



United Parishes (Scotland) Act 1876

1876 CHAPTER 11 39 and 40 Vict

An Act to amend the Act of the seventh and eighth years of Her Majesty, chapter forty-four, relating to the Formation of quoad sacra Parishes in Scotland [1st June 1876]

Textual Amendments

F1 Act repealed (*prosp.*) 2000 asp 5, ss. 76(2), 77(2)(a)(d), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)

Modifications etc. (not altering text)

C1 Preamble (which recited New Parishes (Scotland) Act 1844 (c. 44)) omitted under authority of Statute Law Revision Act 1894 (c. 56)

1 Short title.

This Act may for all purposes be cited as the United Parishes (Scotland) Act 1876.

2 Definitions.

The expression “Court of Teinds” shall mean the Lords of Council and Session acting in their capacity of commissioners for the plantation of kirks and valuation of teinds.

The expression “glebe” shall include grass glebe or ministers grass, and any land settled in perpetuity on the minister for the time being.

3 Power of court to declare one of the glebes of united parish to be the glebe of new parish.

If in the course of any proceedings under the recited Act for the disjunction of a portion of a united parish in Scotland and for its erection into a parish quoad sacra, it shall appear that there is more than one glebe forming part of the benefice of such united parish, it shall be lawful for the Court of Teinds, upon sufficient evidence being produced of the consent of the presbytery, in pronouncing decree of disjunction and erection, to declare that one of such glebes, duly described by its marches and boundaries and with its parts and pertinents, shall be transferred from the minister of

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such united parish to the minister of such parish quoad sacra; and such glebe shall thereafter be the glebe of the said parish quoad sacra; and the minister thereof shall be invested with all those rights in relation thereto which were formerly vested in the minister of the said united parish: Provided always, that the right to the personal occupancy and enjoyment of such glebe as aforesaid shall continue with the minister of the said united parish in office at the date of such decree during his incumbency, unless he shall, by a deed duly executed and lodged with the clerk of the presbytery, renounce the same.

4 Provision in case benefice of united parish comprises more than one glebe.

If a portion of a united parish in Scotland has under the provisions of the recited Act been erected into a parish quoad sacra, and it shall appear in the course of any proceedings taken under this Act that there is more than one glebe forming part of the benefice of such united parish, it shall be lawful for the Court of Teinds, upon sufficient evidence being produced of the consent of the Presbytery, to decern and declare that one of such glebes, duly described by its marches and boundaries and with its parts and pertinents, shall be transferred from the minister of such united parish to the minister of such parish quoad sacra; and such glebe shall thereafter be the glebe of the said parish quoad sacra; and the minister thereof shall be invested with all those rights in relation thereto which were formerly vested in the minister of the said united parish: Provided always, that the right to the personal occupancy and enjoyment of such glebe as aforesaid shall continue with the minister of the said united parish in office at the date of such decree during his incumbency, unless he shall, by a deed duly executed and lodged with the clerk of the presbytery, renounce the same.

5 Glebe not to be subject to trust.

The glebe which shall be declared as aforesaid to be the glebe of the parish erected quoad sacra shall not be subject to the provisions of any trust constituted in terms of the recited Act, subject to this proviso, that if a manse and offices are erected on such glebe, either before or after decree of disjunction and erection or decree as aforesaid, the site of such manse and offices shall be subject to the provisions of any trusts constituted in terms of said recited Act.

6 Saving for heritors.

Nothing in this Act shall increase or affect the existing liabilities of the heritors in any parish.

7 Construction.

This Act shall be deemed to be incorporated with the recited Act, and the recited Act shall be read and construed accordingly.

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Commencement Orders yet to be applied to the United Parishes (Scotland) Act 1876

Commencement Orders bringing legislation that affects this Act into force:

- [S.S.I. 2003/456 art. 2 commences \(2000 asp 5\)](#)