

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 1st day of October, 1990 before Sir Charles Frossard, Kt., Bailiff; present:—Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley, Kenneth John Rowe and Lawrence Oscar Ozanne, Esquires.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 7th day of June, 1990, approving and ratifying a Projet de Loi of the States of Guernsey entitled “The Guernsey Society for the Prevention of Cruelty to Animals (Incorporation) (Guernsey) Law, 1990”, 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 7th day of June 1990

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 3rd day of May 1990 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 30th day of March, 1989, the States of Deliberation at a meeting held on the 28th day of June, 1989, approved a Bill or “Projet de Loi” entitled “The Guernsey Society for the Prevention of Cruelty to Animals (Incorporation) (Guernsey) Law, 1990”, 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 Guernsey Society for the Prevention of Cruelty to Animals (Incorporation) (Guernsey) Law, 1990”, 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

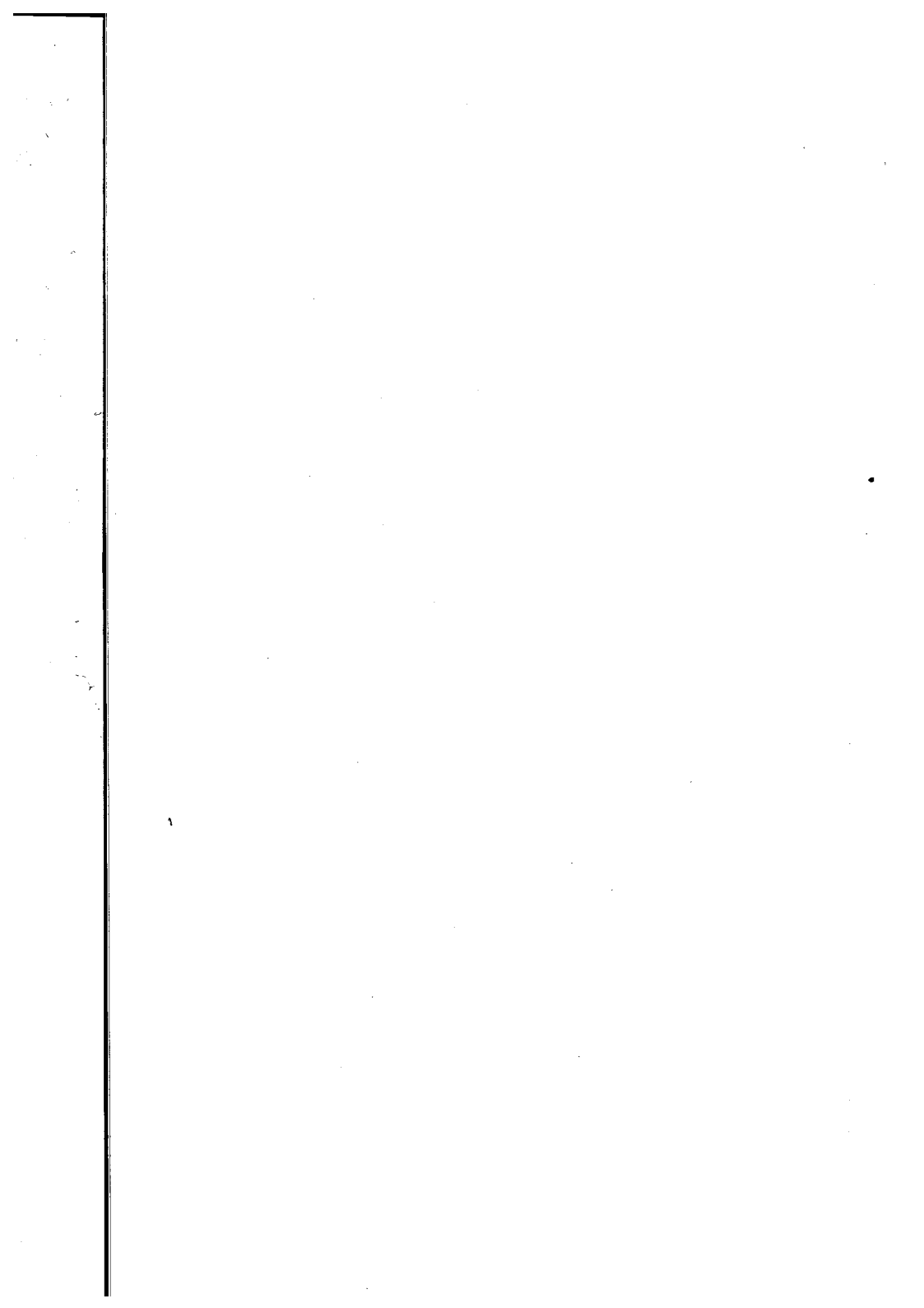
agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said petition and to approve of and ratify the said Projet de Loi.”

