

PROJET DE LOI

ENTITLED

The Ladies' College (Guernsey) Law, 1962 *

[CONSOLIDATED TEXT]

NOTE

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* Ordres en Conseil Vol. XIX, p. 58; as amended by the Education (Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 318); the Ladies' College (Amendment) (Guernsey) Law, 1984 (Ordres en Conseil Vol. XXVIII, p. 537); the Ladies' College (Amendment) (Guernsey) Law, 1990 (Ordres en Conseil Vol. XXXII, p. 147); 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). See also the Ladies' College (Amendment) (Guernsey) Law, 1990 (*supra*).

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PROJET DE LOI

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The Ladies' College (Guernsey) Law, 1962

THE STATES, in pursuance of their Resolution of the twenty-seventh day of June, nineteen hundred and sixty-two, 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.

PART I

Interpretation

Interpretation.

1. In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"the appointed day" means the day on which Part II of this Law shall come into force in pursuance of an Ordinance of the States made under subsection (2) of section eighteen of this Law,

"the Board" means the Board of Governors constituted under the provisions of section seven of this Law,

"the College" has the meaning assigned to it by subsection (1) of section six of this Law,

"the Company" means the company known as the Guernsey Ladies' College, Limited, incorporated on the twenty-fifth day of July, nineteen hundred and eight, under the provisions of the Law entitled "Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée" and registered on the twenty-first day of March, nineteen hundred and eight,

"the [Committee for Education, Sport & Culture]" means the States [Committee for Education, Sport & Culture],

"legal disability" means certification as a person of unsound mind, subjection to guardianship, being an inmate for reasons of mental illness of any hospital or other institution, or undergoing a sentence of imprisonment,

"pupil" means a person for whom education may be provided in the College under the provisions of this Law and any Ordinance made thereunder.

NOTES

In section 1, the words in square brackets in the definition of the expression "the Committee for Education, Sport & Culture" were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 3, with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Education Department and its Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Education, Sport & Culture and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 3, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

In accordance with the provisions of the Ladies' College (Amendment) (Guernsey) Law, 1990, section 4, with effect from 1st October, 1990, that Law shall be construed as one with this Law.

In accordance with the provisions of the Ladies' College (Amendment) (Guernsey) Law, 1990, section 6, with effect from 1st October, 1990, this Law, when cited together with the Ladies' College (Amendment) (Guernsey) Law, 1984 and the 1990 Law, may be cited as the Ladies' College (Guernsey) Laws, 1962 to 1990.

The Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée, 1908 has since been repealed by the Companies (Guernsey) Law, 1994, section 122, with effect from 31st March, 1995, subject to the savings and transitional provisions in section 121 of, and Schedule 1 to, the 1994 Law. The Companies (Guernsey) Law, 1994 has since been repealed by the Companies (Guernsey) Law, 2008, section 543, Schedule 5, paragraph 4(1)(a), with effect from 1st July, 2008, subject to the savings and transitional provisions in, first, section 541 of and Schedule 4 (paragraphs 2 and 4 of which entered into force on 12th June, 2008) to the 2008 Law, second, the Companies (Transitional Provisions) Regulations, 2008, third, the Companies (Transitional Provisions) (No. 2) Regulations, 2008 and, fourth, the Companies (Transitional Provisions) (No. 3) Regulations, 2008.

PART II

Dissolution of the Guernsey Ladies' College, Limited

Vesting of real property of the Company in the States.

2. There shall, on the appointed day and by virtue of this Law, vest in the States the whole of the real property belonging to the Company immediately before that day subject to any "rentes" or other charges affecting such real property or any part thereof immediately before that day.

Vesting of personal property of the Company in the Board of Governors constituted under Part III of this Law.

3. (1) There shall, on the appointed day and by virtue of this Law, vest in the Board of Governors constituted under the provisions of section seven of this Law all equipment, furniture, books or other personal property belonging to the Company immediately before that day and all rights and liabilities to which the Company was entitled or subject immediately before that day other than any rights and liabilities which shall vest in the States under the provisions of section two of this Law.

(2) Any personal property which shall vest in the said Board of Governors under the provisions of subsection (1) of this section and which was, immediately before the appointed day, held by the Company on trust for any purpose shall be held by the said Board of Governors on trust for that purpose.

Dissolution of the Company.

4. The Company shall as from the appointed day be dissolved.

Payments to shareholders of the Company.

5. The States shall, as soon as may be after the appointed day, pay to any person who immediately before that day was the holder of any shares in the Company five pounds sterling in respect of each of the shares so held by him.

PART III

Reconstitution of the Ladies' College, Guernsey

Reconstitution of the Ladies' College, Guernsey.

6. (1) The school conducted by the Company shall, as from the appointed day, be reconstituted in accordance with the provisions of this Law and of any Ordinance made thereunder and shall continue to be known as "The Ladies' College, Guernsey" (hereinafter referred to as **"the College"**).

