

# PROJET DE LOI

ENTITLED

## **The Country Hospital Charitable Fund Law, 1958 \***

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Ordres en Conseil Vol. XVII, p. 500; as amended by the States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 521); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

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## **The Country Hospital Charitable Fund Law, 1958**

### ARRANGEMENT OF SECTIONS

1. Definition of "President".
2. Vesting of Fund and application of income.
3. Accounts.
4. Citation and commencement.

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## **The Country Hospital Charitable Fund Law, 1958**

**WHEREAS** indigent persons belonging to all the Parishes in the Island of Guernsey, with the exception of the Parish of Saint Peter Port, in need of institutional care were, until the fourth day of September nineteen hundred and thirty-nine, accommodated in the Hospital situate in the Parish of the Castel and then known as "L'Hôpital de la Campagne" or "The Country Hospital", the said Hospital hereinafter referred to as "**the Country Hospital**":

**AND WHEREAS** the Country Hospital was formerly owned by and administered by representatives of those Parishes:

**AND WHEREAS** in pursuance of the provisions of the Law entitled "Loi ayant rapport à l'Administration des Pauvres de l'Île" registered on the thirteenth day of August, nineteen hundred and twenty-five, hereinafter referred to as "**the Law of 1925**", the administration of the Country Hospital was transferred to a States Board constituted under that Law and styled "Conseil de l'Hôpital de la Campagne":

**AND WHEREAS** by a Délaissement of the thirtieth day of June, nineteen hundred and twenty-eight, the legal ownership of the Country Hospital and its effects was vested in the States:

**AND WHEREAS** in pursuance of the provisions of the Public Assistance Law, 1937, the administration of the Country Hospital was transferred from the

aforesaid "Conseil" to a Board constituted under that Law and styled "The Hospital Board" of which Board the President of the States Public Assistance Authority is the President:

**AND WHEREAS** since the said fourth day of September, nineteen hundred and thirty-nine, the Country Hospital has not been utilised for the accommodation of indigent persons of the said Parishes for whom other accommodation has been provided or arranged by the States:

**AND WHEREAS** on the first day of December, nineteen hundred and forty, the Country Hospital ceased to be under the administration of the Hospital Board and is now the mental hospital of the Island of Guernsey, under the name of "The Castel Hospital" and under the control of the States Board of Health:

**AND WHEREAS** it was provided in the Law of 1925 that the personalty and realty belonging to the "pauvres de la paroisse" should be administered by the "Conseil Central" constituted under that Law and that all monies received for the account of the Poor should be credited to that "Conseil" but that the income derived from charitable gifts should continue to be received and administered by those specified in the deeds of gift or other documents relating thereto:

**AND WHEREAS** certain "rentes", securities and monies being or representing various testamentary and other gifts made over a long period of time for the benefit of the Country Hospital or of the Poor accommodated therein and various assets transferred in consideration of the maintenance in the Country Hospital of the transferors were held and administered and the income thereon applied for the benefit of the Poor accommodated in the Country Hospital by the bodies who successively administered the same, namely, the representatives of the Parishes concerned, the "Conseil de l'Hôpital de la Campagne" and the Hospital Board and this, so far as that "Conseil" and that Board were concerned, in

conformity or purported conformity with the provision last referred to in the last preceding recital:

**AND WHEREAS** since the fourteenth day of April, nineteen hundred and thirty-eight, the title deeds to the said "rentes" and the said securities and monies have been held by the President for the time being of the States Public Assistance Authority but it is not certain in whom the legal interest in the said "rentes", securities and monies vests nor, since the said fourth day of September, nineteen hundred and thirty-nine, has it been practicable to apply the income thereon for the purposes for which the same was intended, and such income, as it accrued, has been placed on deposit and allowed to accumulate:

**NOW THEREFORE** the States, in pursuance of their Resolution of the twenty-sixth day of February, nineteen hundred and fifty-eight, 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.

