

# ORDER IN COUNCIL

**XIV  
2019**

ENTITLED

## **Revised Statutes of Elizabeth College, Guernsey**

**(Registered on the Records of the Island of Guernsey on the 4th  
November, 2019.)**



2019

# ORDER IN COUNCIL



## IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 4th day of November, 2019 before Sir Richard Collas, Bailiff; present:- Stephen Murray Jones, Esquire, O.B.E. Claire Helen Le Pelley, Niall David McCathie, Terry John Ferbrache, David Allan Grut, Jonathan Grenfell Hooley, Steven John Morris, David James Mortimer, Alan Stevenson Boyle, Peter Francis Gill, David John Robilliard, and Stuart Michael Crisp, Esquires, Marilyn Jasmine King, and Tina Jane Le Poidevin, Jurats.

The Bailiff, having this day placed before the Court an Order of Her Majesty in Council dated 8<sup>th</sup> October, 2019, approving and ratifying a Resolution of the States of Guernsey, for the substitution of the present Statutes of Elizabeth College with those set forth in the Schedule to the said Order in Council, that shall have the force of law in the Island of Guernsey with effect from 1<sup>st</sup> January 2020.

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.

S.M.D. ROSS  
Her Majesty's Senior Deputy Greffier.



*At the Court at Buckingham Palace*

THE 8th DAY OF OCTOBER 2019

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY  
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

"In accordance with Your Majesty's General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

"That Elizabeth College in the Island of Guernsey is governed in accordance with Statutes sanctioned by an Order in Council of the 28th day of December 1852. That the Board of Directors of Elizabeth College request that the present Statutes be amended with proposed changes set out in a letter from the Clerk of the Board of Directors of Elizabeth College, submitted for approval of the States of Deliberation at a meeting held on 24th April 2019. That in pursuance of their Resolution of 26th April 2019, the States of Deliberation at a meeting on 24th April 2019 authorised the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to substitute the present Statutes with those proposed by the Board of Directors of Elizabeth College. The Petition most humbly prays that Your Majesty might be graciously pleased to grant Your Royal Sanction to repeal the Statutes approved by the Privy Council on 28th December 1852 and replace these said Statutes with the amended Statutes proposed by the Board of Directors of Elizabeth College hereto annexed.

"The Committee have considered the Petition and have agreed to report that it may be advisable for Your Majesty to approve and ratify it".

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the Petition and to order that it, together with this Order, shall have the force of law in the Island of Guernsey with effect from 1st January 2020 and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty's Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

*Ceri King*

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*SCHEDULE***STATUTES FOR THE GOVERNMENT OF ELIZABETH COLLEGE, GUERNSEY****The Visitor**

1. The Bishop of Winchester, for the time being, shall be the permanent Visitor (“the Visitor”).
2. The Visitor shall exercise such powers and fulfil such duties as the board of directors may from time to time direct.
3. Her Majesty may at any time appoint a special Visitor or Visitors.

**The Dean**

4. The Dean of Guernsey for the time being (“the Dean”) shall be a director.
5. If the Dean is unavailable for any reason, he or she may delegate the incumbent of any parish in Guernsey to act in his or her stead (such delegation shall expire on the thirty first day of December next ensuing and be capable of renewal). Such delegation shall be void on the appointment of a new Dean.

**The Board**

6. There shall continue to be a body to be known as the board of directors of Elizabeth College (herein, “the board”).
7. The board is a body corporate with perpetual succession and a common seal and is capable of suing and being sued in its corporate name.
8. The schedule to these statutes (constitution and proceedings of the board) has effect.
9. The board shall have the general superintendence and management of the affairs of the College and shall receive all dues, rents and revenues coming to the College; and may, after consultation with the Principal, make, revoke, modify and amend bye-laws and regulations of the College.
10. In particular, and without prejudice to the generality of the foregoing, the board shall -
  - (a) determine the conditions upon which pupils are to be admitted,
  - (b) determine the fees to be charged in respect of each fee-paying pupil, and
  - (c) determine the terms of employment of the Principal and the Clerk to the board of directors,

and has power, in relation to the general superintendence and management of the affairs of the College, to –

- (i) raise funds,
- (ii) borrow money,
- (iii) acquire, rent or hire property,
- (iv) sell, let or dispose of property,
- (v) open and operate bank accounts,
- (vi) deposit or invest funds,
- (vii) delegate the management of investments,
- (viii) insure the property of the College against foreseeable risk, and
- (ix) do all other things permitted by law as are incidental or conducive to the general superintendence and management of the affairs of the College.