(2) Subject to the provisions of the next succeeding subsection, the College shall be conducted in accordance with the provisions of this Law and of any Ordinance made thereunder as a school for girls and shall be divided into two separate schools, that is to say –

- (a) a school to be known as "the Upper School" in which there shall be provided full-time education suitable to the requirements of pupils who have attained the age of eleven years but who have not attained the age of nineteen years, and
- (b) a school to be known as "the Lower School" (hereinafter referred to as **"the Lower School"**) in which there shall be provided full-time education suitable to the requirements of pupils who have not attained the age of eleven years.

(3) The Board of Governors constituted under the provisions of the next succeeding section may authorise the admission of boy pupils to the Lower School subject to and in accordance with the provisions of any Ordinance made under this Law.

Constitution of the Board of Governors.

7. (1) The College shall be conducted in accordance with the provisions of this Law and of any Ordinance made thereunder by a board to be called "The Board of Governors" (hereinafter referred to as **"the Board"**)[.][...]

[(2) The constitution of the Board shall be such as shall, from time to time, be prescribed by the States by Resolution.]

(3) ...

(4) ...

(5) ...

(6) ...

(7) ...

(8) ...

(9) ...

(10) ...

NOTES

In section 7,

the words omitted in the second pair of square brackets in subsection (1) were repealed, and the punctuation in the first pair of square brackets therein was substituted, by the Ladies' College (Amendment) (Guernsey) Law, 1990, section 1(a)(i), with effect from 1st October, 1990, subject to the savings in section 2 of the 1990 Law;

subsection (2) was substituted, and subsections (3)-(10) were repealed, by the Ladies' College (Amendment) (Guernsey) Law, 1990, section 1(a)(ii), with effect from 1st October, 1990, subject to the savings in section 2 of the 1990 Law.³

Chairman and Vice-Chairman of the Board of Governors.

8. ...

NOTE

Section 8 was repealed by the Ladies' College (Amendment) (Guernsey) Law, 1990, section 1(b), with effect from 1st October, 1990, subject to the savings in section 2 of the 1990 Law.

Meetings of the Board and minutes.

9. ...

NOTE

Section 9 was repealed by the Ladies' College (Amendment) (Guernsey) Law, 1990, section 1(b), with effect from 1st October, 1990.

Governors not to have any interest in the supply of work or goods to the Board, etc.

10. Except in such circumstances as the [Committee for Education, Sport & Culture] may approve, a governor shall not have any interest in the supply of work or goods to the Board and shall not receive any remuneration from the Board.

NOTE

In section 10, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 3, with effect from 1st May, 2016.⁴

Board of Governors to be a body corporate.

11. (1) The Board shall be a body corporate and shall have a common seal and in relation to the exercise of its functions under this Law and of any Ordinance made thereunder shall have all such powers as if it were a limited liability company deriving the same under Article VI of the Law entitled "Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée" and registered on the twenty-first day of March, nineteen hundred and eight.

(2) The application of the seal of the Board shall be authenticated by the Chairman and any governor thereunto authorised by the Board or by two governors thereunto authorised by the Board.

(3) Any document purporting to be an instrument made or issued by the Board and to be sealed as aforesaid shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

(4) The Board shall, as soon as may be after the coming into force of this Part of this Law, establish and shall thereafter maintain in this Island an office at which all instruments for service upon the Board may be served and to and at which notices to be given to the Board may be sent and delivered.

(5) Notice of the situation of the office established by the Board in accordance with the provisions of the last preceding subsection and of any change thereof shall be given by the Board in writing to Her Majesty's Greffier within the seven days next following the establishment of the office or of the change of the situation thereof, as the case may be.

NOTE

The Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée, 1908 has since been repealed by the Companies (Guernsey) Law, 1994, section 122, with effect from 31st March, 1995, subject to the savings and transitional provisions in section 121 of, and Schedule 1 to, the 1994 Law. The Companies (Guernsey) Law, 1994 has since been repealed by the Companies (Guernsey) Law, 2008, section 543, Schedule 5, paragraph 4(1)(a), with effect from 1st July, 2008, subject to the savings and transitional provisions in, first, section 541 of and Schedule 4 (paragraphs 2 and 4 of which entered into force on 12th June, 2008) to the 2008 Law, second, the Companies (Transitional Provisions) Regulations, 2008, third, the Companies (Transitional Provisions) (No. 2) Regulations, 2008 and, fourth, the Companies (Transitional Provisions) (No. 3) Regulations, 2008.

PART IV

Miscellaneous Provisions

Powers of the States to make Ordinances.

