

ORDER IN COUNCIL

XXVIII

1997

ratifying a Projet de Loi

ENTITLED

The Prescription (Amendment) (Guernsey) Law, 1997

(Registered on the Records of the Island of Guernsey
on the 19th January, 1998.)



1997

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 19th day of January, 1998 before Sir Graham Dorey, Bailiff;
present:- Stanley Walter John Jehan, Leonard Arthur Moss, Charles
Anthony Spensley, Lawrence Oscar Ozanne, David Charles Lowe,
Esquires, Mrs. Eileen May Glass, Laurence Lenfestey Guille,
Stephen Edward Francis Le Poidevin, Alan Cecil Bisson and David
Michael Jory, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 17th December, 1997, approving and ratifying a *Projet de Loi* entitled "The Prescription (Amendment) (Guernsey) Law, 1997", 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 17th day of December 1997

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 2nd day of December 1997 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 1st day of August 1997, the States of Deliberation at a meeting held on the 29th day of October 1997 approved a Bill or "Projet de Loi" entitled "The Prescription (Amendment) (Guernsey) Law, 1997", 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 Prescription (Amendment) (Guernsey) Law, 1997", and to order that the same shall have force of law in the Islands of Guernsey and Herm.";

"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, and 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 Islands of Guernsey and Herm.

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.

N. H. Nicholls

The Prescription (Amendment) (Guernsey) Law, 1997

THE STATES, in pursuance of their Resolution of the 1st day of August, 1997^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 Islands of Guernsey and Herm.

Protection of personal representatives by means of advertisements.

1. (1) With a view to the distribution among the persons entitled to any personal property, the executors or administrators of the estate of a deceased person may publish, in two successive weeks, a notice in La Gazette Officielle of their intention to make such distribution, and requiring any person interested to send to them, within the time fixed in the notice, not being less than three months from the date of the second publication, particulars of his claim in respect of the property to which the notice relates or any part thereof.

(2) The notice shall specify the name and last address of the deceased, the date of death and the names and addresses of the executors or administrators to whom particulars of any claim are to be sent.

(3) At the expiration of the time fixed by the notice the executors or administrators may distribute the property to which the notice relates or any part thereof to or among the persons entitled thereto having regard only to the claims, formal or not, of which they have then had notice and they shall not, as respects the property so distributed, be liable to any person of whose claim they have not had notice at the time of distribution; but nothing in this Law-

^a Article XV of Billet d'État No. XVI of 1997.

- (a) prejudices any right of any person to follow the property, or any property representing it, into the hands of any person, other than a purchaser for value without notice, who may have received it; or
- (b) frees the executors or administrators from any obligation to meet claims registered in the Livre des Hypothèques, Actes de Cour et Obligations, or the Livre des Contrats, prior to the date of death.

(4) Any costs incurred in conforming with the formalities prescribed by this section shall be borne by the estate.

(5) This Law applies -

- (a) notwithstanding anything to the contrary in the will of the deceased;
- (b) to executorships and administratorships constituted or created before or after the commencement of this Law.

Repeal.

2. In the Law entitled "Loi relative aux Prescriptions", 1889^b, sections 4 and 5 are repealed.

Citation.

3. This Law may be cited as the Prescription (Amendment) (Guernsey) Law, 1997.

^b Ordres en Conseil Vol. II, p. 326.