

# **THE NATIONAL TRUST FOR SCOTLAND (GOVERNANCE ETC.) BILL**

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## **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 Trust for Scotland (Governance etc.) Bill introduced in the Scottish Parliament on 7 January 2013:

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

Also included is an Assignment of Copyright/Licensing Agreement given in accordance with Rule 9A.2.3(e).

A Promoter's Memorandum is printed separately as SP Bill 21-PM.

## **EXPLANATORY NOTES**

### **INTRODUCTION**

2. These Explanatory Notes have been prepared by Turcan Connell on behalf of the promoter, The National Trust for Scotland for Places of Historic Interest or Natural Beauty (also known as The National Trust for Scotland), in order to assist the reader of The National Trust for Scotland (Governance etc.) Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.

3. 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 schedule, or a part of a section or schedule, does not seem to require any explanation or comment, none is given.

### **THE BILL**

4. The National Trust for Scotland for Places of Historic Interest or Natural Beauty (“the Trust”) is established by private Act of Parliament under the National Trust for Scotland Order 1935 (in the Bill called “the 1935 Order”), as confirmed by the National Trust for Scotland Order Confirmation Act 1935, which incorporated the Trust under statute and provided a detailed constitution for its governance. Amendments have been made by subsequent private Acts in 1938, 1947, 1952, 1961 and 1973 (in these Notes together called “the subsequent Acts”).

5. The Bill affects only the 1935 Order and does not amend or affect the provisions of the subsequent Acts. The subsequent Acts dealt only with the following matters:-

- The 1938 Act extended the objects and powers of the Trust, permitted the Trust to allow its properties to be occupied by Trust members, granted local authorities the power to convey property to the Trust, permitted agreements to be entered into restricting the use of land, and modified section 33 of the 1935 Order which is concerned with byelaws.
- The 1947 Act further extended the powers of the Trust and stipulated how those powers could be exercised.
- The 1952 Act extended the Trust’s powers of investment, which also required the partial repeal of section 28 of the 1935 Order which relates to the application of revenue.
- The 1961 Act inserted new provisions relating to the subscriptions payable by ordinary members (which also involved making consequential repeals in sections 14 to 16 of the 1935 Order), further modified the provisions relating to byelaws in sections 33 to 35 of the 1935 Order, and amended section 21 of the 1935 Order so as to allow the council to set criteria for the re-election of council members.
- The 1973 Act further modified the Trust’s powers of investment, and amended section 21 of the 1935 Order so as to permit the creation of a finance committee and an investment committee, and so as to regulate how different documents may be executed by the Trust.

6. The Bill is intended to complete the implementation of reforms agreed in 2010 to modernise and streamline the governance of the National Trust for Scotland (in the Bill called “the Trust”) and will also clarify the use of the abbreviated name by which the Trust is known.

7. In 2009 a formal review of the Trust’s governance was established, chaired by The Rt Hon Sir George Reid (“the Reid review”). The Reid review published its report “*Fit for Purpose – Report of the Strategic Review of the National Trust for Scotland*” in autumn 2010.<sup>1</sup> This made a number of recommendations for reform of the Trust’s governance, and the recommendations were accepted in their entirety by the Trust’s members at the Trust’s Annual General Meeting in September 2010.

8. The majority of the recommendations made by the Reid review could be (and have already been) given effect to by the Trust, either acting through its members in AGM or acting through its governing body, the council (also known as the Board of Trustees). However, amendment of the Trust’s founding legislation is necessary to amend certain aspects of the Trust’s governance where the founding legislation is prescriptive.

## **COMMENTARY ON SECTIONS**

### **Section 1 – president and vice-presidents**

9. Section 1 of the Bill repeals any reference to the president within section 18 of the 1935 Order (which is concerned with the establishment of the council). It thus formally removes the president from the council and puts an end to the president’s status as a charity trustee so that the president has no liability as a charity trustee.

