
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 538

**The Church of Scotland (Property and
Endowments) (Amendment) Act 1933 Order 2004**

Interpretation

2. In this Order—

“adjoining owner” means any person to whom an opportunity to purchase land shall be offered as provided in subsection (3) of section 9 of the Church of Scotland (Property and Endowments) (Amendment) Act 1933;

“the General Trustees” has the same meaning as in the Church of Scotland (Property and Endowments) Act 1925(1);

“notice of opportunity to purchase” has the meaning given in article 3;

“notice of statement of terms” means a notice setting out a statement of terms and upset price;

“participating owner” means an adjoining owner who has confirmed a wish to proceed with the opportunity to purchase by sending a response notice to the General Trustees on or before the response date;

“response date” means the date prescribed in the notice of opportunity to purchase (which date shall be not less than 21 days from the date of sending of the notice of opportunity to purchase to the adjoining owner);

“response notice” has the meaning given in article 4;

“send” shall be construed in accordance with article 17 (cognate expressions being construed accordingly);

“statement of terms” means a statement setting out the terms (other than price but including any title conditions to be imposed on the land) on which the General Trustees are willing to sell the land in question and where a statement of terms has been amended by agreement means the amended statement of terms and where a statement of terms has been determined by an arbiter means the statement of terms as so determined;

“upset price” means the General Trustees' estimate of the open market value of the land to be sold assessed on the basis of a sale by a willing seller to a willing purchaser on the same terms and conditions as set out in the statement of terms and where an upset price has been amended by agreement means the amended upset price and where the upset price has been determined by an arbiter means the upset price as so determined.