CHAPTER 33.

An Act to amend the law relating to Teinds and to the Stipends of Ministers of the Church of Scotland, and the tenure of the Property and Endowments of that Church, and for purposes connected therewith. [28th May 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 :—

PART I.

STIPEND AND TEIND.

Stipend to be payable only in money.

1. Subject to the provisions of this Act, every stipend which in any way or to any extent depends upon fluctuations in the price of victual (hereinafter in this Act referred to as "victual stipend") shall cease so to depend, and shall be payable only in money at the standard value thereof as hereinafter defined.

The substitution of the standard value of a victual stipend for the value thereof according to the present law and practice is hereinafter in this Act referred to as the "standardisation" of the stipend and the expressions "standardised" and "date of standardisation" have corresponding meanings.

Standard value of victual stipend.

2.—(1) The value in money of victual stipend shall for each county in Scotland be determined by adding to the former county average value of the different kinds of victual in which such stipends are localled an increase of five per centum of that average value, and for the purposes of this section the former county average value of any kind of victual shall be deemed to be the average value of that kind of victual for that county for the fifty years 1873 to 1922, as ascertained—

(*a*) In the case of the kinds of victual mentioned in the First Schedule to this Act, by reference to the

values set out therein, or where for any county the value of any such kind of victual is not so set out, then by reference to the value of such other kind of victual for that county or to the value of the same kind of victual for such other county or counties as the Court of Session may select, and by Act of Sederunt prescribe, as being most suitable in the circumstances of the case; and

(*b*) In the case of any kind of victual not mentioned in the First Schedule to this Act, in accordance with the provisions set out in the Second Schedule to this Act.

(2) In the application of the foregoing provisions of this section to a particular parish, regard shall be had to any special method of calculation of stipend customary in that parish (including calculation of a stipend localled in Bear by reference to the fiars price for first or second Barley) and the sheriff may give such instructions to the Clerk of Teinds as he may deem to be necessary or proper for this purpose upon application made to him by any minister or presbytery or heritor concerned at any time before the expiry of six months after the date of standardisation. If no such application is then made in respect of any parish, this subsection shall not have effect with respect to that parish. Intimation of any such application shall be made to such persons as the sheriff may appoint. The decision of the sheriff shall be final unless an appeal therefrom shall be taken to the Lord Ordinary by the applicant or by any person appearing in the application in manner provided by the Ecclesiastical Buildings and Glebes (Scotland) Act, 1868, with respect to appeals from the sheriff to the Lord Ordinary under that Act, and the provisions of that Act relating to such appeals shall, with the necessary modifications, apply to appeals under this subsection, and the clerk to the process in appeals under this subsection shall be the Clerk of Teinds. 31 & 32 Vict. c. 96.

(3) The value in money of any victual stipend, as the same may be determined under subsection (1) of this section subject to any variation under subsection (2) thereof along with the value of any money stipend is in this Act referred to as the " standard value " of that stipend.

Date of standardisation of stipend.

3. The date of standardisation of a stipend shall be the term of Martinmas which shall first occur not less than six months after the date when the benefice becomes actually vacant or is deemed to have become vacant by election or by notification as hereinafter provided. In the case of a benefice which is actually vacant at the passing of this Act the date of standardisation shall be the term of Martinmas, nineteen hundred and twenty-five.

The words "becomes actually vacant" shall not include the occasion where a minister is succeeded by an assistant and successor appointed to him before the passing of this Act, but shall include the occasion where a minister is succeeded by an assistant and successor appointed to him after such passing.

Standardisation by election.

4. Any minister who at the passing of this Act is entitled to a victual stipend may elect that the stipend shall be standardised, and if he so elects he shall intimate his election in writing in the form set forth in the Third Schedule to this Act or in a similar form to the heritors to the clerk of the presbytery and to the General Trustees, and in such case the benefice shall for the purposes of this Act be deemed to have become vacant by election at the date of the said intimation.

Where at the passing of this Act an assistant and successor has been appointed to a minister entitled to a victual stipend, either the minister or the assistant and successor with the consent of the assistant and successor or of the minister (as the case may be), or failing such consent with the authority of the presbytery may elect and intimate his election as aforesaid.

Standardisation by notification.

5.—(1) It shall be lawful for the General Trustees to intimate in writing to the minister of any parish who is entitled to victual stipend and to the clerk of the presbytery and to the heritors that the victual stipend is to be standardised and in such case the benefice shall for the purposes of this Act, but subject as hereinafter in this section provided, be deemed to have become vacant by notification at the date of the said intimation: Provided that the General Trustees before making such intimation shall have given to the minister an undertaking that (notwithstanding such standardisation) the amount of

his stipend according to the present law and practice will continue to be paid to him by the General Trustees until he ceases to be minister of the parish and that the right (if any) of his widow or other representatives to Ann will, in the event of his death, be satisfied, and the obligations contained in any such undertaking shall be duly fulfilled by the General Trustees, who shall be indemnified by the General Assembly to such extent (if any) as may be necessary having regard to the amount of money at the disposal of the Trustees for that purpose: Provided always that if at any time during the currency of such an undertaking the minister intimates to the General Trustees in terms of the section of this Act relating to standardisation by election, his election that his stipend should be standardised, such intimation shall have effect as in that section provided and the undertaking shall cease to operate.

(2) In the application of the foregoing subsection to a benefice where an assistant and successor has been appointed to the minister before the passing of this Act, the word "minister" shall include and refer to that assistant and successor as well as the minister: Provided that the undertaking to be given by the General Trustees to the assistant and successor shall include his interest in the stipend so long as he remains assistant and successor as well as after he succeeds the minister should that event occur, but shall not include any right with respect to Ann.

Collegiate charges.

6. With respect to a parish where separate benefices exist and both the ministers are entitled to victual stipend, except where in such parish there are no surplus teinds, the foregoing provisions of this Act shall have effect subject to the following modification, namely, that neither of the benefices shall be deemed to be or to become actually vacant or to have become vacant by election or notification, unless the other benefice was actually vacant at the passing of this Act, or shall thereafter have become actually vacant or been deemed to have become vacant by election or notification.

Vesting of standardised stipend.

7. Any stipend which has been standardised under the provisions of this Act shall as on and from the date of standardisation vest de die in diem in the minister

entitled thereto without prejudice to the payment of any stipend vested in him or in any former incumbent of the benefice according to the present law and practice, and subject to the satisfaction of any claim for Ann on the part of the widow or other representatives of a deceased incumbent: Provided that in the case of a benefice which is deemed to have become vacant by notification the foregoing provision shall not have effect unless and until the benefice becomes actually vacant or is deemed to have become vacant by election.

Payment of standardised stipend.

8.—(1) As from the date of standardisation any stipend which has been standardised under the provisions of this Act shall be payable by the heritors to the General Trustees half-yearly at the terms of Whitsunday and Martinmas each half-yearly payment being in respect of the half-year preceding the date of payment subject to the following exceptions, namely—

(*a*) that the first half of the standardised stipend for the year beginning on the date of standardisation shall not become payable until the term of Lammas in that year; and

(*b*) that the second half of the standardised stipend for that year shall not become payable till the term of Candlemas in the following year.

(2) Where as hereinafter in this Act provided the standard value of the stipend as shown by the teind roll is constituted a real burden or has been redeemed or extinguished as the case may be, the provisions of this section shall cease to have effect, and with respect to payments under this section due or payable before that event, the General Trustees shall have all the powers of recovery which according to the present law and practice a minister has with respect to his stipend.

Provisions as to Ann.

9.—(1) Neither the widow nor any other representative of any minister admitted after the passing of this Act to any benefice in the Church of Scotland shall be entitled to Ann.

(2) The foregoing provision shall, so far as respects any right in name of Ann to any stipend standardised under the provisions of this Act, apply to the widow and

other representatives of any minister admitted before the passing of this Act where the benefice is deemed to have become vacant by election and the minister survives the date of standardisation by one year or more.

(3) Save as in this Act expressly provided, nothing contained therein shall affect or be construed to affect the right which the widow or other representatives of a deceased minister has or have by the present law and practice to one half year's stipend in name of Ann.

Augmentation of stipend.

10.—(1) On the passing of this Act the present law relating to augmentation of stipend shall cease to have effect without prejudice to any application for augmentation competently made before such passing or to anything following on such application or done therein.

(2) The minister or the General Trustees as the case may be to whom a stipend or a standardised stipend is payable may—

(*a*) if not less than twenty years shall have elapsed since the date of the last application for augmentation of the stipend; or

(*b*) upon the expiry of twenty years from the date of the last application for augmentation of the stipend or upon the expiry of ten years from the passing of this Act, whichever of these two events shall first occur;

apply to the Lord Ordinary to find whether there are surplus teinds available for an augmentation. No such application may be made after the expiry of eleven years from the passing of this Act.

(3) If the Lord Ordinary (whose decision shall be final and not subject to review) finds that there are surplus teinds so available, the minister or the General Trustees, as the case may be, shall be entitled to receive as from the first term of Martinmas following the date of the application an augmentation according to the following scale:—

(*a*) Where the stipend as last modified by the Court of Teinds does not exceed twenty-five chalders, an augmentation of six chalders; and

(*b*) Where the stipend as so modified exceeds twenty-five chalders but is less than thirty chalders, an augmentation of five chalders; and

(*c*) Where the stipend as so modified is thirty chalders or upwards, an augmentation of four chalders.

The foregoing augmentation of six, five or four chalders, as the case may be, shall be converted and localled in sterling money according to the standard value, the order of allocation being in accordance with the present practice.

If the amount of the available surplus teinds as ultimately ascertained in the localling of the augmentation among the heritors is insufficient to meet the foregoing augmentations, the augmentation shall be limited to the amount so ascertained.

(4) As from the date when a minister or the General Trustees, as the case may be, becomes or become entitled to an augmentation under this section, the amount of the augmentation shall be added to the stipend and shall be payable and recoverable in like manner.

(5) The provisions set out in the Fourth Schedule to this Act shall have effect with respect to augmentations under this section and any decree of locality following thereon.

(6) An augmentation under this section shall come in place of all future rights of augmentation and shall be final.

(7) In the event of the Lord Ordinary finding that there are no surplus teinds available for an augmentation, neither the minister nor the General Trustees shall be entitled to make any further application.

(8) In the application of this section to a parish where separate benefices exist and both ministers are entitled to victual stipend—

(*a*) the expression "the date of the last application "for augmentation of the stipend" shall, in cases where applications for augmentation were last made at different dates, mean the later of those dates; and

(*b*) the expression "the stipend as last modified by the Court of Teinds" shall mean the stipend of each or either of the two benefices taken separately.

Teind rolls.

11.—(1) There shall be prepared by the Clerk of Teinds for every parish in Scotland a teind roll specifying in sterling money—

(*a*) The total teind of that parish; and

(*b*) The amount of that total applicable to the lands of each heritor; and

(*c*) The value of the whole stipend payable to the minister, so far as payable out of teinds including vicarage teinds payable as stipend and surrendered teinds so payable; and

(*d*) The proportion of that value payable by each heritor in the parish.

(2) The said teind rolls shall be prepared and issued as soon as may be practicable, and the provisions of the Fifth Schedule to this Act shall have effect with respect to the preparation, issue, and adjustment of the teind rolls.

(3) The Court of Session shall make by Act of Sederunt, with the approval of the Treasury, such rules and regulations as may in the judgment of the Court from time to time be necessary to regulate the amount of the fees to be paid to the Clerk of Teinds in connection with the preparation, issue, and adjustment of the teind rolls and the time and place of the payment of the said fees. The expenses of the preparation, issue and adjustment of the teind roll, including where a state of teinds is necessary the expense of the preparation thereof, shall be apportioned among the heritors (including any heritors whose teinds have been valued and surrendered before the date of standardisation) in proportion to the amount of the total teind applicable to the lands of each heritor. The share of such expenses apportioned to any heritor, other than a heritor whose teinds have been valued and surrendered as aforesaid shall be payable by such heritor, and the share of such expenses apportioned to any heritor whose teinds have been valued and surrendered as aforesaid shall be payable by the General Trustees.

Charge to be substituted for liability for stipend exceeding one pound.

