



Churches (Scotland) Act 1905

1905 CHAPTER 12 5 Edw 7

2 Orders for carrying allocation into effect.

- (1) The Commission may make such orders as they may consider necessary for carrying into effect any allocation under this Act (including the modification of the Acts relating to the Widows and Orphans Fund), and may also, before that allocation is made, make interim orders having temporary effect as respects the property in question as defined by this Act. Any such orders shall have effect as if enacted in this Act, may be recorded in the Register of Sasines or other appropriate register and shall not be chargeable with stamp duty.
- (2) Subject to the provisions of this Act, the Commission, if they think fit, may order that any property (other than congregational property) allocated to either Church under this Act shall be burdened with such bond, or charge, in favour of the other Church or in favour of third parties who may advance money for the purposes of such bond or charge, as they direct. Any congregational property allocated to either Church shall be subject to any bonds, burdens, or debts thereon or in respect thereof, and the Commissioners may charge upon the particular congregational property concerned any moneys expended since thirty-first October, nineteen hundred, on improvements of that property or in paying off debt incurred in respect of that property.
- (3) The Free Church and the United Free Church respectively shall hold any property allocated to them under this Act for the purposes of and in accordance with their respective constitutions, and, in allocating to the United Free Church any property which is, at the commencement of this Act, appropriated to any special Church purposes, the Commission shall, so far as possible, provide by their orders that the property shall remain, in the hands of the United Free Church, appropriated to the same or similar purposes.
- (4)^{F1}
- (5) No court shall have power to review or interfere in any way with the orders or other proceedings of the Commission, but such orders or proceedings shall not prejudice or affect any rights, duties and liabilities as regards any property in question as defined by this Act other than those of the Free Church and the United Free Church.

Changes to legislation: There are currently no known outstanding effects for the Churches (Scotland) Act 1905, Section 2. (See end of Document for details)

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Textual Amendments

F1 Ss. 2(4), 3, 6(2), Sch. 2 repealed by Statute Law Revision Act 1927 (c. 42)

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Modifications etc. (not altering text)

C1 S. 2(1) amended by Land Registration (Scotland) Act 1979 (c.33, SIF 31:3), s. 29(2)(3)

Changes to legislation:

There are currently no known outstanding effects for the Churches (Scotland) Act 1905, Section 2.