

STATES OF ALDERNEY

ORDINANCE OF THE STATES

Made 6th June, 1990
Coming into force 6th June, 1990

THE VEHICULAR TRESPASS ORDINANCE, 1990

THE STATES, in pursuance of their Resolution of the sixth day of June, 1990, and in exercise of the powers conferred on them by sections 1, 11, 46 and 47 of the Government of Alderney Law, 1987(a), hereby order:-

New action in respect of vehicular trespass

1. The owner of any land in Alderney ("the plaintiff") who alleges that another person ("the defendant") has driven, ridden or parked a motor vehicle on that land without lawful authority or reasonable excuse may apply to the Court under this Ordinance for an order against the defendant.

Nature and conduct of proceedings

2.(1) An application under this Ordinance –

- (a) must be instituted by a summons served on the defendant setting out the material facts on which the plaintiff relies;
- (b) may be made either on its own or as part of or in addition to any other civil proceedings brought by the plaintiff against the defendant in respect of the same act;
- (c) is within the civil jurisdiction of the Court.

(2) In proceedings on an application under this Ordinance -

- (a) the burden of establishing that defendant had lawful authority or reasonable excuse for doing the act complained of is on the defendant;
- (b) the question of whether the act complained of occasioned any damage to the land in question is immaterial.

Powers of the Court

3.(1) If the Court gives judgment for the plaintiff in proceedings on an application under this Ordinance it shall order the defendant to pay to the plaintiff -

- (a) £50; or
- (b) if the Court considers that the circumstances so require, such less amount as the Court shall specify.

(2) An order made under subsection (1) of this section is without prejudice to, and does not derogate from, the powers of the Court to make a further order -

- (a) as to costs;
- (b) in relation to such other proceedings as are mentioned in paragraph (b) of section 2(1) of this Ordinance.

Interpretation

4. In this Ordinance -

“the Court” means the Court of Alderney sitting as a full court;

“motor vehicle” means anything with a source of power which was designed, or is adapted, to convey a person, or people, on land;

“owner” in relation to any land means the person registered as its owner in the Alderney Land Register maintained in accordance with Part III of the Alderney Land and Property &c. Law, 1949(b).

Commencement and application

5. This Ordinance comes into force on 6th June, 1990 and applies only to events occurring on or after the date when it comes into force.