Public Libraries Consolidations (Scotland) Act 1887 in respect of such building and the provisions of sections 22 to 28 (both inclusive) of the said Act shall so far as applicable extend and apply to the byelaws to be made by the council in pursuance of this section and to the enforcement of the same and the recovery of penalties arising thereunder as if the council were a committee under that Act and the secretary of the National Trust for Scotland were clerk to the committee.

Byelaws to be exhibited

36. Copies of the byelaws for the time being in force shall be put up by the National Trust for Scotland on the property of the National Trust for Scotland at such places and in such manner as the National Trust for Scotland think best calculated to give information to person resorting to such property.

Saving of rights

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

Copy of Order to be registered

38. The National Trust for Scotland shall deliver to the Registrar of Companies for Scotland a printed copy of this Order and he shall retain and register the same and if such copy is not so delivered within three months from the commencement of this Order the National Trust for Scotland 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 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 said registrar by the National Trust for Scotland on such copy being registered the like fee as is for the time being payable under the Companies Act 1929 on registration of any document other than a memorandum of association.

Costs of Order

39. The costs charges and expenses of and incidental to the preparation obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the National Trust for Scotland.
**THE FIRST SCHEDULE**

**PROPERTIES OF THE NATIONAL TRUST FOR SCOTLAND.**

**PART I.**

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

<table>
<thead>
<tr>
<th>County</th>
<th>Parish</th>
<th>Name and description of property</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Glasgow</td>
<td>Paisley</td>
<td>Crookston Castle</td>
</tr>
<tr>
<td>Kirkcudbright</td>
<td>Kells</td>
<td>King’s or Bruce’s Stone with ground surrounding and providing access.</td>
</tr>
<tr>
<td>Fife</td>
<td>Culross</td>
<td>The Palace</td>
</tr>
<tr>
<td>Ayr</td>
<td>Kirkoswald</td>
<td>Souter Johnnies House Kirkoswald.</td>
</tr>
<tr>
<td>Wigtown</td>
<td>Old Luce</td>
<td>Glenluce Abbey (part of).</td>
</tr>
<tr>
<td>Fife</td>
<td>Culross</td>
<td>The Study and adjoining houses.</td>
</tr>
<tr>
<td>Ross and Cromarty</td>
<td>Uig</td>
<td>Black House Callanish.</td>
</tr>
<tr>
<td>City of Edinburgh</td>
<td>City parish of Edinburgh</td>
<td>Gladstone’s Land.</td>
</tr>
</tbody>
</table>

**PART II**

**ALIENABLE PROPERTIES**

<table>
<thead>
<tr>
<th>County</th>
<th>Parish</th>
<th>Name and description of property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fife</td>
<td>Culross</td>
<td>Sandhaven.</td>
</tr>
<tr>
<td>Fife</td>
<td>Culross</td>
<td>The Ark.</td>
</tr>
<tr>
<td>Fife</td>
<td>Culross</td>
<td>The Orchard.</td>
</tr>
<tr>
<td>Fife</td>
<td>Culross</td>
<td>Reid’s Property Little Causeway.</td>
</tr>
<tr>
<td>Dunbarton</td>
<td>Roseneath</td>
<td>St. Modan’s Well.</td>
</tr>
</tbody>
</table>

*NOTE:* This Schedule shows the inalienable and alienable properties in 1935 and is included here for historic reasons only.
REGULATIONS GOVERNING THE CALLING AND HOLDING OF GENERAL MEETINGS OF THE NATIONAL TRUST FOR SCOTLAND AND OTHER MATTERS

1A In this Second Schedule, the Council may be referred to as “Council (Board of Trustees).”

GENERAL MEETINGS

1. Two forms of general meetings may be held by the National Trust for Scotland (“the Trust”). Once in each calendar year a general meeting called the Annual General Meeting shall be held. All other general meetings shall be called Extraordinary General Meetings.

2. A notice of every general meeting, whether Annual or Extraordinary, and of the agenda and the business to be transacted therein shall be given to the members not less than thirty five days before the meeting in such form and manner as the Council (Board of Trustees) may from time to time prescribe.

3. Notice of any resolution proposed to be made at a general meeting by a member of the Trust shall be sent to the Secretary of the Trust. Such notice shall be signed by the proposer and not less than twenty secondees being members of the Trust.

4. The Council (Board of Trustees) may refuse to accept a member’s resolution where in the opinion of the Council (Board of Trustees) it contains matter of a defamatory nature or the issue has been the subject of a resolution proposed at any general meeting held during the three years preceding its submission.

5. The proposer of a resolution to be made at a general meeting may submit a statement not exceeding 500 words in support of it and the Council (Board of Trustees) may, if they so wish, prepare a statement setting out its views on it, both statements to be distributed to members with the notice of the general meeting.

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

7. Fifty members personally present shall form a quorum for a general meeting. If within half an hour from the time appointed for a general meeting a quorum is not present the meeting shall be dissolved.
ANNUAL GENERAL MEETINGS

8. Notice of any resolution proposed to be made at an Annual General Meeting by a member of the Trust must be in the hands of the Secretary not less than 140 days before the meeting.

9. In the notice calling the Annual General Meeting the Council (Board of Trustees) shall state the names of the elected members who fall to retire and the names of those who have been proposed as candidates. It shall be in the power of any member of the Trust to suggest any person or persons to be members of the Council (Board of Trustees), provided that the names of such person or persons proposed are in the hands of the Secretary of the Trust by not later than 140 days before the Annual General Meeting. The intimation to the Secretary must state that the person or persons suggested would be willing to serve, if elected, and must also state the names of two members of the Trust who propose and second the person or persons for election.

10. The Council (Board of Trustees) at each Annual General Meeting shall submit a report of the work done in the preceding year and of the financial position of the Trust.

11. Every Annual General Meeting shall as ordinary business elect a President and Honorary Vice-Presidents and members of the Council (Board of Trustees) in place of those retiring, appoint auditors and adopt or reject wholly or in part any annual reports made to the meeting by the Council (Board of Trustees) and all accounts presented to the meeting. It may also decide on any recommendation made in the statement or report of the Council (Board of Trustees) on any question arising out of the matters aforesaid. All other business shall be deemed special and shall not be entered upon unless specified in the notice convening the meeting.

