

PROJET DE LOI

ENTITLED

The King George The Fifth Memorial Playing Field Trust (Guernsey) Law, 1985 *

[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. XXIX, p. 2; as amended by 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 Deputy Bailiff (Guernsey) Law, 1969 (Ordres en Conseil Vol. XXII, p. 122).

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WHEREAS at a public meeting held at the Guille Allés Lecture Hall in the parish of Saint Peter Port on the 23rd day of June, 1936, a Committee (hereafter in this preamble referred to as "**the Committee**") headed by the Bailiff was elected in order to establish a playing field as a memorial to His Late Majesty King George The Fifth:

AND WHEREAS at a meeting of subscribers to the King George The Fifth Memorial Fund (hereinafter called "**the 1936 Trust**"), held at Government House in the parish of Saint Peter Port on the 9th day of December, 1936, it was resolved that an area of land situate at Les Blancs Bois in the parish of the Castel be acquired as the memorial playing field to His Majesty King George The Fifth:

AND WHEREAS by a Conveyance ("Prise à Rente") registered on the Records of this Island on the 20th day of February, 1937, Pierre de Putron and Dan Alfred Aubert, Esquires, as two of the members and on behalf of the Committee, acquired in trust for the objects of the 1936 Trust from Les Blancs Bois Limited (hereinafter referred to as "**the Company**") an area of land measuring 19 vergées or thereabouts and strip of land situate at Les Blancs Bois aforesaid:

AND WHEREAS at a meeting of the Committee held on the 12th day of January, 1938, the Committee appointed the Bailiff for the time being and five other persons as trustees of the 1936 Trust and resolved that any future vacancy occurring among the trustees be filled by persons appointed by the Bailiff and that the trustees should hand over the administration of the playing field to a Management Committee to be appointed by the trustees from among themselves and elsewhere:

AND WHEREAS by an Agreement ("Réforme") registered on the Records

of this Island on the 23rd day of June, 1939, the Company and Sir Abraham James Lainé and the said Dan Alfred Aubert, as two of the members and on behalf of the Committee, amended the said Prise à Rente by –

- (i) deleting therefrom the following provisions, namely, "Et aura tel Comité le droit de temps à autre d'emprunter sur la garantie des prémisses de ce bail et d'hypothéquer et d'aliéner telles prémisses" to the intent that the said Prise à Rente should have effect as if the said provisions had never been inserted therein, and
- (ii) declaring, in conformity with the intention of the parties at the execution of the said Prise à Rente and the constant intention of the Committee, that the said area and strip of land should be used in perpetuity as a playing field known as "King George's Field" and should form part of the National Memorial to the memory of His Late Majesty King George The Fifth:

AND WHEREAS by a Conveyance ("Donation") registered on the Records of this Island on the 15th day of July, 1939, the said Sir Abraham James Lainé and Dan Alfred Aubert, Esquire, as two of the members and on behalf of the Committee, acquired from the Company an area of land measuring 35 feet by 22 feet and adjoining King George's Field:

AND WHEREAS the Present Trustees are Sir Charles Keith Frossard, Bailiff, Graham Martyn Dorey and John Whitehead de Putron:

AND WHEREAS by a Conveyance registered on the Records of this Island on the 19th day of May, 1983, the Present Trustees acquired from Norman Ashplant and Joan Leslie Ashplant (née Loaring) an area of land with three glasshouses and a shed erected thereon adjoining King George's Field:

AND WHEREAS by a Conveyance registered on the Records of this Island on the 3rd day of May, 1984, the Present Trustees acquired from Lawson Ogier and Freda Mary Ogier (née Ogier) three glasshouses and an area of land adjoining King

George's Field to the South East:

AND WHEREAS the Present Trustees and the Management Committee are desirous of developing King George's Field and other areas of land for the benefit of the people of this Island and in accordance with the objects of the 1936 Trust:

AND WHEREAS the Present Trustees are desirous of regularising the 1936 Trust by the enactment of a *Projet de Loi* vesting the property which they hold as trustees of the 1936 Trust, together with their rights and liabilities thereunder, in them as King George The Fifth Trustees, upon the trusts and with the powers hereinafter set out:

AND WHEREAS the Present Trustees further desire that the property vested in them as King George The Fifth Trustees (hereinafter called '**the Trust Property**') should be held in trust by them for the purposes of development, maintenance, preservation and upkeep, so far as is practicable and desirable, of King George's Field as a playing field for the benefit of the people of this Island in memory of His Late Majesty King George The Fifth:

AND WHEREAS the Present Trustees further desire that, subject to a prohibition on alienating, charging or borrowing on the security of King George's Field, the King George the Fifth Trustees should be empowered –

- (a) to acquire for a consideration, or accept any donation or legacy of, any real or personal property or any interest, right, privilege, licence or authority,
- (b) to erect, demolish, alter or reconstruct any building on land forming part of the Trust Property,
- (c) to hold, insure and use any Trust Property, invest any money forming part of the Trust Property and vary any investment forming part of the Trust Property and apply the income from any investment as part of the Trust Property,
- (d) to loan, hire, sell or otherwise alienate any personal property forming

part of the Trust Property,

- (e) to let, sub-let, sell or otherwise alienate any real property forming part of the Trust Property,
- (f) to raise money by borrowing, whether or not on the security of the Trust Property, and to charge the Trust Property, subject to such conditions as they think fit,
- (g) to enter into or undertake any contract including a contract of employment:

AND WHEREAS the Present Trustees further desire that provision be made for the future King George The Fifth Trustees to be the Bailiff for the time being and such two other persons as he may from time to time appoint; for the election by the States Recreation Committee of one member of that Committee, and for the appointment by the King George The Fifth Trustees of other persons, who shall together constitute a Management Committee; and for the responsibilities and proceedings of that Committee:

NOW THEREFORE THE STATES, in pursuance of their Resolution of the 1st day of November, 1984, 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 Property &c. in King George The Fifth Trustees.

1. On the appointed day, there shall vest in the King George The Fifth Trustees –

- (a) all the real and personal property held by the Present Trustees as trustees of the 1936 Trust, free from any trusts to which that property may have been subject immediately before the appointed day, and
- (b) all rights and liabilities acquired or incurred solely for the purposes of the 1936 Trust to which the Present

Trustees were entitled or subject immediately before the appointed day.

Purposes of the Trust.

2. The Trustees shall hold the property vested in them by section 1 together with all other Trust Property in trust for the purposes of development, maintenance, preservation and upkeep, so far as is practicable and desirable, of King George's Field as a playing field for the benefit of the people of this Island in memory of the Late King George The Fifth (which purposes are hereafter in this Law referred to as "**the trust purposes**").

Powers of the Trustees.

3. (1) Subject to subsection (2), the Trustees may, from time to time, for the trust purposes, or for purposes incidental thereto –

- (a) acquire for a consideration, or accept any donation or legacy of, any real or personal property or any interest, right, privilege, licence or authority,
- (b) erect, demolish, alter or reconstruct any building on land forming part of the Trust Property,
- (c) hold, insure and use any Trust Property, invest any money forming part of the Trust Property, and vary any investment forming part of the Trust Property and apply the income from any investment as part of the Trust Property,
- (d) loan, hire, sell or otherwise alienate any personal property forming part of the Trust Property,
- (e) let, sub-let, sell or otherwise alienate any real property forming part of the Trust Property,
- (f) raise money by borrowing, whether or not on the security of the Trust Property, and charge the Trust

Property, subject to such conditions as they think fit,

- (g) enter into or undertake any contract including a contract of employment.

(2) Nothing in this section empowers the Trustees –

- (a) to deal with any property in a manner inconsistent with any terms or conditions subject to which they hold that property as Trust Property, or
- (b) to alienate, charge or borrow on the security of King George's Field.

Appointment etc. of Trustees.

4. (1) The King George The Fifth Trustees shall be the Bailiff for the time being and such two other persons as the Bailiff for the time being may from time to time appoint:

PROVIDED THAT until any other appointment is made under this section Graham Martyn Dorey and John Whitehead de Putron shall be King George The Fifth Trustees as if they had been so appointed.

(2) Nothing in this section shall be construed as preventing –

- (a) the resignation of a Trustee, other than the Bailiff for the time being, by notice in writing to the Bailiff for the time being, or
- (b) the termination by the Bailiff for the time being of any appointment of a Trustee made under this section.

NOTE

In accordance with the provisions of the Deputy Bailiff (Guernsey) Law, 1969, section 5(4), with effect from 9th September, 1969, in the event of the Deputy Bailiff discharging any functions or exercising any powers

appertaining to the office of Bailiff which he is authorised to discharge or exercise under or by virtue of the 1969 Law, the provisions contained herein relating to the discharge of such functions or the exercise of such powers shall have effect as if the references herein to the Bailiff included a reference to the Deputy Bailiff.

