



Church of Scotland Courts Act 1863

1863 CHAPTER 47 26 and 27 Vict

2 †When a minister has become insane, Presbytery to appoint an assistant.

When, in the course of any judicial process affecting the status of a minister, or on the representation of any party having interest, it has been established to the satisfaction of a Presbytery or other superior court of the Church, on a certificate by the sheriff of the county, which he is hereby authorized to grant after due investigation, that the minister of any parish is [^{F1}suffering from mental disorder within the meaning of the ^{M1}Mental Health (Scotland) Act 1960], and thereby disabled from discharging the duties of his office, it is and shall be the right of the Presbytery, unless an arrangement for the purposes after mentioned shall have been made on behalf of the said minister to the satisfaction of the Presbytery, to appoint a qualified assistant to perform the duties of the charge until the said minister shall be enabled to resume the same, or until the parish shall be declared vacant^{F2}....: Provided, that it shall at all times be competent to such minister to apply to the Presbytery to be restored to the duties of his office on the ground of his recovery; and the Presbytery, on being satisfied that such minister has recovered, shall recall the deliverance; and from the date of such recall all right and interest under the deliverance shall cease and determine.

Textual Amendments

F1 Words substituted by [Mental Health \(Scotland\) Act 1960 \(c. 61\), Sch. 4](#)

F2 Words in s. 2 repealed (S.) (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\), ss. 71, 77\(2\), sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Modifications etc. (not altering text)

C1 Unreliable marginal note

Marginal Citations

M1 [1960 c. 61.](#)

Changes to legislation:

There are currently no known outstanding effects for the Church of Scotland Courts Act 1863, Section 2.