EXTRAORDINARY GENERAL MEETINGS

12. The Council (Board of Trustees) may whenever they think fit and the Council (Board of Trustees) shall upon the requisition made in writing and signed by any two thousand or more members convene an Extraordinary General Meeting.

13. 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 Trust.

14. Upon the receipt of such requisition the Council (Board of Trustees) shall within 60 days advise members of the terms of the resolution and of the date and place of the proposed Extraordinary General Meeting which must be held within six months of the date of the requisition. If no date for the proposed Extraordinary General meeting has been advised to members with the said 60 days period, the requisitionists may themselves call the meeting.
CHAIRMAN OF GENERAL MEETINGS

15. The President of the Trust, whom failing the Chairman of Council (Board of Trustees), shall take the chair at a general meeting.

16. If neither the President nor the Chairman of the Council (Board of Trustees) shall be present within ten minutes of the hour at which the meeting is to commence the meeting shall elect a chairman. In the case of an equality of votes whether on a show of hands or on a poll the chairman of the meeting at which the show of hands takes place or at which the poll is demanded shall be entitled to a second or casting vote. The chairman may with the consent of the meeting adjourn any meeting from time to time and from place or place but no business shall be transacted at any adjourned meeting other than the business left undisposed of at the meeting at which the adjournment took place unless in pursuance of a notice and agenda given to the members as hereinbefore prescribed.

VOTING

17. Every member shall have one vote only with the exception of the chairman’s casting vote.

18. Each of the following types of membership constitute one member with one vote:

   a. Single Life Membership
   b. Representative Membership
   c. Ordinary Membership
   d. Junior Membership
   e. Corporate Membership
   f. Educational Membership

   Double Life Membership shall entitle both members to one vote each. Family Membership shall entitle two adult family members to one vote each.

19. At every general meeting all matters which come up for the decision of such meeting, other than the election of members to the Council (Board of Trustees) where the number of candidates exceeds the number of vacancies, 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 provided. The election of members to the Council (Board of Trustees) (other than the election of the first ten members of Council (Board of Trustees) elected after 29th October 2010) shall be decided in the event that the number of candidates exceeds the number of vacancies by the candidates with the most votes cast in their favour (by those personally present at the meeting and eligible to vote, by members using the postal voting form provided for in Paragraph 24 below and by members using electronic voting, which shall be conducted in a form and by a means approved by the Council (Board of Trustees)) being duly elected.
20. At any general meeting a poll may be demanded on a resolution either before it is put to the vote or on the declaration of the result of a vote by a show of hands. Unless the poll is so demanded on a resolution put to the vote a declaration by the chairman that such a resolution has on a show of hands been carried or lost and an entry made to that effect in the book of the proceedings of the Trust shall be conclusive evidence of the fact without proof of the number of the proportion of the votes recorded in favour of or against that resolution.

20A TRANSITIONAL ARRANGEMENTS FOR COUNCIL (BOARD OF TRUSTEES) ELECTIONS

Notwithstanding anything in this Second Schedule to the contrary, the election of the first ten new members of Council (Board of Trustees) after the approval of the Strategic Review recommendations shall be conducted in accordance with the following provisions:-

(a) The Secretary of the Trust shall advertise the vacancies in the national press after the Annual General Meeting.

(b) The names of the members of the Trust who wish to stand for election must be intimated to the Secretary. The intimation must state that the member suggested would be willing to serve, if elected, and must also state the names of two members of the Trust who propose and second the member for election. The intimation must be accompanied by a statement from each candidate in a form to be approved by the Transition Committee and such other information as is requested by the Transition Committee.

(c) The Transition Committee shall establish an election panel to consider all applications for the first ten new members of Council (Board of Trustees). The election panel shall consist of members of the Transition Committee, members of the Nominations Committee, and an individual independent of the Trust whose role will be to ensure a fit and proper process. The election panel shall consider the skills and experience of the candidates against criteria to be approved by the Transition Committee. The election panel shall list the candidates who have fulfilled the criteria but shall make clear that the membership may vote for any candidates.

(d) Unless a candidate intimates that he no longer wishes to be considered for the vacancies, all candidates who have been validly proposed will be put forward to the membership for election.

(e) The election of the new Council (Board of Trustees) members will be conducted by postal and electronic ballot of the membership. Ballot papers and statements from the candidates (in a form approved by the Transition Committee) shall be issued to the members of the Trust.
The members of the Trust shall return their votes to be in the hands of the Secretary or make their electronic votes. The verification of the counting of the votes will be carried out by an independent scrutineer. The non-receipt of a ballot paper (or any accompanying documents) shall not invalidate the election of the Council (Board of Trustees) members.

(f) Each member of the Trust shall be entitled to vote for up to ten candidates. The ten candidates with the greatest number of votes shall be appointed to the Council (Board of Trustees) with effect from 1st March 2011.

POLL

21. At a general meeting one-third of the members of the Council (Board of Trustees) or one-third of the members present of the Trust may demand a poll in respect of any resolution and on such demand being made, a poll of the 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.

22. A poll demanded on the election of the chairman or on a question of adjournment shall be taken forthwith. A poll demanded on any other question shall be taken at such time as the chairman of the meeting directs.

23. On a poll votes may be given either personally or by proxy.

PROXY / POSTAL VOTES

24. The document appointing a proxy or exercising a postal vote shall be in writing under the hand of the appointer / voter or of his attorney duly authorised in writing or if the appointer / voter is a corporation or body of persons either under the seal of that corporation or body under the hand of an officer or attorney so authorised. A proxy must be a member of the Trust.

25. The document appointing a proxy and / or exercising the postal vote and the power of attorney or other authority if any under which it is signed or a notorially certified copy of that power or authority shall be deposited at the office of the Trust not less than seven days before the time for holding the meeting or adjourned meeting at which the person named in the instrument proposes to vote or at which the elections are to take place and in default the instrument of proxy and / or the postal vote shall not be treated as valid.

26. Documents appointing a proxy and providing for postal voting shall be in such form as the Council (Board of Trustees) may from time to time approve.

