

ORDER IN COUNCIL

XVIII
1978

ratifying a *Projet de Loi*

ENTITLED

**The "Sociétés en Commandite"
(Abolition) (Bailiwick of Guernsey)
Law, 1978**

(Registered on the Records of the Island of Guernsey
on the 21st November, 1978.)



1978.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 21st day of November, 1978 before Sir John Loveridge, Kt., C.B.E., Bailiff; present:—Stanley Walter Gavey, Esquire, O.B.E., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Walter Francis Robin, Richard Alan Kinnersly, Esquires, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Brook Sutcliffe, Richard Oliver Symons, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C., and Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 24th day of October, 1978, ratifying a *Projet de Loi* entitled "The "Sociétés en Commandite" (Abolition) (Bailiwick of Guernsey) Law, 1978", 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 Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 24th day of October 1978

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 5th day of October 1978 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 25th day of May 1977, the States of Deliberation at a meeting held on the 25th day of January 1978 approved a Bill or “Projet de Loi” entitled “The Societes en Commandite (Abolition) (Bailiwick of Guernsey) Law, 1978”, which Bill is designed to apply to the Bailiwick of Guernsey, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the Chief Pleas of the Island of Sark at a meeting held on the 29th day of March 1978 considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Sark. 3. That the States of the Island of Alderney at a meeting held on the 5th day of April 1978 considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of

the same to Alderney. 4. 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 States of Guernsey entitled "The Societes en Commandite (Abolition) (Bailiwick of Guernsey) Law, 1978", and to order that the same shall have force of law in the Bailiwick 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, as it is hereby ordered, that the same shall have the force of Law within the Bailiwick 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.

N. E. Leigh

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

PROJET DE LOI

ENTITLED

The "Sociétés en Commandite" (Abolition) (Bailiwick of Guernsey) Law, 1978

THE STATES, in pursuance of their Resolution of the twenty-fifth day of May, nineteen hundred and seventy-seven, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

1. Notwithstanding any of the provisions of the Law of 1856, it shall not be lawful, as from the date of the coming into force of this Law, to establish any corporate partnership within any part of the Bailiwick.

Prohibition on the establishment of corporate partnerships.

2. A corporate partnership which became established within any part of the Bailiwick during the period commencing on the thirteenth day of May, nineteen hundred and seventy-seven and ending on the date next preceding the date of the coming into force of this Law (both dates inclusive) shall, on the date of the coming into force of this Law, cease to be a corporate partnership and such corporate partnership shall be deemed to have been dissolved as from that date:

Dissolution of certain corporate partnerships established before the commencement of this Law.

Provided that nothing in this section shall—

- (a) affect the rights of the corporate partners among themselves; or

- (b) affect any legal right, liability or penalty which may have arisen or been incurred before the dissolution of the corporate partnership or affect any legal proceedings or remedy in respect of any such right, liability or penalty and any such legal proceedings or remedy may be instituted or continued and any such penalty may be imposed as if the corporate partnership had not been dissolved and for this purpose the corporate partnership shall be deemed to have continued in existence.

Savings for
certain
corporate
partner-
ships.

3. Nothing in this Law shall affect any corporate partnership which on the twelfth day of May, nineteen hundred and seventy-seven, was established within any part of the Bailiwick.

Interpre-
tation.

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

“the Bailiwick” means the Bailiwick of Guernsey;
“corporate partnership” has the same meaning as the expression “Société en Commandite” established under and by virtue of the provisions of the Law of 1856; and the expression “corporate partners” shall be construed accordingly;

“the Law of 1856” means the Law entitled “Loi relative aux Sociétés en Commandite” registered on the twentieth day of December, eighteen hundred and fifty-six^(a).

(a) Ordres en Conseil Vol. I, p. 262.

(2) The Interpretation (Guernsey) Law, 1948(b), shall apply to the interpretation of this Law throughout the Bailiwick.

(3) Any reference in this Law to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Law.

5. This Law may be cited as the "Sociétés en Citation, Commandite" (Abolition) (Bailiwick of Guernsey) Law, 1978.

K. H. TOUGH,
Her Majesty's Deputy Greffier.

(b) Ordres en Conseil Vol. XIII, p. 355.