ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. XXX.

An Act to amend the Act of the Seventh and Eighth Years of the Reign of *Victoria*, Chapter Forty-four, relating to the Formation of *quoad sacra* Parishes in *Scotland*, and to repeal the Act of the Twenty-ninth and Thirtieth Years of the Reign of *Victoria*, Chapter Seventy-seven.

[29th *May* 1868.]

WHEREAS by the Act of the Seventh and Eighth *Victoria*, Chapter Forty-four, intituled *An Act to facilitate the disjoining or dividing of extensive or populous Parishes, and the erecting of new Parishes, in that Part of the United Kingdom called Scotland*, Provision is made (by Section Eight), in the Case of a Church built or acquired, or undertaken to be built or acquired and endowed, or undertaken to be endowed, by any Person or Persons, at his, her, or their Expense, for the Erection of such Church and a District to be attached thereto *quoad sacra* into a Church and Parish in connexion with the Church of *Scotland*: 7 & 8 Vict. c. 44.

And whereas there are in *Scotland* United Parishes in which there are already Two or more Parish Churches maintained:

And

And whereas in such United Parishes an Increase of Population or other Change of Circumstances may take place, rendering it expedient, under the Provisions of the said Act, to apply for Disjunction from such United Parishes, and Erection into a Parish *quoad sacra*, of a District thereof:

29 & 30 Vict. c. 77.

And whereas by the Act of the Twenty-ninth and Thirtieth *Victoria*, Chapter Seventy-seven, Power was conferred upon the Heritors of such United Parishes to convey or make over any One of the Parish Churches of such United Parish to the Party or Parties who shall have endowed or undertaken to endow such Parish *quoad sacra*, but it has been found that the said last-mentioned Act has not sufficiently accomplished the Objects for which it was designed; and it is expedient that the said Act should be repealed, and other Provisions should be made in lieu thereof:

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; *viz.*

29 & 30 Vict. c. 77. repealed.

1. The Act Twenty-ninth and Thirtieth *Victoria*, Chapter Seventy-seven, is hereby repealed.

In a United Parish containing several Parish Churches, Persons undertaking to endow One of them may apply for Disjunction, and Erection of a Parish quoad sacra, without erecting a Church.

2. Whenever, in the Case of any United Parish containing Two or more Parish Churches, any Persons have undertaken to endow One of the said Churches along with a District, being Part of such United Parish, to be attached thereto, it shall be competent for them to apply for the Disjunction of such District, and for the Erection of it into a Parish *quoad sacra*, in Terms of the Eighth Section of the said first-recited Act, and for the Court to entertain and dispose of such Application in the same Manner and to the same Effect as if the Persons applying for such Disjunction and Erection had, at his, her, or their Expense, built or acquired, or undertaken to build or acquire, a Church, in order to its being erected into a Parish Church in connexion with the Church of *Scotland*: Provided also, that it shall not be necessary for the Persons applying for such Disjunction and Erection to make any Provision for the Maintenance of the Fabric of the Church which they shall have undertaken to endow as aforesaid.

Court, in pronouncing Decree of Disjunction and Erection, may declare One of several Churches of a United

3. It shall be competent for the Court, in pronouncing Decree of Disjunction and Erection in an Application presented under the preceding Section, to declare that the Church undertaken to be endowed shall, from and after the Date of the Decree, be the Parish Church of the newly erected Parish, and the said Church shall thereafter be the Parish Church of the said newly erected Parish; and

and the Minister and Kirk Session of the newly erected Parish *quoad sacra* shall be invested with all those Rights in relation to the Church of the newly erected Parish which were formerly vested in the Minister and Kirk Session of the said United Parish. Parish to be the Church of new Parish quoad sacra.

4. The Church which shall be declared as aforesaid to be the Church of the newly erected Parish *quoad sacra* shall not be subject to the Provisions of any Trust constituted in Terms of the first-recited Act, or to any Trust applicable to a Church erected by voluntary Contributions as the Church of a Parish *quoad sacra*. Church not to be subject to Trust.

5. Nothing in this Act shall increase or affect the existing Liabilities of the Heritors in any Parish. Not to increase Liabilities of Heritors.

6. This Act shall be deemed to be incorporated with the first-recited Act, and the said first-recited Act shall be read and have Effect accordingly. This Act and first-recited Act incorporated.

7. This Act may for all Purposes be cited as the "United Parishes (*Scotland*) Act, 1868." Short Title.

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