

National Library of Scotland Act, 1925.

[15 & 16 GEO. 5. CH. 73.]



ARRANGEMENT OF SECTIONS.

A.D. 1925.

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SCHEDULE.

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CHAPTER 73.

An Act to establish a National Library in Scotland on the foundation of the Library gifted for that purpose by the Faculty of Advocates, and for purposes connected therewith. A.D. 1925.

[7th August 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) There shall be established and founded in Scotland a library with the name of the National Library of Scotland (in this Act referred to as "the Library"), and for the purpose of managing the Library and for the other purposes of this Act there shall be constituted a Board of Trustees (in this Act referred to as "the Board"), which shall be a body corporate by the name of "The Trustees of the National Library of Scotland," with perpetual succession and a common seal, and power to sue and be sued, and to acquire and hold property for the purposes of the Library and of this Act. Service on the Board of all legal processes and notices shall be effected by service on their secretary.

Establishment of Library and constitution of Board of Trustees.

(2) The Board shall be constituted and their proceedings shall be determined in accordance with the provisions contained in the Schedule to this Act.

(3) Any document purporting to be sealed with the seal of the Board or to be signed in the name of the

A.D. 1925. Board by the chairman or the secretary of the Board or any person authorised by the Board to act in that behalf shall be receivable in evidence of the particulars stated in that document.

Powers and
duties of
Board.

2. The Board shall have the general management and control of the Library, and for that purpose may—

- (a) make, revoke or vary statutes for securing the due administration of the Library and preserving the books and other articles belonging thereto, including statutes regulating admission to the Library;
- (b) accept and receive for the purposes of the Library or any of them gifts or bequests of money, books or articles, or any other property;
- (c) exchange, sell, or otherwise dispose of any duplicate books or other duplicate articles belonging to the Library, and with the consent of the Treasury exchange, sell, or otherwise dispose of books or other articles belonging to the Library which in the opinion of the Board are not required for the purposes thereof;
- (d) with the consent of the Treasury apply any money received by the Board on the exchange, sale, or disposal of any books or other articles and any moneys received by the Board from any other source and not subject to any specific direction or condition in the purchase of any book or other article which in the opinion of the Board it is desirable to acquire for the Library, or otherwise in defraying any of the expenses of the Board;
- (e) lend to any library, gallery, or museum under the control of a public authority or university in Great Britain or to any library, gallery, museum, or exhibition approved for the purposes of this provision by the Treasury, any duplicate book or other duplicate article belonging to the Library, or any book or other article, not being a duplicate, which can in the opinion of the Board be temporarily removed from the Library without injury to the interests of the students or of the public using the Library: Provided that, before making any such loan, the Board

A.D. 1925.

shall be satisfied that due provision is made for the safety and insurance of the book or other article lent, and for payment of all expenses in connection with the removal and return thereof or otherwise in connection with such loan;

- (f) subject as hereinafter provided, and with the consent of the Treasury, appoint a librarian and other officers, assistants, or servants on such terms and subject to such conditions as the Board think fit;
- (g) subject to the provisions of this Act, do such other things as appear to the Board to be necessary or expedient for furthering the interests and increasing the utility of the Library.

3.—(1) On the appointed day there shall by virtue of this Act be transferred from the Faculty of Advocates (hereinafter in this Act referred to as “the Faculty”) to the Board the entire contents of the Advocates’ Library, with the exception of the Faculty’s collection of law books, legal manuscripts and papers, the Faculty Records, and pictures and articles of furniture belonging to the Faculty, and the property so transferred shall, subject to the provisions of this Act, be held by the Board for public use to all posterity.

Transfer of
Advocates’
Library.

(2) The transfer hereinbefore in this section provided shall have effect as a full discharge to the Faculty of all duties, obligations and liabilities incumbent on them with respect to the property transferred, whether under any Act of Parliament, charter, trust, gift, bequest, deed, or otherwise.

(3) The Faculty’s collection of law books excepted from the aforesaid transfer shall remain vested in the Faculty for the purposes of their Law Library.

(4) Any question which may arise as to what are law books or legal manuscripts and papers, or pictures, or articles of furniture belonging to the Faculty within the meaning of this section shall be determined by the Keeper of the Advocates’ Library.

(5) Nothing in this section contained shall affect the rights of any body or person other than the Faculty in or with respect to any book or other article forming part

A.D. 1925. of the contents of the Advocates' Library which has been deposited therein for custody only, or which is not the property of the Faculty.

