

ORDER IN COUNCIL

XXIII

1987

ratifying a Projet de Loi

ENTITLED

The Friends of St. James Association (Incorporation) (Guernsey) Law, 1987

(Registered on the Records of the Island of Guernsey
on the 16th day of February, 1988.)



1987.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 16th day of February, 1988 before Sir Charles Frossard, Kt., Bailiff; present:—Donald Pescott Plummer, Brian Ernest Herbert Joy, Herbert Nicolle Machon, James de Sausmarez Carey, John Christopher Bulstrode, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss and John Edward Morris, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 18th December, 1987 approving and ratifying a *Projet de Loi* of the States of Guernsey entitled "The Friends of St. James Association (Incorporation) (Guernsey) Law, 1987", 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 18th day of December 1987

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 11th day of December 1987 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 Resolution of the 24th day of June 1987, the States of Deliberation at a meeting held on the 30th day of September 1987 approved a Bill or “Projet de Loi” entitled “The Friends of St. James Association (Incorporation) (Guernsey) Law, 1987”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. that the said Bill or “Projet de Loi” is as 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 States of Guernsey entitled “The Friends of St. James Association (Incorporation) (Guernsey) Law, 1987”, and to order that the same shall have force of law, in the Island of Guernsey.’

“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, and it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

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.

G. I. de Deney.

PROJET DE LOI

ENTITLED

The Friends of St. James Association (Incorporation) (Guernsey) Law, 1987

THE STATES, in pursuance of their Resolution of the 24th day of June, 1987, 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.

1. (1) The association called "The Friends of St. James Association" ("the former association") is incorporated by the name of "The Friends of St. James Association" ("the Association"). Incorporation.

(2) The Association is a body corporate with perpetual succession and a common seal, capable of suing and being sued in its name.

(3) The Association shall consist—

- (a) upon incorporation, of the members of the former association;
- (b) thereafter, of its members from time to time.

2. The objects of the Association are to preserve and maintain the former church of St. James the Less and its associated buildings ("St. James"), situate at College Street, Saint Peter Port, for the use, enjoyment and benefit of the people of Guernsey, and in furtherance thereof— Objects of Association.

- (a) to lease St. James from the States of Guernsey on such terms as may be mutually agreed;
- (b) to act as the administrative body of St. James;
- (c) to hire out St. James for any appropriate purpose on such terms as the Council may determine;
- (d) to promote concerts, exhibitions, lectures, debates, displays and cultural, educational and other events of public interest;
- (e) to procure the writing, printing, publishing, issuing and circulation, gratuitously or otherwise, of any reports, periodicals, books, pamphlets, leaflets or other documents; and
- (f) to co-operate with persons, institutions and others, wherever situated, in establishing or promoting these objects.

Rules as to
management,
etc.

3. (1) The Association may in general meeting make rules as to the conduct and management of its affairs and (without prejudice to the generality of the foregoing) as to—

- (a) the classification of its members and the qualification for membership of each class;
- (b) the calling, conduct and proceedings of general meetings;
- (c) the setting up of a council ("the Council") to act as the governing body of the Association, and the appointment by the Council of such sub-committees, for such purposes and with such powers as the Council may deem necessary or expedient;

- (d) the proceedings, powers and duties of the Council and its sub-committees;
- (e) the offices of the Association and the tenure, powers and duties thereof and appointments thereto;
- (f) the method of changing such rules.

(2) The constitution approved at the annual general meeting of the former association held on the 19th April, 1982 (as amended on the 15th November, 1984 and the 27th November, 1986) shall have effect upon incorporation as if its provisions were rules made under subsection (1).

(3) Rules under subsection (1) may provide—

- (a) that all powers conferred by this Law on the Association, other than powers required to be exercised in general meeting, may be exercised by the Council;
- (b) for the delegation of any such power by the Council to any sub-committee appointed by it under the rules.

(4) The Council may impose conditions, rules and limitations as to the exercise of any power so delegated.

4. The officers and members of the Council of the former association on the date of incorporation shall be respectively the first officers and members of the Council, and shall retire when they would have retired had the former association not been incorporated.

Officers of
Council.

5. All property vested in the former association, or in any person in trust for it, shall, upon incorporation, vest in the Association, which shall be subject

Vesting of
property in
Association.

to and shall discharge all obligations and liabilities to which the former association was subject immediately prior to incorporation.

**Powers of
Association.**

6. The Association may, in order to further and carry out its objects, do anything reasonably necessary or expedient and (without prejudice to the generality of the foregoing)—

- (a) acquire and hold any property;
- (b) maintain and manage, or assist in the maintenance or management of, any property, for reward or otherwise;
- (c) without prejudice to any public or private right, make and vary conditions governing access to St. James (including the payment of entrance fees) and the use thereof by the public generally;
- (d) establish and manage investment funds and for that purpose acquire property and (in order to re-invest the proceeds) dispose of any property so acquired, applying the income of each fund—
 - (i) to the costs of management, maintenance, repair and preservation of St. James;
 - (ii) in so far as not required for such costs, to the objects of the Association;
- (e) raise money by borrowing on the security of any of the Association's property, provided that the borrowing is not inconsistent with any trust, covenant or contract affecting the property;
- (f) adopt and issue standing orders and rules as to the use of St. James;

(g) provide such amenities and facilities as the Association considers to be conducive to its objects;

(h) set up and establish such boards, committees and other bodies, and embark upon such appeals for financial and other support (including sponsorship), as the Association considers to be desirable.

7. No dividend, bonus or other profits shall be paid from the income or property of the Association to any member thereof, but a member may—

No dividends
etc. to be
paid.

(a) in the ordinary course of his trade, business or profession, supply goods, services or advice to the Association for reward;

(b) serve the Association in any salaried office or paid employment;

(c) receive value for any property or right transferred or granted by him to the Association.

8. No member of the Association is liable for, or to contribute towards, the liabilities of the Association beyond the amount of any subscription, contribution or other debt due from him to the Association.

Limitation
of liability.

9. A general meeting of the Association shall be held at least once in every calendar year.

Annual
general
meeting.

10. (1) Proper accounts shall be kept of all monies received and expended by the Association.

Accounts.

(2) At least once in every calendar year the accounts shall be examined and audited by an auditor appointed by the Association in general meeting.

Registered
office of
Association.

11. (1) The Association shall—

- (a) establish and maintain in Guernsey a registered office at which all instruments for service upon it shall be served;
- (b) give written notice of the situation of the registered office and of any change thereof to Her Majesty's Greffier within seven days of the establishment or change, as the case may be.

Interpreta-
tion.

12. In this Law, unless the context otherwise requires—

“Association” has the meaning given by section 1(1);

“Council” has the meaning given by section 3(1)(c);

“former association” has the meaning given by section 1(1);

“Guernsey” means the Island of Guernsey;

“incorporation” means the incorporation under section 1(1) of the former association;

“property” includes real and personal property;

“St. James” has the meaning given by section 2.

Citation.

13. This Law may be cited as The Friends of St. James Association (Incorporation) (Guernsey) Law, 1987.

D. R. DOREY,
Her Majesty's Deputy Greffier.