12. Where the standard value (as shown by the teind roll of a parish) of the stipend exigible from the teinds of any lands of a heritor in that parish which are comprised in one entry in the teind roll exceeds the sum of one pound—

(1) the amount of such standard value shall by virtue of this Act be constituted as at and from the first term of Whitsunday or Martinmas which shall occur after the date when the teind roll becomes final a real burden (in this Act referred to as the "standard charge") on the lands from the teinds of which the said stipend is exigible in favour of the General Trustees preferable to all other securities or burdens not incidents of tenure;

(2) the amount of the standard charge shall be payable by equal half-yearly instalments at the terms of Whitsunday and Martinmas each half-yearly instalment being in respect of the half year preceding the date of payment and the said instalments shall be recoverable by the same means and in the like manner as any feu-duty out of the said lands would be recoverable;

(3) the standard charge over any lands may at any time after the completion of the teind roll be redeemed by and in the option of the heritor of those lands or other person liable in respect of the standard charge either (*a*) for such consideration or in such manner as may be agreed upon between the person liable and the General Trustees, or (*b*) at any term of Whitsunday or Martinmas after three months' notice either (i) by payment to the Trustees of such a sum as would if invested at the time of payment in Consolidated $2\frac{1}{2}$ per cent. annuities produce an annual sum equal to the standard charge, or (ii) by transfer to the General Trustees of such an amount of Consolidated $2\frac{1}{2}$ per cent. annuities as would produce an annual sum equal to the standard charge;

(4) upon the redemption of the standard charge as aforesaid any claim upon the heritor or other person in respect of such standard charge shall

cease and be extinguished and the lands from which the same was exigible shall be disburdened thereof in all time coming and an entry to that effect shall be made in the teind roll which shall be sufficient evidence of the discharge of the burden.

Allocation of standard charge.

13. A standard charge shall from its constitution continue a real burden on the whole of the lands subject thereto, and on every part of those lands notwithstanding any disposition of the lands or any part thereof unless and until intimation of an allocation of the standard charge has been made in writing by the General Trustees and the disponer or his representatives to the Clerk of Teinds, who upon receiving such an intimation shall forthwith make the necessary entry in the teind roll.

If as the result of any such allocation the portion of a standard charge so allocated upon the lands disponed or remaining a real burden on the lands retained by the disponer does not exceed one pound, the disponer or his representatives shall within three months after the date of the entry in the roll redeem the same by payment to the General Trustees of a sum equal to the amount so allocated or remaining a burden multiplied by twenty; and if the portion of the standard charge so allocated or remaining a burden exceeds one pound but is less than fifteen pounds, that portion of the standard charge shall as from the date of the entry in the teind roll be increased by five per centum.

Provisions where stipend does not exceed one pound.

14. Subject to the provisions of the next succeeding section of this Act, where the standard value (as shown by the teind roll of a parish) of the stipend exigible from the teinds of any lands of a heritor in that parish which are comprised in one entry in the teind roll does not exceed the sum of one pound:—

(1) the heritor or other person liable in payment of the said stipend shall redeem the same either

(*a*) at the first term of Whitsunday or Martinmas which shall occur not less than three months after the date on which the teind roll of the parish becomes final for such consideration or in such manner as may be agreed upon between the person so liable and the General Trustees; or

(*b*) by payment to the General Trustees at the said term of Whitsunday or Martinmas of a sum equal to the standard value of the said stipend multiplied by eighteen; or

(*c*) by payment to the General Trustees, along with each half-yearly payment of the said stipend during a period of eighteen years commencing at the said term of Whitsunday or Martinmas, of a redemption instalment equal to seventy-five per centum of the half-yearly payment of the stipend, which redemption instalment shall be recoverable by the General Trustees in the same manner as the half-yearly payment of the stipend:

(2) Upon the redemption of a stipend as aforesaid any claim upon the heritor or other person in respect of such stipend shall cease and be extinguished and an entry to that effect made in the teind roll shall be sufficient evidence of the redemption.

Extinction of liability for stipend not exceeding one shilling.

15. Where the standard value (as shown by the teind roll of a parish) of the stipend exigible from the teinds of all the lands of a heritor in that parish, whether those lands are comprised in one or in more than one entry in the teind roll does not exceed the sum of one shilling, any claim for or in respect of the stipend upon the heritor or other person liable in payment thereof (other than a claim for payments already due) shall, notwithstanding any law or practice to the contrary, cease and be extinguished as at the first term of Whitsunday or Martinmas which shall occur not less than three months after the date on which the teind roll of the parish becomes final.

Valuation and surrender of teinds.

16.—(1) After the passing of this Act, the provisions set out in the Sixth Schedule to this Act which relate to the obtaining of valuations of teinds and the surrender of valued teinds shall have effect for those purposes and the present law and practice relating thereto shall cease to apply but without prejudice to any proceedings taken before the passing of this Act or to any proceedings which may be taken within three years after the passing of this Act for the approbation of reports of sub-commissioners relating to the valuation of teinds.

(2) Where the annual agricultural value of any lands has been ascertained in accordance with the provisions

set out in the said schedule one-fifth part of that value shall be the valued teind of those lands in all time coming.

(3) Where no application for the ascertainment of the annual agricultural value of any lands, the teinds of which have not been valued, is made in accordance with the said provisions and within the period thereby prescribed, the value of such teinds specified in the teind roll for the parish in which the lands are situate shall be deemed to be accepted by acquiescence, and shall be the valued teind of those lands in all time coming.

Deduction of stipend in question with titular.

17. As from the date of standardisation of any stipend which has been standardised under the provisions of this Act, the heritor of any lands from the teinds of which the stipend or any part thereof is exigible shall, in any accounting in respect of those teinds with the titular thereof, be entitled to deduct the amount of the standardised stipend exigible from those teinds, or of any standard charge coming in place of such stipend or any part thereof, whether or not such stipend or part thereof, or standard charge, has been redeemed or extinguished.

Sale of surplus teinds.

18. Notwithstanding anything contained in the Act of the Scots Parliament, 1693, c. 23 (an Act renewing the commission for plantation of kirks and valuation of teinds), or in any other enactment or in any charter, grant or deed, it shall be lawful after the passing of this Act for the titular or any other person having right of titularity to sell surplus teinds on such terms as may be agreed upon between him and the heritor.

Nothing in this section shall prejudice or affect the provisions of the Acts of the Scots Parliament, 1633, c. 17 (anent the rate and price of teinds), and 1690, c. 23 (concerning patronages) or any other enactment at present in force authorising the sale of surplus teinds.

Provisions as to certain payments out of the Consolidated Fund.

19.—(1) The charges and payments described in the Seventh Schedule to this Act and any other payments to or on behalf of the Church or the General Assembly or any committee or institution of the Church or any minister which at the passing of this Act are charged on and payable out of the Consolidated Fund of the United Kingdom shall thenceforth be paid to the General Trustees in such manner as may be directed by the Treasury.

(2) The Treasury may at any time contract for the redemption of all or any of the payments referred to in the preceding subsection by payment to the General Trustees of such capital sum or sums as may be agreed between the Treasury and the General Trustees.

(3)—(i) The Treasury may from time to time borrow from the National Debt Commissioners and those Commissioners may lend to the Treasury such capital sum or sums as may be necessary for carrying into effect any contract made in pursuance of the immediately preceding subsection.

(ii) For the purpose of repaying any such loan the Treasury may create in favour of the National Debt Commissioners a terminable annuity for a period not exceeding twenty years from the date of the loan to be calculated with interest at such rate as may be agreed.

(iii) Such annuity shall be notified by certificate under the hand of the Comptroller or Assistant Comptroller and the Actuary of the National Debt Office and shall be charged upon the Consolidated Fund of the United Kingdom or the growing produce thereof.

PART II.

SCOTTISH ECCLESIASTICAL COMMISSIONERS.

Constitution, powers and procedure of Scottish Ecclesiastical Commissioners.

20.—(1) Such persons not exceeding five in number as His Majesty may appoint shall be Commissioners under this Act for the purposes aftermentioned, and shall be styled the Scottish Ecclesiastical Commissioners. One of the Commissioners being a person who holds or has held judicial office shall be appointed Chairman.

(2) The Commissioners shall hold office during His Majesty's pleasure. If a vacancy occurs in the number of the Commissioners by reason of death, resignation, incapacity or otherwise, His Majesty may appoint some other person to fill the vacancy, and so from time to time as occasion requires.

(3) The Commissioners may act by any one or more of their body and notwithstanding any vacancy in their number; but if any person aggrieved by an order or decision of one Commissioner so requires, the order or decision shall be reconsidered on re-hearing by not less than three Commissioners.

(4) The procedure, place of meeting, and authentication of documents of the Commissioners shall be regulated in such manner as the Commissioners determine.

(5) The Commissioners may examine witnesses on oath, and for enforcing the attendance of witnesses, the examination of witnesses and the production of books and documents, shall have all such powers, rights, and privileges as are vested in any of His Majesty's Courts of Law.

(6) The Commissioners may appoint or employ a secretary and such other officers and persons and with such remuneration as they think necessary, and may remove any person so appointed or employed.

(7) The salaries and remuneration of any persons so appointed or employed, and all expenses of the Commissioners incurred in the execution of this Act, shall be paid out of moneys to be provided for that purpose by the General Assembly.

Orders of Commissioners.

21.—(1) The Commissioners may, after such inquiry in each individual case as they may think fit, make such orders as they may consider necessary or proper for any of the following purposes, that is to say:

(*a*) for giving effect to the schemes framed by the Commissioners under the provisions of this Act relating to burgh churches, including the modification of the Act 23 & 24 Victoria, chapter 50, entitled "An Act to abolish the annuity tax "in Edinburgh and Montrose, and to make "provision in regard to the stipends of the "ministers in that city and burgh, and also "to make provision for the patronage of the "church of North Leith," and of any other local or personal Act, decree of the Court of Session or Court of Teinds or agreement relating to the burgh churches;

(*b*) for the transfer to the General Trustees of the parliamentary churches and manses under the provisions of the section of this Act relating to parliamentary churches and manses;

(*c*) for the transfer to the General Trustees of the churches and manses of the parishes mentioned in the Eighth Schedule to this Act;

(*d*) for the transfer to the General Trustees of endowments referred to in the section of this Act relating to endowments in certain parishes quoad omnia;

(*e*) for framing and giving effect to schemes relating to churches and manses with respect to which the sheriff may, as hereinafter provided, find and declare that the case ought to be dealt with by the Commissioners;

(*f*) for giving effect to the provisions of the section of this Act relating to the transfer of rights in glebes;

(*g*) for framing and giving effect to a scheme or schemes under the provisions of the section of this Act relating to allocation by General Trustees of certain moneys to be received from Treasury;

(*h*) for the protection and preservation of any church or other ecclesiastical building which is for the time being used for ecclesiastical purposes, and which the Commissioners may, upon application made to them by the Royal Commission on Historic Monuments in Scotland or any person interested, consider to require special provisions in the public interest with respect to maintenance and access;

(*i*) for the transfer to and administration by the General Trustees of any capital sum fixed or awarded and invested by way of commutation of fish teinds under the provisions of the Fish Teinds (Scotland) Act, 1864;

27 & 28 Vict. c. 33.

(*j*) for the transfer to a kirk session of communion plate or other ecclesiastical furnishings in use in a church or by a congregation in any case in which a right of property in the plate or other furnishings is claimed by any public body;

(*k*) for any other matter or thing which the Commissioners consider to be necessary or proper in connection with any of the purposes aforesaid.

(2) Any such order shall have effect as if enacted in this Act, and may be recorded in the Register of Sasines.

(3) In respect that the Act 23 & 24 Victoria, chapter 50, imposed an obligation on the town council of Edinburgh to grant a bond of annuity for the annual sum of four thousand two hundred pounds to the Edinburgh Ecclesiastical Commissioners for the purposes of the said Act, and in respect that the Act 33 & 34 Victoria, chapter 87, empowered the said town council to redeem the said bond of annuity by a payment to the said Commissioners of the sum of fifty-six thousand five hundred pounds and that the said bond of annuity was so redeemed by the payment of the said sum to the said Commissioners, nothing contained in this Act or in any order to be made by the Commissioners under the provisions of this section shall impose or be deemed to impose any further financial obligation or liability on the said town council in relation to the burgh churches situated within the burgh of Edinburgh, and any liability or obligation incumbent on the said town council in connection with the upkeep and maintenance or restoration or renewal of the burgh churches situated within the said burgh or payment of stipend to the ministers thereof shall be deemed to have been fulfilled and shall be at an end.

