The Guernsey Deanery Trusts

GOVERNING DOCUMENT

Made by the Guernsey Deanery Synod, and came into force, on the 29th November 2023.

INDEX

NAME and LEGAL STATUS

The Guernsey Deanery Trusts is an unincorporated association of Trustees.

It is a relevant entity established, administered and controlled in Guernsey in conformity with section 8 of The Charities etc. (Guernsey and Alderney) Ordinance, 2021[1] ("the 2021 Ordinance").

In carrying out its purpose the Association provides benefit for a section of the public in the Bailiwick of Guernsey in conformity with section 9 of the 2021 Ordinance.

PURPOSE

The primary purposes of the Association are:

- the advancement of religion;
- the relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage;
- other purposes that may reasonably be regarded as analogous to the purposes listed above;

in conformity with Schedule 4 to the 2021 Ordinance.

In accordance with the primary purposes, the Trustees administer various trusts which have been created from time-to-time for the furtherance of the work of the Church of England, particularly within the Bailiwick of Guernsey. The specific purposes of each trust are set out in Schedules 1 to 7 to this document.

[1] Ordinance of the States No. XXIV of 2021

RELATIONSHIP and RULES RE CONSTITUTION

This Governing Document for the Guernsey Deanery Trusts may be amended, or revoked and replaced, by resolution of the Guernsey Deanery Synod.

The Guernsey Deanery Synod is constituted by The Synodical Government (Channel Islands) Order, 1970[2]. That Order applies, with certain modifications and variations, The Synodical Government Measure, 1969[3] and was made pursuant to the Channel Islands (Church Legislation) Measure, 1931[4] as amended[5] which was amended by The Channel Islands Measure, 2020[6] and also by The Channel Islands (Attachment of the Bailiwick of Guernsey to the Diocese of Salisbury) Order 2022[7].

DISSOLUTION

The various trusts are perpetual trusts. However, should it be deemed prudent to terminate one or more of the said trusts an application would be made to the Royal Court of Guernsey for a direction pursuant to Section 59 of The Trusts (Guernsey) Law, 2007[8].

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[2] UK Statutory Instrument No. 1117 of 1970
[3] C. of E. Measure No. 2 of 1969
[4] C. of E. Measure No. 4 of 1931
[5] C. of E. Measure No. 1 of 1957
[6] C. of E. Measure No. 2 of 2020
[7] UK Statutory Instrument No. 1180 of 2022
[8] Guernsey Order in Council No. III of 2008

ADMINISTRATION OF ASSETS

The Trustees shall administer the assets of the various trusts in accordance with the terms set out in Schedules 1 to 7 to this document.

The Trustees shall invest all monies at their discretion and they shall not be responsible for any involuntary loss or depreciation in value. The Trustees may seek advice from third parties with regard to the investment of monies held by them.

THE TRUSTEES

The Trustees shall be, ex officio:

- The Very Reverend the Dean of Guernsey
  (appointed by Royal Warrant *****)
- The two Vice-Deans
  (appointed by the Dean *****)
- The Deanery Lay Chair
  (elected triennially by the House of Laity of the Guernsey Deanery Synod)
- The Deanery Finance Officer
  (elected triennially by the Guernsey Deanery Synod)
- The Deanery Treasurer
  (elected triennially by the Guernsey Deanery Synod)
- The Deanery Secretary
  (elected triennially by the Guernsey Deanery Synod)

***** The tenure of office of the clergy is subject to the Ecclesiastical Offices (Age Limit) Measure 1975 as applied by the Ecclesiastical Offices (Age Limit) (Channel Islands) Order 2000[9].

[9] UK Statutory Instrument No. 2767 of 2000

CRIMINAL OFFENCES
AND OTHER DISQUALIFYING CIRCUMSTANCES

1. A person who:
    - has been convicted of offences involving deception, dishonesty, bribery, money-laundering or terrorism;

    or who

    - is bankrupt or en désastre;

    or who

    - has been disqualified by a court or lawful authority, whether in Guernsey or elsewhere, from being a company director or charity director or trustee

    is disqualified from holding the office of Trustee of the Guernsey Deanery Trusts.

