

ORDER IN COUNCIL

VII
1980

ratifying a Projet de Loi

ENTITLED

The Feudal Dues (Guernsey) Law, 1980

(Registered on the Records of the Island of Guernsey
on the 19th January, 1981.)



1981

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 19th day of January, 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 17th day of December, 1980, ratifying a *Projet de Loi* entitled "The Feudal Dues (Guernsey) Law, 1980", 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 17th day of December, 1980

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 9th day of December 1980 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 26th day of September 1979, the States of Deliberation at a meeting held on the 25th day of June 1980 approved a Bill or “Projet de Loi” entitled “The Feudal Dues (Guernsey) Law, 1980” 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 Feudal Dues (Guernsey) Law, 1980” 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 Feudal Dues (Guernsey) Law, 1980

THE STATES, in pursuance of their Resolution of the twenty-sixth day of September, nineteen hundred and seventy-nine, 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. In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpreta-
tion.

“the Committee” means the States Advisory and Finance Committee;

“feudal dues” includes *treizième*, *chef-rentes*, *escheat*, *varech* (or wreck of the sea), *poulage*, *quarantaine* and any other incidents of feudal tenure payable in money or money's worth;

“fief” includes a dependency of any fief;

“Her Majesty's Receiver General” means Her Majesty's Receiver General for the Bailiwick of Guernsey;

“Ordinary Court” means the Royal Court sitting as an Ordinary Court;

“private fief” means a fief other than a fief belonging to Her Majesty.

Transfer to
Her Majesty
of feudal
dues
appurtenant
to any
private fief.

2. The right of any person to any feudal dues by virtue of that person holding an interest in a private fief is hereby transferred to and vested in Her Majesty and Her Royal Successors absolutely; and any obligation correlative to such right is hereby extinguished.

Congé in
relation to
to convey-
ances of
realty on
private fiefs.

3. The *congé* or permit of any person which would have been required to be produced but for the passing of this Law at the time of the signing by the Ordinary Court of any conveyance relating to realty situated on any private fief and completed on or after the commencement of this Law shall be issued by or on behalf of Her Majesty's Receiver General and produced at the time of the signing of that conveyance by the Ordinary Court in all respects as if that fief were a fief belonging to Her Majesty.

Style of
Seigneur
of a fief etc.

4. The foregoing provisions of this Law shall be without prejudice—

- (a) to the right of any person to use, in the case of a male person, the style of Seigneur and, in the case of a female person, the style of Dame, of a fief;
- (b) to the feudal relationship between Her Majesty and any person holding an interest in a private fief on or at any time after the commencement of this Law, or to the feudal relationship between any person holding an interest in any fief and any person holding an interest in a dependency of that fief; and
- (c) to the right or obligation of any person by virtue of that person holding an interest in any fief which is not a right to which those provisions apply or any obligation correlative thereto.

5. (1) A sum equal to one-half of the amount of *treizième* received by Her Majesty's Receiver General by virtue of this Law in respect of any conveyance relating to realty situated on any private fief and completed within the period of five years commencing on the date of the commencement of this Law shall be paid by the Committee, at such times and in such manner as the Committee deems fit, out of the General Revenue Account of the States to the person who, as at the time of the completion of the conveyance, would have been entitled to the payment of *treizième* in respect of the conveyance but for the passing of this Law; and where there is more than one such person, the sum payable under this section to each of them shall be equal to one-half of the proportion to which he would have been so entitled of that amount of *treizième*.

Compensation payable to persons holding interests in private fiefs.

(2) No compensation shall be payable to any person by virtue of the operation of any of the provisions of this Law otherwise than is provided in the last foregoing subsection.

6. Notwithstanding anything contained in the Income Tax (Guernsey) Law, 1975(a), as amended(b), income tax shall not be chargeable thereunder in respect of any sum paid to any person under the last foregoing section.

Exemption from income tax of compensation under section five.

7. This Law may be cited as the Feudal Dues Citation. (Guernsey) Law, 1980.

R. H. VIDELO,
Her Majesty's Greffier.

(a) Ordres en Conseil Vol. XXV, p. 124.

(b) No. VII of 1974; No. X of 1976; No. I of 1977; No. IV of 1979; and No. II of 1980.