



# Church of Scotland (Property and Endowments) (Amendment) Act 1933

1933 CHAPTER 44 23 and 24 Geo 5

## 8 Application of properties and endowments on suppression or union of quoad sacra parishes.

Upon the suppression of any parish quoad sacra or of any parish quoad omnia included in the Eighth Schedule to the principal Act, or upon the alteration or extension of the bounds of such parish or the uniting of the same with any other parish or parishes by the General Assembly or by such body as aforesaid, whether such suppression or uniting shall have taken place prior to the commencement of this Act or shall take place at any date subsequent thereto, the following provisions shall have effect:—

- (1) Any obligation by any third party contained in any bond or other deed or document representing or making provision for part or the whole of the statutory endowments of the parish being a parish quoad sacra <sup>F1</sup>..., shall not be prejudiced or affected by such suppression or union or alteration or extension of bounds, but shall remain in full force and effect unless and until expressly discharged or otherwise dealt with by the General Trustees, and the statutory properties and endowments of the parish being a parish quoad sacra shall be held, or if the General Assembly [<sup>F2</sup>or any body to which the General Assembly may delegate the necessary powers]<sup>F3</sup>... so direct, shall, subject to the provisions of any deed of trust, conveyance or other deed applicable thereto, be sold or otherwise disposed of by the General Trustees, and the income of such properties and endowments or the proceeds thereof, if sold or otherwise disposed of as well as the income of such proceeds, shall be applied by the General Trustees [<sup>F4</sup>, subject to the provisions of section thirty-six of the principal Act,] for such ends, uses and purposes as the General Assembly [<sup>F2</sup>or any body to which the General Assembly may delegate the necessary powers] may direct.

Provided always that—

- (a) Any bond of annual rent or other heritable security permanently provided or secured for the maintenance of the church or manse of any parish quoad sacra shall, if such church or manse is sold or otherwise disposed of, be discharged by the General Trustees as regards the subject so sold or disposed of, quoad the obligation for such maintenance, unless the debtor in such bond or other heritable security consents to such obligation remaining in full force and

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*Changes to legislation: There are currently no known outstanding effects for the Church of Scotland (Property and Endowments) (Amendment) Act 1933, Section 8. (See end of Document for details)*

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effect; but that without prejudice to any obligations for payment of stipend or otherwise contained in such bond of annual rent or other heritable security such as aforesaid, or for the maintenance of any church or manse remaining unsold or undisposed of and falling to be retained for any ecclesiastical purpose; and

- (b) no ground used as a burial ground shall be put to any other use:
- (2) The non-statutory properties and endowments (if any) of the parish being a parish quoad sacra may, subject to any provisions applicable thereto contained in any deed of trust, conveyance or other deed relating to any such non-statutory property or endowment, be sold or otherwise disposed of and the income of such properties and endowments and the proceeds thereof, if sold or otherwise disposed of as well as the income of such proceeds, shall be applied by the trustees or other person in whom the same may then be vested for behoof of the parish or district concerned, or by the General Trustees, if the same shall then have become vested in them, [<sup>F5</sup>in the first place to meet the proper requirements of the parish as such requirements may be determined by the General Assembly, or by any body to which the General Assembly may delegate the necessary power, and any remainder after these requirements have been fully met shall be applied] for such ends, uses and purposes as the General Assembly [<sup>F2</sup>or any body to which the General Assembly may delegate the necessary powers] may direct. Provided always that the consent of the General Assembly [<sup>F2</sup>or any body to which the General Assembly may delegate the necessary powers]<sup>F3</sup>... shall be required to the sale or disposal of any such properties and endowments, except where by the terms of the deed of trust, conveyance or other deed under which any such properties and endowments are held the General Trustees or any trustees or other persons holding the same have power to sell or to dispose thereof without such consent:
- (3) Without prejudice to the provisions of section five of this Act, where the church or manse in the parish being a parish quoad sacra is a parliamentary church or manse, such church or manse and any other subjects connected therewith and situated within the parish shall after the transfer thereof to the General Trustees under the principal Act be held by the General Trustees, or if the General Assembly [<sup>F2</sup>or any body to which the General Assembly may delegate the necessary powers]<sup>F3</sup>... so direct, shall, subject to the provisions of any deed of trust, conveyance or other deed applicable thereto, be sold or otherwise disposed of by the General Trustees and the proceeds thereof shall be applied for such ends, uses and purposes as the General Assembly [<sup>F2</sup>or any body to which the General Assembly may delegate the necessary powers] may direct. Provided always that no ground used as a burial ground shall be put to any other use.

#### Textual Amendments

- F1** Words in s. 8(1) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [Sch. 12 para. 17\(3\)](#), [Sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F2** Words inserted by Church of Scotland (Property and Endowments) Amendment Order Confirmation Act 1978 (c. i.), Sch.
- F3** Words repealed by Church of Scotland (Property and Endowments) Amendment Order Confirmation Act 1978 (c. i.), Sch.
- F4** Words in s. 8(1) repealed (S.) (in force as mentioned in s. 1, Sch. para. 1(2)(3) of the 1995 repealing Act) by [1995 c. xi, s. 1, Sch. para. 2\(4\)](#)
- F5** Words in s. 8(2) repealed (S.) (in force as mentioned in s. 1, Sch. para. 1(2)(3) of the 1995 repealing Act) by [1995 c. xi, s. 1, Sch. para. 2\(4\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Church of Scotland (Property and Endowments) (Amendment) Act 1933, Section 8.