

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Les Eturs Schoolhouse (Variation of Trusts) (Guernsey) Law, 1984

(Registered on the Records of the Island of Guernsey
the 1st day of October, 1984.)



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ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 1st day of October, 1984 before Sir Charles Frossard, Kt., Bailiff; present:—Albert Richard McCartney Straw, Donald Pescott Plummer, Esquires, 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 Bullstrode, Geoffrey Ernest Le Page, Stanley Walter John Jehan and Raymond Arthur Heaume, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Maesty in Council dated the 31st day of July, 1984, ratifying a *Projet de Loi* of the States of Guernsey entitled "The Les Eturs Schoolhouse (Variation of Trusts) (Guernsey) Law, 1984", 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 31st day of July 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 29th day of June 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 the humble Petition of the States of the Island of Guernsey setting forth:—

- ‘ 1. That, in pursuance of their Resolution of the 28th day of September 1983, the States of Deliberation at a meeting held on the 25th day of January 1984 approved a Bill or “Projet de Loi” entitled “The Les Eturs Schoolhouse (Variation of Trusts) (Guernsey) Law, 1984”, 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 in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to give Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Les Eturs Schoolhouse (Variation of Trusts) (Guernsey) Law, 1984”, 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, as 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.

N. E. Leigh.

PROJET DE LOI

ENTITLED

The Les Eturs Schoolhouse (Variation of Trusts) (Guernsey) Law, 1984

WHEREAS by a Conveyance by way of Gift (hereinafter called "the Conveyance") registered on the records of this Island on the twelfth day of November, eighteen hundred and sixty-one a plot of land twenty perches in area formerly forming part of a field called "Le Courtil de la Rue à Gots de Haut" in the Parish of the Castel together with buildings erected thereon, the whole more particularly described in the Conveyance, was acquired by the Very Reverend William Guille, then Dean of Guernsey, Reverend Frederick Charles Carey, then Rector of the said Parish and Reverend Arthur Thomas Corfe, then Principal of Elizabeth College, as trustees, for themselves and their respective successor Rectors of the said Parish, Deans of Guernsey and Principals of Elizabeth College to hold the same upon the trusts therein set out:

AND WHEREAS the Conveyance provides that the premises thereby conveyed should be used as a residence for the school mistress or schoolmistresses of the school herein referred to and as a school for the benefit of the children of the poor of the said Parish under the direction and administration of the Rector for the time being of the said Parish and always remain so used and organised in connection with the Anglican Church:

AND WHEREAS by a deed registered on the records of this Island on the twenty-fifth day of April, eighteen hundred and seventy-four the terms of the trust created under the Conveyance were varied, waiving the requirement that school-mistresses of the said school be instructed in institutions of the Anglican Church established in England for such instruction:

AND WHEREAS so much of the said premises as are immediately before the coming into force of this Law vested in the present Dean of Guernsey, Rector of the said Parish and Principal of Elizabeth College by virtue of the said Conveyance are hereinafter called "the Trust Premises":

AND WHEREAS ownership of the Trust Premises is now vested in the Very Reverend John William Foster, Dean of Guernsey, the Reverend Robert Gibson Nelson, Rector of the said Parish and Richard Anthony Wheadon, Principal of Elizabeth College (hereinafter called "the Present Trustees"):

AND WHEREAS the direction and administration of the Trust Premises is now vested in the said Robert Gibson Nelson:

AND WHEREAS in view of the fact that the Trust Premises are no longer required for the purposes for which they were destined and that the structure of the Trust Premises is continually deteriorating and that the income accruing from the Trust Premises is insufficient to pay for the maintenance and repair of the Trust Premises, the Present

Trustees desire to be relieved as soon as is practicable and expedient of the trusts set out in the Conveyance:

AND WHEREAS the Present Trustees desire that such procedure as may be necessary be taken to discharge and free the ownership of the Trust Premises of all trusts of ownership contained in the Conveyance varied as aforesaid by deed registered on the twenty-fifth day of April, eighteen hundred and seventy-four and so that the ownership of the Trust Premises shall vest in the Dean of Guernsey and the Rector and Churchwardens of the said Parish for the time being (hereinafter called "the New Trustees"):