27. The instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a poll.
DISQUALIFICATION OF MEMBERS OF THE COUNCIL (BOARD OF TRUSTEES) AND COUNCIL (BOARD OF TRUSTEES) SUB-COMMITTEES

28. The office of member of the Council (Board of Trustees) and Council (Board of Trustees) Sub-Committees shall be vacated if such member:

a. Without the consent of the Council (Board of Trustees) holds an office of profit under the Trust; or

b. Is disqualified from being a person concerned in the management or control of a recognised body in terms of Section 8 of The Law of Reform (Miscellaneous Provisions) (Scotland) Act 1990; or

c. Is, or may be, suffering from mental disorder and either:

   (i) he is admitted to hospital in pursuance of an application for admission for treatment under the Mental Health Act 1983 or, in Scotland, an application for admission under the Mental Health (Scotland) Act 1960; or

   (ii) an order is made by a court having jurisdiction (whether in the United Kingdom or elsewhere) in matters concerning mental disorder for his detention or for the appointment of a receiver, curator bonis or other person to exercise powers with respect to his property or affairs; or

d. Resigns office by notice in writing to the Trust; or

e. Is directly or indirectly interested in any contract with the Trust and fails to declare the nature of his interest in manner required by Section 317 of the Companies Act 1985.

For the avoidance of doubt notwithstanding the foregoing, Council (Board of Trustees) may specifically authorise that remuneration be paid to the Chairman and Deputy Chairman.

A Member shall not vote in respect of any contract in which he is interested or any matter arising thereout and if he does so vote his vote shall not be counted.

29. A member of Council (Board of Trustees) who fails to attend three consecutive meetings without good cause shown, shall be asked to resign from the Council (Board of Trustees).

AGE LIMITS

30. Deleted.
OFFICE BEARERS

31. The President/Vice Presidents

(a) The Honorary Vice Presidents will not form part of the Council (Board of Trustees). The President’s role will be, *inter alia*, ambassadorial and advisory.

(b) The offices of President and Honorary Vice-President, which are subject to election annually in general meeting, shall not normally be held for more than 15 years.

The Chairman

(a) Any member of the Council (Board of Trustees) appointed as Chairman of the Council (Board of Trustees) shall hold office for a period of four years from the date of appointment, unless during that period such member resigns as Chairman of the Council (Board of Trustees) or ceases to be a member of the Council (Board of Trustees). The Chairman may be immediately re-appointed for a second and final four-year period at the discretion of the Council (Board of Trustees) subject to his continuing to be a member of the Council (Board of Trustees).

(b) The Chairman’s principal function shall be to chair the Council (Board of Trustees), to be responsible to the Council (Board of Trustees), to answer at the AGM for the conduct of the Trust’s affairs, to keep in touch with the work of the Specialist Committees, and to appraise the Chief Executive’s performance. In addition, the Chairman’s role shall be ambassadorial and advisory and in offering advice and guidance to the Chief Executive.

The Deputy Chairman

A Deputy Chairman shall be elected and re-elected by Council (Board of Trustees) to serve for the same periods as the Chairman and his appointment lapses on the appointment of a new Chairman. The Deputy Chairman’s skill and experience should be in a different discipline to those of the Chairman. The Deputy Chairman shall be a member of the Council (Board of Trustees). There shall be no assumption that the Deputy Chairman shall succeed the Chairman.

MEMBERS OF COUNCIL (BOARD OF TRUSTEES)

32. Subject to the terms of this paragraph, elected members of the Council (Board of Trustees) shall serve on the Council (Board of Trustees) for a period of four years and shall retire at the end of the fourth Annual General Meeting of the Trust occurring after the Annual General Meeting of the Trust at which they
were elected. Elected members of Council (Board of Trustees) may be immediately re-elected for a second and final four year term. The terms of service of the first ten members of Council (Board of Trustees) elected after 29th October 2010 shall be as follows:

a. four members shall serve until the fifth Annual General Meeting of the Trust following the 2010 Annual General Meeting;

b. three members shall serve until the fourth Annual General Meeting of the Trust following the 2010 Annual General Meeting; and

c. three members shall serve until the third Annual General Meeting of the Trust following the 2010 Annual General Meeting.

The terms of service set out above shall be allocated amongst the members of the Council (Board of Trustees) by agreement of the Council (Board of Trustees).

Any co-opted member of the Council (Board of Trustees) may seek election to the Council (Board of Trustees) but may not, in any event, serve for more than eight years in total on the Council (Board of Trustees).

33. Former permanent members of the Trust staff shall not be eligible for election to Council (Board of Trustees) until a period of eighteen months has elapsed since their employment with the Trust ceased.

34. Any member who fails to attend three consecutive meetings of the Council (Board of Trustees) without, in the Council (Board of Trustees)’s opinion, showing good cause, may be asked to resign from the Council (Board of Trustees).

COUNCIL (BOARD OF TRUSTEES) MEETINGS

35. Council (Board of Trustees) shall act as guarantor of the integrity of the Trust’s operations. Council (Board of Trustees) shall discharge the duties imposed on it (i) by The National Trust for Scotland Order Confirmation Acts 1935, 1938, 1947, 1952, 1961, and 1973, and (ii) by any other applicable law or regulation including (without prejudice to the foregoing generality) those imposing legal duties on charity trustees. Without prejudice to the foregoing generality the following provisions shall apply to Council (Board of Trustees):

a. The Council (Board of Trustees) shall appoint a Chief Executive who shall, *inter alia*, produce and implement an annual plan to deliver the Trust’s strategic objectives, and run the day to day operations of the Trust. For the avoidance of doubt, the Trust’s strategic objectives shall be established by the Council (Board of Trustees).
b. The Council (Board of Trustees) shall monitor, encourage, warn, and advise the Chief Executive to ensure the implementation of the Trust’s strategic objectives.

c. The Council (Board of Trustees) shall adopt its own *modus operandi* but shall normally meet at least eight times per year.

d. Membership of the Council (Board of Trustees) shall consist of the President and ten members elected by the membership.

e. The Council (Board of Trustees) may co-opt up to four further members for a period of one year each to ensure an appropriate range of experience and skills among the members of Council (Board of Trustees). Any co-opted member may be co-opted for one or more further terms of one year but may not, in any event, serve for more than eight years in total on the Council (Board of Trustees).

f. The minimum quorum of the Council (Board of Trustees) is half the membership of the Council (Board of Trustees) plus one member, including the Chairman of the Council (Board of Trustees).

g. Any member of staff of the Trust may be invited to attend the meetings of Council (Board of Trustees). The Chief Executive should normally be invited to attend Council (Board of Trustees) meetings accompanied by colleagues, as appropriate, to speak to issues within their particular remit.

