

ORDER IN COUNCIL

XXV

1972

ratifying a Projet de Loi

ENTITLED

The Church of Saint James (Secularisation and Transfer) (Guernsey) Law, 1972

(Registered on the Records of the Island of Guernsey
on the 5th day of December, 1972.)



1972.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 5th day of December, 1972, before Sir William Arnold, Kt., C.B.E., Bailiff; present:—Bertram Guy Blampied, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Walter Francis Robin, Richard Alan Kinnersly, Esquires, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Brook Sutcliffe and Richard Oliver Symons, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 7th day of November, 1972,—

- (a) ratifying a *Projet de Loi* entitled “The Church of Saint James (Secularisation and Transfer) (Guernsey) Law, 1972”;
- (b) revoking the Order in Council of the 26th day of November 1897, relating to the powers of investment of the Trustees of the Church of Saint James, the Order in Council of the 10th day of November 1914, vesting in the said Trustees and their successors the perpetual right of patronage and presentation to the said Church and the Order in Council of the 17th day of December 1914, assigning to the said

Church the District Chapelry of Saint James, Guernsey; and

- (c) restoring to the Parish of Saint Peter Port all that part of the Parish which was assigned as a District Chapelry to the Church of Saint James by the same Order in Council of the 17th day of December 1914,

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 7th day of November 1972

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 1st day of November 1972, 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 Resolutions of the 28th day of April 1971 and the 24th day of November 1971, the States of Deliberation at a meeting held on the 29th day of March 1972, approved a Bill or “Projet de Loi” entitled “The Church of Saint James (Secularisation and Transfer) (Guernsey) Law, 1972”. 2. That the States of Deliberation at a meeting held on the 27th day of September, 1972, amended the said Bill or “Projet de Loi” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying—(a) for Your Royal Sanction to the said Projet de Loi; (b) Your Majesty to revoke the Order in Council of the 26th day of November 1897, relating to the powers of investment of the Trustees of the Church of Saint James, the Order in Council of the 10th day of November 1914, vesting in

the said Trustees and their successors the perpetual right of patronage and presentation to the said Church and the Order in Council of the 17th day of December 1914, assigning to the said Church the District Chapelry of Saint James, Guernsey; (c) Your Majesty to restore to the Parish of Saint Peter Port all that part of the Parish which was assigned as a District Chapelry to the Church of Saint James by the same Order in Council of the 17th day of December 1914. 3. 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—(a) grant Your Right Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Church of Saint James (Secularisation and Transfer) (Guernsey) Law, 1972" and to order that the same shall have force of law in the Island of Guernsey; (b) revoke the Order in Council of the 26th day of November 1897, relating to the powers of investment of the Trustees of the Church of Saint James, the Order in Council of the 10th day of November 1914, vesting in the said Trustees and their successors the perpetual right of patronage and presentation to the said Church and the Order in Council of the 17th day of December 1914, assigning to the said Church the District Chapelry of Saint James, Guernsey; (c) restore to the Parish of Saint Peter Port all that part of the Parish which was assigned as a District Chapelry to the Church of Saint James by the same Order in Council of the 17th day of December 1914.'

"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 order, and as it is hereby ordered, as follows:—

1. The said Projet de Loi is approved and ratified and shall have the force of Law within the Island of Guernsey. 2. The said Orders in Council of the 26th day of November 1897, the 10th day of November 1914 and the 17th day of December 1914 are revoked. 3. All that part of the Parish of Saint Peter Port which was assigned as a District Chapelry to the Church of Saint James by the said Order in Council of the 17th day of December 1914 is restored to the said Parish.

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 Church of Saint James (Secularisation and Transfer) (Guernsey) Law, 1972

WHEREAS on the 3rd day of August, 1816, His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty King George the Third, was pleased by an Order in Council registered on the Records of this Island on the 29th day of August, 1816, to grant the Petition of Peter de Havilland, Bailiff of the Island of Guernsey, and Admiral Sir James Saumarez, Baronet, G.C.B., on behalf of themselves and of several of the inhabitants of the Parish of Saint Peter Port, in the said Island and in the Diocese of Winchester, to have the liberty of building a Church for the performance of Divine Worship in the English language according to the rites and ceremonies of the Church of England, and that they themselves, their heirs and successors, should have the perpetual right of nominating and appointing the Clergyman to officiate therein, subject to the approval of the Bishop of the said Diocese:

AND WHEREAS the said Church was built accordingly upon a parcel of land in the said Parish purchased by a Committee appointed by the subscribers to the building of the said Church by a Conveyance registered as aforesaid on the 24th day of May, 1817, and more particularly described therein and was consecrated upon the 6th day of August, 1818, under the name of the Church of Saint James the Minor or the Just:

AND WHEREAS by virtue of certain Fundamental Rules drawn up and agreed to by all the said subscribers, then and afterwards called Proprietors of Pews, the said Proprietors, in the month of November, 1817, appointed two Ministers to officiate therein for the term of five years:

AND WHEREAS in the year 1876 the said Proprietors, at a meeting duly called for the purpose, resolved unanimously that new Regulations called "The New Constitution of St. James's Church" should take the place of the said Fundamental Rules, which should cease to be applicable as soon as the New Constitution came into force:

AND WHEREAS the said Regulations were approved by the Bishop of the Diocese and came into force in the month of December, 1892, and provided, inter alia, that the Minister of the said Church should be appointed for life by Trustees elected by the Congregation thereof:

AND WHEREAS on the 10th day of November, 1914, His Majesty King George the Fifth was pleased by an Order in Council registered as aforesaid on the 25th day of November, 1914, to vest in the said Trustees and their successors the perpetual right of patronage and presentation to the said Church:

AND WHEREAS on the 17th day of December, 1914, His Majesty King George the Fifth was pleased by an Order in Council registered as aforesaid on the 13th day of February, 1915, to assign to the said Church as a District Chapelry all that part of the Parish of Saint Peter Port which was described in the Schedule to the said Order in Council and delineated and set forth in the map

or plan thereunto annexed, which District Chapelry was named "The District Chapelry of Saint James, Guernsey":

AND WHEREAS by a Conveyance registered as aforesaid on the 9th day of May, 1952, the Vicar and Churchwardens of the said Church purchased a parcel of land adjacent to the said Church and more particularly described in the said Conveyance upon which land a Church Hall was erected in the year 1955:

AND WHEREAS in the year 1965, upon the resignation of the Reverend Ralph Scrine, the Vicar of the said Church, the funds at the disposal of the said Trustees were insufficient to enable them to continue to maintain the said Church as a place of worship or to provide a stipend for a Vicar:

AND WHEREAS by the last Will and Testament of Realty of Clarissa Fidelia Major (hereinafter called "the Testatrix"), registered as aforesaid on the 11th day of January, 1941, the Testatrix devised to the said Trustees for use as a Vicarage certain premises comprising a house known as "Grangehurst" with its outbuildings and garden and other appurtenances situate in the Parish of Saint Peter Port, which premises were acquired by the Testatrix by a Conveyance registered as aforesaid on the 22nd day of July, 1916, and are more particularly described therein:

AND WHEREAS at no time have any bodies been interred within or under the said Church or within the ground annexed or belonging thereto:

AND WHEREAS after discussions with the Very Reverend Frederick Walter Cogman, Dean of

Guernsey, and with representatives of the States of Guernsey in the month of February, 1971, the said Trustees offered to transfer the said Church and the site thereof to the States of Guernsey as a free and unconditional gift:

AND WHEREAS with the consent of Percy Osmont Hodgetts, the sole surviving Churchwarden and also one of the said Trustees, the said Trustees have offered to transfer the said Church Hall and the site thereof to the States of Guernsey as a free and unconditional gift:

AND WHEREAS the Dean of Guernsey, with the consent of the Right Reverend Falkner, Bishop of the said Diocese, has requested that legislation should be enacted to provide for the following matters, that is to say the secularisation of the said Church, the incorporation of the area of the District Chapelry of Saint James, Guernsey, into the Parish of Saint Peter Port, the transfer of the Trust Funds now held by the said Trustees to the Guernsey Deanery Synod upon trust to be applied by the said Synod for the use and benefit of the Parishes of Saint John, Saint Stephen and Holy Trinity, all in the Parish of Saint Peter Port, and the transfer of the plate and ornaments of the said Church to the Rector and Churchwardens of the Parish Church of Saint Peter Port:

NOW THEREFORE the States, in pursuance of their Resolutions of the twenty-eighth day of April, nineteen hundred and seventy-one, and the twenty-fourth day of November, nineteen hundred and seventy-one, 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.

Secularisa-
tion of the
Church of
Saint James.

1. The Church of Saint James (hereinafter referred to as "the Church") and the site thereof, which site is more particularly described in a conveyance registered on the Records of this Island on the twenty-fourth day of May, eighteen hundred and seventeen, are hereby appropriated to secular uses.

Vesting of
real property
in the
States.

2. (1) The Church and the site thereof are hereby vested in the States of Guernsey.

(2) The Church Hall known as "Saint James' Church Hall", and the site thereof, which site is more particularly described in a conveyance registered on the Records of this Island on the ninth day of May, nineteen hundred and fifty-two, are hereby vested in the States of Guernsey.

Transfer of
trust funds.

3. The Trustees shall, as soon as may be, pay, make over and transfer the whole of the funds of the Church to the Guernsey Deanery Synod upon trust to apply the said funds for the use and benefit, including the maintenance of the church fabric and parsonage houses, of the Parishes of Saint John, Saint Stephen and Holy Trinity, all within the boundaries of the Parish of Saint Peter Port, and the receipt of the Treasurer of the said Synod shall be a sufficient discharge to the Trustees.

Disposal of
contents of
Church.

4. The Trustees shall, as soon as may be, transfer to the Rector and Churchwardens of the Parish Church of Saint Peter Port the font, communion table, plate and ornaments of the Church and the receipt of the said Rector and Churchwardens shall be a sufficient discharge to the Trustees.

5. The Trustees shall have power to sell and convey the house known as "Grangehurst", situate in the Parish of Saint Peter Port, together with its out-buildings, garden and other appurtenances, which premises are more fully described in a conveyance registered on the Records of this Island on the twenty-second day of July, nineteen hundred and sixteen, or any part or parts of the said premises, and shall, as soon as may be thereafter, pay, make over and transfer the proceeds of any such sale after the deduction of all expenses necessarily incurred in connection with such sale to the Guernsey Deanery Synod upon trust for the purposes set out in section three of this Law, and the receipt of the Treasurer of the said Synod shall be a sufficient discharge to the Trustees.

Trustees
empowered
to sell
"Grange-
hurst".

6. On completion of the distribution of the assets of the Trust in the manner set out in sections three, four and five of this Law, the Trust shall be dissolved.

Dissolution
of Trust.

7. Percy Osmond Hodgetts, the sole surviving churchwarden of the Church is hereby released from all duties and responsibilities attaching to that office.

Release of
church-
warden.

8. In this Law, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:—

Interpreta-
tion.

"the Trust" means the trust referred to in the Regulations called "The New Constitution of St. James's Church" which were approved by the Bishop of the Diocese of Winchester in the year eighteen hundred and ninety-two and came into force in the month of December in that year;

"the Trustees" means the trustees of the Church.

Citation. 9. This Law may be cited as the Church of Saint James (Secularisation and Transfer) (Guernsey) Law, 1972.

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