

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Church of Scotland (Property And Endowments) Act 1925. (See end of Document for details)*

## SCHEDULES

### FIRST SCHEDULE

Section 2.

TABLE A.—FIARS PRICES FOR THE COUNTIES OF SCOTLAND

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

- C1** References to shillings and pence to be read as references to equivalent amount in new currency by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

*Average 1873 to 1922 inclusive.—Showing the value of One Boll of Meal and One Boll of Barley in each county according to these prices, and the average value of the Double Boll of Meal and Barley, and the average value of the Chalder in each county.*

County.	Meal.		Barley.		Value of the Double Boll of Meal and Barley.	Value of 1 Chalder calculated to nearest Penny.	
	Average Value of 1 Boll for crops and years 1873–1922.		Average Value of 1 Boll for crops and years 1873–1922.				
	£	s. d.	£	s. d.	£	s. d.	
1. Aberdeen - -	0 16	11 ½	1 3	5 ½	2 0	5 ½	16 3 8
2. Argyll - - -	1 0	5 ½	1 3	6	2 3	11 ½	17 11 9
2. Ayr - - - -	0 18	6 ½	1 5	0 ½	2 3	7 ½	17 8 11
4. Banff - - -	0 16	11 ½	1 4	7	2 1	6 ½	16 12 2
5. Berwick - -	1 0	1 ½	1 4	11 ½	2 5	0 ½	18 0 3
6. Bute - - - -	0 19	6 ½	1 3	11 ½	2 3	6 ½	17 8 6
7. Caithness -	0 17	2 ½	1 0	5 ½	1 17	7 ½	15 1 3
8. Clackmannan	0 18	9 ½	1 4	0 ½	2 2	9 ½	17 2 6
9. Dumbarton -	1 0	6	1 3	1 ½	2 3	7 ½	17 8 11
10. Dumfries - -	0 18	3 ½	1 4	8 ½	2 3	0 ½	17 4 4
11. Edinburgh or Mid Lothian - - -	0 19	0 ½	1 5	4	2 4	4 ½	17 14 10
12. Elgin or Moray -	0 17	7 ½	1 5	1 ½	2 2	8 ½	17 1 11
13. Fife - - - -	0 19	3 ½	1 4	0 ½	2 3	3 ½	17 6 6
14. Forfar - - -	0 18	10	1 2	4 ½	2 1	2 ½	16 9 7
15. Haddington or East Lothian - - -	1 0	3 ½	1 8	3 ½	2 8	6 ½	19 8 5
16. Inverness - -	0 18	5 ½	1 5	0 ½	2 3	5 ½	17 7 9
17. Kincardine - -	0 17	10 ½	1 2	1 ½	1 19	11 ½	15 19 8
18. Kinross - - -	0 19	5 ½	1 2	6 ½	2 2	0 ½	16 16 1
19. Kirkcudbright -	0 17	10 ½	1 4	6 ½	2 2	4 ½	16 19 2
20. Lanark - - -	1 0	4 ½	1 4	11	2 5	3 ½	18 2 6
21. Linlithgow or West Lothian - - -	0 19	7 ½	1 4	7 ½	2 4	3 ½	17 14 2
22. Nairn - - - -	0 18	9 ½	1 5	2 ½	2 3	11 ½	17 11 9
23. Orkney - - -	0 15	2 ½	0 16	7 ½	1 11	10	12 14 8
24. Peebles - - -	1 1	3 ½	1 5	4 ½	2 6	8 ½	18 13 7
25. Perth - - - -	0 19	5 ½	1 3	6 ½	2 3	0	17 4 0
26. Renfrew - - -	0 19	9 ½	1 4	11 ½	2 4	9 ½	17 18 2
27. Ross and Crom- arty - - - -	0 18	3 ½	1 4	5 ½	2 2	8 ½	17 1 9
28. Roxburgh - -	0 19	8 ½	1 4	7	2 4	3 ½	17 14 7
29. Selkirk - - -	0 19	0 ½	1 4	2 ½	2 3	3 ½	17 6 1
30. Stirling - - -	1 0	0 ½	1 4	1 ½	2 4	2 ½	17 13 5
31. Sutherland -	0 19	2 ½	1 4	1 ½	2 3	3 ½	17 6 5
32. Wigtown - - -	0 17	3 ½	1 3	6 ½	2 0	10	16 6 8

Table B.—Fiars Prices for the Counties of Scotland

*Average 1873—1922 inclusive.—Showing the Value of one quarter of Wheat, Oats, Bear and Barley in each County according to an average of the fiars prices struck for the 50 years 1873—1922.*

