

**WRITTEN QUESTION TO THE MINISTER FOR TREASURY AND RESOURCES BY THE DEPUTY
OF ST. MARTIN**

ANSWER TO BE TABLED ON TUESDAY 15th JULY 2008

Question

"Will the Minister inform members which, if any, Convention rights are potentially affected by the draft Howard Davis Farm (Abrogation of Covenant) Law 200- and the reasons for his view that the provisions of that Law are compatible with Convention rights?"

Answer

I have considered carefully all the advice I have received and accordingly have felt able to make the statement, pursuant to Article 16 of the Human Rights (Jersey) Law 2000, that the draft Howard Davis Farm (Abrogation of Covenant) Law 200 is compatible with the Convention rights. I am not aware of any Convention rights which might give rise for concern in this instance.

Members will appreciate that the reasons for making a Ministerial statement of compatibility under the Human Rights Law is not that the Minister's view is determinative of what is a legal question, nor even that it is of any evidential value to a court in that respect. The provisions requiring the statement to be made is there to ensure that Ministers and their officials focus on the need to have regard to the Human Rights Convention in their promotion of legislation for consideration by the States and as a result to ensure that all necessary legal advice is taken.

It is against this background that the statement of compatibility has been made.