

STATES OF JERSEY



Jersey

DRAFT AGRICULTURE AND FISHERIES (LOANS) (JERSEY) LAW 202-

**Lodged au Greffe on 10th February 2026
by the Minister for Sustainable Economic Development
Earliest date for debate: 24th March 2026**

STATES GREFFE



Jersey

DRAFT AGRICULTURE AND FISHERIES (LOANS) (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 Sustainable Economic Development has made the following statement –

In the view of the Minister for Sustainable Economic Development, the provisions of the Draft Agriculture and Fisheries (Loans) (Jersey) Law 202- are compatible with the Convention Rights.

Signed: **Deputy K.F. Morel of St. John, St. Lawrence and Trinity**
Minister for Sustainable Economic Development

Dated: 9th February 2026

REPORT

A. Introduction

1. Existing primary legislation, the [Agriculture \(Loans and Guarantees\) \(Jersey\) Law 1974](#) provides for –

‘affording financial assistance to the agricultural industry through the lending of money, the giving of guarantees in respect of bank loans made by persons carrying on banking business, and the making of payments to reduce the cost to borrowers of bank loans in respect of which guarantees have been given’.

2. The draft Agriculture and Fisheries (Loans) (Jersey) Law 202- (the “**draft Law**”) would, if adopted, replace the [Agriculture \(Loans and Guarantees\) \(Jersey\) Law 1974](#) (the “**1974 Law**”) to provide loans to both the agriculture and fisheries industries alongside updates that reflect modern practices explained in Key Changes below.

B. Consultation process

In preparing the draft Law, both myself as Minister and my policy officers have consulted with relevant Government Departments, Ministers and external stakeholders including consulting with the Jersey Fisherman Association and the Rural Forum, which is held quarterly, and attended by me in my capacity as the Minister for Sustainable Economic Development, the Minister for the Environment and industry partners from the Jersey Farmers Union, the Royal Jersey Agricultural and Horticultural Society and Jersey Dairy.

C. Key changes

This draft Law seeks to deliver the below changes, namely:

Part 1 – Introductory

1. Establishes the current Agricultural Loans Fund to provide loans to the agriculture and fisheries industries.
2. Re-establishes the Board constituted under the 1974 Law and renames it the Agriculture and Fisheries Loans Board. The Board makes recommendations to the Minister for Sustainable Development about making loans and payments under the Law. Provision is made for the constitution of the Board.
3. Provides for the proceedings of the Board.

Part 2 – Loans

4. Set out the criteria for the granting of loans, which are for engaged in work relating to agriculture or fisheries to undertake specified activities. They must qualify to be a beneficiary of the Rural Support Scheme or the Marine Support Scheme administered on behalf of the Minister and meet certain registration and other statutory requirements.
5. Requires borrowers to notify the Minister if they cease to be engaged wholly or mainly in work relating to agriculture or fisheries or they are convicted of any offence relating to the carrying on of that work. If either of these events occur the Minister may require immediate repayment of the loan and outstanding interest.

Part 3 – Miscellaneous

6. Sets out the powers to make Regulations which will provide the details of how the scheme is to operate.
7. Provides powers for an officer of the Minister’s Department or other person authorised by the Minister to enter and inspect property that is the subject of a loan and remove any movable property that has been provided as security. The borrower must give assistance and provide necessary information to the officer.
8. Creates offences of knowingly or recklessly making a false application for a loan and obstructing or failing to assist the officer or other authorised person under Article 8.
9. Disapplies Article 3 of the [Building Loans \(Jersey\) Law 1950](#) (power of Minister for Housing to make loans for housing) if a loan may be made under this Law.
10. Contains transitional provisions. It transfers assets and liabilities from the Fund established under the 1974 Law to the new Fund under this Law, continues appointments made under the Board constituted under that Law and treats loans and applications for loans made under the 1974 Law as being under this Law.
11. Makes a consequential amendment to the [Residential Tenancy \(Jersey\) Law 2011](#) to replace a reference to the 1974 Law with a reference to this Law.
12. Repeals the 1974 Law.
13. Contains the citation provision and provides for the Law to come into force as specified by an Act of the States.

