

ORDER IN COUNCIL

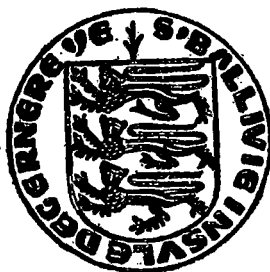
II
1981

ratifying a Projet de Loi

ENTITLED

The Ozanne Memorial Hall (Variation of Trusts) (Guernsey) Law, 1981

(Registered on the Records of the Island of Guernsey
on the 17th March, 1981.)



1981.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 17th day of March, 1981 before Sir John Loveridge, Kt., C.B.E., Bailiff; present:— Stanley Walter Gavey, Esquire, O.B.E., Edward James Lainé, Esquire, C.B.E., D.F.C., Richard Alan Kinnersly, Richard Oliver Symons, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C., Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Donald Pescott Plummer, Esquire, Sydney Haydn Heard, Esquire, M.B.E., Brian Ernest Herbert Joy, Esquire, Charles Henry Hodder, Esquire, O.B.E. and Harry Wilson Bisson, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 18th day of February, 1981, ratifying a *Projet de Loi* entitled "The Ozanne Memorial Hall (Variation of Trusts) (Guernsey) Law, 1981", 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 February 1981

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 10th day of February 1981 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 June 1980 the States of Deliberation at a meeting held on the 29th day of October 1980 approved a Bill or “Projet de Loi” entitled “The Ozanne Memorial Hall (Variation of Trusts) (Guernsey) Law, 1981”, 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 Ozanne Memorial Hall (Variation of Trusts) (Guernsey) Law, 1981”, 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 referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The Ozanne Memorial Hall (Variation of Trusts) (Guernsey) Law, 1981

WHEREAS by a Conveyance registered on the Records of this Island on the twenty-fourth day of October, eighteen hundred and eighty-two, a house, building and land situate at La Tour Beauregard in the Parish of Saint Peter Port and more particularly described in the said Conveyance were acquired by the Reverend George Edward Lee, then Rector of the said Parish, and others, as trustees and it was declared in the said Conveyance that the said house, building and land was to form part of the trust (created by a Deed registered as aforesaid on the first day of August, eighteen hundred and seventy-four) for the erection of Saint Barnabas Church and that the building which it was proposed to erect on the said premises was destined to be used as a Sunday School, Lecture Room and for other purposes in connection with the said Saint Barnabas Church:

AND WHEREAS by a Conveyance by way of Délaissance registered as aforesaid on the sixth day of October, nineteen hundred and twenty-eight, the Ozanne Memorial Hall which had then been built on the said premises together with the said Saint Barnabas Church were conveyed by the then trustees to the Very Reverend Douglas Falkland Carey, then Dean of this Island and Rector of the said Parish, and to the then Churchwardens of the said Parish, who acquired the same for themselves and their

respective Successor Rectors and Churchwardens of the said Parish in trust to hold the same (in so far as concerns the said Ozanne Memorial Hall) upon the trusts set out in the said Conveyance registered as aforesaid on the twenty-fourth day of October, eighteen hundred and eighty-two:

AND WHEREAS on the seventeenth day of December, nineteen hundred and thirty-one, His Majesty King George the Fifth was pleased by an Order in Council registered as aforesaid on the ninth day of February, nineteen hundred and thirty-two, to sanction the appropriation to secular uses of the said Saint Barnabas Church and the site thereof and the gratuitous transfer of the said Church and site to the States of Guernsey:

AND WHEREAS by a Conveyance registered as aforesaid on the ninth day of April, nineteen hundred and thirty-two, the then Rector and Churchwardens gratuitously transferred the said Saint Barnabas Church and the said site to the said States:

AND WHEREAS by a Conveyance registered as aforesaid on the thirtieth day of April, nineteen hundred and thirty-six, the States of Guernsey gratuitously transferred to the then Rector and Churchwardens of the said Parish as trustees of the said Ozanne Memorial Hall such rights of ownership as belonged to the said States in a parcel of land adjacent to the said Ozanne Memorial Hall and a parcel of land lying to the south of the aforesaid land together with certain rights, the whole more particularly described in the said conveyance:

