



CHAPTER ii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Acts 1899 and 1933 relating to the National Trust for Scotland. [20th December 1935.]

A.D. 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 provisions 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:

62 & 63 Vict.
c. 47.
23 & 24
Geo. 5. c. 37.
16 & 17
Geo. 5. c. 18.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

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

Confirmation
of Order in
schedule.

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

Short title.

A.D. 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 or 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 and conferred in England and other parts of Britain through the operation of the National Trust: A.D. 1935.

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:—

1.—(1) This Order may be cited as the National Trust for Scotland Order 1935. Short title
and com-
mencement
of Order.

(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.”

A.D. 1935.

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Interpreta-
tion.

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 ” includes 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.

Incorpora-
tion 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 or Natural Beauty ” and by that name shall be a body corporate with perpetual succession and a common seal and by that name may sue and 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 pur-
poses 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. A.D. 1935.

(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 or interest therein and may co-operate or assist in the acquisition of any such lands buildings 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 public recreation or resort or instruction or any national purpose whatsoever consistent with the general 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 or 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 for the use of the said lands for agricultural or 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 open 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 of persons resorting to or using such property and may exercise full powers of ownership

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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 may do all acts or things and take all such proceedings as they may deem desirable in the furtherance of the objects of the National Trust for Scotland and may apply their funds to all or any of 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 of all or any kind and all right title and interest in the same which immediately before the commencement of this Order were vested in the Scottish Association or any 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 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 expeding 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.

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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 obligation in respect of any breach of the provisions of the said memorandum or articles of association incurred before the commencement of this Order but such liability or obligation in respect of any such breach shall continue and save as in this Order 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.

Memorandum and articles of association of Scottish Association to be void.

8. Everything before the commencement of this Order done or suffered by or with reference to the Scottish Association or the members thereof as such shall be as valid as if the National Trust for Scotland had not been incorporated 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

Nothing to affect previous rights and liabilities.

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A.D. 1935. liabilities claims and demands the National Trust for
— Scotland and the members and property thereof shall
to all intents and purposes represent the Scottish Associa-
tion and the members thereof as such and the property
of the Scottish Association as the case may be.

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

Actions &c. 10. Nothing in this Order contained shall release
not to abate. 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 11. The National Trust for Scotland shall in all
Trust for respects be subject to and shall discharge all obligations
Scotland to and liabilities to which the Scottish Association imme-
satisfy diately before the commencement of this Order were
liabilities of subject and shall indemnify the members council officers
Scottish and servants of the Scottish Association and their
Association.

respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf. A.D. 1935. —

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. Books &c. continued evidence.

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

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:— Constitution of National Trust for Scotland.

(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) ordinary members shall be subscribers to the funds of the National Trust for Scotland of such

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annual sum being not less than ten shillings annually as the National Trust for Scotland may from time to time specify in that behalf;

- (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.

Subscrip-
tions.

15. Every ordinary member shall be liable for the amount of his subscription and the subscriptions of such members shall be payable on the first day of January in each year or at such other date as the council may determine. Provided that any such member may at any time previously to the first day of January or such other date as may be determined by the council resign his membership and cease to be a member by sending his resignation in writing to the secretary of the National Trust for Scotland but subject to such resignation in writing every such member shall be liable for the amount of his subscription in respect of the ensuing year.

As to
liability of
members.

16. No member of the National Trust 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 the annual subscription of such member or 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.

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 twenty-five 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 the section of this Order of which the marginal note is “Co-opted members.”

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Establish-
ment of
council.

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

The corporation of the city of Edinburgh;

The lord provost magistrates and councillors of the city and royal burgh of Perth;

The corporation of the city of Glasgow;

The lord provost magistrates and town council of the city and royal burgh of Aberdeen;

The lord provost magistrates and councillors of the city and royal burgh of Dundee;

The provost magistrates and councillors of the royal burgh of Inverness;

The Convention of Royal Burghs;

The Association of County Councils in Scotland;

The Forestry Commission;

The Royal Society of Edinburgh;

The Royal Scottish Academy;

The Royal Scottish Geographical Society;

The Royal Scottish Forestry Society;

The Royal Incorporation of Architects in Scotland;

The Society of Antiquaries of Scotland;

The Highland and Agricultural Society of Scotland;

The Scottish Land and Property Federation;

The Scottish Ecclesiological Society;

The Botanical Society of Edinburgh;

The Association for the Preservation of Rural Scotland.

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(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 arrangements 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 subsection (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 the council and any member appointed under this section shall continue a member

of the council until the next annual general meeting after his appointment and the acts of the council shall not be deemed invalid by reason of the death or resignation of any member or members thereof. A.D. 1935.