D. Background

1. The [Economic Framework for the Rural Environment](#) (REF) and the [Economic Framework for the Marine Environment](#) (MEF) are overarching policy documents which were passed by the Council of Ministers in 2022 to guide and manage practical challenges faced by industry. The REF highlights the need for investment required to ensure Jersey’s rural enterprises remain economically viable within an integrated food system which is underpinned by government interventions across the developed world.
2. It is recognised that investment in the rural and marine economy can deliver economic growth and diversification, social opportunities and maintenance of cultural and heritage assets which have a positive impact on Island life and wellbeing, and offer best value to preserve, manage and improve our countryside and environment. Moreover, investment will not only safeguard the net positive contribution these sectors make to Government revenues but provide the opportunity to increase these revenues.
3. Existing primary legislation, the Agriculture (Loans and Guarantees) (Jersey) Law 1974 provides for –
‘affording financial assistance to the agricultural industry through the lending of money, the giving of guarantees in respect of bank loans made by persons carrying on banking business, and the making of payments to reduce the cost to borrowers of bank loans in respect of which guarantees have been given’
4. With secondary legislation laid out under the [Agricultural \(Loans\) \(Jersey\) Regulations 1974](#). Corresponding updates to the Regulations are anticipated to be made later in 2026 and come into effect at the same time as the updated law.
5. Whilst it is clear that the Government cannot increase its financial support exponentially, the States Assembly has recognised the requirement for interventions to allow meaningful

investment for the sector over the long term through their approval of P.74/2023 as amended in November 2023 to recapitalise the Agriculture Loans Fund in 2024, to a level sufficient to enable meaningful capital investment in the industry of not less than £10 million.

6. Furthermore, the amendments enabled Government to continue to provide for an agricultural loans scheme accessible to bona fide agriculturalists as defined in Part 2 Regulation 4(1) of the Agricultural (Loans) (Jersey) Regulations 1974 and as was carried out in previous decades, by reconstituting a Board (since dissolved in 2002).
7. Amending regulations to the Agricultural (Loans) (Jersey) Regulations 1974 were approved by the States Assembly in September 2024 to change the interest rate chargeable on loans from 6.5% to 3% and to reduce the required number of members of the Agricultural Loans and Guarantees Advisory Board from ten persons down to five.

E. The Board and Decision Making Responsibility

1. The purpose of the Agricultural Loans and Guarantees Advisory Board (the Board) is to make recommendations on loan applications in writing to the Minister for Sustainable Economic Development (MSED) in order that a considered decision be made by the MSED based on the information presented before them. MSED has overall decision making powers on approving or rejecting applications and that the correct strategic investment decisions are made for the use of the Agricultural Loans Fund. That decision is then enacted by the Chief Officer, Department for the Economy, who is Accountable Officer for ensuring the correct documentation for the Loan is in place before payment is made. The approval of the Minister for Treasury and Resources is also required when loans above the security threshold are applied for.
2. applicant support is integral to the success of the scheme, the Board plays a central role in the governance and decision-making process for the distribution of agricultural loans. Comprising the Chief Economic Advisor to the Government of Jersey, the CEO of Jersey Business Ltd (JBL) and industry experts and independent advisors, the Board is responsible for reviewing applications, ensuring adherence to eligibility criteria, and making informed recommendations on funding approvals. Through regular meetings, the Board maintains oversight of ongoing applications and evaluates the effectiveness of the loan scheme, ensuring that capital is allocated transparently and fairly to support the growth of Jersey's agricultural sector.
3. In 2026, JBL will continue to manage the administration of the Board, and the Board will continue to provide strategic direction and oversight, drawing on their collective expertise to respond to emerging challenges and opportunities. As the scheme evolves to potentially include the marine sector, the Board's remit will be updated accordingly to ensure robust governance across all eligible industries.
4. As per the Board's Terms of Reference, two Board members will be from the JBL team: the JBL CEO as Chair and a JBL advisor as Vice Chair.

F. Jersey Business Ltd and current operation under the current law

1. JBL began delivery of the Agricultural Loans Scheme in December 2024 under existing legislation.
2. Delivery to date: there have been eleven loan application that have been recommended by the Board for approval for a total value of £5,815,960.00 with seven of these loans now delivered in full or part payment.

G. Process adjustments for 2026

JBL will signpost to local accountants who can support applicants to develop the requisite financial documentation for a full and detailed application.

H. Ring-Fenced Provision for Financial Due Diligence

As part of their administration costs, JBL will continue to allocate a provision of funds designated for meeting the external accountant costs for undertaking the financial review of all applications to support the Board's decision making.

I. Transitional provisions

The draft Law, if adopted, would be cited as the Agriculture and Fisheries (Loans) (Jersey) Law 202- and comes into force on a day to be specified by the States by Act.