12. (1) The States may from time to time by Ordinance make provision for regulating –

- (a) the appointment and dismissal of the [Principal, Vice-Principal] and assistant teachers of the College,
- (b) the salaries payable to the [Principal, Vice-Principal] and assistant teachers of the College,

- (c) the general conduct, organisation and curriculum of the College,
- (d) the admission of pupils to the College and the retention of pupils at the College,
- (e) the charging of fees or other charges in respect of the education provided for any pupil at the College or otherwise and the amount of such fees or other charges,

and different provisions may be so made in relation to different persons or different categories of persons.

(2) Any Ordinance made under this section may contain such incidental or supplementary provisions as appear to the States to be expedient for the purposes of the Ordinance.

(3) Any power conferred by this section to make any Ordinance shall include the power to vary or repeal any Ordinance so made by a subsequent Ordinance.

NOTES

In section 12, the words in square brackets in paragraph (a) and paragraph (b) of subsection (1) were substituted by the Ladies' College (Amendment) (Guernsey) Law, 1984, section 1(a), with effect from 1st February, 1985.

The following Ordinances have been made under section 12:

*Ladies' College Ordinance, 1962;
Ladies' College (Amendment) Ordinance, 1985.*

Inspection, records and returns.

13. The Board shall –

- (a) in addition to the books of account required to be kept

in accordance with the provisions of the next succeeding section, keep such records as the [Committee for Education, Sport & Culture] may from time to time require,

- (b) permit any person authorised in that behalf by the [Committee for Education, Sport & Culture] to examine any such books of account and records at such times as the [Committee for Education, Sport & Culture] may reasonably direct,
- (c) make such returns and furnish such information to the [Committee for Education, Sport & Culture] as the [Committee for Education, Sport & Culture] may from time to time require,
- (d) permit any person appointed for the purpose of inspecting educational establishments under any enactment relating to education for the time being in force in England and who shall be authorised in that behalf by the [Committee for Education, Sport & Culture] to inspect the College at such times as the [Committee for Education, Sport & Culture] may reasonably direct.

NOTE

In section 13, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 3, with effect from 1st May, 2016.⁵

Financial provisions.

14. The Board shall –

- (a) cause to be kept proper books of account with respect to all sums of money received and expended by the

Board and the matters in respect of which the receipt and expenditure takes place and shall in each year submit such books for audit by an auditor approved by the [Committee for Education, Sport & Culture],

- (b) as soon as may be after any audit under the provisions of paragraph (a) of this section, present to the [Committee for Education, Sport & Culture] for submission to the States a copy of the accounts to which the audit relates and the auditor's report thereon,
- (c) on or before such day as the [Committee for Education, Sport & Culture] may from time to time direct, cause a statement to be presented to the [Committee for Education, Sport & Culture] for submission to the States specifying the estimated expenditure and estimated income of the Board during the ensuing year.

NOTE

In section 14, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 3, with effect from 1st May, 2016.⁶

Annual report of [Principal].

15. The [Principal] of the College shall at the end of each school year submit to the Board a written report on the general state of the College and such report shall be presented by the Board to the [Committee for Education, Sport & Culture] for submission to the States.

NOTES

In section 15,

the words in, first, the marginal note thereto and, second, the first pair of square brackets were substituted by the Ladies' College

(Amendment) (Guernsey) Law, 1984, section 1(b), with effect from 1st February, 1985;

the words in the second pair of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 3, with effect from 1st May, 2016.⁷

Communications between the Board and the States.

16. ...

NOTE

Section 16 was repealed by the Education (Guernsey) Law, 1970, section 60, Schedule, with effect from 28th October, 1970.

Amendment of Education Law.

17. ...

NOTE

Section 17 was repealed by the Education (Guernsey) Law, 1970, section 60, Schedule, with effect from 28th October, 1970.

Citation and commencement.

18. (1) This Law may be cited as the Ladies' College (Guernsey) Law, 1962.

(2) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States and different days may be so appointed as respects the coming into force of different provisions of this Law.

NOTES

Part I, Part III and Part IV of the Law were brought into force on 31st October, 1962 by the Ladies' College (Guernsey) Law, 1962 (Commencement of Part I, Part III and Part IV), Ordinance, 1962, section 1.

Part II of the Law was brought into force on 1st January, 1963 by the Ladies' College (Guernsey) Law, 1962 (Commencement of Part II), Ordinance, 1962, section 1.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 13, with effect from 6th May, 2004.

² The functions, rights and liabilities of the Education Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Education Council and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 13, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

³ Prior to its repeal, subsection (10) was amended by the Ladies' College (Amendment) (Guernsey) Law, 1984, section 1(a), with effect from 1st February, 1985.

⁴ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 13, with effect from 6th May, 2004.

⁵ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 13, with effect from 6th May, 2004.

⁶ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 13, with effect from 6th May, 2004.

⁷ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 13, with effect from 6th May, 2004.