The National Trust for Scotland (Governance etc.) Bill

Bill Number: SP Bill 21
Introduced on: 7 January 2013
Introduced by: The National Trust for Scotland
Passed: 23 May 2013
Royal Assent: 28 June 2013

Passage of the Bill

The National Trust for Scotland (Governance etc.) Bill (the Bill) is a Private Bill which was introduced in the Scottish Parliament on 7 January 2013 by the National Trust for Scotland for Places of Historic Interest or Natural Beauty, commonly referred to as ‘the National Trust for Scotland’ (the Trust).

The procedure for Private Bills differs from that for Public Bills (i.e. those introduced by the Scottish Government). It consists of three stages:

1. The Preliminary Stage – consideration of a Bill’s general principles and whether its provisions are of a private rather than a public nature
2. The Consideration Stage – consideration of the details of the Bill
3. The Final Stage – the final consideration of the Bill and a decision whether to pass or reject it.

Private Bills are also subject to a 60-day objection period beginning immediately after introduction. The objection period for this Bill ended on 8 March 2013 with no objections received.

The National Trust for Scotland (Governance etc.) Bill Committee (the Committee) was established on 23 January 2013 to consider the Bill. It issued a general call for evidence on 26 February 2013 and received three

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1 A Private Bill is a Bill introduced for the purpose of obtaining for an individual person, body corporate or unincorporated association particular powers or benefits in excess of or in conflict with the general law
2 See Rule 9A.7 of the Scottish Parliament’s Standing Orders and the Scottish Parliament’s guide to the stages in the passage of a Private Bill
submissions. It took evidence from the Trust and other witnesses during the Preliminary Stage at its meeting on 12 March 2013.

The Preliminary Stage Report was published by the Committee on 28 March 2013 and the Preliminary Stage debate took place in the Chamber on 23 April 2013. The Consideration Stage took place on 7 May 2013 and the Parliament debated and passed the Bill during the Final Stage on 23 May 2013.

The Bill received Royal Assent on 28 June 2013 to become the National Trust for Scotland (Governance etc.) Act 2013 (asp 9).

Purpose and objectives of the Bill

The Trust is a conservation charity which was established by private Act of Parliament under the National Trust for Scotland Order 1935 (the 1935 Order).

The objective of the Bill was to make certain amendments to the 1935 Order so as to modernise and streamline the governance of the Trust. It was also aimed at clarifying the use of the Trust’s abbreviated name – The National Trust for Scotland – by which the Trust is generally known.

The Bill followed recommendations made in a strategic review of the Trust, led by the former Presiding Officer of the Parliament, Sir George Reid, which culminated in a 2010 report entitled Fit for Purpose, Report of the Strategic Review of the National Trust for Scotland (the Reid Review).

The majority of the Reid Review’s recommendations could be put into effect by the Trust itself. However, certain aspects of the Trust’s governance could only be amended by making changes to the Trust’s founding legislation (i.e. the 1935 Order).

Provisions of the Bill

The Bill’s main provisions were as follows:

- **Section 1** – This amended the 1935 Order so that presidents and any vice-presidents of the Trust are no longer part of the Trust’s Board of Trustees. The aim being to clarify that the role of presidents and vice-presidents is outside the Trust’s decision-making structure and that they do not have liability as charity trustees.

- **Section 2** – This updated the rules for co-opted members of the Trust’s Board of Trustees (i.e. members of the Trust who are appointed to the Board for a limited period of time). In particular, it extended the maximum period of office for co-opted members to four years, in line with the term served by elected members of the Board.

- **Section 3** – This abolished the rules in the 1935 Order which allowed certain public or scientific bodies to nominate representatives to the Board of Trustees (known as representative members). This followed
the findings of the Reed Review that, whilst representative members had been appropriate in the Trust’s early days, there were now better ways of providing expert advice within the Trust.

- **Section 4** – This confirms that the Trust’s abbreviated name (the National Trust for Scotland) is legally valid and equivalent to its full name (the National Trust for Scotland for Places of Historic Interest or Natural Beauty).

- **Section 5** – This provides for transitional arrangements to allow the Trust to operate in the period between enactment of the legislation and the first subsequent Annual General Meeting.

### Parliamentary consideration

The main issues considered by the Committee during the Preliminary Stage were as follows:

- The future role of presidents and vice-presidents of the Trust.
- The need to be able to appoint co-opted members to the Board of Trustees for periods of up to four years.
- The rationale behind the abolition of representative members.
- The need to clarify that the Trust’s abbreviated name is legally valid.
- The need for legislation (and in particular a Private Bill) to bring about the proposed reforms to the Trust’s governance structure.

No amendments were lodged in the Consideration Stage and the Bill as introduced was agreed to at this stage. No amendments were brought forward at the Final Stage.

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3 See the Preliminary Stage Report and the evidence from the Committee's meeting on 12 March 2013.