J. Statement of financial and staffing implications

The cost of administering the agricultural loans process will continue to be met in 2026 using funds from the £10 million funding pot, with JBL's projected delivery costs calculated at £91,810 (please see breakdown on costs in Table 1:

Table 1: Team Resourcing Requirements

Resource 2026	Hours	Cost to JBL (funding request)
Snr Business Advisor x 65% FTE time (actually 2 people serving)	1170	£53,516
SLT Advisory oversight & Ag Loans Board	250	£17,470
Operations, marketing, engagement & reporting support	65	£2,824
Sub- Total - JBL Agri Loan Delivery costs	1485	£73,810
External Financial Due Diligence activity (as per 2025), estimated at 18 reviews at avg £1k each*		£18,000
2026 Total Funding Requirement		£91,810

* Calculated as a maximum fee, incorporating any re-work or additional analysis requirements. This ring-fenced provision will return any unutilised funds to GoJ at project end. Please note that if proposed additional support for applicants in submitted financials is approved then this fee may reduce.

2. A recharge mechanism is in place with Treasury for administration of the Loans for interest calculation, payment and repayments.
3. It is currently under discussion to recharge to the Law Officers' Department from the fund.

K. Children's Rights Impact Assessment

I consider that this Law change has no direct or indirect impact on children and that the duty to have due regard to the UN Convention on the Rights of the Child does not arise. Accordingly, a Children's Rights Impact Assessment is not required under the [Children \(Convention Rights\) \(Jersey\) Law 2022](#).

L. Human Rights

The notes on the human rights aspects of the draft Law in the **Appendix** have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not be taken as, legal advice.

APPENDIX TO REPORT**Humans Rights on the draft Agriculture and Fisheries (Loans) (Jersey) Law 202-**

These Notes have been prepared in respect of the draft Agriculture and Fisheries (Loans) (Jersey) Law 202- (the “**draft Law**”) by the Law Officers’ Department. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Law is compatible with the European Convention on Human Rights (the “**ECHR**”).

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

Overview of draft Law

1. The draft Law, if adopted, would replace the Agriculture (Loans and Guarantees) (Jersey) Law 1974, permitting members of the fishing industry, as well as members of the agricultural industry, to apply for loans from the Agriculture and Fisheries Loan Fund, which would replace the existing Agriculture Loans Fund.
2. The draft Law engages certain articles of the ECHR and an outline analysis of each right as it is engaged by the draft Law is provided below. It is our view in respect of the draft Law that any potential interferences can be justified in principle and as such the draft Law is compatible with the Convention.

Article 6 ECHR: The right to a fair trial

3. Article 6 ECHR is engaged as there is no specific provision for appeals against decisions of the Minister and/or the Board in the draft Law.

Article 6 of the ECHR concerns the right to a fair trial with Article 6(1) providing, inter alia:

“In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”

4. In the civil context, the guarantees afforded by Article 6 ECHR will only be relevant to the extent that an act or a decision is determinative of a ‘civil right’ or ‘obligation’; there must be a dispute over a “right” which can be said, at least on arguable grounds, to be recognised under domestic law, irrespective of whether that right is protected under the Convention. The dispute must be genuine and serious; it may relate not only to the actual existence of a right but also to its scope and the manner of its exercise; and, lastly, the result of the proceedings must be directly decisive for the right in question, mere tenuous connections or remote consequences not being sufficient to bring Article 6 § 1 into play. The draft Law provides a civil right for those in the agriculture and fishing industries to receive financial assistance provided the criteria in Article 5 of the draft Law are fulfilled.
5. Whilst the draft Law does not contain provisions for appealing a decision made either by the Board or the Minister, the Regulations to be drafted to support the draft Law will provide for a referral of negative decisions.