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. Co-opted members.

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. Powers and proceedings of council.

(2) The council shall have full power from time to time to make any regulations 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 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 inconsistency between the provisions of this Order and the provisions of such regulations the provisions 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 from time to time think desirable and fix

A.D. 1935. their salaries and wages and the conditions of service including the provision of pension on retirement and determine their respective duties and the tenure of their 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 to the procedure of the council. A.D. 1935,

(8) The council shall have power to appoint a finance committee and may nominate and appoint to 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 there 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 or 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 committee or sub-committee in which he or they has or have taken part in cases where the majority of members parties to such proceedings are duly entitled to act.

(11) The council the executive committee and all committees and sub-committees appointed as aforesaid shall cause minutes to be kept of all proceedings including therein the names of the members present at any meetings 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 their 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 the executive committee or of any committee or sub-committee shall be deemed to have been duly convened

A.D. 1935. — and held and all the members thereof to have been duly qualified.

(13) 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 or the secretary of the National Trust for Scotland but subject as aforesaid all dispositions assignments deeds conveyances or formal writings 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 by one member of the council and the said secretary as authorised to sign by a resolution of the council or executive committee but it shall not be necessary in any legal proceedings to prove that the member or members and the said secretary signing any such order or other document were authorised to sign and such authority shall be presumed until the contrary is proved. All cheques bank drafts or other like documents drawn by or on behalf of the National Trust for Scotland shall be signed by one member of the council and the secretary or treasurer of the National Trust for Scotland or as may be otherwise authorised by the council.

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 for preservation for the benefit of the nation in accordance with the objects of 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 become 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 reservations covenants and conditions as the council from time to time think proper.

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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.

Power to raise money.

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.

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

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.

Appointment of judicial factor.

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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 moneys 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

The council shall have the powers of investment conferred upon trustees by the Trusts (Scotland) Act 1921 or by any Act amending that Act. All investments so to be made shall if a finance committee has been appointed in accordance with the provisions of this Order be made with the advice and under the direction of the said finance committee. A.D. 1935.

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. Capital.

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 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):— Powers exercisable over certain Trust property.

- (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

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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 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 commony 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 and for prevention of nuisances and preservation of order upon any lands or other property of the National Trust for Scotland held for the benefit of the nation the National

Trust for Scotland may make byelaws for any of the following purposes (that is to say):— A.D. 1935.

- (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 fire on such lands or property;
- (c) For prohibiting or regulating the firing or discharge of firearms or the throwing or discharge of missiles on such lands or property without lawful authority;
- (d) For prohibiting the deposit on such lands or property or in any pond thereon of road-sand materials for repair of 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 notices 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

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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; A.D. 1935.
—

(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.

34. Except as provided in the section of this Order of which the marginal note is "Byelaws as to buildings" the provisions of sections 154 155 183 184 185 and 187 of the Public Health (Scotland) Act 1897 shall apply to byelaws to be made under this Order as if the National Trust for Scotland were a local authority. Provided that in section 185 (Confirmation of byelaws) of the said Act the Secretary of State shall for the purposes of this section be deemed to be substituted for the Local Government Board and in the said sections for the purposes of this Order the expression "this Act" shall mean this Order. Provisions applicable to byelaws.

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 purposes specified in section 22 of the Public Libraries Consolidation (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 as to buildings.

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 Byelaws to be exhibited.

[Ch. ii.] *National Trust for Scotland* [26 GEO. 5.]
Order Confirmation Act, 1935.

A.D. 1935. Scotland think best calculated to give information to
— persons resorting to such property.

Saving of
rights.

37. All rights of commonly 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 exerciseable 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.

SCHEDULES referred to in the foregoing Order.

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THE FIRST SCHEDULE.

PROPERTIES OF THE NATIONAL TRUST FOR SCOTLAND.

PART I.

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

County.	Parish.	Name and description of property.
City of Glasgow Kirkcudbright	Paisley - Kells -	Crookston Castle. King's or Bruce's Stone with ground surrounding and providing access.
Fife - Ayr -	Culross - Kirkoswald -	The Palace. Souter Johnnie's House Kirk- oswald.
Wigtown - Fife -	Old Luce - Culross -	Glenluce Abbey (part of). The Study and adjoining houses.
Ross and Cromarty City of Edinburgh -	Uig - City parish of Edinburgh	Black House Callanish. Gladstone's Land.

PART II.

ALIENABLE PROPERTIES.

