



# New Parishes (Scotland) Act 1844

## 1844 CHAPTER 44 7 and 8 Vict

### **8 Where a church is built and endowed, a district may be attached thereto. Endowment of minister.**

If any person or persons shall, at his, her, or their expence, have built or shall have acquired, or shall have undertaken to build or acquire, a church, and shall have endowed or shall have undertaken to endow the same, it shall be competent for the lords of council and session, acting in their capacity aforesaid of commissioners for the plantation of kirks and valuation of teinds, and they are hereby empowered and authorized, on the application of such person, or of such persons where they do not exceed five in number, or of two thirds or any ten of such persons where they do exceed five in number, and without any concurrence of heritors, to inquire into the circumstances, and to erect such church into a parish church in connexion with the Church of Scotland, and to mark out and designate a district to be attached thereto quoad sacra, and to disjoin such district quoad sacra from the parish or parishes to which the same, or any part thereof, may have belonged or been attached, and to erect such district into a parish quoad sacra in connexion with the Church of Scotland; and it shall and may be lawful for the minister and elders of such parish to have and enjoy the status and all the powers, rights, and privileges of a parish minister and elders of the Church of Scotland: Provided always, that nothing herein contained shall be construed so as to deprive any party who has a legal interest in the fabric of any place of worship of any right which by law belongs to such party to prevent such place of worship from being used or appropriated for a place of worship in connexion with the Church of Scotland: Provided also, that due intimation of every such application as aforesaid shall be made to all parties having interest that they may have an opportunity of appearing and being heard; which intimation may be made by notice in the Edinburgh Gazette, or by advertisement in one or more Edinburgh newspapers of general circulation, or in any other form or manner that may be directed by the lords of council and session in any act or acts of sederunt, or any order to be made by them for that purpose: And provided also, that the titles to the said church shall be taken and conceived so as that the said church shall be inalienably secured as the church of the said new parish in connexion with the Church of Scotland, and that due provision shall be made for the future maintenance of the fabric of the said church; and that the endowment for the minister of the said new parish shall be not less than a stipend of one hundred pounds per annum, or seven chalders of oatmeal,

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**Changes to legislation:** *New Parishes (Scotland) Act 1844, Section 8 is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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to be calculated at the highest fiars of the county, exclusive of the sum necessary for communion elements, with a suitable dwelling house or manse and offices and appurtenances, or a stipend of not less than one hundred and twenty pounds, or eight and a quarter chalders of oatmeal, to be calculated at the highest fiars of the county, per annum, where there shall be no such dwelling house or manse; and that such stipend of not less than one hundred pounds, or not less than one hundred and twenty pounds shall be permanently provided and secured in all time coming for the minister of the said parish; and that if there shall be a dwelling house or manse the title to such dwelling house or manse and offices and appurtenances shall be taken and conceived so that such dwelling house or manse and offices and appurtenances shall be inalienably secured as the dwelling house or manse and offices and appurtenances for the minister of the said parish; and that due provision shall be made for the future maintenance of the fabric of such dwelling house or manse and offices and appurtenances, all to the satisfaction of the said lords of council and session; and the right of presbyteries to present to vacant parishes jure devoluto, according to the law of Scotland, shall have place in regard to all parishes erected quoad sacra as aforesaid, in the same manner as in regard to other parishes.

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**Modifications etc. (not altering text)**

C1 S. 8 extended by [United Parishes \(Scotland\) Act 1868 \(c. 30\)](#), s. 2

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**Commencement Orders yet to be applied to the New Parishes (Scotland) Act 1844**

Commencement Orders bringing legislation that affects this Act into force:

- [S.S.I. 2003/456 art. 2 commences \(2000 asp 5\)](#)