

National Heritage Act 1980

1980 CHAPTER 17

PART I

THE NATIONAL HERITAGE MEMORIAL FUND

1 Establishment of National Heritage Memorial Fund.

- (1) There shall be a fund known as the National Heritage Memorial Fund, to be a memorial to those who have died for the United Kingdom, established in succession to the National Land Fund, which shall be applicable for the purposes specified in this Part of this Act.
- (2) The Fund shall be vested in and administered by a body corporate known as the Trustees of the National Heritage Memorial Fund and consisting of a chairman and not more than [FI fourteen] other members appointed by the Prime Minister.
- (3) The persons appointed under this section shall include persons who have knowledge, experience or interests relevant to the purposes for which the Fund may be applied and who are connected by residence or otherwise with England, Wales, Scotland and Northern Ireland respectively.
- (4) References in this Part of this Act to the Trustees are to the body constituted by subsection (2) above; and Schedule 1 to this Act shall have effect with respect to the Trustees and the discharge of their functions.

Textual Amendments

F1 Words in s. 1(2) substituted (21.12.1993) by 1993 c. 39, s. 36, Sch. 4 para.1; S.I. 1993/2632, art.3.

2 Payments into the Fund.

(1) [F2The Secretary of State]. . . F3 shall pay into the Fund in the first month of each financial year a sum determined by [F2him] before the beginning of the year; and [F2the

Secretary of State] may at any time pay into the Fund such further sum or sums as [F2he] may from time to time determine.

- [F4(1A) The Trustees shall pay into the Fund any sums paid to them under section 24 of the National Lottery etc. Act 1993.]
 - (2) There shall also be paid into the Fund any other sums received by the Trustees in consequence of the discharge of their functions.

Textual Amendments

- F2 Words in s. 2(1) substituted (3. 7. 1992) by S.I. 1992/1311, art. 12(2), Sch. 2 para. 5(2)(a)(4).
- **F3** Words repealed by S.I. 1981/207, art. 4, art. 10, Sch. 2 para. 4(5)(a)
- F4 S. 2(1A) inserted (21.12.1993) by 1993 c. 39, s. 36, Sch. 4 para.2; S.I. 1993/2632, art.3.

3 Grants and loans from the Fund. E+W+S

- (1) Subject to the provisions of this section, the Trustees may make grants and loans out of the Fund to eligible recipients for the purpose of assisting them to acquire, maintain or preserve—
 - (a) any land, building or structure which in the opinion of the Trustees is of outstanding scenic, historic, aesthetic, architectural 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.
- (2) The Trustees shall not make a grant or loan under [F5 subsection (1) above] in respect of any property unless they are of opinion, after obtaining such expert advice as appears to them to be appropriate, that the property (or, in the case of land or an object falling within paragraph (d) of subsection (1) 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.
- [^{F6}(2A) Notwithstanding that an object such as is mentioned in subsection (1)(b) above or a collection or group of objects such as is mentioned in subsection (1)(c) above is not itself of importance to the national heritage, the Trustees may make a grant or loan under subsection (1) above for the purpose of assisting in its acquisition if—
 - (a) they are satisfied that after its acquisition it will form part of a collection or group of objects such as is mentioned in subsection (1)(c) above, and
 - (b) after obtaining such expert advice as appears to them to be appropriate, they are of opinion that that collection or group is of importance to the national heritage.