Burgh churches.

22. With respect to the churches mentioned in the Ninth Schedule to this Act (in this Act referred to as "burgh churches") the following provisions shall have effect:—

(1) As soon as conveniently may be after the passing of this Act the Commissioners shall inquire into all circumstances relating to existing rights of property in the fabrics and sites of the burgh churches, and any manses or other subjects connected therewith, and in any churchyards connected with the burgh churches, the stipends of the ministers thereof and any funds, endowments, pew rents or assessments from which the stipends of the ministers, the maintenance of the churches and other subjects, and any other expenditure in connection therewith is defrayed, and shall thereafter frame schemes for the future ownership, maintenance, and administration of the burgh churches and other subjects and the payment of stipend to the ministers:

(2) Every such scheme shall make provision for—

(*a*) the transfer to the General Trustees of all rights of property vested in or belonging to the magistrates or the town council of any of the burghs within which the burgh churches are situated in the fabrics and sites of the burgh churches and of any manses and other subjects connected therewith, and in any churchyards connected with the burgh churches, and for the transfer to the General Trustees of the duty of maintaining any property so transferred;

(*b*) the transfer to the General Trustees of all or any property held for church purposes by or on behalf of the magistrates or the town council of any of the burghs within which the burgh churches are situated;

(*c*) the periodical payment to the General Trustees of all sums which are at present paid or payable by the magistrates or town council of any of the said burghs in respect of the stipends of the ministers of the burgh churches and (so far as the Commissioners consider this to be equitable and reasonable) of all sums which are at present paid or payable by the magistrates or town council of any of the said burghs in respect of the ownership and maintenance of the fabrics and sites of the churches and manses, or other subjects connected therewith;

(*d*) the redemption of such periodical payments by the payment to the General Trustees of a capital sum or by the creation of terminable annuities or of sinking funds;

(*e*) the transfer to the General Trustees of any property heritable or moveable held by any public body (whether statutory or otherwise) or person other than the magistrates or town council for the benefit of the minister of any of the burgh churches by way of stipend;

(*f*) the protection of the interests of the ministers or assistants and successors who at

the passing of this Act are incumbents of the benefices of the burgh churches;

(*g*) the protection (so far as the Commissioners consider this to be practicable) of the interests of town councils in the burgh churches as regards sittings allotted to the town councils for their use, the right to have the church bells rung on special occasions, and the preservation of any other similar right or privilege hitherto enjoyed by the town councils;

(*h*) the General Trustees before selling, feuing, or otherwise alienating a burgh church, and the site thereof, giving to the town council of the burgh in which such burgh church is situated an opportunity of acquiring the same on such terms and conditions as may be agreed upon or as, failing agreement, may be determined by an arbiter to be appointed by the sheriff on the application of either party provided as follows:—

(i) The price to be paid to the General Trustees by the town council shall not exceed such a sum as would be necessary to reinstate the church on a new site within the municipal boundaries of the burgh in which such burgh church is situated, should it in the judgment of the General Trustees be necessary to provide at the time a new church within the municipal boundaries of such burgh;

(ii) In the event of it being unnecessary in the judgment of the General Trustees to provide at the time a new church such as aforesaid the price to be paid to the General Trustees by the town council shall not exceed such a sum as would be necessary to reimburse the General Trustees for all expenditure incurred by them subsequent to the passing of this Act, and within forty years prior to the date of the sale, for the repair, enlargement, or renewal of

such burgh church, or part thereof, or as the case may be to liquidate any outstanding debt or obligation incurred or undertaken by the General Trustees relative to any such repair, enlargement, or renewal (so far as such expenditure, debt, or obligation has not been met out of any periodical payment made by the magistrates or town council of such burgh for the maintenance of such burgh church, or out of any capital sum, terminable annuity, or sinking fund paid in respect of the redemption thereof), and to meet the expenses of the necessary conveyance:

(3) The General Trustees shall not be entitled to sell, feu, or otherwise alienate any of the burgh churches or the site thereof to any person unless they shall have previously offered to convey such church or site to the town council of the burgh in which such church is situated, on the same terms and conditions as they may be prepared to accept from such person, and the town council have failed to reply to the offer within a period of one month from the date thereof, or have within that period declined to accept the offer:

(4) The provisions of this Act in regard to the transfer to the General Trustees of all rights of property in any churchyards connected with the burgh churches, and the duty of maintaining any churchyards so transferred, shall not apply to the churchyards of Greyfriars and Canongate in the burgh of Edinburgh, or to the churchyard of St. David's or Ramshorn in the burgh of Glasgow, or to the churchyards of St. Nicholas and St. Clements in the burgh of Aberdeen, which churchyards shall continue to belong to and be maintained by the town councils of the said burghs, respectively:

(5) In the application of paragraphs (*b*), (*c*), and (*d*) of subsection (2) of this section to any scheme framed with respect to any of the burgh churches the Commissioners shall have

regard to the conditions contained in the decree of disjunction and erection of the burgh church:

(6) When all matters contained in the scheme relating to a burgh church have been duly carried out and implemented all liability or obligation incumbent on the magistrates and town council of the burgh in which a burgh church is situated, in connection with the upkeep and maintenance of such burgh church and payment of stipend to the minister thereof, shall be deemed to have been fulfilled and shall be at an end, subject only to the payment of any capital sum, terminable annuity, or sinking fund for the redemption of any periodical payment made by such magistrates or town council in connection with the maintenance of such church and the stipend of the minister thereof.

Parliamentary churches and manses.

23. With respect to the churches and manses mentioned in the Tenth Schedule to this Act (which together with any land whether described as churchyard, glebe, or otherwise connected with the said churches and manses are in this Act referred to as "parliamentary churches and manses") the following provisions shall have effect:—

As soon as conveniently may be after the passing of this Act the Commissioners shall inquire into all circumstances relating to existing rights of property in the fabrics and sites of the parliamentary churches and manses, and to the maintenance thereof whether under the provisions of the Act 5 George IV., Chapter 90, and any conveyance or other deed relating to any of the said churches and manses in favour of the Commissioners under the said Act or under any decision of the Court of Teinds or otherwise, and the Commissioners shall thereafter by order provide for the transfer to the General Trustees of the fabrics and sites of the said churches and manses, and of all powers and duties with respect to the maintenance and repair of the said fabrics and the allocation of sitting accommodation in the said churches.

Churches and manses of certain parishes erected under Act of 1844.

24. With respect to the churches and manses of the parishes quoad omnia mentioned in the Eighth Schedule to this Act, the following provisions shall have effect:—

As soon as conveniently may be after the passing of this Act the Commissioners shall inquire into all circumstances relating to existing rights of property in the fabrics and sites of the churches and manses of the parishes aforesaid, and to the maintenance thereof whether under any existing titles relating to the said churches and manses or otherwise, and the Commissioners shall thereafter by order provide for the transfer to the General Trustees of the fabrics and sites of the said churches and manses, and of all powers and duties with respect to the maintenance and repair of the said fabrics, and the allocation of sitting accommodation in the said churches.

Endowments in certain parishes quoad omnia.

25. Where in the case of a parish quoad omnia (not being one of the parishes quoad omnia mentioned in the Eighth Schedule to this Act) there exists any mortification or other endowment not derived from teinds which is for the benefit of the minister by way of stipend, the Commissioners shall, upon application made to them by the General Trustees, inquire into all circumstances relating to such endowment, and may thereafter by order provide for the transfer of the endowment to the General Trustees:

Provided that, except in the case of a benefice which is actually vacant at the passing of this Act, any order made by the Commissioners under this section shall not take effect unless or until the benefice shall have become actually vacant after such passing.

PART III.

TRANSFER OF PARISH CHURCHES, MANSES, GLEBES AND CHURCHYARDS.

Parish churches,

26. With a view to the transfer to and vesting in the General Trustees of all rights of property in and

duties of maintenance or extension with respect to the churches, manses, and glebes of parishes quoad omnia (other than the churches and manses of the parishes quoad omnia mentioned in the Eighth Schedule to this Act), the transfer to and vesting in the respective parish councils of all such rights in and duties with respect to the churchyards of such parishes, and the extinction of all such rights and duties as aforesaid heretofore belonging to and incumbent upon heritors or ministers, the following provisions of this Part of this Act shall have effect, and shall apply to such parishes only.

manses, glebes and churchyards.

27. No proceedings relating to any of the matters mentioned in section three of the Ecclesiastical Buildings and Glebes (Scotland) Act, 1868, shall be instituted or entertained before or by any presbytery or any court of law or the Commissioners except as hereinafter in this Act provided. The foregoing provision shall be deemed to have had effect as on and from the first day of February, nineteen hundred and twenty-five, but without prejudice to any proceedings instituted before that date or to the enforcement of any order, finding, judgment, interlocutor, or decree made, given, or pronounced therein, or to any contract or agreement made by heritors before that date or to any resolution passed by heritors to levy an assessment to meet expenditure incurred in pursuance of such contract or agreement, and any such assessment shall be recoverable as if this Act had not been passed.

Proceedings relating to matters mentioned in section 3 of 31 & 32 Vict. c. 96.

28.—(1) Where the General Trustees are of opinion that any church or manse is not in a reasonable state of tenantable repair and that the duty of executing repairs is incumbent upon heritors, the General Trustees may agree with the heritors concerned for the repair of the same by or at the expense of the heritors or for the payment by the heritors to the General Trustees of a sum of money in lieu of repair, and failing agreement the General Trustees may within three years after the passing of this Act apply to the sheriff for an order directing the heritors to carry out such repairs (if any) not involving structural alterations as he may consider necessary, or if the General Trustees so require to pay to the General Trustees such sum of money in lieu of repair as the sheriff may determine. The sheriff shall

Transfer of rights in parish churches and manses.

deal with any such application in a summary manner and his decision shall be final.

(2) Any heritor concerned or the General Trustees may apply to the sheriff for a certificate that all obligations incumbent on the heritors with respect to the church or manse of a parish have been fulfilled, and the sheriff shall deal with the application in a summary manner and shall issue a certificate to that effect if the General Trustees state or admit that all such obligations have been fulfilled, or if failing such statement or admission, he is satisfied either that any agreement or order made as aforesaid has been implemented, or that notwithstanding the absence of any such agreement no application has been made for such an order within three years after the passing of this Act, or that any application for an order so made has been refused. The certificate may be in or as nearly as may be in the form set out in the Eleventh Schedule to this Act, and shall contain or refer to a description of the subjects whether church or manse to which it relates and may be recorded by the General Trustees or by any heritor concerned in the appropriate Register of Sasines.

(3) When a certificate issued by the sheriff under this section has been recorded as aforesaid—

(*a*) any liability or obligation incumbent on any heritor in connection with the subjects to which the certificate relates shall be at an end except the obligation or liability to assess or to be assessed for the repayment of any debt existing at the date of the certificate; and

(*b*) all rights of property in the said subjects shall by virtue of this Act and without the necessity of any further conveyance vest in and belong to the General Trustees, to the same effect as if a complete feudal title holding of the Crown in free blench farm for payment of a penny Scots yearly if asked only had been duly constituted in favour of the General Trustees.

(4) Whereas in certain parishes, town councils in their capacity as town councils, or other public bodies (whether statutory or otherwise) or kirk sessions or persons are under the present law and practice or by Royal Warrant, charter, agreement or custom liable along with or in place of the heritors in obligations relating to the church or

manse, it shall be lawful, in any such case, for the presbytery or the General Trustees or any other person concerned to apply to the sheriff to find and declare that the case ought to be dealt with by the Commissioners, and if the sheriff so finds and declares the provisions of this section shall have no further application to the case, and the Commissioners shall as soon thereafter as conveniently may be inquire into all circumstances relating to existing obligations in respect of the fabric and site of such church or manse and the maintenance of such fabric, and by order provide for the transfer to the General Trustees of the said fabric and site, and of all powers and duties with respect to the maintenance and repair of the said fabric.

(5) If in any application to the sheriff under this section a question arises as to whether or not the church or manse to which the application relates is the church or manse of a parish within the meaning of this section, that question shall be determined by the sheriff in a summary manner, and his determination shall be final.