6. The Board's or the Minister's decision-making processes in respect of granting a loan do not afford the full procedural guarantees required by Article 6(1) of the ECHR of an independent and impartial tribunal. 'Independence' for the purposes of Article 6(1) of the ECHR, means independent of the executive and of the legislature. Article 6(1) also requires a public hearing. In view of these requirements, the determination of 'civil rights' by the Board or the Minister would not of themselves be Article 6(1) ECHR compatible.
7. It will, however, be compatible with Article 6(1) ECHR for the Board or the Minister to make determinations as to 'civil rights' under the draft Law if the Board's decisions are "subject to subsequent control by a judicial body that has full jurisdiction and does provide the guarantees of Article 6(1)" and "has the ability to quash the impugned decision or to remit the case for a new decision by an impartial body".
8. Whilst the draft Law contains no express right of appeal to the Royal Court, the local judgment of *J v His Excellency the Lieutenant Governor of Jersey* whilst dealing with the appropriateness of judicial review as the appeals mechanism for decisions from immigration decisions, can be applied more generally to the appropriateness of judicial review where the subject matter of the judicial review is of civil rights. This judgment notes that the ambit of judicial review, when required, will be enlarged to be compliant with the right to a fair trial. This will not be, and does not need to be, a full merits review. The facts of the dispute need only be reviewed to the extent required to comply with Article 6 of the ECHR. In his judgment, the then Bailiff noted:
"There is no right of appeal against the decision of the Lieutenant Governor and judicial review is therefore the only basis upon which the Applicant can have the decision examined by an independent tribunal. That being so, although it is a question of judicial review, the ambit of the examination is wider because the Human Rights (Jersey) Law 2000 requires that a decision affecting the human rights of the Applicant must ultimately be taken by a human rights compliant tribunal. See also De Gouveia v Lieutenant Governor and Minister for Home Affairs [2012] (1) JLR 291 at paragraph 23. The Court on judicial review, as it were, fills the gap which otherwise exists from having no human rights compliant tribunal to which the Applicant can appeal from the Respondent's decision."
9. It follows that the judicial review mechanism, in the context of any decisions of the Board or the Minister that may amount to a determination of a person's civil rights and for which no specific right of appeal is provided in the draft Law, would be sufficiently flexible for Article 6(1) compliance.
10. For these reasons we consider the draft Law to be compatible with Article 6(1) ECHR.

Article 8 of the Convention: the right to respect for private and family life

11. Article 8 ECHR is engaged by Article 8 of the draft Law as explained further below.

Article 8 of the Convention provides that:

Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

12. Article 8 of the ECHR is engaged by the power in Article 8(1) of the draft Law for an officer in an administration of the States for which the Minister has responsibility in relation to the draft Law, or a person authorised by the Minister in writing, to enter at all reasonable times, to inspect property on which a loan is secured, or in respect of which a loan has been made, for the purpose of ascertaining whether the Law (or its Regulations) and any conditions imposed by or under the draft Law, or otherwise applicable to a loan, are being observed. The Article 8 ECHR right to home life applies to private dwellings and has also been held to extend to business premises. As agricultural or fisheries premises may include premises that are used exclusively as business premises or premises that are for a mixture of domestic and business use, it is likely that the exercise of these powers will engage the right in Article 8 ECHR.
13. Any interference with the Article 8(1) ECHR right must be justified under Article 8(2) of the Convention, meaning it must be: (a) in accordance with the law; (b) in pursuit of one of the legitimate aims set out in Article 8(2); and (c) necessary in a democratic society. ‘Necessity’ requires the identification of a pressing social need and the existence of “relevant and sufficient” reasons to justify the interference at issue. A measure will only be proportionate to the legitimate aim if supported by sufficiently persuasive reasons.
14. The nature of the interference in Article 8(1) of the draft Law would be deemed to be ‘in accordance with the law’; that power is contained in a provision which will have a basis in domestic law, and which can be viewed as sufficiently precise and accessible, therefore being foreseeable.
15. The purpose of the Article 8(1) power of entry and inspection is to ensure that those afforded the power may ascertain whether the draft Law and/or the terms of the loan are being complied with in the interests of the economic well-being of Jersey, so the rationale for the Article 8(1) power may be categorised within the qualifications in Article 8(2) of the ECHR in pursuance of that legitimate aim, consequently the potential interference with the Article 8 ECHR right by the power to enter premises is proportionate, in principle.
16. An important aspect in determining what is ‘necessary in a democratic society’ is the identification of procedural safeguards which mitigate the exercise of powers interfering with the Article 8(1) right. Safeguards ensure that a state remains within its margin of appreciation in fixing the applicable regulatory framework. The European Court of Human Rights has enunciated a list of safeguards which provide adequate protection against abuse of the Article 8 right, one of which is the requirement for the law to contain explicit and detailed provisions about how the powers interfering with Article 8 ECHR should be exercised.
17. In the draft Law, the purpose of the Article 8(1) power is stated as being for ensuring the draft Law is being complied with, can only be exercised at reasonable times and excludes premises used wholly or mainly as a private dwelling. Linking the power to a specific purpose should restrict any unnecessary exercise of the power.
18. Furthermore, in exercising any such powers, a public authority must do so in a way that is human rights compliant.

