

PROJET DE LOI

ENTITLED

The Feudal Dues (Guernsey) Law, 1980 *

[CONSOLIDATED TEXT]

NOTE

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* Ordres en Conseil Vol. XXVII, p. 249; as amended by the Feudal Dues (General Abolition of Congé) (Guernsey) Law, 2002 (No. XXVI of 2002, Ordres en Conseil Vol. XLII(2), p. 1324); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). See also the Feudal Dues (General Abolition of Congé) (Guernsey) Law, 2002 (*supra*).

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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.

Interpretation.

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 –

"the Committee" means the States [Policy & Resources 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.

NOTES

In section 1, the words in square brackets in the definition of the expression "the Committee" were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 15(a), with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Treasury and Resources Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 15(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

In accordance with the provisions of the Feudal Dues (General Abolition of Congé) (Guernsey) Law, 2002, section 3(b), with effect from 1st April, 2003, the provisions of this Law are to be construed as one with the 2002 Law.

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 conveyances of realty on private fiefs.

3. ...

NOTE

Section 3 was repealed by the Feudal Dues (General Abolition of Congé) (Guernsey) Law, 2002, section 3(a), with effect from 1st April, 2003.

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.

Compensation payable to persons holding interests in private fiefs.

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*.

(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.

Exemption from income tax of compensation under section five.

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.

^a Ordres en Conseil Vol. XXV, p. 124.

^b No. X of 1976; No. I of 1977; Nos. IV and VII of 1979; and No. II of 1980.

Citation.

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

NOTE

The Law received Royal Sanction on 17th December, 1980 and was registered on the Records of the Island of Guernsey and came into force on 19th January, 1981.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 1(b), Schedule 2, paragraph 1(b), with effect from 6th May, 2004.

² The functions, rights and liabilities of the Treasury and Resources Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Advisory and Finance Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 1(b), Schedule 2, paragraph 1(b), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.