



National Galleries of Scotland Bill

Bill Number:	SP Bill 77
Introduced on:	25 June 2015
Introduced by:	The Board of Trustees of the National Galleries of Scotland
Passed:	19 January 2016
Royal Assent:	23 February 2016

Passage of the Bill

The National Galleries of Scotland Bill (the Bill) is a Private Bill¹ which was introduced in the Scottish Parliament on 25 June 2015 by the Board of Trustees of the National Galleries of Scotland (the Promotor).

The procedure for Private Bills differs from that for Public Bills (i.e. those introduced by the Scottish Government). It consists of three stages:²

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. In this case the objection period ran from 26 June 2015 to 24 August 2015 and no objections were received.

The [National Galleries of Scotland Bill Committee](#) (the Committee) was established on 2 September 2015 to consider the Bill. It conducted a site visit on 29 September 2015. It took evidence from the Promotor during the

¹ A Private Bill is a Bill introduced for the purpose of obtaining for an individual person, body corporate or unincorporated association of persons 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](#)

Preliminary Stage at its meeting on [8 October](#) and from the Council at its meeting on [29 October](#) 2015. It also issued a call for views which closed on 15 October 2015 with no responses being received.

The [Preliminary Stage Report](#) was published by the Committee on 13 November 2015 and the Preliminary Stage debate took place in the Scottish Parliament on [3 December 2015](#). The Consideration Stage took place on [15 December 2015](#) and the Parliament debated and passed the Bill during the Final Stage on [19 January 2016](#).

The Bill received Royal Assent on 23 February 2016 to become the [National Galleries of Scotland Act 2016](#) (asp 6).

Purpose and objectives of the Bill

The aim behind the Bill was to facilitate the extension of the Scottish National Gallery (National Gallery) building in Edinburgh into an area of land which currently forms part of Princes Street Gardens (the Gardens). The extension is part of the [Scottish National Gallery Project](#) which is aimed at improving the display of the National Gallery's Scottish Collection, tripling the size of the galleries, and providing direct access to the National Gallery from the Gardens.

The relevant land is part of the common good³ of the City of Edinburgh Council (the Council). Since it is classified as 'inalienable' common good land (in other words common good land which cannot be used for a different purpose or disposed of) the Council was unable to dispose of it to a third party without court authorisation.⁴

In addition, the land was also subject to a statutory restriction in the City of Edinburgh District Council Order Confirmation Act 1991 (1991 Act) which prohibits the construction of permanent buildings in any part of the Gardens.

The Bill therefore had two connected purposes:

1. to change the status of the common good land so that the Council could dispose of it to the National Gallery without the need for court approval; and
2. to remove the land from the Gardens thus removing the statutory restriction on the construction of permanent buildings on the land.

Provisions of the Bill

The Bill had three main provisions:

- **Section 1(1)** – This deemed that the land should be alienable common good land thus allowing the Council to dispose of it.

³ The common good is a fund of money and assets owned and administered by a local authority in respect of the former burgh within the area of that local authority.

⁴ See Local Government (Scotland) Act 1973. Section 75

- **Section 1(2)** – This limited the scope of the Bill to the disposal of the land to the Promoter to extend the National Gallery (thus stopping the Council from disposing of the land to another party, or for other purposes, without court approval/further legislation).
- **Section 2** – This provided that the land will no longer be part of the Gardens so that the building restrictions in the 1991 Act cease to apply.

Parliamentary consideration

The main issues considered by the Committee during the Preliminary Stage were as follows:⁵

- Whether it was appropriate that the Bill be dealt with as a Private Bill and, in particular, whether there were any other alternative, non-statutory, solutions to achieve the Promoter's aims.
- The general benefits of the Bill.
- The costs and funding connected to the extension and redevelopment project envisaged by the Bill.
- Ensuring best value in the disposal of the Council's common good land.

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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⁵ See the [Preliminary Stage Report](#)