

**ELIZABETH II**



**1979 CHAPTER xxi**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to the Scots Episcopal Fund. [20th December 1979]

**W**HEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said 1936 c. 52. Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation  
of Order in  
schedule.
2. This Act may be cited as the Scots Episcopal Fund Order Confirmation Act 1979. Short title.

## SCHEDULE

### SCOTS EPISCOPAL FUND

*Provisional Order to provide for the disposal of the trust funds held by the Trustees incorporated by the Scots Episcopal Fund Act 1864, for the dissolution of the trust thereby constituted and for the repeal of the said Act; and for purposes connected therewith.*

Whereas—

(1) In the year 1806 subscriptions were entered into and collected among the members of the Reformed Episcopal Communion in Scotland and the Friends of Episcopacy in England and Ireland for the purposes of establishing a fund to be called the Scots Episcopal Fund (hereinafter referred to as “the Fund”) the income from which was to be applied in making an addition to the incomes of the bishops or clergymen of superior order and of the more necessitous of the presbyters or clergymen of inferior order of the said Reformed Episcopal Communion in Scotland:

(2) At a general meeting of the contributors to the Fund held on the 19th February 1810 the management of the Fund and the direction of its object were vested in persons who were thereupon known as the Trustees of the Scots Episcopal Fund (hereinafter referred to as “the Trustees”):

1864 c. 2.

(3) By the Scots Episcopal Fund Act 1864 the Trustees were incorporated and it was provided that the Fund should be invested and applied by the Trustees as directed by the said Act and the trust deeds recited in the Preamble thereto:

(4) By a resolution dated 9th October 1876 of the College of Bishops of the Episcopal Church in Scotland (hereinafter referred to as “the Church”) there was constituted a Representative Church Council (hereinafter referred to as “the Council”) whose duty it is to take cognisance of the whole financial affairs of the Church and to have control over the funds of the Church in its corporate capacity, so far as these may be committed to it, and to make provision for the collection and custody of these funds and for the distribution thereof:

(5) It is provided by Canon LIII of the Code of Canons of the Episcopal Church in Scotland and by the constitution of the Council that in each diocese there shall be a Diocesan Council:

(6) In pursuance of resolutions passed from time to time by the Council financial affairs specially affecting any diocese are to be submitted to the cognisance of its Diocesan Council and each Diocesan Council is to have control of all funds and properties committed to it

and to make provision for the collection, custody and holding of such funds and properties and for the distribution thereof, subject to the rights of the Bishop of the Diocese and the terms of any trust or of any conditions affecting any of such funds or properties:

(7) In pursuance of the powers conferred upon the Trustees by the said Act of 1864 and of resolutions passed from time to time by the Council the investments comprising the Fund are divided into a general fund of which the income is distributed by the Trustees between the United Diocese of Aberdeen and Orkney, the United Diocese of Argyll and The Isles, the Diocese of Brechin, the Diocese of Edinburgh, the United Diocese of Glasgow and Galloway, the United Diocese of Moray, Ross and Caithness and the United Diocese of Saint Andrews, Dunkeld and Dunblane and designated funds of which the income is respectively designated and paid by the Trustees for the benefit of the United Diocese of Aberdeen and Orkney, the United Diocese of Argyll and The Isles, the Diocese of Brechin, the United Diocese of Moray, Ross and Caithness, the United Diocese of Saint Andrews, Dunkeld and Dunblane and Saint Andrew's Church, Glasgow and Saint Mungo's Church, West Linton:

(8) The distribution as aforesaid of the income of the said general fund includes seven fixed payments of £11·60 per annum to the clergy in each of the said dioceses, a special fixed payment of £109·10 per annum to the Bishop of Edinburgh for the time being and a special fixed payment of £54·54 per annum to the Primus for the time being:

(9) It is expedient for the more convenient and profitable management of the financial affairs of the Church that the Fund should be distributed and administered as in this Order provided and that provision should be made for the dissolution of the Trust:

(10) It is expedient that the other provisions of this Order should be enacted:

(11) And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the Private Legislation Procedure (Scotland) Act 1936:

1936 c. 52.

Now, therefore, in pursuance of the powers contained in the said Act the Secretary of State orders as follows:—

1. This Order may be cited as the Scots Episcopal Fund Order 1979. Short title and citation.

2. For the purposes of this Order— Interpretation.

“designated funds” means the funds described in Schedule 2 to this Order;

“general fund” means the fund described in Part I of Schedule 1 to this Order together with such additional holdings and investments as may be added to the said general fund prior to the conversion of the same in pursuance of section 3 of this Order;

“Trustees” means the Trustees of the Scots Episcopal Fund.

Conversion and transfer of general fund.

