

# ORDER IN COUNCIL

**XVI**

ratifying a *Projet de Loi*

**1958**

ENTITLED

## **The Country Hospital Charitable Fund Law, 1958**

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(Registered on the Records of the Island of Guernsey  
on the 8th day of November, 1958.)

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1958.

# ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 8th day of November, 1958, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :— Sir John Leale, William Robert Freake Clark, Esquire, Bertram Bartlett, Esquire, O.B.E., Donald Carey Brock, Esquire, C.B.E., Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Esquire, Richard Edward Gibson, Esquire, O.B.E., Claude Fortescue Nason, Henry Robin Bichard and Stanley Walter Gavey, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 22nd day of October, 1958, ratifying a *Projet de Loi* entitled "The Country Hospital Charitable Fund Law, 1958", —the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur 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 22nd day of October, 1958.

PRESENT,

## The Queen's Most Excellent Majesty.

LORD PRESIDENT

EARL OF SELKIRK

MR. ORMSBY-GORE

MR. MARPLES

SIR HENRY WILLMER

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 19th day of September, 1958, 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 26th day of February, 1958, the States of Deliberation at a meeting held on the 30th day of July, 1958, approved a Bill or “Projet de Loi” entitled “The Country Hospital Charitable Fund Law, 1958” 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 in the words and figures 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 Country Hospital Charitable Fund Law, 1958” and to order that the same shall have the 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, as 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.

W. G. AGNEW.

Projet de Loi referred to in the foregoing  
Order in Council.

## PROJET DE LOI

ENTITLED

### **The Country Hospital Charitable Fund Law, 1958**

WHEREAS indigent persons belonging to all the Parishes in the Island of Guernsey, with the exception of the Parish of Saint Peter Port, in need of institutional care were, until the fourth day of September, nineteen hundred and thirty-nine, accommodated in the Hospital situate in the Parish of the Castel and then known as "L'Hôpital de la Campagne" or "The Country Hospital", the said Hospital hereinafter referred to as "the Country Hospital":

AND WHEREAS the Country Hospital was formerly owned by and administered by representatives of those Parishes:

AND WHEREAS in pursuance of the provisions of the Law entitled "Loi ayant rapport à l'Administration des Pauvres de l'Île" registered on the thirteenth day of August, nineteen hundred and twenty-five, hereinafter referred to as "the Law of 1925", the administration of the Country Hospital was transferred to a States Board constituted under that Law and styled "Conseil de l'Hôpital de la Campagne":

AND WHEREAS by a Délaissement of the thirtieth day of June, nineteen hundred and twenty-eight, the legal ownership of the Country Hospital and its effects was vested in the States:

AND WHEREAS in pursuance of the provisions of the Public Assistance Law, 1937, the administration of the Country Hospital was transferred from the aforesaid "Conseil" to a Board constituted under that Law and styled "The Hospital Board" of which Board the President of the States Public Assistance Authority is the President:

AND WHEREAS since the said fourth day of September, nineteen hundred and thirty-nine, the Country Hospital has not been utilised for the accommodation of indigent persons of the said Parishes for whom other accommodation has been provided or arranged by the States:

AND WHEREAS on the first day of December, nineteen hundred and forty, the Country Hospital ceased to be under the administration of the Hospital Board and is now the mental hospital of the Island of Guernsey, under the name of "The Castel Hospital" and under the control of the States Board of Health:

AND WHEREAS it was provided in the Law of 1925 that the personalty and realty belonging to the "pauvres de la paroisse" should be administered by the "Conseil Central" constituted under that Law and that all monies received for the account of the Poor should be credited to that "Conseil" but that the income derived from charitable gifts should continue to be received and administered by those specified in the deeds of gift or other documents relating thereto:

AND WHEREAS certain "rentes", securities and monies being or representing various testamentary and other gifts made over a long period of time for the

benefit of the Country Hospital or of the Poor accommodated therein and various assets transferred in consideration of the maintenance in the Country Hospital of the transferors were held and administered and the income thereon applied for the benefit of the Poor accommodated in the Country Hospital by the bodies who successively administered the same, namely, the representatives of the Parishes concerned, the "Conseil de l'Hôpital de la Campagne" and the Hospital Board and this, so far as that "Conseil" and that Board were concerned, in conformity or purported conformity with the provision last referred to in the last preceding recital:

AND WHEREAS since the fourteenth day of April, nineteen hundred and thirty-eight, the title deeds to the said "rentes" and the said securities and monies have been held by the President for the time being of the States Public Assistance Authority but it is not certain in whom the legal interest in the said "rentes", securities and monies vests nor, since the said fourth day of September, nineteen hundred and thirty-nine, has it been practicable to apply the income thereon for the purposes for which the same was intended, and such income, as it accrued, has been placed on deposit and allowed to accumulate:

NOW THEREFORE the States, in pursuance of their Resolution of the twenty-sixth day of February, nineteen hundred and fifty-eight, 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. In this Law the expression "the President" means the President of the States Public Assistance Authority and where the context so admits includes his successors in office.

2. (1) On the commencement of this Law, the real and personal property now representing testamentary and other gifts and various acquisitions intended to be held and administered and the income thereon applied for the benefit of the Country Hospital or of the Poor accommodated therein and the accumulated income thereon shall vest in the President free of any trust existing immediately before the commencement of this Law and shall be held by the President upon trust to apply the income arising from the said real and personal property (which property is hereby styled the Country Hospital Charitable Fund and is hereafter in this Law referred to as "the trust property") for the following purposes, that is to say—

- (a) the benefit of the inmates and patients for the time being accommodated in any hospital, home or other institution for the time being administered by or on behalf of, or subsidised by, the States, or in any hospital, home or other institution in the Island of Guernsey not so administered or subsidised, as may for the time being be approved by the Hospital Board;
- (b) to the extent to which the income from the trust property is not, in the opinion of the President, required from time to time for the purpose aforesaid, for the relief of poverty in the Island; and
- (c) to the extent to which the said income is not, in the opinion of the President, required from time to time for the purposes aforesaid or either of them, for any charitable object in the Island of Guernsey for the time being approved by the Hospital Board.

(2) The President may from time to time, with the approval of the Hospital Board,—



- (a) sell, alienate or convey any of the trust property;
- (b) invest any monies forming part of the trust property;
- (c) vary any investment forming part of the trust property.

(3) The proceeds of any sale, alienation or conveyance of any part of the trust property and any investment made in pursuance of the provisions of the last foregoing subsection shall for all purposes of this Law be deemed to be part of the trust property.

3. (1) The President shall, at least once in every year, submit the accounts of the trust property for audit by an auditor for the time being appointed by the Hospital Board and the President shall, for the purpose of the audit, produce such vouchers and give such information as the auditor may require.

(2) The President shall, as soon as may be after any audit under the provisions of subsection (1) of this section, present to the Hospital Board a copy of the accounts to which the audit relates and the auditor's report thereon.

(3) The costs of any audit under this section shall be borne out of the income of the trust property.

4. This Law may be cited as the Country Hospital Charitable Fund Law, 1958, and shall come into force on the first day of January, nineteen hundred and fifty-nine.

R. A. MALLET,

Greffier Delegate.