- (2B) Subject to the provisions of this section, the Trustees may make grants out of the Fund to eligible recipients for the purpose of assisting them—
 - (a) to construct, acquire or improve any building designed to house objects which, either individually or as a collection or group, in the opinion of the Trustees are of outstanding historic, artistic or scientific interest;
 - (b) to convert any building, or to acquire any building for the purpose of converting it, into a building of the description mentioned in paragraph (a) above:
 - (c) to acquire any land on which a building of the description mentioned in paragraph (a) above is to be constructed;
 - (d) to construct, acquire or improve any building the only or principal purpose of which is, or is to be, to provide facilities—
 - (i) designed to promote the public's enjoyment, or advance the public's knowledge, of any property of a description mentioned in subsection (1)(a), (b) or (c) above; and
 - (ii) provided in connection with public access to, or the public display of, that property;
 - (e) to convert any building, or to acquire any building for the purpose of converting it, into a building of the description mentioned in paragraph (d) above;
 - (f) to acquire any land on which a building of the description mentioned in paragraph (d) above is to be constructed;
 - (g) to preserve or maintain any building or land in respect of which a grant has been or is to be made under any of paragraphs (a) to (f) above.
- (2C) The Trustees shall not make a grant under subsection (2B) above unless, after obtaining such expert advice as appears to them to be appropriate, they are of opinion—
 - (a) in the case of a grant under paragraph (a), (b) or (c) of that subsection or a grant under paragraph (g) of that subsection where a grant under paragraph (a), (b) or (c) has been or is to be made, that the objects housed or to be housed in the building are, either individually or as a collection or group, of importance to the national heritage; or
 - (b) in the case of a grant under paragraph (d), (e) or (f) of that subsection or a grant under paragraph (g) of that subsection where a grant under paragraph (d), (e) or (f) has been or is to be made, that the property in relation to which the facilities in question are or are to be provided is of importance to the national heritage.]
 - (3) In determining whether and on what terms to make a grant or loan under this section in respect of any property the Trustees shall have regard to the desirability of securing, improving or controlling public access to, or the public display of, the property [F7(or, in the case of a grant such as is mentioned in subsection (2C)(a) above, objects housed on the property or, in the case of a grant such as is mentioned in subsection (2C)(b) above, the property in relation to which the facilities in question are provided)].
 - (4) In making a grant or loan under this section in respect of any property the Trustees may impose such conditions as they think fit, including—
 - (a) conditions with respect to—
 - (i) public access to, or the public display of, the property [F8(or, in the case of a grant such as is mentioned in subsection (2C)(a) above,

objects housed on the property or, in the case of a grant such as is mentioned in subsection (2C)(b) above, the property in relation to which the facilities in question are provided);

- (ii) the maintenance, repair, insurance and safe keeping of the property;
- (iii) the disposal or lending of the property; and
- (b) conditions requiring the amount of a grant and the outstanding amount of a loan to be repaid forthwith on breach of any condition.
- (5) A grant under this section for the purpose of assisting in the maintenance or preservation of any property may take the form of a contribution to a trust established or to be established for that purpose.
- (6) Subject to subsection (7) below, the eligible recipients for the purposes of this section 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;
 - (c) any body having nature conservation as its purpose or one of its purposes;
 - (d) the Secretary of State F9. . .; and
 - (e) the Department of the Environment for Northern Ireland acting in the discharge of its functions under so much of section 1(1) of the MI Historic Monuments Act (Northern Ireland) 1971 as relates to the acquisition of historic monuments by agreement, section 4 of that Act or [F10] Article 107 of the Planning (Northern Ireland) Order 1991].
- [FII (6A) Where the Secretary of State receives a sum by way of a grant or loan under this section he may, with the consent of the Treasury, instead of paying it into the Consolidated Fund, apply it as money provided by Parliament.]
 - (7) The institutions referred to in paragraph (a) of subsection (6) above include any institution maintained by a Minister or Northern Ireland department; but neither that paragraph nor paragraph (b) or (c) of that subsection applies to any institution or body established outside the United Kingdom or established or conducted for profit.

Extent Information

E1 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F5 Words in s. 3(2) substituted (21.12.1993) by 1993 c. 39, s. 36, Sch. 4 para. 3(2); S.I. 1993/2632, art. 3
- F6 S. 3(2A)-(2C) inserted (21.12.1993) by 1993 c. 39, s. 36, Sch. 4 para. 3(3); S.I. 1993/2632, art. 3.
- F7 Words in s. 3(3) added (21.12.1993) by 1993 c. 39, s. 36, Sch. 4 para. 3(4); S.I. 1993/2632, art. 3.
- F8 Words in s. 3(4)(a)(i) inserted (21.12.1993) by 1993 c. 39, s. 36, Sch. 4 para. 3(5); S.I. 1993/2632, art. 3.
- F9 Words in s. 3(6)(d) repealed (21.12.1993) by 1993 c. 39, ss. 36, 64, Sch. 4 para. 3(6), **Sch. 10**; S.I. 1993/2632, **art. 3**.
- **F10** Words in s. 3(6)(e) substituted (21.8.1991) by S.I. 1991/1220, art. 133(1), **Sch. 5**

F11 S. 3(6A) inserted (21.12.1993) by 1993 c. 39, s. 36, Sch. 4 para. 3(7); S.I. 1993/2632, art. 3.

