

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M. TADIER OF ST. BRELADE
QUESTION SUBMITTED ON MONDAY 16th FEBRUARY 2026
ANSWER TO BE TABLED ON MONDAY 23rd FEBRUARY 2026**

Question

“In light of the obligations placed upon the Minister for the Environment by Article 2 of the [Agricultural Land \(Control of Sales and Leases\) \(Jersey\) Law 1974](#), namely that the Minister shall have “particular regard to the desirability of reserving agricultural land for the use of bona fide inhabitants of Jersey engaged wholly or mainly in work of an agricultural or horticultural nature in Jersey” and that he shall ensure “that any lease of agricultural land is on terms that encourage the continued cultivation of the land in accordance with the principles of good husbandry”, will HM Attorney General state whether the construction of solar farms on agricultural land is compatible with the fulfilment of those obligations?”

Answer

The Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974 (“the 1974 Law”) defines “agricultural land” to mean “*land, including land under glass, used or capable of being used for any purpose of agriculture or horticulture, but does not include any dwelling house or outbuilding;*”. Under Article 2 of the 1974 Law, no sale, transfer, or lease of agricultural land is allowed without the Minister’s consent. Article 2(2) of the 1974 Law provides:

*“The Minister may refuse consent to any transaction to which this Article refers or may grant consent either unconditionally or subject to such conditions as the Minister thinks fit and, in deciding whether or not to grant consent or otherwise, the Minister **shall have particular regard** to the desirability of reserving agricultural land for the use of bona fide inhabitants of Jersey engaged wholly or mainly in work of an agricultural or horticultural nature in Jersey, and ensuring that any lease of agricultural land is on terms that encourage the continued cultivation of the land in accordance with the principles of good husbandry.”*[Emphasis applied]

Where a statute uses language like “*shall have particular regard*”, it means that the factor is to be given importance and weight and is not just a ‘run of the mill’ consideration, thus underlining the inherent purpose of the 1974 Law, which is to preserve a land bank available for Jersey farmers and its cultivation.

Whether any transaction involving agricultural land which includes a solar farm proposal is compatible with encouraging “*the continued cultivation of the land in accordance with the principles of good husbandry*” would depend on the design of the solar panels and whether, once in situ, their arrays and any other equipment would be a material impediment to the land being used for any purpose of agriculture or horticulture.

The dual use of agricultural land following the installation of solar panels is therefore not necessarily inconsistent or incompatible with the 1974 Law but will depend on the circumstances.