10. Section 1 of the Bill also repeals any reference to the vice-presidents within section 18 (establishment of the council) and thereby similarly removes the status of charity trustee from the vice-presidents.

11. The repeals made in subsection (1) would result in the 1935 Order being silent on the status of the president and vice-presidents. Subsection (2) is, therefore, necessary in order to allow proper definition of the roles of president and vice-presidents (including their relationship with the council) once these office bearers have been removed from the council. A new section 18A is inserted into the 1935 Order to address this.

12. Section 18A(1), (2)(a), (3) and (4) mirror the existing provisions of the 1935 Order. However, the relevant provisions are repealed and then inserted anew as the existing provisions are contained within a section which is no longer appropriate and which is potentially misleading (section 18 - establishment of council). Inclusion of these provisions within the new section 18A allows the provisions relating to the president and vice-presidents to be consolidated in one place for clarity.

13. Section 18A(2)(b) and (c) are new provisions which supplement the repeals in section 1 and further implement recommendations 16 and 17 of the Reid review. They ensure that the

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<sup>1</sup> Fit for Purpose: Report of the Strategic Review of the National Trust for Scotland – available at [www.nts.org.uk/legislation](http://www.nts.org.uk/legislation)

president and vice-presidents are not members of the council and that a clear distinction is drawn between these different roles.

14. Section 18A(5) imposes an obligation upon the council to prescribe the duties and responsibilities of these office bearers to ensure that the roles of these office bearers are clearly defined.

## **Section 2 – Co-opted members of council**

15. Section 2 of the Bill addresses the issue of co-opted members of the council (co-opted trustees) and substitutes a new section 20 of the 1935 Order.

16. Section 20(1) and (3) are restatements of the existing position but the opportunity has been taken to clarify and update the drafting in the 1935 Order. No change is made to the maximum permitted number of co-opted trustees.

17. Section 20(2) extends the maximum permitted period of office to four years, which is in alignment with the term that elected members of council serve at present.

18. Section 20(4) allows the council to set eligibility criteria for co-opted trustees if they wish to seek either further co-option or election. This allows this matter to be dealt with in the same way as the setting of criteria for elected trustees.

## **Section 3 – Abolition of representative membership of the council**

19. The repeals made by section 3 of the Bill remove all references to representative members of the council from the 1935 Order while also re-stating section 14(f) of the 1935 Order as section 14(e) to allow the lettering to remain sequential.

## **Section 4 – Name of the Trust**

20. Section 4 is inserted to make it clear that use of the customary abbreviation, The National Trust for Scotland, is legally valid and is to be considered to be equivalent to use of the full name, the National Trust for Scotland for Places of Historic Interest or Natural Beauty.

## **Section 5 – Transitional provisions**

21. Section 5 of the Bill includes transitional provisions to provide for the period between the Bill being enacted and coming into force and the first appointments being made under the Act.

22. Section 5(1) states that any individuals who were appointed under those provisions of the 1935 Order which are now being repealed are not removed from office as a result of these repeals. Any president, vice-president, or co-opted trustee who is presently in office will, therefore, remain in office until the first Annual General Meeting of the Trust held after the Bill has been enacted and has come into force, at which point new appointments will be made under its provisions.

23. Section 5(2) removes the status of charity trustee from the current president and any vice-presidents immediately upon the Bill being enacted and coming into force, rather than this change only coming into effect when new appointments are made under its provisions.

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## **PROMOTER'S STATEMENT**

### **APPLICATION OF RULE 9A.2.3(d)**

1. This part of the statement is provided in accordance with Annex D of the Scottish Parliament's guidance on the proper form of accompanying documents to a Private Bill, which requires the promoter's statement to clearly specify which (if any) of Rules 9A.2.3(d)(i), (ii) and (iii) of the Scottish Parliament's Standing Orders apply to the Bill. These Rules set out the notification procedures that will apply (i) where a Private Bill contains provisions which will affect heritable property, (ii) where the promoter is a body corporate or an unincorporated association of persons, and (iii) where the Bill confers powers upon or modifies the constitution of any body corporate or unincorporated association of persons named in the Private Bill other than the promoter.