Modifications etc. (not altering text)
C1 S. 3 applied (with modifications) (25.10.1993) by 1993 c. 39, s. 44(2); S.I. 1993/2632, art. 2.

Marginal Citations
M1 1971 c. 17 (N.I.)

3 Grants and loans from the Fund. N.I.

- (1) Subject to the provisions of this section, the Trustees may make grants and loans out of the Fund to eligible recipients for the purpose of assisting them to acquire, maintain or preserve—
 - (a) any land, building or structure which in the opinion of the Trustees is of outstanding scenic, historic, aesthetic, architectural 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.
- (2) The Trustees shall not make a grant or loan under [F18] subsection (1) above] in respect of any property unless they are of opinion, after obtaining such expert advice as appears to them to be appropriate, that the property (or, in the case of land or an object falling within paragraph (d) of subsection (1) 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.
- [F19(2A) Notwithstanding that an object such as is mentioned in subsection (1)(b) above or a collection or group of objects such as is mentioned in subsection (1)(c) above is not itself of importance to the national heritage, the Trustees may make a grant or loan under subsection (1) above for the purpose of assisting in its acquisition if—
 - (a) they are satisfied that after its acquisition it will form part of a collection or group of objects such as is mentioned in subsection (1)(c) above, and
 - (b) after obtaining such expert advice as appears to them to be appropriate, they are of opinion that that collection or group is of importance to the national heritage.
 - (2B) Subject to the provisions of this section, the Trustees may make grants out of the Fund to eligible recipients for the purpose of assisting them—
 - (a) to construct, acquire or improve any building designed to house objects which, either individually or as a collection or group, in the opinion of the Trustees are of outstanding historic, artistic or scientific interest;

- (b) to convert any building, or to acquire any building for the purpose of converting it, into a building of the description mentioned in paragraph (a) above;
- (c) to acquire any land on which a building of the description mentioned in paragraph (a) above is to be constructed;
- (d) to construct, acquire or improve any building the only or principal purpose of which is, or is to be, to provide facilities—
 - (i) designed to promote the public's enjoyment, or advance the public's knowledge, of any property of a description mentioned in subsection (1)(a), (b) or (c) above; and
 - (ii) provided in connection with public access to, or the public display of, that property;
- (e) to convert any building, or to acquire any building for the purpose of converting it, into a building of the description mentioned in paragraph (d) above;
- (f) to acquire any land on which a building of the description mentioned in paragraph (d) above is to be constructed;
- (g) to preserve or maintain any building or land in respect of which a grant has been or is to be made under any of paragraphs (a) to (f) above.
- (2C) The Trustees shall not make a grant under subsection (2B) above unless, after obtaining such expert advice as appears to them to be appropriate, they are of opinion—
 - (a) in the case of a grant under paragraph (a), (b) or (c) of that subsection or a grant under paragraph (g) of that subsection where a grant under paragraph (a), (b) or (c) has been or is to be made, that the objects housed or to be housed in the building are, either individually or as a collection or group, of importance to the national heritage; or
 - (b) in the case of a grant under paragraph (d), (e) or (f) of that subsection or a grant under paragraph (g) of that subsection where a grant under paragraph (d), (e) or (f) has been or is to be made, that the property in relation to which the facilities in question are or are to be provided is of importance to the national heritage.]
 - (3) In determining whether and on what terms to make a grant or loan under this section in respect of any property the Trustees shall have regard to the desirability of securing, improving or controlling public access to, or the public display of, the property [F20] (or, in the case of a grant such as is mentioned in subsection (2C)(a) above, objects housed on the property or, in the case of a grant such as is mentioned in subsection (2C)(b) above, the property in relation to which the facilities in question are provided)].
 - (4) In making a grant or loan under this section in respect of any property the Trustees may impose such conditions as they think fit, including—
 - (a) conditions with respect to—
 - (i) public access to, or the public display of, the property [F21 (or, in the case of a grant such as is mentioned in subsection (2C)(a) above, objects housed on the property or, in the case of a grant such as is mentioned in subsection (2C)(b) above, the property in relation to which the facilities in question are provided)];
 - (ii) the maintenance, repair, insurance and safe keeping of the property;
 - (iii) the disposal or lending of the property; and