(6) Whenever in any parish it shall be necessary in consequence of anything done, or agreed, or ordered to be done under or in pursuance of this section to impose any ecclesiastical assessment upon lands and heritages in the parish, and such assessment is imposed according to the real rent thereof, the following provisions shall have effect, in lieu of the provisions of section three of the Ecclesiastical Assessments (Scotland) Act, 1900 :— 63 & 64 Vict. c. 20.

(*a*) No part of such assessment shall be imposed or levied upon lands and heritages occupied solely as the church and accessory buildings or burying-ground attached of any religious body, or as the dwelling-house with offices or garden or glebe land attached of the minister of such church;

(*b*) The rental on which each heritor shall be assessed shall be his total rental within the parish as appearing in the valuation roll (whether such rental consists of one or more subjects), but subject to deduction of the sum of thirty pounds;

(*c*) The amount of the deficiency created in the total amount of the assessment, by allowing

the said deduction of thirty pounds to every heritor, shall be defrayed by the General Trustees;

(*d*) No heritor, who by reason of any exemption or deduction allowed by this subsection is relieved altogether from assessment in respect of the execution of any repair, or in respect of any payment by the heritors in lieu of repair, shall be entitled at any meeting of the heritors to take part in the discussion of, or to vote upon, any question concerning any plans for or the execution of the said repair, or the defraying of the expenses of the same, or any question concerning an agreement involving payment by the heritors in lieu of repair.

(7) Whenever in any parish it shall be necessary in view of anything to be done or agreed, or in consequence of anything done or agreed, or ordered to be done under or in pursuance of this section to call a meeting of heritors, a circular letter containing an intimation of the meeting shall be sent twenty-one clear days before the meeting to every known heritor whose total rental within the parish as appearing in the valuation roll (whether such rental consists of one or more subjects) exceeds the sum of thirty pounds, and intimation of the meeting shall also be given by advertisement in a newspaper circulating in the parish once during each of two successive weeks and within the said period of twenty-one days.

(8) Subject to the modifications in the two immediately preceding subsections of this section the existing law and practice relating to heritors' meetings and ecclesiastical assessments shall apply to meetings of heritors to be held and ecclesiastical assessments to be imposed under, or in consequence, or pursuance of this section.

Rights with respect to sitting accommodation in parish churches.

29. On the expiry of one year from the date on which any church is by or in pursuance of this Act transferred to the General Trustees the right of allocating sitting accommodation in the church, whether with or without payment therefor, and the right of disposal of any proceeds therefrom shall belong to the kirk session, or to such other body as the General Assembly may direct and any existing right to such accommodation shall cease and terminate.

30. With respect to glebes, the following provisions shall have effect:— Transfer of rights in glebes.

(1) It shall be the duty of the clerk of every presbytery within one year after the passing of this Act to furnish to the Commissioners a list of the glebes appropriated to the ministers of the parishes in the presbytery, and of any cases where a minister has accepted or is entitled to any annual payment in place of glebe, and at the same time to intimate in which cases (if any) it is claimed by the presbytery (whether on the representation of the minister concerned or otherwise) that the heritors concerned have not fully implemented the obligations incumbent on them according to the present law and practice with respect to the provision and enlargement of a glebe:

(2) As soon as conveniently may be after the receipt of the said lists, the Commissioners shall inquire into all circumstances relating to existing rights of property in the glebes, and in any payments in place of glebe, and shall thereafter make orders relating to the glebes and payments:

(3) Every such order shall make provision for—

(*a*) the implement by the heritors of any obligations incumbent on them as aforesaid which have not already been implemented; and

(*b*) the transfer to and vesting in the General Trustees of the ownership of the glebes; and

(*c*) the preservation of the existing rights of all persons other than the heritors or the minister of the parish who, under or in pursuance of any general or local Act of Parliament or otherwise, have acquired any right in any glebe or any part thereof, whether as purchasers, feuars, or tenants, and the payment of any feu-duties, casualties, or rent to the General Trustees in place of the minister; and

(*d*) the manner in which—

(i) any burden upon the glebe created under section eighteen of the Glebe Lands (Scotland) Act, 1866; and 29 & 30 Vict. c. 71.

(ii) any of the costs, charges and expenses referred to in that section which have not been made a burden on the glebe

may be dealt with, discharged and extinguished; and

(*e*) the transfer to the General Trustees of any feu-duties and Government or other securities or investments representing the price or consideration received for any glebe or part thereof or right therein under or in pursuance of the Glebe Lands (Scotland) Act, 1866, the Feudal Casualties (Scotland) Act, 1914, or any other general or local Act of Parliament, or any decree of the Court of Teinds, or any grant or contract validly made by a minister and held by any persons acting as trustees in trust for the payment of the income to the minister of the parish; and

4 & 5 Geo. 5. c. 48.

(*f*) the conversion into a money payment of any right of pasturage over any lands which is possessed by the minister as minister of the parish, and the redemption of that money payment, if the heritor or heritors concerned so desire, in such manner as may be agreed upon between the General Trustees and such heritor or heritors, or as, failing agreement, may be fixed by the Commissioners; and

(*g*) the protection of the interests of the ministers or assistants and successors who at the passing of this Act are incumbents of the benefice of any parish.

Redemption of feu duty affecting glebe.

31. Where the glebe or any part thereof has been feued to the proprietors of conterminous lands in terms of section seventeen of the Glebe Lands (Scotland) Act, 1866, and the feu-duty payable therefor has been transferred to the General Trustees by an order made by the Commissioners, the said proprietors or their successors shall be entitled to redeem the feu-duty affecting the glebe or any part thereof—

(*a*) for such consideration or in such manner as may be agreed upon between the person liable and the General Trustees; or

(*b*) at any term of Whitsunday or Martinmas after three months' notice either—

(i) by payment to the Trustees of such a sum as would, if invested at the time of payment in Consolidated 2½ per cent. annuities produce an annual sum equal to the feu duty; or

(ii) by transfer to the General Trustees of such an amount of Consolidated 2½ per cent. annuities as would produce an annual sum equal to the feu duty.

Transfer of parish churchyards.

32.—(1) The property of any churchyard heretofore held by the heritors of any parish shall as at and from the passing of this Act by virtue of this Act and without the necessity of any further conveyance be transferred from the heritors and vested in the parish council to the same effect as if the churchyard had been as at that date transferred by the heritors to the council in pursuance of subsection (6) of section thirty of the Local Government (Scotland) Act, 1894: Provided that due regard and respect shall be had by the parish council to the memory of the dead and the wishes of their relatives before any ground already allocated as a burial ground shall be treated as being vacant and unoccupied ground and re-allocated by the parish council as the burial place for another family or for the interment of another body: Provided also that in addition to the powers and duties by the said subsection transferred from the heritors to the parish council the power or duty of enlarging or extending the churchyard and assessing for the cost of such enlargement or extension shall also be so transferred and for the purpose of providing ground for such enlargement or extension or additional accommodation in a suitable and convenient situation, the parish council shall have and may exercise all the powers relating to the acquisition of land for burial grounds contained in the Burial Grounds (Scotland) Act, 1855, and the costs of providing, maintaining, and managing ground so acquired, so far as they require to be defrayed out of any rate, shall be a charge on the poor rate or the assessment under the said Act of 1855, as the parish council may determine: Provided further that where any churchyard transferred to a parish council by or in pursuance of this Act surrounds or

57 & 58 Vict. c. 58.

18 & 19 Vict. c. 68.

adjoins any church or other ecclesiastical building vested in the heritors or in the General Trustees or in any other body holding the same in trust for the purpose of worship or for preservation as an ancient or historic monument—

(*a*) the churchyard shall be held subject to a right of access to the minister and the congregation attending the church, and such other persons as may resort thereto for the purpose of public or private worship, or of inspecting or repairing the church, or for any other lawful purpose; and

(*b*) no funeral shall be allowed to take place during the usual time of the ordinary services in the church; and

(*c*) any road or path through the burial ground shall be kept in good and sufficient repair by the parish council; and

(*d*) where the use of part of the churchyard is required for the enlargement or repair of the church it may be so used in any case where it might lawfully have been so used if this Act had not been passed and subject to the like conditions and restrictions, and where used for the purpose of the enlargement of the church the part so used shall thereupon vest in the heritors or the General Trustees or other body holding the church as aforesaid.

(2) The provisions relating to the sale of the right of burial contained in section eighteen of the Burial Grounds (Scotland) Act, 1855, shall apply to any churchyard transferred to a parish council by or in pursuance of this Act, and to any enlargement or extension thereof.

(3) Where the powers and duties conferred and imposed by the Burial Grounds (Scotland) Act, 1855, are exercised and carried out by a local authority other than the parish council, the foregoing provisions of this section shall, with the necessary modifications, have effect as if that authority were named therein instead of the parish council, and any expenses of the local authority due to the operation of this section shall be defrayed in the same manner as expenses under the said Act of 1855. Where in any parish the powers and duties

conferred and imposed by the said Act of 1855 are carried out by more than one local authority, this subsection shall be held to refer to the local authority carrying out the said powers and duties within the district where the churchyard is situated.

(4) Where the property of a churchyard is held by the kirk session of the parish the foregoing provisions of this section shall, with the necessary modifications, have effect as if the kirk session were named therein and in subsection (6) of section thirty of the Local Government (Scotland) Act, 1894, instead of the heritors.

(5)—(*a*) Where a churchyard of a parish has been closed—

(i) either before or after the passing of this Act under the Burial Grounds (Scotland) Act, 1855, or as a result of proceedings under the Public Health (Scotland) Act, 1897; or 60 & 61 Vict. c. 38.

(ii) before the passing of this Act by resolution of the heritors on the ground that no accommodation for further interments remains available therein; or

(iii) by desuetude during a period of twenty years or upwards prior to the passing of this Act;

the kirk session of the parish may, within ten years after the passing of this Act, in the case of a churchyard which has been closed before the passing of this Act, or within ten years after the date of the closing of a churchyard in the case of a churchyard closed after the passing of this Act, intimate in writing to the parish council or other local authority to whom the churchyard has been transferred that the kirk session desire to take over the custody, maintenance, and control of such churchyard, and the parish council or other local authority, as the case may be, shall, on receiving such intimation, transfer the custody, maintenance, and control of such churchyard to the kirk session, subject always to such conditions (if any) as the parish council or other local authority may appoint with respect to the public right of access to the churchyard free of charge.

(*b*) Where a churchyard of a parish which has been transferred to a parish council or other local authority has been closed, or has ceased to be used for interment, the parish council or other local authority, as the case may

be, may at any time, upon the application in writing of the kirk session of the parish, transfer the custody, maintenance, and control of such churchyard to the kirk session.

(*c*) Where the custody, maintenance, and control of a churchyard have, in pursuance of this subsection, been transferred to the kirk session, the kirk session shall thenceforward be responsible for such custody, maintenance, and control, and for any expense in connection therewith.

Preservation of monuments, &c., in churches and churchyards.

33. For the preservation and maintenance of any family burying ground, or enclosure, tombstone, monument, or other memorial to the dead, in any parish churchyard or parish church, any person who, in the case of a parish churchyard, satisfies the parish council or other body to whom the parish churchyard or the control thereof is transferred, and in the case of a parish church satisfies the General Trustees that he has an interest in such burying ground, enclosure, tombstone, monument, or other memorial, on the ground of relationship to the deceased person or persons therein buried or thereby commemorated, shall be entitled, with the approval of the parish council or other body to whom the parish churchyard or the control thereof is transferred, or the General Trustees, as the case may be, to provide for the preservation and maintenance of the same.

PART IV.

GENERAL.

Provisions relating to quoad sacra parishes.
7 & 8 Vict. c. 44.
31 & 32 Vict. c. 30.
39 & 40 Vict. c. 11.