#### **Rule 9A.2.3(d)(i) – Heritable property**

2. The Bill is concerned primarily with the internal governance and structure of the National Trust for Scotland for Places of Historic Interest or Natural Beauty, also known as the National Trust for Scotland ("the Trust") and also deals with the name by which the Trust is known. It does not in any way alter the status of those properties of the Trust which are stated in section 22(1) of the National Trust for Scotland Order 1935 ("the 1935 Order") to be inalienable.

3. The provisions of the Bill, therefore, have only an indirect and incidental impact upon the heritable property that is owned or managed by the Trust, and any indirect impact exists only in so far as changed governance arrangements could in turn have an impact upon the decisions eventually taken about that property. However, any impact would be remote and incidental, and Rule 9A.2.3(d)(i) of the Parliament's Standing Orders appears to be directed at provisions which will affect heritable property in a direct manner, such as the authorisation of the compulsory purchase of land or construction work. It is, therefore, considered that Rule 9A.2.3(d)(i) of the Parliament's Standing Orders does not apply to the Bill and that no notification is required under this section.

#### **Rule 9A.2.3(d)(ii) – Body corporate**

4. The promoter of the Bill, the Trust, is a body corporate in terms of section 3 of the 1935 Order. Rule 9A.2.3(d)(ii) of the Parliament's Standing Orders, therefore, applies to the Bill and details of the notification procedures to members are set out below.

**Rule 9A.2.3(d)(iii) – Body corporate other than the Trust**

5. The Bill affects only the Trust, and does not contain provision to confer powers upon or modify the constitution of any body corporate or unincorporated association of persons other than the Trust, which is the promoter of the Bill. Rule 9A.2.3(d)(iii) of the Parliament's Standing Orders does not, therefore, apply to the Bill.

**NOTIFICATION TO AND CONSENT FROM MEMBERS ETC.**

6. This part of the statement is provided under Rule 9A.2.3(d)(ii) of the Parliament's Standing Orders. It sets out details of the notification of the proposed Bill given to the Trust's members, and the consent of those members to the proposed Bill.

7. The Trust has consulted extensively with its members, who number approximately 312,000, regarding the amendments made to its governance provisions by the Bill. The Bill is the culmination of an overarching review of the Trust's governance which was launched in 2009, and the Bill seeks to implement the final recommendations that were made by this review.

8. The Trust advised its members at the Trust's Annual General Meeting (AGM) on 26th September 2009 that a review of its governance had been launched.<sup>2</sup> Notice of the review was available on the Trust's website, and the review also received attention in the national press. The review itself involved comprehensive consultation with the Trust's members (as well as other interested parties) before conclusions were reached as to the recommendations that should be made on changes to the Trust's governance.

9. During the review ("the Reid review"), several hundred meetings were held by the chair of the review, The Rt Hon Sir George Reid. Sir George also made 32 presentations across Scotland between October 2009 and June 2010, while over 140 meetings were held by the review team with various groups and individuals. Members of the Trust were able to be involved in the review as part of this process. In addition, a consultative forum was established on the Trust's website, and members of the Trust were also invited to respond to a questionnaire issued by the review, with 9,061 responses being received.

10. Details of the process and conclusions of the review were published in a report entitled "Fit for Purpose" in autumn 2010.<sup>3</sup> The Trust notified all of its members of the completion of the review and provided them with a summary of the recommendations in the Trust's magazine entitled "Scotland in Trust" which is issued in print to all members and which is also made available on the Trust's website. In addition, all members of the Trust were issued with a copy of the summary of the review's recommendations.<sup>4</sup> Members were also able to download a copy of the full review on the Trust's website or purchase a copy for a nominal charge.

