



Jersey

**HOWARD DAVIS FARM  
(ARRANGEMENTS FOR FURTHER  
ABROGATION OF COVENANT)  
(JERSEY) LAW 2018**

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Jersey

## HOWARD DAVIS FARM (ARRANGEMENTS FOR FURTHER ABROGATION OF COVENANT) (JERSEY) LAW 2018

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Jersey

## HOWARD DAVIS FARM (ARRANGEMENTS FOR FURTHER ABROGATION OF COVENANT) (JERSEY) LAW 2018

**A LAW** to allow for the further abrogation of the covenant applying to the gift of land known as Howard Davis Farm and associated land to the Public of Jersey; and for connected purposes

Commencement [[see endnotes](#)]

### 1 Interpretation

(1) In this Law –

“2008 Law” means the Howard Davis Farm (Abrogation of Covenant) (Jersey) Law 2008;

“covenant” means the terms of the deed by which Howard Davis Farm was gifted;

“Howard Davis Farm” means the house, farm buildings and land formerly known as “Parkfield” and the 2 fields known as field no. 302 (also known as “La Geonnière”) and “Côtîl at Epyt”, all of which were gifted to the Public of the Island by the late Thomas Benjamin Frederick Davis and accepted by Act of the States of 28th November 1927;

“Trust” means The Howard Davis Farm Trust (an association incorporated under the [Loi \(1862\) sur les teneures en fidéicomis et l’incorporation d’associations](#)).

### 2 Future further abrogation of covenant

(1) Despite the covenant as abrogated by the 2008 Law, it is lawful for the Public of the Island to make any use of Howard Davis Farm, or any part of it, subject to the agreement of the trustees of the Trust.

(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.
- (4) A member of the States may lodge a proposition, no later than 15 working days following the presentation of the report mentioned in paragraph (3), inviting the States to direct the trustees of the Trust not to agree to the change of use, and if the States approve the proposition, any agreement of the trustees of the Trust under paragraph (1) that relates to that change of use is void.
- (5) If –
  - (a) no proposition is lodged under paragraph (4), the trustees of the Trust are treated as having agreed to the proposed change of use on the first day of the meeting of the States referred to in paragraph (4); or
  - (b) a proposition is lodged under paragraph (4) but is withdrawn by the member or rejected by the States, the trustees of the Trust are treated as having agreed to the proposed change of use on the day of the withdrawal or rejection as the case may be.
- (6) The Schedule sets out the extent to which the covenant was abrogated by the 2008 Law, namely –
  - (a) the conditions under which part of Howard Davis Farm may be let free from the requirement that it be used as an experimental farm for developing the study of agriculture and for instructing in that science young people and other interested parties; and
  - (b) how the income from that letting may be applied.

### **3 Registration of Law in Public Registry**

- (1) The Royal Court must, when it orders the registration of this Law, also order the registration of a copy of this Law, signed by the Greffier of the States, in the Public Registry of Contracts.
- (2) The registration of a copy of this Law in the Public Registry of Contracts has like effect as a contract passed before the Royal Court.
- (3) No fees are payable under the [Stamp Duties and Fees \(Jersey\) Law 1998](#) in relation to the registration of a copy of this Law as required by paragraph (1).

### **4 Citation**

This Law may be cited as the Howard Davis Farm (Arrangements for further Abrogation of Covenant) (Jersey) Law 2018.

## **SCHEDULE**

(Article 2(2))

### **EXTENT OF ABROGATION OF COVENANT UNDER 2008 LAW**

#### **1 Interpretation of Schedule**

In this Schedule, unless the context otherwise requires –

“land” means Howard Davis Farm with the exception of the 2 fields known as field no. 302 (also known as “La Geonnière”) and “Côtîl at Egypt, or any part of it;

“lease” includes –

- (a) any tenancy or licence; and
- (b) any other arrangement for the occupation and use of Howard Davis Farm or any part of it by an administration of the States,

and any reference to a lessee shall be construed accordingly;

“rent” includes –

- (a) any payment under a licence; and
- (b) any payment by or recharge to an administration of the States for the occupation and use of Howard Davis Farm or any part of it.

#### **2 Principal uses**

- (1) Subject to the following provisions of this Schedule, the land may be let only for any of the following uses –

- (a) light industry;
- (b) warehousing (other than retail warehousing);
- (c) agriculture;
- (d) horticulture;
- (e) as a commercial dairy and milk processing facility;
- (f) as offices and laboratories occupied by an administration of the States;
- (g) as one or more incinerators, to be used for the disposal of animal carcasses only.

