

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY**

REPEAL OF THE COUNTRY HOSPITAL CHARITABLE FUND LAW, 1958

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Repeal of The Country Hospital Charitable Fund Law, 1958', dated 1<sup>st</sup> July 2024, they are of the opinion:

1. To bring the trust established by the Country Hospital Charitable Fund Law, 1958, to an end.
2. That the assets of the trust, comprising both the trust property and accumulated income arising from said trust property, be transferred to the Committee *for* Health & Social Care to fund capital works and the provision of essential equipment at the Croft, with the remaining balance, if any, to be transferred to the Friends of the Princess Elizabeth Hospital.
3. To repeal the Country Hospital Charitable Fund Law, 1958.
4. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

The above Propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1)(c) of the Rules of Procedure of the States of Deliberation and their Committees.

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REPEAL OF THE COUNTRY HOSPITAL CHARITABLE FUND LAW, 1958

The Presiding Officer  
States of Guernsey  
Royal Court House  
St Peter Port

1<sup>st</sup> July, 2024

Dear Sir

**1 Executive Summary**

- 1.1 Governed by the Country Hospital Charitable Fund Law, 1958<sup>1</sup> ('the Law'), there is a dormant charitable fund ('the Country Hospital Charitable Fund' or 'the Fund') held in trust by the President of the Committee *for* Employment & Social Security ('the Committee').
- 1.2 As at 31<sup>st</sup> December 2023, the Fund's balance was in the region of £31,000.
- 1.3 The Fund originated out of the real<sup>2</sup> and personal property and income generated out of the Country Hospital, which was established in 1751 as part of Guernsey's poor relief system.
- 1.4 The Law imposes a duty on the President of the Committee to submit the accounts of the trust property for audit by an auditor appointed by the Committee on at least an annual basis. Accounts of the Fund were last prepared in 2009. Awareness of the statutory requirement was lost as a result of staff changes, so accounts of the Fund have not been prepared since this time. There has been no expenditure from the Fund since 2013.
- 1.5 Given the dormancy of the Fund, the Committee is proposing that the Fund be wound up (Proposition 1) and its governing Law be repealed (Proposition 3).

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<sup>1</sup> [Country Hospital Charitable Fund Law, 1958.](#)

<sup>2</sup> Excluding the Country Hospital (now known as the Castel Hospital) and the land on which it is located.

- 1.6 The Law provides for the President to apply the income arising from the trust property first and foremost for the benefit of ‘inmates and patients for the time being accommodated in any hospital, home or other institution’ in Guernsey. If this benefit is not required, the income might instead be used for ‘relief of poverty in the Island’ or any other ‘charitable object’ approved by the Committee.
- 1.7 Given that the primary use of the Fund relates to the mandate of the Committee for Health & Social Care (CfHSC), the Committee has consulted with the CfHSC regarding how the balance of the Fund might best be utilised. In its response (included at Appendix 1), the CfHSC has suggested that the remaining balance of the Fund be used to improve the environment at The Croft or be donated to the Friends of the Princess Elizabeth Hospital.
- 1.8 As such, the Committee proposes that the assets of the trust, comprising both the trust property and accumulated income arising from said trust property, be transferred to the CfHSC to be used specifically for capital works and the provision of essential equipment at the Croft. Any remaining balance after this work is completed should be donated to the Friends of the Princess Elizabeth Hospital (Proposition 2).

## **2 History of the Country Hospital and the Country Hospital Charitable Fund**

- 2.1 The Fund originated out of the real<sup>3</sup> and personal property (largely consisting of charitable funds<sup>4</sup> paid by the parishes) and income generated out of the Country Hospital.
- 2.2 The Country Hospital was established in 1751 as part of Guernsey’s poor relief system<sup>5</sup> for the purpose of caring for the impoverished sick, the homeless and those considered ‘insane’ (including rate-paid and private patients).<sup>6</sup>
- 2.3 Initially administered by the Poor Law Board, the Country Hospital was originally funded by seven of the nine ‘country’ parishes which set up the hospital voluntarily before being joined later by St Pierre du Bois in 1798 and Forest in 1826<sup>7</sup>.

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<sup>3</sup> Excluding the Country Hospital (now known as the Castel Hospital) and the land on which it is located.

<sup>4</sup> Wording from section 2 of the Country Hospital Charitable Fund Law, 1958: “testamentary and other gifts and various acquisitions intended to be held and administered and the income thereon applied for the benefit of the Country Hospital or of the Poor accommodated therein and the accumulated income thereon”.

<sup>5</sup> [The Workhouse in Guernsey, Channel Islands \(workhouses.org.uk\)](http://workhouses.org.uk).

<sup>6</sup> [Lunacy administration | Priaulx Library](#).