2. A person who, after being elected or appointed, is convicted of an offence, or disqualified, as set out in paragraph 1, shall upon conviction or disqualification, as the case may be, cease to hold office as Trustee of the Guernsey Deanery Trusts.

3. A person who is convicted of any offence not specified in paragraph 1 but which is considered by the Guernsey Deanery Synod to be incompatible with the office of Trustee, shall upon conviction, cease to hold office as Trustee of the Guernsey Deanery Trusts.

4. Where a person is eligible to be a director of a charity because he or she is the subject of a disapplication order granted under Section 15 (3) or 15 (4) of The Charities, etc. (Guernsey and Alderney) Ordinance, 2021, the Guernsey Deanery Synod may, at its discretion, permit that person to be a Trustee.

    [Explanatory Note. A disapplication order permits someone who has a criminal conviction or is disqualified as described above to be a member of the board of, or a manager in, a charity.]

ACCOUNTS AND FINANCIAL STATEMENTS

The Treasurer shall

- be responsible for keeping all accounts, receiving monies, and accounting for expenditure;
- maintain a record of investments made;
- present the accounts at the Annual Business Meeting of the Guernsey Deanery Synod;
- shall be responsible for ensuring that the Trustees meet their obligations regarding the receipt, handling and expenditure of money as required by Guernsey legislation relating to the registration and regulation of charities in Guernsey.

The accounts of the Fund shall be subject to independent examination annually by qualified accountants appointed for the purpose by the Guernsey Deanery Board of Finance LBG. The said independently examined accounts shall be submitted to the Annual Business Meeting of the Guernsey Deanery Synod for information.

RULES RELATING TO MEETINGS OF THE TRUSTEES

1. The Trustees shall meet at least once in each calendar year.
2. Meetings shall normally be held in person, save that in times of civil emergency, meetings may be held by means of video conferencing. A member who would otherwise be prevented from attending in person by reason of illness or absence from the Island may participate, and if appropriate vote, by video conferencing.
3. The Dean, or in the Dean's absence, the Lay Chair shall preside at meetings; in the absence of both the Dean and Lay Chair the members shall elect a person to chair the meeting.
4. The quorum required at each meeting shall be four persons.
5. The person chairing the meeting has an original vote but no casting vote. In the event of a tied vote the proposition shall be deemed to be lost.
6. Minutes shall be taken at each meeting. The said minutes shall be circulated prior to the subsequent meeting at which they shall be approved and signed by the person chairing the meeting.
7. The Assistant Deanery Secretary and the Assistant Deanery Treasurer shall be entitled to attend meetings of the Trustees. These persons shall have a voice but no vote.
8. The Trustees, the Assistant Deanery Secretary and the Assistant Deanery Treasurer shall observe the Code of Conduct set out in Schedule 8 to this Document.

REVOCATION

The Governing Document made on the 29th November 2022 is hereby revoked.

COMMENCEMENT, ETC.

This Governing Document of the Guernsey Deanery Trusts was made by the Guernsey Deanery Synod, and came into force, on the 29th November 2023.

SCHEDULE 1

RULES OF THE SAINT JAMES TRUST FUND

WHEREAS

(a) Section 3 of the Order in Council of the 5th December, 1972 entitled The Church of Saint James (Secularisation and Transfer) (Guernsey) Law, 1972[10] is in the following terms:

> *"The Trustees [of the Church] shall, as soon as may be, pay, make over and transfer the whole of the funds of the Church to the Guernsey Deanery Synod upon trust to apply the said funds for the use and benefit, including the maintenance of the church fabric and parsonage houses of the Parishes of Saint John, Saint Stephen and Holy Trinity, all within the boundaries of the Parish of Saint Peter Port, and the receipt of the Treasurer of the Synod shall be a sufficient discharge to the Trustees.";*

(b) The amount received from the Trustees of the Church of St. James the Less was £19,987.39. In addition, a holding of £700 3½% War Stock was received;

(c) Since 1973 the Deanery Synod has, on several occasions, made and amended Rules relating to the Fund;

NOW THEREFORE the Guernsey Deanery Synod, has revoked all Rules previously made regarding the Saint James Trust Fund and has resolved that the following Rules be substituted therefor:

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[10] Guernsey Order in Council No. XXV of 1792

1. The Fund shall be called “The Saint James Trust Fund”.

2. The object of the Fund shall be as described in Section 3 of The Church of Saint James (Secularisation and Transfer) (Guernsey) Law, 1972.

