

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Public Thoroughfares (Guernsey) Law, 1958

(Registered on the Records of the Island of Guernsey
on the 5th day of April, 1958.)



1958.

V
1958

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 5th day of April, 1958, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present:—Sir John Leale, Arthur Falla, William Robert Freake Clark, Esquires, Bertram Bartlett, Esquire, O.B.E., Donald Carey Brock, Esquire, C.B.E., Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., Claude Fortescue Nason and Henry Robin Bichard, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 14th day of March, 1958, ratifying a *Projet de Loi* entitled "The Public Thoroughfares (Guernsey) Law, 1958",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace,

The 14th day of March, 1958.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

EARL OF PERTH

MR. CHANCELLOR OF THE EXCHEQUER

CHANCELLOR OF THE DUCHY OF LANCASTER

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 10th day of March, 1958, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 20th day of February, 1957, the States of Deliberation at a meeting held on the 11th day of December, 1957, approved a Bill or “Projet de Loi” entitled “The Public Thoroughfares (Guernsey) Law, 1958” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States

of Guernsey entitled "The Public Thoroughfares (Guernsey) Law, 1958" and to order that the same shall have force of law in the Island of Guernsey.'

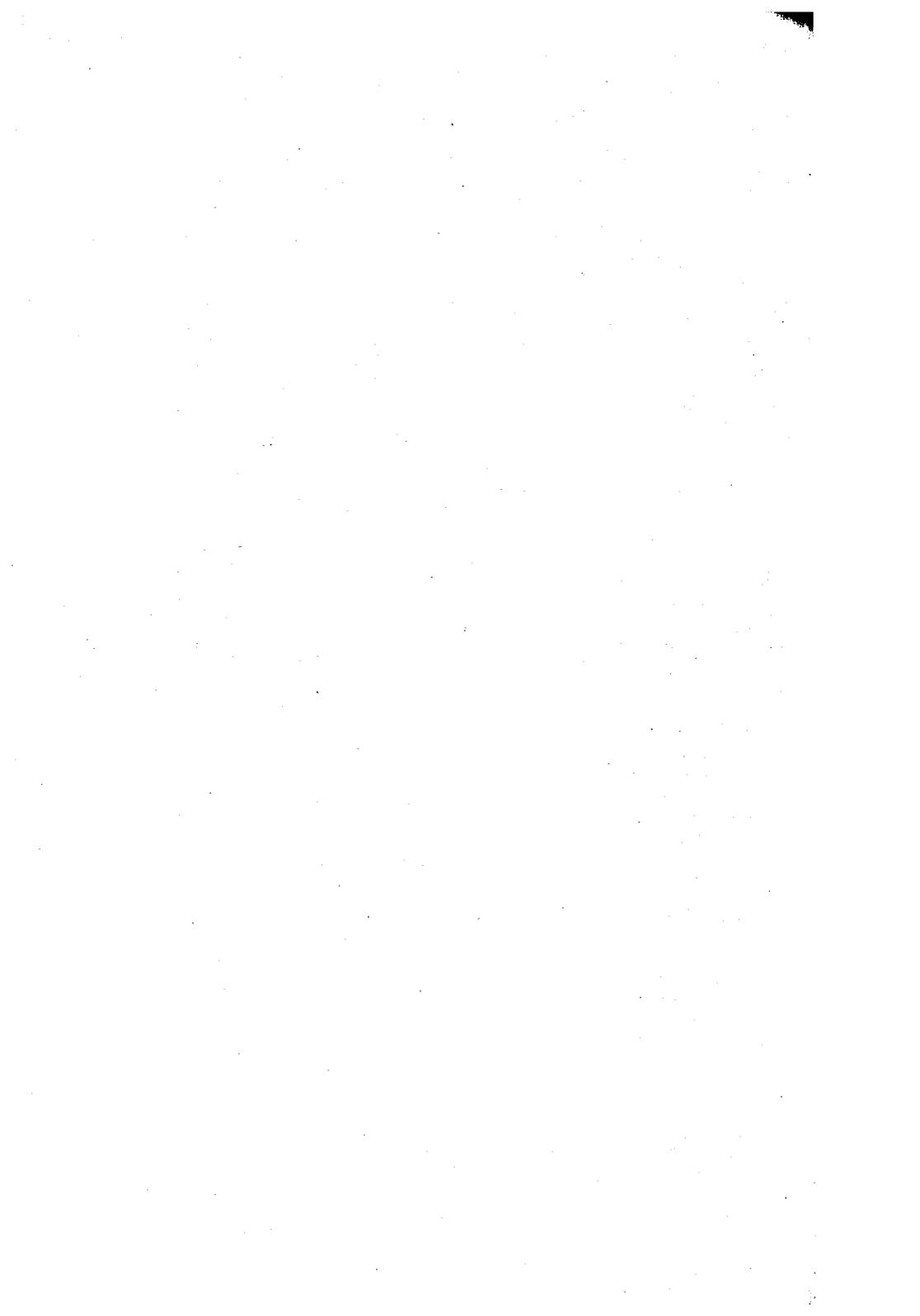
"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. AGNEW.



**Projet de Loi referred to in the foregoing
Order in Council.**

PROJET DE LOI

ENTITLED

The Public Thoroughfares (Guernsey) Law, 1958

THE STATES, in pursuance of their Resolution of the twentieth day of February, nineteen hundred and fifty-seven, 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.

1. In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“ apparatus ” includes any structure for the lodging therein of apparatus;

“ the Committee ” means the Public Thoroughfares Committee;

“ the Gas Company ” means the “ Guernsey Gas Light Company Limited ” whose registered office is at 16, Smith Street in the Parish of Saint Peter Port;

“ post ” means a post, pole, standard, stay, strut or other contrivance above ground for carrying, suspending or supporting a telegraph;

“ public highway ” includes the carriageway, verges and footpath of any road, street, lane, alley or passage repairable in whole or in part by the States;

“ telegraph ” means a wire or wires used for the purpose of telegraphic communication, with any casing, coating, tube or pipe enclosing the same, any apparatus connected therewith for the purpose of telegraphic communication and any apparatus for transmitting messages or other communications by means of electric signals.

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

3. 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, 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.

4. Any person who opens, breaks up, tunnels or bores into a public highway without the authorisation of the Committee—

- (a) shall pay to the Committee an amount equal to any cost reasonably incurred by the Committee of reinstating and making good such public highway and such amount shall be recoverable by the Committee as a civil debt; and

- (b) shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds.

5. Notwithstanding the foregoing provisions of this Law, the States of Guernsey Telephone Council and the Gas Company may, from time to time, subject to such conditions as the Committee may require, 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—

- (a) in the case of the States of Guernsey Telephone Council, any telegraph, post or any apparatus used in connection therewith; and
(b) in the case of the Gas Company, any mains or service pipes, or any apparatus connected thereto;

in or under any public highway and the said Council may attach to any such post a telegraph suspended along or across any public highway.

6. This Law may be cited as the Public Thoroughfares (Guernsey) Law, 1958.

JAMES E. LE PAGE,

Her Majesty's Greffier.