

STATES OF JERSEY



DRAFT F.B. PLAYING FIELDS (SPORTS HALL) (JERSEY) LAW 200-

Lodged au Greffe on 22nd January 2007
by the Minister for Education, Sport and Culture

STATES GREFFE



Jersey

DRAFT F.B. PLAYING FIELDS (SPORTS HALL) (JERSEY) LAW 200-

European Convention on Human Rights

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

In the view of the Minister for Education, Sport and Culture the provisions of the Draft F.B. Playing Fields (Sports Hall) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator M.E. Vibert**

REPORT

On 7th November 1995, the States passed the F.B. Playing Field (Construction and Use of Sports Hall) (Jersey) Law 1996. The purpose of the Law was to make it possible for the Jersey Table Tennis Association to build a sports hall on part of the F.B. Fields, which are subject to restrictive covenants preventing the erection of buildings.

The 1996 Law provided that notwithstanding anything to the contrary contained in any enactment or contract passed before the Royal Court, it should be lawful for the Public of the Island to construct or permit the construction of a sports hall for the playing of indoor sports and related purposes upon that part of the playing fields to which the Law related and to lease the hall to a sporting association incorporated within the Island, conditional upon such association permitting other sporting associations to use the hall upon payment of a reasonable fee.

The Law was approved by Order of Her Majesty in Council of 15th October 1996, and registered in the Royal Court on 6th December 1996. The construction of the hall was then undertaken by the Jersey Table Tennis Association. Unfortunately, instead of being built entirely on the area where the 1996 Law enabled it to be built, it was built in such a way that an elongated wedge-shaped sliver along the northern side was built on part of the playing fields which were not covered by the 1996 Law, and which were subject to restrictive covenants prohibiting the erection of buildings. The hall as constructed, showing the wedge-shaped sliver which is to the north of the boundary of the area where the covenant was released, is shown on the attached plan.

The hall, once constructed, was to be the subject of a 99 year lease by the Public to the Jersey Table Tennis Association. Until the matter of the encroachment has been regulated, it is not possible to execute the lease, as it is not possible to give good title to the hall when part of it is an encroachment into part of the area of the F.B. Fields which is subject to the building restriction.

In order to regularise the position of the hall, it is necessary to augment the 1996 Law so as to extend its provisions, which made the construction of a hall on the relevant area lawful, to that sliver of the hall which has been built on the adjoining area.

Financial/manpower statement

There are no financial or manpower implications for the States arising from this Draft Law.

