

ORDER IN COUNCIL

XXV

1986

ratifying a Projet de Loi

ENTITLED

The Saint Sampson's Church Institute (Variation of Trusts) (Guernsey) Law, 1986

(Registered on the Records of the Island of Guernsey
on the 3rd day of February, 1987.)



1986

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 3rd day of February, 1987 before Sir Charles Frossard, Kt., Bailiff; present:—Donald Pescott Plummer, Brian Ernest Herbert Joy, Esquires, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, John Christopher Bulstrode, 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 25th day of November 1986 approving and ratifying a *Projet de Loi* of the States of Guernsey entitled "The Saint Sampson's Church Institute (Variation of Trusts) (Guernsey) Law 1986", the Court, after the reading of the said Order 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 25th day of November 1986

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 13th day of November 1986 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 27th day of February, 1986, the States of Deliberation at a meeting held on the 30th day of April, 1986, approved a Bill or “Projet de Loi” entitled “The Saint Sampson’s Church Institute (Variation of Trusts) (Guernsey) Law, 1986”, 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 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 Sampson’s Church Institute (Variation of Trusts) (Guernsey) Law, 1986”, 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 Sampson's Church Institute (Variation of Trusts) (Guernsey) Law, 1986

WHEREAS by a Conveyance registered ("Lire") on the records of this Island on the 24th day of October, 1889 Thomas Falla and others conveyed to Arthur Evelyn Carey and George Edward Lee for an estate of inheritance a building then known as the Vale Road Independent Church together with adjoining land formerly being the northern part of a field known as Le Courtil Flocet, the whole situate at Vale Road in the Parish of Saint Sampson:

AND WHEREAS the said building was latterly known variously as the Church of Saint Clair and as Saint Sampson's Church Institute:

AND WHEREAS the said building, together with its site, and the said adjoining land are hereinafter referred to as "the Premises":

AND WHEREAS by a Conveyance by way of "Delaissance" registered ("Lire") on the records of this Island on the 25th day of March, 1890 the said Arthur Evelyn Carey and George Edward Lee conveyed the Premises for an estate of inheritance to the said Arthur Evelyn Carey and to Nicholas Blampied, junior, William Thomas Sebire and Gervase Footitt Peek (the four last-mentioned persons being hereinafter referred to as "the 1890 Trustees") in trust for themselves and their successors Trustees forever:

AND WHEREAS under the terms of the said Conveyance of 1890 the 1890 Trustees and their successors Trustees were empowered, subject to having obtained the prior consent in writing of the Bishop of the Diocese and of the society known as "The Incorporated Society for promoting the enlargement, building and repairing of Churches and Chapels", to sell, hypothecate or otherwise alienate the Premises and to apply the proceeds thereof for the purchase of land or for the erection of buildings more suitable than the Premises:

AND WHEREAS the present successors to the 1890 Trustees are Sir Charles Keith Frossard, Murray Clinton Millard, Gerald Emile Martel and Roy Lowe (hereinafter referred to as "the Present Trustees"):

AND WHEREAS by a Conveyance registered on the records of this Island on the 11th day of August, 1983 the Present Trustees, having previously obtained the consent in writing of the Bishop of the Diocese and of the society known as "The Incorporated Society for promoting the enlargement, building and repairing of Churches and Chapels", conveyed the Premises for an estate of inheritance to Howard Morris Marsh and Kevin Francis Marsh:

AND WHEREAS the Present Trustees have invested the proceeds of sale of the Premises, which proceeds of sale, together with the income which has arisen from their investment, are hereinafter referred to as "the Trust moneys":

AND WHEREAS the Present Trustees now desire to employ the Trust moneys in the improvement, repair and maintenance of other Anglican Church property used for the benefit of young people and situate in the Parish of Saint Sampson:

AND WHEREAS the Present Trustees therefore further desire that the Trust moneys be vested in them or in their successors Trustees free from any trusts to which those moneys may now be subject, and upon trust—

- (a) to apply the Trust moneys in improving, repairing or maintaining any Anglican Church property used for the benefit of young people and situate in the Parish of Saint Sampson;
- (b) until all of the Trust moneys shall have been so applied, to invest the balance thereof in such investments as they may deem fit, with power to vary such investments, and to apply or invest as aforesaid any income arising from such investments:

NOW THEREFORE the States, in pursuance of their Resolution of the 27th day of February 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.

1. (1) The Trust moneys shall vest in the Trustees free from any trusts to which those moneys may have been subject immediately before the coming into force of this Law. Variation
of trusts.

(2) The Trustees shall hold the Trust moneys upon trust—

- (a) to apply the Trust moneys in improving, repairing or maintaining any Anglican Church property used for the benefit of young people and situate in the Parish of Saint Sampson;

- (b) until all of the Trust moneys shall have been applied in accordance with paragraph (a) of this subsection, to invest the balance thereof in such investments as they may deem fit, with power to vary such investments, and to apply or invest as aforesaid any income arising from such investments.

Interpretation.

2. In this Law—

“the Trustees” means Sir Charles Keith Frossard, Murray Clinton Millard, Gerald Emile Martel and Roy Lowe or the persons for the time being elected as Trustees in accordance with the Conveyance of 1890;

“the Conveyance of 1890” means the Conveyance by way of Delaissance registered (“Lire”) on the records of this Island on the 25th day of March, 1890 by which Arthur Evelyn Carey and George Edward Lee conveyed for an estate of inheritance to the said Arthur Evelyn Carey and to Nicholas Blampied, junior, William Thomas Sebire and Gervase Footitt Peek the building then known as the Vale Road Independent Church, the site of the said building and adjoining land formerly being the northern part of a field called Le Courtil Flocet, situate in the Parish of Saint Sampson;

“the Trust moneys” means the moneys held by the Trustees upon the coming into force of this Law as:

- (a) the proceeds of the sale of the Premises by a Conveyance registered on the records of this Island on the 11th day of August, 1983; and

(b) the income which has arisen from the investment of those proceeds of sale;

“the Premises” means the building, site and land conveyed by the Conveyance of 1890.

3. This Law may be cited as the Saint Sampson's Citation. Church Institute (Variation of Trusts) (Guernsey) Law, 1986.

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