

# ORDINANCE OF THE CHIEF PLEAS

ENTITLED

## **The Cutting of Hedges (Sark) Ordinance, 2009**

**THE CHIEF PLEAS OF SARK**, in pursuance of their Resolution of the 30<sup>th</sup> day of September, 2009, and in exercise of the powers conferred upon them by section 37 of the Reform (Sark) Law, 2008<sup>a</sup>, and all other powers enabling them in that behalf, hereby order:-

### **Cutting of hedges.**

1. (1) Every occupier of land bordering a public road or, if the land is unoccupied, the owner thereof, shall between the 1<sup>st</sup> day and the 15<sup>th</sup> day of June and between the 15<sup>th</sup> day and the 30<sup>th</sup> day of October in each year, cut away such parts of all hedges as overhang any public road up to a height of 12 feet from the road surface, and shall immediately thereafter remove from the public road all material cut from the hedge.

(2) Subsection (1) does not apply to any public road that has been excluded from the operation of this Ordinance by subsection (3).

(3) Chief Pleas may by Resolution determine that this Ordinance shall not apply to any or all roads in the island, and such Resolution shall come into effect on the day that it was made, or on any earlier or later date if Chief Pleas so resolves.

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<sup>a</sup> Order in Council No. V of 2008, as amended by No. XXVII of 2008.

**Offence.**

2. Any person who contravenes section 1 shall, on conviction, be liable to a penalty not exceeding level 2 on the uniform scale.

**Interpretation.**

3. (1) In this Ordinance -

"hedges" includes -

(a) trees and branches of trees, and

(b) all other kinds of growth,

overhanging the public road at a height less than that specified in section 1,

"public road" means any road, street, lane, way or place which is public or to which the public has right of access, and

"uniform scale" means the uniform scale of fines for the time being in force under the Uniform Scale of Fines (Sark) Law, 1989<sup>b</sup>, as amended.

(2) The Interpretation (Guernsey) Law, 1948<sup>c</sup> applies to the interpretation of this Ordinance.

(3) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification),

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<sup>b</sup> Ordres en Conseil Vol. XXXI, p. 320.

<sup>c</sup> Ordres en Conseil Vol. XIII, p. 355.

extended or applied.

**Citation.**

4. This Ordinance may be cited as the Cutting of Hedges (Sark) Ordinance, 2009.

**Commencement.**

5. This Ordinance shall come into effect on the date on which it is approved by the Chief Pleas of Sark.