3. The income arising from investments shall, after providing for all expenses of administration, be distributed not less frequently than annually, the said income being divided equally between the Parishes of Saint John, Saint Stephen and Holy Trinity

   PROVIDED THAT the Trustees may, with the consent of a majority of the Incumbents and Churchwardens of the said parishes, capitalise not more than fifty per centum of the annual income. On the 27th November 2012 the Trustees were advised that the parishes of St. Stephen and Holy Trinity had so consented.

RULES OF THE HARDING BEQUEST FUND

WHEREAS

(a) The Reverend Canon John Ambrose Harding, MA, HCF, was Rector of Torteval from 1956 to 1965;

(b) Canon Harding died on the 18th December, 1986;

(c) By his Will of Realty registered in the Royal Court on the 15th January, 1987 he devised his property known as Plymton Cottage, Rohais, St. Peter Port to the Trustees or other Officers of the Guernsey Branch of the Synod of the Anglican Church;

(d) The said property was sold by public auction on the 16th October, 1987, the net proceeds after payment of expenses amounted to the sum of £43,686.22;

(e) Since 1988 the Deanery Synod has, on several occasions, made and amended Rules relating to the Fund;

NOW THEREFORE the Guernsey Deanery Synod has revoked all Rules previously made regarding the Harding Bequest Fund and has resolved that the following Rules be substituted therefor:

1. The Fund shall be called “The Harding Bequest Fund”.

2. The object of the Fund shall be the furtherance of the work of the Church of England in the Deanery as the Trustees shall from time to time direct.

3. Fifty per centum of the Fund's annual income shall be transferred to the Fund's capital account. From the remaining income the Trustees shall, at their discretion, make payments in accordance with the object of the Fund. At the end of each year undistributed income may, at the discretion of the Trustees, either be carried forward to the following year or may be transferred to the Fund's capital account.

SCHEDULE 3

RULES OF THE GUERNSEY CLERGY BENEFIT FUND

WHEREAS

(a) The Guernsey Benefices Augmentation Fund was constituted in 1889 *(the precise date is unknown)* with the object of increasing the income of the benefices in the Deanery of Guernsey;

(b) The first Trustees were appointed and their duties were prescribed by Indenture made on the 24th December, 1889;

(c) The administration of the Fund was vested originally in a Committee consisting of the Incumbents and Churchwardens for the time being of the various churches in the Deanery;

(d) It is believed that at a meeting of Incumbents and Churchwardens held in 1974 *(of which no record exists)* it was agreed that the Fund should be administered under the authority of the Guernsey Deanery Synod in accordance with Rules made by that Synod;

AND WHEREAS

(e) The Reverend Peter Simpson, MA, was Rector of the Vale from 1979 to 1991 and Priest-in-Charge of Sark from 1991 to 1995;

(f) Mr Simpson died on the 10th March, 2003;

(g) By his Will of Realty registered in the Royal Court on the 1st April, 2003 he devised his property known as The Chantry, Route de Portinfer, Vale to the Trustees for the time being of the Guernsey Benefices Augmentation Fund;

(h) The said property was sold on the 21st August, 2003, the net proceeds after payment of expenses amounted to the sum of £295,105.00:

AND WHEREAS

(i) The Royal Court of Guernsey, on the 9th September, 2014 approved a variation in the terms of the Trust which included a change of name from The Guernsey Benefices Augmentation Fund to The Guernsey Clergy Benefit Fund;

(j) Since 1974 the Deanery Synod has, on several occasions, made and amended Rules relating to the Fund;

NOW THEREFORE the Guernsey Deanery Synod has revoked all Rules previously made regarding the Guernsey Clergy Benefit Fund and has resolved that the following Rules be substituted therefor:

1. The Fund shall be called “The Guernsey Clergy Benefit Fund”.

2. The object of the Fund shall be to augment the annual income of the Incumbents, Priests-in-Charge, Licensed Self-Supporting Ministers and other Stipendiary Ministers in the Deanery.

