

The National Trust for Scotland

**Subject:** DISCUSSION PAPER ON COMPULSORY PURCHASE

We have read, with interest, your Discussion Paper on Compulsory Purchase.

We would stress that the powers – bestowed in section 22 of the National Trust for Scotland Order Confirmation Act 1935 – to declare land held by us for the benefit of the nation to be inalienable form an important part of our ability to fulfil our charitable purpose. The special conditions of which you write (from the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947) are that:

*“9 A compulsory purchase order shall, in so far as it authorises the compulsory purchase of land which is the property of a local authority, or has been acquired by statutory undertakers, not being a local authority, for the purposes of their undertaking or of land belonging to the National Trust for Scotland which is held by the Trust inalienably, be subject to special parliamentary procedure in any case where an objection has been duly made by the local authority or the statutory undertakers or the National Trust for Scotland, as the case may be, and has not been withdrawn.”*

For information, the Crofters (Scotland) Act 1993 also makes reference to our special conditions, albeit in relation to right to buy.

We strongly support the continuation of our special parliamentary process and ability to grant inalienability in legal statute.

We note your comments: *“It is not possible to say the same about the continued application of special parliamentary procedures to the acquisition of land held inalienably by the National Trust for Scotland (although had that been perceived to be a problem, there was an opportunity to change the position when the National Trust for Scotland (Governance) Act 2013 was before the Scottish Parliament). The current situation represents a considered adjustment of the usual position to reflect the particular importance of National Trust land to the public at large.”*

The NTS Governance Act 2013 was a private Act of Parliament drafted to focus solely on changes to our internal governance structure. As such it was not appropriate to use limited available parliamentary time for debate of wider issues, for example, the Trust’s inalienable land. We strongly welcome your recognition of the importance of our ownership of land, and in particular inalienable land, as a means of protecting it for the nation, and that you do not intend to consider this position further in your review.

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