34. With respect to parishes quoad sacra erected under the New Parishes (Scotland) Act, 1844, the United Parishes (Scotland) Act, 1868, and the United Parishes (Scotland) Act, 1876 (other than parishes quoad sacra erected under section fourteen of the said Act of 1844), the following provisions shall have effect:—

(1) In the case of a parish erected before the passing of this Act—

(*a*) The statutory properties and endowments of the parish shall be transferred to the General Trustees as in this section provided;

(*b*) As soon as conveniently may be after the passing of this Act there shall be prepared by the General Trustees and certified by the Clerk of Teinds with respect to each parish, an inventory referring to this section of this Act and setting out the statutory properties and endowments of the parish, and each such inventory shall specify—

(i) the name of the parish;

(ii) each property or security forming part of the said statutory properties and endowments; and

(iii) the name or names of the person or persons in whom the same is vested;

(*c*) Without prejudice to the provisions of the immediately following paragraph of this subsection any person in whom any property or security specified in any such inventory is vested shall if so required by the General Trustees, and at their expense, transfer such property or security to the General Trustees, and do and concur in doing all acts and things necessary for that purpose;

(*d*) Upon any such inventory in so far as the same relates to heritable properties or securities being recorded in the appropriate register of sasines the heritable properties and securities specified in such inventory shall by virtue of this Act and without the necessity of any further conveyance be deemed and taken to be validly transferred to and vested in the General Trustees as if a disposition or assignation by the person or persons in whom the said heritable properties or securities were vested had been granted in favour of the General Trustees and had been recorded in the appropriate register of sasines;

(*e*) (i) The Clerk of Teinds shall make available to the General Trustees, so far as may be necessary for the purposes of this section, all or any title deeds, certificates, or other documents which are in his custody as keeper of the records of the Court of

Teinds relating to any properties or securities specified in any such inventory;

(ii) Upon the completion of the transfer of any such properties and securities to the General Trustees the Clerk of Teinds shall hand over to the General Trustees any title deeds, certificates, or other documents relating to the same which are in his custody as aforesaid upon a receipt therefor being given by the General Trustees;

(*f*) The General Assembly, or any body to which the General Assembly may delegate the necessary power, may at any time after the completion of the transfer to the General Trustees of the properties and securities specified in any such inventory alter the existing deed of constitution of the parish to which the inventory relates, or annul the said deed and grant a new deed of constitution in place thereof;

(*g*) The statutory properties and endowments of the parish transferred to the General Trustees under or by virtue or in pursuance of this subsection shall, notwithstanding anything elsewhere in this Act contained, be held by the General Trustees for the same ends, uses, and purposes as those for which they were held by the trustees or other persons in whom they were vested prior to their being so transferred;

(2) In the case of a parish erected after the passing of this Act—

(*a*) the titles, deeds, certificates, and other documents of or relating to the statutory properties and endowments of the parish shall be taken in the name of the General Trustees;

(*b*) the original deed of constitution shall be in such terms as the General Assembly, or any body to which the General Assembly may delegate the necessary power, may direct, and the General Assembly or any such body may subsequently alter the said deed or

annul the same and grant a new deed of constitution in place thereof:

(3) Nothing in this section shall apply to any permanent endowment secured from teinds under section thirteen of the New Parishes (Scotland) Act, 1844:

(4) In this section—

the expression "the statutory properties and endowments of the parish" means—

(i) the church erected as a parish church for the parish under the aforesaid Acts of 1844, 1868, and 1876; and

(ii) where a manse or glebe has been permanently provided under the said Acts as part of the endowment of the minister of the parish, such manse or glebe; and

(iii) any feu-duties, ground annuals, bonds of annual rent, or other heritable securities permanently provided and secured at the time of erection or subsequently substituted with the sanction of the Court of Teinds for the minister of the parish or for the maintenance of the church or manse or payment of the feu-duty thereon; and

(iv) any Government securities or other securities or investments (not being heritable securities) permanently provided and secured or substituted as aforesaid;

the expression "church" includes the fabric and site of the church and hall (if any) and any ground used as a burial ground in connection therewith;

the expression "manse" includes the dwelling-house and offices and appurtenances thereof.

Provisions relating to the allocation and redemption of bonds of annual rent

35.—(1) Where the debtor under any bond and disposition in security, bond of annual rent, or other heritable security, whereby the payment of any annual sum is secured over land in favour of the minister of any parish quoad sacra erected under the New Parishes (Scotland) Act, 1844, the United Parishes (Scotland)

held for behoof of quoad sacra churches.

Act, 1868, and the United Parishes (Scotland) Act, 1876, or in favour of the trustees acting under the deed of constitution of any such parish or of the General Trustees as coming in place of such minister or trustees (such minister or trustees or the General Trustees, as the case may be, being hereinafter in this section referred to as "the creditor"), sells or has sold any portion of such land the debtor shall be entitled to allocate upon the portion of such land so sold such a proportion of such annual sum as may be agreed upon between the debtor and the creditor, or, failing agreement, as may be fixed by the sheriff of the county in which such land is situated upon the application of the debtor.

(2) If, as a result of any such allocation as is provided in the preceding subsection, the proportion of such annual sum so allocated, or the proportion of such annual sum remaining unallocated, does not exceed one pound in amount, the debtor shall forthwith redeem the same by payment to the General Trustees of a sum equal to the proportion of such annual sum so allocated, or to the proportion of such annual sum remaining unallocated, as the case may be, multiplied by twenty, and if the proportion of such annual sum so allocated, or the proportion of such annual sum remaining unallocated, exceeds one pound but is less than fifteen pounds in amount, such proportion shall be increased from the date when such allocation takes effect by five per cent.

(3) Where the debtor and the creditor have agreed upon, or the sheriff has fixed, the proportion of such annual sum to be allocated the debtor shall be entitled to obtain from the creditor a memorandum of allocation in or as nearly as may be in the form of the Thirteenth Schedule to this Act, and upon such memorandum of allocation being recorded in the appropriate register of sasines the allocation contained therein shall be binding on all having interest.

(4) Such annual sum or an allocated proportion thereof exceeding one pound may at any time be redeemed by and in the option of the debtor either

(*a*) for such consideration or in such manner as may be agreed upon between the debtor and the creditor; or

(*b*) at any term of Whitsunday or Martinmas after three months' notice either

(i) by payment to the creditor of such a sum as would, if invested at the time of payment in Consolidated 2½ per cent. annuities produce a yearly amount equal to the annual sum to be redeemed, or

(ii) by transfer to the creditor of such an amount of Consolidated 2½ per cent. annuities as would produce a yearly amount equal to the annual sum to be redeemed.

(5) Upon such annual sum or the allocated proportion thereof being redeemed by the debtor, as in this section provided, the debtor shall be entitled to obtain from the creditor a deed or other document disburdening the land over which the same is secured, which shall be recorded on behalf of the debtor in the appropriate register of sasines.

(6) The whole expenses of any allocation of such annual sum and of the redemption of such annual sum or a proportion thereof shall be defrayed by the debtor.

(7) In this section the word "debtor" includes the original debtor, his successor in such land, any uninfeft or infeft purchaser of such land or portion thereof, or any disponee to whom such land or portion thereof may be disponed.

Requirements of parish to be first charge on endowments.

36. All moneys received by the General Trustees with respect to any parish under or in pursuance of the provisions of this Act relating to stipend and any church, manse, glebe or other property heritable or moveable situated in, or forming part of, the endowments of any parish transferred to, or received by, the General Trustees by or in pursuance of this Act, and the proceeds of any such moneys, property, or endowments shall be appropriated in the first place to meeting the proper requirements of that parish or its neighbourhood (as such requirements may be determined by the General Assembly or by any body to which the General Assembly may delegate the necessary power), and any remainder after these requirements have been fully met shall form part of a general fund at the disposal of the General Assembly: Provided that except

where a benefice is actually vacant at the passing of this Act or has become actually vacant thereafter—

(*a*) all payments received by the General Trustees from heritors in respect of a stipend or standard charge until the same is redeemed, and the income from the redemption money in respect of the stipend or standard charge, shall be appropriated to the payment of that stipend after deduction of a sum not exceeding two per centum of the said payments and income to meet the expense of administration; and

(*b*) the determination of the General Assembly shall not be exercised so as to decrease the amount of stipend, or the income from, or in respect of, any property transferred to the General Trustees as aforesaid to be received by the incumbent of a benefice nor so as to diminish the benefit to be derived by the incumbent from the use or occupation of any such property.

Powers of General Trustees.

37. In addition to any powers which they already enjoy, the General Trustees shall have power to hold, maintain, administer, and dispose of any property of whatsoever description transferred to, or received by, or vested in them under, or in pursuance of this Act, subject always to the provisions of this Act and to the directions of the General Assembly: Provided that the General Trustees before selling or feuing a glebe or any part thereof shall give to the heritor or heritors whose lands adjoin such glebe or part an opportunity to purchase or take the same in feu at such price or feu-duty and on such terms as may be agreed upon between the General Trustees and the heritor or heritors, or as may, failing agreement, be determined by an arbiter appointed by the sheriff on the application of either party. Without prejudice to the foregoing generality, the General Trustees shall have power, subject as aforesaid, to compromise or settle any claim against or by any heritor or other person arising out of anything contained in this Act or done thereunder.

Additional powers of General Trustees.

38.—(1) The General Assembly shall have power to appoint from among the General Trustees a chairman and a vice-chairman of the General Trustees who shall

respectively hold office for such period with such powers and duties, and subject to such conditions as the General Assembly may determine, and such chairman and vice-chairman or either of them may receive such remuneration as the General Assembly may from time to time fix. Such chairman, whom failing such vice-chairman, shall when present act as chairman at all meetings of the General Trustees, and when so present shall come in place of any chairman falling to be appointed under section thirteen of the Church of Scotland (General Trustees) Order, 1921, and shall have the like voting powers. Without prejudice to the provisions of the said section with respect to the manner in which meetings of the General Trustees may be called, the chairman or the vice-chairman appointed by the General Assembly may direct that meetings of the General Trustees shall be called.

(2) The General Trustees shall have power to appoint or employ (either from among their own number or otherwise) a solicitor or legal adviser to the General Trustees and such additional officers, attorneys, and persons as they may consider necessary for the proper conduct of the business of the General Trustees, and to pay to such solicitor or legal adviser or other officers, attorneys, or persons employed by them suitable remuneration for their services.

(3) Any intimation to the General Trustees shall be competently made if addressed to the clerk or the chairman or vice-chairman of the General Trustees on their behalf at the known address of the General Trustees in Edinburgh, and any intimation by the General Trustees shall be competently made by the clerk or the chairman or vice-chairman on their behalf.

(4) The General Assembly shall have power to determine from time to time the number of General Trustees who shall form a quorum at meetings of the General Trustees, provided always that the number so determined shall in no case be less than three as prescribed in section thirteen of the Church of Scotland (General Trustees) Order, 1921.

(5) All expenses incurred by the General Trustees in the discharge of their duties under this Act, so far as such expenses are not otherwise provided for under this Act, shall be defrayed in such manner as the General

Assembly may determine, and the provisions of section nineteen of the said Order of 1921 shall not apply to such expenses.

(6) The General Assembly may from time to time make byelaws and regulations to be observed by the General Trustees in the discharge of their duties under this Act.

Allocation by General Trustees of certain moneys to be received from Treasury.

39.—(1) As soon as conveniently may be after the passing of this Act the Commissioners shall frame a scheme or schemes for the allocation by the General Trustees of the annual sums of twelve thousand pounds and five thousand and forty pounds mentioned in the Seventh Schedule to this Act, and of the income from any capital sum or sums received by them in redemption of the said annual sums, or either of them, and for the payment by the General Trustees of the various amounts so allocated.

(2) In framing any such scheme the Commissioners shall provide for the protection of the interests of the ministers who at the passing of this Act are entitled to augmentations of stipend under the Teinds Act, 1810, and the Teinds Act, 1824, or to stipend under the Act 5 Geo. 4. c. 90, and the right in name of Ann of the widow or other representatives of any such minister, and for that purpose the Commissioners shall have regard to the provisions of the aforesaid Acts, notwithstanding any repeal of those provisions under this Act.

50 Geo. 3. c. 84. 5 Geo. 4. c. 72.

(3) Pending the making by the Commissioners of an Order giving effect to a scheme under this section, the General Trustees may, out of the annual sums or the income from any capital sum or sums aforesaid, pay to any minister or assistant and successor, or widow or other representative of a deceased minister, or to the Collector of the Church of Scotland Ministers' and Scottish Universities' Professors' Widows' Fund, as the case may be, such half-yearly sum or sums, as in the judgment of the General Trustees, would have been payable under the aforesaid Acts to such minister or assistant and successor, or widow or other representative, or Collector if this Act had not been passed.

Redemption of manse maill, &c.