h. The Council (Board of Trustees) should announce any major initiatives which are not contained within the Trust’s previously published plans and invite comments thereon within a time-limited period before making any final decision thereon.

i. The Trust Secretary shall act as secretary to the Council (Board of Trustees). The Trust Secretary shall be appointed by the Council (Board of Trustees) and shall not be a member of the senior executive management team. The Trust Secretary shall be accountable to Council (Board of Trustees).

j. All new members of the Council (Board of Trustees) must undertake an induction process covering, *inter alia*, governance, finance, and conservation. The Chairman of the Council (Board of Trustees) should hold periodic review meetings with each member of the Council (Board of Trustees) to discuss their contribution to the work of the Council (Board of Trustees). The Chairman shall ensure that an annual review process is instituted in order to assess the general effectiveness of the
Council (Board of Trustees) and that of individual Council (Board of Trustees) members. As part of that process, the Chairman’s performance shall be assessed by the President.

k. The Council (Board of Trustees) shall publish a five year strategic plan and ensure that the Trust adopts an integrated system of corporate planning.

COUNCIL (BOARD OF TRUSTEES) RESOLUTIONS

36. A member of the Council (Board of Trustees) who wishes to put down a formal resolution on a substantive matter for consideration at a meeting of the Council (Board of Trustees) must lodge it in writing with the Secretary of the Trust not less than 10 days in advance of the meeting. Any late resolution may, at the discretion of the chairman, be discussed but a final decision on it must be deferred until a subsequent meeting of Council (Board of Trustees).

AUDIT AND RISK MANAGEMENT COMMITTEE

37. There shall be an Audit and Risk Management Committee, a Standing Committee of the Council (Board of Trustees) to which it shall report.

38. The Council (Board of Trustees) and the senior management team shall provide the Committee with all information necessary to enable it to perform its role effectively. The Committee is authorised to take independent professional advice if necessary, being mindful of the cost of such advice.

THE ROLE OF THE AUDIT AND RISK MANAGEMENT COMMITTEE

39. The role of the Audit and Risk Management Committee shall be to assess, generally at a high level of overview, the integrity of the Trust’s financial recording and reporting systems and the effectiveness of its internal controls, risk management systems and internal and external auditor functions. In performing this role, the Committee shall have regard to the advice on best practice for charities arising from the Turnbull and Cadbury Reports, to the guidance on the roles and responsibilities of Audit Committees of Boards of public companies derived from the Higgs and Smith Reports, and to other current legislation and advice relating to issues of corporate governance.

40. The functions of the Audit and Risk Management Committee are:

a. to satisfy itself that proper books and records of all financial transactions are maintained;

b. to monitor the integrity and compliance with relevant accounting standards of the routine internal and external financial reports and statements of the Trust and any formal announcements relating to the Trust’s financial performance, reviewing significant financial reporting judgements contained in them and ensuring expenditure from funds is in accordance with their objectives;
c. to monitor and review the effectiveness of the Trust’s internal controls and risk management systems, both financial and non-financial;

d. to appoint and approve any change to the Trust’s Internal Auditor, and to monitor and review the effectiveness of the Trust’s internal audit function as well as their performance and the effectiveness of the audit process;

e. to make recommendations to the Council (Board of Trustees), for it to put to the Trust’s members for their approval at the Annual General Meeting, concerning the appointment of the external auditor, and to approve the remuneration and terms of engagement of the external auditor;

f. to review and monitor the external auditor’s independence and objectivity and the effectiveness of the external audit process, taking into consideration relevant UK professional and regulatory requirements;

g. to develop and implement policy on the engagement of the external auditor to supply non-audit services, taking into account relevant ethical guidance regarding the provision of non-audit services by external auditors; and

h. to report to the Council (Board of Trustees) on any matters in respect of which the Committee considers, on the basis of its work, that the overall effectiveness and efficiency of the Council (Board of Trustees) could be improved, identifying what action for such improvement is needed.

MEMBERSHIP OF THE AUDIT AND RISK MANAGEMENT COMMITTEE

41. The Convenor and members of the Audit and Risk Management Committee shall be appointed by the Council (Board of Trustees). The Committee shall be made up of three members of Council (Board of Trustees) and two members who are independent of Council (Board of Trustees). The Convenor shall be a member of Council (Board of Trustees). Council (Board of Trustees) shall determine the terms of office of members of the Committee. The Trust Secretary shall act as secretary to the Committee and the internal audit function of the Trust should report to the Secretary. Notwithstanding the foregoing, the Council (Board of Trustees) may extend the appointments or appoint any members of the Audit & Risk Management Committee as at 28 February 2010 to any role (including that of Convenor or vice Convenor) on the Audit & Risk Management Committee in order to ensure an orderly transition over a reasonable period of time.

PATTERN OF MEETINGS

42. The Audit and Risk Management Committee shall meet at least three times per year.

SPECIALIST, REGIONAL AND OTHER COMMITTEES AND BOARDS

43. (a) Specialist Panels

Council (Board of Trustees) may appoint Specialist Panels with an advisory role which shall not form part of the Trust’s governance structures. The Terms of Reference, length of term, and composition of the Specialist Panels shall be determined by the Council (Board of Trustees).

(b) Investment Committee
There shall be an Investment Committee, a standing committee of Council (Board of Trustees) to which it shall report. The Committee should provide advice and direction on all financial investments made by or on behalf of the Trust. The Terms of Reference of the Investment Committee shall be determined by the Council (Board of Trustees). The Convenor and members of the Investment Committee shall be appointed by the Council (Board of Trustees). The Committee shall have up to twelve members, the majority of whom should be experts with a strong background in investment who are not members of the Council (Board of Trustees). The Convenor shall be a member of Council (Board of Trustees). The terms of office of the members of the Investment Committee shall be set by Council (Board of Trustees). The Trust Secretary shall act as Secretary to the Committee. The Convenor of the Investment Committee may invite any staff members (including the Finance Director and Chief Executive) to be present at any meeting. Notwithstanding the foregoing, the Council (Board of Trustees) may extend the appointments or appoint any members of the Investment Committee as at 28 February 2010 to any role (including that of Convenor or joint or vice Convenor) on the Investment Committee in order to ensure an orderly transition over a reasonable period of time.”

