



Jersey

AGRICULTURAL LAND (CONTROL OF SALES AND LEASES) (JERSEY) LAW 1974

Official Consolidated Version

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AGRICULTURAL LAND (CONTROL OF SALES AND LEASES) (JERSEY) LAW 1974

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AGRICULTURAL LAND (CONTROL OF SALES AND LEASES) (JERSEY) LAW 1974¹

A **LAW** to control sales and leases of agricultural land

Commencement [[see endnotes](#)]

1 Interpretation

In this Law, unless the context otherwise requires –

“agricultural land” means land, including land under glass, used or capable of being used for any purpose of agriculture or horticulture, but does not include any dwelling house or outbuilding;

“Minister” means the Minister for the Environment.²

2 Control of sales and leases of agricultural land

- (1) No person shall, whether as vendor, purchaser, lessor, lessee or other party, and whether as principal or agent, enter into any contract for the sale or transfer of any agricultural land or any lease (whether parol or in writing) of any agricultural land without the consent of the Minister.
- (2) The Minister may refuse consent to any transaction to which this Article refers or may grant consent either unconditionally or subject to such conditions as the Minister thinks fit and, in deciding whether or not to grant consent or otherwise, the Minister shall have particular regard to the desirability of reserving agricultural land for the use of *bona fide* inhabitants of Jersey engaged wholly or mainly in work of an agricultural or horticultural nature in Jersey, and ensuring that any lease of agricultural land is on terms that encourage the continued cultivation of the land in accordance with the principles of good husbandry.³
- (3) If, in pursuance of paragraph (2), the Minister grants consent to a sale or transfer or lease of any agricultural land subject to conditions –
 - (a) such conditions shall be binding on, and enforceable against, all persons for the time being having any estate or interest in the said land;

- (b) the Minister may, at any time thereafter, waive, cancel or vary such conditions, or any of them, if requested so to do by any person having any estate or interest in the said land.⁴
- (4) Where the Minister refuses consent he or she shall furnish to the applicant a statement in writing of the reasons for the decision.
- (5) Nothing in this Article shall apply to –
 - (a) any transaction entered into before the date of the coming into force of this Law;
 - (b) any contract of partition of inherited or devised real estate;
 - (c) any contract for the sale or transfer of any lease of any agricultural land to or by the Crown, the public or a parish;
 - (d) any transaction of a class for the time being exempted from the provisions of this Article by Regulations made by the States, and in respect of which such conditions as may be prescribed in such Regulations have been fulfilled.

3 Applications for consent

Every application for the consent of the Minister to any transaction to which this Law applies shall contain or be accompanied by such particulars, information and documents as may be required by the Minister and the Minister may require the application to be verified by an affidavit made by the applicant or some other person having a knowledge of the facts.

4 Power to revoke consents

- (1) The Minister may call on any person to whom consent has been granted under this Law, at any time before the completion of the transaction to which the consent relates, to show cause why that consent should not be revoked on the ground –
 - (a) that a false or misleading statement has been made in connection with the application for consent; or
 - (b) that all the material facts in connection with the transaction were not submitted to the Minister.
- (2) Where the Minister calls on any person to show cause under this Article, that person shall forthwith surrender to the Minister the evidence of the consent delivered to the person by the Minister and shall not proceed with the transaction to which the consent relates until the Minister has determined whether or not the consent shall be revoked.
- (3) Unless cause is shown to the Minister why the consent should not be revoked, the Minister may revoke the consent, which shall thereupon be deemed not to have been obtained.
- (4) Where the Minister revokes the consent he or she shall furnish to the person to whom consent had been granted a statement in writing of the reasons for the revocation.

5 Appeals

Any person aggrieved by any decision of the Minister under Article 2 or 4 may appeal either in term or in vacation to the Royal Court within 2 months of the date of the

notification of the decision on the ground that the decision was unreasonable having regard to all the circumstances of the case.

