



Church Patronage (Scotland) Act 1874

1874 CHAPTER 82 37 and 38 Vict

An Act to alter and amend the laws relating to the Appointment of Ministers to Parishes in Scotland. [7th August 1874]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble omitted under authority of [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

1 Extent of Act.

This Act shall apply to Scotland only.

2^{F1}

Textual Amendments

- F1 [S. 2](#) repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

3 Appointment of ministers in future.

The right of electing and appointing ministers to vacant churches and parishes in Scotland is hereby declared to be vested in the congregations of such vacant churches and parishes respectively, subject to such regulations in regard to the mode of naming and proposing such ministers by means of a committee chosen by the congregation, and of conducting the election and of making the appointment by the congregation as may from time to time be framed by the General Assembly of the Church of Scotland, . . .^{F2} Provided always, that, with respect to the admission and settlement of ministers appointed in terms of this Act, nothing herein contained shall affect or prejudice the right of the said Church, in the exercise of its undoubted powers to try the qualifications of persons appointed to vacant parishes; and the courts of the said Church are hereby declared to have the right to decide finally and conclusively upon

Changes to legislation: There are currently no known outstanding effects for the Church Patronage (Scotland) Act 1874. (See end of Document for details)

the appointment, admission, and settlement in any church and parish of any person as minister thereof. The ministers appointed, admitted, and settled in terms of this Act are hereby declared to have in all respects the same rights, privileges, and duties which now belong to or are incumbent on the ministers of the said Church.

Textual Amendments

F2 Words repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

4—6 **F3**

Textual Amendments

F3 [Ss. 4—6, 7\(2\)](#) repealed by [Statute Law Revision Act 1883 \(c. 39\)](#)

7 Appointment by presbytery tanquam jure devoluto.

(1) If on occasion of a vacancy in any parish no appointment of a minister shall be made by the congregation within the space of six months after the vacancy has occurred, the right of appointment shall accrue and belong for that time to the presbytery of the bounds where such parish is, who may proceed to appoint a minister to the said parish tanquam jure devoluto.

(2) **F4**

Textual Amendments

F4 [Ss. 4—6, 7\(2\)](#) repealed by [Statute Law Revision Act 1883 \(c. 39\)](#)

8 Repeal of inconsistent statutes.

All laws, statutes, and usages inconsistent with this Act are hereby repealed; but nothing in this Act contained shall affect or interfere with the appointment of the minister first appointed as the minister of any new parish quoad sacra^{F5} ... ^{F6}

Textual Amendments

F5 Words in s. 8 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. [71, 77\(2\)](#), [sch. 13 Pt. 1](#) (with ss. [58, 62, 75](#)); S.S.I. 2003/456, art. 2

F6 Words in s. 8 repealed by [Statute Law Revision Act 1883 \(c. 39\)](#)

9 Interpretation clause.

The word “minister” shall include assistant and successor; . . . ^{F7} the word “parish” shall include united parishes, and also parishes quoad sacra as well as parishes quoad omnia, and where in any church and parish there is more than one benefice, each benefice shall be dealt with and regarded as if it were a separate parish; the words “vacancy” and “vacant” shall include and refer to the occasion of the appointment of

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an assistant and successor, as well as the occasion of an ordinary vacancy; the word “congregation” shall mean and include communicants and such other adherents of the church as the kirk session under regulations to be framed by the General Assembly or commission thereof, as provided in the third section hereof, may determine to be members of the congregation for the purposes of this Act; . . . ^{F7}.

Textual Amendments

F7 Words repealed by [Statute Law Revision Act 1883 \(c. 39\)](#)

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