



Jersey

# **PROTECTION OF AGRICULTURAL LAND (JERSEY) LAW 1964**

## **Official Consolidated Version**

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Showing the law from 28 September 2021 to Current



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# PROTECTION OF AGRICULTURAL LAND (JERSEY) LAW 1964

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Jersey

## PROTECTION OF AGRICULTURAL LAND (JERSEY) LAW 1964<sup>1</sup>

A **LAW** for the protection of agricultural land

Commencement [[see endnotes](#)]

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### 1 Interpretation

In this Law, unless the context otherwise requires –

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock, the use of land as grazing land, meadow land, market gardens and nursery grounds; and references to “agricultural land” shall be construed accordingly;

“Minister” means the Minister for the Environment.<sup>2</sup>

### 2 Prohibition on the spoliation of agricultural land

(1) Subject to the provisions of this Article, if any person –

- (a) removes, or causes or allows to be removed, surface soil from any agricultural land;
- (b) does, or causes or allows to be done, anything which has, or is likely to have, the effect of rendering any land unsuitable for agriculture; or
- (c) with the intent of rendering any agricultural land unsuitable for agriculture, fails to do anything which the person ought reasonably to do in the ordinary course of good husbandry,

the person shall be guilty of an offence.

(2) Where an offence against this Article has been committed by a person other than the occupier of the land, the occupier shall also be guilty of an offence unless the occupier proves that he or she could not reasonably be expected to have been able to prevent the commission of the offence.

(3) It shall be a defence for a person charged with an offence against this Article to prove that the person acted in the course of the person’s employment as a servant

or agent of another person on the instructions of the person's employer or of some other specified person.

- (4) It shall be a defence for a person charged with an offence against paragraph (1)(a) to prove –
  - (a) that the soil was removed for the purpose of depositing it, and that it has been deposited, on other agricultural land in the same occupation and that the removal of the soil does not have the effect of rendering the agricultural land from which it was removed unsuitable for agriculture; or
  - (b) that the soil was removed for the purpose of using it, and that it has been used, for raising seedlings on agricultural land in the same occupation.
- (5) The provisions of paragraph (1)(a) shall not apply to the removal of so much surface soil as it is reasonably necessary to remove in the course of cutting turf so long as the removal of the soil does not have the effect of rendering the agricultural land from which it was removed unsuitable for agriculture.
- (6) A person shall not be convicted of an offence against paragraph (1)(b) unless the court is satisfied that the person knew, or could reasonably be expected to know, that the effect or the likely effect of the act constituting the offence would be to render the land unsuitable for agriculture.
- (7) It shall be a defence for a person charged with an offence against paragraph (1)(b) to prove that the land in respect of which the offence is alleged is land the only agricultural use of which is the grazing of young stock and that the offence alleged has not rendered the land, or any of it, unsuitable for that purpose.
- (8) The provisions of this Article shall not prohibit the doing of anything –
  - (a) in exercise of any powers conferred by or under any other enactments;
  - (b) in pursuance of, and in accordance with any conditions attaching to, any authorization (by whatever name called) granted under any other enactment or as a reasonable consequence of the grant of any such authorization; or
  - (c) in pursuance of, and in accordance with any conditions attaching to, a permit in writing by the Minister.
- (9) The references in paragraph (1) to agricultural land include references to land the use of which for agriculture has been discontinued with a view to the evasion of the provisions of that paragraph.

### **3 Power of entry**

- (1) Any person authorized by the Minister in that behalf may, at all reasonable times and on production if so required of evidence of the person's authority, enter on any agricultural land for the purpose of ascertaining whether there is, or has been on or in connection with the land any contravention of the provisions of this Law.
- (2) Every person who obstructs or impedes a person in the exercise of any of the powers conferred by this Article, and where the person against whom the obstruction is alleged is not the occupier of the land, the occupier also, shall be guilty of an offence:

Provided that, where a person is charged with an offence under this Article by reason only that the person is the occupier, it shall be a defence to prove that the offence took place without the person's consent or connivance.

#### **4 Protection of agricultural land from contamination etc.**

- (1) With a view to preventing agricultural land from contamination by diseases, pests or weeds and otherwise for preventing a deterioration of the quality of the soil, the Minister may, by Order, make provision for controlling the addition to agricultural land of soil taken from any land, whether agricultural land or not, and any such Order may contain provision for ensuring the proper administration and enforcement of the Order and, without prejudice to the generality of the foregoing, for the inspection of any land, the sampling of the soil and the carrying out of tests in connection therewith.
- (2) <sup>3</sup>
- (3) In this Article, the expression “pests” includes any insect destructive to crops, any fungus, bacterium or other vegetable or animal organism, and any virus or other agent causative of a crop disease.

#### **5 Power to obtain information**

- (1) The Minister, and any person authorized in that behalf by the Minister, may require the occupier of any agricultural land to furnish to such authority or person within such time and in such manner as may be specified in the requirement such information in relation to that agricultural land as may be so required.
- (2) The occupier of any agricultural land who refuses or neglects to furnish any information which under this Article is required to be furnished, within the time within which it is to be furnished, or knowingly furnishes any information required to be furnished under this Article which is false in a material particular shall be liable to a fine of level 3 on the standard scale.<sup>4</sup>

#### **6 Penalties**

- (1) A person guilty of an offence against this Law, other than an offence to which Article 5(2) of this Law applies, or any Order made thereunder shall be liable to a fine:  
  
Provided that, where a person is convicted of any offence as aforesaid 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 the person had been convicted of the earlier offence, the person shall be liable to imprisonment for a term of 2 years and to a fine.<sup>5</sup>
- (2) Where an offence against this Law or any Order made thereunder committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other officer of that body corporate, or any person purporting to act in any such capacity, he or she as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

#### **7 Citation**

This Law may be cited as the Protection of Agricultural Land (Jersey) Law 1964.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Protection of Agricultural Land (Jersey) Law 1964	<a href="#">L.26/1964</a>	22 January 1965
Transfer of Functions (Environment and Public Services Committee (No. 2) (Jersey) Act 2004	<a href="#">R&amp;O.133/2004</a>	23 November 2004
States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005	<a href="#">R&amp;O.132/2005</a>	9 December 2005
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	<a href="#">R&amp;O.158/2015</a>	1 January 2016
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	<a href="#">L.1/2016</a>	20 September 2016 ( <a href="#">R&amp;O.98/2016</a> )
Legislation (Jersey) Law 2021	<a href="#">L.8/2021</a> ( <a href="#">R&amp;O.112/2021</a> )	28 September 2021

### Table of Endnote References

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- <sup>1</sup> *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*
- <sup>2</sup> *Article 1 amended by R&O.158/2015*
- <sup>3</sup> *Article 4(2) deleted by L.8/2021*
- <sup>4</sup> *Article 5(2) amended by L.1/2016*
- <sup>5</sup> *Article 6(1) amended by L.1/2016*