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County.	Wheat per Quarter.	Oats per Quarter.	Bear per Quarter.	Barley per Quarter.
1. Aberdeen -	£ s. d. 1 18 1 <sup>5</sup> / <sub>12</sub>	£ s. d. 1 2 14 <sup>0</sup> / <sub>12</sub>	£ s. d. 1 3 11	£ s. d. 1 12 24 <sup>1</sup> / <sub>12</sub>
2. Argyll -	2 1 2 <sup>4</sup> / <sub>12</sub>	1 4 1 <sup>9</sup> / <sub>12</sub>	1 11 1 <sup>6</sup> / <sub>12</sub>	1 12 3 <sup>8</sup> / <sub>12</sub>
3. Ayr -	1 16 11 <sup>4</sup> / <sub>12</sub>	1 2 0 <sup>0</sup> / <sub>12</sub>	1 5 7	1 14 4 <sup>1</sup> / <sub>12</sub>
4. Banff -	1 18 8 <sup>8</sup> / <sub>12</sub>	1 2 10 <sup>0</sup> / <sub>12</sub>	1 9 1	1 13 9 <sup>1</sup> / <sub>12</sub>
5. Berwick -	1 19 7 <sup>10</sup> / <sub>12</sub>	1 5 8 <sup>8</sup> / <sub>12</sub>	—	1 14 3 <sup>1</sup> / <sub>12</sub>
6. Bute -	2 3 1 <sup>1</sup> / <sub>12</sub>	1 4 0 <sup>1</sup> / <sub>12</sub>	1 8 9 <sup>1</sup> / <sub>12</sub>	1 12 11 <sup>5</sup> / <sub>12</sub>
7. Caithness -	—	1 0 3 <sup>8</sup> / <sub>12</sub>	1 6 5 <sup>6</sup> / <sub>12</sub>	1 8 0 <sup>9</sup> / <sub>12</sub>
8. Clackmannan	1 15 10 <sup>5</sup> / <sub>12</sub>	1 4 1 <sup>3</sup> / <sub>12</sub>	—	1 12 11 <sup>9</sup> / <sub>12</sub>
9. Dumbarton -	1 16 1 <sup>8</sup> / <sub>12</sub>	1 3 9 <sup>1</sup> / <sub>12</sub>	1 8 11 <sup>8</sup> / <sub>12</sub>	1 11 8 <sup>1</sup> / <sub>12</sub>
10. Dumfries -	1 19 3 <sup>1</sup> / <sub>12</sub>	1 3 6 <sup>8</sup> / <sub>12</sub>	—	1 13 11 <sup>9</sup> / <sub>12</sub>
11. Edinburgh or Mid Lothian	1 17 10 <sup>5</sup> / <sub>12</sub>	1 5 3 <sup>7</sup> / <sub>12</sub>	—	1 14 9 <sup>5</sup> / <sub>12</sub>
12. Elgin or Moray	1 17 7 <sup>9</sup> / <sub>12</sub>	1 2 9 <sup>1</sup> / <sub>12</sub>	—	1 14 5 <sup>10</sup> / <sub>12</sub>
13. Fife -	1 15 10 <sup>8</sup> / <sub>12</sub>	1 2 11 <sup>0</sup> / <sub>12</sub>	1 3 11 <sup>8</sup> / <sub>12</sub>	1 12 11 <sup>1</sup> / <sub>12</sub>
14. Forfar -	1 15 8 <sup>6</sup> / <sub>12</sub>	1 2 10	1 4 6 <sup>10</sup> / <sub>12</sub>	1 10 8 <sup>7</sup> / <sub>12</sub>
15. Haddington or East Lothian	2 1 9 <sup>8</sup> / <sub>12</sub>	1 8 7 <sup>6</sup> / <sub>12</sub>	—	1 18 10
16. Inverness -	2 1 2	1 2 11 <sup>1</sup> / <sub>12</sub>	1 12 2 <sup>8</sup> / <sub>12</sub>	1 14 4 <sup>0</sup> / <sub>12</sub>
17. Kincardine -	1 15 11 <sup>7</sup> / <sub>12</sub>	1 2 3 <sup>10</sup> / <sub>12</sub>	1 3 7 <sup>6</sup> / <sub>12</sub>	1 10 4 <sup>8</sup> / <sub>12</sub>
18. Kinross -	2 1 0 <sup>3</sup> / <sub>12</sub>	1 2 11 <sup>1</sup> / <sub>12</sub>	—	1 10 11 <sup>1</sup> / <sub>12</sub>
19. Kirkcudbright	1 17 4 <sup>1</sup> / <sub>12</sub>	1 2 7 <sup>1</sup> / <sub>12</sub>	—	1 13 8 <sup>1</sup> / <sub>12</sub>
20. Lanark -	1 17 1 <sup>1</sup> / <sub>12</sub>	1 3 8 <sup>1</sup> / <sub>12</sub>	—	1 14 2 <sup>1</sup> / <sub>12</sub>
21. Linlithgow or West Lothian	1 17 4 <sup>1</sup> / <sub>12</sub>	1 4 2 <sup>6</sup> / <sub>12</sub>	—	1 13 9 <sup>1</sup> / <sub>12</sub>
22. Nairn -	1 19 7 <sup>1</sup> / <sub>12</sub>	1 2 10 <sup>1</sup> / <sub>12</sub>	—	1 14 7 <sup>4</sup> / <sub>12</sub>
23. Orkney -	—	—	1 2 10 <sup>3</sup> / <sub>12</sub>	1 2 10 <sup>1</sup> / <sub>12</sub>
24. Peebles -	2 0 0	1 5 2 <sup>8</sup> / <sub>12</sub>	—	1 14 10 <sup>1</sup> / <sub>12</sub>
25. Perth -	1 17 3 <sup>8</sup> / <sub>12</sub>	1 3 8	—	1 12 4 <sup>5</sup> / <sub>12</sub>
26. Renfrew -	1 17 0 <sup>1</sup> / <sub>12</sub>	1 3 10 <sup>1</sup> / <sub>12</sub>	—	1 14 3 <sup>7</sup> / <sub>12</sub>
27. Ross and Cromarty	1 19 1 <sup>6</sup> / <sub>12</sub>	1 3 3 <sup>7</sup> / <sub>12</sub>	—	1 13 6 <sup>1</sup> / <sub>12</sub>
28. Roxburgh -	1 18 5 <sup>7</sup> / <sub>12</sub>	1 4 10 <sup>8</sup> / <sub>12</sub>	—	1 13 9 <sup>1</sup> / <sub>12</sub>
29. Selkirk -	2 13 5 <sup>8</sup> / <sub>12</sub>	1 4 5 <sup>10</sup> / <sub>12</sub>	—	1 13 3 <sup>8</sup> / <sub>12</sub>
30. Stirling -	1 17 2 <sup>9</sup> / <sub>12</sub>	1 3 10 <sup>8</sup> / <sub>12</sub>	—	1 13 11 <sup>10</sup> / <sub>12</sub>
31. Sutherland -	2 0 0 <sup>1</sup> / <sub>12</sub>	1 3 6 <sup>10</sup> / <sub>12</sub>	1 1 3 <sup>1</sup> / <sub>12</sub>	1 13 1 <sup>5</sup> / <sub>12</sub>
32. Wigtown -	1 16 3 <sup>1</sup> / <sub>12</sub>	1 1 6 <sup>7</sup> / <sub>12</sub>	1 8 3 <sup>7</sup> / <sub>12</sub>	1 12 4 <sup>1</sup> / <sub>12</sub>

