

PROJET DE LOI

ENTITLED

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

[CONSOLIDATED TEXT]

NOTE

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* Ordres en Conseil Vol. XXVIII, p. 175; as amended by the Road Traffic (Road Humps) (Amendment) (Guernsey) Law, 1994 (No. XXVI of 1994, Ordres en Conseil Vol. XXXV(2), p. 628); 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).

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ARRANGEMENT OF SECTIONS

1. Experimental introduction of road humps for controlling vehicle speeds.
- 1A. Temporary road humps.
2. Interpretation.
3. Citation.

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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.

Experimental introduction of road humps for controlling vehicle speeds.

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.

(2) Except with the consent of the [Public Services Department], 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) the [Public Services Department] shall not remove or otherwise interfere with the road hump without the consent of the Committee, and

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

- (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 construction 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 [Order of the Committee published on one occasion in *La Gazette Officielle*].

(6) Where in an [Order of the Committee] 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 [Order of the Committee] 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 Services Department] may make arrangements for the carrying out by the [Public Services Department] 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[, nor

lower that surface, by more than the dimensions prescribed by Ordinance of the States], 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 HUMPS" 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.

NOTES

In section 1,

the words "Public Services Department" in square brackets, wherever occurring, were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 23, with effect from 6th May, 2004;

first, the words in square brackets in subsection (5), second, the words "Order of the Committee" in square brackets wherever occurring and, third, the words in square brackets in paragraph (a) of subsection (8) were substituted by the Road Traffic (Road Humps) (Amendment) (Guernsey) Law, 1994, respectively section 1(a), section 1(b) and section 1(c), with effect from 1st December, 1995.

The following Ordinances have been made under section 1:

Road Humps Ordinance, 1990;
Road Humps (No. 2) Ordinance, 1990;
Road Humps Ordinance, 1992;
Road Humps Ordinance, 1994;
Road Humps Ordinance, 1995;
Road Humps Ordinance, 1998.

The following Orders have been made under section 1:

Road Humps Order, 1999;
Road Humps Order, 2003;
Road Humps (No. 2) Order, 2003;
Road Humps (No. 3) Order, 2003;
Road Humps Order, 2005;
Road Humps Order, 2006;
Road Humps Order, 2009;
Road Humps (No. 2) Order, 2009;
Road Humps Order, 2010;
Road Humps Order, 2013;
Road Humps (La Vrangue Estate) Order, 2014;
Road Humps (Cornet Street) Order, 2016;
Road Humps (Salerie Car Park) Order, 2017;
Road Humps (Route du Longfrie) Order, 2020.

[Temporary road humps.]

1A. (1) The Committee may from time to time, where it considers it expedient to do so, and after consultation with the Constables of the relevant parish, construct a temporary road hump in a public highway without the consent of the [Public Services Department] and without complying with the conditions set out in section 1(3) to (5) hereof but otherwise in accordance with the provisions of this Law.

(2) Subject to subsection (3), a temporary road hump constructed in accordance with subsection (1) shall be removed before the expiration of a period of 49 days from the date of its construction.

(3) The Committee may, after consultation with the Constables of the relevant parish and by a single notice in La Gazette Officielle, extend the period specified in subsection (2) to a period not exceeding an aggregate of 98 days within the twelve months immediately following the date of construction of the hump.

(4) The Committee may from time to time, where it considers it expedient to do so in consequence of an emergency, construct a temporary road hump in a public highway for a maximum period of 7 days without consultation with the Constables or publication of a notice.

(5) A temporary road hump constructed in accordance with this section shall, subject to the provisions thereof, have effect for all purposes as a road hump.]

NOTES

Section 1A was inserted by the Road Traffic (Road Humps) (Amendment) (Guernsey) Law, 1994, section 1(d), with effect from 1st December, 1995.

In section 1A, the words in square brackets in subsection (1) were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 23, with effect from 6th May, 2004.

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 [States [Committee for the Environment & Infrastructure]],

"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 Services Department]" means the States [Committee

for the Environment & Infrastructure],

"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.

NOTES

In section 2,

the words "Committee for the Environment & Infrastructure" 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

the word "States" in square brackets in the definition of the expression "the Committee" in subsection (1) was substituted by the Road Traffic (Road Humps) (Amendment) (Guernsey) Law, 1994, section 1(e), with effect from 1st December, 1995;

the words in the first pair of square brackets in the definition of the expression "Public Services Department" in subsection (1) were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 23, with effect from 6th May, 2004;

the words in the second pair of square brackets in the definition of the expression "Public Services Department" in subsection (1) 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, 2016.²

The functions, rights and liabilities of the Environment 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 4(a), with effect from 1st May, 2016, subject to the savings and

*transitional provisions in section 3 of the 2016 Ordinance.*³

*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.*⁴

Citation.

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

NOTE

The Law received Royal Sanction on 18th May, 1983 and was registered on the Records of the Island of Guernsey and came into force on 14th June, 1983.

¹ The words "Committee for the Environment & Infrastructure" 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; the Road Traffic (Road Humps) (Amendment) (Guernsey) Law, 1994, section 1(e), with effect from 1st December, 1995.

² 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.

³ The functions, rights and liabilities of the Environment Department and its Minister arising under or by virtue of this Law were previously transferred to 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.

⁴ 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.