European Convention on Human Rights

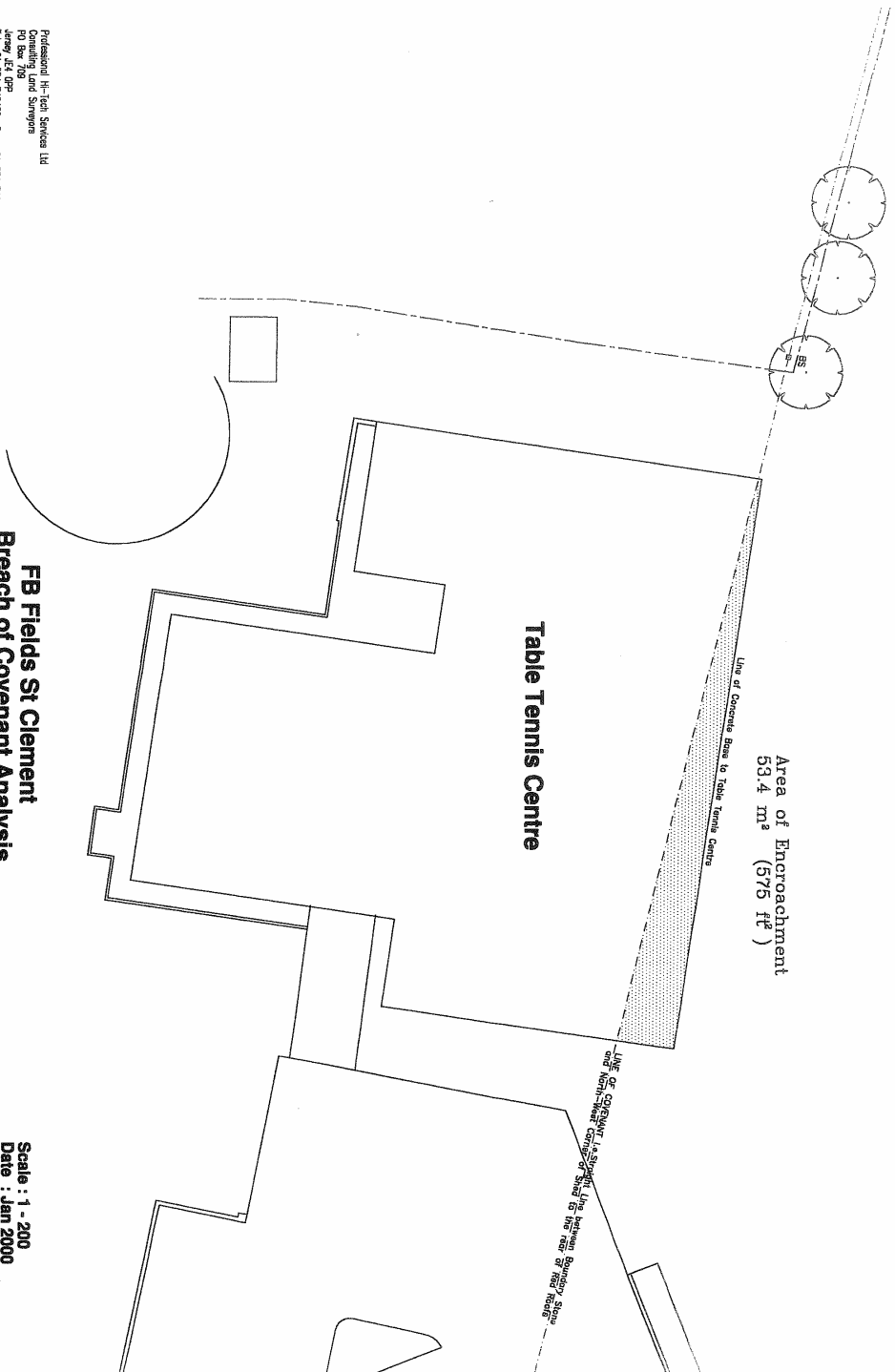
Article 16 of the Human Rights (Jersey) Law 2000 requires the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). On 18th January 2007 the Minister for Education, Sport and Culture made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Minister for Education, Sport and Culture the provisions of the Draft F.B. Playing Fields (Sports Hall) (Jersey) Law 200- are compatible with the Convention Rights.

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**FB Fields St Clement
Breach of Covenant Analysis**

Scale : 1 - 200
Date : Jan 2000
Drawing Number : P437 101



Explanatory Note

This Law validates the construction and use of that part of the sports hall at F.B. Playing Fields that was built outside the area permitted by the F.B. Playing Fields (Construction and Use of Sports Hall) (Jersey) Law 1996. The construction and use of the hall is made lawful despite anything to the contrary contained in any enactment or contract passed before the Royal Court.



Jersey

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Arrangement

Article

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Jersey

DRAFT F.B. PLAYING FIELDS (SPORTS HALL) (JERSEY) LAW 200-

A LAW to validate the construction and use of part of the sports hall built on the F.B. Playing Fields.

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

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

1 Interpretation

In this Law –

“additional land” means the land on which the sports hall was built that is not part of the land known as “Le Petit Clos de Sequée et Le Clos qui fut à Jean Clément”;

“sports hall” means the sports hall at F.B. Playing Fields.

2 Validation

The construction on the additional land of part of the sports hall and the subsequent use of the hall for playing indoor sports and for related purposes is declared to have been lawful despite anything to the contrary contained in any enactment or contract passed before the Royal Court.

3 Use of sports hall

(1) It is confirmed that despite anything to the contrary contained in any enactment or contract passed before the Royal Court, the public of Jersey –

- (a) may use the sports hall to play indoor sports and for related purposes; and
 - (b) may lease the hall to an association incorporated within Jersey as a “société de sports”, subject to the condition that the association permits other sporting associations to use the hall upon payment of a reasonable fee.
- (2) Paragraph (1) is without prejudice to the provisions of the F.B. Playing Fields (Construction and Use of Sports Hall) (Jersey) Law 1996¹.

4 Registration

- (1) The Royal Court shall, when it orders the registration of this Law, also order the registration in the Public Registry of Contracts of a copy of this Law signed by the Greffier of the States.
- (2) The registration in the Public Registry of Contracts of a copy of this Law shall have the same effect as a contract passed before the Royal Court.
- (3) No fees shall be payable under the Stamp Duties and Fees (Jersey) Law 1998² in relation the registration in the Public Registry of Contracts of a copy of this Law in compliance with an order under paragraph (1).

5 Citation and commencement

- (1) This Law may be cited as the F.B. Playing Fields (Sports Hall) (Jersey) Law 200-.
- (2) It shall come into force upon registration.

¹ *L.31/1996*
² *chapter 24.960*