Constitution and chairmanship of Management Committee.

5. (1) There shall be a Management Committee constituted in accordance with this section (hereafter in this Law referred to as "**the Committee**") to manage and administer the Trust Property on behalf of the Trustees in accordance with the trust purposes.

(2) The [Committee for Education, Sport & Culture] shall elect one of its members to be a member of the Committee with effect from the appointed day and may thereafter from time to time elect any other one of its members to be a member of the Committee in place of the person so elected.

(3) The Trustees shall appoint such persons as they think fit to be members of the Committee with effect from the appointed day and may thereafter from time to time appoint such other persons as they think fit to be members of the Committee in place of or in addition to the persons so appointed.

(4) Of the persons appointed under subsection (3) to be members of the Committee with effect from the appointed day one third shall be appointed for the period of 12 months next following the appointed day and one third shall be appointed for the period of two years next following the appointed day.

(5) Subject to subsections (4) and (6), a person appointed under subsection (3) to be a member of the Committee shall hold office for a term of three years.

(6) Nothing in subsection (4) or subsection (5) prevents –

(a) the resignation of a member of the Committee appointed under subsection (3) by notice in writing to the Trustees,

- (b) the termination by the Trustees of an appointment made by them under subsection (3),
- (c) the reappointment of a member of the Committee whose term of office has expired.

(7) The Committee shall as soon as practicable after the appointed day, and may from time to time thereafter, elect one of its members as its chairman; and a person so elected shall, unless he earlier resigns by giving notice in writing to the Committee, hold office as chairman if and for so long as he remains a member of the Committee and his election to the office of chairman is approved by the Trustees:

PROVIDED THAT a person shall not, unless he is re-elected to the office of chairman, hold that office for a period greater than three years.

NOTE

In section 5, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 2(a), with effect from 1st May, 2016.¹

Proceedings of the Management Committee.

6. (1) At any meeting of the Committee three of its members shall form a quorum.

(2) The Committee may from time to time, subject to the provisions of this Law, make, revoke and alter rules as to the conduct of its business.

(3) No proceeding of the Committee shall be invalidated by reason only of a vacancy among its members or any failure to comply with a rule made under subsection (2).

Interpretation.

7. In this Law –

"the 1936 Trust" means the fund begun in 1936 for the purpose of establishing a memorial playing field to His Majesty King George The Fifth,

"the 1937 Conveyance" means the Conveyance ("Prise à Rente") registered on the Records of this Island on the 20th day of February, 1937, by which Pierre de Putron and Dan Alfred Aubert, Esquires, as two members and on behalf of the committee for the time being of the subscribers to the 1936 Trust, acquired in trust for the objects of the 1936 Trust from Les Blancs Bois Limited an area of land measuring 19 vergées or thereabouts and strip of land situate at Les Blancs Bois in the Parish of the Castel,

"the appointed day" means the day on which this Law comes into force,

"King George's Field" means the land conveyed by the 1937 Conveyance,

"the Present Trustees" means Sir Charles Keith Frossard, Bailiff, Graham Martyn Dorey and John Whitehead de Putron,

"the [Committee for Education, Sport & Culture]" means the States [Committee for Education, Sport & Culture] and includes any Committee of the States of Guernsey which the States may from time to time resolve should be responsible for those functions in relation to King George's Field which are on the appointed day the responsibility of the States [Committee for Education, Sport & Culture],

"the Trustees" means the King George The Fifth Trustees for the time being in accordance with section 4,

"the Trust Property" means all of the real and personal property vested in the Trustees by section 1 or in consequence of the exercise of any of their powers under section 3.

NOTES

In section 7, 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 2(a), with effect from 1st May, 2016.²

The functions, rights and liabilities of the Culture and Leisure 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 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 2(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.³

Citation.

8. This Law may be cited as the King George The Fifth Memorial Playing Field Trust (Guernsey) Law, 1985.

NOTE

The Law received Royal Sanction on 13th February, 1985 and was registered on the Records of the Island of Guernsey and came into force on 19th March, 1985.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 24, with effect from 6th May, 2004.

² These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 24, with effect from 6th May, 2004.

³ The functions, rights and liabilities of the Culture and Leisure Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Recreation Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 24, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.