- (b) conditions requiring the amount of a grant and the outstanding amount of a loan to be repaid forthwith on breach of any condition.
- (5) A grant under this section for the purpose of assisting in the maintenance or preservation of any property may take the form of a contribution to a trust established or to be established for that purpose.
- (6) Subject to subsection (7) below, the eligible recipients for the purposes of this section 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;
 - (c) any body having nature conservation as its purpose or one of its purposes;
 - (d) the Secretary of State F22...; and
 - (e) the Department of the Environment for Northern Ireland acting in the discharge of its functions under so much of [F23 Article 13(1) of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995] as relates to the acquisition of historic monuments by agreement, [F24 Article 16 of that Order]or [F25 Article 107 of the Planning (Northern Ireland) Order 1991].
- [F26(6A) Where the Secretary of State receives a sum by way of a grant or loan under this section he may, with the consent of the Treasury, instead of paying it into the Consolidated Fund, apply it as money provided by Parliament.]
 - (7) The institutions referred to in paragraph (a) of subsection (6) above include any institution maintained by a Minister or Northern Ireland department; but neither that paragraph nor paragraph (b) or (c) of that subsection applies to any institution or body established outside the United Kingdom or established or conducted for profit.

Extent Information

E2 This version of this provision extends to Northern Ireland only; a separate version has been created for England, Wales and Scotland only

Textual Amendments

- F18 Words in s. 3(2) substituted (21.12.1993) by 1993 c. 39, s. 36, Sch. 4 para. 3(2); S.I. 1993/2632, art. 3.
- **F19** S. 3(2A)-(2C) inserted (21.12.1993) by 1993 c. 39, s. 36, **Sch. 4 para. 3(3)**; S.I. 1993/2632, **art. 3**.
- **F20** Words in s. 3(3) added (21.12.1993) by 1993 c. 39, s. 36, Sch. 4 para. 3(4); S.I. 1993/2632, art. 3.
- F21 Words in s. 3(4)(a)(i) inserted (21.12.1993) by 1993 c. 39, s. 36, Sch. 4 para. 3(5); S.I. 1993/2632, art. 3
- **F22** Words in s. 3(6)(d) repealed (21.12.1993) by 1993 c. 39, ss. 36, 64, Sch. 4 para. 3(6), **Sch. 10**; S.I. 1993/2632, **art. 3**.
- F23 Words in s. 3(6)(e) substituted (N.I.) (29.8.1995) by S.I. 1995/1625, art. 45(1), Sch. 3 para.2
- **F24** Words in s. 3(6)(e) substituted (N.I.) (29.8.1995) by S.I. 1995/1625, art. 45(1), Sch. 3 para.2
- **F25** Words in s. 3(6)(e) substituted (21.8.1991) by S.I. 1991/1220, art. 133(1), **Sch. 5**
- **F26** S. 3(6A) inserted (21.12.1993) by 1993 c. 39, s. 36, **Sch. 4 para. 3(7)**; S.I. 1993/2632, **art. 3**.

Modifications etc. (not altering text)

C2 S. 3 applied (with modifications) (25.10.1993) by 1993 c. 39, s. 44(2); S.I. 1993/2632, art. 2.

VALID FROM 04/03/1998

[F123A Financial assistance towards exhibitions, archives, etc.

- (1) The Trustees may give financial assistance for any project within subsection (2) below which appears to them—
 - (a) to relate to an important aspect of the history, natural history or landscape of the United Kingdom, and
 - (b) to be of public benefit.
- (2) The projects within this subsection are projects for any person to whom the assistance is to be given to—
 - (a) set up and maintain a public exhibition,
 - (b) compile and maintain an archive,
 - (c) publish archive material, or
 - (d) compile and publish a comprehensive work of reference (or publish a comprehensive work of reference that has previously been compiled),

or to do any ancillary thing.

