

ORDER IN COUNCIL

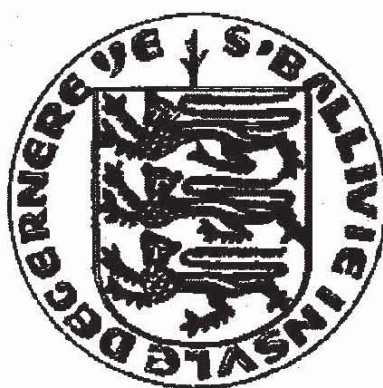
**III
2006**

ratifying a Projet de Loi

ENTITLED

The Notre Dame du Rosaire Church and Presbytery Law, 2005

(Registered on the Records of the Island of Guernsey
on the 13th March, 2006.)



2006

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 13th day of March, 2006 before John Russell Finch, Esquire, Lieutenant Bailiff;
present: - David Charles Lowe, Derek Martin Le Page, Stephen Edward Francis Le
Poidevin, Alan Cecil Bisson, Keith Bichard, OBE, Esquires, The Reverend Peter
Gerald Lane, Michael Henry De La Mare, Michael John Tanguy, Esquires, Susan
Mowbray, and David Osmond Le Conte, Esquire, Jurats.*

The Lieutenant Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 14th day of February, 2006 approving and ratifying the *Projet de Loi* entitled "The Notre Dame du Rosaire Church and Presbytery Law, 2005", 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.

At the Court at Buckingham Palace

The 14th DAY OF FEBRUARY 2006

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 22 February 1952 the Committee have considered a Petition of the States of Guernsey:

"That, in pursuance of their Resolution of 28 September 2005, the States of Deliberation at a meeting on 28 September 2005 approved a Projet de Loi entitled The Notre Dame du Rosaire Church and Presbytery Law 2005, 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 Notre Dame du Rosaire Church and Presbytery Law 2005, and to order that it shall have force of law in the Islands of Guernsey, Alderney and Herm.

"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 Islands of Guernsey, Alderney and Herm 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.

A. K. Galloway

PROJET DE LOI

ENTITLED

The Notre Dame du Rosaire Church and Presbytery Law, 2005

WHEREAS by a Conveyance registered on the Records of this Island on the 16th February 1874 (referred to in this Law as "**the Conveyance**") the Very Reverend James Danell, the then Roman Catholic Bishop of Southwark, the Very Reverend Jean Crookall, the then Provost of Southwark Cathedral Chapter, and the Reverend Augustinus Boone, the then Priest of the Church, acquired as trustees from the heirs of the late Jean Francois Le Mené a church ("chapelle") known as Notre Dame du Rosaire (referred to in this Law as "**the Church**") with adjoining buildings and land situate at Burnt Lane in the parish of St Peter Port;

AND WHEREAS the Conveyance provided inter alia that the transfer was made on condition that the religion and offices of the Catholic Church would be celebrated in perpetuity in the Church for the benefit of French Catholics resident in the Island and that the Church would be submitted to the authority of the said James Danell as Catholic Bishop of the Diocese of Southwark and to his successor Bishops in perpetuity who would have the right of nominating the priest to serve the Church and exercise with respect to the Church all of the rights and privileges of that episcopal office;

AND WHEREAS the Conveyance also provided that in the case that the said religion and offices cease to be celebrated in the Church for a period of six months, the heirs of the late Jean Francois Le Mené or their heirs or successors in title should be able to re-enter into possession of the Church, the Presbytery and the

land acquired under the Conveyance (together referred to in this Law as "**the Church Premises**");

AND WHEREAS under the authority of a Papal Brief the Diocese of Portsmouth was formed on 19th May 1882 by a division of the Diocese of Southwark;

AND WHEREAS by the passage of time the religion and offices celebrated in the Church have extended to benefit all Catholics resident in the Island;

AND WHEREAS it is desired that all premises in the Island used for the purposes of the Catholic Church are owned by Portsmouth Roman Catholic Diocesan Trustees Registered (referred to in this Law as "**the Trustees**"), a company incorporated in England and Wales for the purpose of holding premises belonging to the Catholic Church;

AND WHEREAS uncertainty exists as to the persons in whom the Church Premises are presently vested in order to vest them effectively in the Trustees.

NOW THEREFORE THE STATES, in pursuance of their Resolution of the 28th day of September, 2005^a, 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.

Vesting of Church Premises.

1. The Church Premises are transferred to and shall vest in the Trustees-

^a Article VI of Billet d'État No. XIV of 2005.

- (a) upon trust to keep, repair and maintain the Church as a church for the celebration of Divine Service according to the rites of the Catholic Church,
- (b) upon trust to use the remainder of the Church Premises for such purposes as the Trustees shall in their absolute discretion decide.

Continuation of certain rights, etc.

2. For the avoidance of doubt -

- (a) the rights reserved by and vested in the heirs of the late Jean Francois Le Mené or their heirs or successors in title shall continue in force notwithstanding the revesting of the Church Premises pursuant to this Law; and
- (b) all rentes, encumbrances and servitudes subsisting and enforceable at the date of commencement of this Law in respect of the Church Premises shall continue to subsist and be enforceable.

Extinction and transfer of personal liabilities.

3. All obligations and liabilities subsisting in respect of the Church Premises on the date of commencement of this Law and enforceable against the persons in whom, immediately before that date, the Church Premises were vested shall, on that date, be transferred to and enforceable against the Trustees and shall be thereby extinguished as against those said persons.

Interpretation.

4. In this Law -

"**the Church**" means the church known as Notre Dame du Rosaire, Burnt Lane in the parish of St Peter Port,

"**the Church Premises**" means the Church, Presbytery and land acquired in trust pursuant to the Conveyance;

"**the Conveyance**" means the Conveyance registered on the Records of this Island on the 16th February 1874 by which the Very Reverend James Danell, the Very Reverend Jean Crookall and the Reverend Augustinus Boone acquired the Church Premises as trustees from the heirs of the late Jean Francois Le Mené;

"**the Trustees**" means Portsmouth Roman Catholic Diocesan Trustees Registered.

Citation.

5. This Law may be cited as the Notre Dame du Rosaire Church and Presbytery Law, 2005.