40.—(1) Where in any parish manse maill is at the passing of this Act payable in lieu of a manse the heritors legally liable in payment thereof shall redeem the manse

maill by payment to the General Trustees of a sum equal to the annual amount thereof multiplied by twenty, such redemption payment to be made within five years after the passing of this Act.

(2) Where a manse has been sold and the price invested and the income from the investments representing the price paid to the minister, those investments shall within five years after the passing of this Act be transferred to the General Trustees, and on the completion of the transfer any liability of the heritors in respect thereof shall cease.

Provisions relating to Court of Teinds. 31 & 32 Vict. c. 100.

41. Notwithstanding anything in the Court of Session (Scotland) Act, 1868, the Court of Teinds may meet at such hours as may be convenient on such days as the Court of Session may by Act of Sederunt prescribe, and section one hundred and six of the said Act of 1868 (which relates to Acts of Sederunt) shall, for the purposes of Acts of Sederunt relating to the Court of Teinds, have effect as if references to that Act in the said section included references to this Act.

Application to Crown lands.

42. This Act shall be binding on the Crown and the provisions of this Act shall apply to lands vested in His Majesty in right of the Crown, and to lands vested in any Government Department for public purposes, and to the teinds of any lands so vested in His Majesty or in any Government Department.

Provisions with respect to certain registration districts.

43. Where under the provisions of the Births, Deaths and Marriages (Scotland) Acts, 1854 to 1910, the powers and duties by those Acts conferred and imposed on parish councils belong to and are discharged by the heritors, it shall be lawful for the sheriff, upon the application of the parish council of any parish wholly or partly comprised in the registration district, or upon the application of the Registrar-General of Births, Deaths and Marriages in Scotland, to regulate and determine all questions as to the right to elect a registrar for the registration district, and all questions as to the assessments to be levied for registration purposes within the district; and it shall also be lawful for the sheriff to regulate and determine all questions as to such right of election and such assessments in any case where two or more parishes or portions of parishes may hereafter be united into one

registration district; and any decision of the sheriff under this section shall be final and not subject to review.

Provisions for preservation of heritors' records.

44. Whereas in consequence of the transfers of rights of property and the transfer or termination of obligations in connection therewith effected or to be effected by or under or in pursuance of this Act, the powers and duties of heritors (including the power and duty to impose and levy heritors' assessments) will in due course be extinguished, it shall be the duty of the clerk to the heritors of any parish where such extinction has been effected to make intimation thereof in writing to the Secretary for Scotland, who may by order under his hand give such direction as he may think necessary or proper with respect to the preservation and permanent custody of the books of the heritors or any records or documents in their possession as heritors or in the possession of their clerk.

Saving for obligations of relief.

45. Nothing in this Act shall prejudice or affect any obligation to relieve the heritor of any lands from liability in respect of any stipend or augmentation thereof exigible from the teinds of such lands, and any such obligation shall extend to relief from liability in respect of any standard charge over those lands or in respect of any payments under the section of this Act relating to provisions where stipend does not exceed one pound.

Saving for superiors.

46. Nothing in this Act shall affect or be deemed to affect the rights of superiors of the sites of the churches mentioned in the Ninth Schedule to this Act, where the superiorities are not held by or on behalf of town councils, to payment of their feu duties from the parties in whom the dominium utile of the said sites is vested by this Act or otherwise, and to all other rights and privileges vested in such superiors prior to the passing of this Act.

Interpretation.

47.—(1) In this Act, unless the context otherwise requires—

"The Church" means the Church of Scotland;

"The General Assembly" means the General Assembly of the Church;

"The General Trustees" means the Church of Scotland General Trustees incorporated by the Church of Scotland (General Trustees) Order, 1921;

"The Commissioners" means the Scottish Ecclesiastical Commissioners to be appointed under this Act;

"Minister" means a minister of the Church;

"Stipend" means the stipend of a minister, including any allowance for communion elements payable by heritors out of teinds;

"Glebe" means the lands appropriated to a minister as his glebe, and shall be deemed to include grass glebe or minister's grass, servitudes, right of pasturage, or other heritable rights belonging to the minister and forming part of the benefice, or any money payments in use to be made to the minister in respect of the said rights or any of them, and any land settled in perpetuity on the minister for the time being;

"Court of Teinds" has the same meaning as in the United Parishes (Scotland) Act, 1876;

"Manse" and "Lord Ordinary" have the same meanings as in the Ecclesiastical Buildings and Glebes (Scotland) Act, 1868.

(2) For the purposes of this Act the surrendered teinds of any lands payable as stipend shall be deemed to be stipend exigible from the teinds of those lands.

(3) The reference to "teinds" in section fifty-nine of the Improvement of Land Act, 1864, shall be construed so as to include standard charges. 27 & 28 Vict. c. 114.

48. The enactments specified in the Twelfth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, and so much of any Act as is inconsistent with this Act is also hereby repealed. Repeal.

49. This Act may be cited as the Church of Scotland (Property and Endowments) Act, 1925. Short title.

Section 2.

SCHEDULES.

FIRST SCHEDULE.

TABLE A.—FIARS PRICES FOR THE COUNTIES OF SCOTLAND.

Average 1873 *to* 1922 *inclusive.—Showing the value of One Boll of Meal and One Boll of Barley in each county according to these prices, and the average value of the Double Boll of Meal and Barley, and the average value of the Chalder in each county.*

County.	Meal. Average Value of 1 Boll for crops and years 1873–1922.			Barley. Average Value of 1 Boll for crops and years 1873–1922.			Value of the Double Boll of Meal and Barley.			Value of 1 Chalder calculated to nearest Penny.		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
1. Aberdeen -	0	16	11 9/12	1	3	5 9/12	2	0	5 6/12	16	3	8
2. Argyll - -	1	0	5 8/12	1	3	6	2	3	11 8/12	17	11	9
3. Ayr - -	0	18	6 9/12	1	5	0 8/12	2	3	7 5/12	17	8	11
4. Banff - -	0	16	11 3/12	1	4	7	2	1	6 3/12	16	12	2
5. Berwick -	1	0	1 1/12	1	4	11 4/12	2	5	0 5/12	18	0	3
6. Bute - -	0	19	6 11/12	1	3	11 10/12	2	3	6 9/12	17	8	6
7. Caithness -	0	17	2 9/12	1	0	5 9/12	1	17	7 11/12	15	1	3
8. Clackmannan	0	18	9 7/12	1	4	0 2/12	2	2	9 9/12	17	2	6
9. Dumbarton -	1	0	6	1	3	1 4/12	2	3	7 4/12	17	8	11
10. Dumfries -	0	18	3 7/12	1	4	8 11/12	2	3	0 8/12	17	4	4
11. Edinburgh or Mid Lothian	0	19	0 3/12	1	5	4	2	4	4 3/12	17	14	10
12. Elgin or Moray	0	17	7 6/12	1	5	1 4/12	2	2	8 10/12	17	1	11
13. Fife - -	0	19	3 6/12	1	4	0 3/12	2	3	3 9/12	17	6	6
14. Forfar - -	0	18	10	1	2	4 4/12	2	1	2 4/12	16	9	7
15. Haddington or East Lothian	1	0	3 3/12	1	8	3 4/12	2	8	6 7/12	19	8	5
16. Inverness -	0	18	5 2/12	1	5	0 6/12	2	3	5 8/12	17	7	9
17. Kincardine -	0	17	10 3/12	1	2	1 3/12	1	19	11 6/12	15	19	8
18. Kinross -	0	19	5 8/12	1	2	6 5/12	2	2	0 1/12	16	16	1
19. Kirkcudbright	0	17	10 4/12	1	4	6 5/12	2	2	4 9/12	16	19	2
20. Lanark -	1	0	4 9/12	1	4	11	2	5	3 9/12	18	2	6
21. Linlithgow or West Lothian	0	19	7 9/12	1	4	7 6/12	2	4	3 3/12	17	14	2
22. Nairn - -	0	18	9 5/12	1	5	2 3/12	2	3	11 8/12	17	11	9
23. Orkney -	0	15	2 3/12	0	16	7 9/12	1	11	10	12	14	8
24. Peebles -	1	1	3 8/12	1	5	4 9/12	2	6	8 5/12	18	13	7
25. Perth - -	0	19	5 2/12	1	3	6 10/12	2	3	0	17	4	0
26. Renfrew -	0	19	9 7/12	1	4	11 8/12	2	4	9 3/12	17	18	2
27. Ross and Cromarty -	0	18	3 3/12	1	4	5 5/12	2	2	8 8/12	17	1	9
28. Roxburgh -	0	19	8 10/12	1	4	7	2	4	3 10/12	17	14	7
29. Selkirk -	0	19	0 6/12	1	4	2 8/12	2	3	3 2/12	17	6	1
30. Stirling -	1	0	0 4/12	1	4	1 9/12	2	4	2 1/12	17	13	5
31. Sutherland -	0	19	2 3/12	1	4	1 5/12	2	3	3 8/12	17	6	5
32. Wigtown -	0	17	3 5/12	1	3	6 7/12	2	0	10	16	6	8

TABLE B.—FIARS PRICES FOR THE COUNTIES OF SCOTLAND. 1ST SCH. —*cont.*

Average 1873–1922 *inclusive.—Showing the Value of one quarter of Wheat, Oats, Bear and Barley in each County according to an average of the fiars prices struck for the* 50 *years* 1873–1922.

County.	Wheat per Quarter.			Oats per Quarter.			Bear per Quarter.			Barley per Quarter.		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
1. Aberdeen -	1	18	1 5/12	1	2	1 10/12	1	3	11	1	12	2 11/12
2. Argyll - -	2	1	2 4/12	1	4	1 9/12	1	11	1 6/12	1	12	3 3/12
3. Ayr - -	1	16	11 4/12	1	2	0 5/12	1	5	7	1	14	4 11/12
4. Banff - -	1	18	8 8/12	1	2	10 9/12	1	9	1	1	13	9 3/12
5. Berwick -	1	19	7 10/12	1	5	8 8/12			—	1	14	3 1/12
6. Bute - -	2	3	1 3/12	1	4	0 3/12	1	8	9 11/12	1	12	11 4/12
7. Caithness -			—	1	0	3 3/12	1	6	5 5/12	1	8	0 9/12
8. Clackmannan	1	15	10 5/12	1	4	1 3/12			—	1	12	11 10/12
9. Dumbarton -	1	16	1 3/12	1	3	9 11/12	1	8	11 8/12	1	11	8 1/12
10. Dumfries -	1	19	3 5/12	1	3	6 8/12			—	1	13	11 9/12
11. Edinburgh or Mid Lothian	1	17	10 5/12	1	5	3 7/12			—	1	14	9 5/12
12. Elgin or Moray	1	17	7 9/12	1	2	9 11/12			—	1	14	5 10/12
13. Fife - -	1	15	10 8/12	1	2	11 5/12	1	3	11 3/12	1	12	11 11/12
14. Forfar - -	1	15	8 6/12	1	2	10	1	4	6 9/12	1	10	8 7/12
15. Haddington or East Lothian	2	1	9 8/12	1	8	7 6/12			—	1	18	10
16. Inverness -	2	1	2	1	2	11 11/12	1	12	2 8/12	1	14	4 9/12
17. Kincardine -	1	15	11 7/12	1	2	3 10/12	1	3	7 5/12	1	10	4 3/12
18. Kinross -	2	1	0 3/12	1	2	11 1/12			—	1	10	11 6/12
19. Kirkcudbright	1	17	4 9/12	1	2	7 1/12			—	1	13	8 4/12
20. Lanark -	1	17	1 3/12	1	3	8 3/12			—	1	14	2 8/12
21. Linlithgow or West Lothian	1	17	4 1/12	1	4	2 6/12			—	1	13	9 11/12
22. Nairn - -	1	19	7 11/12	1	2	10 5/12			—	1	14	7 2/12
23. Orkney -			—			—	1	2	10 3/12	1	2	10 3/12
24. Peebles -	2	0	0	1	5	2 3/12			—	1	14	10 7/12
25. Perth - -	1	17	3 3/12	1	3	8			—	1	12	4 5/12
26. Renfrew -	1	17	0 7/12	1	3	10 11/12			—	1	14	3 7/12
27. Ross and Cromarty -	1	19	1 6/12	1	3	3 7/12			—	1	13	6 11/12
28. Roxburgh -	1	18	5 2/12	1	4	10 3/12			—	1	13	9 2/12
29. Selkirk - -	2	13	5 3/12	1	4	5 10/12			—	1	13	3 2/12
30. Stirling -	1	17	2 9/12	1	3	10 8/12			—	1	13	1 10/12
31. Sutherland -	2	0	0 11/12	1	3	6 10/12	1	1	3 11/12	1	13	1 5/12
32. Wigtown -	1	16	3 8/12	1	1	6 7/12	1	8	3 7/12	1	12	4 7/12

Section 2.

