



# 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 ten 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.

##### **2 Payments into the Fund.**

- (1) [<sup>F1</sup>The Ministers]. . . <sup>F2</sup> shall pay into the Fund in the first month of each financial year a sum determined by [<sup>F3</sup>them] before the beginning of the year; and [<sup>F4</sup>the Ministers] may at any time pay into the Fund such further sum or sums as [<sup>F3</sup>they] may from time to time determine.
- (2) There shall also be paid into the Fund any other sums received by the Trustees in consequence of the discharge of their functions.

*Status: Point in time view as at 01/02/1991. 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. (See end of Document for details)*

#### Textual Amendments

- F1** Words substituted by S.I. 1983/879, **Sch. 2 para. 2(2)**
- F2** Words repealed by S.I. 1981/207, art. 4, art. 10, **Sch. 2 para. 4(5)(a)**
- F3** The words “them” and “they” now stand in the text by virtue of S.I. 1983/879, art. 10, **Sch. 2 para. 2(4)**
- F4** The words “the Ministers” now stand in the text by virtue of S.I. 1983/879, art. 10, **Sch. 2 para. 2(2)**

### 3 Grants and loans from the Fund.

- (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 this section 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.
- (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.
- (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;
    - (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.

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- (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 acting in the discharge of his functions under section 5 of the <sup>M1</sup>Historic Buildings and Ancient Monuments Act 1953 or section 11(1) or 13 of the <sup>M2</sup>Ancient Monuments and Archaeological Areas Act 1979; 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 <sup>M3</sup>Historic Monuments Act (Northern Ireland) 1971 as relates to the acquisition of historic monuments by agreement, section 4 of that Act or Article 84 of the <sup>M4</sup>Planning (Northern Ireland) Order 1972.
- (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.

#### Marginal Citations

- M1** 1953 c. 49.  
**M2** 1979 c. 46.  
**M3** 1971 c. 17 (N.I.)  
**M4** S.I. 1972/1634.

VALID FROM 04/03/1998

#### **[<sup>F53A</sup> 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.

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- (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 archive]

#### Textual Amendments

**F5** 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) 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 [<sup>F6</sup>either of the Ministers] may allow.

#### Textual Amendments

**F6** The words “either of the Ministers” now stand in the text by virtue of S.I. 1983/879, art. 10, Sch. 2 para. 2(3)

#### 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 [<sup>F7</sup>either of the Ministers] may allow.
- (4) References in this section to gifts include references to bequests and devises.

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### Textual Amendments

- F7** The words “either of the Ministers” now stand in the text by virtue of [S.I. 1983/879, art. 10, Sch. 2 para. 2\(3\)](#)

## 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) 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 <sup>M5</sup>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.

### Marginal Citations

- M5** 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 [<sup>F8</sup>the Ministers] on the activities of the Trustees during that year; and [<sup>F8</sup>the Ministers] 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 [<sup>F8</sup>the Ministers] may with the approval of the Treasury direct; and
  - (c) to send copies of the statement to [<sup>F8</sup>the Ministers] 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

- F8** The words “the Ministers” now stand in the text by virtue of [S.I. 1983/879, art. 10, Sch. 2 para. 2\(2\)](#)

**Status:**

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