Article 1 of the First Protocol (“A1P1”): Protection of property

19. A1P1 is engaged by Article 8 and, potentially, Article 6 of the draft Law as explained further below.

A1P1 provides –

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except as provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

20. Therefore, A1P1 provides for the protection of “possessions”. A1P1 is engaged by Article 8 of the draft Law, given that it permits any movable property provided as security for a loan to be removed (Article 8(2)), thereby depriving the owner of his possessions. The first and most important requirement of A1P1 is that any interference by a public authority with the peaceful enjoyment of possessions should be lawful. This concept requires firstly that the impugned measures should have a basis in domestic law. It also refers to the quality of the law in question, requiring that it be accessible to the persons concerned, precise, and foreseeable. A1P1 expressly provides that the right applies to both natural and legal persons, therefore “persons concerned” will include companies and other incorporated bodies, as well as natural persons, who are able to apply to the Fund.
21. In A1P1 terms, the seizure of property ancillary to the enforcement of domestic legislation, such as the draft Law, has generally been treated in case law as a control of use of property rather than as a deprivation. For a measure constituting control of use to be justified it must be in accordance with law and for ‘the general interest’. The measure must also be proportionate to the aim pursued.
22. Regarding A1P1, compliance by an entity with certain laws has been held to constitute a legitimate general interest objective. A power to remove property, which is subject to security offered for a loan, in the case of default on the loan, as well as the power to enter and inspect secured property, is required to ensure that the draft Law is effective. Where property rights are concerned, states have a wide margin of appreciation in determining the existence of a general public concern and in implementing measures designed to meet it, so in providing a power to remove property and enter property, both of which amount to an interference with property rights, but which is required in pursuance of an identifiable public interest, being the economic interest of the Island, the States would be afforded a degree of deference.
23. A further requirement under A1P1 is the need for measures to be in ‘accordance with the law’. Again, this requires the law to be sufficiently precise and foreseeable, and the draft Law satisfies this requirement. Interferences by way of removal of property in Article 8(2) would in principle be deemed to be ‘in accordance with the law’, as the ability to remove will have a basis in domestic law, which can be viewed as sufficiently precise and accessible, therefore being foreseeable.
24. Proportionality requires a balance to be struck between the means employed in furthering the general interest identified and the protection of fundamental rights. The requisite balance will not be struck if the person concerned has had to bear an “individual and excessive burden”. The ability to remove property in pursuance of the aims of promoting compliance with the draft Law is proportionate in circumstances where the grounds for such removal are limited to where there is a default on the loan.
25. Abuse of the ability to remove movable property is stymied by the provisions of Article 8(2) which provides that the only ground for removal of movable property is defaulting on the loan.
26. Article 6 of the draft Law potentially engages A1P1, given that a loan will need to be repaid when a borrower ceases to be engaged wholly or mainly in work relating to agriculture or fisheries. This has the potential to amount to controlling the use of a borrower’s property, where that property provides security for a loan or is part of the purpose of the loan. The requirements of A1P1 detailed above remain applicable. As stated in paragraph 22, for a

measure constituting control of use to be justified it must be in accordance with law and for 'the general interest'. The measure must also be proportionate to the aim pursued. As the financial assistance available is only for the purpose of assisting the agriculture and fisheries industries, the requirement to repay a loan if a borrower ceases to be involved in either industry would be proportionate.

27. Accordingly, the draft Law is compatible with Convention rights.

EXPLANATORY NOTE

This Law, if passed, will replace the agricultural loan scheme regulated by the Agriculture (Loans and Guarantees) (Jersey) Law 1974 (the “1974 Law”) with a new scheme that also applies to the fishing industry.

Part – Introductory

Article 1 sets out the terms defined for the purposes of the Law.

Article 2 establishes the Agriculture and Fisheries Loans Fund (the “Fund”) to provide loans to the agriculture and fisheries industries.

Article 3 continues the Board constituted under the 1974 Law and renames it the Agriculture and Fisheries Loans Board. The Board makes recommendations to the Minister for Sustainable Economic Development (the “Minister”) about making loans and payments under the Law. Provision is made for the constitution of the Board.

Article 4 provides for the proceedings of the Board.

Part 2 – Loans

Article 5 and the *Schedule* set out the criteria for the making of loans, which are for those engaged commercially in work relating to agriculture or fisheries to undertake specified activities. They must qualify to be a beneficiary of the Rural Support Scheme or the Marine Support Scheme administered on behalf of the Minister and meet certain registration and other statutory requirements.

