



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 [^{F1}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.

[^{F2}(3A) The Prime Minister shall consult the Scottish Ministers before appointing—

- (a) the chairman of the Trustees, and
- (b) any person under this section on the ground that he is connected by residence or otherwise with Scotland.]

- (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**.

F2 S. 1(3A) inserted (20.4.2000) by S.I. 2000/1102, **arts. 4, 6(2)** (with art. 6(1))

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Changes to legislation: There are currently no known outstanding effects for the National Heritage Act 1980, Part I. (See end of Document for details)

2 Payments into the Fund.

- (1) [^{F3}The Secretary of State]. . . ^{F4} shall pay into the Fund in the first month of each financial year a sum determined by [^{F3}him] before the beginning of the year; and [^{F3}the Secretary of State] may at any time pay into the Fund such further sum or sums as [^{F3}he] may from time to time determine.
- [^{F5}(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

- F3** Words in s. 2(1) substituted (3. 7. 1992) by S.I. 1992/1311, art. 12(2), **Sch. 2 para. 5(2)(a)(4)**.
- F4** Words repealed by S.I. 1981/207, art. 4, art. 10, **Sch. 2 para. 4(5)(a)**
- F5** S. 2(1A) inserted (21.12.1993) by 1993 c. 39, s. 36, **Sch. 4 para.2**; S.I. 1993/2632, **art.3**.

[^{F6}3 Financial assistance towards property, etc.

- (1) The powers of the Trustees to give financial assistance under this section are exercisable in the case of things of any kind which are of scenic, historic, archaeological, aesthetic, architectural, engineering, artistic or scientific interest, including animals and plants which are of zoological or botanical interest.
- (2) The Trustees may, for the purpose of—
- (a) securing the preservation or enhancement of such things,
 - (b) encouraging the study and understanding of them and the compilation and dissemination of information about them,
 - (c) securing or improving access to them, or their display,
 - (d) encouraging enjoyment of them, or
 - (e) encouraging the maintenance and development of the skills required for their preservation or enhancement,
- or for any purpose ancillary to those purposes, give financial assistance for any project which appears to them to be of public benefit.
- (3) The projects for which financial assistance may be given under this section for any of the purposes mentioned in subsection (2) above include (among others) projects for any person to whom the assistance is to be given to—
- (a) acquire property of any kind (including land),
 - (b) construct or convert buildings,
 - (c) carry out other works, or
 - (d) provide education or training.
- (4) Before giving any financial assistance under this section for any project, the Trustees—
- (a) shall obtain any expert advice about the project they consider appropriate, and
 - (b) must be satisfied that the project is of importance to the national heritage.

Status: Point in time view as at 01/10/2012.

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- (5) Financial assistance under this section shall be given by way of grant or loan out of the Fund, and in giving such assistance the Trustees may impose any conditions they think fit.
- (6) The conditions that may be imposed in giving such assistance may relate (among other things) to—
 - (a) maintenance, repair, insurance and safe-keeping,
 - (b) means of access or display,
 - (c) disposal or lending, or
 - (d) repayment of grant or loan.
- (7) In giving any financial assistance under this section for any project for the preservation or enhancement of anything, or determining the conditions on which such assistance is to be given, the Trustees shall bear in mind the desirability of public access to, or the public display of, the thing in question and of its enjoyment by the public.
- (8) The Secretary of State may, with the consent of the Treasury, apply sums received by him under this section as money provided by Parliament instead of paying them into the Consolidated Fund]

Textual Amendments

F6 S. 3 substituted (4.3.1998) by 1997 c. 14, s. 1(1); S.I. 1998/292, art.2

[^{F7}3A 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.

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- (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 archive]

Textual Amendments

F7 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 [F⁸subsection (2) below], including its acquisition, maintenance or preservation by the Trustees.

[F⁹(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
- (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.]

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- (3) The Trustees shall not retain any property acquired by them under this section except in such cases and for such period as [^{F10}the Secretary of State] may allow.

Textual Amendments

- F8** Words in s. 4(1) substituted (4.3.1998) by 1997 c. 14, s. 3, **Sch. Pt. I para. 1(2)**; S.I. 1998/292, **art.2**
F9 S. 4(2)(2A)-(2C) substituted (4.3.1998) for s. 4(2) by 1997 c. 14, s. 3, **Sch. 1 Pt. I para. 1(3)**; S.I. 1998/292, **art.2**
F10 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 [^{F11}the Secretary of State] may allow.
- (4) References in this section to gifts include references to bequests and devises.

Textual Amendments

- F11** 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) [^{F12}or (1A)] above may be invested in any manner approved by the Treasury; and the Trustees—
- shall not invest any amount available for investment which represents such money except with the consent of the Treasury; and
 - shall, if the Treasury so require, invest any such amount specified by the Treasury in such manner as the Treasury may direct.

[^{F13}(3) The trustees may invest any sums to which subsection (2) does not apply in any investments in which trustees may invest under general power of investment in section 3 of the Trustee Act 2000 (as restricted by sections 4 and 5 of that Act).]

Textual Amendments

- F12** 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**

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F13 S. 6(3) substituted (1.2.2001) by 2000 c. 29, s. 42(2), **Sch. 2 Pt. II para. 39** (with ss. 35, 37, 38); S.I. 2001/49, **art. 2**

7 Annual reports and accounts.

- (1) As soon as practicable after the end of each financial year the Trustees shall make a report to [^{F14}the Secretary of State] on the activities of the Trustees during that year; and [^{F14}the 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 [^{F14}the Secretary of State] may with the approval of the Treasury direct; and
 - (c) to send copies of the statement to [^{F14}the 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

F14 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:

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Changes to legislation:

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