

# PROJET DE LOI

ENTITLED

## **The Public Highways (Co-ordination of Temporary Road Closures etc.) (Guernsey) Law, 2003 \***

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

© States of Guernsey

---

\* No. XXV of 2003 (Ordres en Conseil Vol. XLIII(2), p. 838); as amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

# PROJET DE LOI

ENTITLED

## **The Public Highways (Co-ordination of Temporary Road Closures etc.) (Guernsey) Law, 2003**

### ARRANGEMENT OF SECTIONS

1. Committee to be responsible for temporary road closures etc.
2. Application to be made to the Committee.
3. Fees and penalties.
4. Appeals against decisions of Committee.
5. Offences.
6. Interpretation.
7. Citation.

# PROJET DE LOI

ENTITLED

## **The Public Highways (Co-ordination of Temporary Road Closures etc.) (Guernsey) Law, 2003**

**THE STATES**, in pursuance of their Resolution of the 31<sup>st</sup> day of May 2002<sup>a</sup>, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

### **Committee to be responsible for temporary road closures etc.**

1. Responsibility for the co-ordination of temporary closures of public highways and of traffic management measures therein for the purpose of carrying out any works in or on any public highway or in or on any land adjacent to any public highway is hereby vested in the States [Committee for the Environment & Infrastructure] ("**the Committee**").

### **NOTE**

*In section 1, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(a), with effect from 1st May, 2016.<sup>1</sup>*

### **Application to be made to the Committee.**

2. (1) Subject to the provisions of any Order made under subsection (6), any person who wishes to carry out any works necessitating the temporary closure of a public highway, or part thereof, or the application of traffic management measures therein, shall apply to the Committee for permission, in such form and

---

<sup>a</sup> Article XI of Billet d'État No. IX of 2002.

manner as the Committee may from time to time require, for such temporary closure or for the application of such traffic management measures as that person shall deem appropriate.

(2) Where an application is made under subsection (1), the Committee may at its discretion –

- (a) grant the application,
- (b) refuse the application, or
- (c) grant the application subject to any conditions which the Committee may deem appropriate,

and in exercising its discretion under this subsection the Committee shall take into account *inter alia* the interests of the applicant in carrying out the works and the interests of the public in –

- (i) minimising any disruption which might result from the temporary closure or traffic management measures, as the case may be, and
- (ii) the completion of the proposed works,

and the Committee shall consult the Constables of the parish in which the relevant highway is situated and may also take into account the views of any person (including, without limitation, the Constables of the parish in which the relevant highway is situated, and any other parish which might be affected by the grant of the application, the Gas Company and the utility services, the [Committee for the Environment & Infrastructure] and the emergency services) with whom the Committee has consulted, or whose views have otherwise been communicated to the

Committee, in relation to the application.

(3) Where the Committee has granted an application made under subsection (1) the Committee shall have the power at its discretion to suspend or revoke such permission or to attach to that permission such further conditions, or to vary or rescind any conditions previously imposed, as it thinks fit.

(4) Where the Committee has granted an application made under subsection (1) subject to conditions and the applicant has not complied with one or more of those conditions the Committee may, at its discretion, suspend or revoke the permission and take whatever steps are necessary to re-open the public highway and remove any traffic management measures forthwith, the costs of so doing to be recoverable from the applicant as a civil debt.

- (5) Where the Committee decides –
- (a) to refuse to grant a permission,
  - (b) to suspend or revoke a permission, or
  - (c) to impose, vary or rescind any condition in respect of a permission,

the Committee shall serve upon the applicant notice in writing of the decision, stating the grounds of the decision, setting out (where appropriate) particulars of the condition in question and giving particulars of the right of appeal conferred by section 4.

(6) Notwithstanding the provisions of this Law, the Committee may from time to time by Order provide that a person shall not require permission in pursuance of the provisions of this section to carry out certain works of a minor

nature specified in such Order in such circumstances and subject to such conditions as may be prescribed.

## NOTES

*In section 2, the words in square brackets in subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 12(a), with effect from 1st May, 2016.<sup>2</sup>*

*The functions, rights and liabilities of the Public Services Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 12(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>3</sup>*

*The following Order has been made under section 2:*

*Public Highways (Temporary Road Closures) (Fees and Penalties) Order, 2016.*

### **Fees and penalties.**

3. (1) The Committee may by Order prescribe the fees payable in relation to the temporary closure of a public highway, or part thereof, or in relation to the application of any traffic management measures in a public highway in consequence of any application made pursuant to section 2.

(2) The fees payable under subsection (1) may vary according to

—

(a) the type or nature of the public highway which is affected by the proposed closure or traffic management measures,

(b) the extent of the closure or the type of traffic

management measure required,

- (c) the period of time during which the closure or traffic management measure will continue, and
- (d) any other factor which the Committee may at its discretion consider relevant.

(3) The Committee may by Order prescribe fees to be payable by way of penalty where a person to whom permission for any temporary closure or traffic management measure has been granted pursuant to section 2 has failed to comply with one or more of the conditions attached to such permission whether such failure was in relation to a condition as to duration or otherwise.

(4) The Committee may at its discretion waive the fees payable in any case.