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<sup>2</sup> Extract Minute of the Trust's 2009 AGM – available at [www.nts.org.uk/legislation](http://www.nts.org.uk/legislation)

<sup>3</sup> Fit for Purpose: Report of the Strategic Review of the National Trust for Scotland – available at [www.nts.org.uk/legislation](http://www.nts.org.uk/legislation)

<sup>4</sup> The Strategic Review: Recommendations for the National Trust for Scotland, August 2012 – available at [www.nts.org.uk/legislation](http://www.nts.org.uk/legislation)

11. Notice was given to all members of the Trust that its 2010 AGM would invite the members to consider and approve the recommendations of the review<sup>5</sup>, and the recommendations were issued separately to all members prior to the date of the meeting. All of the Trust's members were invited to attend the AGM, and were also offered the option of appointing a proxy to vote in their place.

12. The meeting was held on 25th September 2010 and, after adjournment (to allow election of new elected trustees in accordance with the approved Reid review recommendations), concluded on 11th February 2011. The Trust's members voted overwhelmingly at the initial meeting to adopt the recommendations of the review, with 424 votes in favour, 2 votes against, and 6 abstentions.<sup>6</sup>

13. Following the meeting, the outcome was publicised by the Trust on its website. In addition, the Trust and the issue received further publicity through press articles and by the Trust's inclusion as a case study in guidance issued by the Office of the Scottish Charity Regulator (OSCR) in March 2011.<sup>7</sup>

14. More recently, the Trust's magazine addressed the matter of the proposed introduction of the Bill in relation to the final recommendations of the review which still required to be implemented. The summer 2012 publication of the magazine explained explicitly to members that, in order to implement the final recommendations which were approved at the Trust's 2010 AGM, the Trust required to have a new Act of the Scottish Parliament passed. The Trust's members were advised of the proposed legislative changes in the magazine article.<sup>8</sup> The Trust also had a webpage allowing online comments to be posted responding to the proposed legislative changes. The Trust received just five responses as a result of the consultation process carried out in the newsletter, all of them positive and in support of the proposed Bill.<sup>9</sup>

15. Following the outcome of the further consultation carried out in summer 2012 as set out above, the proposals constituted an agenda item and were put before the members once more at the Trust's AGM on 22nd September 2012. Notice of this meeting and the proposed resolution was again issued to all the members of the Trust<sup>10</sup> and the proposals were discussed fully at the meeting. The meeting approved the proposals by a show of hands.<sup>11</sup> Copies of all letters or advertisements used to notify members of the holding of a meeting to discuss and/or obtain consent for the promotion of the Bill are contained in Appendix 1.

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<sup>5</sup> See appendix 1(i) – Notice of the Trust's 2010 AGM

<sup>6</sup> Extract Minute of the Trust's 2010 AGM – available at [www.nts.org.uk/legislation](http://www.nts.org.uk/legislation)

<sup>7</sup> Who's In Charge: Control and Independence in Scottish Charities, published by OSCR – available at <http://www.oscr.org.uk/publications-and-guidance/who-is-in-charge-guidance/>

<sup>8</sup> See appendix 1(ii) – Scotland in Trust, Summer 2012 edition

<sup>9</sup> Responses received to the Scotland in Trust consultation (anonymised) – [www.nts.org.uk/legislation](http://www.nts.org.uk/legislation)

<sup>10</sup> See appendix 1(iii) – Notice of the Trust's 2012 AGM

<sup>11</sup> Extract Minute of the Trust's 2012 AGM – available at [www.nts.org.uk/legislation](http://www.nts.org.uk/legislation)

## **ADVERTISEMENT OF INTENTION TO INTRODUCE BILL**

16. This part of the statement is provided under Rule 9A.2.3(d)(iv) of the Parliament's Standing Orders. It provides details of the advertisement that has taken place in accordance with the determination of the Presiding Officer in order to advertise the promoter's intention to introduce the Bill.

