

# ORDER IN COUNCIL

**XIII  
2009**

ratifying a Projet de Loi

ENTITLED

## **The Road Traffic (Parking Fees and Charges) (Enabling Provisions) (Guernsey) Law, 2009**

(Registered on the Records of the Island of Guernsey  
on the 8th June, 2009.)



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2009

LAW NOT YET IN FORCE

## ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

8<sup>th</sup> day of June, 2009 before John Russell Finch, Esquire, Lieutenant Bailiff; present:- Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson and Michael Henry De La Mare, Esquires, The Reverend Peter Gerald Lane, Michael John Tanguy, Esquire and Barbara Jean Bartie, David Osmond Le Conte, John Ferguson, and Stephen Murray Jones, Esquires, Claire Helen Le Pelley and Peter Sean Trueman Girard, Esquire, Jurats.

The Lieutenant Bailiff having this day placed before the Court an Order of Her Majesty in Council dated 13<sup>th</sup> May 2009 approving and ratifying a Projet de Loi entitled “The Road Traffic (Parking Fees and Charges) (Enabling Provisions) (Guernsey) Law, 2009”, 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.



*At the Court at Buckingham Palace*

THE 13th DAY OF MAY 2009

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY  
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“In accordance with Your Majesty’s General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

“That, in pursuance of their Resolutions of 28th March 2003, 31st March 2006, 12th March 2008 and 25th February 2009, the States of Deliberation at a meeting on 25th February 2009 approved a *Projet de Loi* entitled the Road Traffic (Parking Fees and Charges) (Enabling Provisions) (Guernsey) Law, 2009 and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Road Traffic (Parking Fees and Charges) (Enabling Provisions) (Guernsey) Law, 2009, and to order that it shall have force of law in the Island of Guernsey.

“The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it”.

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Island of Guernsey and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty’s Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty’s Order and to proceed accordingly.

*Judith Simpson*

# PROJET DE LOI

ENTITLED

## **The Road Traffic (Parking Fees and Charges) (Enabling Provisions) (Guernsey) Law, 2009**

**THE STATES**, in pursuance of their Resolutions of the 28<sup>th</sup> day of March, 2003<sup>a</sup>, the 31<sup>st</sup> day of March, 2006<sup>b</sup>, the 12<sup>th</sup> day of March, 2008<sup>c</sup> and the 25<sup>th</sup> day of February, 2009<sup>d</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.

### **General power to make Ordinances regulating parking in and upon any designated public place.**

1. The States may by Ordinance make such provision as they think fit regulating the parking of any vehicle in, or other object or thing upon, any designated public place.

### **Specific matters for which Ordinances may make provision.**

2. An Ordinance under section 1 may, without limitation, make provision in relation to the following matters -

- (a) the prohibition of the parking of any vehicle in, or

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<sup>a</sup> Resolutions 5, 6 and 7 on Article XXI of Billet d'État No. IV of 2003.

<sup>b</sup> Resolution 20 (as amended) on Article VIII of Billet d'État No. VII of 2006.

<sup>c</sup> Article IX of Billet d'État No. III of 2008.

<sup>d</sup> Article I of Billet d'État No. VII of 2009

other object or thing upon, any designated public place,

(b) exemption from any prohibition upon the parking of any vehicle in, or other object or thing upon, any designated public place, during such periods, and subject to such conditions, as may be specified, including, without limitation, conditions relating to -

(i) the payment of specified fees or charges, and

(ii) the display -

(A) in such manner and during such periods,

(B) within, or upon, such part of the vehicle, or other object or thing,

(C) of such evidence of the payment of such fees or charges including, without limitation, such document, disc, symbol or other thing,

as may be specified,

(c) the levying of fees or charges,

(d) liability for payment of fees or charges levied under this Law,

(e) exemption from liability for payment of fees or charges levied under this Law including, without limitation, exemption for any specified category of -

(i) vehicle,

(ii) vehicle owner, or

(ii) person in charge of a vehicle,

from liability for payment, upon such conditions as may be specified,

(f) the suspension of any prohibition upon the parking of any vehicle in, or other object or thing upon, any designated public place -