SECOND SCHEDULE.

PROVISIONS RELATING TO THE COUNTY AVERAGE VALUE OF KINDS OF VICTUAL NOT MENTIONED IN THE FIRST SCHEDULE.

A.—WHERE THE VALUE OF THE KIND OF VICTUAL IS GIVEN IN THE OFFICIAL RETURNS OF FIARS PRICES.

1. The minister of a parish, the whole or part of whose victual stipend has been localled in any kind of victual not mentioned in the First Schedule to this Act or the clerk of the presbytery where the benefice is vacant or any heritor concerned, may apply to the Clerk of Teinds to fix the former county average value (in this Schedule referred to as the "average value") of such kind of victual. In any such application by the minister or the clerk of the presbytery the applicant shall give the names of the heritors on whose lands the whole or part of such stipend has been so localled.

2. Thereafter the average value of the kind of victual in question for the fifty years one thousand eight hundred and seventy-three to one thousand nine hundred and twenty-two shall be fixed by the Clerk of Teinds by reference to the official returns of fiars prices for the county in which the parish is situated or where no value for that kind of victual is given in those returns then by reference to the official returns of fiars prices for such other county or counties as the Clerk of Teinds may select as being most suitable in the circumstances of the case.

3. The average value as so fixed shall be intimated by the Clerk of Teinds to the minister or the clerk of the presbytery where the benefice is vacant and to the common agent of the heritors, and the Clerk of Teinds shall at the same time enter the said value in a book to be kept by him in the Teind Office for the purpose, the said book being available for inspection by any member of the public at the Teind Office during the official hours of opening thereof.

B.—WHERE THE VALUE OF THE KIND OF VICTUAL IS NOT GIVEN IN THE OFFICIAL RETURNS OF FIARS PRICES.

1. The minister of a parish the whole or part of whose victual stipend has been localled in any kind of victual not mentioned in the First Schedule to this Act or the clerk of the presbytery where the benefice is vacant or any heritor concerned may apply to the sheriff to fix the average value thereof.

2. The sheriff after intimation of any such application to such persons as he may appoint and after such inquiry as he thinks fit shall fix the said average value. 2ND SCH. —*cont.*

3. The said average value as so fixed shall be intimated by the sheriff to the Clerk of Teinds who shall enter the value in the book mentioned in paragraph 3 of Head A of this Schedule which shall be open for inspection as therein mentioned.

THIRD SCHEDULE.

Section 4.

FORM OF INTIMATION OF ELECTION THAT STIPEND SHALL BE STANDARDISED.

Date.

I, ...Minister (*or as the case may be*) of the Parish of..... in the Presbytery of ..... hereby intimate that I elect that the stipend to which the Minister of the said Parish is entitled shall be standardised in accordance with the provisions of the Church of Scotland (Property and Endowments) Act, 1925.

FOURTH SCHEDULE.

Section 10.

PROVISIONS RELATING TO AUGMENTATION OF STIPEND.

1. In ascertaining the amount of the available teinds the victual teind and stipend shall be converted according to the average of the fiars prices for the five years preceding the year in which an application is made:

Provided that—

(*a*) if in the case of victual teind that average is less than the value as determined in accordance with paragraph 3 of the Fifth Schedule to this Act, the victual teind shall be converted in accordance with that paragraph; and

(*b*) if in the case of victual stipend that average is less than the standard value, the victual stipend shall be converted according to the standard value.

2. Any application to the Lord Ordinary, and the localling of any augmentation, and any decree of locality following thereon shall, subject to the provisions of this Act, be made and dealt with in such manner as the Court of Session by Act of Sederunt may prescribe.

Section 11.

FIFTH SCHEDULE.

PROVISIONS RELATING TO THE PREPARATION, ISSUING, AND ADJUSTMENT OF TEIND ROLLS.

1. Where a benefice is actually vacant at the passing of this Act or where, after the passing of this Act, a benefice becomes actually vacant or is deemed to have become vacant by election or notification the clerk of the presbytery shall forthwith intimate the vacancy to the Clerk of Teinds, who shall communicate the intimation to any titular who has previously notified the Clerk of Teinds in writing that he desires to receive such intimation.

2. Where a benefice is actually vacant at the passing of this Act or where, after the passing of this Act, the benefice becomes actually vacant or is deemed to have become vacant by election or notification it shall be the duty of the heritors concerned forthwith to prepare and lodge in the Teind Office a state of teinds unless in any case the Lord Ordinary shall on the application of any party dispense therewith.

3. For the purposes of the teind rolls the value in sterling money of teind valued in victual shall be determined:—

(*a*) Where a basis of conversion has been specified in the decree of valuation by reference to that basis; and

(*b*) In any other case by reference to the former county average value within the meaning of section two of this Act.

4. Effect shall be given in the teind roll by the Clerk of Teinds to any augmentation of stipend or to any reduction of stipend following upon a surrender of teinds, made in accordance with the provisions of the Sixth Schedule to this Act. The Clerk of Teinds may also give effect in a teind roll to an extra-judicial surrender made before the passing of this Act on intimation from or on behalf of the heritor concerned that such a surrender has been made and on production to him of evidence thereof.

5. Where a heritor is entered in the teind roll separately for different subjects belonging to him in the same parish for teinds of the same class only, he shall be entitled to have the said entries or some of them consolidated into one entry, and on receiving from the heritor an application to that effect before the teind roll is made final, the Clerk of Teinds shall give effect thereto.

6. Where stipend is payable to the minister of one parish from the teinds of lands situated in another parish the Clerk of Teinds shall in the teind roll of the parish where stipend is so payable specify the value of the stipend so payable, and in the teind roll of the parish wherein the lands are situated the teinds

of those lands shall be stated under deduction of any stipend payable as aforesaid. 5TH SCH. —*cont.*

7. Where the Clerk of Teinds has prepared a teind roll for any parish he shall report the same to the Lord Ordinary who shall take the roll into consideration and make such order as he thinks fit with respect to the intimation of the roll (including where necessary an order for the appointment of a common agent by the heritors concerned) and with respect to the subsequent adjustment and completion of the roll. The date of the Lord Ordinary's interlocutor ordering intimation of the teind roll is hereinafter in this Act referred to as the " date of issue of the teind roll."

8. Subject to the provisions of this Act relating to valuation and surrender of teinds no objection to a teind roll shall be competent unless the same is lodged with the Clerk of Teinds before the expiry of eighteen months after the date of issue of the teind roll and so soon as any such objection and any application for the valuation of teinds has been disposed of and any surrender of teinds has received effect and any necessary adjustment of the teind roll has been made, the Lord Ordinary shall by interlocutor declare the roll to be final. As on and from the date of such interlocutor the roll shall for the purposes of this Act be final, subject to such alterations and adjustments as may be necessary in consequence of changes of ownership or in consequence of redemption.

9. The Court of Session shall make by Act of Sederunt such rules and regulations as may in their judgment from time to time be necessary with respect to the preparation, reporting, adjustment, disposal and custody of the teind roll.

10. Nothing in this Act shall affect the right of the titular to lodge a state of teinds should he elect to do so, provided that the expense of the preparation of the said state by the titular shall be payable by the titular.

SIXTH SCHEDULE.

Section 16.

PROVISIONS RELATING TO THE VALUATION OF TEINDS AND THE SURRENDER OF VALUED TEINDS.

1. Any heritor whose teinds in any parish are wholly or partly unvalued, or the titular of any such teinds, or any minister whose stipend is wholly or partly exigible from unvalued teinds or where the benefice is vacant the General Trustees may at any time not later than the expiry of twelve months after the date of issue of the teind roll for the parish apply to the sheriff to appoint a valuer for the purpose of fixing the annual agricultural value

6TH SCH. —*cont.*

of the lands the teinds of which have not been valued, and in estimating that value the valuer (who shall be appointed by the sheriff at his own hand) shall have regard to the following directions, that is to say: Where the lands are bonâ fide let for a term of years, the rent payable under the lease (so far as it represents agricultural rental) and where the lands are not so let the agricultural rent at which the lands might, in the opinion of the valuer, be reasonably expected to be let shall be deemed to be the annual agricultural value:

Provided that in either case there shall be deducted from the rent—

(*a*) interest on expenditure by the heritor or his predecessors, upon permanent improvements within twenty years prior to the date of valuation, where such expenditure is shown to the satisfaction of the valuer to have increased the annual agricultural letting value of the land; and

(*b*) interest on any other improvement expenditure made by the heritor or his predecessors which, in the opinion of the valuer, has increased such letting value as at the date of valuation.

2.—(*a*) Any heritor or titular who applies to the sheriff as aforesaid shall so soon as the appointment of a valuer has been made give written notice thereof to the minister of the parish in which the lands are situate, or if the benefice is vacant to the General Trustees, and any minister or the General Trustees so applying shall in like manner give notice to the heritor of the lands.

(*b*) The minister, or the General Trustees or the heritor, as the case may be, receiving such notice may within fifteen days after the date of the notice intimate in writing to the valuer that he or they desires or desire to be heard.

3. The valuer shall after such inquiry as he may think necessary, including the hearing of the parties where a desire to be heard has been intimated as aforesaid, issue a certificate of valuation showing the annual agricultural value of the lands.

4. The provisions set out in the Second Schedule to the Agricultural Holdings (Scotland) Act, 1923, relating to the removal of arbiter, evidence, statement of case and expenses shall, with the necessary modifications, apply to any inquiry by a valuer appointed by the sheriff under this Schedule. The Court of Session shall from time to time by Act of Sederunt make such regulations as they may think necessary for regulating the fees of valuers so appointed.

5.—(*a*) Where the annual agricultural value of the lands, as shown by the certificate issued by the valuer, does not exceed fifty pounds the certificate shall be final. Where the said value exceeds fifty pounds—

(i) The applicant for the appointment of the valuer, or the heritor, or the minister, or the General Trustees, as the

6TH SCH.—*cont.*

case may be, interested in the valuation, if not satisfied with the said valuation, may within fifteen days after the issue of the certificate by the valuer, appeal to the Lord Ordinary, who after such inquiry as he thinks necessary (including if the Lord Ordinary so directs, a remit to a skilled valuer) may either approve or modify the certificate, and the certificate so approved or modified shall thereupon become final. In estimating the annual agricultural value of the land the Lord Ordinary shall have regard to the provisions in that behalf contained in paragraph 1 of this Schedule, which for this purpose shall apply with the substitution of the Lord Ordinary for the valuer.

(ii) If no such appeal has been intimated before the expiry of fifteen days from the issue of the certificate by the valuer, the certificate shall upon such expiry become final.

6.—(*a*) Where the annual agricultural value of the lands as shown in the certificate issued by the valuer does not exceed fifty pounds the applicant for the appointment of the valuer shall within ten days after the issue of the certificate lodge the same at the Teind Office for registration.

(*b*) Where the said value exceeds fifty pounds the certificate issued by the valuer shall be so lodged within ten days of the date when the same becomes final—

(i) by the applicant if the certificate has not been modified by the Lord Ordinary; and

(ii) by the appellant if the certificate has been so modified.

(*c*) When a certificate has been lodged as aforesaid the Clerk of Teinds shall issue a certificate of the amount of the valued teind and such certificate shall be recorded in the Teind Office, and when so recorded shall be evidence of the valuation to the same effect as an extract decree of valuation of the Court of Teinds issued in accordance with the present practice.

7.—(*a*) Any heritor or titular whose teinds have been valued either in accordance with the present practice or in accordance with the provisions of this Schedule, and whether there is or is not a depending process of locality may, so soon as the decree of valuation has been extracted or the certificate of the amount of the valued teinds has been recorded, as the case may be, and within the period hereinafter limited in that behalf, surrender the amount of such valued teind to the minister or the General Trustees, as the case may be. Such surrender shall be as nearly as may be in the form presently in use in the Court of Teinds, and if there is a process of locality pending may be embodied in a minute of surrender lodged in that process, and if there is no depending process of locality the surrender may be signed by the heritor or his agent or the titular or his agent (as the case

6TH SCH. —*cont.*

may be) and lodged at the Teind Office. Any heritor whose teinds have been valued in accordance with the present practice may exercise the powers of this paragraph, notwithstanding that such valuation comprises the teinds of a heritor other than the heritor named in the surrender, but only where there has been an agreement between the parties interested with respect to the division of the cumulo valuation.

