

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Ladies' College (Guernsey) Law, 1962.

(Registered on the Records of the Island of Guernsey
on the 1st day of October, 1962.)



1962.

X

1962

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 1st day of October, 1962, before William Henry Arnold, Esquire, C.B.E., Bailiff; present :—Sir John Leale, William Robert Freake Clark, Esquire, Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad and Albert Victor Dorey, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 24th day of August, 1962, ratifying a *Projet de Loi* entitled "The Ladies' College (Guernsey) Law, 1962",—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 Balmoral

The 24th day of August, 1962.

PRESENT,

The Queen's Most Excellent Majesty.

MR. SECRETARY BUTLER
MR. THORNEYCROFT
SIR MICHAEL ADEANE
MR. BOYD-CARPENTER
SIR EDWARD BOYLE

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 16th day of August, 1962, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd 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 27th June, 1962, the States of Deliberation at a meeting held on the 25th day of July, 1962, approved a Bill or “Projet de Loi” entitled “The Ladies’ College (Guernsey) Law, 1962” 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 grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The

Ladies' College (Guernsey) Law 1962" 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.

E. N. Landale.

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

PROJET DE LOI

ENTITLED

**The Ladies' College (Guernsey) Law,
1962**

Arrangement of sections.

Section

PART I

Interpretation

1. Interpretation.

PART II

Dissolution of The Guernsey Ladies' College, Limited.

2. Vesting of real property of the Company in the States.
3. Vesting of personal property in the new Board of Governors.
4. Dissolution of the Company.
5. Payments to shareholders of the Company.

PART III

Reconstitution of the Ladies' College, Guernsey.

6. Reconstitution of the Ladies' College, Guernsey.
7. Constitution of the Board of Governors.
8. Chairman and Vice-Chairman of the Board of Governors.
9. Meetings of the Board and minutes.
10. Governors not to have any interest in the supply of work or goods to the Board, etc.
11. Board of Governors to be a body corporate.

Section

PART IV

Miscellaneous provisions.

12. Powers of the States to make Ordinances.
13. Inspection, records and returns.
14. Financial provisions.
15. Annual report of Headmistress.
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17. Amendment of Education Law.
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PROJET DE LOI

ENTITLED

The Ladies' College (Guernsey) Law, 1962

THE STATES, in pursuance of their Resolution of the twenty-seventh day of June, nineteen hundred and sixty-two, 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.

PART I

Interpretation.

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

“the appointed day” means the day on which Part II of this Law shall come into force in pursuance of an Ordinance of the States made under subsection (2) of section eighteen of this Law;

“the Board” means the Board of Governors constituted under the provisions of section seven of this Law;

“the College” has the meaning assigned to it by subsection (1) of section six of this Law;

“the Company” means the company known as The Guernsey Ladies' College, Limited, incorporated on the twenty-fifth day of July, nineteen hundred and eight, under the provisions of the Law entitled “Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée” and

registered on the twenty-first day of March, nineteen hundred and eight;

“the Education Council” means the States Education Council;

“legal disability” means certification as a person of unsound mind, subjection to guardianship, being an inmate for reasons of mental illness of any hospital or other institution, or undergoing a sentence of imprisonment;

“pupil” means a person for whom education may be provided in the College under the provisions of this Law and any Ordinance made thereunder.

PART II

Dissolution of The Guernsey Ladies' College, Limited.

Vesting of
real property
of the Com-
pany in the
States.

2. There shall, on the appointed day and by virtue of this Law, vest in the States the whole of the real property belonging to the Company immediately before that day subject to any “rentes” or other charges affecting such real property or any part thereof immediately before that day.

Vesting of
personal pro-
perty of the
Company in
the Board of
Governors
constituted
under
Part III
of this Law.

3. (1) There shall, on the appointed day and by virtue of this Law, vest in the Board of Governors constituted under the provisions of section seven of this Law all equipment, furniture, books or other personal property belonging to the Company immediately before that day and all rights and liabilities to which the Company was entitled or subject immediately before that day other than any rights and liabilities which shall vest in the States under the provisions of section two of this Law.

(2) Any personal property which shall vest in the said Board of Governors under the provisions of sub-

section (1) of this section and which was, immediately before the appointed day, held by the Company on trust for any purpose shall be held by the said Board of Governors on trust for that purpose.

4. The Company shall as from the appointed day be dissolved. Dissolution
of the
Company.

5. The States shall, as soon as may be after the appointed day, pay to any person who immediately before that day was the holder of any shares in the Company five pounds sterling in respect of each of the shares so held by him. Payments to
shareholders
of the
Company.

PART III

Reconstitution of the Ladies' College, Guernsey.

6. (1) The school conducted by the Company shall, as from the appointed day, be reconstituted in accordance with the provisions of this Law and of any Ordinance made thereunder and shall continue to be known as "The Ladies' College, Guernsey" (hereinafter referred to as "the College"). Reconstitu-
tion of the
Ladies'
College,
Guernsey.