(c) Nominations Committee

There shall be a Nominations Committee, a standing committee of Council (Board of Trustees) to which it shall report. The Terms of Reference of the Nominations Committee shall be determined by Council (Board of Trustees). The Committee should ensure that its work and processes are open and transparent. The Convenor and members of the Nominations Committee shall be appointed by the Council (Board of Trustees). The Committee shall have five members. Three of the members shall be members of Council (Board of Trustees). Two of the members shall be independent of the Trust’s Council (Board of Trustees) and have no previous involvement in the governance or management of the Trust. The Convenor of the Committee shall be independent of the Trust’s Council (Board of Trustees) and have no previous involvement in the governance of the Trust. Members of the Committee may serve only one four year term. The Committee should arrange to rotate resignations in order to avoid excessive disruption to the continuity of membership. The Trust Secretary shall act as secretary to the Nominations Committee.

(d) Regional Committees

The Council (Board of Trustees) may appoint Regional Committees but they shall not form part of the Trust’s governance structures. The role of the Regional Committees shall be ambassadorial and advisory, representing the Trust in their region and providing advice, support, and feedback about local concerns to the relevant regional director. The Terms of Reference, length of term, and composition of the Regional Committees shall be determined by the Council (Board of Trustees). The convenors of the Regional Committees will be appointed by the Council (Board of Trustees). The relevant regional director (or equivalent member of staff) shall act as secretary to the Regional Committees.
(e) The National Trust for Scotland London Committee

The Council (Board of Trustees) may appoint a London Committee which shall be a committee of the Council (Board of Trustees). The terms of reference and membership of the London Committee shall be determined by Council (Board of Trustees). The Convenor of the London Committee shall be appointed by the Council (Board of Trustees). The role of the London Committee shall be ambassadorial and advisory representing the Trust in the London area.

(f) National Trust for Scotland Enterprises Limited

The Enterprise Board’s primary remit is the development of strategies to increase the income of the Trust through commercial activities while at all times ensuring they are compatible with the Trust’s overall objectives of heritage conservation.

The Board of The National Trust for Scotland Enterprise Limited shall comprise, inter alia, ex officiis the Chairman of the Council (Board of Trustees), the Chief Executive and the Finance Director. The Trust Secretary shall be appointed as the secretary to the company.

(f) General

Period of Appointment for Committee Members.

Unless otherwise specifically herein provided, Convenors and members shall serve for a period of four years renewable for a further four years maximum after which time the compulsory one year retirement convention will apply.

EMERITUS APPOINTMENTS

45. Emeritus appointments shall be honorary appointments and shall not carry any right to membership of Council (Board of Trustees).

46. The Terms of Reference of any Committee or Sub-committee not set out herein shall be determined by the Council (Board of Trustees).
National Trust for Scotland Order Confirmation Act, 1938

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to the National Trust for Scotland.

[22nd December 1938.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament:

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:-

Confirmation of Order in schedule

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed.

Short title

2. This Act may be cited as the National Trust for Scotland Order Confirmation Act 1938
NATIONAL TRUST FOR SCOTLAND ORDER 1935

SCHEDULE

THE NATIONAL TRUST FOR SCOTLAND

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

WHEREAS the National Trust for Scotland for Places of Historic Interest or Natural Beauty (in this Order called “the National Trust for Scotland”) was incorporated by the National Trust for Scotland Order 1935 (in this Order called “the Order of 1935”):

And whereas the National Trust for Scotland was established for the general purposes of promoting the permanent preservation for the benefit of the nation of lands and buildings in Scotland of historic or national interest or natural beauty and also of articles and objects of historic or national interest and as regards lands for the preservation (so far as practicable) of their natural aspect and features and animal and plant life and as regards buildings for the preservation (so far as practicable) of their architectural or historic features and contents so far as of national or historic interest:

And whereas the National Trust for Scotland with the generous support of landowners donors subscribers and others has acquired by purchase gift and otherwise considerable property including lands and buildings as well as articles and objects of historic or national interest and also funds for the restoration preservation and upkeep thereof:

And whereas the use and enjoyment by the public for purposes of recreation resort and education of the lands and buildings as well as the articles and objects thereon or therein held by the National Trust for Scotland has increased and is increasing:

And whereas with the objects of promoting the preservation of buildings and articles of artistic or scientific interest and of places of historic or national interest or natural beauty and of protecting improving and augmenting the amenities of such buildings and places and of facilitating access by the public to such buildings places and articles and the use and enjoyment by the public thereof and of reconditioning and carrying out improvements on nay of the lands held by the National Trust for Scotland it is expedient that the purposes and powers of the National Trust for Scotland should be extended as by this Order provided:

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

And whereas it is expedient that the other powers contained in this Order should be conferred on the National Trust for Scotland and that the other provisions contained in this Order should be enacted:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore in pursuance of the powers contained in the last mentioned Act the Secretary of State orders as follows:-

Short and collective titles and commencement of Order

1.- (1) This Order may be cited as the National Trust for Scotland Order 1938 and this Order and the National Trust for Scotland Order 1935 may be cited together as the National Trust for Scotland Orders 1935 and 1938

(2) This order shall come into operation on the date of the passing of the Act confirming this Order.
Interpretation

1. In this Order unless there be something in the subject or context repugnant to such construction the following expressions shall have the meanings hereinafter respectively assigned to them (namely):

   “The National Trust for Scotland” means the National Trust for Scotland for Places of Historic Interest or Natural Beauty;
   “The Order of 1935” means the National Trust for Scotland Order 1935;
   “The Trust property” includes property of every description whether heritable or moveable and rights and interests of every kind connected therewith from time to time vested in or belonging to or in the custody or the control of the National Trust for Scotland;
   “The council” means the council of the National Trust for Scotland appointed in pursuance of the Order of 1935.

Extension of general purposes of National Trust for Scotland

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

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

and all such purposes shall be deemed to be purposes of the Order of 1935.

