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*Status: Point in time view as at 01/02/1991.*

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## SCHEDULES

### FIFTH SCHEDULE

Section 11.

#### PROVISIONS RELATING TO THE PREPARATION, ISSUING, AND ADJUSTMENT OF TEIND ROLLS

- 1 Where a benefice is actually vacant at the passing of this Act or where, after the passing of this Act, a benefice becomes actually vacant or is deemed to have become vacant by election or notification the clerk of the presbytery shall forthwith intimate the vacancy to the Clerk of Teinds, who shall communicate the intimation to any titular who has previously notified the Clerk of Teinds in writing that he desires to receive such intimation.
- 2 Where a benefice is actually vacant at the passing of this Act or where, after the passing of this Act, the benefice becomes actually vacant or is deemed to have become vacant by election or notification it shall be the duty of the heritors concerned forthwith to prepare and lodge in the Teind Office a state of teinds unless in any case the Lord Ordinary shall on the application of any party dispense therewith.
- 3 For the purposes of the teind rolls the value in sterling money of teind valued in victual shall be determined:—
  - (a) Where a basis of conversion has been specified in the decree of valuation by reference to that basis; and
  - (b) In any other case by reference to the former county average value within the meaning of section two of this Act.
- 4 Effect shall be given in the teind roll by the Clerk of Teinds to any augmentation of stipend or to any reduction of stipend following upon a surrender of teinds, made in accordance with the provisions of the Sixth Schedule to this Act. The Clerk of Teinds may also give effect in a teind roll to an extra-judicial surrender made before the passing of this Act on intimation from or on behalf of the heritor concerned that such a surrender has been made and on production to him of evidence thereof.
- 5 Where a heritor is entered in the teind roll separately for different subjects belonging to him in the same parish for teinds of the same class only, he shall be entitled to have the said entries or some of them consolidated into one entry, and on receiving from the heritor an application to that effect before the teind roll is made final, the Clerk of Teinds shall give effect thereto.
- 6 Where stipend is payable to the minister of one parish from the teinds of lands situated in another parish the Clerk of Teinds shall in the teind roll of the parish where stipend is so payable specify the value of the stipend so payable, and in the teind roll of the parish wherein the lands are situated the teinds of those lands shall be stated under deduction of any stipend payable as aforesaid.
- 7 Where the Clerk of Teinds has prepared a teind roll for any parish he shall report the same to the Lord Ordinary who shall take the roll into consideration and make such order as he thinks fit with respect to the intimation of the roll (including where necessary an order for the appointment of a common agent by the heritors concerned) and with respect to the subsequent adjustment and completion of the

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- roll. The date of the Lord Ordinary’s interlocutor ordering intimation of the teind roll is hereinafter in this Act referred to as the “date of issue of the teind roll.”
- 8 Subject to the provisions of this Act relating to valuation and surrender of teinds no objection to a teind roll shall be competent unless the same is lodged with the Clerk of Teinds before the expiry of eighteen months after the date of issue of the teind roll and so soon as any such objection and any application for the valuation of teinds has been disposed of and any surrender of teinds has received effect and any necessary adjustment of the teind roll has been made, the Lord Ordinary shall by interlocutor declare the roll to be final. As on and from the date of such interlocutor the roll shall for the purposes of this Act be final, subject to such alterations and adjustments as may be necessary in consequence of changes of ownership or in consequence of redemption.
- 9 The Court of Session shall make by Act of Sederunt such rules and regulations as may in their judgment from time to time be necessary with respect to the preparation, reporting, adjustment, disposal and custody of the teind roll.
- 10 Nothing in this Act shall affect the right of the titular to lodge a state of teinds should he elect to do so, provided that the expense of the preparation of the said state by the titular shall be payable by the titular.

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