

ORDER IN COUNCIL

**XVII
2010**

ratifying a Projet de Loi

ENTITLED

The Bethanie Chapel (Guernsey) Law, 2010

(Registered on the Records of the Island of Guernsey
on the 8th November, 2010.)



2010

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

8th day of November, 2010 before Sir Geoffrey Rowland, Bailiff; present:- Alan Cecil Bisson, Esquire, Barbara Jean Bartie, David Osmond Le Conte, John Ferguson, Stephen Murray Jones, Peter Sean Trueman Girard, Niall David McCathie, Esquires, Margaret Ann Spaargaren, Terry John Ferbrache, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated 13th October 2010 approving and ratifying a Projet de Loi entitled “The Bethanie Chapel (Guernsey) Law, 2010”, 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.



At the Court at Buckingham Palace

THE 13th DAY OF OCTOBER 2010

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 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

"That, in pursuance of their Resolution of 24th September 2008, the States of Deliberation at a meeting on 27th January 2010 approved a *Projet de Loi* entitled the Bethanie Chapel (Guernsey) Law, 2010 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 Bethanie Chapel (Guernsey) Law, 2010, 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 and ratify the *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.

Judith Simpson

PROJET DE LOI

ENTITLED

The Bethanie Chapel (Guernsey) Law, 2010

WHEREAS by a Conveyance registered on the Records of this Island on the 12th May 1827 ("**the Conveyance**") Thomas Nant and Marie Nant (née Le Tissier), his wife, transferred to certain *sequestres* (or trustees) premises at La Fosse, St Martin on which there was erected Bethanie Chapel ("**the Chapel Premises**");

WHEREAS the Chapel Premises were directed to be exclusively held for the worship and use of the Church of Dissident (or Dissenting) Protestants called "Particular or Calvinistic Baptists", and not for the use of any other faith, and the Chapel Premises remain so held and used to this day;

WHEREAS a condition of the Conveyance was that if worship were not practised in the Chapel Premises for the lack of a competent priest duly recognised or for the lack of necessary funds, they should be sold and the proceeds applied for the benefit and use of the "Particular or Calvinistic Baptists" as decided by the members (or the congregation for the time being), but the *sequestres* could not themselves sell the Chapel Premises without the consent of the members;

WHEREAS a condition of the Conveyance was that there should always be 8 *sequestres*, and as the original *sequestres* died or ceased to act they were replaced by the members' appointees who took title to the Chapel Premises on the original terms and conditions by documentation registered at the Greffe;

WHEREAS however the last document recording a change of *sequestres*

was registered on the 8th August 1947 and the *sequestres* therein named have since died or ceased to act without being formally replaced and without appropriate documentation being prepared and registered;

WHEREAS therefore title to the Chapel Premises now vests in the heirs of the last registered *sequestres* and will continue so to vest unless and until title is regularised by procuring those heirs (whom it may prove difficult, expensive and inconvenient to identify and locate) to execute and register documentation recording the appointment of eight new *sequestres* or unless and until rectifying legislation as described in the next recital is enacted;

WHEREAS therefore in order to avoid such difficulty, expense and inconvenience and in order to avoid the need for the preparation and registration of documentation to reflect future changes of *sequestres* it is proposed that the Chapel Premises should be vested by an Order in Council in a charitable Guernsey company limited by guarantee to be called Bethanie Properties LBG to hold the Chapel Premises on the same terms and conditions as the original and subsequent *sequestres* under the Conveyance (subject as mentioned below);

WHEREAS on the 22nd April 2008, at a duly convened meeting of a majority of the members of Bethanie Chapel, the incorporation of Bethanie Properties LBG was approved for the purpose of holding the Chapel Premises in accordance with the proposed Order in Council, and the draft memorandum and articles of the company were considered and approved by the members;

WHEREAS Bethanie Properties LBG should have power to sell the Chapel Premises not only if worship is not practised in the Chapel Premises for the lack of a competent priest duly recognised or for the lack of necessary funds but also if the particular faith of the "Particular or Calvinistic Baptists" cannot be carried on there for any reason;

WHEREAS in the event of a sale of the Chapel Premises the power to direct the application of the proceeds of sale should be vested in -

- (a) the members, or
- (b) in the event any failure of the members (for example, by reason of there being no members), Bethanie Properties LBG, or
- (c) in default of any determination by that company, the Baptist Union of Great Britain or its successor,

subject to the proceeds always remaining available for the benefit and use of "Particular or Calvinistic Baptists" or for Baptist religious purposes; and

WHEREAS any subsisting and enforceable rentes, encumbrances and servitudes in respect of the Chapel Premises would remain unaffected by the proposed transfer, and any subsisting personal obligations and liabilities of the present owners, being the heirs of the last *sequestres*, would be extinguished but would be enforceable against Bethanie Properties LBG as the new owner;

NOW THEREFORE THE STATES, in pursuance of their Resolution of the 24th September, 2008^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.

Vesting of Chapel Premises.

1. The Chapel Premises are transferred to and shall vest in Bethanie Properties LBG upon trust to keep, repair and maintain the Chapel Premises and to hold them exclusively for the worship and use of the Church of Dissident (or Dissenting) Protestants called "Particular or Calvinistic Baptists".

Power of sale of Chapel Premises.

2. Bethanie Properties LBG has power to sell the Chapel Premises -

- (a) in the circumstances specified in the Conveyance (that is, if worship is not practised in the Chapel Premises for the lack of a competent priest duly recognised or for the lack of necessary funds), or
- (b) if the particular faith of the "Particular or Calvinistic Baptists" cannot be carried on there for any reason.

Application of proceeds of sale

3. In the event of a sale of the Chapel Premises the power to direct the application of the proceeds of sale shall vest in -

- (a) the members, or

^a Article V of Billet d'État No. XII of 2008.

- (b) in the event any failure of the members (for example, by reason of there being no members), Bethanie Properties LBG, or
- (c) in default of any determination by that company, the Baptist Union of Great Britain or its successor,

subject to the proceeds always remaining available for the benefit and use of "Particular or Calvinistic Baptists" or for Baptist religious purposes.

Continuation of certain rentes, servitudes, etc.

4. For the avoidance of doubt all rentes, encumbrances and servitudes subsisting and enforceable at the date of commencement of this Law in respect of the Chapel Premises shall continue to subsist and be enforceable.

Extinction and transfer of personal liabilities.

5. All rights, obligations and liabilities subsisting in respect of the Chapel Premises on the date of commencement of this Law and enforceable against the persons in whom, immediately before that date, the Chapel Premises were vested shall, on that date, be transferred to and enforceable against Bethanie Properties LBG and shall thereby be extinguished as against those persons.

Interpretation.

6. In this Law -

"the Chapel Premises" means the premises at La Fosse, St Martin on which there was erected Bethanie Chapel, transferred to certain *sequestres* (or trustees) by the Conveyance,

"**the Conveyance**" means the Conveyance registered on the Records of this Island on the 12th May 1827 by which Thomas Nant and Marie Nant (née Le Tissier), his wife, transferred to certain *sequestres* (or trustees) premises at La Fosse, St Martin on which there was erected Bethanie Chapel,

"**the members**" means the members for the time being of the congregation of Bethanie Chapel.

Citation.

7. This Law may be cited as the Bethanie Chapel (Guernsey) Law, 2010.

S.M.D. ROSS,
Her Majesty's Deputy Greffier.

**Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey.**

PRICE £2.00

Printed by Image Group, Caslon Court, Pitronnerie Road, St Peter Port, Guernsey GY1 3NE