



# Historic Buildings and Ancient Monuments Act 1953

## 1953 CHAPTER 49

### PART I

#### PRESERVATION OF HISTORIC BUILDINGS AND CONTENTS THEREOF

#### **1 Historic Buildings Council for England**

- (1) There shall be established a Council, to be called " the Historic Buildings Council for England ", for the purpose of advising the Minister of Works (hereafter in this Act referred to as " the Minister ") on the exercise, in relation to England, of his powers under this Part of this Act.
- (2) The said Council shall consist of a chairman appointed by the Minister and such number of other members so appointed as the Minister may from time to time determine, and the chairman and other members of the Council shall hold and vacate office in accordance with the terms of their appointments.
- (3) The Minister may out of moneys provided by Parliament pay to the chairman of the said Council such remuneration and allowances as the Minister may with the approval of the Treasury determine.

No person shall be disqualified from being elected to, or sitting and voting as, a member of the House of Commons by reason of his being the chairman of the said Council; but, in relation to a chairman of the Council who is a member of the House of Commons, this subsection shall have effect with the substitution, for the words " remuneration and allowances " , of the words " allowances in respect of travelling and subsistence expenses, and in respect of other expenses (if any) necessarily incurred by him for the purpose of enabling him to perform his duties as chairman,".

- (4) The Minister may out of moneys provided by Parliament pay to the other members of the said Council such allowances as he may with the approval of the Treasury determine in respect of travelling and subsistence expenses and in respect of other

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expenses (if any) necessarily incurred by them for the purpose of enabling them to perform their duties as members of the Council.

- (5) Subject to any directions of the Minister as to quorum or other matters, the procedure of the said Council shall be such as the Council may determine.
- (6) The said Council shall, before such date in every year as the Minister may fix, send to the Minister a report in respect of the matters on which they have advised the Minister during the previous year, and the Minister shall lay a copy of the report before each House of Parliament.
- (7) Without prejudice to the last preceding subsection, if at any time it appears to the said Council that there is need for action to be taken by the Minister under this Part of this Act, they shall forthwith make to the Minister such representations as they may think appropriate in the circumstances.

## **2 Historic Buildings Council for Scotland**

- (1) There shall be established a Council, to be called " the Historic Buildings Council for Scotland ", for the purpose of advising the Minister on the exercise, in relation to Scotland, of his powers under this Part of this Act, and to advise the Secretary of State, in cases where he thinks it appropriate to consult them, on the exercise of his functions under sections twenty-seven, twenty-eight and thirty-eight of the Town and Country Planning (Scotland) Act, 1947 (which contain provisions relating to buildings of special architectural or historic interest), and under subsection (2) of section ninety-six of that Act so far as it relates to building preservation orders.
- (2) Subsections (2) to (5) and subsection (7) of the preceding section shall apply to the said Council as they apply to the Historic Buildings Council for England, with the substitution in subsections (2) and (5), for references to the Minister, of references to the Minister and the Secretary of State acting jointly.
- (3) The said Council shall, before such date in every year as the Minister and the Secretary of State may jointly fix, send to the Minister and to the Secretary of State a report in respect of the matters on which the Council have advised either of them during the previous year, and the Minister and the Secretary of State shall jointly lay a copy of the report before each House of Parliament.

## **3 Historic Buildings Council for Wales**

- (1) There shall be established a Council, to be called " the Historic Buildings Council for Wales ", for the purpose of advising the Minister on the exercise, in relation to Wales, of his powers under this Part of this Act.
- (2) Subsections (2) to (7) of section one of this Act shall apply to the said Council as they apply to the Historic Buildings Council for England.

## **4 Grants for preservation of historic buildings, their contents and adjoining land**

- (1) The Minister may, out of moneys provided by Parliament, make grants for the purpose of defraying in whole or in part any expenditure incurred or to be incurred in the repair or maintenance of a building appearing to the Minister to be of outstanding historic or architectural interest, or in the upkeep of any land comprising, or contiguous or

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adjacent to, any such building, or in the repair or maintenance of any objects ordinarily kept in any such building.

- (2) Where a grant under this section is made to the National Trust for Places of Historic Interest or Natural Beauty or the National Trust for Scotland for Places of Historic Interest or Natural Beauty, the grant may, if the Minister thinks fit, be made by way of endowment, subject to such provisions, by way of trust, contract or otherwise, as may appear to the Minister to be requisite for securing that, so long as it is reasonably practicable to give effect to the purposes of the endowment, the sum granted will be retained and invested by the Trust and used as a source of income for defraying the expenditure in respect of which the grant is made.
- (3) A grant under this section may be made subject to conditions imposed by the Minister for the purpose of securing public access to the whole or part of the property to which the grant relates, or for other purposes, as the Minister may think fit.
- (4) Before making any grant under this section the Minister shall consult with the appropriate Council under this Act, both as to the making of the grant and as to the conditions subject to which it should be made:

Provided that this subsection shall not apply in a case where the making of a grant appears to the Minister to be a matter of immediate urgency.