17. Notice of the intention to introduce a Private Bill was published in The Scotsman and The Herald on 21st and 28th December 2012, both of which are circulated throughout Scotland.

18. The notices set out the information required by the relevant determination (set out in Annex H of the Scottish Parliament's Guidance on Private Bills). The concise summary of the Bill's purposes was as follows:

“The purpose of the Bill is to complete a series of changes in the way that the Trust is governed following a strategic review in 2009/10 led by the Rt Hon Sir George Reid. The Bill will implement the final recommendations of the review which cannot be introduced without changes being made to the Act of Parliament governing the Trust. The Bill will alter the status of the Trust's president and vice-presidents so that they do not have the status of charity trustees; allow co-opted Trustees to serve for a longer maximum term; formally abolish representative membership of the Board; and validate the Trust's customary abbreviation of its formal name to ‘the National Trust for Scotland’. The work of the Trust, and the charitable causes it advances, will not change.”

19. As there is no particular geographical area affected by the Bill, arrangements were made for a suitable notice (containing all of the information in the newspaper advertisement) to be displayed from or before 20th December 2012 in the following libraries, being a public library in each constituency within Scotland:

*These documents relate to The National Trust for Scotland (Governance etc.) Bill (SP Bill 21) as introduced in the Scottish Parliament on 7 January 2013*

<b>CONSTITUENCY</b>	<b>LIBRARY</b>
Airdrie and Shotts	Airdrie Library Learning and Leisure Services, Wellwynd, Airdrie, ML6 0AG
Coatbridge and Chryston	Coatbridge Library The Buchanan Centre, 126 Main Street, Coatbridge, ML5 3BJ
Cumbernauld and Kilsyth	Cumbernauld Library 8 Allander Walk, Cumbernauld, G67 1EE
East Kilbride	East Kilbride Library The Olympia Shopping Centre, East Kilbride, G74 1PG
Falkirk East	Grangemouth Library Bo'ness Road, Grangemouth, FK3 8AG
Falkirk West	Falkirk Library Hope Street, Falkirk, FK1 5AU
Hamilton, Larkhall and Stonehouse	Hamilton Town House Library 102 Cadzow Street, Hamilton, ML3 6HH
Motherwell and Wishaw	Motherwell Library 35 Hamilton Road, Motherwell, ML1 3BZ
Uddingston and Bellshill	Bellshill Cultural Centre John Street, Bellshill, ML4 1RJ
Glasgow Anniesland	Knightswood Library 27 Dunterlie Avenue, Glasgow, G13 3BB
Glasgow Cathcart	Langside Library 2 Sinclair Drive, Glasgow, G42 9QE
Glasgow Kelvin	Mitchell Library North Street, Glasgow, G3 7DN
Glasgow Maryhill and Springburn	Maryhill Library 1508 Maryhill Road, Glasgow, G20 9AD
Glasgow Pollok	Cardonald Library 1113 Mossspark Drive, Glasgow, G52 3BU
Glasgow Provan	Dennistoun Library 2a Craigpark, Glasgow, G31 2NA
Glasgow Shettleston	Bailleston Library 141 Main Street, Glasgow, G69 6AA
Glasgow Southside	Ibrox Library 1 Midlock Street, Glasgow, G51 1SL
Rutherglen	Rutherglen Library 163 Main Street, Rutherglen, G73 2HB
Argyll and Bute	Dunoon Library 248 Argyll Street, Dunoon, PA23 7LT
Caithness, Sutherland and Ross	Wick Library Sinclair Terrace, Wick, Highlands and Islands, KW1 5AB
Na h-Eileanan an Iar	Stornoway Library 19 Cromwell Street, Stornoway, Isle of Lewis, HS1 2DA
Inverness and Nairn	Inverness Library Farraline Park, Inverness, IV1 1NH
Moray	Elgin Library Cooper Park, Elgin, IV30 1HS