Extension of powers of National Trust for Scotland

4. The powers of the National Trust for Scotland 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 for Scotland or available to be invested in the purchase of land) and retention of any lands and buildings and any rights servitudes or interest 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 reconditioning reconstruction restoration maintenance and preservation of any other part of the Trust property or for any particular purpose of the National Trust for Scotland or for its general purposes;
   (b) The acquisition in any manner and retention of any investments (being at the time of acquisition a nature authorize 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 trust imposed by the donor or otherwise affecting the same) at the discretion of the council for the reconditioning reconstruction restoration maintenance and preservation of the Trust property or any specified part or parts thereof or for any particular purpose of the National Trust for Scotland or for its general purposes;
   (c) The reconditioning reconstruction and restoration of any parts or portions of the Trust property.

Occupation of Trust property by member

The powers of the National Trust for Scotland for Places of Historic Interest or Natural Beauty is a charity registered in Scotland, Charity Number SC 007410 and depends for its support on the subscriptions of its members, donations and legacies.
5. Notwithstanding anything contained in section 5 (National Trust for Scotland not to divide profits among its members) of the Order of 1935 it shall be lawful for any member of the National Trust for Scotland by agreement with the National Trust for Scotland to reside in or occupy or make use of any 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 (Extensions of powers of National Trust for Scotland) of this Order) at a less rent or rent free and also on such other terms and conditions as the council shall think fit to approve.

Grants by local authorities

6. Notwithstanding anything contained in any Act any county council town council or district council in Scotland or any two or more of them may with the consent of the Secretary of State or of any other Government department or authority whose consent would be required if the intended transaction were a sale by deed convey (whether with or without any purchase price being paid therefor) to the National Trust for Scotland any land or building vested in such council or councils which the National Trust for Scotland has power to acquire and hold and such land or building shall thenceforward be held by the National Trust for Scotland accordingly subject nevertheless to any trusts or restrictions affecting the same.

Power to enter into agreements restricting use of land

7. Where any person is willing to agree with the National Trust for Scotland 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 being conditions which are in conformity with the purposes of the National Trust for Scotland as defined by the Order of 1935 and this Order the National Trust for Scotland may if it thinks fit enter into an agreement with such person to that effect and if the agreement shall have been recorded in the appropriate register of sasines the National Trust for Scotland shall have power to enforce such agreement against persons deriving title to the land from the person with whom it was entered into:

Provided that no such agreement shall at any time be enforceable against a third party who shall have in bona fide onerously acquired right (whether completed by infeftment or not) to the land prior to the agreement being recorded as aforesaid or against any persons deriving title from such third party.

Byelaws

8.-(1) Section 33 (Byelaws) of the Order of 1935 shall be read and have effect as if at the end thereof the following paragraph were added:-

[See S.33(r) of the 1935 Order]

(2) Section 35 (Byelaws as to buildings) of the Order of 1935 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.

Cost of Order

9. The costs charges and expenses of and incidental to the preparation applying for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the National Trust for Scotland.
National Trust for Scotland Order
Confirmation Act, 1947

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to the National Trust for Scotland.

[6th August 1947.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament:

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 Parliament assembled and by the authority of the same as follows:-

Confirmation of Order in schedule

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed.

Short title

2. This Act may be cited as the National Trust for Scotland Order Confirmation Act 1947.
WHEREAS the National Trust for Scotland for Places of Historic Interest or Natural Beauty (in this Order called “the National Trust for Scotland”) was incorporated by the National Trust for Scotland Order 1935:

And whereas by the National Trust for Scotland Order 1938 the purposes of the National Trust for Scotland were extended as set forth therein and further powers were conferred on the National Trust for Scotland:

And whereas the National Trust for Scotland was established for the general purposes of promoting the permanent preservation for the benefit of the nation of lands and buildings in Scotland of historic or national interest or natural beauty and also of articles and objects of historic or national interest and as regards lands for the preservation (so far as practicable) of their natural aspect and features and animal and plant life and as regards buildings for the preservation (so far as practicable) of their architectural or historic features and contents so far as of national or historic interest:

And whereas the properties now vested in the National Trust for Scotland include extensive tracts of country townships and villages with a large resident population:

And whereas in order to carry out more effectively the objects and purposes of the National Trust for Scotland and further the improvement of the properties of the National Trust for Scotland and the welfare of those residing thereon it is expedient that the National Trust for Scotland should be empowered to grant feus and excamb lands and heritages as provided in this Order:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary of State orders as follows:-

1.- (1) This Order may be cited as the National Trust for Scotland Order 1947 and shall be construed as one with the National Trust for Scotland Order 1935 and the National Trust for Scotland Order 1938 and this Order and the National Trust for Scotland Order 1935 and the National Trust for Scotland Order 1938 may be cited together as the National Trust for Scotland Orders 1935 to 1947

(2) This Order shall come into operation on the date of the passing of the Act confirming this Order.

2. In this order the several words and expressions to which meanings are assigned by the National Trust for Scotland Order 1935 and 1938 shall have the same respective meanings and in the Order “the Order of 1938” means the National Trust for Scotland Order 1938.
3. Notwithstanding anything contained in the Order of 1935 or the Order of 1938 the powers of the National Trust for Scotland shall (subject to the provisions of the section of this Order of which the marginal note is “Exercise of extended powers”) be extended so as to include:

(a) Power to grant feus of any lands and heritages forming part of parts of the Trust property for such feu duties and with or without the addition of any grassum or valuable consideration as the Council shall think fit;

(b) Power to make excambion of any lands and heritages forming part or parts of the Trust property in exchange for other lands and heritages considered by the Council as appropriate and suitable to be held by the National Trust for Scotland and that notwithstanding that the lands and heritages to be taken in exchange may differ in character for such lands and heritages forming part of the Trust property to be given in excambion.

**Exercise of extended powers**

4. The powers conferred on the National Trust for Scotland by the immediately preceding section of this Order shall only apply and be exercised as follows:-

1. The said powers shall not extend or apply to any mansion house or other building held by the National Trust for Scotland for the express purpose of the preservation thereof nor to the offices and gardens connected with any such mansion house or other building or necessary for preserving the amenity thereof;

2. The powers conferred on the National Trust for Scotland by paragraph (a) of the immediately preceding section of this Order shall in any case where it is proposed to feu an area of ground exceeding twenty acres in extent which forms part of any land or heritage forming part of the Trust property only be exercised with the consent of the Lord Advocate. Evidence of such consent shall be given by the signature of the Lord Advocate to the feu charter feu contract or other writ by which the transaction is effected;

3. The powers conferred on the National Trust for Scotland by paragraph (b) of the immediately preceding section of this Order shall only be exercised by the Council following upon a resolution to exercise such power being passed by a three-fourths majority vote of the members present at a meeting of the Council in respect of which printed notice has been given that the exercise of such powers will come up for consideration. A certified copy of the said resolution or of an excerpt therefrom under the hand of the secretary of the National Trust for Scotland shall be conclusive evidence to a purchaser or any other person dealing with the National Trust for Scotland that the provisions of this subsection have been complied with;

4. Any sums received by the National Trust for Scotland as grassum under the immediately preceding section of this Order shall be treated as capital and shall be held or applied for behoof only of the part of the Trust property of which the lands and heritages feued or excambed formed a part.

