

# STATES OF JERSEY



## **DRAFT HOWARD DAVIS FARM (ARRANGEMENTS FOR FURTHER ABROGATION OF COVENANT) (JERSEY) LAW 201- (P.105/2017): AMENDMENT (P.105/2017 Amd.) – AMENDMENT**

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**Lodged au Greffe on 6th December 2017  
by the Minister for Infrastructure**

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**STATES GREFFE**

DRAFT HOWARD DAVIS FARM (ARRANGEMENTS FOR FURTHER  
ABROGATION OF COVENANT) (JERSEY) LAW 201- (P.105/2017):  
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**PAGE 2, PARAGRAPH 2 –**

- (a) For inserted paragraphs (2) and (3) substitute the following –
- “(2) Where the proposed change of use mentioned in paragraph (1) involves the payment of a rent (within the meaning of paragraph 1 of the Schedule) for the use of Howard David Farm, or any part of it, for a sum that exceeds £50,000 a year, the trustees of the Trust must, before agreeing to the change of use, obtain the agreement of the Minister for Infrastructure.
  - (3) Where the Minister for Infrastructure agrees to the change of use the Minister must present to the States a report setting out the details of the proposed change of use and the reasons why the Minister and the trustees of the Trust wish to allow it.”.
- (b) In inserted paragraph (4), for the words “the third meeting of the States” substitute the words “15 working days”.

MINISTER FOR INFRASTRUCTURE

## REPORT

This amendment reflects the circumstances that have required a new Law. The proposal is both necessary, to address current uses that are not in accordance with the existing Law, and pragmatic, to avoid burdening the Assembly with decisions on land use that have been agreed with the duly appointed Trustees.

The updated Law also addresses 2 parcels of land that were omitted from the existing Law and remain subject to the Covenant, when this was not the intended situation.

I remain of the view that the Law, as drafted, properly addresses these issues, and that the amendment is unnecessary.

However, rather than seek to defeat the amendment of Deputy J.A.N. Le Fondré of St. Lawrence ([P.105/2017 Amd.](#)), I have taken the view that it can be accommodated subject to 2 further amendments that are wholly in line with the Deputy's position, as set out in the report to his amendment.

Firstly, that reference to the States is limited to changes of use that exceed £50,000 a year. The Deputy recognises that 'It is very difficult to define (under Law) what is a 'significant' item ...'. In this we are in agreement. This further amendment sets a single, clear and unambiguous threshold to create the clarity he seeks. Both the Trustees and Deputy Le Fondré are in agreement with this amendment.

Secondly, the period for the lodging of a proposition by States Members following notification of a change of use that exceeds £50,000 is to be amended to 15 working days.

This period is consistent with the requirements of the States' Standing Order 168, which has operated for a number of years without disenfranchising any members from raising concerns or lodging a proposition.

The proposed period of '... no later than the third meeting of the States following the presentation of the report ...' is an indeterminate period that could be many months, particularly if it fell over the summer recess. It is simply not practical for the Trustees and the Public to engage with third party organisation and reach an agreement in principle, but then wait months before it can be actioned.

It is worth noting that any leases (or disposals for that matter), irrespective of value, would be required to be reported to the States in accordance with the terms of Standing Order 168.

In making these further amendments, I have endeavoured to comply fully with the penultimate paragraph of the Deputy's report, and I hope Members will consider it both proportionate and appropriate.

### **Financial and manpower implications**

The financial and manpower implications are minimal and can be absorbed within existing budgets.