

**VII. ACT ANENT POWERS DELEGATED TO THE CHURCH OF SCOTLAND  
GENERAL TRUSTEES (AS AMENDED BY ACTS XIII 1996 AND IV 1998)**

*Edinburgh, 26th May 1995, Session 8.*

The General Assembly enact and ordain as follows:-

1. The General Assembly, with reference to the provisions of the Church of Scotland (Property and Endowments) Acts and Orders 1925 to 1995 and of the title deeds of various properties, hereby nominate and appoint the Church of Scotland General Trustees, incorporated by the Church of Scotland (General Trustees) Order Confirmation Act 1921 (herein referred to wherever the expression “the General Trustees” is used) as the body to whom the General Assembly hereby delegate (but subject to the terms hereof) all the powers conferred upon or reserved to the General Assembly by (One) section 34(1)(g) (as substituted) and section 36 (as amended) of the Church of Scotland (Property and Endowments) Act 1925 Sections 1, 3, 4, 5, 6 and 8 of the Church of Scotland (Property and Endowments) Amendment Act 1933 (all as amended), and section 3 of the Church of Scotland (Property and Endowments) Amendment Order 1978 and all as amended by the Church of Scotland (Property and Endowments) Amendment Order 1995 and (Two) the terms of the titles of heritable properties where the trustees holding the same are, due to such terms, subject in any way to the regulation and direction of the General Assembly as regards the management and disposal of the properties or the proceeds of sale thereof as such terms are amended by the Church of Scotland (Property and Endowments) Amendment Order 1995 (declaring that such properties will include properties of congregations of the former Free Church of Scotland and congregations of the former United Free Church of Scotland where the title was taken in terms of the “Clauses for Congregational Titles” approved of for use in the case of properties acquired after 30th October 1900) – so that the General Trustees may hereafter be, but subject to the Regulations of the General Assembly anent the Application of Stipend and Fabric Endowments held by The Church of Scotland General Trustees, the sole determining body in relation to the powers hereby delegated. For the avoidance of any doubt, the powers hereby delegated will include, with the exception of matters comprised in the Regulations anent the Application of Stipend and Fabric Endowments held by The Church of Scotland General Trustees, powers to revoke or modify any existing determinations made in Acts or deliverances by the General Assembly or the Commission of Assembly in regard to the matters hereby delegated.

2. (1) Without prejudice to sections 3, 4 and 5 hereof, all applications to the General Trustees for a determination under the powers hereby delegated shall proceed from the Congregational Board or other body in a congregation having charge of the property of the congregation (any such body being herein referred to wherever the expression “the Financial Board of the congregation” is used) with the concurrence of the Kirk Session (and of the congregation in the case of applications for authority to sell or otherwise dispose of any church or hall building) and shall have obtained the sanction of the Presbytery of the bounds. Such applications shall state the reasons for the application and, in any case where the proceeds are not to be encompassed within the terms of the Regulations anent the Application of Stipend and Fabric Endowments held by The Church of Scotland General Trustees, the purposes to which it is desired that any proceeds of sale be applied.

(2) The General Trustees will be bound, upon making a determination hereunder, to intimate such determination forthwith by notice in writing to the Presbytery or Presbyteries concerned and also to the Financial Board or Boards of the congregation or congregations directly affected; on receipt by the Clerk of the Presbytery of the notice of the determination of the General Trustees, it will be his or her duty to give sufficient intimation of the same to the next ordinary meeting of Presbytery thereafter; any determination authorising the sale or disposal of property will be final and not subject to appeal; but notwithstanding the provisions of section 1 hereof, any

Presbytery concerned or any Financial Board having title or interest may within two months of the date of the meeting of Presbytery to which intimation has been made as aforesaid and subject to compliance with the Standing Orders of the General Assembly, lodge with the Clerks of Assembly a Petition to the General Assembly for review of any such other determination; provided always that in such circumstances a review will be competent only if the Petition therefor is lodged timeously with the Clerks of Assembly and written intimation thereof given at the same time to the General Trustees.

3. With reference to section 2 hereof, in any case where, in the opinion of the General Trustees special circumstances obtain, including, without prejudice to that generality, the situation where the property or endowment under consideration is held for other than congregational purposes or a congregation has dissolved, an application may proceed otherwise than is provided in the said section; and the whole provisions of the said section, including those relative to determination and right of appeal, will have effect with regard to such application and determination, all with such modifications as may be appropriate in the circumstances.

4. With regard to glebe subjects, superiorities, ground annuals or, other such endowments vested in the General Trustees in consequence of the said Church of Scotland (Property and Endowments) Acts, the powers hereby delegated will include power to the said General Trustees to determine at any time that any such endowment will be sold or otherwise disposed of subject only to their consulting with the minister of the Parish and the Presbytery of the bounds in the case of the *dominium utile* of glebe subjects and with the Financial Board of the congregation in the case of any other endowment, the proceeds of sale or disposal being applied according to the provisions of the Regulations anent the Application of Stipend and Fabric Endowments held by The Church of Scotland General Trustees.

5. In the event of the General Trustees being of the opinion that any individual matter hereunder should be determined by the General Assembly or their Commission, they are empowered *ex proprio motu* to bring such matter before the Assembly or their Commission for determination.

6. Where any funds which are or may be subject to the terms of this Act or of the Regulations anent the Application of Stipend and Fabric Endowments held by The Church of Scotland General Trustees are to be applied in the purchase of any heritable property, the Solicitor and Law Agent of the Church or other person to whom the General Assembly have committed the custody of the titles of congregational properties referred to in section 1 hereof, is directed to see the transaction carried into effect and also to see that the title deeds of the new property are either (a) taken in such terms that the trustees holding the property will, as regards the management and also as regards the disposal of the same, be subject to the regulation and direction of the General Assembly and that such trustees will (subject to such regulation and direction) have power to sell or otherwise dispose of the whole or any part of such new property and to burden the same with debt or (b) vested in the General Trustees.

7. Where any funds which are or may be subject to the terms of this Act or of the Regulations anent the Application of Stipend and Fabric Endowments held by The Church of Scotland General Trustees, are applied for fabric purposes, the capital of such funds shall be expended only on properties where the trustees holding the same are, in terms of the titles thereof, subject to the regulation and direction of the General Assembly as regards the management and disposal thereof or alternatively are the General Trustees.

8. It is hereby declared that any determination made under the powers hereby delegated and authorising the sale or disposal of property will (unless acted upon) lapse after a period of five years from the date thereof.

9. The Acts XXVII of the Assembly 1953, XIV of the Assembly 1979 and IX of the Assembly 1989 are hereby repealed.

10. This Act will come into force on a day to be appointed by the General Trustees and intimated by them to each Presbytery of Church.