

Second Reading Briefing House of Lords

Church of Scotland (Lord
High Commissioner) Bill

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Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

The Law Society of Scotland's Constitutional Law and Human Rights Committee welcomes the opportunity to comment on the Church of Scotland (Lord High Commissioner) Bill in advance of the second reading in the House of Lords on Wednesday 19 March.

Church of Scotland (Lord High Commissioner) Bill

This important Bill makes an amendment to the [Roman Catholic Relief Act 1829](#) for Catholics to be eligible to hold the office of Lord High Commissioner, the King's representative at the General Assembly of the Church of Scotland. This Bill is to facilitate the appointment of Dame Eilish Angiolini KT as Lord High Commissioner at the General Assembly of the Church of Scotland in May.

The bill has been identified as a fast-track bill and was taken through all the House of Commons stages on 4 March 2025.

The Lord Privy Seal, Baroness Smith of Basildon in moving the Business of the house on 5 March stated that “Standing Order 44 (*No two stages of a Bill to be taken on one day*) be dispensed with on 24 March to enable the Bill to be taken through its remaining stages that day and that, in accordance with Standing Order 47 (*Amendments on Third Reading*), amendments shall not be moved on Third Reading.”

Subject to Royal Assent and the conclusion of certain formalities such as a formal commission for the office, accompanied by a royal warrant this bill will ensure that Dame Eilish will be able to take up her appointment at the General Assembly which will take place from 17-22 May 2025 at the Assembly Hall on the Mound, Edinburgh.



We hope that the passage of this Bill will encourage the Government to consult in the future on existing statutory religious discrimination (not only the [Roman Catholic Relief Act 1829](#) and other legislation relating to Roman Catholics but also for example the [Jews Relief Act 1858](#)) and how such legislation sits with the ethos of current legislation such as the Equality Act 2010 and the European Convention on Human Rights Article 9.1.

The Roman Catholic Relief Act 1829 section 12 states: “Provided also, that nothing herein contained shall extend, or be construed to extend to enable any person or persons professing the Roman Catholic religion to hold or exercise the office of guardians and justices of the United Kingdom, or of regent of the United Kingdom, under whatever name, style, or title such office may be constituted; nor to enable any person, otherwise than as he is now by law enabled, to hold or enjoy the office of *lord high chancellor*, lord keeper or lord commissioner of the great seal of Great Britain . . .; or his Majesty’s high commissioner to the general assembly of the Church of Scotland.”

Section 12 therefore excludes Roman Catholics from the office of Lord High Commissioner but also purports to do so from the office of Lord High Chancellor. However, the [Lord Chancellor \(Tenure of Office and Discharge of Ecclesiastical Functions\) Act 1974](#) section 1 provides that “For the avoidance of doubt it is hereby declared that the office of Lord Chancellor is and shall be tenable by an adherent of the Roman Catholic faith.” The 1974 Act supersedes the 1829 Act but did not remove the reference to the Lord High Chancellor contained in section 12.

To ensure clarity and avoid confusion in the future the reference to the Lord High Chancellor should be removed at some point from the 1829 Act and accordingly bring that Act into conformity with the 1974 Act.

For further information, please contact:

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