

# ORDER IN COUNCIL

**IX  
2012**

ratifying a Projet de Loi

ENTITLED

## **The Mont Varouf School (Guernsey) Law, 2012**

(Registered on the Records of the Island of Guernsey  
on the 27th July, 2012.)



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2012

## ORDER IN COUNCIL



### IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

27<sup>th</sup> day of July, 2012 before John Russell Finch, Esquire, Judge of the Royal Court; present:- Stephen Edward Francis Le Poidevin, Esquire, Susan Mowbray, John Ferguson, Peter Sean Trueman Girard, Esquires, Constance Helyar-Wilkinson, David Percy Langley Hodgetts LVO, Niall David McCathie, Esquires, Margaret Ann Spaargaren, Terry John Ferbrache, Esquire, Jurats.

Judge Finch having this day placed before the Court an Order of Her Majesty in Council dated 10<sup>th</sup> July, 2012 approving and ratifying a Projet de Loi entitled “The Mont Varouf School (Guernsey) Law, 2012”, 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 be registered on the records of this Island.

S M SIMMONDS  
Her Majesty’s Deputy Greffier



*At the Court at Windsor Castle*

THE 10th DAY OF JULY 2012

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY  
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

"In accordance with Your Majesty's General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

"That, in pursuance of their Resolution of 15th December 2011, the States of Deliberation at a meeting on 6th March 2012 approved a Projet de Loi entitled the Mont Varouf School (Guernsey) Law, 2012 and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the Projet de Loi is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Mont Varouf School (Guernsey) Law, 2012, and to order that it shall have force of law in the Island of Guernsey.

"The Committee have considered the Projet de Loi and have agreed to report that it may be advisable for Your Majesty to approve and ratify it".

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the Projet de Loi (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Island of Guernsey and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty's Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

*Richard Tilbrook*

# PROJET DE LOI

ENTITLED

## **The Mont Varouf School (Guernsey) Law, 2012**

WHEREAS by a Conveyance registered on the Records of the Island of Guernsey on the 5<sup>th</sup> April 1738 an area of land or friquet called "la Croix Rompue" and upon which Saint Saviour's School had been constructed at Mont Varouf in the Parish of Saint Saviour (in this Law referred to as the "**first parcel of land**") was acquired by Daniel Le Prevost schoolmaster for himself and successor schoolmasters of Saint Saviour's School from Thomas Mancel and Thomas Alaire;

AND WHEREAS by a Conveyance registered on the Records on the 25<sup>th</sup> May 1861 the first parcel of land was ceded by the Reverend Pierre Carey Rector of the Parish of Saint Saviour and others authorised by the heirs of the founders ("les Donateurs") of Saint Saviour's School (they having claimed uninterrupted continuous peaceable possession of the first parcel of land in good faith for a period in excess of 20 years) to Phineas Blondel one of the Constables of the Parish of Saint Saviour and Nicholas Du Maresq and Messurier Lainé duly authorised by the ratepayers of the Parish (according to the minutes of a meeting of ratepayers held on the 20<sup>th</sup> November 1860) in trust for the Parish of Saint Saviour subject to it continuing to be used as a school and on condition that it was maintained in good repair and that certain obligations in relation to the school were followed;

AND WHEREAS by a Conveyance registered on the Records on the 28<sup>th</sup> October 1865 an area of land measuring one perch or thereabouts and adjoining the first parcel of land and forming part of the field known as "la Croix Rompue" (referred to in this Law as the "**second parcel of land**") was acquired by the

Reverend Pierre Carey Rector of the Parish of Saint Saviour and President of a Committee responsible for the enlargement of Saint Saviour's School and authorised by the ratepayers of the Parish (according to the minutes of a meeting of the ratepayers held on the 22<sup>nd</sup> February 1865) in trust for the Parish of Saint Saviour from Abraham Robin;

AND WHEREAS by a Conveyance registered on the Records on the 8<sup>th</sup> February 1902 an area of land measuring 12 perches or thereabouts and adjoining the first and second parcels of land (referred to in this Law as the "**third parcel of land**") was acquired by the Superviseur de la Chaussée et Trésorier des États de cette Ile (authorised by Act of the Royal Court dated the 9<sup>th</sup> November 1901) in trust for the benefit of the parish school of Saint Saviour from Abraham Jean Robin;

AND WHEREAS by a Conveyance registered on the Records on the 14<sup>th</sup> November 1907 an area of land forming part of a field called "la Croix Rompue" in the Parish of Saint Saviour and adjoining the first, second and third parcels of land (referred to in this Law as the "**fourth parcel of land**") was acquired from Thomas Robin as to an undivided one half share by the Superviseur de la Chaussée et Trésorier des États de cette Ile for the States and as to the remaining undivided one half share by the Constables of Saint Saviour for the Parish of Saint Saviour;