**Cost of Order**

5. The costs charges and expense of and incidental to the preparation applying for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the National Trust for Scotland.
National Trust for Scotland Order Confirmation Act, 1952

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to the National Trust for Scotland.

[22nd May 1952]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament:

Be it therefore 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:

Confirmation of Order in Schedule

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed.

Short title

2. This Act may be cited as the National Trust for Scotland Order Confirmation Act 1952.
NATIONAL TRUST FOR SCOTLAND ORDER 1935

SCHEDULE

THE NATIONAL TRUST FOR SCOTLAND

Provisional Order to confer further powers upon the National Trust for Scotland for Places of Historic Interest or Natural Beauty.

WHEREAS the National Trust for Scotland for Places of Historic Interest or Natural Beauty (in this Order called “the National Trust for Scotland”) was incorporated by the National Trust for Scotland Order 1935:

An whereas by the National Trust for Scotland Order 1938 and the National Trust for Scotland Order 1947 the purposes of the National Trust for Scotland were extended as set for the therein and further powers were conferred on the National Trust for Scotland:

And whereas the National Trust for Scotland was established for the general purposes of promoting the permanent preservation for the benefit of the nation of lands and buildings in Scotland of historic or national interest or natural beauty and also of articles and objects of historic or national interest and as regards lands for the preservation (so far as practicable) of their natural aspect and features and animal and plant life and as regards buildings for the preservation (so far as practicable) of their architectural or historic features and contents so far as of national or historic interest:

And whereas the powers of investment vested in the Council of the National Trust for Scotland under the National Trust for Scotland Orders 1935 to 1947 are unduly restricted and it is expedient in order to carry out more effectively the objects and purposes of the National Trust for Scotland that the powers of the investment of the said Council should be enlarged and extended as provided in this Order:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore in pursuance of the powers contained in the said Act the Secretary of State orders as follows:-

Short and collective titles and commencement of Order

1.-(1) This Order may be cited as the National Trust for Scotland Order 1952 and shall be construed as one with the National Trust for Scotland Order 1935 the National Trust for Scotland Order 1938 and the National Trust for Scotland Order 1947 and this Order and the National Trust for Scotland Order 1935 the National Trust for Scotland Order 1938 and the National Trust for Scotland Order 1947 may be cited together as the National Trust for Scotland Orders 1935 to 1952.

(2) This Order shall come into operation on the date of the passing of the Act confirming this Order.

Interpretation

2. In this Order the several words and expressions to which meaning are assigned by the National Trust for Scotland Order 1935 and the National Trust for Scotland Order 1938 shall have the same respective meanings.

Partial repeal of section 28 of Order of 1935

3. [Repealed by S.3(3) of 1973 Order]
Powers of investment

4. [Repealed by S.3(3) of 1973 Order]

Amendment of section 4(b) of Order of 1938

5. Section 4(b) (Extension of powers of National Trust for Scotland) of the National Trust for Scotland Order 1938 shall be read and have effect as if the words (of a nature authorised by the general law for the investment of trust funds or” occurring therein were omitted therefrom.

Costs of Order

6. The costs charges and expenses of and incidental to the preparation obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the National Trust for Scotland out of the funds of the National Trust for Scotland.
National Trust for Scotland Order Confirmation Act, 1961

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1936, relating to the National Trust for Scotland.

[19th July, 1961]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act, 1936, and it is requisite that the said Order should be confirmed by Parliament:

Be it therefore 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:-

Confirmation of Order in schedule

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed.

Short title

2. This Act may be cited as the National Trust for Scotland Order Confirmation Act, 1961.
NATIONAL TRUST FOR SCOTLAND ORDER 1935

SCHEDULE

THE NATIONAL TRUST FOR SCOTLAND

Provisional Order to amend the provisions of the National Trust for Scotland Orders, 1935 to 1952, and to make further provision with respect to the National Trust for Scotland for Places of Historic Interest or Natural Beauty.

Whereas the National Trust for Scotland for Places of Historic Interest or Natural Beauty (in this Order called “the National Trust for Scotland” _ was incorporated by the National Trust for Scotland Order, 1935:

And whereas by the National Trust for Scotland Order, 1938, by the National Trust for Scotland Order, 1947, and by the National Trust for Scotland Order, 1952, the purposes of the National Trust for Scotland were extended and further powers were conferred on the National Trust for Scotland:

And whereas the National Trust for Scotland was established for the general purpose of promoting the permanent preservation for the benefit of the nation of lands and buildings in Scotland of historic or national interest or natural beauty and also of articles and objects of historic or national interest and as regards lands, for the preservation (so far as practicable) of their natural aspect and features and animal and plant life and, as regards buildings, for the preservation (so far as practicable) of their architectural and historic features and contents so far as of national or historic interest:

And whereas it is expedient that the provisions contained in the National Trust for Scotland Order, 1935, with respect to the qualifications of persons to be ordinary members of the National Trust for Scotland should be amended and that the provisions contained in this Order with respect thereto should be enacted:

And whereas it is expedient that the other provisions contained in this Order should be enacted:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act, 1936:

Not therefore in pursuance of the powers contained in the said Act the Secretary of State orders as follows:-

Short and collective titles

1.- (1) This Order may be cited as the National Trust for Scotland Order, 1961.

(2) This Order shall be construed as one with the National Trust for Scotland Orders, 1935 to 1952, and this Order and the National Trust for Scotland Orders, 1935 to 1952, may be cited together as the National Trust for Scotland Orders, 1935 to 1961.

Interpretation

2. In this Order the several words and expressions to which meanings are assigned by the National Trust for Scotland Order, 1935, shall have the same respective meanings and “the Order of 1935” means the National Trust for Scotland Order, 1935.