*These documents relate to The National Trust for Scotland (Governance etc.) Bill (SP Bill 21) as introduced in the Scottish Parliament on 7 January 2013*

Orkney Islands	Orkney Library 44 Junction Road, Kirkwall, Orkney, KW15 1AG
Shetland Islands	Shetland Library Lower Hillhead, Lerwick, Shetland, ZE1 0EL
Skye, Lochaber and Badenoch	Portree Library Viewfield Road, Portree, Isle of Skye, Skye and Lochalsh, IV51 9ET
Almond Valley	Camondean Library Camondean Centre, Livingston, Eh54 8tp
Edinburgh Central	Edinburgh Central Library George Iv Bridge, Edinburgh, EH1 1EG
Edinburgh Eastern	Portobello Library 14 Rosefield Avenue, Edinburgh, EH15 1AU
Edinburgh Northern and Leith	Leith Library 28-30 Ferry Road, Edinburgh, EH6 4AE
Edinburgh Pentlands	Wester Hailes Library 1 West Side Plaza, Edinburgh, EH14 2ST
Edinburgh Southern	Newington Library 17-21 Fountainhall Road, Edinburgh, EH9 2LN
Edinburgh Western	Blackhall Library 56 Hillhouse Road, Edinburgh, EH4 5EG
Linlithgow	Linlithgow Library The Vennel, Linlithgow, EH49 7EX
Midlothian North and Musselburgh	Dalkeith Library 2 White Hart Street, Dalkeith, EH22 1AE
Clackmannanshire and Dunblane	Alloa Library 29 Primrose Street, Alloa, FK10 1JJ
Cowdenbeath	Dalgety Bay Library Regents Way, Dalgety Bay, KY11 9UY
Dunfermline	Dunfermline Carnegie Library 1 Abbot Street, Dunfermline, KY12 7NL
Kirkcaldy	Kirkcaldy Central Library, Ground and First Floors, 180-182 High Street, Kirkcaldy, KY1 1JW
Mid Fife and Glenrothes	Glenwood Library Glenwood Centre, Glenrothes, KY6 1PA
North East Fife	St Andrews Library Church Square, St Andrews, KY16 9NN
Perthshire North	Ak Bell Library York Place, Perth, PH2 8EP
Perthshire South and Kinross-Shire	Loch Leven Library Muir, Kinross, KY13 8FQ
Stirling	Stirling Central Library Corn Exchange Road, Stirling, FK8 2HX
Aberdeen Central	Aberdeen Central Library Rosemount Viaduct, Aberdeen, AB25 1GW
Aberdeen Donside	Bridge Of Don Library Scotstoun Road, Aberdeen, AB22 8HH

