

NATIONAL GALLERIES OF SCOTLAND ACT 2003

EXPLANATORY NOTES

THE ACT

3. In pursuance of their statutory functions, the Trustees propose to carry out certain improvements to the National Gallery and the adjacent Royal Scottish Academy buildings on the Mound in Edinburgh. Those improvements form part of a project which is being undertaken by the Trustees and which is known as the Playfair Project. That project will extend into an area of land (hereafter referred to as the relevant land) which currently forms part of Princes Street Gardens (hereafter referred to as the Gardens).
4. The Gardens are held by the City of Edinburgh Council (hereafter referred to as the Council) for the common good and are used as public greenspace. The disposal of any part of the Gardens by the Council to a third party needs to be authorised by a court order. The Council has obtained from the Edinburgh sheriff court an order to dispose of the relevant land to the Trustees as part of the Playfair Project and the Trustees have agreed to dispose of other land to the Council being land which lies to the west of the Royal Scottish Academy and the National Gallery of Scotland and which forms part of the Mound in exchange for the relevant land.
5. The Gardens are also subject to a statutory restriction upon the construction of certain buildings. That restriction is contained in section 22 of the Schedule to the [City of Edinburgh District Council Order Confirmation Act 1991 \(c.xix\)](#) (hereafter referred to as section 22). In particular, section 22 prevents the construction on the relevant land of any part of the improvements forming part of the Playfair Project.
6. The transfer of the relevant land by the Council to the Trustees will not, by virtue of that transfer, have the effect of removing the relevant land from the Gardens. The transfer will only pass the ownership of the relevant land from the Council to the Trustees. Without further legislation, the relevant land—
 - will continue to be part of the Gardens and remain land forming part of the common good to which the public would continue to have access; and
 - the statutory restriction contained in section 22 would continue to apply to the relevant land.

The Act is, therefore, necessary to remove the relevant land from the Gardens and to disapply the effect of section 22 to that land.