3. (i) The Incumbent and Churchwardens shall make an annual contribution to the capital of the Fund equivalent to one Sunday’s collection which for this purpose shall include

offerings made (by way of example but not limitation) through envelope schemes or bank transfers but subject to such maximum contribution as the Trustees may prescribe in respect of any year.

(ii) Failure on the part of any parish to comply with this provision may entail the forfeiture for that year of any benefit from the Fund by the clergy of the parish; or, in the case of a plurality, the forfeiture by the clergy of the plurality of a fraction of that benefit equal to the fraction of defaulting parishes therein.

4. All other monies received by the Trustees shall be treated as capital and shall be invested to increase the income of the Fund unless the donor shall stipulate otherwise: provided always that monies received by the Trustees which represent income on bequests made to the Fund, the capital whereof is held upon trust by a third party, may, at the discretion of the Trustees, be treated as either income or capital.

5. Where the Fund receives a single donation or bequest in excess of £25,000, the Trustees may, at their discretion, direct that not more than fifty per centum of the annual income arising from the said donation or bequest be transferred to the Fund's capital account.

6. (i) The income arising from investments shall, after providing for all expenses of administration, be distributed between Incumbents, Priests-in-Charge, Licensed Self-Supporting Ministers and other Stipendiary Ministers, at the discretion of

the Trustees, but subject to paragraph (ii) of this Rule;

(ii) The total amount paid to Licensed Self-Supporting Ministers and other Stipendiary Ministers in any year shall not exceed one half of the amount paid to Incumbents and Priests-in-Charge in that year.

SCHEDULE 4

RULES OF THE CLERGY WIDOWS AND DEPENDANTS FUND

WHEREAS

(a) The Clergy Widows and Dependants (Guernsey Deanery) Fund was established by resolution of the Guernsey Decanal Conference on the 27th May, 1948;

(b) The purpose of the Fund was to provide pensions to widows and dependants of Clerks in Holy Orders;

(c) The first Rules of the Fund were approved by the Decanal Conference on the 12th October, 1948;

(d) Since 1973 the Deanery Synod has, on several occasions, made and amended Rules relating to the Fund;

NOW THEREFORE the Guernsey Deanery Synod has revoked all Rules previously made regarding the Clergy Widows and Dependants Fund and has resolved that the following Rules be substituted therefor:

1. The Fund shall be called “The Clergy Widows and Dependants Fund”.

2. The object of the Fund shall be to give financial assistance to surviving spouses and dependants of Clerks in Holy Orders who
   (i) die whilst holding an incumbency or assistant curacy in the Deanery of Guernsey, or
   (ii) die after having retired from such an incumbency or assistant curacy

PROVIDED THAT the said financial assistance shall cease in the case of a surviving spouse if she/he remarries or ceases to reside in the Deanery and, in the case of a dependant if she/he ceases to reside in the Deanery;

PROVIDED FURTHER THAT a dependant under the age of 24 years shall not be deemed to have ceased to reside in the Deanery whilst undergoing full-time education outside the Bailiwick.

3. The provision of financial assistance shall be at the discretion of the Trustees and no surviving spouse or dependant may claim assistance as of right.

4. Fifty per centum of the Fund's annual income shall be transferred to the Fund's capital account. From the remaining income the Trustees shall, at their discretion, make payments to Clergy Widows and Clergy Dependants. At the end of each year undistributed income may, at the discretion of the Trustees, either be carried forward to the following year or may be transferred to the Fund's capital account.