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Aberdeen South and North Kincardine	Kincorth Library Provost Watt Drive, Aberdeen, AB12 5NA
Aberdeenshire East	Inverurie Library Town Hall, Inverurie, AB51 3SN
Aberdeenshire West	Banchory Library Bridge Street, Banchory, AB31 5SU
Angus North and Mearns	Stonehaven Library Evan Street, Stonehaven, AB39 2ET
Angus South	Arbroath Library Hill Terrace, Arbroath, DD11 1AH
Banffshire and Buchan Coast	Peterhead Library 51 St Peter Street, Peterhead, Aberdeenshire, AB42 6QD
Dundee City East	Broughty Ferry Library Queen Street, Broughty Ferry, DD5 2HN
Dundee City West	Dundee Central Library The Wellgate, Dundee, DD1 1DB
Ayr	Carnegie Library 12 Main Street, Ayr, KA8 8EB
Carrick, Cumnock and Doon Valley	Cumnock Library, Rothesay House 1 Greenholm Road, Cumnock, East Ayrshire, KA18 1LH
Clydesdale	Lanark Library 16 Hope Street, Lanark, ML11 7LZ
Dumfriesshire	Ewart Library Catherine Street, Dumfries, DG1 1JB
East Lothian	Haddington Library The John Gray Centre, Lodge Street, Haddington, EH41 3DX
Ettrick, Roxburgh and Berwickshire	Kelso Library Bowmont Street, Kelso, TD5 7JH
Galloway and West Dumfries	Stranraer Library 2 – 10 North Strand Street, Stranraer, DG9 7LD
Kilmarnock and Irvine Valley	The Dick Institute 14 Elmbank Avenue, Kilmarnock, KA1 3BU
Midlothian South, Tweeddale and Lauderdale	Peebles Library Chambers Institute, High Street, Peebles, EH45 8AG
Clydebank and Milngavie	Clydebank Library Dumbarton Road, Clydebank, G81 1XH
Cunninghame North	Saltcoats Library Springvale Place, Saltcoats, KA21 5LS
Cunninghame South	Irvine Library 168 High Street, Irvine, KA12 8AN
Dumbarton	Dumbarton Library 13-15 Strathleven Place, Dumbarton, G82 1BD
Eastwood	Giffnock Library Station Road, Giffnock, G46 6JF
Greenock and Inverclyde	Inverclyde Central Library 75 – 81 Cathcart Street, Greenock, PA15 1DE
Paisley	Paisley Central Library

*These documents relate to The National Trust for Scotland (Governance etc.) Bill (SP Bill 21) as introduced in the Scottish Parliament on 7 January 2013*

	68 High Street, Paisley, PA1 2BB
Renfrewshire North and West	Renfrew Library Paisley Road, Renfrew, Paisley, PA4 8LJ
Renfrewshire South	Johnstone Library Houston Court, Johnstone, PA5 8DL
Strathkelvin and Bearsden	William Patrick Library 2-4 West High Street, Kirkintilloch, G66 1AD

## **PROMOTER'S UNDERTAKING TO SUPPLY DOCUMENTS**

20. Copies of the Bill and the accompanying documents were printed and published by the Clerk on introduction and may also be inspected during office hours at the Trust's offices at Hermiston Quay, 5 Cultins Road, Edinburgh EH11 4DF. In addition, they are available on the Scottish Parliament's website at [www.scottish.parliament.uk/parliamentarybusiness/Bills/576.aspx](http://www.scottish.parliament.uk/parliamentarybusiness/Bills/576.aspx) and can also be accessed via the Trust's website at [www.nts.org.uk/legislation](http://www.nts.org.uk/legislation). We, The National Trust for Scotland for Places of Historic Interest or Natural Beauty, hereby undertake to send copies of any further documents relevant to the National Trust for Scotland (Governance etc.) Bill submitted to the Parliament on, or after, introduction to the premises set out in paragraph 19.

## **PROMOTER'S UNDERTAKING TO PAY COSTS**

21. We, The National Trust for Scotland for Places of Historic Interest or Natural Beauty, hereby undertake to pay any costs that may be incurred by the Scottish Parliamentary Corporate Body during the passage of the National Trust for Scotland (Governance etc.) Bill in respect of the matters determined by that Body under Rule 9A.2.3(d)(vi) of the Parliament's Standing Orders.

**Appendix 1: Copies of any letters or advertisements used to notify members of the holding of a meeting to discuss and/or obtain consent for the promotion of the Private Bill**

(i) Extract Notice of the Trust's 2010 Annual General Meeting

**Annual General Meeting**

SATURDAY 25 SEPTEMBER 2010

The Clyde Auditorium (Armadillo), Scottish Exhibition & Conference Centre,  
Finnieston Quay, Glasgow G3 8HN

**AGENDA**

5. Strategic Review

To consider and, if thought fit, approve the recommendations of the Strategic Review carried out by The Rt Hon George Reid. The recommendations will be issued under separate cover at least 35 days prior to the date of the meeting.