Subscriptions, etc., of ordinary members

3.- (1) The minimum amount of the annual subscription required for qualification as an ordinary member of the National Trust for Scotland shall be the sum of ten shillings or such other sum as the National Trust for Scotland may by resolution from time to time determine and an ordinary member of the National Trust for Scotland shall
be a person who in any year has paid not less than the sum of ten shillings or not less than such other sum as the National Trust for Scotland may by resolution have determined as aforesaid.

(2) Nothing in the last foregoing subsection shall affect the status of any person as an ordinary member of the National Trust for Scotland during the remainder of the year in respect of which his annual subscription was paid (whether paid before or after the passing of any such resolution as aforesaid) if, at the time when his annual subscription then required for qualification as an ordinary member of the National Trust for Scotland.

(3) Paragraph (c) of section 14 (Constitution of National Trust for Scotland) and section 15 (Subscriptions) of the Order of 1935 are hereby repealed and section 16 (As to liability of members) of the Order of 1935 shall be read and have effect as if the words “the annual subscription of such member or of” were omitted therefrom.

Provisions as to byelaws

4.-(1) Except as provided in section 35 (Byelaws as to buildings) of the Order of 1935, subsections (3), (4) and (5), and (7) to (13) inclusive of section 301, section 302 and section 303 of the Local Government (Scotland) Act, 1947, shall, with any necessary modifications, apply to byelaws made under section 33 (Byelaws) of the Order of 1935 as if the National Trust for Scotland were the town council of a burgh and as if the Secretary of the National Trust for Scotland was the town clerk of the burgh.

(2) The confirming authority for the purpose of byelaws made by the National Trust for Scotland under the powers of section 33 (Byelaws) of the Order of 1935 shall be the Secretary of State.

(3) Section 34 (Provisions applicable to Byelaws) of the Order of 1935 is hereby repealed.

Amendment of Section 21 of Order of 1935

5. Section 21 (Powers and proceedings of Council) of the Order of 1935 shall have effect as if after the words “the rotation of members of the Council” occurring in subsection (2) of the said section there were inserted the words “the eligibility of members of the Council for re-election the”.

Costs of Order

6. The costs, charges and expenses of and incidental to the preparation, obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the National Trust for Scotland out of the funds of the National Trust for Scotland.
National Trust for Scotland Order Confirmation Act, 1973

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to the National Trust for Scotland.

[25th July 1973]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said Order should be confirmed by Parliament:

Be it therefore 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. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed.

2. This Act may be cited as the National Trust for Scotland Order Confirmation Act 1973.
Provisional Order to confer further powers upon the National Trust for Scotland for Places of Historic Interest or Natural Beauty; and for other purposes.

Whereas the National Trust for Scotland for Places of Historic Interest or Natural Beauty (in this Order called “the National Trust for Scotland”) was incorporated by the National Trust for Scotland Order 1935:

And whereas by the National Trust for Scotland Order 1938, the National Trust for Scotland Order 1947, the National Trust for Scotland Order 1952 and the National Trust for Scotland Order 1961, the purposes of the National Trust for Scotland were extended and further powers were conferred on the National Trust for Scotland:

And whereas the National Trust for Scotland was established for the general purpose of promotion the permanent preservation for the benefit of the nation of lands and buildings in Scotland of historic or national interest or natural beauty and also of articles and objects of historic or national interest and, as regards lands, for the preservation (so far as practicable) of their natural aspect and features and animal and plant life and, as regards buildings, for the preservation (so far as practicable) of their architectural and historic features and contents so far as of national or historic interest:

And whereas the powers of investment vested in the council of the National Trust for Scotland under the National Trust for Scotland Order 1952 are unduly restricted and it is expedient in order to carry out more effectively the object and purposes of the National Trust for Scotland that he powers of investment of the said council should be enlarged and extended as provided in this Order:

And whereas it is expedient that the other provisions contained in this Order should be enacted:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of Private Legislation Procedure (Scotland) Act 1936:

Now therefore in pursuance of the powers contained in the said Act the Secretary of State orders as follows:

1.- (1) This Order may be cited as the National Trust for Scotland Order 1973.

(2) This Order shall be construed as one with the National Trust for Scotland Orders 1935 to 1961 and this Order and the National Trust for Scotland Orders 1935 to 1961 may be cited together as the National Trust for Scotland Orders 1935 to 1973.

2. In this Order the several words and expressions to which meanings are assigned by the National Trust for Scotland Orders 1935 to 1961 shall have the same respective meanings and “the Order of 1935”, “the Order of 1947” and “the Order of 1952” mean respectively the National Trust for Scotland Order 1935, the National Trust for Scotland Order 1947 and the National Trust for Scotland Order 1952.

3.- (1) The council may invest –

(a) any balance of the funds belonging to or held by the National Trust for Scotland from time to time which the council are by section 28 (Application of revenue) of the Order of 1935 (as amended by section 3
(Partial repeal of section 28 of Order of 1935) of the Order of 1952) authorised to invest; and

(b) subject to the provisions of paragraph (4) of section 4 (Extended powers) of the Order of 1947, any other moneys from time to time received or held by the National Trust for Scotland on capital account;

in the purchase of or on the security of such stocks, funds, shares, securities and other investments (including land of any tenure or any interest therein) of whatsoever nature and wheresoever and whether or not authorised by law for the investment of trust funds and generally in such manner as the council shall, in their absolute discretion, think fit.

(2) All investments made by the council shall if an investment committee has been appointed by them in accordance with the powers conferred upon them be made with the advice and under the direction of the said investment committee or, if no such committee has been appointed, be made with the advice of a member of The Stock Exchange.

(3) Section 3 (Partial repeal of section 28 of Order of 1935) and section 4 (Powers of investment) of the Order of 1952 are hereby repealed.

4. Section 21 (Powers and proceedings of council) of the Order of 1935 shall be read and have effect-

(a) as if in place of subsection (8) thereof there were substituted the following subsection, namely:

[See S.21(8) of 1935 Order, page 13]

(b) as if in place of subsection (13) thereof there were substituted the following subsection, namely:

[See S.21(13) of 1935 Order, page 14]

5. The costs, charges and expenses of and incidental to the preparation, obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the National Trust for Scotland.