



HL Bill 79 of 2024–25

# Church of Scotland (Lord High Commissioner) Bill

**Authors:** Eren Waitzman and Russell Taylor

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At present, Roman Catholics are legally restricted from holding the office of lord high commissioner due to historic legislation, such as the Roman Catholic Relief Act 1829. The [Church of Scotland \(Lord High Commissioner\) Bill](#) would remove this restriction. This would facilitate the upcoming appointment of Lady Elish Angiolini, a practising Roman Catholic, as the lord high commissioner in 2025. She would become the first Roman Catholic to hold this office.

It is a government bill and is being fast-tracked. It was introduced in the House of Commons on 13 February 2025 and passed all its stages on 4 March 2025. Its second reading in the House of Lords is scheduled for 19 March 2025.

## I. What is the background to the bill?

There are two ‘established’ churches in the UK (broadly meaning they have a formal relationship with the state), the Anglican Church of England and the Presbyterian Church of Scotland.<sup>1</sup> This bill applies to the Church of Scotland (often referred to as ‘the Kirk’),

The Church of Scotland’s origins as a Presbyterian church separate to the Church of England date back to the 16th century.<sup>2</sup> Its independence was recognised in the 1707 Treaty of Union between Scotland and England and in subsequent legislation. In 1921, the UK Parliament passed the Church of Scotland Act 1921 which recognised the church’s full independence in spiritual matters.

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<sup>1</sup> House of Commons Library, [‘The relationship between church and state in the United Kingdom’](#), 14 September 2023.

<sup>2</sup> Church of Scotland, [‘History’](#), accessed 10 March 2025.





As part of its structure, the Church of Scotland has a general assembly.<sup>3</sup> This is the supreme court of the Church of Scotland. The general assembly meets annually to hear reports from the councils and committees, make laws and set the church's agenda.

Unlike the Church of England, the sovereign is not the head of the Church of Scotland.<sup>4</sup> However, the sovereign does maintain ties with the Church of Scotland. As part of this, the lord high commissioner is appointed by the sovereign to act as their representative at the general assemblies and attend as an observer. The bill's explanatory notes explains:

The lord high commissioner's role reflects the relationship between the state and the church, and a longstanding tradition of appointing a lord high commissioner originated in the latter part of the 16th century.<sup>5</sup>

The Church of Scotland webpage gives further details on the lord high commissioner's role, stating:

By custom, they address the assembly at its opening and closing sessions, and attend much of the daily business, but they do not directly engage with or influence the debates. The lord high commissioner also undertakes a round of official visits in Scotland, usually to church and social care projects, as well as hosting evening engagements at the Palace of Holyroodhouse.<sup>6</sup>

On 12 December 2024, Lady Elish Angiolini, a lawyer who was also Scotland's first female Lord Advocate, was selected by King Charles III to serve as the new lord high commissioner.<sup>7</sup> However, Lady Elish is a practising Roman Catholic, and historic legislation prohibits Roman Catholics from the role. The explanatory notes explain:

The Claim of Right 1689 sets out restrictions against Roman Catholics being appointed to public offices in Scotland, including the lord high commissioner. Whilst the Roman Catholic Relief Act 1829 removed most aspects of religious

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<sup>3</sup> Church of Scotland, '[Guide to the general assembly](#)', accessed 10 March 2025.

<sup>4</sup> Church of Scotland, '[History](#)', accessed 10 March 2025. The Church of Scotland considers Jesus Christ to be 'head' and 'king' of the church; see: Church of Scotland, '[Who's who](#)', accessed 10 March 2025.

<sup>5</sup> [Explanatory notes](#), p 3.

<sup>6</sup> Church of Scotland, '[Guide to the general assembly](#)', accessed 10 March 2025.

<sup>7</sup> Church of Scotland, '[Lady Elish Angiolini appointed as Lord High Commissioner to the 2025 general assembly](#)', 12 December 2024.



discrimination towards Roman Catholics, it explicitly did not remove the restrictions against Catholics holding the office of the lord high commissioner.

This means that there is an existing legislative restriction against someone of the Roman Catholic faith being appointed to this office. The restriction only applies to those professing the Roman Catholic faith and does not apply to those who are of different or of no faith or religion.<sup>8</sup>

The bill seeks to address this issue by changing the law to allow Roman Catholics to undertake the role of lord high commissioner. The government is fast-tracking the legislation so that Lady Elish can be appointed as the lord high commissioner for 2025, ahead of the general assembly in May 2025.<sup>9</sup>

## 2. What would the bill do?

The bill would make provisions for people of the Roman Catholic faith to be eligible to hold the office of His Majesty's high commissioner to the general assembly of the Church of Scotland.

It comprises two short clauses.

**Clause 1** of the bill would make provision allowing a person of the Roman Catholic faith to hold the office of the lord high commissioner to the general assembly of the Church of Scotland. It would explicitly state this in the legislation and would amend section 12 of the Roman Catholic Relief Act 1829, which details offices withheld from Roman Catholics, to omit the office of lord high commissioner from the act.

**Clause 2** would provide for the bill to come into force on the day it received royal assent and for it to extend to England, Wales, Scotland and Northern Ireland.

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<sup>8</sup> [Explanatory notes](#), p 3.

<sup>9</sup> As above, pp 3–4.



### 3. What happened in the House of Commons?

The Church of Scotland (Lord High Commissioner) Bill was introduced in the House of Commons on 13 February 2025.<sup>10</sup> It completed its second reading, committee stage and third reading on 4 March 2025.