- (2) For the purposes of sub-paragraph (1)(b), “retail warehousing” means any warehouse to which members of the public, or any class of members of the public, have access for the purpose of the retail purchase or hire of goods.

#### **3 Ancillary uses**

- (1) The land may also be let for use as commercial offices if –

- (a) that use is ancillary to a use of the land described in paragraph 2(1)(a) to (e); and

- (b) the aggregate square footage of the land that is let for such ancillary use does not exceed 10,000.
- (2) The land may also be let for use as residential property if –
  - (a) that use is ancillary to a use of the land described in paragraph 2; and
  - (b) the aggregate square footage of the land that is let for such ancillary use does not exceed 8,000.
- (3) The land may also be let for use for retail purposes (other than the retail sale of motor vehicles or use as a supermarket) if –
  - (a) that use is ancillary to a use of the land described in paragraph 2; and
  - (b) the aggregate square footage of the land that is let for such ancillary use does not exceed 2,500.
- (4) The land may also be let for use for educational and training purposes if –
  - (a) that use is ancillary to the use of the land for the purposes of agriculture or horticulture; and
  - (b) the aggregate square footage of the land that is let for such ancillary use does not exceed 10,000.

#### **4 Restriction on warehousing**

The square footage of warehousing permitted on the land must not exceed, in the aggregate, 60,000.

#### **5 Restriction on incinerators**

- (1) The square footage of the incinerators permitted on the land by paragraph 2(1)(g) must not exceed, in the aggregate, 7,000.
- (2) If the Jersey Employment Trust (an association incorporated under the [Loi \(1862\) sur les teneures en fidéicomis et l'incorporation d'associations](#)) vacates the land lying to the north of La Rue Asplet, paragraph 2(1)(g) and this paragraph shall cease to have effect 2 years after the date of such vacation.

#### **6 Restriction on letting at below open market rate**

- (1) The land may be let only at a rent that is below the open market rate if the trustees of the Trust so agree.
- (2) Sub-paragraph (1) does not apply to the letting of so much of the land described in paragraph 8(1)(b) as was, on 5th June 2008, occupied for use as offices and laboratories by an administration of the States for which the Minister for the Environment has responsibility, provided that the land continues to be occupied, for that use and by that administration, at a rent that is the sum of –
  - (a) the rent paid for the preceding year; and



- (b) an amount that is such percentage of the rent paid for the preceding year as equates to the percentage increase in the Jersey Cost of Living Index in the preceding year.
- (3) Sub-paragraph (1) does not apply for, the period of 25 years beginning on the day the 2008 Law came into force, to the occupation by, or letting to, the Jersey Employment Trust or any company administered by that Trust, of such part of the land described in paragraph 8(1)(c) as was, on 5th June 2008, occupied by or let to that Trust or such a company.

## **7 Determination of square footage**

- (1) Where the part of the land that is let is a building or other structure, the square footage that is taken into account for the purpose of paragraph 3(1)(b), (2)(b), (3)(b) or (4)(b), 4 or 5(2) is the internal floor area of the building or other structure that is used for the purpose described in that provision, determined in accordance with the Code of Measuring Practice of the Royal Institution of Chartered Surveyors.
- (2) Where any glasshouse or polytunnel is principally used for agriculture or horticulture, but also has an ancillary use for retail or educational and training purposes, the square footage of the glasshouse or polytunnel is disregarded when applying the restriction in paragraph 3(3) or (4).

## **8 Application of rental income**

The following amounts shall be deducted from rent received under leases of the land, or of any part of it, and remitted to the Trust –

- (a) in respect of so much of the land as lies to the south of La Rue Asplet and is let for use as a commercial dairy and milk processing facility and for uses ancillary to that use, 80% of the rent received;
- (b) in respect of so much of the land as lies to the south of La Rue Asplet (other than the land described in sub-paragraph (a)) and is let for any use, not less than 50% of the rent received;
- (c) in respect of so much of the land as lies to the north of La Rue Asplet, 80% of the rent received;
- (d) 80% of the balance of the rent received in respect of the land after deduction of –
  - (i) the amounts required to be deducted under sub-paragraphs (a) to (c), and
  - (ii) the costs of repair, maintenance and replacement of the land, or any part of it, that are committed to by or on behalf of the Public of Jersey.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Howard Davis Farm (Arrangements for further Abrogation of Covenant) (Jersey) Law 2018	<a href="#">L.10/2018</a>	30 March 2018	<a href="#">P.105/2017</a>

Projects available at [www.statesassembly.gov.je](http://www.statesassembly.gov.je)

### Table of Renumbered Provisions

Original	Current
4	spent, omitted
5	4

### Table of Endnote References

*There are currently no endnote references*