AND WHEREAS the Present Trustees further desire that such procedure as may be necessary be taken so that the Trust Premises shall be freed of all trusts contained in the Conveyance varied as aforesaid concerning the direction and administration of the Trust Premises presently affecting the same and shall be held by the New Trustees upon the following trusts, that is to say:—

- (a) to sell the Trust Premises with power to postpone such sale;
- (b) pending such sale to apply any income from the Trust Premises, and any monies of which they may stand possessed as the New Trustees whether having been paid to the Present Trustees or otherwise, in payment of any ex-

penses incurred in maintaining the Trust Premises or otherwise in connection with the Trust Premises and for any of the purposes set out in paragraph (e) below;

- (c) to apply up to one half of the proceeds of sale of the Trust Premises and any monies of which they may stand possessed as trustees of the Trust Premises at the time of such sale in the improving, repairing, maintaining or rebuilding of any Anglican church buildings in the said Parish;
- (d) to invest the balance of the said proceeds of sale and any monies of which they may stand possessed as trustees of the Trust Premises at the time of such sale in such investments as they may deem fit, with power to vary such investments;
- (e) to apply the income arising from such investments for such ecclesiastical purposes in the said Parish as the New Trustees in their absolute discretion shall think fit or for the improving, repairing, maintaining or rebuilding of any Anglican church buildings in the said Parish;
- (f) to invest as aforesaid any income arising from such investments of which they may stand possessed from time to time and which, in their opinion, is not required for the time being for any of the purposes mentioned in paragraph (e) above.

NOW THEREFORE the States in pursuance of their Resolution of the twenty-eighth day of September, nineteen hundred and eighty-three, 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 Trust Premises shall vest in the New Trustees free from—

Variation
of trusts
affecting
Les Eturs
Schoolhouse.

(a) all trusts of ownership contained in the Conveyance as varied;

(b) all trusts contained in the Conveyance as varied concerning the direction and administration of the Trust Premises; and

(c) any other trusts to which the ownership of the Trust Premises may have been subject immediately before the coming into force of this Law.

(2) The New Trustees shall hold the Trust Premises upon the following trusts, that is to say:

(a) to sell the Trust Premises with power to postpone such sale;

(b) pending such sale to apply any income from the Trust Premises, and any monies of which they may stand possessed as the New Trustees whether having been paid to the Present Trustees or otherwise, in payment of any expenses incurred in maintaining the Trust Premises or otherwise in connection with the Trust Premises and for any of the purposes set out in paragraph (e) below;

(c) to apply up to one half of the proceeds of sale of the Trust Premises and of any monies of which they may stand possessed

as trustees of the Trust Premises at the time of such sale in the improving, repairing, maintaining or rebuilding of any Anglican church buildings in the said Parish;

- (d) to invest the balance of the said proceeds of sale and any monies of which they may stand possessed as trustees of the Trust Premises at the time of such sale in such investments as they may deem fit, with power to vary such investments;
- (e) to apply the income arising from such investments either for such ecclesiastical purposes in the said Parish as the New Trustees in their absolute discretion shall think fit or for the improving, repairing, maintaining or rebuilding of any Anglican church buildings in the said Parish;
- (f) to invest as aforesaid any income arising from such investments of which they may stand possessed from time to time and which, in their opinion, is not required for the time being for any of the purposes mentioned in paragraph (e) above.

Interpretation.

2. In this Law,—

“the Conveyance as varied” means the Conveyance by way of Gift registered on the records of this Island on the twelfth day of November, eighteen hundred and sixty-one, under which Conveyance a plot of land with buildings thereon in the Parish of the Castel was acquired by the then Dean of Guernsey, the then Rector of the said Parish and the then

Principal of Elizabeth College, as varied by a deed registered as aforesaid on the twenty-fifth day of April, eighteen hundred and seventy-four;

“the Trust Premises” means so much of the premises described in the Conveyance as varied as were immediately before the coming into force of this Law vested in the Dean of Guernsey, the Rector of the Parish of the Castel and the Principal of Elizabeth College;

“the New Trustees” means the Dean of Guernsey and the Rector and Churchwardens of the Parish of the Castel for the time being.

3. This Law may be cited as the Les Eturs School-house (Variation of Trusts) (Guernsey) Law, 1984. Citation.

K. H. TOUGH,

Her Majesty's Greffier.