<sup>7</sup> [The Workhouse in Guernsey, Channel Islands \(workhouses.org.uk\)](http://workhouses.org.uk).

- 2.4 From 15<sup>th</sup> November 1940, the Country Hospital was designated as the Guernsey Emergency Hospital, providing medical services for civilian Islanders under occupation. Patients at the Emergency Hospital paid fees according to their means and provision was made for anyone who could not afford to pay any fees at all<sup>8</sup>.
- 2.5 After Liberation on 9<sup>th</sup> May 1945, the Emergency Hospital continued, for some time, to offer its services to Islanders as a general hospital. During this period, it was administered by the States Board of Health (now the Committee *for* Health & Social Care), eventually coming to be known as 'The Castel Hospital' and subsequently becoming a provider of mental health care some time prior to 1958.
- 2.6 At its meeting of 26<sup>th</sup> February 1958, the States agreed to transform the real and personal property into a trust fund. The Law came into force on 1<sup>st</sup> January 1959.

### **3 Proposal to wind up the Fund and repeal its governing Law**

- 3.1 The Law imposes a duty on the President of the Committee to submit the accounts of the trust property for audit by an auditor appointed by the Committee on at least an annual basis. The costs of any audit are to be borne out of the income of the trust property (see section 3 of the Law).
- 3.2 Accounts of the Fund were last prepared in 2009, at which time the Fund had a value in the region of £21,000. Awareness of the statutory requirement was lost as a result of staff changes, so accounts for the Fund have not been prepared since this time.
- 3.3 As at 31<sup>st</sup> December 2023, the value of the Fund was in the region of £31,000. This is held by the States Treasury, as was the case in 2009.
- 3.4 Rather than erode the remaining balance of the Fund through annual audit fees, the Committee instead proposes that the trust established by the Law be brought to an end, the Law be repealed and the outstanding balance of the Fund be used to fund a worthy cause aligned with the provisions of the Law.
- 3.5 The Law provides for the President to apply the income arising from the trust property for the benefit of 'inmates and patients for the time being accommodated in any hospital, home or other institution...' (section 2(1)(a)). Where this is not required, the President may use the income for the purpose of 'relief of poverty in the Island' (section 2(1)(b)) or 'for any charitable object

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<sup>8</sup> Birchenall, P. 'Nursing in war-time Guernsey: a preliminary review.' *British Journal of Nursing*, vol. 6 (1997).

in the Island of Guernsey...approved by the Committee for Employment & Social Security' (section 2(1)(c)).

- 3.6 The Committee has consulted with the Committee *for* Health & Social Care (CfHSC) regarding how the remaining balance of the trust property would best be utilised, as the primary use of the income arising from the trust property relates to the CfHSC's mandate. In its response (included at Appendix 1), the CfHSC has suggested that the remaining capital balance of the Fund (including accumulated income) either be used to improve the environment at The Croft or be donated to the Friends of the Princess Elizabeth Hospital.
- 3.7 As such, the Committee proposes that the assets of the trust, comprising both the trust property and accumulated income arising from said trust property, be transferred to the CfHSC to be used specifically for capital works and the provision of essential equipment at the Croft. Any remaining balance after this work is completed should be donated to the Friends of the Princess Elizabeth Hospital.
- 3.8 The Law does not provide for the trust property itself to be donated. Rather, the President of the Committee is permitted, with the approval of the Committee, to sell, convey, invest and vary the trust property. The property donated to the fund included not only cash sums but also certain 'rentes' which, in the past, have included things such as the right to receive crops or livestock. This property – which naturally changed form over the years – was used to generate income which could, in turn, be donated for the purposes set out in paragraph 3.5.
- 3.9 In order to wholly wind up the trust, provision must be made in the repealing legislation for the entire assets of the trust, comprising both the trust property and accumulated income arising from said trust property (i.e. capital sums), to be transferred.

#### **4 Compliance with Rule 4**

- 4.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 4.2 In accordance with Rule 4(1)(a), the Committee confirms that its proposal contributes to the Government Work Plan strategic portfolio to 'maintain public service resilience, security & governance' which includes the aim to ensure '*sustainable finances*'. The proposal also aligns with the wider aims of the strategic portfolios which are intended to ensure that the States' '*limited*

*resources are directed to deliver a safe, prosperous and sustainable future*<sup>9</sup>.

- 4.3 In accordance with Rule 4(1)(b), the Committee has consulted with the Committee for Health & Social Care to obtain its views on the best use of the assets of the trust. Further information is set out in paragraph 3.6 and Appendix 1.
- 4.4 In accordance with Rule 4(1)(c), the Propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- 4.5 In accordance with Rule 4(1)(d), it is confirmed that there are no financial implications to the States of carrying the Committee's proposals into effect.
- 4.6 In accordance with Rule 4(2)(a), it is confirmed that the Propositions relate to the responsibilities of the Committee to advise the States and develop and implement policies on matters relating to its purpose, including financial and social hardship, and social inclusion, including in relation to disability.
- 4.7 In accordance with Rule 4(2)(b), it is confirmed that the propositions above have the unanimous support of the Committee.