County.	Parish.	Name of property.
Fife -	Culross -	Sandhaven.
Fife -	Culross -	The Ark.
Fife -	Culross -	The Orchard.
Fife -	Culross -	Reid's Property Little Cause- way.
Dunbarton -	Roseneath -	St. Modan's Well.

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THE SECOND SCHEDULE.

REGULATIONS GOVERNING THE CALLING AND HOLDING
OF GENERAL MEETINGS OF THE NATIONAL TRUST
FOR SCOTLAND AND OTHER MATTERS.

1. The annual general meetings shall be called ordinary meetings and all other general meetings shall be called extraordinary meetings.
2. The council at each ordinary meeting shall submit a report of the work done in the preceding year and of the financial position of the National Trust for Scotland.
3. The council or the executive committee may whenever they think fit and the executive committee (or in their default the council) shall upon a requisition made in writing and signed by any thirty or more members convene an extraordinary meeting.
4. Any requisition made by the members shall express the object of the meeting proposed to be called and shall be left with the secretary of the National Trust for Scotland.
5. Upon the receipt of such requisition the executive committee (or in their default the council) shall forthwith proceed to convene a general meeting and if the executive committee or the council do not convene the same within fourteen days from the date of the receipt of such requisition the requisitionists may themselves convene a meeting.
6. A notice of every general meeting and of the agenda to be laid before the meeting shall be given to the members at such time and in such form and manner as the council may from time to time prescribe.
7. Notice of any motion proposed to be made at a general meeting by any person not being a member of the council shall be sent to the secretary of the National Trust for Scotland twenty-one days before the general meeting. Such notice shall be signed by the proposer and two seconders being members of the National Trust for Scotland and no motion made by any member other than a member of the council shall be entertained by a general meeting unless notice thereof has been given as aforesaid.
8. The non-receipt of a notice by any member shall not invalidate the proceedings of any general meeting.

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9. Ten members personally present shall form a quorum for a general meeting. A.D. 1935.

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

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

12. The president of the National Trust for Scotland whom failing one of the vice-presidents whom failing the chairman of the council whom failing the chairman of the executive committee shall take the chair at a general meeting.

13. If neither the president nor any of the vice-presidents nor the chairman of the council or of the executive committee 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 to 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.

14. At a general meeting one-third of the members of the executive committee or any twenty members of the National Trust for Scotland may demand a poll in respect of any resolution and on such demand being made a poll of the National Trust for Scotland 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.

A poll demanded on the election of a 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.

A.D. 1935. 15. Every member shall have one vote only with the
— exception of the chairman's casting vote.

16. Every ordinary meeting shall as ordinary business proceed to the election of a president and vice-presidents and of members of the council in place of those retiring and the appointment and remuneration of auditors and shall receive adopt and confirm or reject wholly or in part any annual reports made to the meeting by the council and all accounts and balance sheets presented to the meeting and may decide on any recommendation made in the statement or report of the council on any question arising out of the matters aforesaid. All other business whether transacted at an ordinary or extraordinary meeting shall be deemed special and shall not be entered upon unless specified in the notice convening the meeting.

17. At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands unless a poll is (before or on the declaration of the result of the show of hands) demanded as in this schedule provided and unless a poll is so demanded a declaration by the chairman that a resolution has on a show of hands been carried or carried unanimously or by a particular majority or lost and an entry made to that effect in the book of the proceedings of the National Trust for Scotland shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

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

The document appointing a proxy shall be in writing under the hand of the appointor or of his attorney duly authorised in writing or if the appointor is a corporation or body of persons either under the seal of that corporation or body or under the hand of an officer or attorney so authorised. A proxy must be a member of the National Trust for Scotland.

The document appointing a proxy and the power of attorney or other authority if any under which it is signed or a notarially certified copy of that power or authority shall be deposited at the office of the National Trust for Scotland not less than forty-eight hours before the time for holding the meeting or adjourned meeting at which the person named in the instrument proposes to vote and in default the instrument of proxy shall not be treated as valid.

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(b) The elected members of the council to retire in every year shall be those who have been longest in office including therein office on the council of the Scottish Association since their last election but as between persons who become members of the council on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot. An elected member of the council on retiral shall not be eligible for re-election until the ordinary meeting in the following year provided however that the above restriction as to re-election shall not apply to the chairman of the council who shall if falling to retire be eligible for immediate re-election. In the notice calling the ordinary meeting the council shall state the names of the elected members who fall to retire and the names of those whom the council are to propose to take their place but it shall be in the power of any member of the National Trust for Scotland to suggest any other person or persons apart from those suggested by the council to be members of the council provided that the names of such other persons proposed are received by the secretary of the National Trust for Scotland at least one week before the date of the ordinary meeting.

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