

NATIONAL GALLERIES OF SCOTLAND BILL

EXPLANATORY NOTES

(AND OTHER ACCOMPANYING DOCUMENTS)

CONTENTS

1. As required under Rule 9A.2 of the Parliament's Standing Orders, the following documents are published to accompany the National Galleries of Scotland Bill introduced in the Scottish Parliament on 28 October 2002:

- Explanatory Notes;
- a Promoters' Statement; and
- the Presiding Officer's Statement on legislative competence.

A Promoters' Memorandum is printed separately as SP Bill 68-PM.

2. In addition to the accompanying documents published by the Parliament (referred to in paragraph 1 above), the following accompanying documents have been prepared separately by the promoters:

- an Assignment of Copyright/Licensing Agreement under Rule 9A.2.3(e).

A plan has also been prepared separately by the promoters (and copies provided to the Parliament), but is not an accompanying document under the Parliament's Standing Orders.

EXPLANATORY NOTES

INTRODUCTION

3. These Explanatory Notes have been prepared by Rees & Freres on behalf of the Board of Trustees of the National Galleries of Scotland (hereafter referred to as the Trustees) in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.

4. The Notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a section, or a part of a section, does not seem to require any explanation or comment, none is given.

THE BILL

5. 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).

6. 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.

7. 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.

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

COMMENTARY ON SECTIONS

9. Section 1(1) provides that, when the Bill is enacted and comes into force, the relevant land shall cease to form part of the Gardens.

10. Section 1(2) provides that, as a consequence of the relevant land ceasing to form part of the Gardens, the restriction on building contained in section 22 shall cease to apply to the relevant land.

11. Section 2 defines the relevant land. A plan which identifies the location and extent of the relevant land has been produced by the promoter. That plan indicates that the relevant land is a rectangular piece of land forming part of the Gardens. That land lies east of, and adjacent to, the Mound: it measures approximately 59 metres in length and 5.5 metres in width and comprises an area of approximately 319 square metres. The height of the part of the proposed building to be constructed by the Trustees on the relevant land will be approximately 6 metres.

12. Section 3 cites the short title of the Bill and provides for it to come into force one week after the day on which it receives Royal Assent.

PROMOTERS' STATEMENT

NOTIFICATION TO PERSONS WITH INTEREST IN HERITABLE PROPERTY

13. This part of the statement is provided under Rule 9A.2.3(d)(i) of the Parliament's Standing Orders. That Rule applies because the Bill contains provisions which affect heritable property.

14. The only persons or classes of persons having an interest in heritable property affected by the proposed Bill for the purpose of Rule 9A.2.3(d)(i) are the City of Edinburgh Council (hereafter referred to as the Council).

15. Notice of the intention to introduce a Private Bill was served by means of a letter on the Council by Recorded Delivery post on 4 October 2002.

NOTIFICATION TO AND CONSENT FROM TRUSTEES

16. The Trustees are a body corporate established by the National Galleries of Scotland Act 1906. Rule 9A.2.3(d)(ii) therefore applies.

17. Consent for the promotion of the Bill was obtained by a resolution passed at a meeting of the Trustees duly convened and held on 22 July 2002. Notice of that meeting specified the intention to propose that resolution. The text of that resolution is as follows—

“That the Trustees promote a Bill in the Scottish Parliament to provide for a certain part of Princes Street Gardens to cease to form part of those Gardens and to disapply the effect of section 22 of the Schedule to the City of Edinburgh District Council Order Confirmation Act 1991 to that part of those Gardens.”.

NOTIFICATION TO AND CONSENT FROM BODY AFFECTED

18. The Bill does not contain any provision conferring powers upon or modifying the constitution of any body corporate or unincorporated association named in the Bill but not being the promoters. Accordingly Rule 9A.2.3(d)(iii) does not apply.

ADVERTISEMENT OF INTENTION TO INTRODUCE THE BILL

19. Notice of the intention to introduce the Bill was published in *The Scotsman* and the *Evening News* on 14 and 21 October 2002 and has been displayed from 8 October 2002 in the following Scottish Parliament Partner Libraries—

<u>Constituency</u>	<u>Library</u>	<u>Address</u>	<u>Telephone</u>
Edinburgh Central	Edinburgh Central Library	George IV Bridge, Edinburgh EH1 1EG	0131 255 5584
Edinburgh East & Musselburgh	Portobello Library	14 Rosefield Avenue, Edinburgh EH15 1AU	0131 529 5558
Edinburgh North & Leith	Leith Library	28-30 Ferry Road, Edinburgh EH6 4AE	0131 529 5517
Edinburgh Pentlands	Wester Hailes Library	1 West Side Plaza, Edinburgh EH14 2FT	0131 442 1220
Edinburgh South	Morningside Library	184 Morningside Road, Edinburgh EH10 4PU	0131 529 5654
Edinburgh West	Blackhall Library	56 Hillhouse Road, Edinburgh EH4 5EG	0131 529 5595

OTHER ACCOMPANYING DOCUMENTS

20. The following are the premises at which copies of—

- the only accompanying documents not published by the Parliament (namely, a licensing agreement and a copyright agreement); and

These documents relate to the National Galleries of Scotland Bill (SP Bill 68) as introduced in the Scottish Parliament on 28 October 2002

- other documents relevant to the Bill, but which are not accompanying documents (the only document in this category at the time of introduction being a plan showing the extent of the “relevant land” defined in the Bill),

may be inspected or obtained free of charge in accordance with Rule 9A.2.3(d)(v)—

National Gallery of Scotland
The Mound
Edinburgh EH2 2EL

Rees & Freres
1 The Sanctuary
Westminster
London SW1P 3JT.

21. On 4 October 2002, the promoters made the following statement:

“We, Rees & Freres, on behalf of the Trustees of the National Galleries of Scotland, hereby undertake to send copies of accompanying documents for the National Galleries of Scotland Bill not published by the Parliament, together with other documents relevant to the Bill submitted to the Parliament on or after introduction, to the premises determined by the Presiding Officer for the purpose of Rule 9A.4.2.”

PROMOTERS’ UNDERTAKING TO PAY COSTS

22. On 4 October 2002, the promoters made the following statement:

“We, Rees & Freres, on behalf of the Trustees of the National Galleries of Scotland, hereby confirm that the Trustees undertake to pay any costs that may be incurred by the Scottish Parliamentary Corporate Body during the passage of the National Galleries of Scotland Bill in respect of the matters determined by that Body under Rule 9A.2.3(d)(vi) of the Parliament’s Standing Orders.”

PRESIDING OFFICER’S STATEMENT ON LEGISLATIVE COMPETENCE

23. On 1 October 2002, the Presiding Officer (Sir David Steel) made the following statement:

“In my view, the provisions of the National Galleries of Scotland Bill would be within the legislative competence of the Scottish Parliament.”

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