## **5 Acquisition by the Minister of historic buildings, their contents and adjoining land**

- (1) Subject to subsection (4) of this section, the Minister shall have power to acquire by agreement, whether by purchase, lease or otherwise, or to accept a gift of—
  - (a) any building appearing to him to be one of outstanding historic or architectural interest;
  - (b) any land comprising, or contiguous or adjacent to, any such building.
- (2) Subject as aforesaid, the Minister shall have power to purchase by agreement, or to accept a gift of, any objects which are or have been ordinarily kept in—
  - (a) a building which, or any interest in which, is vested in the Minister, or a building which is under his control or management, being in either case a building appearing to the Minister to be of outstanding historic or architectural interest; or
  - (b) a building of which the Minister is guardian under the Ancient Monuments Consolidation and Amendment Act, 1913; or
  - (c) a building which, or any interest in which, is vested in either of the said National Trusts.
- (3) Subject as aforesaid, the Minister may make such arrangements as he may think fit as to the management or custody of any property acquired or accepted by him under this section, and as to the use of any such property, and may dispose of or otherwise deal with any such property as he may from time to time determine.
- (4) The Minister shall consult with the appropriate Council under this Act before acquiring or accepting any property under this section, and before taking any step by way of disposing of or otherwise dealing with any property so acquired or accepted, other than any step taken by him in the course of managing or keeping the property and making arrangements as to its use:

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Provided that this subsection shall not prevent the Minister from acquiring or accepting any property without consultation with the said Council in a case where the acquisition or acceptance thereof appears to him to be a matter of immediate urgency.

- (5) Any expenses incurred by the Minister under this section shall be defrayed out of moneys provided by Parliament, and any receipts of the Minister under this section shall be paid into the Exchequer.

## **6 Grants to local authorities and National Trusts for acquisition of historic buildings**

- (1) The Minister may, out of moneys provided by Parliament, make grants for the purpose of defraying in whole or in part any expenses incurred by a local authority in the acquisition of property under section forty-one of the Town and Country Planning Act, 1947, or section thirty-eight of the Town and Country Planning (Scotland) Act, 1947 (under which sections buildings of special architectural or historic interest may in certain cases be acquired by a local authority).
- (2) The Minister may also, out of moneys so provided, make grants to the said National Trusts for the purpose of defraying in whole or in part any expenses incurred by them in the acquisition of buildings which appear to the Minister to be of outstanding historic or architectural interest.
- (3) Before making any grant under this section the Minister shall consult with the appropriate Council under this Act:

Provided that this subsection shall not apply in a case where the making of a grant appears to the Minister to be a matter of immediate urgency.

## **7 Payments out of National Land Fund**

There shall be paid to the Minister out of the National Land Fund, at such times as the Treasury may direct, sums equal to the amount of the expenses incurred by the Minister under subsection (2) of section four of this Act, sections five and six of this Act, section forty-one of the Town and Country Planning Act, 1947 and section thirty-eight of the Town and Country Planning (Scotland) Act, 1947, and the sums so paid shall, to such extent as may be directed by the Treasury, be applied as appropriations in aid of the moneys provided by Parliament for defraying such expenses of the Minister as may be so directed, and, so far as not so applied, shall be paid into the Exchequer.

## **8 Power of Minister to accept endowments of historic buildings**

- (1) Where any instrument coming into operation after the passing of this Act contains a provision purporting to be a gift of property to the Minister upon trust to use the income thereof (either for a limited time or in perpetuity) for or towards the upkeep of—
- (a) a building acquired or accepted by the Minister under section five of this Act, or a building which the Minister proposes so to acquire or accept, or
  - (b) a building which at the coming into operation of the trust instrument is or will shortly be vested in or under the control or management of the Minister, being a building which appears to him to be one of outstanding historic or architectural interest, or

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- (c) a building of which at that time the Minister is or will shortly be guardian under the Ancient Monuments Consolidation and Amendment Act, 1913, or for or towards the upkeep of any such building together with other property, the Minister may accept the gift, and, if he does so, and the provision does not constitute a charitable trust, the following provisions of this section shall have effect.
- (2) The validity of the gift and of the trust to use the income as aforesaid (hereinafter referred to as " the endowment trust ") shall be deemed not to be, or ever to have been, affected by any rule of law or equity which would not have affected their validity if the trust had been charitable.
- (3) In relation to the property (of whatsoever nature) comprised in the gift and any property for the time being representing that property (hereinafter collectively referred to as " the trust fund ") the Minister shall during the continuance of the endowment trust have the like powers of management, disposition and investment as, in the case of land held on trust for sale, are conferred by law on the trustees for sale in relation to the land and to the proceeds of sale thereof:
- Provided that this subsection shall have effect without prejudice to any additional or larger powers conferred on the Minister by the trust instrument.
- (4) If while the endowment trust continues an event happens such that immediately thereafter the Minister is neither entitled to any interest in the building to which the trust relates, nor has the building under his control or management, nor is guardian of the building under the said Act of 1913, and apart from this subsection the endowment trust would not then be determined or be deemed to have failed, then on the happening of that event the endowment trust shall cease by virtue of this subsection and the trust fund shall devolve accordingly as on a failure of the trust.
- (5) If the trust instrument contains a provision whereby on the failure or determination of the endowment trust the trust fund purports to be given, or to be directed to be held, on charitable trusts, the validity of that gift or direction shall be deemed not to be, or ever to have been, affected by any rule of law or equity relating to perpetuities.
- (6) Subsection (3) of this section shall not apply to a trust to which the Trusts (Scotland) Act, 1921, applies.

## **9 Interpretation of Part I**

- (1) In this Part of this Act the expression " the appropriate Council under this Act "—
- (a) in relation to a building in England, and in relation to objects associated with such a building, means the Historic Buildings Council for England;
  - (b) in relation to a building in Scotland, and in relation to objects associated with such a building, means the Historic Buildings Council for Scotland; and
  - (c) in relation to a building in Wales, and in relation to objects associated with such a building, means the Historic Buildings Council for Wales.
- (2) In this Part of this Act—
- the expression " gift " includes devise, bequest, appointment, conveyance, assignment, transfer and any other assurance of property; and
  - the expression " property ", in relation to England and Wales, means real or personal property of any description, and, in relation to Scotland, means heritable or moveable property of any description.