Transfer of funds of Endowment Trust.

4.—(1) As soon as conveniently may be after the appointed day, the Trustees of the Endowment Trust shall convey and make over to the Board the funds in their possession as such Trustees, or the investments representing those funds, together with any accumulations of the income of those funds, after deducting—

- (a) the amount of any expenses incurred by the said Trustees in the execution and management of their Trust (including the expense of such conveyance); and
- (b) any sums which the said Trustees may have applied to the maintenance of the Advocates' Library :

to be held and administered by the Board subject to the provisions of this Act and to any specific direction or condition attaching to any part of those funds.

(2) The receipt of the Board shall have effect as a full discharge to the said Trustees of all their duties, obligations, and liabilities as Trustees of the Endowment Trust, and after the completion of the aforesaid conveyance that trust shall cease to exist.

Transfer of privilege under Copyright Act, 1911, 1 & 2 Geo. 5. c. 46. s. 15.

5.—(1) From and after the appointed day, and subject to the provisions of this section, the privilege enjoyed by the Advocates' Library under the Copyright Act, 1911, shall be transferred to the Library, and section fifteen of that Act (which relates to the delivery of copies of books to the British Museum and other libraries) shall be amended by the substitution of the words "the National Library of Scotland" for the words "the Library of the Faculty of Advocates at Edinburgh" occurring therein.

(2) Copies of law books delivered for the Board as the authority of the Library under the said section as so amended shall be transmitted by the Board to the Faculty.

(3) The Board shall cause to be inserted in the written demands made for them under the said section as so amended such law books as may be named in writing to them by the Faculty.

(4) Copies of law books transmitted to the Faculty in pursuance of this section shall vest in the Faculty for the purposes of their Law Library. A.D. 1925.
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(5) Any question which may arise between the Board and the Faculty as to what are law books within the meaning of this section shall be settled by agreement between their respective librarians, or, if they fail to agree, by the librarian of the Edinburgh University Library for the time being.

6. Regulations shall from time to time be made by the Board and the Faculty jointly— Board and
Faculty to
make joint
regulations.

- (a) for the purposes of the immediately preceding section of this Act; and
- (b) for facilitating the interchange of books and other articles between the Library and the Law Library of the Faculty; and
- (c) for facilitating the consultation and use on the one hand of books contained in the Library by the Judges of the Court of Session and the Faculty and on the other hand of books contained in the Faculty's Law Library by the public; and
- (d) for regulating the borrowing of books from the Library by the existing members of the Faculty, who shall during their respective lifetimes enjoy with respect to the Library as nearly as may be the same right of borrowing books as the existing members of the Faculty enjoy with respect to the Advocates' Library, subject to the payment by the Faculty to the Board of any expense incurred by the Board in consequence of the exercise of this right.

For the purpose of the foregoing provision, the expression "existing members of the Faculty" means all persons who at the date of the passing of this Act are members or intrants of the Faculty or who at that date enjoy by resolution of the Faculty the right of borrowing books from the Advocates' Library.

7. All books and other articles or money which after the passing of this Act are expressly given or bequeathed to the public or to the nation or to the Board for the Gifts and
bequests to
Library.

A.D. 1925. — purposes of the Library, or given or bequeathed by words showing an intention that the gift or bequest should enure to or for the benefit of the Library, or which are acquired by purchase or otherwise for the purposes of the Library, shall vest in the Board and be held by the Board for the purposes of the Library.

Provisions
with respect
to existing
premises.

8. With respect to the premises at present occupied by the Faculty in connection with the Advocates' Library or for the purpose of their professional use (in this section referred to as "the existing premises"), the following provisions shall have effect:—

- (1) As soon as conveniently may be after the appointed day, and pending the provision of premises for the permanent accommodation of the Library, the Faculty shall make available to the Commissioners of Works for the use of the Board, for the accommodation and the general purposes of the Library, such portion or portions of the existing premises as may not be reasonably required by the Faculty in connection with their Law Library (including future additions to that Library) or for the purpose of their professional use:
- (2) When premises for the permanent accommodation of the Library have been provided, the foregoing provision shall cease to have effect, and the existing premises, as the same may have been reconstructed, extended and adapted, shall be allocated between the Faculty and the Commissioners of Works for the use of the Board:
- (3) Any question as to the portion or portions of the existing premises to be made available as aforesaid, or as to the subsequent allocation of the existing premises shall be settled by agreement between the Faculty and the Commissioners of Works, or, if they fail to agree, by the Lord President of the Court of Session:
- (4) No rent or other consideration in money shall be payable to the Faculty in respect of the occupation by the Commissioners of Works for the use of the Board of the portion or portions of the existing premises made available by the Faculty

