

Status: Point in time view as at 04/03/1998.

Changes to legislation: There are currently no known outstanding effects for the National Heritage Act 1997, SCHEDULE. (See end of Document for details)

SCHEDULE **U.K.**

Section 3.

CONSEQUENTIAL AMENDMENTS

PART I **U.K.**

ENACTMENTS

National Heritage Act 1980 (c. 17)

- 1 (1) Section 4 of the National Heritage Act 1980 (other expenditure out of the fund) is amended as follows.
- (2) In subsection (1), for “section 3(1) above” there is substituted “ subsection (2) below ”.
- (3) For subsection (2) there is substituted—
- “(2) The property referred to in subsection (1) above is—
- (a) any land, building or structure which in the opinion of the Trustees is of outstanding scenic, historic, archaeological, aesthetic, architectural, engineering or scientific interest;
 - (b) any object which in their opinion is of outstanding historic, artistic or scientific interest;
 - (c) any collection or group of objects, being a collection or group which taken as a whole is in their opinion of outstanding historic, artistic or scientific interest;
 - (d) any land or object not falling within paragraph (a), (b) or (c) above the acquisition, maintenance or preservation of which is in their opinion desirable by reason of its connection with land or a building or structure falling within paragraph (a) above; or
 - (e) any rights in or over land the acquisition of which is in their opinion desirable for the benefit of land or a building or structure falling within paragraph (a) or (d) above.
- (2A) The Trustees shall not apply the Fund for any purpose under subsection (1) above in respect of any property unless they are of the opinion, after obtaining any expert advice they consider appropriate, that the property (or, in the case of land or an object falling within paragraph (d) of subsection (2) above, the land, building or structure with which it is connected, or in the case of rights falling within paragraph (e) of that subsection, the land, building or structure for whose benefit they are acquired) is of importance to the national heritage.
- (2B) Notwithstanding that an object such as is mentioned in subsection (2) (b) above or a collection or group of objects such as is mentioned in subsection (2)(c) above is not of itself of importance to the national heritage, the Trustees may apply the Fund under subsection (1) above for any purpose connected with its acquisition if—
- (a) they are satisfied that after the acquisition it will form part of a collection or group of objects such as is mentioned in subsection (2) (c) above, and

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(b) after obtaining any expert advice they consider appropriate, they are of the opinion that that collection or group is of importance to the national heritage.

(2C) Subsection (7) of section 3 above shall have effect in relation to the application of any sums out of the Fund under this section as it has in relation to the making of a grant or loan under that section.”

2 (1) Section 9 of that Act (disposal of property accepted by Commissioners of Inland Revenue) is amended as follows.

(2) In subsection (2), for “section 3(6)(a), (b) or (c) above”, there is substituted “subsection (2A) below”.

(3) After subsection (2) there is inserted—

“(2A) The institutions or bodies referred to in subsection (2) above are—

- (a) any museum, art gallery, library or other similar institution having as its purpose or one of its purposes the preservation for the public benefit of a collection of historic, artistic or scientific interest;
- (b) any body having as its purpose or one of its purposes the provision, improvement or preservation of amenities enjoyed or to be enjoyed by the public or the acquisition of land to be used by the public; and
- (c) any body having nature conservation as its purpose or one of its purposes.”

3 In section 17 of that Act (expenses and receipts), for “section 3(6A)” there is substituted “section 3(8)”.

The National Lottery etc. Act 1993 (c. 39)

4 In section 25 of the National Lottery etc. Act 1993 (application of money by distributing bodies), in subsection (4), for the words from “(acquisition” onwards there is substituted “(other expenditure out of the fund)”.

5 In section 44 of that Act (interpretation)—

- (a) in subsection (1), in the definition of “expenditure on or connected with the national heritage”, for the words from “means” to the end there is substituted “means expenditure for any purpose for which expenditure may be incurred under section 3, 3A or 4 of the National Heritage Act 1980”, and
- (b) in subsection (2), after “section 3” there is inserted “3A or 4”.

6 In Schedule 4 to that Act (amendments of the ^{M1}National Heritage Act 1980), paragraphs 3 and 4 are omitted.

Marginal Citations

M1 1980 c. 17.

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PART II **U.K.**

NORTHERN IRELAND LEGISLATION

Planning (Northern Ireland) Order 1991 SI 1991/1220 (NI 11)

- 7 In the Planning (Northern Ireland) Order 1991, in Schedule 5, the amendment to section 3(6)(e) of the National Heritage Act 1980 is omitted.

*Historic Monuments and Archaeological Objects
(Northern Ireland) Order 1995 SI 1995/1625 (NI 9)*

- 8 In the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995, paragraph 2 of Schedule 3 is omitted.

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