## SECOND SCHEDULE

Section 2.

### PROVISIONS RELATING TO THE COUNTY AVERAGE VALUE OF KINDS OF VICTUAL NOT MENTIONED IN THE FIRST SCHEDULE

A.—

*Where the Value of the kind of Victual is given in the Official Returns of Fiars Prices*

- 1 The minister of a parish, the whole or part of whose victual stipend has been localled in any kind of victual not mentioned in the First Schedule to this Act or the clerk of the presbytery where the benefice is vacant or any heritor concerned, may apply to the Clerk of Teinds to fix the former county average value (in this Schedule referred to as the “average value”) of such kind of victual. In any such application by the minister or the clerk of the presbytery the applicant shall give the names of the heritors on whose lands the whole or part of such stipend has been so localled.
- 2 Thereafter the average value of the kind of victual in question for the fifty years one thousand eight hundred and seventy-three to one thousand nine hundred and twenty-two shall be fixed by the Clerk of Teinds by reference to the official returns of fiars prices for the county in which the parish is situated or where no value for that kind of victual is given in those returns then by reference to the official returns of fiars prices for such other county or counties as the Clerk of Teinds may select as being most suitable in the circumstances of the case.

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- 3 The average value as so fixed shall be intimated by the Clerk of Teinds to the minister or the clerk of the presbytery where the benefice is vacant and to the common agent of the heritors, and the Clerk of Teinds shall at the same time enter the said value in a book to be kept by him in the Teind Office for the purpose, the said book being available for inspection by any member of the public at the Teind Office during the official hours of opening thereof.

