

Church of Scotland (Lord High Commissioner) Bill

Second reading briefing: House of Commons

February 2025



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 Commons on Tuesday 4 March.

[Church of Scotland \(Lord High Commissioner\) Bill publications - Parliamentary Bills - UK Parliament.](#)

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. Second Reading, Committee stage and Third Reading are scheduled to take place on 4 March 2025.

It would have been better were the Bill consulted upon before introduction. Had there been consultation, views could have been expressed about the Bill and existing religious discrimination on the statute book (not only 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."



Accordingly, section 12 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.”

It is unfortunate that this Bill cannot be amended to remove the reference to the Lord High Chancellor from the 1829 Act and so bring that Act into conformity with the 1974 Act and therefore ensure clarity in the Statute Book and avoid confusion. That remains a law reform project for another day.

For further information, please contact:

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