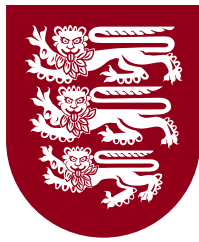


STATES OF JERSEY



Jersey

DRAFT F.B. PLAYING FIELDS (JERSEY) LAW 202-

**Lodged au Greffe on 2nd May 2023
by the Minister for Infrastructure
Earliest date for debate: 13th June 2023**

STATES GREFFE



Jersey

DRAFT F.B. PLAYING FIELDS (JERSEY) LAW 202-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Minister for Infrastructure has made the following statement –

In the view of the Minister for Infrastructure, the provisions of the Draft F.B. Playing Fields (Jersey) Law 202- are compatible with the Convention Rights.

Signed: **Deputy T.J.A. Binet of St. Saviour**
Minister for Infrastructure

Dated: 2nd May 2023

REPORT

Background

The Draft F.B. Playing Fields (Jersey) Law 202- (“the Draft Law”) validates the existing buildings on the F.B. Fields and preserves the condition of use of F.B. Fields as playing fields for the use and benefit of the public. It also provides for the future development and modernisation in-line with the condition of use, and the granting of leases and licences, enabling the creation of a community open recreation active space.

The F.B. Playing Fields are subject to restrictive covenants that prohibit the erection of buildings. While the [F.B. Playing Fields \(Construction and Use of Sports Hall\) \(Jersey\) Law 1996](#) permitted the erection of a sports hall on part of the F.B. Fields, the Sports Hall was not built entirely within the area permitted by the 1996 Law. It is also the only building permitted to be built on the site. While the existing buildings on F.B. Fields are not considered problematic, it has been acknowledged that the situation should be regularised to reflect current use of F.B. Fields, while also permitting future development that is in-keeping with the use expectations of the owners when the land was gifted. To that end, Article 3 validates the existing structures on the F.B. Fields and their use and Article 4 preserves the condition of use contained in the contracts relating to the F.B. Playing Fields, that they are to be maintained as playing fields for the use and benefit of the public.

Article 5 of the Draft Law provides for the construction of buildings, facilities or structures designed to be used for the purposes of a sport, fitness, leisure or recreational activity and for maintenance, extension, refurbishment and improvement of all facilities, both new and existing. It also provides specifically for the creation of a track for the shared use of cyclists and pedestrians. Article 5 also provides for the possibility of granting leases and licences to permit activity from time to time considered desirable, provided that the use of the facilities is always for the purposes or incidental to the purposes of sport, fitness, leisure or recreation.

The Draft Law furthers the policy objectives of the [Inspiring Active Places strategy](#). There is a Master Plan currently being developed for all sports facilities in Jersey and the Draft Law will permit the F.B. Playing Fields to adapt to that plan. The Draft Law allows for any recommendations that would require the construction of new facilities or modernisation of the site to be implemented, without more legislation being required when new infrastructure is required.

Officers have been in contact with representatives of the Boot family with the closest connection to the Island. They have confirmed they are grateful to have been extended the courtesy of being approached and confirm that, “provided the use of any new buildings relates to the original use for which my great-grandmother gave the land, then we fully support any changes to the law to vary the original grant”.

Financial and manpower implications

There are no new financial and/or manpower implications arising from the amendment.

Human Rights Note

There is no Human Rights Note appended because the Law Officers’ Department indicated that the amendment does not give rise to any human rights issues.

EXPLANATORY NOTE

The F.B. Playing Fields (Jersey) Law 202- (the “Law”), if passed, will permit the Public of the Island to refurbish existing buildings, build and maintain new sports facilities and outdoor recreational facilities, and grant leases or licences for the occupation or use of those buildings or facilities, securing the F.B. Playing Fields for the purposes of sport and recreation. The Law also validates the construction and lease of a clubhouse building, on part of the F.B. Playing Fields, that occurred before the commencement of the Law.

Article 1 is the general interpretation provision for the Law.

Article 2 sets out which areas of the F.B. Playing Fields fall within the scope of the Law. Those areas are depicted in the plan in the *Schedule*. This *Article* also defines what constitutes the general references in the Law to the “F.B. Playing Fields”.

Article 3 legally validates the Public of the Island’s previously unauthorised construction of a clubhouse building on part of the F.B. Playing Fields, and lease of that building to the Jersey Spartan Athletic Club, that took place before the Law’s commencement.

Article 4 provides for the continued preservation of the historical condition of use as a “terrain de sports” (playing fields) when the land comprising the F.B. Playing Fields first passed into the ownership of the Public of Island.

Article 5 permits the Public of the Island to construct and maintain a cycle track, buildings, and other recreational facilities, and to grant leases or licences for the occupation or use of the buildings or other areas on the F.B. Playing Fields. Buildings or areas constructed or created under this *Article* must be occupied, or otherwise used, and maintained only for sporting or recreational purposes.

Article 6 requires that a copy of the Law, signed by the Greffier of the States, must be registered in the Public Registry of Contracts following its registration by the Royal Court.

