

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

La Ville Roussel (Variation of Trusts) (Sark) Law, 1968

(Registered on the Records of the Island of Guernsey
on the 5th day of November, 1968.)



1968

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ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 5th day of November, 1968, before Sir William Arnold, Kt., C.B.E., C. St. J., Bailiff; present :—
Bertram Guy Blampied, Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad, Albert Victor Dorey, Esquires, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., Edward Martel, and Jean Le Pelley, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 16th day of October, 1968, ratifying a *Projet de Loi* of the Chief Pleas of the Island of Sark entitled "*La Ville Roussel (Variation of Trusts) (Sark) Law, 1968*", 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 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 Seneschal of Sark for registration on the records of that Island, of which Order in Council the tenor followeth :—

At the Court at Buckingham Palace

The 16th day of October 1968

PRESENT

The Queen's Most Excellent Majesty

LORD PRESIDENT

LORD PRIVY SEAL

LORD BESWICK

CHANCELLOR OF THE DUCHY OF LANCASTER

SIR THADDEUS MCCARTHY

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 29th day of August 1968, 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 Sibyl Mary Hathaway, D.B.E., Dame de Sercq, William Baker, Esquire, M.B.E., Seneschal, and John Peter Guille, Esquire, Prévôt of the Island of Sark, setting forth:—

‘1. That, in pursuance of their Resolution of the 4th day of October 1967, the Chief Pleas of the Island of Sark, at a meeting held on the 24th day of June 1968, approved a Bill or “Projet de Loi” entitled “La Ville Roussel (Variation of Trusts) (Sark) Law, 1968”. 2. 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 grant Your Royal Sanction to the Bill or “Projet de

Loi" of the Chief Pleas of Sark entitled "La Ville Roussel (Variation of Trusts) (Sark) Law, 1968" and to order that the same shall have the force of Law in the Island of Sark.'

"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 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 the Law within the Island of Sark.

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 Bailiwick of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Bailiwick, 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

La Ville Roussel (Variation of Trusts) (Sark) Law, 1968

WHEREAS by a Conveyance registered on the Records of this Island on the twenty-fifth day of February, nineteen hundred and sixty-five (hereinafter referred to as "the principal Conveyance"), Dame Sibyl Mary Hathaway, D.B.E., Dame de Sercq, William Baker, Esquire, M.B.E., Seneschal, Philip Guille, Esquire, Prévôt, and Hilary Carré, Esquire, Greffier (hereinafter referred to as "the Trustees"), acquired by way of gift for themselves and their successors Dames or Seigneurs, Seneschals, Prévôts and Greffiers of this Island, as Trustees for the present and future inhabitants of this Island, from Timothy Florence Breen, Esquire, M.C., and Maud Alice Breen (née White), his wife, the following premises (hereinafter referred to as "the Trust premises"), that is to say:—

(a) a dwelling-house known as "La Ville Roussel", buildings and land, the whole adjoining situate at La Ville Roussel in this Island and shown coloured red on the plan dated the eighth day of September, nineteen hundred and sixty-seven, signed by the Seneschal and deposited at the Greffe;

(b) a parcel of land known as "La Laderie" and the cliffland known as "Les côtils au dessous vers la mer", the whole situate at La Laderie in

the said Island and shown coloured red on the said plan;

(c) two fields situate to the east of the road leading to La Seigneurie in the said Island and shown coloured blue on the said plan;

(d) two fields known respectively as "Longue Pièce de Haut" or "Clos du Haut" and "Longue Pièce de Bas" or "Clos à Jaon", the whole situate adjacent to the Rue du Cimetière in the said Island and shown coloured blue on the said plan;

(e) a parcel of land known as "La Vaurocque du Cimetière" or "Clos de la Vaurocque" situate near the old cemetery in the said Island and shown coloured blue on the said plan; and

(f) a pew, numbered thirty-five, in the church of the said Island;

in trust to keep the said premises for the benefit of the inhabitants, present and future, of this Island and subject to the life enjoyment of the said premises of the said donors and the survivor of them:

AND WHEREAS the Trust premises were acquired in trust as aforesaid subject to the following conditions set out in the principal Conveyance:—

(a) that the Trustees and their successors shall first and foremost ensure the conservation of the natural beauty of the Trust premises; and

