

ORDER IN COUNCIL

**VII
1984**

ratifying a *Projet de Loi*

ENTITLED

The Tostevin Trust (Dissolution) (Alderney) Law, 1984

(Registered on the Records of the Island of Guernsey
on the 13th day of March, 1984.)



1984.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 13th day of March, 1984 before Sir Charles Frossard, Kt., Bailiff; present:—Albert Richard McCartney Straw, Esquire, Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Donald Pescott Plummer, Esquire, Sydney Haydn Heard, Esquire, M.B.E., Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, John Christopher Bulstrode, Geoffrey Ernest Le Page and Stanley Walter John Jehan, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 8th day of February, 1984 ratifying a *Projet de Loi* of the States of Alderney entitled “The Tostevin Trust (Dissolution) (Alderney) Law, 1984”, 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 and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty’s Greffier to the Clerk of the Court of Alderney for registration on the records of that Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 8th day of February 1984

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 2nd day of February 1984 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 a humble Petition of John W. Winckworth, Esquire, Vice-President of the States of Alderney, setting forth:—

‘That at a meeting of the States of Alderney held on the 7th day of September 1983 the States adopted a Resolution that a *Projet de Loi* entitled “The Tostevin Trust (Dissolution) (Alderney) Law, 1984” be approved: That at the meeting of the States aforesaid Your Humble Petitioner was authorised to present to Your Majesty in Council a Petition that the said *Projet de Loi* be sanctioned: That the said *Projet de Loi* is set forth in the words and figures of the Schedule hereunto annexed: And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the *Projet de Loi* entitled “The Tostevin Trust (Dissolution) (Alderney) Law, 1984” and order that the same shall have force of law within the Island of Alderney.’

“THE LORDS OF THE COMMITTEE, in obedience to your Majesty’s said Order of Reference, have taken the said Petition and the Projet de Loi annexed thereto 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 Alderney.

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, of the said Island of Guernsey, and also the Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

N. E. Leigh.

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

PROJET DE LOI

ENTITLED

The Tostevin Trust (Dissolution) (Alderney) Law, 1984

WHEREAS there has existed in the Island of Alderney for many years, beyond the memory of the inhabitants thereof, a Trust known as the Tostevin Trust (hereinafter called "the Trust") and the instrument or instruments whereby the Trust was established have been lost or destroyed:

AND WHEREAS upon the appointment of the first Clerk of the States of Alderney, in the year nineteen hundred and forty-nine, it was ascertained that the Trustees of the Trust were the holders for the time being of the offices of Vicar of Saint Anne's Church in Alderney, of Methodist Pastor in Alderney, and of Secretary of the Education Committee of the States of Alderney and that the income of the Trust was to be applied for the following purposes and in the following proportions, that is to say:—

For the purposes of Saint Anne's Church—Four
thirteenths;

For the purposes of the Methodist Church in
Alderney—Five thirteenths;

For the purposes of education in Alderney—
Four thirteenths;

AND WHEREAS in the absence of a Methodist Pastor in Alderney the place of the Methodist Pastor as a Trustee of the Trust has been filled by the holder for the time being of the office of Treasurer of the Methodist Trust in Alderney:

AND WHEREAS the Trustees of the Trust for the time being are the following persons, that is to say:—

The Reverend Edwin James Bennett, Vicar of Saint Anne's Church;

Alastair Howroyd Carter, Treasurer of the Methodist Trust in Alderney;

William Ronald Jones, Clerk of the States of Alderney and, ex officio, Secretary of the Education Committee of the States of Alderney:

AND WHEREAS, as is evidenced by entries in the Alderney Land Register compiled and maintained in accordance with the provisions of the Alderney Land and Property, etc. Law, 1949, the Trust is the owner of a house and garden situated at number 40 Victoria Street and a house and garden situated at number 40A Victoria Street, in the town of Saint Anne, and the said premises, which are adjacent to one another, are jointly known as "Colenso House":

AND WHEREAS, as is evidenced by a further entry in the said Register, the Trust is the owner of an unenclosed piece of land of approximately ten perches in area situated at La Bigard on La Grande Blaye:

AND WHEREAS the said premises situated in Victoria Street and known as "Colenso House" are occupied by Alderney Electricity Limited under the terms of a lease granted by the Trustees of the Trust:

AND WHEREAS the sole income of the Trust is the rental paid to the Trustees by the said Alderney Electricity Limited:

AND WHEREAS the said houses are in immediate need of extensive repairs and the assets of the Trust are wholly insufficient to meet the cost of these repairs:

AND WHEREAS at a meeting of the States of Alderney held on the sixteenth day of August, nineteen hundred and seventy-eight, the States of Alderney, in compliance with the written request of the three Trustees at that date, resolved to approve the preparation of legislation which would enable the Trustees of the Trust to sell all the property owned by the Trust and to divide the net proceeds of the sale between the beneficiaries of the Trust in the proportions in which the income of the Trust is presently divided:

NOW THEREFORE THE STATES, in pursuance of their Resolutions of the third day of May, nineteen hundred and seventy-eight, and of the sixteenth day of August, nineteen hundred and seventy-eight, 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 Alderney.

Realty to be realised.

1. The Trustees of the Tostevin Trust shall have power to sell and convey the real property of the Tostevin Trust.

Application of proceeds.

2. (1) The proceeds of any such sale together with any personalty of the Tostevin Trust shall be paid, after the payment of the debts of the Tostevin Trust, as follows:—

- (a) four thirteenths to the Vicar and Churchwardens of Saint Anne's Church in the Island of Alderney for the use and benefit of the said church;

- (b) five thirteenths to the trustees of the Methodist Church in the Island of Alderney for the use and benefit of the said church;

- (c) four thirteenths to the States of Alderney for the purposes of education in the Island of Alderney.

- (2) In relation to the payments made in accordance with the provisions of the last preceding subsection the receipt—

- (a) in relation to a payment made under paragraph (a) of the last preceding subsection, of the Vicar and Churchwardens of Saint Anne's Church in the Island of Alderney;

- (b) in relation to a payment made under paragraph (b) of the said subsection, of two trustees of the Methodist Church in the Island of Alderney;

(c) in relation to a payment made under paragraph (c) of the said subsection, of the Treasurer of the States of Alderney, shall be a sufficient discharge to the Trustees.

3. On completion of the distribution of the assets of the Tostevin Trust in the manner set out in section two of this Law, the Tostevin Trust shall be dissolved. Dissolution
of trust.
4. 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 Alderney Land Register” means the register compiled and maintained in accordance with the provisions of Part III of the Alderney Land and Property, etc. Law 1949(a);

“the real property of the Tostevin Trust” means the real property described in the Schedule to this Law;

“the Tostevin Trust” means the trust known by that name, created by an instrument or instruments which have been destroyed or lost, which has existed in Alderney for many years and whereof the trustees, as recorded in the Alderney Land Register in the year nineteen hundred and fifty-eight, were the Vicar of Saint Anne’s Church, the Methodist Pastor and the Secretary of the Education Committee of the States of Alderney;

(a) Ordres en Conseil Vol. XIV, p. 67.

“the Trustees” means the persons presently performing the functions of the trustees of the Tostevin Trust, that is to say: —

- (a) the Reverend Edwin James Bennett, being the Vicar of Saint Anne’s Church in the Island of Alderney;
- (b) Alastair Howroyd Carter, being the Treasurer of the Methodist Church in the Island of Alderney;
- (c) William Ronald Jones, being the Clerk of the States of Alderney.

Citation. 5. This Law may be cited as the Tostevin Trust (Dissolution) (Alderney) Law, 1984.

Section 4

SCHEDULE

REAL PROPERTY OF THE TOSTEVIN TRUST

1. Freehold land consisting of an enclosed house and garden situated at No. 40 Victoria Street, St. Anne, Alderney, known as "Colenso House", the whole more particularly described in entry No. F40/1958 in section No. 4 of the Alderney Land Register.
2. Freehold land consisting of an enclosed house and garden situated at No. 40A Victoria Street, St. Anne, Alderney, known as "Colenso House", the whole more particularly described in entry No. F40A/1958 in section No. 4 of the Alderney Land Register.
3. Unenclosed freehold land of approximately ten perches in area situated at La Bigard on La Grande Blaye, the whole more particularly described in entry No. F309 in section No. 1 of the Alderney Land Register.

D. J. ROBILLIARD,

Her Majesty's Deputy Greffier.