6 Power to obtain information in relation to offences

- (1) If the Bailiff is satisfied by information on oath that there is reasonable ground to believe that an offence against this Law has been committed by any person, the Bailiff may, in his or her discretion, grant a warrant authorizing any person named in the warrant, for the purpose of obtaining any information or evidence in relation to the commission of any such offence, to do from time to time all or any of the following things –
- (a) inspect and examine any books, accounts, vouchers, records or documents;
 - (b) require any person to produce any books, accounts, vouchers, records or documents in the person's possession, or under his or her control, and to allow copies of or extracts from any such books, accounts, vouchers, records or documents to be made;
 - (c) require any person to furnish any information or particulars that may be required of him or her, not being information or particulars tending to incriminate him or her;
 - (d) enter on and inspect any land.
- (2) Any person who –
- (a) wilfully resists, obstructs, hinders, deceives, or attempts to deceive, any person who is exercising any power or function under this Article;
 - (b) wilfully makes any false or misleading statement or any material omission in any information or particulars furnished under this Article;
 - (c) fails to comply in any respect with any requirement under this Article; or
 - (d) aids, abets, counsels or procures, or is in any way knowingly concerned with, the commission of any such offence as aforesaid,
- shall be guilty of an offence and shall be liable to a fine.

7 Offences

- (1) Any person who –
- (a) without lawful excuse acts in contravention of or fails to comply with any provision of this Law or with any condition made or imposed under this Law;
 - (b) with intent to deceive makes any false or misleading statement or any material omission in any application to the Minister, or in any communication (whether in writing or otherwise) to the Minister or any person, for the purposes of this Law;
 - (c) whether as principal or agent and whether himself, herself or by his or her agent, enters into, or offers to enter into, or procures or induces or attempts to procure or induce any other person to enter into, any transaction or arrangement that is or is intended to be inconsistent with an application made or to be made, or consent given or to be given, under this Law;

- (d) whether as principal or agent and whether himself, herself or by his or her agent, and whether as vendor, purchaser, lessor, lessee or other party, or otherwise howsoever, is party to any device, plan or scheme for any transaction or arrangement that is or is intended to be in contravention of this Law or inconsistent with any application made or to be made, or consent given or to be given, under this Law,

shall be guilty of an offence and shall be liable to a fine:

Provided that, where any person is convicted of the offence of failing to comply with any condition made or imposed under this Law and it is shown to the satisfaction of the court that the offence was substantially a repetition or continuation of an earlier offence by the person after he or she had been convicted of the earlier offence, the person shall be liable to a fine for every day on which the earlier offence has been so repeated or continued by him or her.⁵

- (2) In any proceedings for an offence against this Law, the burden of proving that the consent of the Minister has been granted to any transaction, or that this Law did not apply to any transaction, shall be on the person charged with the offence.

8 Citation

This Law may be cited as the Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974.

ENDNOTES

Table of Legislation History

| Legislation | Year and No | Commencement |
|--|----------------------------------|------------------|
| Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974 | L.13/1974 | 26 July 1974 |
| Agricultural Land (Control of Sales and Leases) (Amendment) (Jersey) Law 1978 | L.11/1978 | 20 October 1978 |
| Agricultural Land (Control of Sales and Leases) (Amendment No. 2) (Jersey) Law 1984 | L.9/1984 | 9 March 1984 |
| Agricultural Land (Control of Sales and Leases) (Amendment No. 3) (Jersey) Law 1992 | L.13/1992 | 18 December 1992 |
| Criminal Procedure (Prescription of Offences) (Jersey) Law 1999 | L.23/1999 | 23 July 1999 |
| Transfer of Functions (Environment and Public Services Committee (No. 2) (Jersey) Act 2004 | R&O.133/2004 | 23 November 2004 |
| States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005 | R&O.132/2005 | 9 December 2005 |
| States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015 | R&O.158/2015 | 1 January 2016 |

Table of Renumbered Provisions

| Original | Current |
|----------|---------------------------------------|
| 2(2A)(i) | 2(3)(a) |
| (ii) | (b) |
| (3) | (4) |
| (4) | (5) |
| 7(3) | repealed by L.23/1999 |
| (4) | repealed by L.23/1999 |

Table of Endnote References

¹ *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*

- ² *Article 1* *amended by L.11/1978, R&O.158/2015*
- ³ *Article 2(2)* *amended by L.13/1992*
- ⁴ *Article 2(3)* *inserted by L.11/1978*
- ⁵ *Article 7(1)* *amended by L.9/1984*