

PROJET DE LOI

ENTITLED

The Royal Court (Charitable Funds) (Guernsey) Law, 2003

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[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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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No. XIX of 2003.

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The Royal Court (Charitable Funds) (Guernsey) Law, 2003

THE STATES, in pursuance of their Resolution of the 29th day of January, 2003^a, 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.

PART I

THE DE LISLE FUND

Dissolution of de Lisle Fund.

1. On the date of the commencement of this Law –
 - (a) the de Lisle Fund shall be dissolved,
 - (b) the present trustees shall be discharged and absolved from all obligations and liabilities in respect of the de Lisle Fund and in respect of the trust property (other than any obligation or liability subsisting at the date of the commencement of this Law),
 - (c) the trust property shall be held upon a new trust to be known as the de Lisle Trust,

^a Article VIII of Billet d'État No. I of 2003.

- (d) the trustee of the de Lisle Trust shall be the person for the time being holding the office of Rector or Priest-in-Charge of the Parish of Saint Pierre du Bois, and
- (e) the trustee of the de Lisle Trust shall hold the trust property and any income thereof for charitable purposes generally in the Parish of Saint Pierre du Bois and may –
 - (i) apply any part of the capital or income for those purposes,
 - (ii) invest any part of the capital or income which is not so applied, and
 - (iii) vary any such investment,

in such manner and to such extent as, in his absolute discretion, he thinks fit.

Interpretation of Part I.

2. In this Part of this Law –

"the de Lisle Fund" means the trust created on the 11th April, 1627 by the will of Thomas de Lisle for the advancement of scholars wishing to serve in the clergy or, in default thereof, for the assistance of the poor of the parish of Saint Pierre du Bois,

"the de Lisle Trust" means the Trust of that name established under

the provisions of section 1,

"the present trustees" means the present trustees of the de Lisle Fund, that is to say, the Bailiff of Guernsey and the Jurats of the Royal Court of Guernsey, in each case ex officio,

"the trust property" means all money (whether capital or income) comprised in the de Lisle Fund at the date of the commencement of this Law.

PART II

THE GUERNSEY DISCHARGED PRISONERS AID SOCIETY, KING GEORGE VI MEMORIAL FUND & VICTORIA FUND

Dissolution of Guernsey Discharged Prisoners Aid Society, King George VI Memorial Fund & Victoria Fund.

3. On the date of the commencement of this Law –
 - (a) the Guernsey Discharged Prisoners Aid Society, the King George VI Memorial Fund and the Victoria Fund shall be dissolved,
 - (b) the present trustees shall be discharged and absolved from all obligations and liabilities in respect of the Guernsey Discharged Prisoners Aid Society, the King George VI Memorial Fund and the Victoria Fund in respect of the trust property (other than any obligation or liability subsisting at the date of the commencement of this Law), and

- (c) the trust property shall be transferred to and vested in the trustees of the Bien de la Court Fund (as hereinafter appointed by the provisions of section 5(b)) and shall be held on the trusts thereof.

Interpretation of Part II.

4. In this Part of this Law –

"the Bien de la Court Fund" means the trust of that name created by document in or about the 7th September, 1588 by Jean de la Court, which document was registered on the records of the Island on the 25th October, 1706, the purpose of the trust being the assistance of those in poverty and need,

"the Guernsey Discharged Prisoners Aid Society" means the society of that name created in or about 1934, in a document or documents which have since been destroyed or lost, for the purpose of assisting prisoners on their discharge from the local prison,

"the King George VI Memorial Fund" means the Fund of that name created in or about the year 1951, which fund was, in 1954, with the acquiescence of the Bailiff of Guernsey and the Jurats of the Royal Court of Guernsey, placed by the States on trust for the purpose of assisting associations, societies and clubs established for the furtherance of the physical, mental or spiritual needs of young and old people,

"the present trustees" means –

- (a) in relation to the Guernsey Discharged Prisoners Aid Society, the Bailiff of Guernsey (who is ex officio

President of the Society), the Vice-President and Honorary Secretary-Treasurer of the Society and any other person who has exercised the functions of trustee in the conduct of the work of the Society, and

- (b) in relation to the King George VI Memorial Fund and the Victoria Fund, the present trustees of those Funds, that is to say, the Bailiff of Guernsey and the Jurats of the Royal Court of Guernsey, in each case ex officio,

"the trust property" means all money (whether capital or income), rentes, stock and other property belonging to or vested in the Guernsey Discharged Prisoners Aid Society, or comprised in the King George VI Memorial Fund and the Victoria Fund, at the date of the commencement of this Law,

"the Victoria Fund" means the trust of that name created by letter dated the 30th August, 1897 of J. R. Tardif Esquire, Jurat, which letter was registered on the records of the Island by order of the Chief Pleas on the 4th October, 1897, the purpose of the trust being the creation of a permanent benefit fund in commemoration of Queen Victoria's Jubilee to be used for the relief of distress and poverty.

PART III

TRUSTEES OF ROYAL COURT FUNDS

Appointment of new trustees of Royal Court Funds.

5. On the date of the commencement of this Law –

- (a) the present trustees shall be discharged and absolved

from all obligations and liabilities in respect of the Bertram Gosselin Lefebvre Memorial Fund, the Bien de la Court Fund and the Sir William Collings Fund and in respect of the trust property (other than any obligation or liability subsisting at the date of the commencement of this Law), and

- (b) the trust property shall be transferred to and vested in the persons for the time being holding the offices of Bailiff and Senior Jurat of the Royal Court of Guernsey, and shall be held on the trusts of, respectively, the Bertram Gosselin Lefebvre Memorial Fund, the Bien de la Court Fund and the Sir William Collings Fund.

Interpretation of Part III.

6. In this Part of this Law –

"the Bailiff", in section 5, does not include the Deputy Bailiff,

"the Bertram Gosselin Lefebvre Memorial Fund" means the trust of that name created by the will of Gerard Joshua Hadsley Gosselin dated the 8th September, 1933, which will was registered on the records of the Royal Court on the 1st September, 1945, the purpose of the trust being the administration of a fund in memory of the testator's late brother, Bertram Montorgueil Hadsley Gosselin Lefebvre, the income of the said fund to be applied as to one quarter for the deserving poor residing on Fief de Blanchelande, and as to the balance for the benefit of the Victoria Hospital,

"the Bien de la Court Fund" has the meaning given by section 4,

"the present trustees" means the present trustees of the Bertram Gosselin Lefebvre Memorial Fund, the Bien de la Court Fund and the Sir William Collings Fund, that is to say, the Bailiff of Guernsey and the Jurats of the Royal Court of Guernsey, in each case ex officio,

"the Sir William Collings Fund" means the trust of that name created by document in or about the year 1849 by Sir William Collings, which document was registered on the records of the Island on the 22nd May, 1849, the purpose of the trust being to assist those natives and inhabitants of the Island who are poor or needy, whether because of accident or other unforeseen cause,

"the trust property" means all money (whether capital or income), rentes, stock and other property comprised in, respectively, the Bertram Gosselin Lefebvre Memorial Fund, the Bien de la Court Fund (as hereinbefore supplemented by the provisions of section 3(c)) and the Sir William Collings Fund.

PART IV GENERAL PROVISIONS

Citation.

7. This Law may be cited as the Royal Court (Charitable Funds) (Guernsey) Law, 2003.

Commencement.

8. This Law shall come into force on the 28th day after the day of its registration on the records of the Island of Guernsey.

NOTE

The Law received Royal Sanction on 8th October, 2003 and was registered on the Records of the Island of Guernsey on 1st December, 2003.