### **The Principal**

- 11. The board shall appoint the Principal after consultation with the Lieutenant-Governor.
- 12. The board shall appoint the Clerk to the directors after consultation with the Principal.
- 13. The Principal shall engage such teachers and other staff as he or she thinks fit.
- 14. The Principal shall be responsible for the scheme of education of the College, which shall include religious and moral instruction in conformity with the principles and doctrines of the Church of England, and shall settle the same after consultation with the board.
- 15. The Principal shall regularly transmit to the board a report on the general state of the College.

## **SCHEDULE**

### **CONSTITUTION AND PROCEEDINGS OF THE BOARD**

#### **Chair and directors**

- 1. The **board** shall consist of not less than nine and not more than twelve members (“directors”), of whom one shall be the Dean and two appointed by the board in consultation with the Lieutenant–Governor, and the remainder shall be appointed by the board itself.

2. The chair of the board shall be a director elected to the office of chair by the board after consultation with the Lieutenant-Governor.
3. Every director or other officer of the College shall be indemnified out of the assets of the College against any liability incurred by him or her in that capacity in defending any proceedings, whether civil or criminal, in which judgment is given in his or her favour or in which he or she is acquitted or in connection with any application in which relief is granted to him or her by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of the College.

*Resignation, removal, casual vacancies, etc.*

4. (1) A director may at any time resign his or her office by giving notice in writing, delivered to the chair; and the chair may at any time resign his or her office of chair by giving notice in writing, delivered to the longest-serving director (“the senior director”).
- (2) If it appears to the board that the chair, or a director other than the Dean -
  - (a) has been absent from three consecutive meetings of the board without the permission of the chair (or, in the case of the chair, without the permission of the board),
  - (b) has been convicted of an offence such that it is undesirable that he or she should remain a director or, as the case may be, the chair,
  - (c) is considered to be unsuitable to have access to children, young persons or vulnerable adults,
  - (d) is incapacitated by physical or mental illness, or
  - (e) is otherwise unable or unfit to discharge the functions of a director

the chair may declare that director’s office to be vacant or the senior director may declare the chair’s office to be vacant (as the case may be), and thereupon the office shall become vacant.

(3) A person appointed to fill a casual vacancy in the office of a director shall hold office, subject to sub-paragraphs (1) to (3) of this paragraph and otherwise to the terms of his or her appointment, for the unexpired portion of the term of office of the person in whose place he or she is appointed.

(4) The validity of any proceedings of the board shall be unaffected by a vacancy in its members or by any defect in the appointment of a director.

### *Tenure of office and reappointment*

5. (1) Subject to the provisions of paragraph 4 and subparagraphs (2) and (3), each director shall hold office for six years from the date he or she is appointed, and that date shall normally be 1 January.
- (2) Subparagraph (1) does not apply to the Dean, who holds office as a director *ex officio* his office as Dean.
- (3) The chair shall hold the office of chair for a maximum of nine years from the date he or she is appointed director; and for the avoidance of doubt, a person other than the Dean who resigns or otherwise vacates his or her office as chair and who has held office (including as a director) for more than six years also vacates his or her office as director.
- (4) A person who has previously held office as a director may not be reappointed a director until the expiration of a period of twelve months after vacating his or her office as director.

### **Meetings**

6. (1) Meetings of the board shall be convened by a notice sent to each director by the Clerk to the board (“the Clerk”).
- (2) Any two directors may, by a request made in writing, require the Clerk to convene a meeting of the board, provided that the request specifies the purpose for the meeting, and that purpose is included in the notice sent to each director by the Clerk.
- (3) At a meeting of the board –
  - (a) five directors (including the chair) form a quorum,
  - (b) the chair shall act as chair of such meeting, or, if the chair is not present, the board **shall** elect a director who **shall** chair the meeting in the chair’s absence,
  - (c) subject to subparagraph (d), each director present has one vote, and
  - (d) the person presiding has an original vote, and in the event of an equality in the votes cast, he or she shall exercise a casting vote.

### *Transaction of business without meeting*

7. The board may, if it thinks fit, transact any business by the circulation of papers (including by email or other electronic means) to all directors, and a resolution in writing approved in writing by the majority of the board shall be as valid and effectual as if passed at a meeting of the board.

*Minutes*

8. The board shall keep proper minutes of its proceedings, including minutes of any business transacted as permitted by paragraph 7 of this schedule.

*Residual power to regulate procedure*

9. Subject to the provisions of the statutes including this schedule, the board may regulate its own procedure, including by reference to policies agreed by the board.