AND WHEREAS so much of the land and the buildings presently erected thereon as are, immediately before the coming into force of this Law, vested in the present Rector and Churchwardens of the Parish of Saint Peter Port by virtue

of the Conveyance registered as aforesaid in the year eighteen hundred and eighty-two and the Conveyance registered as aforesaid in the year nineteen hundred and thirty-six are hereinafter referred to as "the Trust Premises":

AND WHEREAS the ownership of the Trust Premises is now vested in the Very Reverend John William Foster, Rector of the said Parish and Edward Charles Morris and John Bernard Wilson, Churchwardens of the said Parish (hereinafter referred to as "the present Trustees"):

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 is in need of substantial repairs at a cost which it is likely will exceed the amount of the accumulated income accruing from the Trust Premises, the present Trustees desire to be relieved, as soon as it is practicable and expedient, of their responsibility for the maintenance of the Trust Premises:

AND WHEREAS the present Trustees desire that all such steps as may be necessary be taken to discharge and free the ownership of the Trust Premises of all trusts presently affecting the same and so that the ownership of the Trust Premises shall vest in the Rector and Churchwardens for the time being of the said Parish 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 the income which may accrue from the Trust Premises

and any monies of which they may already stand possessed as Trustees of the Trust Premises in payment of any expenses incurred by them in maintaining the Trust Premises or otherwise in connection with the Trust Premises and for any of the purposes mentioned in paragraph (d) below;

- (c) to invest 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 such investments as they may deem fit, with power to vary such investments;
- (d) to apply the income arising from such investments for the benefit and advancement of the Parish Church services and other activities connected therewith;
- (e) 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 (d) above:

NOW THEREFORE THE STATES in pursuance of their Resolution of the twenty-fifth day of June, nineteen hundred and eighty, 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.

Variation of
trusts
affecting the
Ozanne
Memorial
Hall.

1. The Trust Premises shall vest in the Rector and Churchwardens for the time being of the Parish of Saint Peter Port free of any trusts to which the ownership of the Trust Premises may have been subject immediately before the coming into

force of this Law and the Trust Premises shall be held by the said Rector and Churchwardens 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 the income which may accrue from the Trust Premises and any monies of which they may already stand possessed as Trustees of the Trust Premises in payment of any expenses incurred by them in maintaining the Trust Premises or otherwise in connection with the Trust Premises and for any of the purposes mentioned in paragraph (d) of this section;
- (c) to invest 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 such investments as they may deem fit, with power to vary such investments;
- (d) to apply the income arising from such investments for the benefit and advancement of religious services in the Parish Church of the said Parish and other activities connected therewith;
- (e) 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 (d) of this section.

2. In this Law the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpreta-
tion.

“the Conveyance of 1882 ” means the Conveyance registered on the Records of this Island on the twenty-fourth day of October, eighteen hundred and eighty-two, whereby a house, building and land situate at La Tour Beauregard in the Parish of Saint Peter Port were acquired by the Reverend George Edward Lee, then Rector of the said Parish, and others as trustees;

“the Conveyance of 1936 ” means the Conveyance registered on the Records of this Island on the thirtieth day of April, nineteen hundred and thirty-six, whereby the States of Guernsey gratuitously transferred to the then Rector and Churchwardens of the Parish of Saint Peter Port two parcels of land situate at La Tour Beauregard in the said Parish of Saint Peter Port;

“the Trust Premises ” means so much of the land and the buildings presently erected thereon as are, immediately before the coming into force of this Law, vested in the present Rector and Churchwardens of the Parish of Saint Peter Port by virtue of the Conveyance of 1882 and the Conveyance of 1936.

Citation.

3. This Law may be cited as the Ozanne Memorial Hall (Variation of Trusts) (Guernsey) Law, 1981.

W. J. GAUDION,
Her Majesty's Deputy Greffier