

ORDER IN COUNCIL

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1987

ratifying a Projet de Loi

ENTITLED

The Saint Stephen's Church and School Law, 1987

(Registered on the Records of the Island of Guernsey
on the 19th May, 1987.)



1987

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 19th day of May, 1987 before Sir Charles Frossard, Kt., Bailiff; present: Donald Pescott Plummer, Brian Ernest Herbert Joy, Esquires, Charles Henry Hodder, Esquire, O.B.E., Herbert Nicolle Machon, James de Sausmarez Carey, John Christopher Bulstrode, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley and Leonard Arthur Moss, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 18th day of March, 1987 approving and ratifying a *Projet de Loi* entitled "The Saint Stephen's Church and School Law, 1987", 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 18th day of March 1987

PRESENT,

The Queen's Most Excellent Majesty in Council

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 10th day of March 1987 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 March 1986, the States of Deliberation at a meeting held on the 28th day of May 1986 approved a Bill or “Projet de Loi” entitled “The Saint Stephen’s Church and School Law, 1987”, 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 as 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 Saint Stephen’s Church and School Law, 1987”, 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, and 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.

G. I. de Deney.

PROJET DE LOI

ENTITLED

The Saint Stephen's Church and School Law, 1987

WHEREAS by a Conveyance by way of gift registered on the Records of this Island on the 26th day of April, 1862 Jean Le Mottée and others acquired a parcel of land in the Parish of Saint Peter Port measuring two verges and six perches or thereabouts ("the Church site") on condition that a church be erected thereon:

AND WHEREAS by a Conveyance by way of gift registered on the Records of this Island on the 28th day of November, 1863 the said Jean Le Mottée and others acquired a parcel of land lying to the north west of the church site on condition that a plantation be created and maintained thereon:

AND WHEREAS by a Conveyance by way of gift registered on the Records of this Island on the 11th day of April, 1864 the said Jean Le Mottée and others acquired a parcel of land lying to the south of the Church site on condition that the said parcel be used exclusively for a vicarage and garden:

AND WHEREAS a building then known as the Chapel of Saint Stephen was erected on the Church site:

AND WHEREAS by an Order of Her Most Excellent Majesty in Council made on the 9th day of March, 1865 and registered on the Records of this Island on the 13th day of May, 1865 Her Majesty was pleased—

- (a) to authorise the Reverend William Guille, in his capacity as Rector of the Parish of Saint Peter Port, to accept for himself and his successors, Rectors of the said Parish, in perpetuity the Conveyance of the said Chapel and the said parcels of land;
- (b) to order that the Rector for the time being of the Parish of Saint Peter Port should—
 - (i) appoint from time to time the Curate to serve the said Chapel;
 - (ii) be liable for the stipend of the said Curate, for the repairs to the said Chapel (until an adequate Repair Fund be provided) and for other expenses incident to the performance of Divine Service in the said Chapel;
- (c) to order the appointment from time to time of two persons as Churchwardens, authorised to let certain sittings in the said Chapel and required to collect the rents of the sittings so let and to pay over those rents to the Rector for the time being of the said Parish:

AND WHEREAS by a Conveyance made pursuant to the provisions of the said Order in Council of 1865 and registered on the Records of this Island on the 5th day of August, 1865 the said Chapel and the said parcels of land were conveyed by way of gift by the said Jean Le Mottée and others to the said Reverend William Guille, accepting for himself and his successors, Rectors of the said Parish, subject to the conditions set out in the aforementioned Conveyances of 1863 and 1864:

AND WHEREAS by a Conveyance (Prise à Rente) registered on the Records of this Island on the 16th day of June, 1871 the Reverend Richard James

Ozanne, Phillipe de Sausmarez and James Le Lievre acquired a parcel of land in the Parish of Saint Peter Port measuring 30 perches 298 feet ("the School site") in trust for themselves and their successors trustees ("the School trustees"):

AND WHEREAS the trusts contained in the said Conveyance of 1871 are—

- (a) to erect a building on the School site to serve exclusively as an Anglican Infant School and Sunday School in connection with the Church of Saint Stephen and for the holding of public meetings in connection with the affairs of the Church and education, with power to the School trustees to provide suitable accommodation for a teacher;
- (b) to build and keep in repair a stone wall nine feet high on the western boundary of the School site;
- (c) to keep and maintain in good repair the part of the roads bordering the School site:

AND WHEREAS by an agreement between the School trustees and the Reverend Havilland de Sausmarez, Henry Dunn Glasse and Charles Le Mesurier Carey it was agreed, inter alia, that the administration of the said schools and the choice of teachers therefor be matters for the Rector of the Parish of Saint Peter Port and that no public meeting should be held in the said building during school hours, nor at any time without the consent of the School trustees:

AND WHEREAS a building was duly erected on the School site, which building is now known as Saint Stephen's Schoolroom and Schoolhouse ("the School"):

AND WHEREAS by an Order of Her Most Excellent Majesty in Council made on the 30th day of December, 1884 a part of the Parish of Saint Peter Port was named "The District Chapelry of Saint Stephen, Guernsey" and the said Chapel of Saint Stephen then became known as the Church of Saint Stephen ("the Church"):

