

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Road Traffic (Clearways) Ordinance, 1999 *

[CONSOLIDATED TEXT]

NOTE

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* No. XVI of 1999 (Recueil d'Ordonnances Tome XXVIII, p. 233); 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); the Traffic Temporary (Fountain Street) Regulations, 2009 (G.S.I. No. 84 of 2009); the Road Traffic (Clearways) (Amendment) Order, 2010 (G.S.I. No. 119 of 2010); the Road Traffic (Clearways) (Amendment) Order, 2015 (G.S.I. No. 96 of 2015). See also the Offences (Fixed Penalties) (Guernsey) Law, 2009 (No. XV of 2010).

ORDINANCE OF THE STATES OF DELIBERATION

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The Road Traffic (Clearways) Ordinance, 1999

ARRANGEMENT OF SECTIONS

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2. Power to amend Schedule 1.
3. Offence.
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SCHEDULE 1 Clearways.

SCHEDULE 2 Repeals.

(Made on 28th July, 1999.)

The Road Traffic (Clearways) Ordinance, 1999

THE STATES, in pursuance of their Resolution of the 9th day of June, 1999^a, hereby order: –

Restriction on stopping.

1. A person being in charge of a vehicle or an animal shall not, without the permission of the Committee, cause or permit that vehicle or animal to stop on any part of the carriageway of a highway specified in column 1 of Schedule 1, otherwise than to permit pedestrians to cross at pedestrian crossings, on any day other than a Sunday, Good Friday, Christmas Day or any day specified as a public holiday in section 1 of the Public Holidays Ordinance, 1994^b, between the hours specified in column 2 of Schedule 1.

NOTE

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 1 of this Ordinance may be discharged by payment of a fixed penalty.

Power to amend Schedule 1.

2. (1) The Committee may by order amend Schedule 1 so as to insert or delete an entry therein or to amend any such entry provided that –

- (a) the amendment has been the subject of a temporary regulation made under the Traffic Temporary Regulations Ordinance, 1950^c which has at the date of the order been in force for a continuous period of at least nine months and not exceeding twelve months,

^a Article X of Billet d'État No. XI of 1999.

^b Recueil d'Ordonnances Tome XXVI, p. 289.

^c Recueil d'Ordonnances Tome X, p. 59; Tome XXV, p. 140; Tome XXVI, p. 90.

- (b) that the order made under this section embodies, without substantial modification, the provisions of the said temporary regulation,
- (c) before making such an order the Committee has taken into consideration any written representation made by any person, and
- (d) that the Committee has on at least two occasions before the coming into force of such order published notice of its intention to do so in La Gazette Officielle.

(2) Section 3(2) of the Traffic Temporary Regulations Ordinance, 1950 shall not have effect in relation to a temporary regulation which is embodied without substantial modification in an order made under this section.

NOTE

The following Orders have been made under section 2:

Road Traffic (Clearways) (Amendment) Order, 2010;
Road Traffic (Clearways) (Amendment) Order, 2015.

Offence.

3. A person who contravenes this Ordinance is guilty of an offence and liable, on conviction, to a fine not exceeding level 2 on the uniform scale.

Fixed penalty.

4. (1) The Traffic Offences (Fixed Penalties) Ordinance, 1989, as amended^d ("**the 1989 Ordinance**") is further amended in accordance with subsection (2); and an offence under section 3 of this Ordinance is accordingly a scheduled offence for the purposes of the 1989 Ordinance.

(2) In Schedule 1 to the 1989 Ordinance –

^d Recueil d'Ordonnances Tome XXV, pp. 11, 138 and 140.

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- (a) delete the entry in respect of each of the Clearways Ordinances, and
- (b) at the end of that Schedule insert the following entries in columns (1), (2) and (3) respectively –

(1)	(2)	(3)
Offences against section 3 of the Road Traffic (Clearways) Ordinance, 1999	Stopping on a clearway outside permitted times	£15.00

NOTE

The Traffic Offences (Fixed Penalties) Ordinance, 1989 has since been repealed by the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 9(1)(a), with effect from 1st July, 2012, subject to the provisions of subsection (2) of the said section 1.

Orders of the Committee.

- 5. (1) An order of the Committee under this Ordinance –
 - (a) may be amended or repealed by a subsequent order hereunder,
 - (b) may contain such consequential, incidental, supplementary and transitional provision as may appear to the Committee to be necessary or expedient,
 - (c) shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul it, cease to have effect, but

without prejudice to anything done under it or to the making of a new order.

(2) Any power conferred upon the Committee by this Ordinance to make an order may be exercised –

(a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,

(b) so as to make, as respects the cases in relation to which it is exercised –

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

(iii) any such provision either unconditionally or subject to any prescribed conditions.

Interpretation.

6. (1) In this Ordinance –

"animal" does not include a dog or a cat,

"the Clearways Ordinances" means the Road Traffic (Lower Vauvert) (Clearway) Ordinance, 1984, as amended^e, the Road Traffic

^e Recueil d'Ordonnances Tome XXIII, p. 32; Tome XXV, pp. 11 and 140; Tome XXVI, p. 90.