3.—(1) The Trustees shall not later than a date three months after the date of commencement of this Order convert the general fund into cash and, after payment of all outstanding debts and liabilities of the Trustees, divide the balance of the cash arising from such conversion into 70,157 units which shall be allotted as to 39,832 units to a fund to be known as “the special fund” and as to 30,325 units to a fund to be known as “the main fund” and shall forthwith distribute the special fund and the main fund in accordance with the following provisions of this section.

(2) The Trustees shall transfer to—

- (a) the Diocesan Councils of the United Diocese of Aberdeen and Orkney, the United Diocese of Argyll and The Isles, the Diocese of Brechin, the Diocese of Edinburgh, the United Diocese of Glasgow and Galloway, the United Diocese of Moray, Ross and Caithness and the United Diocese of Saint Andrews, Dunkeld and Dunblane;
- (b) the Vestries of Saint Andrew’s Church, Glasgow, Saint Ninian’s Church, Glasgow, Saint Mungo’s Church, West Linton and Saint Leonard’s Church, Lasswade; and
- (c) the Council, to be applied for the purposes of the Luscombe Bursary;

cash to the value of the numbers of units comprised in the special fund and shown against their respective names in column 2 of Part II of Schedule 1 to this Order; and in the case of each of the said Diocesan Councils the cash transferred to them shall be held and applied by them for the use of the clergy, the episcopal income and the building and repair fund respectively according to the numbers of units specified in columns 3, 4 and 5 of the said Part II.

(3) The Trustees shall distribute the main fund in accordance with the scheme set out in Part III of Schedule 1 to this Order.

Transfer of designated funds.

4. The Trustees shall not later than a date three months after the date of commencement of this Order transfer to each of the Diocesan Councils and Vestries the respective funds held by them and designated for the use of each such Diocese and Vestry respectively in accordance with the table of designated funds set out in Schedule 2 to this Order.

Vesting of funds and discharge of Trustees.

5.—(1) All funds and properties transferred to a Diocesan Council in pursuance of section 3 or section 4 of this Order shall be transferred to and be vested in the trustees for the time being of that Diocesan Council and all funds and properties transferred to a Vestry in pursuance of section 4 of this Order shall be transferred to and be vested in persons appointed for the purposes of this section by that Vestry and shall be held by those persons as trustees for the Vestry.

(2) A receipt from the Secretary or Treasurer of the Diocesan Council or the Vestry, as the case may be, to whom funds and properties are transferred under section 3 or section 4 of this Order shall be a complete exoneration and discharge of the Trustees in respect of all their actings under this section.

6. Upon the completion of the transfer of the general fund and Trust to be the designated funds in pursuance of sections 3 and 4 of this Order dissolved. and upon a resolution being passed to that effect by the Trustees the Trust constituted and incorporated by the Scots Episcopal Fund Act 1864 shall come to an end and be determined and upon that dissolution 1864 c. 2. of the Trust the said Act of 1864 shall be repealed. Notice of the passing of such resolution and of the date therein specified shall, as soon as may be after the passing thereof, be advertised in the Edinburgh Gazette.

7. The costs, charges and expenses of and incidental to preparing Costs of Order. for, obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Trustees out of the Trust Funds.

*Scots Episcopal Fund Order  
Confirmation Act 1979*

**SCHEDULES**

**SCHEDULE 1**

**PART I**

**THE GENERAL FUND**

£8,500.00	6% Funding Stock, 1993
£6,520.00	8 $\frac{3}{4}$ % Treasury Stock, 1997
£7,501.66	5 $\frac{1}{2}$ % Treasury Stock, 2008/12
£10,861.27	6 $\frac{3}{4}$ % London County Stock, 1988/90
1,400	Alliance Trust Co. Ltd., Ordinary (25p) Stock Units
2,000	British Investment Trust Ltd., Ordinary (25p) Shares
3,200	Grand Metropolitan Ltd., Ordinary (50p) Shares
1,050	Inchcape & Co. Ltd., Ordinary (£1) Shares
3,400	Plessey Co. Ltd., Ordinary (50p) Shares
1,400	Rio Tinto-Zinc Corp. Ltd., Ordinary (25p) Shares
1,000	Tube Investments Ltd., Ordinary (£1) Stock Units

**PART II**

**APPORTIONMENT OF SPECIAL FUND**

1 Diocese, etc.	Units to be transferred			
	2 Total	3 Clergy	4 Episcopal income	5 Building and repair fund
United Diocese of Aberdeen and Orkney	3,364	1,168	2,196	
United Diocese of Argyll and The Isles	7,596	874	6,722	
Diocese of Brechin	3,292	851	2,441	
Diocese of Edinburgh	1,917	893	1,024	
United Diocese of Glasgow and Galloway	8,851	2,635	5,305	911
United Diocese of Moray, Ross and Caithness	5,223	788	4,435	
United Diocese of Saint Andrews, Dunkeld and Dunblane	4,162	888	3,274	
Saint Andrew's Church, Glasgow	124			
Saint Ninian's Church, Glasgow	1,888			
Saint Mungo's Church, West Linton	2,263			
Saint Leonard's Church, Lasswade	554			
Representative Church Council, for the Luscombe Bursary	598			
<b>Grand total</b>	<b>39,832</b>	<b>units</b>		

PART III

DISTRIBUTION OF MAIN FUND

SCH. 1  
—cont.

