



Church of Scotland (Property and Endowments) Amendment Act 1933

1933 CHAPTER 44

9 Rights of superiors and others

- (1) Nothing in this Act contained shall prejudice or affect the patrimonial rights or interests of superiors or other persons conferred by or reserved under any Act, Decree of the Court of Session or Court of Teinds, deed of constitution, deed of trust, or any feu charter, feu contract, deed, conveyance or other document relating to the properties and endowments, whether statutory or non-statutory, of any parish or to any chapel of ease, mission church or church hall, or to any parliamentary church or manse or any other subjects connected therewith, and all such rights and interests shall continue to have the like force and effect as if this Act had not passed.
- (2) Where any ground has been feued for a nominal feu-duty for the site of the church or manse of any parish and where nothing is stated in the feu charter, feu contract or other deed under which such ground is feued as to the feu-duty which is to be payable by the vassal in the event of the church or manse being sold or disposed of for other than any ecclesiastical purpose, the feu-duty to be payable for the said ground after such sale is effected shall be such sum as shall be agreed upon between the superior and the General Trustees or other vassal, or such sum as, failing agreement, shall be determined, by an arbiter to be appointed by the sheriff.
- (3) Before selling or otherwise disposing of the ground or any part thereof on which any church or manse included in the Tenth Schedule to the principal Act as extended by section fifteen of this Act has been erected, the General Trustees shall give to any heritor whose lands adjoin such ground or part and by whose predecessor in title such ground or part was originally granted or disposed without valuable consideration for the erection of the church or manse, an opportunity to purchase or take in feu such ground or part at such price or feu-duty and on such terms as may be agreed upon between the General Trustees and such heritor, or, as failing agreement, may be determined by an arbiter appointed by the sheriff on the application of either party.