(2) Subject to the provisions of the next succeeding subsection, the College shall be conducted in accordance with the provisions of this Law and of any Ordinance made thereunder as a school for girls and shall be divided into two separate schools, that is to say—

- (a) a school to be known as "the Upper School" in which there shall be provided full-time education suitable to the requirements of pupils who have attained the age of eleven years but who have not attained the age of nineteen years; and
- (b) a school to be known as "the Lower School" (hereinafter referred to as "the Lower

School") in which there shall be provided full-time education suitable to the requirements of pupils who have not attained the age of eleven years.

(3) The Board of Governors constituted under the provisions of the next succeeding section may authorise the admission of boy pupils to the Lower School subject to and in accordance with the provisions of any Ordinance made under this Law.

Constitution
of the Board
of Governors.

7. (1) The College shall be conducted in accordance with the provisions of this Law and of any Ordinance made thereunder by a board to be called "The Board of Governors" (hereinafter referred to as "the Board"), which shall consist of—

- (a) a Chairman appointed by the States who shall be a member of the States;
- (b) two governors appointed by the States;
- (c) two governors appointed by the Education Council; and
- (d) two governors appointed by the Chairman and the governors referred to in the last two preceding paragraphs.

(2) The Chairman and governors to be first appointed under this section shall be appointed as soon as may be after the coming into force of this Part of this Law.

(3) Of the two governors first appointed by the States, one shall retire on the thirtieth day of April, nineteen hundred and sixty-four, and the other shall retire on the thirtieth day of April, nineteen hundred and sixty-five, and the order of their retirement shall be determined by agreement between themselves or, failing such agreement, by lot.

(4) Of the two governors first appointed by the Education Council, one shall retire on the thirtieth

day of April, nineteen hundred and sixty-four, and the other shall retire on the thirtieth day of April, nineteen hundred and sixty-five, and the order of their retirement shall be determined by agreement between themselves or, failing such agreement, by lot.

(5) Of the two governors first appointed in accordance with the provisions of paragraph (d) of subsection (1) of this section, one shall retire on the thirty-first day of May, nineteen hundred and sixty-four, and the other shall retire on the thirty-first day of May, nineteen hundred and sixty-five, and the order of their retirement shall be determined by agreement between themselves or, failing such agreement, by lot.

(6) Subject to the provisions of the last three preceding subsections and of the next two succeeding subsections—

- (a) a governor appointed by the States or by the Education Council shall hold office for a period of three years computed from the thirtieth day of April in the year of his appointment;
- (b) a governor appointed in accordance with the provisions of paragraph (d) of subsection (1) of this section shall hold office for a period of three years computed from the thirty-first day of May in the year of his appointment.
- (7) A governor shall cease to hold office if he—
 - (a) becomes insolvent or makes any arrangement or composition with his creditors;
 - (b) becomes subject to legal disability;
 - (c) resigns his office;
 - (d) shall during any period of twelve consecutive months have been absent without the permission of the Board from all the meetings of the Board held during that period.

(8) If any person ceases to hold the office of governor otherwise than by effluxion of time then, unless the vacancy thereby created occurs within the sixty days next preceding the day on which he would have ceased to hold that office by effluxion of time, a governor to replace that person shall be appointed—

- (a) if that person was appointed by the States, by the States;
- (b) if that person was appointed by the Education Council, by the Education Council;
- (c) if that person was appointed in accordance with the provisions of paragraph (d) of subsection (1) of this section, in accordance with those provisions;

and the governor so appointed to replace that person shall, subject to the provisions of the last preceding subsection, hold office for the unexpired portion of the term of office of that person.

(9) A person who ceases to be a governor shall not thereby be ineligible for re-appointment to the Board.

(10) The Headmistress and any other member of the teaching staff of the College shall not be eligible for appointment to the Board.

Chairman
and Vice-
Chairman of
the Board of
Governors.

8. (1) Subject to the provisions of the next two succeeding subsections, the Chairman of the Board shall hold office for a period of three years computed from the thirtieth day of April in the year of his appointment.

(2) The Chairman of the Board shall cease to hold office if he—

- (a) becomes insolvent or makes any arrangement or composition with his creditors;

- (b) becomes subject to legal disability;
- (c) resigns his office;
- (d) ceases to be a member of the States;
- (e) shall during any period of twelve consecutive months have been absent without permission of the Board from all the meetings of the Board held during that period.

(3) If any person ceases to hold the office of Chairman of the Board otherwise than by effluxion of time then, unless the vacancy thereby created occurs within the sixty days next preceding the day on which he would have ceased to hold that office by effluxion of time, a member of the States shall be appointed by the States to replace that person and shall, subject to the provisions of the last preceding subsection, hold office for the unexpired portion of the term of office of that person.

(4) The Board shall from time to time appoint one of the governors to be the Vice-Chairman of the Board and may at any time revoke any such appointment.

(5) A person who has ceased to hold the office of Chairman or Vice-Chairman of the Board shall not thereby be ineligible for re-appointment as Chairman or Vice-Chairman of the Board, as the case may be.

(6) In the absence of the Chairman and Vice-Chairman of the Board, a meeting of the Board shall be presided over by one of the governors appointed by the members present at the meeting.

9. (1) A meeting of the Board shall be held at least once during every school term.

