

Island of Guernsey

Ordinance of the States **XLVII** 1967

Made 29th November, 1967.

Came into Operation 29th November, 1967.

The Public Highways Ordinance, 1967

THE STATES, in pursuance of their Resolution of the twenty-second day of March, nineteen hundred and sixty-seven, hereby order:—

1. A person shall not, without the permission of the States Housing Authority (hereinafter referred to as "the Authority")—

- (a) erect or re-erect or place any immovable structure; or
- (b) fix, suspend or place any overhead beam, rail, pipe, cable, wire or any other object whatsoever;

over and across or over and along any public highway or any part of any such highway.

2. (1) Any person desirous of obtaining permission to do anything referred to in the last preceding section shall make application in that behalf to the Authority and such application shall be in such form and accompanied by such information, including specifications, plans and elevations, as the Authority may, from time to time, require.

Restriction on erection or suspension of structures and objects over public highway.

Application for permission to erect or suspend structures or objects over public highway.

(2) Upon receipt of an application under the provisions of the last preceding subsection, or at any time thereafter, the Authority may require an applicant to supply such further information, including further specifications, plans and elevations, as the Authority may consider desirable.

Grant or
refusal of
permission.

3. (1) Upon receipt of an application under the provisions of the last preceding section the Authority may either—

- (a) grant the permission applied for;
- (b) refuse such permission;
- (c) grant such permission subject to such conditions as the Authority may think it necessary or expedient to impose.

(2) The Authority may, from time to time, revoke or vary any condition attached to any permission granted in pursuance of the provisions of the last preceding subsection.

(3) Any permission granted in pursuance of the provisions of this section shall remain valid for one year from the date on which it was granted.

Exemption.

4. Nothing in this Ordinance contained shall apply to the States or to any servant or agent of the States when acting for and on behalf of the States within the course of their employment or agency.

Appeals.

5. (1) Any person aggrieved by any decision of the Authority under the provisions of section three of this Ordinance may appeal therefrom to the Royal Court sitting as a Full Court on the grounds that the decision of the Authority was ultra vires or was an unreasonable exercise of its powers.

(2) Any appeal under this section shall be instituted by way of summons which shall set out the material facts upon which the appellant relies and which shall be served on the President of the Authority to show cause why the decision appealed from should not be set aside or varied.

6. Any person who contravenes the provisions of section one of this Ordinance or fails to comply with any condition attached to any permission granted in pursuance of the provisions of section three of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds. Penalties.

7. (1) Where any person has been convicted in respect of— Power to require work to be done.

- (a) a contravention of section one of this Ordinance;
- (b) a failure to comply with any condition attached to any permission granted in pursuance of the provisions of section three of this Ordinance;

the Authority may apply to the Ordinary Court for an order requiring the person convicted—

- (c) to demolish or carry out structural alterations or improvements to any immovable structure to which the conviction relates as the Ordinary Court may require;
- (d) to re-site or to remove any overhead beam, rail, pipe, cable, wire or any other object whatsoever to which the conviction relates.

(2) If a person in respect of whom an order has been made in pursuance of the provisions of the last preceding subsection fails to comply with the order within such period as the Ordinary Court

may direct or within such longer period as the Ordinary Court may, on his application, allow, the Authority may apply to the Ordinary Court for permission to enter the premises concerned and there do such works as may be necessary to give effect to such order and the Ordinary Court after hearing evidence as to the estimated costs of such works may make such order as it deems just and, upon application in that behalf made by the Authority after the completion of such works, may order that any expenses reasonably incurred by the Authority in carrying out such works shall be recoverable by the Authority as a civil debt.

(3) The Ordinary Court shall not make any order under this section unless the person against whom such order is sought has been served by the Authority with notice of its intention to apply for such order and unless such person has had a reasonable opportunity of being heard thereon.

False
statements.

8. Any person who for the purpose of obtaining any permission in pursuance of the provisions of this Ordinance or in supplying any information which he is required to supply in pursuance of the provisions of this Ordinance, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular or produces or furnishes, or causes or allows to be produced or furnished, any document or information which he knows to be false in a material particular, shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty pounds.

Interpreta-
tion.

9. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“immovable structure” means any building or structure of whatsoever material or in whatsoever manner constructed and whether permanent or temporary which is, or on erection will become, realty;

“public highway” includes any road, street, lane or public place;

“Ordinary Court” means the Royal Court sitting as an Ordinary Court.

10. This Ordinance may be cited as the Public Citation Highways Ordinance, 1967.

R. H. VIDELO,

Her Majesty's Greffier.