1. The 30,325 units comprising the main fund shall be converted into cash which shall be applied as follows:—

- (i) The seven fixed payments of £11.60 per annum made before the coming into operation of this Order to the Diocesan Clergy shall each be capitalised at 10 years' purchase and paid over to the Diocesan Councils concerned with direction that the income accruing on each capitalised sum be applied in the same manner as the fixed payments of £11.60 before the coming into operation of this Order.
- (ii) The special fixed payments of £109.10 per annum made before the coming into operation of this Order to the Bishop of Edinburgh for the time being shall be capitalised at 10 years' purchase and paid over to the Diocesan Council of the Diocese of Edinburgh with direction that the income accruing on such capitalised sum be applied in the same manner as the fixed payment of £109.10 before the coming into operation of this Order.
- (iii) The special fixed payment of £54.54 per annum made to the Primus for the time being shall be capitalised at 10 years' purchase and paid over to the Council with direction that the income accruing on such capitalised sum be applied in the same manner as the fixed payment of £54.54 made before the coming into operation of this Order.
- (iv) The balance of the main fund after purposes (i), (ii) and (iii) above have been fully satisfied shall be divided between and paid over to the Diocesan Councils of each of the Dioceses in Scotland in equal shares with the exception of the United Diocese of Argyll and The Isles which shall not participate in the apportionment hereunder.

SCHEDULE 2

DESIGNATED FUNDS

(a) United Diocese of Aberdeen and Orkney

£665.99	8 $\frac{3}{4}$ % Treasury Stock, 1997
1,000	British Electric Traction, Deferred Ordinary (25p) Shares
670	Equity Income Trust, Ordinary (50p) Shares
350	Imperial Chemical Industries, Ordinary (£1) Stock Units
310	"Shell" Transport & Trading, Ordinary (25p) Shares
379	M. & G. Charifund, Units

(b) United Diocese of Argyll and The Isles

£3,275.05	8 $\frac{3}{4}$ % Treasury Stock, 1997
1,000	British Electric Traction, Deferred Ordinary (25p) Shares
600	Edinburgh Investment Trust, Deferred (£1) Stock Units
350	Imperial Chemical Industries, Ordinary (£1) Stock Units
735	Royal Insurance Co. Ltd., Ordinary (25p) Stock Units
1,150	"Shell" Transport & Trading, Ordinary (25p) Shares
3,916.392	Target Income Fund, Units
1,879	M. & G. Charifund, Units

*Scots Episcopal Fund Order  
Confirmation Act 1979*

SCH. 2  
—cont.

(c) Diocese of Brechin

£2,276·61	8 $\frac{3}{4}$ % Treasury Stock, 1997
1,000	Edinburgh Investment Trust, Deferred (£1) Stock Units
670	Equity Income Trust, Ordinary (50p) Shares
300	“Shell” Transport & Trading, Ordinary (25p) Shares
1,304	M. & G. Charifund, Units

(d) United Diocese of Moray, Ross and Caithness

£943·51	8 $\frac{3}{4}$ % Treasury Stock, 1997
1,000	Royal Insurance Co. Ltd., Ordinary (25p) Stock Units
538	M. & G. Charifund, Units

(e) United Diocese of Saint Andrews, Dunkeld and Dunblane

£551·45	8 $\frac{3}{4}$ % Treasury Stock, 1997
125	“Shell” Transport & Trading, Ordinary (25p) Shares
314	M. & G. Charifund, Units

(f) Saint Andrew’s Church, Glasgow

1,580	Bank of Scotland, Stock Units (£1)
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(g) Saint Mungo’s Church, West Linton

594	Blue Circle Industries Limited, Ordinary (£1) Stock Units
556	BAT Industries Ltd., Ordinary (25p) Shares
46	BAT Industries Ltd., Deferred Ordinary (25p) Shares
660	Courtaulds Ltd., Ordinary (25p) Shares
211	Imperial Chemical Industries, Ordinary (£1) Stock Units

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# Scots Episcopal Fund Order Confirmation Act 1979

## CHAPTER xxi

### ARRANGEMENT OF SECTIONS

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2. Short title.

### SCHEDULE

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