(*b*) Surrender of valued teinds shall not be competent unless the minute of surrender is lodged in a process of locality or the surrender is lodged at the Teind Office as aforesaid before the date hereinafter mentioned (that is to say) :—

(i) In cases where the teinds are valued before the date of issue of the teind roll for the parish in which the lands are situate, before the expiry of six months after the date of the said issue; and

(ii) In cases where the teinds are valued after the date of issue of the teind roll for the parish in which the lands are situate, before the expiry of two months after the issue by the Clerk of Teinds of a certificate of the amount of the valued teinds; and

(iii) In cases where the value of teinds specified in the teind roll for the parish in which the lands are situate is deemed to be accepted by acquiescence as hereinbefore in this Act provided, before the expiry of fifteen months after the date of issue of the teind roll for that parish.

(*c*) The heritor or the titular shall at the same time as the minute of surrender or the surrender, as the case may be, is lodged as aforesaid send a copy thereof to the minister of the parish, or if the benefice is vacant to the General Trustees, and the Clerk of Teinds shall, as soon as may be after the lodging of the minute or of the surrender, examine the state of the teinds in the parish and calculate what deficiency of stipend (if any) would ensue if the surrender took effect, and shall notify the result of his examination and calculation to the minister or to the General Trustees, as the case may be. Within twenty-one days after the date of such notification the minister or the General Trustees, as the case may be, may lodge objections to the surrender, which shall be finally disposed of by the Lord Ordinary; but if no such objection shall be so lodged the surrender shall have effect at the expiry of the said period of twenty-one days.

(*d*) It shall not be a valid objection to a surrender made under the provisions of this Schedule that the decree of locality on which the stipend has been paid up to the date of the surrender has not been made final.

8. Where a surrender made under the provisions of this Schedule has become effectual, whether no objection has been lodged or any objection lodged has been disposed of, and a deficiency of stipend amounting to not less than ten pounds per

6TH SCH. —*cont.*

annum is caused thereby, the minister of the parish, or if the benefice is vacant the General Trustees may within thirty days after the date when the surrender has become effectual, intimate in writing to the Clerk of Teinds that he or they claims or claim that the deficiency of stipend shall be re-allocated among those heritors in the parish (if any) who have unexhausted teinds not yet allocated for stipend. The Clerk of Teinds on receiving intimation of the claim shall notify the same to the common agent of the heritors, and if any heritor within thirty days after the date of such notification lodges with the Clerk of Teinds a written objection to the claim the matter shall be finally disposed of by the Lord Ordinary. But if no such objection be lodged, the re-allocation shall be made by the Clerk of Teinds, who shall issue to the minister or to the General Trustees, as the case may be, a certificate specifying the amounts of stipend payable by the heritors whose teinds are affected by the re-allocation.

9. Any calculation as to the amount of any deficiency of stipend caused by a surrender in accordance with the provisions of this Schedule or as to the amounts of unexhausted teinds available to meet such deficiency shall be made—

(*a*) so far as the stipend is concerned, on the basis of the standard value thereof; and

(*b*) so far as the value of the teind is concerned, in accordance with paragraph 3 of the Fifth Schedule to this Act.

10. A heritor may have his unvalued teinds valued or surrender valued teinds in accordance with the provisions of this Schedule, whether he has or has not a heritable right to such teinds:

Provided that—

(*a*) Where the heritor proposes to have valued or to surrender any teinds to which he has no heritable right, he shall at the time when he gives notice of the appointment of a valuer or lodges a minute of surrender or a surrender as aforesaid intimate the appointment or the surrender in writing to the titular of the teinds who shall have the same rights of objection and appeal as are by the provisions of this Schedule conferred upon the minister of the parish or the General Trustees;

(*b*) When a heritor receives from a minister or the General Trustees notice of the appointment of a valuer with respect to lands to the teinds of which he has no heritable right, he shall forthwith intimate the appointment in writing to the titular of the teinds, who shall in such case have the same rights of objection and appeal as are by the provisions of this Schedule conferred upon the heritor.

Sections 19 and 39.

SEVENTH SCHEDULE.

PAYMENTS OUT OF THE CONSOLIDATED FUND.

(1) The annual sum of 12,000*l.* on account of augmentations of stipends chargeable on and payable out of the Consolidated Fund of the United Kingdom, under the Teinds Act, 1810, and the Teinds Act, 1824.

(2) The annual sum of 5,040*l.* on account of stipends, chargeable and payable, as aforesaid, under the Act 5 George IV. chapter 90.

(3) The annual sum of 2,000*l.* chargeable and payable as aforesaid to the General Assembly for itinerant preachers.

(4) The annual sum of 1,100*l.* chargeable and payable as aforesaid towards the expenses of the General Assembly.

(5) The annual sum of 86*l.* 3*s.* 1*d.* land revenue allowances, chargeable and payable as aforesaid to certain precentors and ministers.

(6) The annual payment under Royal Warrant to the minister of Dunkeld and Dowally of an amount fixed by reference to Fiars Prices, chargeable and payable as aforesaid.

Sections 21 and 24.

EIGHTH SCHEDULE.

LIST OF CERTAIN PARISHES QUOAD OMNIA ERECTED UNDER THE NEW PARISHES (SCOTLAND) ACT, 1844.

PARISH.	DATE OF ELECTION.
North Bute - -	26th June 1844.
Shettleston - -	30th June 1847.
Calton - - -	11th July 1849.
Teviothead - - -	20th February 1850.
Maryhill - - -	10th July 1850.
Kirkhope - - -	25th June 1851.
Springburn - - -	14th June 1854.
Ardoch - - -	21st February 1855.
Colonsay - - -	27th February 1861.
Coll - - - -	15th March 1865.

NINTH SCHEDULE.

Sections 22 and 46.

LIST OF BURGH CHURCHES.

1. East Kirk, Aberdeen.
2. Greyfriars, Aberdeen. Manse.
3. North Kirk, Aberdeen.
4. South Kirk, Aberdeen.
5. St. Clement's, Aberdeen. Manse.
6. West Kirk, Aberdeen. Manse.
7. Greyfriars, Dumfries.
8. St. Clement's, Dundee.
9. St. David's, Dundee. Manse.
10. St. John's, Dundee.
11. St. Paul's, Dundee. Manse.
12. Canongate, Edinburgh.
13. Greenside, Edinburgh. Manse.
14. Greyfriars New, Edinburgh.
15. Greyfriars Old, Edinburgh.
16. High Kirk (St. Giles'), Edinburgh.
17. Lady Yester's, Edinburgh.
18. New North (West St. Giles'), Edinburgh. Manse.
19. St. Andrew's, Edinburgh.
20. St. George's, Edinburgh.
21. St. John's, Edinburgh.
22. St. Mary's, Edinburgh.
23. St. Stephen's, Edinburgh. Manse.
24. Trinity College, Edinburgh.
25. Tron, Edinburgh.
26. College or Blackfriars, Glasgow. Manse.
27. St. Andrew's, Glasgow.
28. St. David's or Ramshorn, Glasgow. Manse.
29. St. George's, Glasgow. Manse.
30. St. James', Glasgow.
31. St. John's, Glasgow.
32. St. Paul's, Glasgow.
33. Tron, Glasgow.
34. East Kirk, Greenock.
35. Middle Kirk, Greenock. Manse.
36. High Kirk, Kilmarnock.
37. High, Paisley. Manse.
38. Laigh, Paisley. Manse.
39. Middle, Paisley. Manse.
40. St. John's, Perth. Manse.
41. St. Paul's, Perth.



9TH SCH. —*cont.*

42. St. Mark's, Perth. Manse.
43. Queensferry.
44. North, Stirling.
45. West, Stirling.

Section 23.

TENTH SCHEDULE.

LIST OF PARLIAMENTARY CHURCHES AND MANSES.

Name of Place.	Parish or Island.	County.
1. Loch-Gilphead	Glassary	Argyll.
2. Muckairn (manse only)	Muckairn	do.
3. Duror	Appin	do.
4. Kilmeny (manse only)	Islay Island	do.
5. Portnahaven	do.	do.
6. Oe or Oth	do.	do.
7. Kinlochspelvie	Mull Island	do.
8. Salen (manse only)	do.	do.
9. Tobermory	do.	do.
10. Ulva	Ulva Isle	do.
11. Iona	Iona Isle	do.
12. Strontian	Ardnamurchan	do.
13. Acharacle	do.	do.
14. North-Ballachulish	Kilmallie	Inverness.
15. Ardgour (no manse)	do.	Argyll.
16. Rothiemurchus (manse only).	Rothiemurchus	Inverness.
17. Tomintoul	Kirkmichael	Banff.
18. Inch (manse only)	Kingussie	Inverness.
19. Steinsholl (in Trotternish).	Skye Island	do.
20. Halen (in Waternish)	do.	do.
21. Trumisgarry	N. Uist Isle	do.
22. Bernera Isle	Harris	do.
23. Plockton	Lochalsh	Ross and Cromarty.
24. Shieldaig	Applecross	do.
25. Carnoch, Strath-Conan	Contin	do.
26. Kinloch-Luichart	do.	do.
27. Poolewe	Gairloch	do.
28. Croich	Kincardine	do.
29. Ullapool	Loch-Broom	do.
30. Cross (Ness District)	Lewis Island	do.
31. Knock (Eye District)	do.	do.

10TH SCH. —*cont.*

Name of Place.	Parish or Island.	County.
32. Rhuistore	Assynt	Sutherland.
33. Kinloch-Bervie	Edrachilles	do.
34. Strathy	Farr	do.
35. Berriedale	Latheron	Caithness.
36. Keiss	Wick	do.
37. Deerness (manse only)	St. Andrew and Deerness.	Orkney and Shetland.
38. N. Ronaldshay (manse only).	Cross and Burness	do.
39. Sandwick (manse only)	Dunrossness	do.
40. Quarff	Quarff	do.
41. Interwick, or Innerwick (in Glenlyon).	Fortingall	Perth.
42. Rannoch	do.	do.
43. Kirktown of Foss	Dull	do.

ELEVENTH SCHEDULE.

Section 28.

CERTIFICATE OF SHERIFF UNDER THE CHURCH OF SCOTLAND (PROPERTY AND ENDOWMENTS) ACT, 1925.

County of

Parish of

I, , sheriff of

as authorised by the Church of Scotland (Property and Endowments) Act, 1925, hereby certify that all obligations incumbent on the heritors of the said parish, with respect to the subjects mentioned in the Schedule annexed hereto have been fulfilled.

[*Signature and date.*]

SCHEDULE.

Church or manse

(*Insert or refer to a description of the church, and the site thereof, or the manse (with pertinents, if any) and the site thereof, or both of the said subjects (as the case may be) to which the certificate relates.*)

Section 48.

TWELFTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
50 Geo. 3. c. 84.	The Teinds Act, 1810 -	The whole Act.
5 Geo. 4. c. 72	The Teinds Act, 1824 -	The whole Act.
5 Geo. 4. c. 90	An Act to amend an Act for building additional Places of Worship in the Highlands and Islands of Scotland.	Sections 13 and 14, so far as those sections relate to payment of stipend, sections 23 and 24.
8 & 9 Vict. c. 83.	The Poor Law (Scotland) Act, 1845.	Section 54, from "pro- " vided also" to the end of the section.
17 & 18 Vict. c. 80.	The Registration of Births, Deaths and Marriages (Scotland) Act, 1854.	Section 13.

Section 35.

THIRTEENTH SCHEDULE.

FORM OF MEMORANDUM OF ALLOCATION.

The proportion of the annual sum of £ created by (*particulars of deed*) allocated upon all and whole (*description of land*) is hereby fixed at £ (*and if an increase is payable, add*) with £ of increase making a total of £ per annum.

[*To be signed by minister or trustees under deed of constitution or the General Trustees, as the case may be, or by an agent on behalf of the minister or trustees or General Trustees, respectively.*]