(Bordage) (Clearway) Ordinance, 1984, as amended^f, and the Road Traffic (Fountain Street) (Clearway) Ordinance, 1984, as amended^g,

"the Committee" means the States [Committee for the Environment & Infrastructure] or such other Committee as the States may by Resolution prescribe,

"delivery vehicle" means a vehicle constructed or adapted for use wholly or mainly for the carriage of goods,

"highway" means a public highway and includes the whole area of any highway open to public vehicular or pedestrian traffic,

"loading bay" means an area on which the Committee has marked a sign of the type numbered 26 in Schedule 1 to the Traffic Signs and Traffic Light Signals Ordinance, 1988^h,

"vehicle" includes a mechanically propelled vehicle, a cycle, an animal drawn vehicle and a hand drawn vehicle.

(2) For the purposes of this Ordinance, a vehicle or animal is caused or permitted to **"stop"** if it is stationary other than so as to comply with a legal requirement or to avoid a collision or interference with another vehicle or animal, or with a person.

NOTES

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, 2016.¹

^f Recueil d'Ordonnances Tome XXIII, p. 66; Tome XXV, pp. 11 and 140; Tome XXVI, p. 90.

^g Recueil d'Ordonnances Tome XXIII, p. 69; Tome XXIV, p. 275; Tome XXV, pp. 11 and 140; Tome XXVI, p. 90.

^h Recueil d'Ordonnances Tome XXIV, p. 275; Tome XXV, p. 30; Tome XXVI, p. 90.

The functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance 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.²

Repeals and savings.

7. (1) The enactments set out in Schedule 2 are hereby repealed to the extent specified in that Schedule.

(2) Any permission given by the Committee under any enactment repealed by this Ordinance and having effect on 31st August, 1999 is deemed to continue to have the same effect for the purposes of this Ordinance.

(3) Any offence under any provision of the Clearways Ordinances which was committed prior to the commencement of this Ordinance shall be dealt with under the provisions of this Ordinance.

Citation.

8. This Ordinance may be cited as the Road Traffic (Clearways) Ordinance, 1999.

Commencement.

9. This Ordinance shall come into force on the 1st September, 1999.

SCHEDULE 1
CLEARWAYS

Section 1

(1) Location	(2) Hours
1. Lower Vauvert, Saint Peter Port	(a) 8.30 a.m. - 9.00 a.m. (b) 12 noon - 12.45 p.m. (c) 3.15 p.m. - 4.00 p.m. (d) 5.00 p.m. - 5.30 p.m.

This paragraph does not apply on a Saturday.

2. The Bordage, Saint Peter Port (between Trinity Square and its junction with Tower Hill)	(a) 8.15 a.m. - 9.15 a.m. (b) 11.30 a.m. - 2.15 p.m. (c) 3.30 p.m. - 6.00 p.m.
[3. Fountain Street, Saint Peter Port	At all times

This paragraph does not apply between the hours of 6.00 p.m. and 7.30 a.m., 9.30 a.m. and 12 noon, or 2.00 p.m. and 4 p.m. to any person causing or permitting a delivery vehicle to stop in a loading bay for no longer than is necessary in order to unload goods from and load goods into that vehicle.]

4. Rue des Monts,	(a) 8.30 a.m. - 9.15 a.m.
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Saint Sampson	(b)	2.45 p.m.	-	3.45 p.m.
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This paragraph does not apply on a Saturday nor during the school holidays of St. Mary and St. Michael School.

[5. Hougue Ricart, Vale (from a point 15m to the north of its junction with La Croix du Bois to a point 55m further to the north)	(a)	8.30 a.m.	-	9.00 a.m.
	(b)	2.45 p.m.	-	3.30 p.m.

This paragraph does not apply on a Saturday or Sunday nor during the school holidays of the Vale Primary School.]

NOTES

In Schedule 1,

paragraph 3 was substituted by the Road Traffic (Clearways) (Amendment) Order, 2010, article 1, with effect from 22nd December, 2010;³

paragraph 5 was inserted by the Road Traffic (Clearways) (Amendment) Order, 2015, article 1, with effect from 30th November, 2015.

SCHEDULE 2
REPEALS

Section 7

(1) Enactment	(2) Extent of repeal
Road Traffic (Lower Vauvert) (Clearway) Ordinance, 1984	The whole Ordinance
Road Traffic (Bordage) (Clearway) Ordinance, 1984	The whole Ordinance
Road Traffic (Fountain Street) (Clearway) Ordinance, 1984	The whole Ordinance
Road Traffic Temporary Regulations and Clearways (Amendment) Ordinance, 1990 ⁱ	Section 2
Island Traffic Committee (Transfer of Functions) (No. 2) Ordinance, 1992 ^j	Schedule 2, paragraphs 18, 19 and 20

¹ 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.

² The functions, rights and liabilities of the Environment Department and its Minister arising under or by virtue of this Ordinance were previously transferred to

ⁱ Recueil d'Ordonnances Tome XXV, p. 140.

^j Recueil d'Ordonnances Tome XXVI, p. 90.

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.

³ Paragraph 3 was previously substituted in accordance with the provisions of the Traffic Temporary (Fountain Street) Regulations, 2009, regulation 1, with effect from 24th December, 2009.