Yours faithfully

P J Roffey  
President

H L de Sausmarez  
Vice-President

T L Bury  
S J Falla  
L C Queripel

M R Thompson  
Non-States Member

R J Le Brun  
Non-States Member

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<sup>9</sup> [Government Work Plan 2023-25: a mid-term reset Investing in Islanders our Island and our Future, Billet d'État XI, 2023, pg. 10.](#)



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25<sup>th</sup> March 2024

Dear Deputy Roffey

### **Country Hospital Charitable Fund**

Thank you for your letter dated 2<sup>nd</sup> November 2022, and apologies for the lengthy delay in providing a response. The Committee for Health & Social Care (“the Committee”) is grateful for the opportunity to put forward some worthy causes that may be able to benefit from the funds held by the Country Hospital Charitable Fund (“the Fund”).

The Committee is aware that the Country Hospital Charitable Fund Law, 1958 (“the Law”) sets out the intended uses of the funds, and it has therefore sought to ensure that any recommendations are in accordance with those requirements. It also notes that the ultimate decision as to how the funds should be used rest with you as the trustee of the fund in your capacity as President of the Committee for Employment & Social Security (CfESS). To that end, the Committee wishes to put forward two suggestions, with some supporting information:

#### **1. The Croft**

The Croft provides a short break and respite service to children and young people up to age 18 with moderate to severe learning disabilities and/or complex physical disabilities. It also provides day care during the school holidays. The current service is accessed by around 35 families that live on the Island and use the service weekly or monthly.

It has been recognised that the current premises are outdated and not fit for purpose for the needs of children with disabilities and their families. The Croft lacks key facilities, such as a therapy room, fit-for-purpose equipment and furniture, sensory toys, and moving and handling equipment, and service-users would benefit from investment in these areas that could be made to improve the environment at The Croft.

Previously, consideration had been given for a long-term solution to potentially co-locate The Croft and the Kindred Centre at Les Genats as part of the CfESS 'Affordable Housing Development Project – Redevelopment of the Genats estate.' As you will be aware, this initiative has since been moved into the 'pipeline' category after prioritisation and there is currently no clear date as to when this may be reviewed again.

Officers and Service Leads at Health and Social Care have worked to understand the current issues at the Croft and any required essential building works as part of an Interim Works project. A bid for c.£26,000 was made through Minor Capital but was regrettably not able to be prioritised due to other competing requests.

In considering this matter, the Committee felt strongly that investing some of the funding available within the Country Hospital Charitable Fund at The Croft would be an extremely worthy cause, consistent with the use of the Fund, and even more so as a long-term option for a replacement facility remains some time away.

## **2. Friends of the Princess Elizabeth Hospital**

The Friends of the Princess Elizabeth Hospital ("PEH") is a charitable body registered with the Guernsey Registry and is also a member of the Association of Guernsey Charities<sup>1</sup>. It is established "to provide comforts and services to patients and to raise funds for the purchase of items not normally supplied by the hospital." The Friends of the PEH has previously donated additional equipment for the Hospital, including funding improvements to the MRI scan room, new furniture in other parts of the hospital and machinery.

While some or all of the funding could be passed to the Friends of the PEH, in doing so it could also be suggested that it liaises with other registered charities whose purpose supports the PEH in charitable ways. For example, the Friends of Frossard Children's Ward Charitable Trust<sup>2</sup> is also a registered charity and supports the Frossard Ward to fund medical and other equipment for the benefit of children and parents on the Ward.

In putting forward this suggestion, the Committee has not approached either of the above charities about the funds in order not to pre-empt any decision by the CfESS in respect of the allocation of funding.

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<sup>1</sup> Association of Guernsey Charities – The Friends of the Princess Elizabeth Hospital - [AGC \(charity.org.gg\)](http://AGC(charity.org.gg))

<sup>2</sup> [Home \(friendsoffrossard.org.gg\)](http://Home(friendsoffrossard.org.gg))

In closing, the Committee would be very supportive of using the available funds for The Croft given the uncertainty surrounding its long-term future, whilst acknowledging that CfESS may wish to pursue alternatives or indeed seek to apportion the funds.

I hope that the above provides enough information to support your decision-making. However, should you require any further information, please contact Emma Le Tissier, Committee Secretary, who will be happy to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'T. Bury' with a period at the end. The signature is written in a cursive, slightly slanted style.

**Deputy T Bury**  
Vice-President