Article 7 repeals 2 earlier Laws in respect of the F.B. Playing Fields whose purposes were to legally validate previously unauthorised construction and use of a sports hall on the F.B. Playing Fields. Despite the repeal of those Laws, those validations remain in force by virtue of *Article 5* (effect of repeal and expiry) of the Legislation (Jersey) Law 2021.

Article 8 provides for the title by which the Law may be cited and for it to come into force 7 days after it is registered.



Jersey

DRAFT F.B. PLAYING FIELDS (JERSEY) LAW 202-

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Jersey

DRAFT F.B. PLAYING FIELDS (JERSEY) LAW 202-

A LAW to permit the construction and use of buildings and other infrastructure on the F.B. Playing Fields for the purposes of sport and recreation and for connected purposes.

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

THE STATES, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law –

“F.B. Playing Fields” has the meaning given in Article 2;

“Loi (1862)” means the [Loi \(1862\) sur les teneures en fidéicomis et l’incorporation d’associations](#).

2 Application of Law and meaning of “F.B. Playing Fields”

- (1) This Law applies in respect of the parts of the F.B. Playing Fields depicted in the plan, set out in the Schedule, which are –
 - (a) coloured green and labelled C6 F.B. Playing Fields; and
 - (b) coloured blue and labelled C7 Le Petit Clos de Sequée et Le Clos qui fut à Jean Clément.
- (2) “F.B. Playing Fields” means –
 - (a) the piece of land “consecrated for ever thereafter for use as playing fields for the recreation of children and adult persons of both sexes residing in the Island of Jersey” and known as the “F.B. Playing Fields”, and the buildings on that land, situated in the Parish of St. Clement on the Fief of Samarès, first referred to in the contract passed before the Royal Court on 28th April 1928 and subsequently ceded to the Public of the Island by contract passed before the Royal Court on 17th January 1953; and
 - (b) the piece of land known as “Le Petit Clos de Sequée et Le Clos qui fut à Jean Clément” adjoining the land referred to in paragraph (a) which, by way of gift,

was ceded to the Public of the Island by contract passed before the Royal Court on 8th December 1951.

3 Validation

Despite anything to the contrary contained in any enactment or contract passed before the Royal Court, it is declared to have been lawful for the Public of the Island, before the commencement of this Law –

- (a) to have constructed a building, for use as a clubhouse, on the part of the F.B. Playing Fields described in Article 2(1)(b); and
- (b) to have leased that building to an individual sporting association incorporated under the Loi (1862).

4 Preservation of the F.B. Playing Fields' condition of use

This Law preserves the condition contained in the contracts relating to the F.B. Playing Fields passed before the Royal Court, before the commencement of this Law, to the effect that the F.B. Playing Fields are to be used and maintained as a “terrain de sports” (playing fields) for the use and benefit of the public.

5 Construction on, and granting of leases or licences in respect of, the F.B. Playing Fields

- (1) The Public of the Island may construct on the F.B. Playing Fields –
 - (a) a track for the shared use of cyclists and pedestrians; and
 - (b) buildings, facilities or structures designed to be used for the purposes of a sport, fitness, leisure or recreational activity.
- (2) The Public of the Island may maintain, extend or refurbish a construction referred to in paragraph (1), and any other building, facility or structure that was constructed or permitted to be constructed on the F.B. Playing Fields before the commencement of this Law.
- (3) The Public of the Island may carry out work to improve an existing, or create a new, outdoor sporting or recreational area on the F.B. Playing Fields.
- (4) The Public of the Island may grant a lease or licence, of a type described in paragraph 5, to a person described in paragraph 5, to occupy, or otherwise use, anything constructed or any area created on the F.B. Playing Fields.
- (5) The Public of the Island may grant –
 - (a) a registered contract of a lease to a person incorporated in Jersey including an association incorporated under the Loi (1862);
 - (b) a lease that is not a registered contract, whether oral or in writing, to a person whether incorporated or otherwise; or
 - (c) a licence, whether oral or in writing, to a person whether incorporated or otherwise.
- (6) Anything constructed or any area created under this Article must be occupied, or otherwise used, and maintained only for the purposes of a sport, fitness, leisure or recreational activity, including for anything reasonably incidental to those purposes, for the benefit of the public.

- (7) In this Article –
- “lease” means a lease, underlease or other tenancy, assignment operating as a lease or underlease, or an agreement for a lease, underlease, tenancy or assignment;
- “registered contract”, means a contract passed before the Royal Court and registered in the Public Registry of Contracts.

6 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 the same 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).

7 Laws repealed

The following Laws are repealed –

- (a) the F.B. Playing Fields (Construction and Use of Sports Hall) (Jersey) Law 1996; and
- (b) the [F.B. Playing Fields \(Sports Hall\) \(Jersey\) Law 2007](#).

8 Citation and commencement

This Law may be cited as the F.B. Playing Fields (Jersey) Law 202- and comes into force 7 days after it is registered.

SCHEDULE

(Article 2(1))

PLAN OF THE F.B. PLAYING FIELDS