Article 6 requires borrowers to notify the Minister if they cease to be engaged wholly or mainly in work relating to agriculture or fisheries or they are convicted of any offence relating to the carrying on of that work. If either of these events occur, the Minister may require immediate repayment of the loan and outstanding interest.

Part 3 – Miscellaneous

Article 7 sets out the powers to make Regulations, which will provide the details of how the loan scheme is to operate.

Article 8 provides powers for an officer of the Minister’s department, or other person authorised by the Minister to enter and inspect property that is the subject of a loan and remove any movable property that is capable of being, and has been, provided as security. The borrower must give assistance and provide necessary information to the officer or other person. The offences carry a penalty of imprisonment for up to 6 months and/or a fine of level 3 on the standard scale (£10,000).

Article 9 creates offences of knowingly or recklessly making a false application for a loan and obstructing or failing to assist the officer or other authorised person under Article 8.

Article 10 disapplies Article 3 of the Building Loans (Jersey) Law 1950 (power of Minister for Housing to make loans for housing) if a loan may be made under this Law.

Article 11 contains transitional provisions. It transfers assets and liabilities from the fund established under the 1974 Law to the new Fund under this Law, continues appointments made to the Board constituted under that Law and treats loans and applications for loans made under the 1974 Law as being under this Law.

Article 12 makes a consequential amendment to the Residential Tenancy (Jersey) Law 2011 to replace a reference to the 1974 Law with a reference to this Law.

Article 13 repeals the 1974 Law and the Agriculture (Loans) (Jersey) Regulations 1974.

Article 14 contains the citation provision and provides for the Law to come into force as specified by an Act of the States.



Jersey

DRAFT AGRICULTURE AND FISHERIES (LOANS) (JERSEY) LAW 202-

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Jersey

DRAFT AGRICULTURE AND FISHERIES (LOANS) (JERSEY) LAW 202-

A **LAW** to provide financial assistance to the agriculture and fishing industries, 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 –

PART 1

INTRODUCTORY PROVISIONS

1 Interpretation

In this Law –

“agricultural land” means land, including land under glass, used for any purpose of agriculture and used or capable of being used as part of a trade or business;

“applicant” means a person by or in respect of whom an application for a loan is made;

“approved” means approved by the Minister;

“Board” has the meaning given in Article 3(1);

“borrower” means a person to whom a loan is made;

“Fund” has the meaning given in Article 2(1);

“loan” means a loan from the Fund approved under this Law;

“Minister” means the Minister for Sustainable Economic Development;

“sea fish” means fish of any description found in the sea, including shellfish and any part of a fish, whether fresh or frozen, cured or otherwise preserved;

“shellfish” includes crustaceans and molluscs of any kind and any spat or spawn of shellfish;

“vessel” means any ship or boat, or any other description of vessel used in navigation.

2 Establishment of Agriculture and Fisheries Loans Fund

- (1) The Agriculture and Fisheries Loans Fund (the “Fund”) is established to provide loans to the agriculture and fisheries industries.
- (2) The Fund is treated as if it were established under Article 6 of the [Public Finances \(Jersey\) Law 2019](#).
- (3) The Fund is under the control and management of the Minister and consists of money authorised by the States in accordance with Article 6(3) of the [Public Finances \(Jersey\) Law 2019](#).
- (4) There is also paid into the Fund –
 - (a) all money paid in or towards the repayment of loans and in payment of interest on loans; and
 - (b) all other money received under this Law.
- (5) There is paid out of the Fund –
 - (a) all money paid out as loans;
 - (b) all money payable in respect of interest charged on the money borrowed by the Fund and the repayment of the money borrowed; and
 - (c) all expenses incurred in the administration of this Law.
- (6) The Minister must provide in the Minister’s head of expenditure in the government plan for each financial year an amount that represents the estimated deficit in that year between the amount of money paid into the Fund in payment of interest on loans, and the amount paid out of the Fund in respect of interest charged against the Fund and administrative expenses.
- (7) The Minister must, not later than 1 June each year, present to the States a report showing the financial position of the Fund at the close of the financial year ending on 31 December before the presentation of the report.
- (8) In this Article, “financial year”, “government plan” and “head of expenditure” have the meanings given in Article 1 of the [Public Finances \(Jersey\) Law 2019](#).