(5) An Order under this section shall be laid before a meeting of the States as soon as possible after being made; and if at that or the next meeting the States resolve that the Order be annulled, then it shall cease to have effect, but without prejudice to anything done under it or to the making of a new Order.

**NOTE**

*The following Orders have been made under section 3:*

*Public Highways (Temporary Road Closures) (Fees and Penalties) Order, 2016;*

*Public Highways (Temporary Road Closures) (Fees and Penalties) (Amendment) Order, 2017;*

*Public Highways (Temporary Road Closures) (Fees and Penalties) (Amendment) Order, 2019;*

*Public Highways (Temporary Road Closures) (Fees and Penalties) (Amendment) Order, 2023;*

*Public Highways (Temporary Road Closures) (Fees and Penalties)*

(Amendment) Order, 2025.

**Appeals against decisions of Committee.**

4. (1) A person aggrieved by a decision of the Committee –
- (a) to refuse an application made by him under section 2 for a permission,
  - (b) to revoke his permission,
  - (c) to impose, vary or rescind any condition in respect of his permission,

may appeal to the Court against the decision.

(2) The grounds of an appeal under this section shall be that the decision was *ultra vires* or was an unreasonable exercise of the Committee's powers.

- (3) An appeal under this section shall be instituted –
- (a) within a period of 28 days immediately following the date of the notice of the Committee's decision, and
  - (b) by summons served on [the President] of the Committee stating the grounds and material facts on which the appellant relies.

- (4) On an appeal under this section the Court may –
- (a) set the decision of the Committee aside and, if the Court considers it appropriate to do so, remit the matter

to the Committee with such directions as the Court thinks fit, or

(b) confirm the decision.

(5) In this section "**the Court**" means the Royal Court sitting as an Ordinary Court.

(6) An appeal from a decision of the Court made under this section shall lie to the Court of Appeal on a question of law.

**NOTE**

*In section 4, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(a), with effect from 1st May, 2016.<sup>4</sup>*

**Offences.**

5. (1) A person who –

- (a) without prejudice to any other offence which may have been committed, carries out any works resulting in the closure of any public highway, or part thereof, or the application of traffic management measures therein, without having obtained permission of the Committee in accordance with section 2, or
- (b) having obtained such permission, fails to comply with one or more of the conditions imposed by the Committee,

is guilty of an offence and liable, on summary conviction, to a fine not exceeding

level 5 on the uniform scale.

(2) It shall be a defence for a person charged with an offence under subsection (1) to show –

- (a) that the works carried out or traffic management measures applied were carried out or applied in consequence of an emergency in such circumstances that it was not reasonably practicable to obtain the prior permission of the Committee, and
- (b) that, where such works or measures were of a continuing nature, he had applied to the Committee for the necessary permissions as soon as reasonably practicable.

**Interpretation.**

6. (1) In this Law, unless the context otherwise requires –

**"applicant"** includes, where an application has been granted, the holder of any permission,

**"the Committee"** means the States [Committee for the Environment & Infrastructure],

**"the Gas Company"** has the same meaning as in section 1 of the Public Thoroughfares (Guernsey) Law, 1958<sup>b</sup>,

**"public highway"** means any road, street, lane or public place, over

---

<sup>b</sup> Ordres en Conseil, Vol. XVII, p. 440; Vol. XXIII, p. 395.

which the public has, under the law of the Island, the right to pass and repass without let or hindrance, whether on foot or with animals or vehicles,

**"traffic management measures"** means any measures carried out on any public highway, other than closure of the public highway, which might interfere with the customary rights of any person to pass and repass over the public highway, whether on foot or with animals or vehicles, and shall include, without prejudice to the generality of the foregoing, any alteration to the direction of flow of traffic, the installation of temporary traffic lights, the construction of road humps and the placing of traffic signs and cones,

**"utility services"** has the same meaning as in section 22 of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001<sup>c</sup>,

**"works"** shall include, for the avoidance of doubt and without limitation, the placing of skips and the erection of scaffolding on a public highway, which said works shall be deemed for the purposes of this Law to be works necessitating the temporary closure of part of a public highway.

(2) Any reference in this Law to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment and to any subordinate enactment made thereunder.

(3) Any power conferred on the Committee by this Law to make any Order shall be construed as including a power to vary, repeal or replace such Order.

## **NOTES**

---

<sup>c</sup> Order in Council No. XI of 2001.

*In section 6, the words in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(a), with effect from 1st May, 2016.<sup>5</sup>*

*The functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 4(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>6</sup>*

**Citation.**

7. This Law may be cited as the Public Highways (Co-ordination of Temporary Road Closures etc.) (Guernsey) Law, 2003.

**NOTE**

*The Law received Royal Sanction on 8th October, 2003 and was registered on the Records of the Island of Guernsey and came into force on 1st December, 2003.*

---

<sup>1</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 29, with effect from 6th May, 2004.

<sup>2</sup> These words were previously substituted by the Machinery of Government

---

(Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 23, with effect from 6th May, 2004.

**3** The functions, rights and liabilities of the Public Services Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Public Thoroughfares Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 23, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

**4** These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 29, with effect from 6th May, 2004.

**5** These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 29, with effect from 6th May, 2004.

**6** The functions, rights and liabilities of the Environment Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Traffic Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 29, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.