

# ORDER IN COUNCIL

XXIII

1949

ENTITLED

## **The Clergy Pensions (Channel Islands) Order, 1949.**

---

(Registered on the Records of the Island of Guernsey  
on the 3rd day of September, 1949.)



PRINTED BY THE  
GUERNSEY STAR AND GAZETTE LTD.,  
BORDAGE STREET.

---

1949.

## ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 3rd day of September, 1949, before Sir Ambrose James Sherwill, C.B.E., M.C. Bailiff ; present : Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., Sir John Leale, James Frederick Carey, Arthur Falla, Pierre de Putron, Quertier Le Pelley, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark and Ernest Francis Lainé, Esquires, Jurats.*

THE BAILIFF having this day placed before the Court an Order of His Majesty in Council, dated the 28th day of July, 1949, made in pursuance of the Channel Islands (Church Legislation) Measure, 1931, and entitled "The Clergy Pensions (Channel Islands) Order, 1949", together with a further Order of His Majesty in Council, of the same date, directing the registration of the "Clergy Pensions (Channel Islands) Order, 1949", — the Court, after the reading of the said Orders in Council and after having heard His Majesty's Comptroller thereon, ordered:—

(1) That the said Orders in Council be registered on the records of this Island ;

(2) That an extract of this present Act together with a copy of each of the said Orders in Council be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands ; of which Orders in Council the tenor followeth:—

# At the Court at Buckingham Palace,

The 28th day of July, 1949.

Present,

**The King's Most Excellent Majesty.**

LORD PRESIDENT.  
LORD PAKENHAM.  
MR. ALEXANDER.  
SIR ALAN LASCELLES.  
LORD PATRICK.  
SIR OLIVER FRANKS.  
MR. DUGDALE.

IT is is this day ordered by His Majesty, by and with the advice of His Privy Council, that printed copies of the following named Order in Council be transmitted to the Royal Court of the Island of Guernsey, viz.:—

Order in Council dated the 28th day of July, 1949, made in pursuance of the Channel Islands (Church Legislation) Measure, 1931.

AND it is hereby further ordered that the said Order in Council be registered and published in the Island of Guernsey, not as being essential to its operation therein, but that His Majesty's subjects in the Bailiwick may have notice of the said Order in Council having passed, and that they are bound thereby.

AND the Lieutenant-Governor and Commander-in-Chief for the time being of the Island of Guernsey, and its Dependencies, and all other persons whom it may concern, are to take notice of His Majesty's pleasure hereby signified, and govern themselves accordingly.

*E. C. E. Leadbitter.*

## AT THE COURT AT BUCKINGHAM PALACE,

The 28th day of July, 1949

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL

Whereas by section two of the Channel Islands (Church Legislation) Measure, 1931 (*a*), it is provided that any Measure receiving the Royal Assent after the passing of that Measure, which contains an express provision that it may be applied to the Channel Islands, or either of them, in accordance with that Measure, may, within two years after its passing, be so applied in accordance with the procedure set out in the Schedule to that Measure:

And Whereas by section sixty-four of the Clergy Pensions Measure, 1948 (*b*), it is provided that that Measure may be applied to the Channel Islands, or either of them, in accordance with the provisions of the Channel Islands (Church Legislation) Measure, 1931:

And Whereas the Bishop of Winchester has come to the conclusion that the Clergy Pensions Measure, 1948, ought to be applied, with certain variations, to the Channel Islands and has prepared in accordance with the provisions of paragraphs 1, 2 and 3 of the Schedule to the Channel Islands (Church Legislation) Measure, 1931, and has presented to the Church Assembly, the Scheme set out in the Schedule to this Order:

And Whereas the Church Assembly has, in accordance with the provisions of paragraph 4 of the Schedule to the Channel Islands (Church Legislation) Measure, 1931, by resolution approved the said Scheme:

(*a*) 21 & 22 Geo. 5. No. 4.

(*b*) 11 & 12 Geo. 6. No. 1.

Now, therefore, His Majesty, in pursuance of the Channel Islands (Church Legislation) Measure, 1931, is pleased, by and with the advice of His Privy Council, to order and direct as follows:—

1. The Scheme set out in the Schedule to this Order is hereby confirmed.

2. The Clergy Pensions Measure, 1948, shall apply to the Channel Islands in accordance with the provisions of the said Scheme.

3. This Order may be cited as the Clergy Pensions (Channel Islands) Order, 1949, and shall come into operation on the first day of January, 1950.

*F. C. E. Leadbitter.*

## SCHEDULE

SCHEME PREPARED BY THE BISHOP OF WINCHESTER IN PURSUANCE OF THE CHANNEL ISLANDS (CHURCH LEGISLATION) MEASURE, 1931, FOR APPLYING THE CLERGY PENSIONS MEASURE, 1948, TO THE CHANNEL ISLANDS.

The Clergy Pensions Measure, 1948, shall apply to the Channel Islands subject to the following variations, that is to say:—

- (1) In section fifty-four of the Clergy Pensions Measure, 1948, there shall be substituted "Decanal Conferences of the Islands" for "Parochial Church Councils" wherever those words occur.
- (2) In subsection (4) of section eleven of the said Measure, and in sub-paragraph (a) of paragraph five of the Sixth Schedule thereto the expression "the National Insurance Act, 1946, or any Act amending or replacing that Act" shall be construed as including any Law for a similar purpose which is or may hereafter

become operative in the Channel Islands, or either of them.

- (3) In subsection (3) of section thirty-three of the said Measure the expression "the Lunacy and Mental Treatment Acts, 1890 to 1930, as amended by any enactment" shall be construed as including any Law for a similar purpose which is or may hereafter become operative in the Channel Islands, or either of them.
- (4) In subsection (2) of section sixty-five of the said Measure for the date "the first day of January One thousand nine hundred and forty-eight" there shall be substituted "the first day of January One thousand nine hundred and fifty".

Any reference in this Scheme to the Channel Islands or either of them or to the Decanal Conference shall have the same meaning as has such a reference in the Channel Islands (Church Legislation) Measure, 1931.

JAMES E. LE PAGE,  
H.M. Greffier.