B.—

*Where the Value of the kind of Victual is not given in the Official Returns of Fiars Prices*

- 1 The minister of a parish the whole or part of whose victual stipend has been localised in any kind of victual not mentioned in the First Schedule to this Act or the clerk of the presbytery where the benefice is vacant or any heritor concerned may apply to the sheriff to fix the average value thereof.
- 2 The sheriff after intimation of any such application to such persons as he may appoint and after such inquiry as he thinks fit shall fix the said average value.
- 3 The said average value as so fixed shall be intimated by the sheriff to the Clerk of Teinds who shall enter the value in the book mentioned in paragraph 3 of Head A of this Schedule which shall be open for inspection as therein mentioned.

### <sup>F1</sup>THIRD SCHEDULE

#### Textual Amendments

- F1** Schs. 3, 4 repealed by Statute Law (Repeals) Act 1976 (c. 16), **Sch. 1 Pt. XV** and expressed to be repealed (S.) (*prosp.*) by 2000 asp 5, ss. 76(1)(2), 77(2)(c)(d), Sch. 12 Pt. 1 para. 16(15), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)

F1

### <sup>F2</sup>FOURTH SCHEDULE

#### Textual Amendments

- F2** Schs. 3, 4 repealed by Statute Law (Repeals) Act 1976 (c. 16), **Sch. 1 Pt. XV** and expressed to be repealed (S.) (*prosp.*) by 2000 asp 5, ss. 76(1)(2), 77(2)(c)(d), Sch. 12 Pt. 1 para. 16(15), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)

F2

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## FIFTH SCHEDULE

Section 11.

### PROVISIONS RELATING TO THE PREPARATION, ISSUING, AND ADJUSTMENT OF TEIND ROLLS

- 1       Where a benefice is actually vacant at the passing of this Act or where, after the passing of this Act, a benefice becomes actually vacant or is deemed to have become vacant by election or notification the clerk of the presbytery shall forthwith intimate the vacancy to the Clerk of Teinds, who shall communicate the intimation to any titular who has previously notified the Clerk of Teinds in writing that he desires to receive such intimation.
  
- 2       Where a benefice is actually vacant at the passing of this Act or where, after the passing of this Act, the benefice becomes actually vacant or is deemed to have become vacant by election or notification it shall be the duty of the heritors concerned forthwith to prepare and lodge in the Teind Office a state of teinds unless in any case the Lord Ordinary shall on the application of any party dispense therewith.
  
- 3       For the purposes of the teind rolls the value in sterling money of teind valued in victual shall be determined:—
  - (a)   Where a basis of conversion has been specified in the decree of valuation by reference to that basis; and
  - (b)   In any other case by reference to the former county average value within the meaning of section two of this Act.
  
- 4       Effect shall be given in the teind roll by the Clerk of Teinds to any augmentation of stipend or to any reduction of stipend following upon a surrender of teinds, made in accordance with the provisions of the Sixth Schedule to this Act. The Clerk of Teinds may also give effect in a teind roll to an extra-judicial surrender made before the passing of this Act on intimation from or on behalf of the heritor concerned that such a surrender has been made and on production to him of evidence thereof.
  
- 5       Where a heritor is entered in the teind roll separately for different subjects belonging to him in the same parish for teinds of the same class only, he shall be entitled to have the said entries or some of them consolidated into one entry, and on receiving from the heritor an application to that effect before the teind roll is made final, the Clerk of Teinds shall give effect thereto.
  
- 6       Where stipend is payable to the minister of one parish from the teinds of lands situated in another parish the Clerk of Teinds shall in the teind roll of the parish where stipend is so payable specify the value of the stipend so payable, and in the teind roll of the parish wherein the lands are situated the teinds of those lands shall be stated under deduction of any stipend payable as aforesaid.
  
- 7       Where the Clerk of Teinds has prepared a teind roll for any parish he shall report the same to the Lord Ordinary who shall take the roll into consideration and make such order as he thinks fit with respect to the intimation of the roll (including where necessary an order for the appointment of a common agent by the heritors concerned) and with respect to the subsequent adjustment and completion of the roll. The date of the Lord Ordinary's interlocutor ordering intimation of the teind roll is hereinafter in this Act referred to as the "date of issue of the teind roll."
  