SCHEDULE 5

RULES OF THE MARTIN BEQUEST FUND

WHEREAS

(a) By her Will of Personalty registered in the Ecclesiastical Court on the 15th December, 2000 Mrs Barbara Anne Martin, widow of Brigadier George Noel Chadwick Martin, CBE, DSO, MC bequeathed to the Dean and Chapter of the Deanery of Guernsey one-twelfth of the residue of her estate situate outside Canada;

(b) The said portion of the estate amounted to the sum of £73,979.13;

(c) The Dean and Chapter, prior to 1986 *(the precise date is unknown)* received a donation *(the source of which is believed to be a gift from the Reverend Canon J. A. Harding MA, HCF)* of a holding of £600 nominal of 3½% War Stock the income from which was to be applied for the benefit of clergy children attending school or college;

(d) Since 2001 the Deanery Synod has, on several occasions, made and amended Rules relating to the Fund;

NOW THEREFORE the Deanery Synod has revoked all Rules previously made regarding the Martin Bequest Fund and has resolved that the following Rules be substituted therefor:

1. The Fund shall be called “The Martin Bequest Fund”.

2. Fifty per centum of the Fund's annual income shall be transferred to the Fund's capital account. The remaining income shall be applied to such purposes as shall be directed from time to time by Resolution of the Dean and Chapter which, for the avoidance of doubt, may include grants for the benefit of clergy children attending school or college.

SCHEDULE 6

RULES OF THE MANSELL BEQUEST FUND

WHEREAS

(a) Miss Emma Carolina Mansell, daughter of Alfred, of 28 Sausmarez Street, St. Peter Port, died on or about the 24th February, 1928;

(b) Probate of her will dated the 15th May 1925 and codicil thereto dated the 15th July 1927 was granted in the Ecclesiastical Court of the Bailiwick of Guernsey on the 3rd March 1928;

(c) By the said will she bequeathed the sum of £1,000 to the Winchester Diocesan Fund *"to ease present Guernsey Parish yearly demand"* (hereinafter referred to as "the Mansell Bequest"). [Miss Mansell stated in her will that this bequest, inter alia, was made *"in fulfilment of the wishes as expressed by my brother Waldemar Mansell now deceased".*];

(d) Subsequently the Winchester Diocesan Fund was incorporated and registered as the Winchester Diocesan Board of Finance ("the WDBF");

(e) The Mansell Bequest was invested, and the income was applied annually by the WDBF to contribute to the parish share due to the Diocese of Winchester by the Deanery of Guernsey until 2014, when interim episcopal oversight of the Channel Islands was delegated by the Lord Bishop of Winchester to the Bishop of Dover;

(f) By virtue of the Channel Islands Measure, 2020 and by Order of His Most Excellent Majesty in Council of the 9th November 2022 entitled The

Channel Islands (Attachment of the Bailiwick of Guernsey to the Diocese of Salisbury) Order 2022, which Order was registered in the Royal Court of Guernsey on the 15th November 2022, the Bailiwick of Guernsey was attached to the Diocese of Salisbury and the episcopal jurisdiction in the Bailiwick of the Lord Bishop of Winchester was transferred to the Lord Bishop of Salisbury;

(g) By Agreement and Deed of Release and Indemnity made on the 29th January 2022 between the Trustees of the WDBF and the Trustees of the Guernsey Deanery Trusts ("the GDT"), the Mansell Bequest and all accrued income therefrom since the delegation of interim episcopal oversight in 2014, was transferred to the GDT, the GDT having undertaken irrevocably to hold the Mansell Bequest as a perpetual endowment, the income from which is to be paid to the Guernsey Deanery Board of Finance LBG ("the GDBF") to augment locally-collected parish share, or equivalent funds raised to support the expenses of the Guernsey Deanery;

(h) Pursuant to the aforesaid Agreement, the sum of £60,992.57 was transferred from the WDBF to the GDT on the 22nd March 2022;

(i) The Trustees of the GDT are desirous of establishing Rules approved by the Deanery Synod:

NOW THEREFORE the Guernsey Deanery Synod has made the following Rules:

1. The Fund shall be called "The Mansell Bequest Fund".

2. The object of the Fund shall be to reduce the amount levied on the parishes of the Deanery by means of the Deanery Share.

