



Churches (Scotland) Act 1905

1905 CHAPTER 12 5 Edw 7

4 Provision defining the property, &c. to be allocated. **U.K.**

- (1) All property which, on the thirtieth day of October, nineteen hundred, was vested in or held by or on trust for, or was payable to or for behoof of, the Free Church, or was held for the purposes of any school, scheme, mission, or other special object of the said church, or, where any such property has been disposed of since that date, the proceeds of sale thereof or any investments representing the same, including any revenue or accumulations of any such property, proceeds of sale, or investments accruing since the said date, shall, notwithstanding anything that has taken place since said date, be deemed to be property in question within the meaning of this Act, subject in any case to any disbursements properly made since the said date (which are hereby declared to stand good), and any person held accountable for any such property, in accordance with an order of the Commission, shall account for the same accordingly.
- (2) Such rights, duties and liabilities (including the right of appointing representatives on bodies of trustees or other boards) as belonged or attached to the Free Church on the thirtieth day of October, nineteen hundred, shall be subject to allocation by the Commission in the same manner as the property in question within the meaning of this Act.
- (3) Any legacies, bequests, or conveyances of property under testamentary writings made before the thirtieth day of October, nineteen hundred, by testators who died thereafter and before the commencement of this Act, in dispute between the Free Church and the United Free Church, shall be allocated to or apportioned between the Churches in such manner as the Commission deem fair and equitable, having regard to what seems to them to have been the intention of the testator and the capacity of the Churches respectively to carry out any special trusts annexed to the legacy; and all proceedings in any court as regards any disputes between the two Churches in respect of such legacies shall be permanently sisted or stayed.
- (4) In this section the expression "property" includes property heritable and movable and all interests therein; and the expression "rights" includes powers, privileges and immunities.

Changes to legislation:

There are currently no known outstanding effects for the Churches (Scotland) Act 1905, Section 4.