3 Continuation, renaming and constitution of Board

- (1) The Board constituted under Regulation 3 of the [Agriculture \(Loans\) \(Jersey\) Regulations 1974](#) is continued and renamed the Agriculture and Fisheries Loans Board (the “Board”).
- (2) The function of the Board is to make recommendations to the Minister about making loans and payments under this Law.
- (3) The Minister must appoint to the Board –
 - (a) a chair, a vice-chair and 1 other person who have all had experience and shown skill in commerce or finance; and
 - (b) at least 2 other people who have had experience and shown skill in commerce, finance or the agriculture or fisheries industries.
- (4) Article 2 of the [States of Jersey \(Appointment Procedures\) \(Jersey\) Law 2018](#) applies to the appointment of the chair, vice-chair and other members of the Board.

- (5) A member of the Board holds office for 3 years and is eligible for re-appointment.
- (6) But a member of the Board ceases to hold office if –
 - (a) they resign in writing to the Minister;
 - (b) they become bankrupt; or
 - (c) they die or are unable to discharge the functions of office.
- (7) If a member of the Board ceases to hold office under paragraph (6), the Minister must appoint a person for the remainder of the original appointee's term of office.
- (8) The Minister must –
 - (a) pay the expenses of the Board that the Minister approves; and
 - (b) provide suitable accommodation for the Board to carry out its function.
- (9) The States may by Regulations amend this Law to vary the composition or functions of the Board.

4 Proceedings of Board

- (1) The quorum of the Board is 3 members, including at least 1 person from those appointed under each of Article 3(3)(a) and (b).
- (2) The chair, or in the chair's absence the vice-chair, presides at meetings of the Board.
- (3) If both the chair and the vice-chair are absent from a meeting of the Board, the other person appointed under Article 3(3)(a) presides at the meeting.
- (4) At a meeting of the Board, the person presiding has a second or casting vote if the votes of the members are equally divided.
- (5) The Minister may by Order amend this Law to make different provision regarding the proceedings of the Board.

PART 2

LOANS

5 Criteria for granting of loans

- (1) The Minister may make a loan to an applicant for the purpose of assisting or enabling them to undertake any of the activities set out in the Schedule.
- (2) The applicant must be –
 - (a) resident or incorporated in Jersey; and
 - (b) engaged, or if the application for a loan is granted, intending to be engaged, wholly or mainly in work relating to agriculture or fisheries.
- (3) The applicant must –
 - (a) qualify to be a beneficiary of the Rural Support Scheme administered by the Minister and be registered with the Minister as running an agricultural enterprise that meets the criteria specified by the Minister; or
 - (b) qualify to be a beneficiary of the Marine Support Scheme administered on behalf of the Minister and have been granted a licence or a permit by the Minister for the Environment under Article 12 of the [Sea Fisheries \(Jersey\)](#)

[Law 1994](#) and be registered under Regulation 5 of the [Shipping \(Registration\) \(Jersey\) Regulations 2004](#).

- (4) The business carried on by the applicant must have a licence under Article 25 of the [Control of Housing and Work \(Jersey\) Law 2012](#).
- (5) A loan made for any of the activities specified in the Schedule, paragraphs 1(b), (c) or (d) or 2(a), (b) or (c), may be advanced in instalments in a manner consistent with the undertaking of the activity.
- (6) The States may by Regulations amend this Law to vary the criteria for which loans may be granted.

6 Borrower no longer engaged in agricultural or fisheries work or convicted of offence relating to that work

- (1) A borrower must notify the Minister immediately –
 - (a) if they cease to be engaged wholly or mainly in work relating to agriculture or fisheries; or
 - (b) if they are convicted of any offence relating to the carrying on of that work.
- (2) If the Minister receives a notification under paragraph (1) or is otherwise satisfied that those circumstances apply, the Minister may serve on the borrower a notice requiring them to repay immediately, or on a date specified in the notice, the full amount of the principal of the loan outstanding at the date on which the notice is served, together with any interest payable up to the time the repayment is made.

PART 3

MISCELLANEOUS

7 Regulations

The States may by Regulations –

- (a) provide for how applications for loans may be made, and authorise the Minister to vary how applications are to be made;
- (b) provide for determining the amount of the principal of a loan to be granted in any case and the rate of interest charged on the loan;
- (c) provide for the securing of a loan in the manner and subject to the conditions set out in the Regulations and provide for the Minister to specify the content of a contract necessary to effect the loan;
- (d) set out the circumstances in which, and the conditions subject to which, payments are made, the manner in which the amount of the payments will be calculated and the means by which they will be made; and
- (e) empower the Minister to take action as specified in the Regulations in the event of a breach of any conditions applicable to a loan.