Meetings of
the Board of
Governors
and minutes.

(2) A meeting of the Board may be convened by the Chairman or by any two governors.

(3) The quorum for a meeting of the Board shall be the Chairman and three governors or, in the absence of the Chairman, four governors.

(4) Each governor present at a meeting of the Board, other than any governor presiding at the meeting, shall have one vote and in the case of an equal division of votes the Chairman or the governor so presiding, as the case may be, shall have a casting vote.

(5) The decision of a majority of the governors present at a meeting of the Board shall be a decision of the Board.

(6) The Board shall cause minutes of all proceedings at meetings of the Board to be entered in books kept for that purpose.

(7) Any such minute of any proceedings at a meeting of the Board, if purporting to be signed by the Chairman or by the governor presiding at the meeting, as the case may be, or by the Chairman or by the governor presiding at the next succeeding meeting, as the case may be, shall be evidence of the proceedings.

(8) Subject to the provisions of this Part of this Law the Board shall regulate its own procedure.

Governors
not to have
any interest
in the supply
of work or
goods to the
Board, etc.

10. Except in such circumstances as the Education Council may approve, a governor shall not have any interest in the supply of work or goods to the Board and shall not receive any remuneration from the Board.

Board of
Governors to
be a body
corporate.

11. (1) The Board shall be a body corporate and shall have a common seal and in relation to the exercise of its functions under this Law and of any

Ordinance made thereunder shall have all such powers as if it were a limited liability company deriving the same under Article VI of the Law entitled "Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée" and registered on the twenty-first day of March, nineteen hundred and eight.

(2) The application of the seal of the Board shall be authenticated by the Chairman and any governor thereunto authorised by the Board or by two governors thereunto authorised by the Board.

(3) Any document purporting to be an instrument made or issued by the Board and to be sealed as aforesaid shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

(4) The Board shall, as soon as may be after the coming into force of this Part of this Law, establish and shall thereafter maintain in this Island an office at which all instruments for service upon the Board may be served and to and at which notices to be given to the Board may be sent and delivered.

(5) Notice of the situation of the office established by the Board in accordance with the provisions of the last preceding subsection and of any change thereof shall be given by the Board in writing to Her Majesty's Greffier within the seven days next following the establishment of the office or of the change of the situation thereof, as the case may be.

PART IV

Miscellaneous Provisions

12. (1) The States may from time to time by Ordinance make provision for regulating—

Powers of the
States to
make
Ordinances.

- (a) the appointment and dismissal of the Headmistress and assistant teachers of the College;
- (b) the salaries payable to the Headmistress and assistant teachers of the College;
- (c) the general conduct, organisation and curriculum of the College;
- (d) the admission of pupils to the College and the retention of pupils at the College;
- (e) the charging of fees or other charges in respect of the education provided for any pupil at the College or otherwise and the amount of such fees or other charges;

and different provisions may be so made in relation to different persons or different categories of persons.

(2) Any Ordinance made under this section may contain such incidental or supplementary provisions as appear to the States to be expedient for the purposes of the Ordinance.

(3) Any power conferred by this section to make any Ordinance shall include the power to vary or repeal any Ordinance so made by a subsequent Ordinance.

Inspection,
records and
returns.

13. The Board shall—

- (a) in addition to the books of account required to be kept in accordance with the provisions of the next succeeding section, keep such records as the Education Council may from time to time require;
- (b) permit any person authorised in that behalf by the Education Council to examine any such books of account and records at such

times as the Education Council may reasonably direct;

- (c) make such returns and furnish such information to the Education Council as the Education Council may from time to time require;
- (d) permit any person appointed for the purpose of inspecting educational establishments under any enactment relating to education for the time being in force in England and who shall be authorised in that behalf by the Education Council to inspect the College at such times as the Education Council may reasonably direct.

14. The Board shall—

Financial
provisions.

- (a) cause to be kept proper books of account with respect to all sums of money received and expended by the Board and the matters in respect of which the receipt and expenditure takes place and shall in each year submit such books for audit by an auditor approved by the Education Council;
- (b) as soon as may be after any audit under the provisions of paragraph (a) of this section, present to the Education Council for submission to the States a copy of the accounts to which the audit relates and the auditor's report thereon;
- (c) on or before such day as the Education Council may from time to time direct, cause a statement to be presented to the Education Council for submission to the States specifying the estimated expenditure and estimated income of the Board during the ensuing year.

Annual
report of
Head-
mistress.

15. The Headmistress of the College shall at the end of each school year submit to the Board a written report on the general state of the College and such report shall be presented by the Board to the Education Council for submission to the States.

Communica-
tions between
the Board
and the
States.

16. All communications between the Board and the States shall be made through the Education Council.

Amendment
of Education
Law.

17. References in the Education Law (Guernsey), 1935, to the Ladies' College shall be deemed to be references to the College.

Citation and
commence-
ment.

18. (1) This Law may be cited as the Ladies' College (Guernsey) Law, 1962.

(2) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States and different days may be so appointed as respects the coming into force of different provisions of this Law.

R. H. VIDELO,

Her Majesty's Greffier.