AND WHEREAS the Church, the Church site and the parcels of land referred to in the second and third recitals above are now vested in the Very Reverend John William Foster ("the Present Rector") in his capacity as the successor Rector to the said Reverend William Guille:

AND WHEREAS the present School trustees are Albert Ernest Croucher, Reginald John Le Page, Lucy Spillane (née Coombe), Elaine Ralls (née Sauvarin) and Olive May Inder:

AND WHEREAS the Present Rector now desires to be relieved of responsibility for the maintenance of the Church and of his rights and duties to appoint the Vicar of the Church and the teachers for the School:

AND WHEREAS the Present Rector further desires that all such steps as may be necessary be taken—

- (a) to transfer the Church and the said parcels of land to the Vicar and Churchwardens of the Church for the time being, in trust to keep in repair and maintain the Church as an Anglican Church and upon the other trusts and conditions subject to which they are now vested in the Present Rector; and
- (b) to transfer to the Dean of Guernsey for the time being the right and duty to appoint, from time to time, the Vicar of the Church; and

(c) to relieve him of his right to choose the teachers for the School:

AND WHEREAS the Bishop of Basingstoke has, by a letter dated the 12th day of March, 1985, given approval on behalf of the Diocese of Winchester for the transfer of the Church and the said parcels of land to the said Vicar and Churchwardens, the present Vicar and Churchwardens having agreed to accept the same on the conditions hereinbefore referred to:

AND WHEREAS the Bishop of Basingstoke has, by the said letter dated the 12th day of March, 1985, further approved on behalf of the Diocese of Winchester the transfer of the right and duty to appoint, from time to time, the Vicar of the Church, to the Dean of Guernsey, the present Dean of Guernsey (the said Very Reverend John William Foster) having agreed to accept the same:

AND WHEREAS the School is no longer required for use as an Infant School or for the accommodation of a teacher and the present School trustees now desire to be relieved of their trust:

AND WHEREAS the present School trustees now therefore further desire that all such steps as may be necessary be taken to free the School site and the School from all trusts presently affecting them and to transfer the same to the Vicar and Churchwardens for the time being of the Church on trust to keep in repair, maintain and use the same for any purpose not inconsistent with their connection with the Church, the present Vicar and Churchwardens of the Church having agreed to accept the same on those terms.

NOW THEREFORE the States, in pursuance of their Resolution of the 26th day of March, 1986,

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 of
Church
Premises.**

1. The Church Premises shall vest in the Vicar and Churchwardens for the time being of the Church and shall be held by the said Vicar and Churchwardens, and by their successors, Vicars and Churchwardens—

- (a) upon trust to keep in repair and maintain the Church as a Church for the celebration of Divine Service according to the rites of the Anglican Church; and
- (b) upon the other trusts and conditions presently affecting the Church Premises.

**Transfer of,
and variation
of trusts
affecting, the
School and
School site.**

2. (1) The School site and the School shall vest in the Vicar and Churchwardens for the time being of the Church, free from all trusts presently affecting the same.

(2) The School site and the School shall be held by the Vicar and Churchwardens for the time being of the Church on trust to keep in repair, maintain and use the same for any purpose not inconsistent with their connection with the Church.

**Transfer of
Patronage.**

3. The Dean of Guernsey and his successors, Deans of Guernsey, shall have the right and duty to appoint, from time to time, the Vicar to serve the Church.

**Consequen-
tial amend-
ment to the
Order in
Council of
1865.**

4. In the Order in Council of the 9th day of March, 1865 relative to the Eglise Saint Etienne(a), the words "And it is hereby further ordered that the Rector of the said Parish of Saint Peter-Port, for

(a) Ordres en Conseil Vol. I, p. 415.

the time being, shall be liable, as well for the repairs of the said Chapel of St. Stephen (until an adequate Repair Fund shall have been provided), as for the stipend of the Curate who shall serve the said Chapel (such Curate to be appointed from time to time by the Rector for the time being of the said parish), and for other expenses incident to the performance of Divine Service in the said Chapel." are repealed.

5. In this Law—

Interpreta-
tion.

"the Church" means the Church of Saint Stephen in the Parish of Saint Peter Port;

"the Church Premises" means the Church together with the three parcels of land in the Parish of Saint Peter Port acquired in trust by Jean Le Mottée and others by Conveyances by way of gift respectively registered on the Records of this Island on the 26th day of April, 1862, the 28th day of November, 1863 and the 11th day of April, 1864;

"the School" means the building erected on the School site and now known as Saint Stephen's Schoolroom and Schoolhouse;

"the School site" means the parcel of land in the Parish of Saint Peter Port acquired in trust by the Reverend Richard James Ozanne, Phillipe de Sausmarez and James Le Lievre by a Conveyance (Prise à Rente) registered on the records of this Island on the 16th day of June, 1871.

6. This Law may be cited as the Saint Stephen's Church and School Law, 1987.

K. H. TOUGH,
Her Majesty's Greffier.