

ORDER IN COUNCIL

X

ratifying a Projet de Loi

1967

ENTITLED

The National Trust of Guernsey (Incorporation) Law, 1967

(Registered on the Records of the Island of Guernsey
on the 19th day of September, 1967.)



1967.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 19th day of September, 1967, before Sir William Arnold, Kt., C.B.E., C. St. J., Bailiff; present :—
Bertram Guy Blampied, Stanley Walter Gavey,
Esquires, Gilbert Carey de Jersey, Esquire, C.B.,
Carl Edward Blad, Albert Victor Dorey,
Esquires, Laurence Francis de Vic Carey,
Esquire, C.B., C.B.E., William Burton Fox,
Esquire, Edward James Lainé, Esquire, C.B.E.,
D.F.C., Edward Martel, and Jean Le Pelley,
Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 28th day of July, 1967, ratifying a *Projet de Loi* entitled "The National Trust of Guernsey (Incorporation) Law, 1967", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 28th day of July 1967

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT
MR SECRETARY BOWDEN
MR SHORT
MR DIAMOND
MR ADERMANN
MR SILKIN
MR CALWELL
MRS HART

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 3rd day of July, 1967, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952 to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:

‘1. That, in pursuance of their Resolution of the 26th day of April, 1967, the States of Deliberation at a meeting held on the 31st day of May, 1967, approved a Bill or “Projet de Loi” entitled “The National Trust of Guernsey (Incorporation) Law, 1967” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States

of Guernsey entitled "The National Trust of Guernsey (Incorporation) Law, 1967" and to order that the same shall have force of law in the Island of Guernsey.'

THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. Agnew.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The National Trust of Guernsey (Incorporation) Law, 1967

THE STATES, in pursuance of their Resolution of the twenty-sixth day of April, nineteen hundred and sixty-seven, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

1. The Association called "The National Trust of Guernsey" (hereafter in this Law referred to as "the Association") shall be incorporated by the name of "The National Trust of Guernsey" (hereafter in this Law referred to as "the Trust") to the intent that by that name the members of the Association and all other persons who shall become members of the Trust shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued, and with power to purchase, take, hold, deal with and dispose of land and other property whatsoever.

Incorporation of the Association called "The National Trust of Guernsey".

2. The general purposes of the Trust shall be the promoting, so far as is practicable and desirable, for the benefit of the people of this Island and of visitors thereto of—

General purposes of the Trust.

- (a) the preservation and enhancement of natural beauty and the protection, propagation and control of wild life and animal and plant life;

- (b) the preservation, restoration, upkeep and use of places and buildings of historic or other interest to the people of this Island or of horticultural or architectural merit and the protection and augmentation of the amenities of such places and buildings and their surroundings;
- (c) the preservation, care, repair, use and exhibition of furniture, pictures and chattels of any description being of interest to the people of this Island or having historic or artistic interest;
- (d) the provision, upkeep, improvement and use of open spaces, parks, gardens and other places of recreation, enjoyment or exercise;
- (e) the clearance of derelict land and buildings in keeping with the best principles of town and country planning;
- (f) the consideration of Island planning and the planning of the towns, villages, hamlets, roads, streets and public ways in this Island and of matters related thereto;
- (g) co-operation with other non-profit making societies and associations, whether or not incorporated with general purposes compatible with the purposes of the Trust; and
- (h) public interest in the purposes and activities of the Trust.

Rules of the Trust as respects the conduct and management of its affairs.

3. (1) The Trust may from time to time at a general meeting make all such rules as may be necessary or expedient as respects the conduct and management of its affairs and in particular, but without prejudice to the generality of the foregoing, as respects—

- (a) the classification of its members and the qualification for membership within each class;
- (b) the calling of general meetings and the conduct and proceedings at general meetings;
- (c) the setting up of a council to act as the governing body of the Trust and the appointment by such council of such committees and sub-committees for such purposes and with such powers as such council may deem necessary or expedient;
- (d) the proceedings, powers and duties of such council, committees and sub-committees;
- (e) the offices of the Trust and the tenure, powers and duties thereof and appointments thereto; and
- (f) the method of changing such rules.

