ELIZABETH II



1978 CHAPTER i

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Church of Scotland (Property and Endowments) Amendment. [23rd March 1978]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said Order should be confirmed by Parliament: 1936 c. 52.

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

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Church of Scotland (Property and Endowments) Amendment Order Confirmation Act 1978. Short title.

SCHEDULE

CHURCH OF SCOTLAND (PROPERTY AND ENDOWMENTS) AMENDMENT

Provisional Order to amend the Church of Scotland (Property and Endowments) Act 1925 *and the Church of Scotland (Property and Endowments) Amendment Act* 1933 *so as to empower the General Assembly of the Church of Scotland to delegate certain powers with regard to the holding and disposal of property and endowments; to authorise the General Assembly to delegate certain powers with respect to schemes and for purposes connected therewith.*

Whereas—

1921 c. cxxv. (1) By the Church of Scotland (General Trustees) Order Confirmation Act 1921 the Church of Scotland General Trustees (hereinafter called " the General Trustees ") were incorporated for the purpose of holding heritable properties, investments and securities with power to purchase, acquire and hold, and to sell, feu or otherwise dispose of lands and other property, heritable and movable, and to borrow on the security thereof and having all other privileges of a body corporate:

1925 c. 33. (2) By the Church of Scotland (Property and Endowments) Act 1925 (hereinafter called " the Act of 1925 ") major powers and duties were conferred upon the General Trustees:

1933 c. 44. (3) By the Church of Scotland (Property and Endowments) Amendment Act 1933 (hereinafter called " the Act of 1933 ") further provisions with regard to the properties and endowments of the Church of Scotland were enacted:

(4) By the provisions of the hereinbefore recited Acts the General Trustees and other trustees are prohibited from selling or disposing of certain properties and endowments otherwise than under the authority of an Act of Assembly enacted by the General Assembly of the Church of Scotland:

(5) It is expedient that the existing restraint on the powers of the General Trustees and other trustees with respect to such properties and endowments should be removed having regard to the fact that the General Assembly meets only once a year and restraints long since imposed cause inconvenience and are no longer appropriate or necessary:

(6) It is expedient for the practical administration of the property and endowments of the Church of Scotland that the Acts of 1925 and 1933 should be amended and that the General Assembly should have such further powers as in this Order provided:

(7) The purposes aforesaid cannot be effected without an Order confirmed by Parliament under the Private Legislation Procedure (Scotland) Act 1936: 1936 c. 52.

Now therefore in pursuance of the powers contained in the said Act the Secretary of State orders as follows:—

1. This Order may be cited as the Church of Scotland (Property and Endowments) Amendment Order 1978 and this Order and the Church of Scotland (Property and Endowments) Acts 1925 and 1933 may be cited together as the Church of Scotland (Property and Endowments) Acts 1925 to 1978. Short and collective titles.

2. The enactments specified in the Schedule to this Order shall have effect subject to the amendments and modifications specified in that Schedule. Amendments and modifications.

3. The General Assembly of the Church of Scotland shall have power to delegate to any body the necessary powers from time to time to amend, modify or otherwise alter the provisions of any scheme framed by the Scottish Ecclesiastical Commissioners but that in so far only as they affect the Church of Scotland and its members. Powers of General Assembly to delegate.

4. The costs, charges and expenses of and incidental to the preparing for, obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the General Trustees. Costs of Order.

SCHEDULE

ENACTMENTS AMENDED AND MODIFIED

1925 c. 33. **CHURCH OF SCOTLAND (PROPERTY AND ENDOWMENTS) ACT 1925**

1. In section 34 (1) (*g*) (Provisions relating to quoad sacra parishes), after the words "General Assembly" where first occurring, there shall be inserted the words "or any body to which the General Assembly may delegate the necessary powers" and the words "by Act of Assembly" shall be omitted.

2. In section 36 (Requirements of parish to be first charge on endowments) after the words "General Assembly" where third occurring there shall be inserted the words "or any body to which the General Assembly may delegate the necessary powers".

1933 c. 44. **CHURCH OF SCOTLAND (PROPERTY AND ENDOWMENTS) AMENDMENT ACT 1933**

1. In the provisions set out in the following table after the words "General Assembly" where specified there shall be inserted the words "or any body to which the General Assembly may delegate the necessary powers":—

Section 3 (2) where third occurring and in provisos (i) and (ii);
Section 4 where twice occurring;
Section 5 where twice occurring;
Section 6 where first and fourth occurring;
Section 8 (1) where twice occurring;
Section 8 (2) where third and fourth occurring;
Section 8 (3) where twice occurring.

2. In the provisions set out in the following table the words "declared by Act of Assembly" shall be omitted:—

Section 3 (2);
Section 4;
Section 5;
Section 6;
Section 8 (2).

3. In section 8 (1) and (3) the words "by Act of Assembly" shall be omitted.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED
FOR BERNARD M. THIMONT
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

15p net

ISBN 0 10 510178 8