(b) that the Trustees and their successors shall use the Trust premises or the income arising therefrom, in their absolute discretion, for the benefit of the said inhabitants;

with power unto the Trustees and their successors;—

(a) to let the Trust premises and to use the income arising therefrom for the maintenance of the said dwelling-house and buildings, and the balance of such income for such purpose of general interest as they shall deem proper;

(b) to allow the said dwelling-house to be used for the purpose of accommodating a medical practitioner, veterinary surgeon, teacher or other official serving the needs of the inhabitants of this Island;

(c) to allow the Trust premises or any part thereof to be used as a sports or recreation ground for the said inhabitants or as the site of the annual fair of the said Island or for other similar purposes;

(d) if they shall deem it proper to do so, to alienate, sell and dispose of the Trust premises, and in that event to pay the proceeds of sale to the Treasurer of this Island for the benefit of the said inhabitants in accordance with the wishes of the said donors:

AND WHEREAS by a Conveyance registered on the Records of this Island on the first day of May, nineteen hundred and sixty-seven, the said Maud Alice Breen, having survived her husband, the said Timothy Florence Breen, ceded to the Trustees, accepting for themselves and their successors Dames or Seigneurs, Seneschals, Prévôts and Greffiers of this Island, all such rights to the life enjoyment of the Trust premises as were reserved unto her by the principal Conveyance:

AND WHEREAS the Trust premises constitute one of the Tenements of this Island and as such are impartible by virtue of Letters Patent of His

Majesty King James I bearing date at Westminster the twelfth day of August in the ninth year of His Reign:

AND WHEREAS a Petition was presented by the Trustees to the Chief Pleas of this Island on the fourth day of October, nineteen hundred and sixty-seven, stating:—

(a) that the Trustees had obtained the advice of a qualified surveyor with respect to the estimated cost of upkeep of the said dwelling-house and buildings and were of the opinion that in view of the large sums which would be required to be expended from time to time for the purpose of the upkeep of the said dwelling-house and buildings it would be preferable for the same to be sold in exercise of the power vested in the Trustees by the principal Conveyance; and

(b) that the Trustees desired that all such steps as might be necessary be taken to enable them to sell any part of the Trust premises, so, however, that the premises shown coloured red on the said plan, comprising the said dwelling-house and buildings and the land adjoining thereto, the said parcel of land known as “La Laderie” and the said cliffland known as “Les côtils au dessous vers la mer”, together with the said pew in the church in this Island, should be deemed for all purposes to constitute the Tenement hitherto constituted by the Trust premises and accordingly should always be impartible and undivided, and that the said premises shown coloured red on the said plan should be deemed to constitute the exclusive ‘fonds’ of any rentes then affecting the Trust premises;

and asking the Chief Pleas to approve the terms of the said Petition and to direct the preparation of legislation to give effect thereto:

NOW THEREFORE the Chief Pleas, in pursuance of their Resolution of the fourth day of October, nineteen hundred and sixty-seven, 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.

1. (1) Subject to the provisions of the next succeeding subsection, the Trustees for the time being of the Trust premises may sell any part of the Trust premises.

Variation
of trusts
affecting
the
Tenement
of La Ville
Roussel.

(2) The premises shown coloured red on the plan dated the eighth day of September, nineteen hundred and sixty-seven, signed by the Seneschal and deposited at the Greffe, together with the pew numbered thirty-five in the church of this Island, shall be deemed for all purposes to constitute the Tenement which was constituted immediately before the commencement of this Law by the whole of the Trust premises and accordingly shall always be impartible and undivided.

(3) The premises shown coloured red as aforesaid shall be deemed to constitute the exclusive 'fonds' of any rentes affecting the Trust premises immediately before the commencement of this Law.

(4) The net proceeds of sale of any part of the Trust premises shall be paid to the Treasurer of this Island for the account of the Chief Pleas and the said Treasurer shall stand possessed of such net proceeds of sale and any income arising therefrom on behalf of the Chief Pleas and shall apply the

same for the benefit of the inhabitants of this Island for such purposes and in such sums as the Chief Pleas may from time to time direct.

(5) In this section the expression "Trust premises" means the premises, including the said pew, which immediately before the commencement of this Law constituted the Tenement of La Ville Roussel in this Island and which are shown coloured red or blue on the said plan.

Citation.

2. This Law may be cited as the La Ville Roussel (Variation of Trusts) (Sark) Law, 1968.

R. H. VIDELO,

Her Majesty's Greffier.