(2) The rules approved at the Annual General Meeting of the Association held on the twenty-second day of March, nineteen hundred and sixty-seven, and intended to have effect upon the incorporation of the Association shall have effect upon the incorporation of the Association as if they were rules made under subsection (1) of this section.

(3) Rules made under subsection (1) of this section may provide that all powers hereby conferred on the Trust, other than powers required to be exercised in general meeting, shall be exercisable by the council set up by those rules to act as the governing body of the Trust and for the delegation of any such powers by the council to any committee or sub-committee appointed by the council under those rules, subject to such conditions and limitations as may be imposed by the council as to the exercise of any of the powers so delegated.

First
officers of
the Trust,
etc.

4. The officers, members of the Council, and members of the Executive Committee of the Council, of the Association shall, upon the incorporation of the Association, become respectively the first officers, members of the Council, and members of the Executive Committee of the Council, of the Trust and shall each retire when he would have retired had the Association not been incorporated.

Real and
personal
property of
the
Association
vested in
the Trust.

5. All the real and personal property vested in the Association or in any person in trust for the Association shall, upon the incorporation of the Association, vest in the Trust, which shall be subject to and shall discharge all obligations and liabilities to which the Association is subject.

Powers of
the Trust.

6. The Trust shall have all powers reasonably necessary to further and to carry out the general purposes of the Trust and in particular, but without prejudice to the generality of the foregoing, may—

- (a) acquire and hold lands and any other property whatsoever;
- (b) maintain and manage, or assist in the maintenance and management of, any property whatsoever for reward or otherwise;
- (c) act in any trust for, or as trustee of, any property whatsoever for reward or otherwise;
- (d) without prejudice to any public or private right, make and from time to time vary conditions governing the access to, and use by the public generally or any persons or bodies of persons of, places and buildings owned by or under the control of the Trust, and such conditions may fix charges to be paid by persons resorting to such places and buildings;

- (e) establish and manage an investment fund or funds and with that object acquire any property whatsoever and, in order to reinvest the proceeds, dispose of any property so acquired applying the income of each established fund—
 - (i) to the costs of management, maintenance, repair and preservation of the property in the fund and of keeping the capital thereof intact;
 - (ii) then to the particular purpose if any for which the fund was established or to increasing the fund for such purpose; and
 - (iii) insofar as not required for such costs, purpose or increase, to the general purposes of the Trust;
- (f) raise money by borrowing on the security of any of the Trust's property, so, however, that such borrowing shall not be inconsistent with any trust, covenant or contract affecting such property.

7. No dividend, bonus or other profit shall be paid out of the income or property of the Trust to any member of the Trust, save that any member may—

No dividend to be paid out of income of the Trust to its members, etc.

- (a) in the ordinary course of his trade, business or profession supply goods, services or advice to the Trust for reward;
- (b) serve the Trust in any salaried office or paid employment;
- (c) receive value for any property or right transferred or granted by him to the Trust; and
- (d) be allowed to occupy or have possession of any property of the Trust gratuitously or

at a less rent or payment for use than the best rent or payment that could reasonably be obtained therefor.

Limitation of liability of members of the Trust as respects liabilities of the Trust. 8. No member of the Trust shall be liable for or to contribute towards the payment of the liabilities of the Trust beyond the amount of any subscription, contribution or other debt due from him to the Trust.

General Meetings. 9. A general meeting of the Trust shall be held at least once in every year.

Accounts and audits. 10. (1) Proper accounts shall be kept of all sums of money received and expended by the Trust.

(2) At least once in every year the accounts shall be examined and audited by an auditor or auditors elected at the annual general meeting of the Trust.

Registered office of the Trust. 11. (1) The Trust shall establish and maintain in this Island a registered office at which all instruments for service upon the Trust shall be served.

(2) Notice of the situation of the registered office, and of any change thereof, shall be given in writing to Her Majesty's Greffier within seven days after the establishment thereof or of the change, as the case may be.

Citation. 12. This Law may be cited as the National Trust of Guernsey (Incorporation) Law, 1967.

R. A. MALLETT,

Her Majesty's Deputy Greffier.