- 8       Subject to the provisions of this Act relating to valuation and surrender of teinds no objection to a teind roll shall be competent unless the same is lodged with the Clerk of Teinds before the expiry of eighteen months after the date of issue of the teind roll and so soon as any such objection and any application for the valuation of

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teinds has been disposed of and any surrender of teinds has received effect and any necessary adjustment of the teind roll has been made, the Lord Ordinary shall by interlocutor declare the roll to be final. As on and from the date of such interlocutor the roll shall for the purposes of this Act be final, subject to such alterations and adjustments as may be necessary in consequence of changes of ownership or in consequence of redemption.

- 9 The Court of Session shall make by Act of Sederunt such rules and regulations as may in their judgment from time to time be necessary with respect to the preparation, reporting, adjustment, disposal and custody of the teind roll.
- 10 Nothing in this Act shall affect the right of the titular to lodge a state of teinds should he elect to do so, provided that the expense of the preparation of the said state by the titular shall be payable by the titular.

## SIXTH SCHEDULE

Section 16.

### PROVISIONS RELATING TO THE VALUATION OF TEINDS AND THE SURRENDER OF VALUED TEINDS

- 1 Any heritor whose teinds in any parish are wholly or partly unvalued, or the titular of any such teinds, or any minister whose stipend is wholly or partly exigible from unvalued teinds or where the benefice is vacant the General Trustees may at any time not later than the expiry of twelve months after the date of issue of the teind roll for the parish apply to the sheriff to appoint a valuer for the purpose of fixing the annual agricultural value of the lands the teinds of which have not been valued, and in estimating that value the valuer (who shall be appointed by the sheriff at his own hand) shall have regard to the following directions, that is to say: Where the lands are bona fide let for a term of years, the rent payable under the lease (so far as it represents agricultural rental) and where the lands are not so let the agricultural rent at which the lands might, in the opinion of the valuer, be reasonably expected to be let shall be deemed to be the annual agricultural value:

Provided that in either case there shall be deducted from the rent—

- (a) interest on expenditure by the heritor or his predecessors, upon permanent improvements within twenty years prior to the date of valuation, where such expenditure is shown to the satisfaction of the valuer to have increased the annual agricultural letting value of the land; and
- (b) interest on any other improvement expenditure made by the heritor or his predecessors which, in the opinion of the valuer, has increased such letting value as at the date of valuation.
- 2 (a) Any heritor or titular who applies to the sheriff as aforesaid shall so soon as the appointment of a valuer has been made give written notice thereof to the minister of the parish in which the lands are situate, or if the benefice is vacant to the General Trustees, and any minister or the General Trustees so applying shall in like manner give notice to the heritor of the lands.
- (b) The minister, or the General Trustees or the heritor, as the case may be, receiving such notice may within fifteen days after the date of the notice intimate in writing to the valuer that he or they desires or desire to be heard.

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- 3 The valuer shall after such inquiry as he may think necessary, including the hearing of the parties where a desire to be heard has been intimated as aforesaid, issue a certificate of valuation showing the annual agricultural value of the lands.
- 4 The provisions set out in the [<sup>F3</sup>Sixth] Schedule to the Agricultural Holdings (Scotland) Act [<sup>F3M1</sup>1949], relating to the removal of arbiter, evidence, statement of case and expenses shall, with the necessary modifications, apply to any inquiry by a valuer appointed by the sheriff under this Schedule. The Court of Session shall from time to time by Act of Sederunt make such regulations as they may think necessary for regulating the fees of valuers so appointed.

#### Textual Amendments

**F3** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\), s. 38\(1\)](#)

#### Marginal Citations

**M1** [1949 c. 75.](#)

- 5 (a) Where the annual agricultural value of the lands, as shown by the certificate issued by the valuer, does not exceed fifty pounds the certificate shall be final. Where the said value exceeds fifty pounds—
- (i) The applicant for the appointment of the valuer, or the heritor, or the minister, or the General Trustees, as the case may be, interested in the valuation, if not satisfied with the said valuation, may within fifteen days after the issue of the certificate by the valuer, appeal to the Lord Ordinary, who after such inquiry as he thinks necessary (including if the Lord Ordinary so directs, a remit to a skilled valuer) may either approve or modify the certificate, and the certificate so approved or modified shall thereupon become final. In estimating the annual agricultural value of the land the Lord Ordinary shall have regard to the provisions in that behalf contained in paragraph 1 of this Schedule, which for this purpose shall apply with the substitution of the Lord Ordinary for the valuer.
- (ii) If no such appeal has been intimated before the expiry of fifteen days from the issue of the certificate by the valuer, the certificate shall upon such expiry become final.
- 6 (a) Where the annual agricultural value of the lands as shown in the certificate issued by the valuer does not exceed fifty pounds the applicant for the appointment of the valuer shall within ten days after the issue of the certificate lodge the same at the Teind Office for registration.
- (b) Where the said value exceeds fifty pounds the certificate issued by the valuer shall be so lodged within ten days of the date when the same becomes final—
- (i) by the applicant if the certificate has not been modified by the Lord Ordinary; and
- (ii) by the appellant if the certificate has been so modified.
- (c) When a certificate has been lodged as aforesaid the Clerk of Teinds shall issue a certificate of the amount of the valued teind and such certificate shall be recorded in the Teind Office, and when so recorded shall be evidence of the valuation to the same effect as an extract decree of valuation of the Court of Teinds issued in accordance with the present practice.

