

SCHEDULE 1

PART I

amendments of enactments

Church of Scotland (Property and Endowments) Act 1925

1.—(1) The Church of Scotland (Property and Endowments) Act 1925(1) shall be amended as follows.

(2) In section 22 (burgh churches)—

(a) for subsection (2A) substitute—

“(2A) References in any scheme made under this section of this Act and in subsection (2) above to the magistrates or the town council of a burgh and to the burgh within which a burgh church is situated shall, on and after 1st April 1996, be construed as references to the council and to the council area within which that burgh church is situated.”;

(b) in subsection (3)—

(i) for the words “of the district in which” substitute the words “in whose area”; and
(ii) for the words “the district” substitute the word “that”;

(c) in subsection (4), for the word “districts”, substitute the word “areas”; and

(d) after subsection (6) add—

“(7) In this section, except in subsection (6), “council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

(3) In section 26 (parish churches, manses, glebes and churchyards), for the words “district councils”, substitute the words “councils (constituted under section 2 of the Local Government etc. (Scotland) Act 1994)”.

(4) In section 32 (transfer of parish churchyards)—

(a) in subsection (1) before the word “: Provided” where it first occurs, insert the words—

“and shall on 1st April 1996 and without the necessity for further conveyance be transferred to and vested in the council within whose area that churchyard is situated, subject to the provisions aftermentioned”;

(b) the words “islands or district”, except where they first occur in subsection (1), shall cease to have effect;

(c) in subsection (5)(a) and (b) the words “, as the case may be,” shall cease to have effect; and

(d) after subsection (5) add—

“(6) In this section “council”, except where it firstly and secondly occurs in subsection (1), means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

(5) In section 33 (preservation of monuments etc., in churches and churchyards)—

(a) for the words “islands or district council”, where they first occur, substitute the words “council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994)”; and

(1) 1925 c. 33; sections 22, 26, 32 and 33 were amended by the Local Government (Scotland) Act 1973 (c. 65), Schedule 27, Part II, paragraphs 63, 64, 66 and 67.

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- (b) for the words “the islands or district”, where they secondly occur, substitute the word “that”.