



# Church of Scotland (Property and Endowments) Amendment Order Confirmation Act 1995

## 1995 CHAPTER xi

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Church of Scotland (Property and Endowments) Amendment.  
[19th December 1995]

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:

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 Confirmation of Order in Schedule**

The Provisional Order contained in the Schedule hereunto annexed is hereby confirmed.

### **2 Short title**

This Act may be cited as the Church of Scotland (Property and Endowments) Amendment Order Confirmation Act 1995.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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## 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, and to modify the effect of certain Orders made under the Churches (Scotland) Act 1905, so as to increase the discretionary powers of the General Assembly of the Church of Scotland in relation to certain property and endowments of the Church.*

#### WHEREAS—

- (1) The supreme legislative, judicial and administrative Court of the Church of Scotland (hereinafter referred to as “the Church”) is the General Assembly of the Church (hereinafter referred to as “the General Assembly”):
- (2) By the Church of Scotland (General Trustees) Order 1921, the Church of Scotland General Trustees (hereinafter referred to as “the General Trustees”) were incorporated with power to purchase, acquire, hold and sell, feu or otherwise dispose of lands and other property heritable and moveable and borrow on the security thereof, and with all other privileges of a body corporate:
- (3) By the Church of Scotland (Property and Endowments) Act 1925 (hereinafter referred to as “the Act of 1925”) provisions were made in relation to the property and endowments of the Church and further powers and duties were conferred and imposed on the General Trustees:
- (4) By the Church of Scotland (Property and Endowments) Amendment Act 1933 (hereinafter referred to as “the Act of 1933”) the Act of 1925 was amended and further provision was made in relation to the property and endowments of the Church:
- (5) By the Church of Scotland (Property and Endowments) Amendment Act 1957 (hereinafter referred to as “the Act of 1957”) an alteration was made in the meaning of section 36 of the Act of 1925:
- (6) By the Church of Scotland (Property and Endowments) Amendment Order 1978 (hereinafter referred to as “the Order of 1978”), added powers of delegation were conferred (largely through amendment of the Act of 1925 and the Act of 1933) on the General Assembly and a further power of delegation was so conferred:
- (7) Section 36 of the Act of 1925 and sections 3(2), 6 and 8(2) of the Act of 1933, as amended by the Order of 1978, contain provisions which, while giving to the General Assembly (or any body to which it may delegate the necessary powers) a residual discretion as to the application of the property there described, stipulate that such property shall be appropriated or applied in the first place to meet the proper requirements of the parish there designated (or, in the case of the said section 36, of that parish or its neighbourhood); and section 34(1) of the Act of 1925 and section 8(1) of the Act of 1933, in requiring that the property there described be applied in accordance with, or subject to, the said section 36, embody stipulations to similar effect:
- (8) Section 3(2) of the Act of 1933 contains a further stipulation to the effect that the power to sell or otherwise dispose of certain assets shall be subject to the approval of the presbytery of the bounds; and proviso (ii) to that subsection contains a further stipulation that the transfer of certain assets in the way there specified shall be subject to the like approval of the presbytery of the bounds and of the kirk session: