

In the Royal Court of Jersey

Samedi Division

In the year two thousand and twelve, the thirteenth day of December.

Before the Judicial Greffier.

Upon the application of Her Majesty's Attorney General, IT IS ORDERED that the attached modification to the Planning Obligation Agreement between The Minister for Planning and Environment, The Jersey Homes Trust and Barclays Private Clients International Limited in relation to Field No. 690A (now known as Clos du Ruisseau) St Martin, be registered in the Public Registry of this Island.


Greffier Substitute

LOD

Reg. Pub.

L1305-395--



**Modification of a Planning Obligation Agreement under
Article 25(12) of the Planning and Building (Jersey) Law
2002**

relating to the development of Field 690A (now known as
Clos du Ruisseau), St Martin

Dated :

13th December

2012

The Minister for Planning and Environment (1)

The Jersey Homes Trust (2)

Barclays Private Clients International Limited (3)

Law Officers' Department

Morier House,

ST. HELIER

Jersey

JE1 1DD

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1. Parties

DATE

13th December

2012

PARTIES

- (1) The Minister for Planning and Environment, c/o the Greffier of the States of Jersey, Mourier House, Halkett Place, St Helier, Jersey ("the Minister")
- (2) The Jersey Homes Trust of 48-50 New Street, St Helier, Jersey ("the Owner")
- (3) Barclays Private Clients International Limited c/o Appleby, 13-14 Esplanade, St Helier, Jersey ("the Hypothecator")

2. Interpretation

2. In this Agreement –

- 2.1 Any reference to a party includes, where the context so admits, that party's assigns and successors in title, and in the case of the Planning Minister includes any person or body to whom the relevant functions of the Planning Minister may hereafter be validly transferred.
- 2.2 Any expression defined in the Original Agreement shall have the same meaning for the purposes of this Agreement.
- 2.3 The expressions in the left hand column have the meanings attributed to them in the right hand column.

"the Original Agreement"	The Planning Obligation Agreement relating to the Land between Vernon Alfred de Gruchy, Field 690A Limited and the Minister for Planning and Environment which was registered in the Public Registry on the 20 th December 2006

3. Recitals

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- 3.1 On the 20th December 2006 the Original Agreement was registered in the Public Registry. The parties to the Original Agreement were the Minister, Vernon Alfred de Gruchy and Field 690A Limited.
- 3.2 The Owner and the Hypothecator have requested that the Original Agreement be modified.
- 3.3 The Minister having regard to the Island Plan 2011 and all other material considerations has agreed that the Original Agreement shall be modified in the manner set out herein.
- 3.4 Pursuant to Article 25(12) of the 2002 Law, the Owner and the Hypothecator are the required parties to this modification (along with the Minister) as they are the person or persons against whom the planning obligations under the Original Agreement that are to be modified herein are enforceable.

4. The modification

- 4.1 The parties to this Agreement have agreed that the Original Agreement should be modified in the way set out in the Schedule.

5 Declaration

- 5.1 Save as hereby modified the provisions of the Original Agreement shall remain in full force and effect and the terms of the Original Agreement are deemed to be restated here in full and incorporated in this modification to the extent that they have not been modified by it.

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Schedule

Modification

1. Clause 3.1 of the Original Agreement shall be modified by the deletion of all the text in the definition of "Approved Funder" and its replacement by the following:

"Barclays Private Clients International Limited or any third party approved in writing by the Treasurer of the States, such approval not to be unreasonably withheld or delayed".

2. Clause 6.2 of the Original Agreement shall be modified by the deletion of all the existing text and its replacement by the following:

"An Approved Funder is the holder of a judicial hypothec charged upon the Social Rental Land or any part thereof ("the Relevant Land") in accordance with the provisions of the "*Loi (1880) sur la Propriété Foncière*" and the registration of that hypothec has been approved by the Treasurer of the States in writing."

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Signed on behalf of The Jersey Homes Trust

By *P. Le Cornu*

In the presence of *Briony Rowland*

This 30 day of November 2012

Signed on behalf of Barclays Private Clients International Limited

..... *P. B. GALLEY*

In the presence

This 28th day of November 2012

Signed on behalf of the Minister for Planning and Environment

by ... *PETER LE GREGUEN (DIRECTOR)*

in the presence of *KEVIN WHITEHEAD*

this 12TH day of December 2012

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