**Definition of "[President]"**.

1. In this Law the expression "**the [President]**" means the [President] of the States [Committee for Employment & Social Security] and where the context so admits includes his successors in office.

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**NOTES**

*In section 1, and the marginal note thereto, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 13, with effect from 1st May, 2016.<sup>1</sup>*

*The functions, rights and liabilities of the Social Security Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Employment & Social Security and its President or Vice-President by the*

*Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 13, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*<sup>2</sup>

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**Vesting of Fund and application of income.**

2. (1) On the commencement of this Law, the real and personal property now representing testamentary and other gifts and various acquisitions intended to be held and administered and the income thereon applied for the benefit of the Country Hospital or of the Poor accommodated therein and the accumulated income thereon shall vest in the [President] free of any trust existing immediately before the commencement of this Law and shall be held by the [President] upon trust to apply the income arising from the said real and personal property (which property is hereby styled the Country Hospital Charitable Fund and is hereafter in this Law referred to as "**the trust property**") for the following purposes, that is to say –

- (a) the benefit of the inmates and patients for the time being accommodated in any hospital, home or other institution for the time being administered by or on behalf of, or subsidised by, the States, or in any hospital, home or other institution in the Island of Guernsey not so administered or subsidised, as may for the time being be approved by [such committee of the States (hereinafter referred to as "**the Committee**") as may, from time to time, be designated in that behalf by the States by Resolution],
- (b) to the extent to which the income from the trust property is not, in the opinion of the [President],

required from time to time for the purpose aforesaid,  
for the relief of poverty in the Island, and

- (c) to the extent to which the said income is not, in the opinion of the [President], required from time to time for the purposes aforesaid or either of them, for any charitable object in the Island of Guernsey for the time being approved by [the Committee].

(2) The [President] may from time to time, with the approval of [the Committee] –

- (a) sell, alienate or convey any of the trust property,
- (b) invest any monies forming part of the trust property,
- (c) vary any investment forming part of the trust property.

(3) The proceeds of any sale, alienation or conveyance of any part of the trust property and any investment made in pursuance of the provisions of the last foregoing subsection shall for all purposes of this Law be deemed to be part of the trust property.

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## NOTES

*In section 2,*

*the word "President" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 13, with effect from 1st May, 2016;<sup>3</sup>*

*the words in square brackets in paragraph (a) of subsection (1)*

*were substituted by the States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970, section 6(a), with effect from 16th December, 1970, subject to the transitional provisions in section 7 of the 1970 Law;*

*the words "the Committee" in square brackets, wherever occurring, were substituted by the States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970, section 6(b), with effect from 16th December, 1970, subject to the transitional provisions in section 7 of the 1970 Law.*

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### **Accounts.**

3. (1) The [President] shall, at least once in every year, submit the accounts of the trust property for audit by an auditor for the time being appointed by [the Committee] and the [President] shall, for the purpose of the audit, produce such vouchers and give such information as the auditor may require.

(2) The [President] shall, as soon as may be after any audit under the provisions of subsection (1) of this section, present to [the Committee] a copy of the accounts to which the audit relates and the auditor's report thereon.

(3) The costs of any audit under this section shall be borne out of the income of the trust property.

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### **NOTES**

*In section 3,*

*the word "President" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 13, with effect from 1st May, 2016;<sup>4</sup>*

*the words "the Committee" in square brackets, wherever occurring, were substituted by the States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970, section 6(b), with effect from 16th December, 1970, subject to the transitional provisions in section 7 of the 1970 Law.*



**Citation and commencement.**

4. This Law may be cited as the Country Hospital Charitable Fund Law, 1958, and shall come into force on the first day of January, nineteen hundred and fifty-nine.

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<sup>1</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 22, with effect from 6th May, 2004.

<sup>2</sup> The functions, rights and liabilities of the Social Security Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Public Assistance Authority and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 22, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

<sup>3</sup> This word was previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 22, with effect from 6th May, 2004.

<sup>4</sup> This word was previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 22, with effect from 6th May, 2004.