(i) during such period, and

(ii) upon such conditions,

as may be specified,

(g) action and measures that may be taken by any specified person, or court, to ensure compliance including, without limitation -

(i) the immobilisation,

(ii) the removal and detention, and

(iii) the making of orders relating to -

(A) the forfeiture, and

(B) the destruction, or other disposal,

of any vehicle, or other object or thing, pending, in the case of immobilisation or removal or detention, payment of any fee, charge or penalty levied or payable in respect of the vehicle, or object or thing, under this Law,

(h) subject to section 3(4), the penalties which may be imposed for breach of any Ordinance, and

(i) the courts and persons which, or who, may impose penalties for breach of any Ordinance, including, without limitation -

(i) police officers,

(ii) specified departments of the States, and

(iii) persons authorised by any specified department of the States.

**General provisions as to subordinate legislation.**

3. (1) An Ordinance under this Law -

- (a) may be amended or repealed by a subsequent Ordinance hereunder, and
  - (b) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient (including, without limitation, provision making consequential amendments to this Law and any other enactment).
- (2) Any power to make an Ordinance under this Law 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.

(3) Without prejudice to the generality of the foregoing provisions of this Law, an Ordinance under this Law -

- (a) may, subject to subsection (4), make provision in relation to the creation, trial (summarily or on indictment) and punishment of offences,
- (b) may empower the Department, any other department, and any other body, to make or issue orders, rules, regulations, codes or guidance, whether as to matters in respect of which an Ordinance can be made under this Law or otherwise,
- (c) may provide that no liability shall be incurred by any specified person or body in respect of anything done or omitted to be done in the discharge or purported discharge of any of their functions under the Ordinance unless the thing is done or omitted to be done in bad faith,
- (d) may make provision under the powers conferred by this Law notwithstanding the provisions of any enactment for the time being in force, and
- (e) may make any such provision of any such extent as might be made by *Projet de Loi*, but may not provide that a person is to be guilty of an offence as a result of

any retrospective effect of the Ordinance.

- (4) An Ordinance under this Law may not -
- (a) provide for offences to be triable only on indictment,
  - (b) authorise the imposition, on summary conviction of an offence, of a term of imprisonment or a fine exceeding the limits of jurisdiction for the time being imposed on the Magistrate's Court by section 9 of the Magistrate's Court (Guernsey) Law, 2008,
  - (c) authorise the imposition, on conviction on indictment of any offence, of a term of imprisonment exceeding two years, or
  - (d) authorise the imposition of any penalty by a person or body other than a court, except a financial penalty not exceeding £100.

**Interpretation.**

4. In this Law, unless the context requires otherwise -

"**a department**" means any department, council or committee of the States, however styled,

"**the Department**" means the States Environment Department,

"**designated public place**" means a public place designated under any Ordinance or instrument under this Law,

"**enactment**" means any Law, Ordinance or subordinate legislation,

"**instrument under this Law**" includes any regulation, rule, order, code or guidance made or issued under an Ordinance under this Law,

"**motor vehicle**" means a mechanically propelled vehicle intended or adapted for use on a public highway,

"**parking**" includes placing, storing, leaving and abandoning,

"**public highway**" includes any road, street, lane or place to which the public has access whether on foot or with animals or vehicles and whether on payment or otherwise,

"**public place**" includes a public highway and any premises, place or area to which the public have access, whether on payment or otherwise,

"**specified**" means specified by any Ordinance or instrument under this Law,

"**States**" means the States of Guernsey,

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect, and

"**vehicle**" includes a motor vehicle, a trailer (whether or not attached to a motor vehicle) and a bicycle.

**Citation.**

5. This Law may be cited as the Road Traffic (Parking Fees and Charges) (Enabling Provisions) (Guernsey) Law, 2009.

**Commencement.**

6. This Law shall come into force on the day appointed by Ordinance of the States.

S.M. SIMMONDS,  
Her Majesty's Deputy Greffier.

LAW NOT YET IN FORCE

Copies may be purchased from  
Her Majesty's Greffier, Royal Court House, Guernsey

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