- (3) In subsection (2) above, "archive" includes any collection of sound recordings, images or other information, however stored.
- (4) Before giving any financial assistance under this section for any project, the Trustees shall obtain any expert advice about the project they consider appropriate.
- (5) Subsections (5), (6) and (8) of section 3 above apply for the purposes of this section as they apply for the purposes of that.
- (6) In giving any financial assistance under this section for any project to compile or maintain an archive, or determining the conditions on which such assistance is to be given, the Trustees shall bear in mind the desirability of public access to the archivel

Textual Amendments

F12 S. 3A inserted (4.3.1998) by 1997 c. 14, s. 1(2); S.I. 1998/292, art.2

4 Other expenditure out of the Fund.

- (1) Subject to the provisions of this section, the Trustees may apply the Fund for any purpose other than making grants or loans, being a purpose connected with the acquisition, maintenance or preservation of property falling within section 3(1) above, including its acquisition, maintenance or preservation by the Trustees.
- (2) Subsections (2) [F13, (2A)] and (3) of section 3 above shall have effect in relation to the application of any sums out of the Fund under this section as they have effect in relation to the making of a grant or loan under that section.

(3) The Trustees shall not retain any property acquired by them under this section except in such cases and for such period as [F14the Secretary of State] may allow.

Textual Amendments

- F13 Words in s. 4(2) inserted (21.12.1993) by 1993 c. 39, s. 36, Sch. 4 para. 4; S.I. 1993/2632, art.3.
- **F14** Words in s. 4(3) substituted (3. 7. 1992) by S.I. 1992/1311, art. 12(2), Sch. 2 para. 5(2)(b).

5 Acceptance of gifts.

- (1) Subject to the provisions of this section, the Trustees may accept gifts of money or other property.
- (2) The Trustees shall not accept a gift unless it is either unconditional or on conditions which enable the subject of the gift (and any income or proceeds of sale arising from it) to be applied for a purpose for which the Fund may be applied under this Part of this Act and which enable the Trustees to comply with subsection (3) below and section 2(2) above.
- (3) The Trustees shall not retain any property (other than money) accepted by them by way of gift except in such cases and for such period as [F15the Secretary of State] may allow.
- (4) References in this section to gifts include references to bequests and devises.

Textual Amendments

F15 Words in s. 5(3) substituted (3. 7. 1992) by S.I. 1992/1311, art. 12(2), Sch. 2 para. 5(2)(b).

6 Powers of investment.

- (1) Any sums in the Fund which are not immediately required for any other purpose may be invested by the Trustees in accordance with this section.
- (2) Sums directly or indirectly representing money paid into the Fund under section 2(1) [F16 or (1A)] above may be invested in any manner approved by the Treasury; and the Trustees—
 - (a) shall not invest any amount available for investment which represents such money except with the consent of the Treasury; and
 - (b) shall, if the Treasury so require, invest any such amount specified by the Treasury in such manner as the Treasury may direct.
- (3) Any sums to which subsection (2) above does not apply may be invested in accordance with the M2 Trustee Investments Act 1961; and sections 1, 2, 5, 6, 12 and 13 of that Act shall have effect in relation to such sums, and in relation to any investments for the time being representing such sums, as if they constituted a trust fund and the Trustees were the trustees of that trust fund.

Textual Amendments

F16 Words in s. 6(2) inserted (21.12.1993) by 1993 c. 39, s. 36, Sch. 4 para.5; S.I. 1993/2632, art.3.

Margi	nal Citations
M2	1961 c. 62.

7 Annual reports and accounts.

- (1) As soon as practicable after the end of each financial year the Trustees shall make a report to [F17the Secretary of State] on the activities of the Trustees during that year; and [F17the Secretary of State] shall cause the report to be published and lay copies of it before Parliament.
- (2) It shall be the duty of the Trustees—
 - (a) to keep proper accounts and proper records in relation to the accounts;
 - (b) to prepare in respect of each financial year a statement of account in such form as [F17the Secretary of State] may with the approval of the Treasury direct; and
 - (c) to send copies of the statement to [F17the Secretary of State] and the Comptroller and Auditor General before the end of the month of November next following the end of the financial year to which the statement relates.
- (3) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this section and lay copies of it and of his report before Parliament.

Textual Amendments

F17 Words in s. 7(1)(2)(b)(c) substituted (3. 7. 1992) by S.I. 1992/1311, art. 12(2), Sch. 2 para. 5(2)(a).

Status:

Point in time view as at 29/08/1995. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the National Heritage Act 1980, Part I.