8 Power of entry, inspection and seizure

- (1) An officer in an administration of the States for which the Minister has responsibility in relation to this Law, or a person authorised in writing by the Minister, may at a

reasonable time and, if required, on production of evidence of authority, enter premises, other than premises used wholly or mainly as a private dwelling, on which a loan is secured, or in respect of which a loan has been made, for the purpose of ascertaining whether this Law or Regulations made under this Law, and any conditions imposed by or under this Law, or otherwise applicable to a loan are being observed.

- (2) The officer or other person may, in the case of a default on a loan, remove any movable property (including a vessel) that is capable of being, and has been, provided as security for the loan.
- (3) The borrower must give the assistance and provide all the information that the officer or other person thinks necessary for the purposes of their duties under this Article.

9 Offences

- (1) A person who knowingly or recklessly makes an application for a loan that is false in a material particular commits an offence.
- (2) A person who intentionally obstructs an officer or other person carrying out their duties under Article 8(1) or (2) or a borrower who fails to give assistance or provide the information required under Article 8(3) commits an offence.
- (3) A person who commits an offence under this Article is liable to imprisonment for a term of 6 months and to a fine of level 3 on the standard scale.

10 Limitation of application of [Building Loans \(Jersey\) Law 1950](#)

Article 3 of the [Building Loans \(Jersey\) Law 1950](#) does not apply to authorise the making of a loan if a loan may be made to the same person for the same purpose under this Law.

11 Transitional provisions

- (1) All assets and liabilities of the fund established for the purposes of the [Agriculture \(Loans\) \(Jersey\) Regulations 1974](#) become the assets and liabilities of the Fund.
- (2) Appointments to the Board under the [Agriculture \(Loans\) \(Jersey\) Regulations 1974](#) continue for the remainder of the period for which they were appointed.
- (3) Loans approved by the Minister under the [Agriculture \(Loans and Guarantees\) \(Jersey\) Law 1974](#) before the commencement of this Law are treated as if approved under this Law.
- (4) Applications for loans made before the commencement of this Law are treated as if they were made under this Law.

12 Consequential amendment

In Article 18(2) of the [Residential Tenancy \(Jersey\) Law 2011](#), for “[Agriculture \(Loans and Guarantees\) \(Jersey\) Law 1974](#)” there is substituted “Agriculture and Fisheries (Loans) (Jersey) Law 202-”.

13 Repeal

The [Agriculture \(Loans and Guarantees\) \(Jersey\) Law 1974](#) and the [Agriculture \(Loans\) \(Jersey\) Regulations 1974](#) are repealed.

14 Citation and commencement

This Law may be cited as the Agriculture and Fisheries (Loans) (Jersey) Law 202- and comes into force on a day to be specified by the States by Act.

SCHEDULE

(Article 5)

ACTIVITIES FOR WHICH LOANS MAY BE GRANTED

1 Agricultural activities

Loans may be granted for the following agricultural activities when undertaken commercially –

- (a) to purchase agricultural land, to be occupied and farmed by the applicant;
- (b) to construct a dwelling or permanent farm building (including a greenhouse), or convert into a dwelling, or carry out improvements to, an existing farm building on agricultural land occupied and farmed by the applicant;
- (c) to construct a dwelling for the purpose of housing workers wholly or mainly involved in the business of agriculture;
- (d) to purchase, and install or use on agricultural land occupied and farmed by the applicant, agricultural machinery, vehicles and equipment;
- (e) to carry out, on agricultural land occupied and farmed by the applicant, improvements that will contribute to the more efficient and economic farming of that land, including income-generating activities related to agriculture such as agricultural tourism;
- (f) to purchase livestock;
- (g) to purchase shares in an agricultural company that has a direct interest in agricultural land occupied and farmed, or to be occupied and farmed, by the applicant;
- (h) to purchase flower bulbs, seed potatoes, or boxes for the storage of seed potatoes, to be used on agricultural land that –
 - (i) the applicant already occupies and farms or is to occupy and farm; and
 - (ii) is wholly or partly land that the applicant has purchased, or is to purchase, with the assistance of a loan made under sub-paragraph (a).

2 Fisheries activities

Loans may be granted for the following fisheries activities when undertaken commercially –

- (a) to purchase vessels or fishing equipment;
- (b) to purchase, construct or improve premises for use in fishing, such as premises for staff or for processing, storing or packing fish;
- (c) to construct a dwelling for the purpose of housing workers wholly or mainly involved in the fishing business;
- (d) to purchase stock for the farming of fish;
- (e) to purchase machinery and vehicles for use in commercial fishing.