3. With effect from the 1st January 2023, 50% of the Fund's annual income shall be transferred to the Fund's capital account. From the remaining income the Trustees shall make payments in accordance with the object of the Fund.

SCHEDULE 7

RULES OF THE SAINT SAMPSON'S CHURCH INSTITUTE TRUST FUND

WHEREAS:

(a) on the 24th October 1889 Thomas Falla conveyed a building known as the Vale Road Independent Church to the Revd Arthur E. Carey (rector of St. Sampson) and the Revd George E. Lee (rector of St. Peter Port);

(b) on the 25th March 1890 the said Carey and Lee conveyed the building to the said Carey and three other residents of St. Sampson in trust for themselves and their successor trustees for ever;

(c) subsequently the building was known as the Church of St. Clair and then as St. Sampson's Church Institute;

(d) on the 11th August 1983 the then trustees (Sir Charles Frossard, the Revd Murray C. Millard, Messrs Gerald E. Martel and Roy Lowe) sold the premises to Messrs Howard M. Marsh and Kevin F. Marsh;

(e) an Order in Council entitled The Saint Sampson's Church Institute (Variation of Trusts) (Guernsey) Law, 1986 ("the Law") provides that the Trustees shall hold the proceeds of the sale of the premises and income arising from the investment of those proceeds upon trust:

   (i) to apply the Trust moneys in improving, repairing or maintaining any Anglican Church property used for the benefit of young people and situate in the Parish of St. Sampson;

(ii) until all the Trust moneys shall have been applied in accordance with paragraph (a) …, to invest the balance thereof in such investments as they may deem fit, with power to vary such investments, and to apply or invest as aforesaid any income arising from such investments;

(f) by instrument dated the 30th August 2023 Richard Percy Lacey and John Rolph (“the retiring trustees”) appointed the trustees of the Guernsey Deanery Trusts (“the GDT”) as additional trustees;

(g) the amount of £20,024.22 was transferred from the retiring trustees to the GDT on the 30th August 2023 and a further and final amount of £5,563.08 was transferred on the 21st November 2023;

(h) by instrument dated the 21st November 2023 the retiring trustees resigned as Trustees.

NOW THEREFORE the Guernsey Deanery Synod has made the following Rules:

1. The Fund shall be called “The Saint Sampson’s Church Institute Trust Fund”.

2. Should the trustees of the GDT change the Trustees of this Trust shall also change so that the composition of the Trustees of the GDT and this Trust remain the same.

3. The object of the Fund shall be to improve, repair or maintain any Anglican Church property used for the benefit of young people and situate in the Parish of St. Sampson;

4. The capital of the Fund and income arising from investments shall, after providing for all expenses of administration, be applied at the discretion of the Trustees in accordance with the objects of the Fund.

CODE OF CONDUCT

In this Code, 'Trustees' includes the Assistant Deanery Secretary and the Assistant Deanery Treasurer.

1. The person presiding at meetings of the Guernsey Deanery Trusts shall determine the order in which items are discussed and may bring discussion to a close when the matter has been sufficiently considered. Trustees shall respect the authority of the person presiding.
2. Trustees shall not behave in a disorderly manner. The person presiding shall bring members to order.
3. Any document stated to be confidential or discussion declared as confidential by the person presiding shall not be shown to, or discussed with, any person who is not one of the Trustees.
4. Trustees have a responsibility to ensure that the resources of the Guernsey Deanery Trusts are used prudently. Further, they must ensure that the policies and procedures relating to the care and management of resources, including money, and the control of data, are observed.
5. Trustees have a responsibility to maintain the reputation of the Guernsey Deanery Trusts for probity, reasonableness and accuracy of statement of facts.
6. Trustees must act honestly in the discharge of their responsibilities and must declare any relevant conflict of interest in a matter under discussion. A relevant conflict includes family interests.