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- 7
- (a) Any heritor or titular whose teinds have been valued either in accordance with the present practice or in accordance with the provisions of this Schedule, and whether there is or is not a depending process of locality may, so soon as the decree of valuation had been extracted or the certificate of the amount of the valued teinds has been recorded, as the case may be, and within the period hereinafter limited in that behalf, surrender the amount of such valued teind to the minister or the General Trustees, as the case may be. Such surrender shall be as nearly as may be in the form presently in use in the Court of Teinds, and if there is a process of locality pending may be embodied in a minute of surrender lodged in that process, and if there is no depending process of locality the surrender may be signed by the heritor or his agent or the titular or his agent (as the case may be) and lodged at the Teind Office. Any heritor whose teinds have been valued in accordance with the present practice may exercise the powers of this paragraph, notwithstanding that such valuation comprises the teinds of a heritor other than the heritor named in the surrender, but only where there has been an agreement between the parties interested with respect to the division of the cumulo valuation.
  - (b) Surrender of valued teinds shall not be competent unless the minute of surrender is lodged in a process of locality or the surrender is lodged at the Teind Office as aforesaid before the date hereinafter mentioned (that is to say):—
    - (i) In cases where the teinds are valued before the date of issue of the teind roll for the parish in which the lands are situate, before the expiry of six months after the date of the said issue; and
    - (ii) In cases where the teinds are valued after the date of issue of the teind roll for the parish in which the lands are situate, before the expiry of two months after the issue by the Clerk of Teinds of a certificate of the amount of the valued teinds; and
    - (iii) In cases where the value of teinds specified in the teind roll for the parish in which the lands are situate is deemed to be accepted by acquiescence as hereinbefore in this Act provided, before the expiry of fifteen months after the date of issue of the teind roll for that parish.
  - (c) The heritor or the titular shall at the same time as the minute of surrender or the surrender, as the case may be, is lodged as aforesaid send a copy thereof to the minister of the parish, or if the benefice is vacant to the General Trustees, and the Clerk of Teinds shall, as soon as may be after the lodging of the minute or of the surrender, examine the state of the teinds in the parish and calculate what deficiency of stipend (if any) would ensue if the surrender took effect, and shall notify the result of his examination and calculation to the minister or to the General Trustees, as the case may be. Within twenty-one days after the date of such notification the minister or the General Trustees, as the case may be, may lodge objections to the surrender, which shall be finally disposed of by the Lord Ordinary; but if no such objection shall be so lodged the surrender shall have effect at the expiry of the said period of twenty-one days.
  - (d) It shall not be a valid objection to a surrender made under the provisions of this Schedule that the decree of locality on which the stipend has been paid up to the date of the surrender has not been made final.
- 8
- Where a surrender made under the provisions of this Schedule has become effectual, whether no objection has been lodged or any objection lodged has been disposed

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of, and a deficiency of stipend amounting to not less than ten pounds per annum is caused thereby, the minister of the parish, or if the benefice is vacant the General Trustees may within thirty days after the date when the surrender has become effectual, intimate in writing to the Clerk of Teinds that he or they claims or claim that the deficiency of stipend shall be re-allocated among those heritors in the parish (if any) who have unexhausted teinds not yet allocated for stipend. The Clerk of Teinds on receiving intimation of the claim shall notify the same to the common agent of the heritors, and if any heritor within thirty days after the date of such notification lodges with the Clerk of Teinds a written objection to the claim the matter shall be finally disposed of by the Lord Ordinary. But if no such objection be lodged, the re-allocation shall be made by the Clerk of Teinds, who shall issue to the minister or to the General Trustees, as the case may be, a certificate specifying the amounts of stipend payable by the heritors whose teinds are affected by the re-allocation.

