

ORDER IN COUNCIL

III
1984

ratifying a Projet de Loi

ENTITLED

The Verdala (Variation of Trusts) (Guernsey) Law, 1984

(Registered on the Records of the Island of Guernsey
on the 6th day of March, 1984.)



1984.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 6th day of March, 1984 before Graham Martyn Dorey, Esquire, Deputy Bailiff; present:—
Albert Richard McCartney Straw, Esquire,
Lionel Walter Sarre, Esquire, M.B.E., K.P.M.,
Donald Pescott Plummer, Esquire, Sydney
Haydn Heard, Esquire, M.B.E., Brian Ernest
Herbert Joy, Esquire, Charles Henry Hodder,
Esquire, O.B.E., Harry Wilson Bisson, Herbert
Nicolle Machon, James de Sausmarez Carey,
John Christopher Bulstrode and Stanley Walter
John Jehan, Esquires, Jurats.*

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 8th day of February, 1984 ratifying a *Projet de Loi* of the States of Guernsey entitled “The Verdala (Variation of Trusts) (Guernsey) Law, 1984”, 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 8th day of February 1984

PRESENT,

The Queen's Most Excellent Majesty in Council

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 2nd day of February 1984 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 29th day of June 1983, the States of Deliberation at a meeting held on the 28th day of September 1983 approved a Bill or “Projet de Loi” entitled ‘The Verdala (Variation of Trusts) (Guernsey) Law, 1984”, 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 Verdala (Variation of Trusts) (Guernsey) Law, 1984”, and to order that the same shall have 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.

N. E. Leigh.

PROJET DE LOI

ENTITLED

**The Verdala (Variation of Trusts)
(Guernsey) Law, 1984**

WHEREAS by the last Will and Testament of Realty of the late Miss Edith Bingham Tupper registered on the records of this Island on the fourth day of October, nineteen hundred and sixty, the property known as 'Verdala', Rohais Road, adjacent to and situate to the West of Saint Stephen's Church in the Parish of Saint Peter Port, (which premises are hereinafter referred to as "the Trust Premises") was devised to the Reverend Reginald Charles Moore, Vicar of Saint Stephen's Church and Albert Ernest Croucher and Alfred Thomas Galliot, Churchwardens of the said Church, as trustees to be held by them and their successors Vicars and Churchwardens as an endowment for the benefit of the said Church:

AND WHEREAS the Trusts created in the aforesaid Will require the trustees to hold the Trust Premises in perpetuity and to manage the same as absolute owners for the purposes set out in the aforesaid Will:

AND WHEREAS the ownership of the Trust Premises is now vested in the Reverend Canon Murray Clinton Millard, Vicar of Saint Stephen's Church, and Jocelyn Frances Watts and Antony Bazille Corbin, Churchwardens of the said Church (hereinafter referred to as "the Present Trustees"):

AND WHEREAS in view of the fact that the structure of the Trust Premises is continually deteriorating and is in need of substantial repairs at a cost which it is likely will exceed the amount of the accumulated income accruing from the Trust Premises, the Present Trustees desire to be relieved, as soon as it is practicable and expedient, of their responsibility for the maintenance of the Trust Premises:

AND WHEREAS the Present Trustees decide that all such steps as may be necessary be taken to discharge and free the ownership of the Trust Premises from all trusts presently affecting the same and so that the ownership of the Trust Premises shall vest in the Vicar and Churchwardens for the time being of the said Church upon the following trusts, that is to say:—

- (a) to sell the Trust Premises, with power to postpone such sale;
- (b) pending such sale to apply the income which may accrue from the Trust Premises, and any monies of which they may already stand possessed as trustees of the Trust Premises, in payment of any expenses incurred by them in maintaining the Trust Premises or otherwise in connection with the Trust Premises and for any purposes mentioned in paragraph (e) below;
- (c) to apply up to two-thirds of the proceeds of sale of the Trust Premises and of any monies of which they may stand possessed as trustees of the Trust Premises at the time of such sale in repairing the fabric of the said Church;

- (d) to invest the balance of the said proceeds of sale and any monies of which they may stand possessed as trustees of the Trust Premises at the time of such sale in such investments as they may deem fit, with power to vary such investments;
- (e) to apply the income arising from such investments for the repair and maintenance of the fabric of the said Church and the furtherance of knowledge within the Parish of Saint Stephen in the principles of the Church of England and the promotion and extension of any efforts directed to the quickening of Anglican Church life inside or outside the said Parish;
- (f) to invest as aforesaid any income arising from such investments of which they may stand possessed from time to time and which, in their opinion, is not required for the time being for any of the purposes mentioned in paragraph (e) above:

NOW THEREFORE the States in pursuance of their Resolution of the twenty-ninth day of June, nineteen hundred and eighty-three, 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. The Trust Premises shall vest in the Vicar and Churchwardens for the time being of the Parish of Saint Stephen free of any trusts to which the ownership of the Trust Premises may have been subject immediately before the coming into force of this Law and the Trust Premises shall be held by the said Vicar and Churchwardens upon the following trusts, that is to say:—

Variation
of trusts
affecting
Verdala.

- (a) to sell the Trust Premises, with power to postpone such sale;
- (b) pending such sale to apply the income which may accrue from the Trust Premises and any monies of which they may already stand possessed as trustees of the Trust Premises in payment of any expenses incurred by them in maintaining the Trust Premises or otherwise in connection with the Trust Premises and for any purposes mentioned in paragraph (e) of this section;
- (c) to apply up to two-thirds of the proceeds of sale of the Trust Premises and of any monies of which they may stand possessed as trustees of the Trust Premises at the time of such sale in repairing the fabric of Saint Stephen's Church;
- (d) to invest the balance of the said proceeds of sale and any monies of which they may stand possessed as trustees of the Trust Premises at the time of such sale in such investments as they may deem fit, with power to vary such investments;
- (e) to apply the income arising from such investments for the repair and maintenance of the fabric of the said Church and the furtherance of knowledge within the said Parish in the principles of the Church of England and the promotion and extension of any efforts directed to the quickening of Anglican Church life inside or outside the said Parish;

- (f) to invest as aforesaid any income arising from such investments of which they may stand possessed from time to time and which, in their opinion, is not required for the time being for any of the purposes mentioned in paragraph (e) of this section.

2. In this Law, the following expressions have the meanings hereby respectively assigned to them, that ^{Interpreta-}
is to say:—

“the Trust Premises” means the property known as ‘Verdala’, Rohais Road, adjacent to and situate to the West of Saint Stephen’s Church in the Parish of Saint Peter Port, and which is, immediately before the coming into force of this Law, vested in the present Vicar and Churchwardens of the said Saint Stephen’s Church by virtue of the last Will and Testament of Realty of the late Miss Edith Bingham Tupper;

“the last Will and Testament of Realty of the late Miss Edith Bingham Tupper” means the Will registered on the records of this Island on the fourth day of October, nineteen hundred and sixty, whereby the property known as ‘Verdala’, Rohais Road, adjacent to and situate to the west of Saint Stephen’s Church in the Parish of Saint Peter Port was devised in trust to the Reverend Reginald Charles Moore, then Vicar of Saint Stephen’s Church and Albert Ernest Croucher and Alfred Thomas Galliot, then Churchwardens of the said Church, and to their successors

Vicars and Churchwardens of the said
Church.

Citation. 3. This Law may be cited as the Verdala (Variation of Trusts) (Guernsey) Law, 1984.

K. H. TOUGH,

Her Majesty's Greffier.