



National Heritage Act 2002

2002 CHAPTER 14

Trading functions

4 New trading functions of the Commission

(1) In section 33 of the National Heritage Act 1983 (Commission's general functions), in subsection (2), after paragraph (d) insert—

“(e) may produce souvenirs relating to ancient monuments or historic buildings situated in England and sell souvenirs.”

(2) After that section insert—

“33A Functions relating to foreign monuments and buildings

(1) The Commission may—

- (a) produce and publish, or sell, books, films or other informative material relating to foreign ancient monuments or foreign historic buildings;
- (b) produce or sell souvenirs relating to such monuments or buildings;
- (c) provide (whether on payment or otherwise) advice, assistance or other services in respect of, or information relating to, such monuments or buildings.

(2) For this purpose—

- (a) “ancient monument” and “historic building” have the meaning given in section 33(8), and
- (b) an ancient monument or historic building is “foreign” if it is not situated—
 - (i) in the United Kingdom, or
 - (ii) in the case of a monument, in, on or under the seabed within the seaward limits of the territorial waters of the United Kingdom.

Changes to legislation: National Heritage Act 2002, Cross Heading: Trading functions is up to date with all changes known to be in force on or before 26 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

33B Powers to exploit intangible assets

- (1) The Commission may exploit any intellectual property, or any other intangible asset, relating to ancient monuments or historic buildings.
- (2) In subsection (1) the references to “ancient monuments” and “historic buildings” are to ancient monuments and historic buildings within the meaning of section 33(8) that—
 - (a) are situated—
 - (i) in England, or
 - (ii) in the case of monuments, in, on or under the seabed within the seaward limits of the United Kingdom territorial waters adjacent to England, or
 - (b) are foreign ancient monuments or foreign historic buildings within the meaning of section 33A(2)(b).
- (3) An order under section 33(10) applies for the purposes of subsection (2) as it applies for the purposes of section 33(9).
- (4) In this section “intellectual property” means—
 - (a) any patent, trade mark, registered design, copyright, design right, right in performance or plant breeder’s right, and
 - (b) any rights under the law of a country outside the United Kingdom which correspond or are similar to those falling within paragraph (a).
- (5) This section is without prejudice to any power of the Commission to do anything authorised by this section by virtue of section 33 or 33A.”

5 Objects of companies formed by the Commission

- (1) Amend section 35 of the National Heritage Act 1983 (c. 47) (power of Commission to form companies) as follows.
- (2) In subsection (2)—
 - (a) in paragraph (a) for “in England” substitute “, or sale, ”;
 - (b) after paragraph (a) insert—
 - “(ab) the provision (whether on payment or otherwise) of advice, assistance or other services in respect of, or information relating to, ancient monuments or historic buildings,”;
 - (c) in paragraph (b)—
 - (i) the words “in England” are repealed, and
 - (ii) after “buildings” insert “, or sale of souvenirs ”; and
 - (d) for paragraph (c) substitute—
 - “(ca) the exploitation of any intellectual property, or any other intangible asset, relating to ancient monuments or historic buildings, and”.
- (3) After subsection (3) insert—
 - “(3A) In subsection (2), the references to “ancient monuments” and “historic buildings” are to those which—

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- (a) are situated—
 - (i) in England, or
 - (ii) in the case of monuments, in, on or under the seabed within the seaward limits of the United Kingdom territorial waters adjacent to England, or
 - (b) are foreign ancient monuments or foreign historic buildings within the meaning of section 33A(2)(b).
- (3B) An order under section 33(10) applies for the purposes of subsection (3A) as it applies for the purposes of section 33(9).
- (3C) In this section “intellectual property” means—
- (a) any patent, trade mark, registered design, copyright, design right, right in performance or plant breeder’s right, and
 - (b) any rights under the law of a country outside the United Kingdom which correspond or are similar to those falling within paragraph (a).”

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(2)(b) word repealed by [S.I. 2015/2006 \(N.I.\) art. 81\(1\)\(a\)](#)
- s. 1(2)(d) and word inserted by [S.I. 2015/2006 \(N.I.\) art. 81\(1\)\(b\)](#)
- s. 2(8)(a)(b) substituted by [S.I. 2015/2006 \(N.I.\) art. 80\(2\)](#)
- s. 17(1) words substituted by [S.I. 2015/2006 \(N.I.\) art. 80\(3\)](#)
- s. 19(4)(za) inserted by [S.I. 2015/2006 \(N.I.\) art. 81\(2\)](#)

Commencement Orders yet to be applied to the National Heritage Act 2002

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2005/3255 art. 2](#) commences (2004 c. 33)