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 Guernsey Society for the Prevention of Cruelty to Animals (Incorporation) (Guernsey) Law, 1990

THE STATES, in pursuance of their Resolution of the 30th day of March, 1989, 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 society called "The Guernsey Society for the Prevention of Cruelty to Animals" ("the former society") is incorporated by the name of "The Guernsey Society for the Prevention of Cruelty to Animals" ("the Society"). Incorporation.

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

(3) The Society shall consist—

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

2. The objects of the Society are—

Objects.

- (a) to prevent cruelty to all animals;
- (b) to rescue animals in distress;
- (c) to provide shelter for strays;
- (d) to foster and encourage by propaganda and educational means kindness and consideration in the treatment of all animals, whether domestic or wild;

- (e) to employ all legal means to denounce acts of neglect and cruelty;
- (f) to do all such things as may be necessary or desirable in furthering or attaining any or all of the foregoing objects.

Rules as to
management,
etc.

3. (1) The Society may from time to time at a general meeting make all such rules as may be necessary or expedient as respects the conduct and management of its affairs and in particular but without prejudice to the generality of the foregoing as respects:—

- (a) the classification of its members and the qualifications for membership within each class;
- (b) the calling of general meetings and the conduct and proceedings of general meetings;
- (c) the setting up of a committee ("the General Committee") to act as the governing body of the Society and the appointment by the General Committee of such sub-committees for such purposes and with such powers as the General Committee from time to time may deem necessary or expedient;
- (d) the proceedings, powers and duties of the General Committee and its sub-committees;
- (e) the officers of the Society and the tenure, powers and duties thereof and appointments thereto;
- (f) the method of changing the rules of the Society.

(2) The rules of the former society confirmed at its annual general meeting of the 19th October, 1988 shall have effect upon incorporation as if they were rules made under subsection (1) hereof.

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

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

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

4. The officers and members of the General Committee immediately prior to incorporation shall be respectively the first officers and members of the General Committee and shall retire when they would have retired had the Society not been incorporated.

Officers of
General
Committee.

5. All property vested in the former society, or in any person in trust for it, shall, upon incorporation, vest in the Society, which shall be subject to and shall discharge all obligations and liabilities to which the former society was subject immediately prior to incorporation.

Vesting of
property and
transfer of
liabilities.

6. The Society 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)—

Powers.

- (a) acquire and hold any property;
- (b) maintain and manage, or assist in the maintenance or management of, any property, including premises providing care for animals for reward or otherwise;

- (c) make and vary conditions governing access to events (including the payment of entrance fees);
- (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 to the objects of the Society;
- (e) raise money by borrowing on the security of any of the Society's property, provided that the borrowing is not inconsistent with any trust, covenant, contract or title affecting the property;
- (f) buy and sell goods and operate retail premises for the benefit of the Society;
- (g) provide such amenities and facilities as the Society considers to be conducive to its objects;
- (h) set up and establish such boards, committees and other bodies, promote such social functions, and embark upon such appeals for financial and other support (including sponsorship), as the Society considers to be desirable.

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

- (a) in the ordinary course of his trade, business or profession, supply goods, services or advice to the Society for reward;
- (b) serve the Society in any salaried office or paid employment;

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

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

9. A general meeting of the Society 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 Society. Accounts.

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

11. (1) The Society shall— Registered office.

(a) establish and maintain in the Island of 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.

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

“events” means shows, competitions, exhibitions, lectures, entertainments, debates, displays and other events of public interest;

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

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

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

“property” includes real and personal property;

“Society” has the meaning given by section 1(1).

Citation.

13. This Law may be cited as The Guernsey Society for the Prevention of Cruelty to Animals (Incorporation) (Guernsey) Law, 1990.

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