#### 3.1 Second reading

Introducing the bill, Chancellor of the Duchy of Lancaster Pat McFadden described the bill as a “simple, straightforward and clear piece of legislation” that sought to remove a legal barrier preventing Roman Catholics from holding the office of the lord high commissioner.<sup>11</sup> The minister highlighted that this restriction applied only to Roman Catholics and did not apply to people of other faiths or people of no religious faith.

Discussing the legal barrier found in historic legislation, Mr McFadden stated:

Historical legislation currently prevents the appointment of Catholics to the role: specifically, the Claim of Right Act 1689 set out restrictions against Catholics being appointed to public offices in Scotland, including the role of lord high commissioner. Most of that was changed by the Roman Catholic Relief Act 1829, which removed many aspects of religious discrimination towards Catholics. However, it did not explicitly remove the restriction against Catholics holding the office of lord high commissioner. That means that a legislative restriction exists to this day against someone of the Catholic faith being appointed to this office. Until now, the issue did not arise because no Catholic was ever appointed to the role, but that position changed in December [2024] with the announcement of the appointment of Lady Elish Angiolini. The bill will allow Lady Elish to take up the role.<sup>12</sup>

Mr McFadden said the bill took a similar approach to that adopted in the Lord Chancellor (Tenure of Office and Discharge of Ecclesiastical Functions) Act 1974, which removed restrictions on Catholics taking up the role of lord chancellor.

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<sup>10</sup> UK Parliament, ‘[Church of Scotland \(Lord High Commissioner\) Bill: Stages](#)’, accessed 10 March 2025.

<sup>11</sup> [HC Hansard, 4 March 2025, col 231.](#)

<sup>12</sup> [HC Hansard, 4 March 2025, col 231.](#)



Speaking on behalf of the opposition, the shadow secretary of state for Scotland, Andrew Bowie, described the legislation as a “historically significant piece of legislation”.<sup>13</sup> He continued:

It could be argued that this is the latest piece of the work that was begun with the passing of the very legislation that it seeks in part to repeal—the Roman Catholic Relief Act 1829—to ensure full equality for Catholics in our public realm.<sup>14</sup>

Mr Bowie described the appointment as a well-deserved honour for Lady Elish Angiolini. He also discussed Britain and Scotland’s relationship with religion, and how this has changed over time.<sup>15</sup>

He said that the bill had the full support of the opposition.

Similar sentiments were expressed by Christine Jardine, the Liberal Democrat’s spokesperson for Scotland. She emphasised her party’s support for the legislation and hoped it would pass quickly.<sup>16</sup> However, she also commented on the importance of ensuring any similar discriminations were dealt with more quickly:

The church is still a huge part of community life in Scotland. The fact that it has taken this long to overturn the injustice of the Roman Catholic Relief Act 1829—a piece of discrimination against Roman Catholics—is something that we should bear in mind, and we should promise never to allow this to happen again. Although it is important that we get this legislation through quickly, so that we can appoint Lady Elish Angiolini, I hope that we address the wider discrimination left in Scottish society.<sup>17</sup>

This stance was shared by the SNP MP for Argyll, Bute and South Lochaber, Brendan O’Hara, who said the SNP fully supported the legislation but that he also found the situation “embarrassing”.<sup>18</sup> He acknowledged the time restrictions in this instance, with Lady Elish’s

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<sup>13</sup> [HC Hansard, 4 March 2025, col 233.](#)

<sup>14</sup> [HC Hansard, 4 March 2025, col 233.](#)

<sup>15</sup> [HC Hansard, 4 March 2025, cols 233–5.](#)

<sup>16</sup> [HC Hansard, 4 March 2025, cols 236–7.](#)

<sup>17</sup> [HC Hansard, 4 March 2025, col 236.](#)

<sup>18</sup> [HC Hansard, 4 March 2025, col 238.](#)



appointment imminent, but hoped “we never again find ourselves in this situation” and that the government find time to bring forward legislation that fully removes all traces of anti-Catholic discrimination from UK law.<sup>19</sup>

However, commenting on the significance of the appointment itself, he described the situation as “remarkable”. He continued:

[...] not so long ago the idea of a Catholic female, particularly one of Irish descent, being the sovereign’s official representative in the Church of Scotland would have been unthinkable to many in this Kirk.<sup>20</sup>

The bill passed second reading without a vote.

### 3.2 Committee stage and third reading

No amendments were tabled or debated at committee stage and the bill passed to third reading with little debate.<sup>21</sup>

During a brief third reading debate, Pat McFadden thanked the House for its support for the bill, along with the Church of Scotland, the Catholic Church and the Scottish government. He said it was another small and important step towards equality.<sup>22</sup>

Mr Bowie shared similar thanks. He said the bill was “a positive step and speaks well to the type of country that Scotland is today”.<sup>23</sup>

## 4. Read more

- House of Commons Library, ‘[Church of Scotland \(Lord High Commissioner\) Bill 2024–25](#)’, 14 February 2025

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<sup>19</sup> [HC Hansard, 4 March 2025, col 239.](#)

<sup>20</sup> [HC Hansard, 4 March 2025, col 239.](#)

<sup>21</sup> [HC Hansard, 4 March 2025, cols 244–5.](#)

<sup>22</sup> [HC Hansard, 4 March 2025, col 245.](#)

<sup>23</sup> [HC Hansard, 4 March 2025, col 246.](#)



- House of Commons Library, '[The relationship between church and state in the United Kingdom](#)', 14 September 2023

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