

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Central Hall (Variation of Trusts) (Guernsey) Law, 1968

(Registered on the Records of the Island of Guernsey
on the 20th day of February, 1968.)



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ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 20th day of February, 1968, before Sir William Arnold, Kt., C.B.E., C. St. J., Bailiff; present :— Bertram Guy Blampied, Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Albert Victor Dorey, Esquire, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., and Jean Le Pelley, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 26th day of January, 1968, ratifying à Projet de Loi entitled "The Central Hall (Variation of Trusts) (Guernsey) Law, 1968", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller 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 Sandringham

The 26th day of January 1968

PRESENT,

The Queen's Most Excellent Majesty

LORD PRIVY SEAL

LORD BESWICK

MR SHORT

SIR ELWYN JONES

MRS HART

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 8th day of January 1968, 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 July, 1967, the States of Deliberation at a meeting held on the 29th day of November, 1967, approved a Bill or “Projet de Loi” entitled “The Central Hall (Variation of Trusts) (Guernsey) Law, 1968” 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 Central Hall (Variation of Trusts) (Guernsey) Law, 1968" 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.

W. G. Agnew

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

PROJET DE LOI

ENTITLED

The Central Hall (Variation of Trusts) (Guernsey) Law, 1968

WHEREAS, by a Conveyance registered on the Records of this Island on the twenty-third day of February, eighteen hundred and twenty-six, a piece of land situate at Mont Gibel in the Parish of Saint Peter Port was acquired by the Reverend Richard Potenger, then Rector of the said Parish, and others, for and on behalf of the Committee of the Church of England Sunday School of the said Parish and their Successors Committees:

AND WHEREAS by a Conveyance registered as aforesaid on the first day of December, eighteen hundred and twenty-seven, one-half of the said piece of land and one-half of the building then in course of erection on the said piece of land were conveyed by the said Richard Potenger and others to Daniel de Lisle, Esquire, and others, who acquired the same for and on behalf of the Subscribers to the school known as "The National School" and their Successors Subscribers to the said school subject, inter alia, to the following trusts, that is to say:—

- (a) that the said building should be called "The House of the National and Sunday Church of England Schools of the Town and Parish of St. Peter Port" and should be appropriated for ever to the use of the said

National School and Sunday School without power of alienation in whole or in part by either institution;

- (b) that the ground floor of the said building should be appropriated for ever to the use of the said National School and that the upper floor of the said building should be appropriated for ever to the use of the said Sunday School:

AND WHEREAS by a Conveyance registered as aforesaid on the twenty-eighth day of March, eighteen hundred and forty-eight, the said building and its appurtenances were conveyed by authorised nominees of the respective Subscribers to the said schools to Hilary de Garis Agnew, Esquire, and others, who acquired the same for and on behalf of themselves as Trustees of the said schools and their Successors Trustees upon like trusts for the purpose of educating children and adults residing in the said Parish according to the principles of the United Church of England and Ireland as then by law established, with power unto the respective Committees of the said schools to permit the rooms in the said building appropriated to the use of their respective schools to be used for such other purposes as they should deem fit provided that the education of the scholars was not thereby interrupted:

AND WHEREAS certain funds were transferred to the said Trustees by the said Conveyance registered as aforesaid on the twenty-eighth day of March, eighteen hundred and forty-eight, upon trust to apply the same for the purpose of maintaining and repairing the exterior and roof of the said building and its appurtenances, which funds were in course of time exhausted:

AND WHEREAS by a Conveyance registered as aforesaid on the first day of May, eighteen hundred and fifty-two, a piece of land with a building erected thereon adjoining the aforesaid school premises was conveyed to James Le Lievre, Esquire, and others, who acquired the same for and on behalf of themselves as Trustees of the Saint Peter Port Infant School and their Successors Trustees, which school had been founded for the purpose of educating young children residing in the said Parish according to the principles of the United Church of England and Ireland as then by law established:

AND WHEREAS by a Conveyance registered as aforesaid on the third day of December, nineteen hundred and twenty-five, the then Trustees of the said House of the National and Sunday Church of England Schools of the Town and Parish of Saint Peter Port and of the said Saint Peter Port Infant School conveyed the said buildings and their appurtenances (which were then and have since been generally known as "The Central Hall", and which are hereinafter referred to as "the Trust premises") to the Very Reverend Douglas Falkland Carey, then Dean of this Island and Rector of the said Parish, and to the then Churchwardens of the said Parish, who acquired the same for themselves and their respective Successors Rectors and Churchwardens of the said Parish in trust to hold the same upon the trusts set out in the said Conveyances registered respectively as aforesaid on the twenty-eighth day of March, eighteen hundred and forty-eight, and on the first day of May, eighteen hundred and fifty-two, insofar as such trusts were then still in force and applicable and according to the just and reasonable interpretation of which they were susceptible in the circumstances then existing:

AND WHEREAS the said National School and Saint Peter Port Infant School no longer exist and that the Trust premises are no longer used by the said Sunday School:

AND WHEREAS in recent years the Trust premises have been used regularly for theatrical performances and other cultural, social and recreational activities—the Trust premises having been licensed as a public Hall under the provisions of the Law entitled “Loi ayant rapport aux licences pour les Salles Publiques”, registered on the fourth day of July, nineteen hundred and fourteen—and that the income derived from the use of the Trust premises as aforesaid has been applied for the purpose of maintaining and improving the Trust premises and in defraying the expenses of the said Sunday School:

AND WHEREAS the trusts upon which the Trust premises are held are no longer applicable and the Trust premises now constitute an important amenity in the cultural, social and recreational life not only of the inhabitants of the said Parish but also of the inhabitants of this Island generally and of visitors to this Island, and 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, the structure of which is continually deteriorating and is consequently 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:

AND WHEREAS the present Trustees desire that the ownership of the Trust premises be discharged and freed of all trusts presently affecting the same and that the ownership of the Trust premises shall

vest in the Rector and Churchwardens of the said Parish upon trust to sell the Trust premises, with power to postpone such sale, and upon trust to invest the net proceeds of sale in such investments as they may deem fit and to apply the income arising from such investments for the benefit and advancement of the said Sunday School, 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 in the said Parish:

AND WHEREAS in pursuance of the desire of the present Trustees a Petition was presented to the States of Guernsey on the twenty-sixth day of July, nineteen hundred and sixty-seven, asking them to approve the terms thereof and to direct the preparation of legislation to give effect thereto:

NOW THEREFORE the States, in pursuance of their Resolution of the twenty-sixth day of July, nineteen hundred and sixty-seven, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in this Island.

1. The buildings and their appurtenances which were conveyed to the then Rector and Churchwardens of the Parish of Saint Peter Port by Conveyance registered on the Records of this Island on the third day of December, nineteen hundred and twenty-five, and which are commonly known as "The Central Hall" (hereafter in this Law referred to as "the Trust premises") shall vest in the Rector and Churchwardens for the time being of the said Parish 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

Variation of trusts affecting the Central Hall.

the Trust premises shall be held by the Rector and Churchwardens for the time being of the said Parish upon the following trusts, that is to say—

- (a) to sell the Trust premises, with power to postpone sale;
- (b) pending the sale of the Trust premises, to use the same in such manner and for such purposes as they may deem fit and to apply the income which may accrue from the Trust premises and any monies of which they may stand possessed as Trustees of the Trust premises immediately before the commencement of this Law in payment of any expenses incurred by them in maintaining the Trust premises and for any of the purposes mentioned in paragraph (d) of this section;
- (c) to invest the net proceeds of sale of the Trust premises and any monies of which they may stand possessed at the time of such sale in such investments as they may deem fit, with power to vary such investments;
- (d) to apply the income from such investments for the benefit and advancement of the Sunday School of the Parish Church of Saint Peter Port, 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 in the said Parish; and
- (e) 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 the last preceding paragraph.

2. This Law may be cited as the Central Hall Citation. (Variation of Trusts) (Guernsey) Law, 1968.

R. H. VIDELO,
Her Majesty's Greffier.