AND WHEREAS uncertainty exists as to the persons in whom the respective parcels of land are vested;

AND WHEREAS the first, second, third and fourth parcels of land (collectively in this Law referred to as "**Mont Varouf School**") have previously been used for the provision of education in the Parish of Saint Saviour but have now ceased to be used for that purpose;

AND WHEREAS the States and the Constables and the Douzaine of the Parish of Saint Saviour have agreed that there is no longer any need for Mont Varouf School to be used for educational purposes and that it is appropriate and convenient that Mont Varouf School be vested for an estate of inheritance in the Constables for the time being of Saint Saviour and the States in accordance with the provisions of this Law free and released from all trusts and obligations to use Mont Varouf School for any specified purpose (including use as a school or for educational purposes) and further free and released from all covenants and other obligations contained in the Conveyance registered on the Records on the 25<sup>th</sup> May 1861 including for the avoidance of doubt the covenants and obligations to maintain the first parcel of land in good repair and to follow and observe any regulations made in relation to the provision of education at Mont Varouf School:

**NOW THEREFORE THE STATES**, in pursuance of their Resolution of the 15<sup>th</sup> December, 2011<sup>a</sup>, 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.

**Transfer and vesting of Mont Varouf School.**

1. Mont Varouf School is transferred to and shall vest for an estate of inheritance in the Constables and the States as follows -

- (a) as to the first parcel of land and the second parcel of land, in the Constables upon trust for such parochial purposes as they shall think fit,
- (b) as to the third parcel of land, in the States, and

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<sup>a</sup> Article IV of Billet d'État No.XXI of 2011.

(c) as to the fourth parcel of land -

(i) as to one undivided half share, in the Constables upon trust for such parochial purposes as they shall think fit, and

(ii) as to one undivided half share, in the States.

**Power of Constables to sell.**

2. (1) The Constables have power to sell the whole or any part of any property vested in them under section 1.

(2) In the event of a sale under subsection (1), the proceeds of sale shall be held upon trust for such parochial purposes as the Constables shall think fit.

**Release from trusts, covenants and obligations.**

3. Subject to the trusts described in sections 1(a) and (c)(i), upon vesting under section 1, the parcels of land comprising Mont Varouf School are so vested free and released from -

(a) all trusts and obligations to use the same for any specified purpose (including for use as a school or educational purposes), and

(b) in the case of the first parcel of land, all covenants and other obligations contained in the above recited conveyance registered on the Records on the 25<sup>th</sup> May 1861 including, for the avoidance of doubt, the covenants and obligations to maintain the first parcel

of land in good repair and to follow and observe any regulations made in relation to the provision of education at the School.

**Continuation of certain rights, etc.**

4. For the avoidance of doubt all rentes, encumbrances and servitudes, other than those expressly freed and released under section 3, subsisting and enforceable at the date of commencement of this Law in respect of the parcels of land comprising Mont Varouf School shall continue to exist and be enforceable.

**Extinction and transfer of personal liabilities.**

5. All rights, obligations and liabilities subsisting in respect of each parcel of land comprising Mont Varouf School on the date of commencement of this Law and enforceable by, or against, the person in whom, immediately before that date, the relevant parcel of land was vested shall, on that date, be extinguished in relation to that person and transferred to and enforceable by or, as the case may be, against the person in whom the relevant parcel of land is now vested under section 1.

**Interpretation.**

6. In this Law -

"**the Constables**" means the Constables for the time being of the Parish of Saint Saviour,

"**first parcel of land**", "**second parcel of land**", "**third parcel of land**" and "**fourth parcel of land**" shall have the meanings respectively assigned to them in the recitals to this Law and any reference to a "**parcel of land**" shall be construed accordingly,



**"Mont Varouf School"** means the land and buildings collectively comprised in the first, second, third and fourth parcels of land,

**"parochial purposes"** include the purposes of improvement, repair, maintenance, rebuilding or redevelopment of any parish land, monument or building,

**"Records"** means the Records of the Island of Guernsey, and

**"the States"** means the States of Guernsey.

**Citation.**

7. This Law may be cited as the Mont Varouf School (Guernsey) Law, 2012.

**Commencement.**

8. This Law shall come into force on the day appointed by Ordinance of the States.

S. M. SIMMONDS,  
Her Majesty's Deputy Greffier.

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Her Majesty's Greffier, Royal Court House, Guernsey.**

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