- 9 Any calculation as to the amount of any deficiency of stipend caused by a surrender in accordance with the provisions of this Schedule or as to the amounts of unexhausted teinds available to meet such deficiency shall be made—
- (a) so far as the stipend is concerned, on the basis of the standard value thereof; and
  - (b) so far as the value of the teind is concerned, in accordance with paragraph 3 of the Fifth Schedule to this Act.
- 10 A heritor may have his unvalued teinds valued or surrender valued teinds in accordance with the provisions of this Schedule, whether he has or has not a heritable right to such teinds:

Provided that—

- (a) Where the heritor proposes to have valued or to surrender any teinds to which he has no heritable right, he shall at the time when he gives notice of the appointment of a valuer or lodges a minute of surrender or a surrender as aforesaid intimate the appointment or the surrender in writing to the titular of the teinds who shall have the same rights of objection and appeal as are by the provisions of this Schedule conferred upon the minister of the parish or the General Trustees;
- (b) When a heritor receives from a minister or the General Trustees notice of the appointment of a valuer with respect to lands to the teinds of which he has no heritable right, he shall forthwith intimate the appointment in writing to the titular of the teinds, who shall in such case have the same rights of objection and appeal as are by the provisions of this Schedule conferred upon the heritor.

## SEVENTH SCHEDULE

Section 39.

### PAYMENTS OUT OF THE CONSOLIDATED FUND

- (1) The annual sum of 12,000*l.* on account of augmentations of stipends chargeable on and payable out of the Consolidated Fund of the United Kingdom, under the <sup>M2</sup>Teinds Act 1810, and the <sup>M3</sup>Teinds Act 1824. 1824.



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(2) The annual sum of 5,040*l.* on account of stipends, chargeable and payable, as aforesaid, under the Act 5 George IV, chapter 90.

(3) ..... F4

**Textual Amendments**

F4 Sch. 7 paras. (3)–(6) repealed by Statute Law Revision Act 1966 (c. 5)

**Marginal Citations**

M2 1810 c. 84.

M3 1824 c. 72.

**Textual Amendments**

F4 Sch. 7 paras. (3)–(6) repealed by Statute Law Revision Act 1966 (c. 5)

**Marginal Citations**

M2 1810 c. 84.

M3 1824 c. 72.

EIGHTH SCHEDULE

Sections 21 and 24.

LIST OF CERTAIN PARISHES QUOAD OMNIA ERECTED  
UNDER THE NEW PARISHES (SCOTLAND) ACT, 1844

<b>Parish</b>	<b>Date of Erection</b>
North Bute	26th June 1844.
Shettleston	30th June 1847.
Calton	11th July 1849.
Teviothead	20th February 1850.
Maryhill	10th July 1850.
Kirkhope	25th June 1851.
Springburn	14th June 1854.
Ardoch	21st February 1855.
Colonsay	27th February 1861.
Coll	15th March 1865.

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## NINTH SCHEDULE

Sections 22 and 46.

## LIST OF BURGH CHURCHES

1. East Kirk, Aberdeen.
2. Greyfriars, Aberdeen. Manse.
3. North Kirk, Aberdeen.
4. South Kirk, Aberdeen.
5. St. Clement's, Aberdeen. Manse.
6. West Kirk, Aberdeen. Manse.
7. Greyfriars, Dumfries.
8. St. Clement's, Dundee.
9. St. David's, Dundee. Manse.
10. St. John's, Dundee.
11. St. Paul's, Dundee. Manse.
12. Canongate, Edinburgh.
13. Greenside, Edinburgh. Manse.
14. Greyfriars New, Edinburgh.
15. Greyfriars Old, Edinburgh.
16. High Kirk (St. Giles'), Edinburgh.
17. Lady Yester's, Edinburgh.
18. New North (West St. Giles'), Edinburgh. Manse.
19. St. Andrew's, Edinburgh.
20. St. George's, Edinburgh.
21. St. John's, Edinburgh.
22. St. Mary's, Edinburgh.
23. St. Stephen's, Edinburgh. Manse.
24. Trinity College, Edinburgh.
25. Tron, Edinburgh.
26. College or Blackfriars, Glasgow. Manse.
27. St. Andrew's, Glasgow.
28. St. David's or Ramshorn, Glasgow. Manse.
29. St. George's, Glasgow. Manse.
30. St. James', Glasgow.

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31. St. John's, Glasgow.
32. St. Paul's, Glasgow.
33. Iron, Glasgow.
34. East Kirk, Greenock.
35. Middle Kirk, Greenock. Manse.
36. High Kirk, Kilmarnock.
37. High, Paisley. Manse.
38. Laigh, Paisley, Manse.
39. Middle, Paisley. Manse.
40. St. John's, Perth.
41. St. Paul's, Perth.
42. St. Mark's, Perth. Manse.
43. Queensferry.
44. North, Stirling.
45. West, Stirling.

