

ORDER IN COUNCIL

**XIX
2003**

ratifying a Projet de Loi

ENTITLED

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

(Registered on the Records of the Island of Guernsey
on the 11th August, 2003.)



2003

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 11th day of August, 2003 before Sir de Vic Carey, Bailiff;
present:— David Charles Lowe, Esquire, Mrs. Eileen May Glass,
Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward
Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith
Richard, OBE, Michael Henry De La Mare, and Michael John
Tanguy, Esquires, Jurats.*

The Bailiff having this day placed before the Court the copy of an Order of Her Majesty in Council dated the 17th day of July, 2003, approving and ratifying a *Projet de Loi* of the States of Guernsey entitled “The Royal Court (Charitable Funds) (Guernsey) Law, 2003”, THE COURT, after having heard Her Majesty’s Comptroller thereon, ORDERED:—

1. That the said Order in Council be registered on the records of this Island.

At the Court at Buckingham Palace

The 17th day of July, 2003

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 the 22nd day of February 1952 the Committee have considered a petition of the States of Guernsey:”

“That, in pursuance of their Resolution of 29th of January, 2003, the States of Deliberation at a meeting on the 30th April 2003, approved a Projet de Loi entitled “The Royal Court (Charitable Funds) (Guernsey) Law, 2003” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the Projet de Loi is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction “The Royal Court (Charitable Funds) (Guernsey) Law, 2003” and to order that it shall have force of law in the Island of Guernsey.”

“THE COMMITTEE have considered the Projet de Loi 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 of and ratify the said Projet de Loi (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Island of Guernsey; 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.

A. K. Galloway

PROJET DE LOI

ENTITLED

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.