

On the System and Activity of the National Trust

—As a Application of Charitable Trust for Preservation of Nature—

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(1) Introduction

The charitable trust, established in the Trust Act (1922), is a body engaged in activities for the public interest based on a trusted assets. But, for nearly 50 years after the Act was legislated, no effort was made to actually form a charitable trust in our country.

It was only in 1973 that the potential value of the trust system began to receive renewed interest. Problems and controversy (academic and practical) involving the system of non-profit foundations stimulated efforts by private organizations and government agencies alike to investigate the usefulness of the charitable trust system.

Just in the spring of 1977, positive efforts were being made to implement the system and the first 2 charitable trusts came into existence in Japan. As of October 1983, we have 101 charitable trusts and the amount of their initial trusted assets totalled ¥ 3.7 billion.

Most of them intend to provide scholarships for students and financial support for sciences.

Recently, as a application for new social needs, there appear 2 charitable trusts to promote the preservation of nature. They are Endo Memorial Charitable Trust for Preservation of Natural Environment of Tama Fund and Fuji Film Green Fund.

I would like to study on the system and activity of the National Trust in England as a proper reference.

(2) Some Social Campaigns to promote the Preservation of Nature

1. Formerly, Yukichi Fukuzawa bought Keishuho, a famous scenic spot in his home country, with his own money and contributed it to Oita Prefecture as a common place, 1894.

2. Recently, in Kamakura, a famous old city, many citizens contributed for the fund to buy scenic spots and set up a charitable corporation(foundation) called Kamakura Scenic Beauty Preservation Association as a body to hold them, 1964.

(3) The National Trust in England

The National Trust is a charity (charitable body) which was started in 1894 for the purposes of promoting the permanent preservation of natural beauty and historic interest.

There were 3 founders. They are Robert Hunter, who had been solicitor to the Commons Preservation Society, Octavia Hill, a pioneer of housing reform, and Hardwicke Rawnsley, the vicar of Grosthwaite and cannon of Carlisle.

The National Trust was incorporated in 1895, and a special Act called "National Trust Act" was legislated to back up the activity of the Trust in 1907.

The Trust has many funds to buy and hold lands and buildings for the benefit of the nation. Funds are formed with membershipfee and contribution by members and supporters.

What is the legal character of the National Trust ?

I think, the National Trust is a corporation based on the National Trust Act and moreover a trust.

1. Settler——contributors and members.
2. Trustee——the corporation itself.
3. Beneficiary——the nation.
4. Charitable——in Re Verall (1916) ch. 100.
5. Trust property——the Trust determines that such lands or buildings are proper to be held for the benefit of the nation, they shall be inalienable.
6. Supervision——by the Charity Commission.
7. Fixation——the form and matter of trust are fixed by the Act.

(4) A view for future

I hope, a charitable trust, like the National Trust, will appear to promote the permanent preservation of nature and environment in Japan too.