TENTH SCHEDULE

Section 23

LIST OF PARLIAMENTARY CHURCHES AND MANSES

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

**C2** Unreliable schedule header.

Name of Place.	Parish or Island.	County.
1. Loch-Gilthead - - -	Glasary - - -	Argyll.
2. Muckairn [(manse only)] - -	Muckairn - - -	do.
3. Duror - - -	Appin - - -	do.
4. Kilmery [(manse only)] - -	Islay Island - -	do.
5. Portnahaven - - -	do. - - -	do.
6. Oe or Oth - - -	do. - - -	do.
7. Kinlochspynie - - -	Mull Island - -	do.
8. Salen [(manse only)] - - -	do. - - -	do.
9. Tobarnary - - -	do. - - -	do.
10. Ulva - - -	Ulva Isle - - -	do.
11. Iona - - -	Iona Isle - - -	do.
12. Strontian - - -	Ardsnamurchan -	do.
13. Acharacle - - -	do. - - -	do.
14. North-Ballachulish - - -	Kilmalie - - -	Inverness.
15. Ardgour (no manse) - - -	do. - - -	Argyll.
16. Rothiemurchus [(manse only)] - - -	Rothiemurchus -	Inverness.
17. Tomintoul - - -	Kirkmichael - -	Banff.
18. Inch (manse only) - - -	Kingussie - - -	Inverness.
19. Steinsboll (in Trotternish) -	Skye Island - - -	do.
20. Halen (in Waterish) - - -	do. - - -	do.
21. Trumagary - - -	N. Uist Isle - - -	do.
22. Bernera Isle - - -	Harris - - -	do.
23. Flockton - - -	Lochalish - - -	Ross and Cromarty.
24. Shieldaig - - -	Applecross - - -	do.
25. Carroch, Strath-Conan - - -	Contin - - -	do.
26. Kinloch-Luchart - - -	do. - - -	do.
27. Poolewe - - -	Gairloch - - -	do.
28. Croich - - -	Kimcardine - - -	do.
29. Ullapool - - -	Loch-Broom - - -	do.
30. Cross (Ness District) - - -	Lewis Island - -	do.
31. Knock (Eye District) - - -	do. - - -	do.
32. Rhuisstore - - -	Assynt - - -	Sutherland.
33. Kinloch-Bervie - - -	Edinachilles - -	do.
34. Strathly - - -	Farr - - -	do.

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Name of Place.	Parish or Island.	County.
35. Berriedale - - -	Lathron - -	Caitness.
36. Keiss - - -	Wick - -	do.
37. Deerness [(manse only)] -	St. Andrew and Deerness.	Orkney and Shetland.
38. N. Ronaldshay [(manse only)]	Cross and Burness	do.
39. Sandwick [(manse only)]	Dunrossness - -	do.
40. Quarff - - -	Quarff - -	do.
41. Interwick, or Innerwick (in Glenlyon).	Fortingall - -	Perth
42. Rattoch - - -	do. - -	do.
43. Kirktown of Foss - - -	Dull - -	do.

## ELEVENTH SCHEDULE

Section 28.

### CERTIFICATE OF SHERRIFF UNDER THE CHURCH OF SCOTLAND (PROPERTY AND ENDOWMENTS) ACT 1925.

County of Parish of I, sheriff of as authorised by the Church of Scotland (Property and Endowments) Act 1925, hereby certify that all obligations incumbent on the heritors of the said parish, with respect to the subjects mentioned in the Schedule annexed hereto have been fulfilled. [*Signature and date.*]

## SCHEDULE

Church or manse

*(Insert or refer to a description of the church, and the site thereof, or the manse (with pertinents, if any) and the site thereof, or both of the said subjects (as the case may be) to which the certificate relates).*

## F5F5 TWELFTH SCHEDULE

### Textual Amendments

**F5** Sch. 12 repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

F5

## THIRTEENTH SCHEDULE

Section 35.

### FORM OF MEMORANDUM OF ALLOCATION

The proportion of the annual sum of £ created by (particulars of deed) allocated upon all and whole (description of land) is hereby fixed at £ (and if an increase is payable, add) with £ of increase making a total of £ per annum.

*[To be signed by minister or trustees under deed of constitution or the General Trustees, as the case may be, or by an agent on behalf of the minister or trustees or General Trustees, respectively.]*

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Church of Scotland (Property And Endowments) Act 1925.