

ORDINANCE
OF THE STATES OF ALDERNEY

ENTITLED

The Alderney Road Traffic and Public Highways
Ordinance, 1966 *

[CONSOLIDATED TEXT]

NOTE

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* Alderney Ordinance No. III of 1966; as amended by the: Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306); Fees (Alderney) Law, 2011 (No. XX of 2012); Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981 (Alderney Ordinance No. V of 1981); Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1986 (Alderney Ordinance No. VI of 1986); Public Vehicles (Transfer of Functions) Ordinance, 1988 (Alderney Ordinance No. I of 1988); Road Traffic and Public Highways (Amendment) Ordinance, 1992 (Alderney Ordinance No. III of 1992); Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1992 (Alderney Ordinance No. VI of 1992); Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1995 (Alderney Ordinance No. VIII of 1995); States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Alderney Ordinance No. II of 1997); Alderney Road Traffic and Public Highways (Amendment) Ordinance, 2006 (Alderney Ordinance No. II of 2006). See also the: Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); Fees (Alderney) Law, 2011 (No. XX of 2012); Fees (Alderney) Ordinance, 2024 (Alderney Ordinance No. IX of 2024).

ORDINANCE OF THE STATES OF ALDERNEY

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The Alderney Road Traffic and Public Highways Ordinance, 1966

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(Made on 28th July, 1966.)

The Alderney Road Traffic and Public Highways Ordinance, 1966

THE STATES, in pursuance of their Resolution of the 28th day of July, nineteen hundred and sixty-six, hereby order: –

PART I INTERPRETATION

Interpretation.

1. (1) In this Ordinance, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

["**the Committee**" means –

- (a) in Parts II and IV, the States of Alderney [General Services Committee] or such other Committee as the States may from time to time by resolution appoint,
- (b) in Part III, the States of Alderney [General Services Committee] or such other Committee as the States may from time to time by resolution appoint,]

"the Court" means the Court of Alderney,

"driving", in relation to bicycles, tricycles, horses and other animals, includes riding and cognate expressions shall be construed accordingly,

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on public highways,

"officer of police" means a member of the salaried police force of the Island of Guernsey,

"prescribed" means prescribed by regulations made under this Ordinance,

"public vehicle" means a motor vehicle used for carrying passengers for hire or reward,

"public highway" means any highway and any other road or footpath to which the public has access,

"traffic sign" means any object or device (whether fixed or portable) for conveying to traffic, warnings, information, requirements, restrictions or prohibitions of any description and any line or mark on a public highway for so conveying such warnings, information, requirements, restrictions or prohibitions.

"vehicle" includes a trailer intended or adapted to be drawn by a motor vehicle.

(2) The Interpretation (Guernsey) Law, 1948, shall apply to this Ordinance as it applies to a Guernsey enactment.

NOTES

In section 1,

the definition of the expression "the Committee" in subsection (1)

was substituted by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(a), with effect from 2nd September, 1992;¹

the words in square brackets within the definition of the expression "the Committee" in subsection (1) were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part II, paragraph 10, with effect from 2nd April, 1997.

The functions of, first, the Public Works Committee under Parts II and IV and, second, the Transport Committee under Part III of this Ordinance were transferred to the General Services Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part II, paragraph 10, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.²

In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

PART II

TRAFFIC REGULATIONS AND DRIVING OFFENCES, ETC.

Power of the Committee to make regulations as to traffic, etc.

2. (1) The Committee may from time to time by regulations make provision –

- (a) for prohibiting, restricting or regulating the use of a public highway or any part thereof by vehicular traffic or by such traffic of any class or description specified in the regulations, either generally or subject to such exceptions as may be so specified, and either at all times or at such times, on days or during periods so specified and, without prejudice to the generality of this

paragraph, any provision –

- (i) requiring such traffic to proceed in a specified direction or prohibiting its so proceeding,
 - (ii) specifying the part of the carriageway to be used by such traffic proceeding in a specified direction,
 - (iii) prohibiting or restricting the waiting of vehicles or the loading and unloading of vehicles,
 - (iv) authorising the use of a specified part of the carriageway as a place where vehicles may wait,
 - (v) prohibiting the use of a public highway by through traffic,
 - (vi) prohibiting or restricting overtaking,
 - (vii) regulating the speed of vehicles,
 - (viii) for the classification of public highways and prohibiting, restricting or regulating the use of any class of public highway by vehicles,
- (b) for the placing by the Committee of traffic signs of such size, colour and type as shall be specified in the regulations on or near a public highway or on any structure on or near a public highway,

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- (c) as to the construction, testing, inspection and equipment of vehicles and the conditions under which they may be used, and different provisions may be so made as respects different classes or descriptions of vehicles or as respects the same class or description of vehicles in different circumstances,
- (d) as to the establishment of crossings for pedestrians across a public highway and the indication of the limits of such crossings by marks or devices on or near a public highway, and for regulating the movement of pedestrians on a public highway, the precedence of vehicles and pedestrians respectively and the movement of traffic (including pedestrians) at and in the vicinity of crossings,
- (e) for the removal from a public highway, and safe custody, or for the moving from one position on a public highway to another position on that public highway or otherwise, of, and the loads carried by, vehicles which have been permitted to remain at rest on a public highway –
 - (i) in contravention of any statutory prohibition or restriction, or
 - (ii) in such a position or in such condition or in such circumstances as to cause obstruction to other persons using the public highway or as to be likely to cause danger to such other persons, or

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- (iii) in such position or in such condition or in such circumstances as to appear to have been abandoned

or which have broken down, and for the recovery as a civil debt from the owner of a vehicle of any expenses reasonably incurred on the execution of duties imposed or the exercise of powers conferred by the regulations under this paragraph,

- (f) for prohibiting, restricting or regulating the use of a public highway or any part thereof by animals or by animals of any description specified in the regulations, for the removal of any animal found straying or lying on or at the side of a public highway and for the recovery as a civil debt from the owner of an animal of any expenses reasonably incurred on the execution of duties imposed or the exercise of powers conferred by the regulations under this paragraph[,
- (g) for levying charges in connection with parking on a public highway including, for the avoidance of doubt, any parking on land which is either in the ownership of the States of Alderney or in which the States of Alderney has a legal interest, to which the public has access].

(2) A person who contravenes, or fails to comply with, a provision of any regulations made under this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

NOTES

In section 2,

paragraph (g) of subsection (1) was inserted by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 2006, section 1, with effect from 19th April, 2006;

the words and figure in square brackets in subsection (2) were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992.³

The following Regulations have been made under section 2:

*Traffic (Amendment) Regulations, 1993;
Traffic (Amendment) Regulations, 1994;
Traffic (Amendment) (No 2) Regulations, 1994;
Traffic (Amendment) Regulations, 1997;
Traffic (Amendment) Regulations, 1998;
Traffic (Amendment) Regulations, 2000;
Traffic (Amendment) Regulations, 2001;
Alderney Road Traffic (Pedestrian Crossings) Regulations, 2004;
Alderney Road Traffic and Public Highways (Amendment) (No. 2) Regulations, 2006;
Alderney Road Traffic and Public Highways (Amendment) Regulations, 2007;
Alderney Road Traffic and Public Highways (Amendment) (No. 2) Regulations, 2007;
Alderney Road Traffic and Public Highways (Amendment) Regulations, 2008;
Alderney Road Traffic and Public Highways (Amendment) (No. 2) Regulations, 2008;
Alderney Road Traffic and Public Highways (Amendment) Regulations, 2009;
Alderney Road Traffic and Public Highways (Amendment) Regulations, 2011;
Alderney Road Traffic and Public Highways (Amendment) Regulations, 2013;
Alderney Road Traffic and Public Highways (Amendment) (No. 2) Regulations, 2013;
Alderney Road Traffic and Public Highways (Amendment) Regulations, 2014;
Traffic (Amendment) Regulations, 2022.*

Drivers to comply with traffic signs and with directions given by officers of police.

3. (1) Where an officer of police is for the time being engaged in the regulation of traffic on a public highway, or where a traffic sign, being an indication of any prohibition, restriction or requirement and being a sign of the prescribed size, colour and type, has been lawfully placed on or near a public highway, a person driving a vehicle who –

(a) neglects or refuses to stop the vehicle or to make it proceed in, or keep to, a particular line of traffic when directed so to do by the officer of police in the execution of his duty, or

(b) fails to comply with the indication given by the sign,

shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

(2) For the purposes of this section a traffic sign placed on or near a public highway shall be deemed to be of the prescribed size, colour and type and to have been lawfully so placed, unless the contrary is proved.

NOTE

In section 3, the words and figure in square brackets were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992.⁴

Pedestrians to comply with directions given by officers of the police.

4. Where an officer of police is for the time being engaged in the regulation of vehicular traffic on a public highway, a person on foot who proceeds across or along the carriageway in contravention of a direction to stop given by the officer of police, in the execution of his duty, either to persons on foot or to persons on foot and other traffic, shall be liable, on conviction, to a fine not exceeding [level 3

on the Alderney uniform scale], or in the case of a second or subsequent conviction to a fine not exceeding [level 2 on the Alderney uniform scale].

NOTES

In section 4,

the words and figure in the first pair of square brackets were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992;⁵

the words and figure in the second pair of square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.⁶

Reckless and dangerous driving.

5. If a person drives a vehicle, horse or other animal on a public highway recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the public highway, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the public highway, he shall be guilty of an offence and liable, on conviction, [to a fine not exceeding [level 3 on the Alderney uniform scale] or to imprisonment for a term not exceeding two months] or to both such fine and such imprisonment.

NOTES

In section 5,

the words in square brackets were substituted by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(d), with effect from 18th December, 1981;

the words and figure in square brackets within the square brackets were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992.⁷

Careless and inconsiderate driving.

6. If a person drives a vehicle, horse or other animal on a public highway without due care and attention, or without reasonable consideration for other persons using the public highway, he shall be liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale], or in the case of a second or subsequent conviction to a fine not exceeding [level 2 on the Alderney uniform scale].

NOTES

In section 6,

the words and figure in the first pair of square brackets were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992;⁸

the words and figure in the second pair of square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.⁹

Leaving vehicles in dangerous positions.

7. If a person in charge of a vehicle causes or permits the vehicle to remain at rest on a public highway in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the public highway, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

NOTE

In section 7, the words and figure in square brackets were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992.¹⁰

Duty to stop, and furnish particulars, in case of accident.

[8. (1) If in any case, owing to the presence of a vehicle on a public

highway, an accident occurs whereby personal injury is caused to a person other than the driver of that vehicle or damage is caused to a vehicle other than that vehicle or a trailer drawn thereby or to an animal other than an animal in or on that vehicle or trailer drawn thereby or to property of any other description whatsoever, the driver of the vehicle shall stop immediately and, if required so to do by any person having reasonable grounds for so requiring give his name and address, and also the name of the owner and identification mark of the vehicle.

(2) If in the case of any such accident as aforesaid the driver of the vehicle for any reason does not give his name and address to any such person as aforesaid, he shall report the accident to an officer of police as soon as reasonably practicable, and in any case within twenty-four hours of the occurrence thereof.

(3) A person who fails to comply with this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

(4) In this section "**animal**" means any horse, cattle, pig, goat or dog.]

NOTES

Section 8 was substituted by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(g), with effect from 18th December, 1981.

In section 8, the words and figure in square brackets were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992.¹¹

PART III
PUBLIC VEHICLES

Licensing of public vehicles.

9. (1) No person shall cause or permit a motor vehicle to be used on a public highway as a public vehicle unless he is the holder of a licence (hereafter in the Ordinance referred to as "**a public vehicle licence**") granted by the Committee authorising him so to do.

(2) A person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

(3) A public vehicle licence may be refused by the Committee or, if it has already been granted, may be suspended or revoked by the Committee, if –

- (a) having regard to the conduct of the applicant for or the holder of the licence or the manner in which the vehicle in respect of which the licence is applied for or held is being used, it appears to the Committee that he is not a fit person to hold such a licence, and
- (b) the Committee is satisfied that the vehicle in respect of which the licence is applied for or held is or is likely to become unfit for use as a public vehicle,

and a licence suspended under this subsection shall during the time of suspension be of no effect.

(4) A public vehicle licence may be refused by the Committee if the Committee is satisfied that the needs of the public are sufficiently met by the number of public vehicles already licensed.

(5) A public vehicle licence shall, unless previously revoked,

continue in force until the thirty-first day of December next following the date on which it is expressed to take effect.

(6) An officer of police or any other person authorised in that behalf by the Committee shall at any time be entitled to enter and inspect any public vehicle, and for that purpose may require any public vehicle to be stopped, and may, at any time which is reasonable having regard to the circumstances of the case, enter any premises on which he has reason to believe that a public vehicle is kept, and if a person obstructs any such officer or person in the performance of his duty, or when required so to do fails to stop the vehicle, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale]:

PROVIDED THAT a person authorised as aforesaid shall, if required so to do, produce his authority.

NOTES

In section 9,

the words and figure in square brackets in subsection (2) were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992;¹²

the words and figure in square brackets in subsection (6) were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(d), with effect from 11th March, 1992.¹³

The following Regulations have been made under Part III:

Public Vehicle (Amendment) Regulations, 1995.

Maximum number of passengers to be carried in public vehicles.

10. (1) The Committee shall, upon granting a public vehicle licence in respect of any vehicle, specify in the licence the maximum number of passengers authorised by the Committee to be carried in that vehicle at any one time and, in the

case where that vehicle is adapted for the carriage of seated passengers and standing passengers, the maximum number of seated passengers and the maximum number of standing passengers respectively so authorised to be carried at any one time in that vehicle.

(2) The driver of a public vehicle who permits to be carried in that vehicle at any one time –

(a) any number of passengers in excess of the maximum number of passengers authorised by the Committee to be carried in that vehicle, or

(b) in the case where seated and standing passengers are so authorised to be carried in that vehicle –

(i) any number of seated passengers in excess of the maximum number of seated passengers so authorised to be carried in that vehicle, or

(ii) any number of standing passengers in excess of the maximum number of standing passengers so authorised to be carried in that vehicle,

shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

NOTE

In section 10, the words and figure in square brackets were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992.¹⁴

Power of the Committee to make regulations as respects public vehicles.

11. (1) The Committee may from time to time by regulations make provision –

- (a) for controlling the fares which may be charged for the carriage of passengers in, and the charges to be made for the hire of, public vehicles,
- (b) as to the conduct of persons [in charge of] a public vehicle,
- (c) as to the conduct of passengers in public vehicles,

and different provisions may be so made in respect of different classes or descriptions of public vehicles.

(2) If a person contravenes, or fails to comply with, a provision of any regulations under this section, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

NOTES

In section 11,

the words in square brackets in paragraph (b) of subsection (1) were substituted by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1986, section 1, with effect from 5th November, 1986;

the words and figure in square brackets in subsection (2) were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992.¹⁵

The following Regulations have been made under section 11:

Public Vehicle Regulations, 1990;

Notice to be given to the Committee of failure in, damage to, or alteration of, public vehicles.

12. (1) It shall be the duty of the holder of a public vehicle licence on the happening to the vehicle in respect of which the licence was granted of any failure or damage of a nature calculated to affect the safety of the passengers or of persons using the public highway, as soon as may be, to report the matter to the Committee.

(2) It shall be the duty of the holder of a public vehicle licence, on any alteration otherwise than by way of replacement of parts being made in the structure or fixed equipment of the vehicle, forthwith to give notice of the alteration to the Committee.

(3) If a person fails to comply with the provisions of this section, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

NOTE

In section 12, the words and figure in square brackets in subsection (3) were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992.¹⁶

Road service licences.

13. (1) No person shall cause or permit a public vehicle to be used for carrying passengers at separate fares unless he is the holder of a licence (hereafter in this Ordinance referred to as "**a road service licence**") granted by the Committee authorising him so to do.

(2) A person applying for a road service licence shall submit to the

Committee particulars of the type or types of vehicle to be used and such particulars as to the frequency and routes of the services which it is proposed to provide under the licence.

(3) The Committee may attach to a road service licence such conditions as it thinks fit –

- (a) with respect to the routes on which services may be provided under the licence,
- (b) as to the frequency of the services to be provided under the licence and the times to be taken on any journey included in those services,
- (c) for securing that passengers shall not be taken up or shall not be set down except at specified points or shall not be taken up or shall not be set down between specified points,
- (d) generally for securing the safety and convenience of the public.

(4) The Committee may refuse to grant a road service licence if it is satisfied that the proposed service is unnecessary or undesirable in the public interest or that the applicant is not a fit person to hold such a licence.

(5) The Committee may suspend or revoke a road service licence if it is satisfied that owing to the frequency of the breach of any condition for the time being attached to the licence, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the licence should be revoked or suspended, and a road service licence suspended under this subsection shall during

the time of suspension be of no effect.

(6) The Committee may from time to time vary in such manner as it thinks fit the conditions attached to a road service licence.

(7) A road service licence shall, unless previously revoked, continue in force until the thirty-first day of December next following the date on which it is expressed to take effect.

(8) A person who contravenes the provisions of subsection (1) of this section or, being the holder of a road service licence, wilfully or negligently fails to comply with any conditions for the time being attached to the licence, shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

NOTE

In section 13, the words and figure in square brackets in subsection (8) were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992.¹⁷

Licences to drive public vehicles.

14. (1) A person shall not drive a public vehicle on a public highway unless he is licensed by the Committee for the purpose under this section, and a person shall not employ a person who is not so licensed to drive a public vehicle on a public highway.

(2) The Committee shall not grant a licence to a person to drive a public vehicle unless he is over the age of twenty.

(3) A licence to drive a public vehicle may be limited to such type or types of vehicle as may be specified in the licence.

(4) The Committee may at any time suspend or revoke a licence to drive a public vehicle upon the ground that, by reason of his conduct or physical disability, the holder is not a fit person to hold such a licence; and a licence suspended under this subsection shall during the time of suspension be of no effect.

(5) A licence to drive a public vehicle shall, unless previously revoked, continue in force until the thirty-first day of December next following the date on which it is expressed to take effect.

(6) A person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

NOTE

In section 14, the words and figure in square brackets in subsection (6) were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992.¹⁸

Fees in respect of grant of licences.

15. A person to whom a licence under this Part of this Ordinance has been granted shall, prior to the grant of the licence, pay to the Treasurer of the States [such fee as the States of Alderney may prescribe by Ordinance in accordance with the Fees (Alderney) Law, 2011.]

NOTES

In section 15, the words in square brackets were substituted by the Fees (Alderney) Law, 2011, section 2, Schedule, Part I, paragraph 4, with effect from 1st January, 2019.¹⁹

In accordance with the provisions of the Fees (Alderney) Law, 2011, section 3, Schedule, Part II, paragraph 6, with effect from 1st January, 2019, the fees

referred to in this section may be prescribed in accordance with that Law.

In accordance with the provisions of the Fees (Alderney) Ordinance, 2024, section 1, Schedule 1, Part I, with effect from 1st January, 2025, the fees payable hereunder are as set out therein.

Record of Licences.

16. The Committee shall cause a record to be kept of all licences granted under this Part of this Ordinance which shall contain all relevant particulars relating to each licence and the holder thereof and, in the case of the suspension or revocation of, or refusal by the Committee to grant, a licence, the reasons given by the Committee therefor.

Surrender of licences.

17. (1) In the event of the suspension or revocation of any licence granted under this Part of this Ordinance the holder thereof shall, within three days after notice to that effect has been served on him by the Committee, send or deliver such licence to the Clerk of the States for retention during the time of suspension the Clerk of the States shall return the licence to the holder unless it has become of no effect by effluxion of time.

(2) The holder of a licence granted under this Part of this Ordinance who fails to comply with the provisions of subsection (1) of this section in the event of the suspension or revocation of his licence shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

NOTE

In section 17, the words and figure in square brackets in subsection (2) were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992.²⁰

Production of licences.

18. (1) The holder of any licence granted under this Part of this Ordinance shall produce such licence for examination whenever required so to do by an officer of police or by any person authorised by the Committee to examine such licences:

PROVIDED THAT a person authorised as aforesaid shall, if required so to do, produce his authority.

(2) A person who fails to comply with the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

NOTE

In section 18, the words and figure in square brackets in subsection (2) were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992.²¹

Form of licences.

19. Licences under this Part of this Ordinance shall be in such form as shall be approved by the Committee.

Notices to be exhibited on public vehicles.

20. (1) The holder of a public vehicle licence shall, at all times while the vehicle in respect of which the licence is held is being used thereunder, cause a notice to be exhibited on the vehicle, in such manner and in such position as the Committee may direct, stating the maximum number of passengers authorised by the Committee to be carried in the vehicle at any one time or, in the case where seated and standing passengers are so authorised to be carried in the vehicle, the maximum number of seated and standing passengers respectively so authorised to be carried in the vehicle at any one time.

(2) A person who fails to comply with the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

NOTE

In section 20, the words and figure in square brackets in subsection (2) were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992.²²

Public vehicle passing out of possession of holder of licence.

21. (1) If, during the currency of a public vehicle licence, the holder thereof ceases (otherwise than by reason of a hiring agreement) to be in possession of the vehicle, he shall forthwith notify the Clerk of the States and return the licence to him for cancellation.

(2) A person who fails to comply with the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

NOTE

In section 21, the words and figure in square brackets in subsection (2) were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992.²³

Notice of decisions of the Committee to refuse, revoke or suspend, licences, etc.

22. In the event of the Committee refusing to grant a licence under this Part of this Ordinance, or attaching conditions to or varying conditions attached to such a licence, or revoking or suspending such a licence, the Committee shall by notice served on the applicant for, or holder of, the licence, as the case may be,

inform him of the Committee's decision and the reason therefor.

Appeals.

23. Any person aggrieved by a decision of the Committee refusing to grant a licence under this Part of this Ordinance, attaching conditions to or varying the conditions attached to such a licence, or revoking or suspending such a licence, may, within the fifteen days next following the date of the service of the notice required to be served under the last preceding section informing the applicant for, or holder of, the licence, as the case may be, of the Committee's decision, appeal from the Committee's decision to the Court and the Court may thereupon make such order as it deems fit.

PART IV

LAWFUL AND UNLAWFUL INTERFERENCE WITH PUBLIC HIGHWAYS

Excavation of public highways.

24. (1) Except where otherwise specifically provided in any enactment, whether passed before or after the commencement of this Ordinance, a public highway shall not be opened, broken up, tunnelled or bored into without the authorisation of the Committee in writing in that behalf.

(2) The Committee may, from time to time, subject to such conditions as they may require, authorise any person generally or for the purpose of executing a particular work to open, break up, tunnel or bore into any public highway for the purpose of placing, constructing, inspecting, maintaining, adjusting, repairing, altering, renewing, removing or changing the position of any sewers, drains, pipes, mains, cables, service pipes or lines, conduits, apparatus, post, plant or other works in or under any public highway and for the purposes aforesaid to remove or use all earth or materials in or under any public highway.

(3) Any person who opens, breaks up, tunnels or bores into a

public highway without the authorisation of the Committee –

- (a) shall pay to the States an amount equal to any cost reasonably incurred by the States of reinstating and making good such public highway and such amount shall be recoverable by the States as a civil debt, and
- (b) shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

NOTE

In section 24, the words and figure in square brackets in paragraph (b) of subsection (3) were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992.²⁴

Penalty for damaging public highways, etc.

25. If a person, without lawful authority or excuse –

- (a) deposits anything whatsoever on a public highway so as to damage the public highway,
- (b) lights any fire on a public highway and in consequence thereof the highway is damaged,
- (c) in any other manner wilfully damages a public highway, any part of any embankment supporting a public highway, any part of a bank which flanks a public highway or any retaining wall or flank wall abutting upon a public highway,

- (d) wilfully damages a post, rail, wall or fence erected on or by the side of a public highway, or a tree, hedge or shrub, or grass planted or laid out in a public highway,
- (e) pulls down, damages or obliterates a traffic sign placed on or near a public highway,

he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale]:

Provided that it shall be a defence in any proceedings brought under paragraph (e) of this section to show that the traffic sign was not lawfully so placed.

NOTE

In section 25, the words and figure in square brackets were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(d), with effect from 11th March, 1992.²⁵

[Wilful obstruction of public highways.]

26. A person who, without lawful authority or excuse, proof whereof shall lie on him, obstructs, hinders or attempts to obstruct or hinder –

- (a) free passage along a public highway,
- (b) a person carrying out works of or in connection with the repair, maintenance, improvement or resurfacing of a public highway, or
- (c) a person acting under the authority of the Committee under section 24 above,

is guilty of an offence and liable, on conviction, to a fine not exceeding level 3 on the Alderney uniform scale.]

NOTE

Section 26 was substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(a), with effect from 11th March, 1992.²⁶

Abatement of litter on public highways.

27. If any person throws down, knowingly drops or otherwise deposits on a public highway, and leaves, anything whatsoever in such circumstances as to cause, contribute to, or tend to lead to, the defacement by litter of a public highway, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

NOTE

In section 27, the words and figure in square brackets were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992.²⁷

Penalty for depositing things on public highways.

28. If any person, without lawful authority or excuse, deposits anything whatsoever on a public highway to the interruption of any user of the public highway, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

NOTE

In section 28, the words and figure in square brackets were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section

*1(d), with effect from 11th March, 1992.*²⁸

Removal of things so deposited on public highways as to be a nuisance.

29. (1) If anything is so deposited on a public highway as to constitute a nuisance, the Committee may by notice served on the person who deposited it there require him to remove it forthwith and, if he fails to comply with the notice, the Committee may, subject to any order made on appeal, cause the thing in question to be removed and disposed of and may recover as a civil debt from that person any expenses which it has reasonably incurred in the removal and disposal of that thing.

(2) A person aggrieved by a requirement of the Committee under subsection (1) of this section may appeal therefrom to the Court within seven days from the date of the service of the notice imposing that requirement.

Lopping of vegetation overhanging public highways.

30. (1) Where a hedge, tree or shrub overhangs a public highway so as to endanger or obstruct the passage of vehicles or pedestrians, or to obstruct or interfere with the view of drivers of vehicles, the Committee may, by notice served either on the owner of the hedge, tree or shrub, or on the occupier of the land on which it is growing, require him within fourteen days from the date of the service of the notice so to lop or cut it as to remove the cause of the danger, obstruction or interference.

(2) A person aggrieved by a requirement of the Committee under subsection (1) of this section may appeal therefrom to the Court within seven days from the date of the service of the notice imposing that requirement.

(3) Subject to any order made on appeal, if a person on whom a notice is served under subsection (1) of this section fails to comply with it within the period specified in that subsection, the Committee may carry out the work required by the notice and recover as a civil debt the expenses reasonably incurred by the

Committee in so doing from the person in default.

Penalty for causing certain kinds of clangor or annoyance.

31. (1) If a person, without lawful authority or excuse, deposits anything whatsoever on a public highway in consequence whereof a user of the public highway is injured or endangered, that person shall be guilty of an offence.

(2) If a person, without lawful authority or excuse, lights any fire, or discharges a firearm or firework within fifty feet of a public highway, and in consequence thereof a user of the public highway is injured, interrupted or endangered, that person shall be guilty of an offence.

(3) If a person plays football or any other game on a public highway to the annoyance of a user thereof, he shall be guilty of an offence.

(4) If a person, without lawful authority or excuse, allows any filth, dirt or other offensive matter or thing to run or flow on to a public highway from any adjoining premises, he shall be guilty of an offence.

(5) If a person causes a scaffold of any description to be erected or to remain erected on a public highway otherwise than under and in accordance with a permit in writing granted by the Committee in that behalf, he shall be guilty of an offence.

(6) A person guilty of an offence under this section shall be liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

NOTE

In section 31, the words and figure in square brackets in subsection (6) were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992.²⁹

Penalty for placing rope, etc., across a public highway.

32. A person who for any purpose places any rope, wire or other apparatus across a public highway in such manner as to be likely to cause danger to users of the public highway shall, unless he proves that he had taken all necessary means to give adequate warning of the danger, be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

NOTE

In section 32, the words and figure in square brackets were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 11th March, 1992.³⁰

Removal of barbed wire on land adjoining a public highway.

33. (1) Where on land adjoining a public highway there is a fence made with barbed wire, or having barbed wire in or on it, and the wire, in the opinion of the Committee, constitutes a danger to users of the public highway, the Committee may by notice served on the occupier of that land require him within fourteen days from the date of the service of the notice to remove that barbed wire.

(2) A person aggrieved by a requirement of the Committee under subsection (1) of this section may appeal therefrom to the Court within seven days from the date of the service of the notice imposing that requirement.

(3) Subject to any order made on appeal, if a person on whom a notice is served under subsection (1) of this section fails to comply with it within the period specified in that subsection, the Committee may carry out the work required by the notice and recover as a civil debt the expenses reasonably incurred by the Committee in so doing from the person in default.

Dangerous land adjoining a public highway.

34. (1) If, in or on any land adjoining a public highway, there is an unfenced or inadequately fenced source of danger to users of the public highway, the Committee may by notice served on the owner or occupier of that land require him, within such time as may be specified in the notice, to execute such works of repair, protection, removal or enclosure as will obviate the danger.

(2) A person aggrieved by a requirement of the Committee under subsection (1) of this section may appeal therefrom to the Court within seven days from the date of the service of the notice imposing that requirement.

(3) Subject to any order made on appeal, if a person on whom a notice is served under subsection (1) of this section fails to comply with the notice within the time specified therein, the Committee may execute such works as are necessary to comply with the notice and may recover as a civil debt the expenses reasonably incurred by it in so doing from the person in default.

PART V
MISCELLANEOUS

Regulations.

35. (1) Any regulations under the provisions of this Ordinance –
- (a) may be amended or repealed by subsequent regulations hereunder,
 - (b) may contain such consequential, incidental, supplemental and transitional provision as may appear necessary or expedient,
 - (c) shall be laid before a meeting of the States as soon as possible and shall, if at that meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations,
 - (d) shall have an explanatory note appended to them, which shall –
 - (i) explain the general purport of the regulations,
 - (ii) be published in the Alderney Official Gazette, and
 - (iii) be displayed, as soon as possible, on the public notice board outside the Court House for a period of not less than 7 days,

[(c)] shall come into force –

- (i) on the seventh day after the date of publication of the explanatory note, or
- (ii) on such later date (if any) as may be specified in the regulations and set out in the said publication.

(2) Any power conferred by this Ordinance to make regulations may be exercised –

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
- (b) so as to make, as respects the cases in relation to which it is exercised –
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,
 - (iii) any such provision either unconditionally or subject to any prescribed conditions.]

NOTES

Section 35 was substituted by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1995, section 1, with effect from 3rd May, 1995.³¹

The letter in square brackets in subsection (1) shown, incorrectly, in the printed version of this section as "(c)" should read "(e)".

Service of notices.

36. Any notice to be served for the purposes of this Ordinance or of any regulations made thereunder may be served –

- (a) on any person by delivering it to him, by leaving it at, or by sending it by the recorded delivery service addressed to him at his usual or last known place of abode,
- (b) on any firm by delivering it to any partner of the firm or by leaving it at, or by sending it by the recorded delivery service to, the principal or last known principal place of business of the firm,
- (c) on any body corporate by leaving it at, or by sending it by the recorded delivery service to, its registered office if situate in the Island or, if its registered office is not so situated, its principal or last known principal place of business in the Island.

False statements, etc.

37. A person who –

- (a) knowingly makes a false statement for the purpose of obtaining a licence under this Ordinance,
- (b) with intent to deceive, alters, uses or lends to, or allows to be used by, any other person, a licence granted under this Ordinance,
- (c) with intent to deceive, makes or has in his possession a document so closely resembling such a licence as to be calculated to deceive,

shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale] or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.

NOTE

In section 37, the words and figure in square brackets were substituted by the Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(c), with effect from 11th March, 1992.³²

Repeal and savings.

38. (1) The Alderney Traffic Ordinance, 1949, is hereby repealed.

(2) Any regulations made, any licence or authorisation granted, any prohibition or requirement imposed, or other things done, under any of the provisions of the Alderney Traffic Ordinance, 1949, shall not be invalidated by the repeal of that Ordinance under subsection (1) of this section, but shall have effect as if made, granted imposed or done under the corresponding provisions of this Ordinance.

Citation and commencement.

39. (1) This Ordinance may be cited as the Alderney Road Traffic and

Public Highways Ordinance, 1966.

(2) This Ordinance shall come into force on the 29th day of July, nineteen hundred and sixty-six.

¹ This definition was previously substituted by the Public Vehicles (Transfer of Functions) Ordinance, 1988, section 2(a), with effect from 1st April, 1988.

² The functions of the Transport Committee under Part III of this Ordinance were transferred to it from the Tourism and Transport Committee by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(a), with effect from 2nd September, 1992; the functions of the Tourism and Transport Committee were transferred to it from the Public Works Committee by the Public Vehicles (Transfer of Functions) Ordinance, 1988, section 1, with effect from 1st April, 1988.

³ Subsection (2) was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(a), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

⁴ Section 3 was previously amended by the Alderney Road Traffic and Public

Highways (Amendment) Ordinance, 1981, section 1(b), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

5 These words and figure were previously substituted by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(c), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

6 These words and figure were previously substituted by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(c), with effect from 18th December, 1981.

7 These words and figure were previously substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

8 These words and figure were previously substituted by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(e), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

9 These words and figure were previously substituted by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(e), with effect from 18th December, 1981.

10 Section 7 was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(f), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

11 These words and figure were previously substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

12 Subsection (2) was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(h), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

13 These words and figure were previously substituted by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(i), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

14 Subsection (2) was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(j), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

15 Subsection (2) was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(k), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

16 Subsection (3) was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(l), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

17 Subsection (8) was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(m), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

18 Subsection (6) was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(n), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

19 These words were previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(o), section 1(p) and section 1(q), with effect from 18th December, 1981.

20 Subsection (2) was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(r), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

21 Subsection (2) was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(s), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

22 Subsection (2) was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(t), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

23 Subsection (2) was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(u), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

24 Paragraph (b) of subsection (3) was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(v), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

25 Section 25 was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(w), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

26 Prior to its substitution, section 26 was amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(x), with effect from

18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

27 Section 27 was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(y), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

28 Section 28 was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(z), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

29 Subsection (6) was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(aa), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

30 Section 32 was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(bb), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

31 Prior to its substitution, section 35 was amended by the Public Vehicles (Transfer of Functions) Ordinance, 1988, section 2(b), section 2(c) and section 2(d), with effect from 1st April, 1988; the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1992, section 1(b), with effect from 2nd September, 1992.

32 Section 37 was previously amended by the Alderney Road Traffic and Public Highways (Amendment) Ordinance, 1981, section 1(cc), with effect from 18th December, 1981; the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.