

NATIONAL GALLERIES OF SCOTLAND ACT 2016

EXPLANATORY NOTES

THE ACT

3. In pursuance of their statutory functions, the Board propose to extend the Scottish National Gallery. The new section of the National Gallery will extend into an area of land (“the relevant land”) which currently forms part of Princes Street Gardens (“the Gardens”) and is part of the common good land of the City of Edinburgh Council (“the Council”).
4. The relevant land is currently in the ownership of the Council. Due to the relevant land’s common good status, the Council cannot dispose of it to a third party under existing law without, either, court authorisation under the terms of section 75(2) of the Local Government (Scotland) Act 1973 (“the 1973 Act”), or by means of primary legislation. The Act will change the status of the relevant land to enable the Council to dispose of it to the Board for the purpose of extending the Scottish National Gallery, as an alternative to court authorisation.
5. The disposal of the relevant land to the Board will not be sufficient in itself to enable the Board to extend the Scottish National Gallery. The Gardens are subject to a statutory restriction which prohibits the construction of buildings on any part of the Gardens. That restriction is contained in section 22 of the Schedule to the [City of Edinburgh District Council Order Confirmation Act 1991 \(c.xix\)](#) (“the 1991 Act”). While there are limited exceptions to this prohibition, e.g. for monuments and bandstands, none of them would permit the works proposed by the Board.
6. Without further legislation, the relevant land (even if owned by the Board rather than the Council):
 - a) would continue to be part of the Gardens; and accordingly
 - b) would continue to be subject to the statutory restriction contained in section 22 of the Schedule to the 1991 Act.
7. The Act is therefore necessary to remove the relevant land from the Gardens and hence to disapply the effect of section 22 of the Schedule to the 1991 Act to the relevant land.