(ii) Extract from Scotland in Trust – Summer 2012 edition

**Your views wanted**

TAKE NOTE The strategic review led by the Rt Hon George Reid in 2009-10 recommended fundamental changes to the way in which the Trust is governed. This led to the establishment and election of our new Board of Trustees. However, further recommended changes will require the primary legislation that established the Trust to be modified, and this can only be done by an Act of the Scottish Parliament. Members approved all the review's recommendations at the 2010 AGM. Nevertheless, before MSPs can consider any modifications, they must be assured that Trust members and others have been formally consulted. The proposals are:

- That the President and Vice-Presidents of the Trust should no longer be members of the Board of Trustees
- To increase the maximum term of co-option to the Board of Trustees to a period of up to four years
- To remove references to 'representative members' being part of the Board of Trustees
- To permit the Trust to be known formally as 'The National Trust for Scotland' as well as 'The National Trust for Scotland for Places of Historic Interest or Natural Beauty'

These changes would continue the process of reforming the Trust's governance in line with modern charitable practice and complete the governance reforms that have been taking place since the end of 2010. More information can be found at [www.nts.org/legislation](http://www.nts.org/legislation). To submit your views on these four proposals please email [legislation@nts.org.uk](mailto:legislation@nts.org.uk).

(iii) Extract Notice of the Trust's 2012 Annual General Meeting

**Annual General Meeting**

SATURDAY 22 SEPTEMBER 2012  
Assembly Hall, Mound Place, Edinburgh EH1 2LU

**AGENDA**

5. Legislation Consultation

To approve the following proposals for legislative change:

That the President and Vice-Presidents of the Trust are no longer deemed to be ex officio members of the Board of Trustees;

To increase the maximum term of co-option to the Board of Trustees from one year to a period of up to four years;

To remove references in the Trust's statutes to 'representative members' being part of the Board of Trustees; and

To permit the Trust to be known formally as 'The National Trust for Scotland' as well as 'The National Trust for Scotland for Places of Historic Interest or Natural Beauty'.

## **PROMOTER'S STATEMENT ON LEGISLATIVE COMPETENCE**

On 4 January 2013, Turcan Connell, on behalf of The National Trust for Scotland for Places of Historic Interest or Natural Beauty, made the following statement:

“In our view, the provisions of The National Trust for Scotland (Governance etc.) Bill would be within the legislative competence of the Scottish Parliament.”

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## **PRESIDING OFFICER'S STATEMENT ON LEGISLATIVE COMPETENCE**

On 20 December 2012, the Presiding Officer (Rt Hon Tricia Marwick MSP) made the following statement:

“In my view, the provisions of The National Trust for Scotland (Governance etc.) Bill would be within the legislative competence of the Scottish Parliament.”

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## **ASSIGNATION OF COPYRIGHT/LICENSING AGREEMENT**

*Given in accordance with Rule 9A.2.3(e) of the Parliament's Standing Orders*

We, Turcan Connell, on behalf of The National Trust for Scotland for Places of Historic Interest or Natural Beauty, hereby assign to the Scottish Parliamentary Corporate Body copyright in the National Trust for Scotland (Governance etc.) Bill, in the Explanatory Notes, the Promoter's Memorandum, the Promoter's Statement and this document accompanying the Bill.

We, Turcan Connell, on behalf of The National Trust for Scotland for Places of Historic Interest or Natural Beauty, hereby license the Scottish Parliamentary Corporate Body to use or reproduce for the Parliament's purposes any documents relevant to the National Trust for Scotland (Governance etc.) Bill submitted to the Parliament on, or after, introduction.

*These documents relate to The National Trust for Scotland (Governance etc.) Bill (SP Bill 21) as introduced in the Scottish Parliament on 7 January 2013*

# **THE NATIONAL TRUST FOR SCOTLAND (GOVERNANCE ETC.) BILL**

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