as aforesaid: Provided that any expenses of the reconstruction, extension or adaptation of the said portion or portions for the use of the Board, or of the re-adaptation thereof, for the use of the Faculty, or of the repair, maintenance and insurance thereof during the occupation as aforesaid by the Commissioners of Works shall be borne by the Commissioners of Works who shall also pay all rates and taxes leviable on the said portion or portions with respect to the period of such occupation. A.D. 1925.
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9. Subject to the provisions of this Act, the Faculty, the Board and the Commissioners of Works, or any two of them, may make and carry into effect any agreement which may be necessary for giving effect to the provisions of this Act. Agreements
for purposes
of Act.

10. Any expenses incurred by the Board in carrying this Act into effect, including any salaries or remuneration paid to the librarian and other officers of the Board, shall be defrayed out of moneys provided by Parliament. All moneys received by the Board from any other source and not subject to any specific direction or condition shall be applied as an appropriation in aid of the moneys provided by Parliament. Expenses of
Board and
Commissioners of
Works.

11. In this Act, unless the context otherwise requires,— Interpre-
tation.

The expression “the appointed day” means such day as may be fixed by Order of His Majesty in Council, either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act;

The expression “the Endowment Trust” means the Scottish National Library Endowment Trust, constituted by a trust deed by the Right Honourable The Viscount Novar and others, dated the fifth, sixth, seventh and fourteenth, and registered in the Books of Council and Session the nineteenth, all days of March, in the year nineteen hundred and twenty-three;

The expression “the Faculty” means the Faculty of Advocates, and in reference to the acquisition,

A.D. 1925.

holding or disposal of heritable property includes the treasurer of the Faculty or any other person or persons acting on behalf of the Faculty.

Short title.

12. This Act may be cited as the National Library of Scotland Act, 1925.

TRANSITORY PROVISIONS.

First meeting of Board.

13.—(1) With a view to the timeous appointment of members of the Board, the Keeper of the Advocates' Library shall, as soon as conveniently may be after the passing of this Act, send a copy of this Act to the Clerk to the Senate of the University of St. Andrews, the Clerk to the Senate of the University of Glasgow, the Secretary of the University of Aberdeen, the Secretary of the University of Edinburgh, the Clerk to the Convention of Royal Burghs, the Clerk to the Association of County Councils in Scotland, and the Clerk to the Association of Education Authorities in Scotland.

(2) Intimation of the first appointments of appointed members shall be made to the said Keeper.

(3) The first meeting of the Board shall be held in Edinburgh, at a place and time not being later than three months after the passing of this Act, to be fixed by the chairman of the Board. Written notice of the place and time so fixed shall be given by the said Keeper to the ex-officio and the appointed members and the life member of the Board.

(4) Until otherwise provided by regulation of the Board, nine members present at any meeting of the Board shall be a quorum, and the proceedings at the first meeting shall not be invalidated by the circumstance that the full number of appointed members of the Board have not been appointed.

(5) At the first meeting of the Board or at any adjournment thereof the members present shall proceed to co-opt five Trustees in accordance with the provisions of the Schedule to this Act, and to make regulations with respect to the subsequent meetings and procedure of the Board.

Transfer of existing officers.

14. For the purpose of carrying out the conditions on which the Faculty resolved to transfer to the nation as a free gift the contents of the Advocates' Library as

in this Act provided, the following provisions shall have effect :— A.D. 1925.

- (1) As from the appointed day, the Keeper of the Advocates' Library shall become the first librarian of the Library, and such of the assistants in the employment of the Faculty in connection with the Advocates' Library as the said Keeper, with the consent of the Treasury, may determine, not being persons to be retained in the employment of the Faculty in connection with their Law Library, shall become officers of the Board, and the said librarian and officers shall be deemed to be permanent civil servants of the State and shall be paid such salaries or remuneration as the Treasury approve :
- (2) A person transferred to the service of the Board under this section shall vacate his office not later than the end of the completed year of service in the course of which he attains the age of seventy years :
- (3) The provisions of the Superannuation Acts, 1834 to 1919, shall apply to persons so transferred as if they had entered the Civil Service with a certificate from the Civil Service Commissioners after the passing of the Superannuation Act, 1909 :

