

ORDER IN COUNCIL

VI
1983

ratifying a *Projet de Loi*

ENTITLED

The Road Traffic (Road Humps) (Guernsey) Law, 1983

(Registered on the Records of the Island of Guernsey
on the 14th day of June, 1983.)



1983

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 14th day of June, 1983 before Sir Charles Frossard, Kt., Bailiff; present:—Stanley Walter Gavey, Esquire, O.B.E., Albert Richard McCartney Straw, Esquire, Sydney Haydn Heard, Esquire, M.B.E., Brian Ernest Herbert Joy, Esquire, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, John Christopher Bulstrode and Geoffrey Ernest Le Page, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 18th day of May, 1983, ratifying a *Projet de Loi* entitled "The Road Traffic (Road Humps) (Guernsey) Law, 1983", the Court, 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 18th day of May 1983

PRESENT,

The Queen's Most Excellent Majesty in Council

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 9th day of May 1983 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 28th day of October 1981, the States of Deliberation at a meeting held on the 29th day of September 1982 approved a Bill or “Projet de Loi” entitled “The Road Traffic (Road Humps) (Guernsey) Law, 1983”, 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 Road Traffic (Road Humps) (Guernsey) Law, 1983,” 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.

N. E. Leigh.

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PROJET DE LOI

ENTITLED

The Road Traffic (Road Humps) (Guernsey) Law, 1983

THE STATES, in pursuance of their Resolution of the twenty-eighth day of October, nineteen hundred and eighty-one, 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. (1) Notwithstanding the provisions of the Law entitled "Loi relative à l'Entretien des Voies Publiques" of the twenty-sixth day of November, nineteen hundred and four, as amended^(a), the Committee may conduct experiments as to the effectiveness, safety and acceptability to the public of the construction in or on the surface of public highways of artificial humps or depressions (hereinafter referred to as "road humps") designed to control the speed of vehicles, and for this purpose the Committee may, subject to the following provisions of this section, construct, maintain and remove road humps in any public highway.

Experi-
mental
introduc-
tion of road
humps for
controlling
vehicle
speeds.

(2) Except with the consent of the Public Thoroughfares Committee, the Committee shall not construct a road hump in a public highway, and where a road hump has been constructed in such a public highway in accordance with this section—

(a) Ordres en Conseil Vol. III, p. 397; Vol. VI, p. 166; Vol. XX, p. 135.

- (a) the Public Thoroughfares Committee shall not remove or otherwise interfere with the road hump without the consent of the Committee; and
- (b) any obligation imposed on any other person having power to break open that public highway to make good any damage to it or otherwise to reinstate it shall include an obligation to make good any damage to, or otherwise reinstate, the road hump.

(3) In any case where the Committee proposes to construct a road hump in a public highway under this section, the Committee shall—

- (a) publish in La Gazette Officielle on at least two occasions; and
- (b) place at appropriate points on that public highway;

a notice of the Committee's proposal, stating the nature, dimensions and proposed location of the road hump, the address to which objections to the proposals may be sent and the period, which shall be not less than twenty-one days beginning with the date on which the notice is first published in accordance with paragraph (a) of this subsection, within which any such objections may be so sent.

(4) The Committee shall before constructing a road hump in a public highway consider any objections sent to the Committee in accordance with a notice under the last preceding subsection.

(5) A road hump constructed in a public highway in accordance with this section shall be removed not later than the expiry of the period of one year beginning with the day on which its con-

struction began unless, prior to the expiry of the said period of one year, the retention of the said road hump is approved and embodied in an Ordinance of the States.

(6) Where in an Ordinance of the States under the last preceding subsection the retention of a road hump in a public highway is approved, the road hump shall, until such approval is in an Ordinance of the States revoked, be deemed to be a road hump maintainable by the Committee under this section and where an approval given is so revoked, the Committee shall forthwith remove the road hump to which the revocation relates.

(7) The power of the Committee under subsection (1) of this section to construct, maintain and remove road humps in a public highway includes power—

- (a) to place, maintain and remove any warning sign in relation to a road hump in a public highway; and
- (b) to carry out any works ancillary to or consequential on the construction, maintenance or removal of a road hump or the exercise of any power conferred on the Committee by the last preceding paragraph;

and the Committee and the Public Thoroughfares Committee may make arrangements for the carrying out by the Public Thoroughfares Committee of any works (including works of maintenance) which the Committee is empowered to carry out in relation to a road hump which the Committee is authorised to construct or has constructed in accordance with this section.

(8) Any road hump constructed in a public highway in the exercise of the Committee's powers under this section shall be so constructed and maintained that—

- (a) it does not raise the surface of the public highway by more than five inches above, or lower that surface by more than two inches below, the surface of the public highway on either side of the hump; and
- (b) it is of such a shape that no damage is likely to be caused to the tyres of a vehicle passing over the hump.

(9) If and so long as a road hump is constructed and maintained in a public highway in accordance with this section and the presence of the hump is indicated by a warning sign marked "ROAD HUMP" and displayed on each side of the road hump in a prominent place on the public highway in relation to that road hump—

- (a) the road hump shall be treated as not constituting an obstruction to the public highway; and
- (b) where the road hump is constructed and maintained in accordance with the provisions of this Law, no action shall lie against the States by reason only of the presence of the road hump.

Interpretation.

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

"the Committee" means the Island Police Committee;

“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;

“the Public Thoroughfares Committee” means the States Public Thoroughfares Committee;

“road hump” has the meaning assigned to it in section one of this Law.

(2) Any reference in this Law to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Law.

3. This Law may be cited as the Road Traffic Citation. (Road Humps) (Guernsey) Law, 1983.

A. G. LE CHEMINANT,

Her Majesty's Deputy Greffier.