

# PROJET DE LOI

ENTITLED

## **The Public Thoroughfares (Guernsey) Law, 1958 \***

[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

---

\* Ordres en Conseil Vol. XVII, p. 440; as amended by the: Telecommunications (Guernsey) Law, 1972 (Ordres en Conseil Vol. XXIII, p. 395); Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); Telecommunications (Bailiwick of Guernsey) Law, 2001 (No. XIV of 2001, Ordres en Conseil Vol. XLI, p. 452); Public Thoroughfares (Guernsey) (Amendment) Law, 2021 (No. \*\* of 2021); Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

# PROJET DE LOI

ENTITLED

## **The Public Thoroughfares (Guernsey) Law, 1958**

### ARRANGEMENT OF SECTIONS

1. Definitions.
2. Opening, etc. of public highways.
3. Powers of Committee.
4. Opening without authorisation.
5. Telecommunication licensees, Electricity Company and Gas Company.
6. Citation.

# 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.

### **Definitions.**

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 [Committee for the Environment & Infrastructure],

[ "**the Electricity Company**" means "Guernsey Electricity Limited" whose registered office is at Electricity House, North Side in the Parish of Vale,]

"**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.

---

**NOTES**

*In section 1,*

*the words in square brackets in the definition of the expression "the Committee" 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>1</sup>*

*the definition of the expression "the Electricity Company" was inserted by the Public Thoroughfares (Guernsey) (Amendment) Law, 2021, section 1(1), with effect from 13th December, 2022.*

*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>2</sup>*

---

**Opening, etc. of public highways.**

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.

**Powers of Committee.**

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.

**Opening without authorisation.**

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 [level 2 on the uniform scale].

---

**NOTE**

*In section 4, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

---

**[Telecommunication licensees, Electricity Company and Gas Company.]**

5. Notwithstanding the foregoing provisions of this Law, [any person authorised to establish, operate or maintain a telecommunications network (within the meaning of the Telecommunications (Bailiwick of Guernsey) Law, 2001) by an individual licence (within the meaning of that Law) granted or deemed to have been granted under that Law][, the Electricity Company] 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 [any person authorised to establish, operate or maintain a telecommunications network (within the meaning of the Telecommunications (Bailiwick of Guernsey) Law, 2001) by an individual licence (within the meaning of that Law) granted or deemed to have been granted under that Law], any telegraph, post or any apparatus used in connection therewith [or any other telecommunications equipment (within the meaning of the Telecommunications (Bailiwick of Guernsey) Law, 2001)], and
- (b) in the case [the Electricity Company or] of the Gas Company, any mains[, service cables] or service pipes, or any apparatus connected thereto,

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

---

**NOTES**

*In section 5,*

*the words in, first, the first, third and seventh pairs of square brackets and, second, the fourth pair of square brackets were substituted by the Telecommunications (Bailiwick of Guernsey) Law, 2001, section 33, Schedule 2, Part II, respectively paragraph 6(a) and paragraph 6(b), with effect from 1st October, 2001;*<sup>3</sup>

*first, the heading thereto was substituted, second, the words in the second pair of square brackets were inserted, third, the words in the first and, fourth, second pairs of square brackets in paragraph (b) were inserted by the Public Thoroughfares (Guernsey) (Amendment) Law, 2021, respectively section 1(2), section 1(3), section 1(4)(a) and section 1(4)(b), with effect from 13th December, 2022.*

---

**Citation.**

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

---

**NOTE**

*The Law received Royal Sanction on 14th March, 1958 and was registered on the Records of the Island of Guernsey and came into force on 5th April, 1958.*

---

---

<sup>1</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.

<sup>2</sup> 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.

<sup>3</sup> Section 5 was previously amended by the Telecommunications (Guernsey) Law, 1972, section 38, with effect from 1st January, 1973.