

PROJET DE LOI

ENTITLED

The Notre Dame du Rosaire Church and Presbytery Law, 2005 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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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No. III of 2006.

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ARRANGEMENT OF SECTIONS

1. Vesting of Church Premises.
2. Continuation of certain rights, etc.
3. Extinction and transfer of personal liabilities.
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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

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- (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,

^a Article ** of Billet d'État No. ** of 2005.

- (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.

NOTE

The Law received Royal Sanction on 14th February, 2006 and was registered on the Records of the Island of Guernsey on 13th March, 2006.