Provided that the service of a person so transferred shall be reckoned for the purpose of computing any superannuation allowance, additional allowance, or gratuity, in accordance with the said Acts from the commencement of his employment by the Faculty, or from his eighteenth birthday, whichever is the later :

- (4) Notwithstanding anything contained in the immediately preceding subsection, the annual superannuation allowance to be granted to the first Librarian shall, if he continues to serve until he attains the age of seventy years, be of the amount of £600, or if he retires before attaining the said age, be of such lesser amount as the Treasury may determine to be a reasonable proportion of the said amount of £600.

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SCHEDULE.Sections 1
and 13.

CONSTITUTION AND PROCEEDINGS OF BOARD.

1. The Board shall consist of thirty-four members, of whom twelve shall be ex-officio members, seventeen shall be appointed as hereinafter provided, and five, being persons of eminence in literature or public life, not otherwise members of the Board, shall be co-opted by the Trustees.

The ex-officio members shall consist of the following persons :—

The Lord President of the Court of Session;

The Lord Advocate;

The Secretary for Scotland;

The Dean of the Faculty of Advocates;

The Minister of the High Kirk (St. Giles), Edinburgh;

The Member of Parliament for the Central Division of the City of Edinburgh;

The Lord Provost of Edinburgh;

The Lord Provost of Glasgow;

The Lord Provost of Dundee;

The Lord Provost of Aberdeen;

The Lord Provost of Perth;

The King's and Lord Treasurer's Remembrancer.

Of the appointed members :—

Five shall be persons appointed by His Majesty on the recommendation of the Secretary for Scotland, one of whom at least shall be representative of organised labour;

Five shall be persons appointed by the Faculty;

Seven shall be persons appointed as follows, that is to say :—

One by the Senatus Academicus of each of the Universities of St. Andrews, Glasgow, Aberdeen, and Edinburgh, one by the Convention of Royal Burghs, one by the Association of County Councils in Scotland, and one by the Association of Education Authorities in Scotland.

In addition to the thirty-four Trustees before-mentioned, Sir Alexander Grant, Baronet, or a person to be nominated by him, shall be a member during the lifetime of the said Sir Alexander Grant.

2. The members of the Board appointed by His Majesty shall hold office during His Majesty's pleasure, and one of those members, nominated by His Majesty in that behalf, shall act as chairman of the Board. A.D. 1925.

The period of office of the other appointed members and of the co-opted members of the Board shall be five years from the date of appointment, or from the date on which the appointment is expressed to take effect : Provided that, in the case of the five members appointed by the Faculty, and in the case of the five co-opted members, the first appointments shall be for the respective periods of one, two, three, four, and five years; and that, in the case of the four members appointed by the *Senatus Academicus* of the Universities, the first appointments shall be for the respective periods of one, two, three, and four years, in the order of the seniority of the Universities; and the periods of office of the members first appointed or first co-opted as aforesaid shall determine accordingly.

3. If any vacancy occurs by death, resignation, or any other cause other than effluxion of time, the vacancy shall be filled by His Majesty, or by the appropriate appointing body, or by the Trustees, as the case may be, and a person so appointed or co-opted to fill a vacancy shall hold office so long only as the member in whose place he is appointed or co-opted would have held office.

4. Any Trustee ceasing to hold office shall be eligible to be again appointed or co-opted.

5. The Board may appoint one of the Trustees to be vice-chairman of the Board, and in the absence of the chairman, the vice-chairman shall preside at meetings of the Board. In the absence of the chairman and vice-chairman, the Trustees present at a meeting may appoint one of their number to preside thereat. The chairman, vice-chairman, or Trustee presiding at any meeting shall have a casting as well as a deliberative vote.

6. The Board may make regulations—

- (a) for issuing notices relating to the appointment (other than the first appointments) of members of the Board, and for convening meetings (other than the first meeting) of the Board; and
- (b) for regulating the proceedings (including the quorum) of the Board; and
- (c) for enabling the Board to constitute committees, and to include as members of committees persons who are not members of the Board; and

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(d) for authorising the delegation to committees of all or any of the powers of the Board (other than the power to acquire or dispose of land), and for regulating the proceedings (including the quorum) of committees.

7. The powers of the Board may be exercised notwithstanding any vacancy in their number.

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