

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **The Vehicular Traffic (Control of Parking on Certain States Land) Ordinance, 1988 \***

[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.*

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\* Recueil d'Ordonnances Tome XXIV, p. 488; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Market Street (Closure) (Guernsey) Law, 2002 (No. X of 2002); the Traffic Offences (Fixed Penalties) Ordinance, 1989 (Recueil d'Ordonnances Tome XXV, p. 11); the Island Traffic Committee (Transfer of Functions) (No. 2) Ordinance, 1992 (Recueil d'Ordonnances Tome XXVI, p. 90); the Vehicular Traffic (Control of Parking on Certain States Land) (Amendment) Ordinance, 1993 (Recueil d'Ordonnances Vol. XXVI, p. 146); the Vehicular Traffic (Control of Parking on Certain States Land) (Amendment) Ordinance, 2000 (No. XI of 2000, Recueil d'Ordonnances Tome XXVIII, p. 323); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Vehicular Traffic (Control of Parking on Certain States Land) (Amendment) Ordinance, 2012 (No. XXVIII of 2012). See also the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); the Offences (Fixed Penalties) (Guernsey) Law, 2009 (No. XV of 2010).

**ORDINANCE**  
**OF THE STATES OF DELIBERATION**

ENTITLED

**The Vehicular Traffic (Control of Parking on Certain States  
Land) Ordinance, 1988**

ARRANGEMENT OF SECTIONS

1. Application of the provisions of this Ordinance.
2. Driving and parking of vehicles on controlled land.
- 2A. Section 2A.
3. Persons must use parking disc in disc parking places.
4. Time during which parking is permitted in disc parking places.
5. Prohibition against re-parking in certain disc parking places within specified period.
6. Application of other enactments relating to the significance of traffic signs.
7. Offences.
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10. Interpretation.
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SCHEDULE Controlled Land.

(Made on 26th October, 1988.)

## **The Vehicular Traffic (Control of Parking on Certain States Land) Ordinance, 1988**

**THE STATES**, in pursuance of their Resolution of the 28<sup>th</sup> day of July, 1988, hereby order: –

### **Application of the provisions of this Ordinance.**

1. The provisions of this Ordinance shall apply to any roadway (hereinafter referred to as "**controlled road**") and to any parking place (hereinafter referred to as "**controlled parking place**") on any land set out in the Schedule to this Ordinance (hereinafter referred to as "**controlled land**") administered by the [States [Committee for the Environment & Infrastructure] or such other Committee as the States may be Resolution prescribe] (hereinafter referred to as "**the Committee**") and to which the public have access.

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### **NOTES**

*In section 1,*

*the words in square brackets were substituted by the Island Traffic Committee (Transfer of Functions) (No. 2) Ordinance, 1992, section 4, Schedule 2, paragraph 23, with effect from 30th September, 1992;*

*the words in square brackets within the square brackets 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.<sup>1</sup>*

*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.<sup>2</sup>*

**Driving and parking of vehicles on controlled land.**

2. (1) Subject to the provisions of the next succeeding subsection, a person being in charge of a vehicle shall not, without the permission in writing of the Committee –

- (a) drive or ride that vehicle on or along any part of the controlled land otherwise than on a controlled road or controlled parking place,
- (b) drive or ride that vehicle on or along a controlled road or controlled parking place otherwise than subject to such conditions, restrictions or prohibitions as the Committee may, from time to time, order or direct, by means of a traffic sign erected, placed or marked on or near the controlled road or controlled parking place, as the case may be, by or on behalf of the Committee,
- (c) park that vehicle on any part of the controlled land otherwise than within a controlled parking place [except temporarily for the purpose of loading or unloading on such part of the controlled land designated for that purpose by means of a traffic sign erected, placed or marked by or on behalf of the Committee on or near the relevant part of the controlled land, and in accordance with any conditions, restrictions or prohibitions so ordered or directed],
- (d) park that vehicle on or within any controlled parking place otherwise than for such periods, during such

hours and subject to such conditions, restrictions or prohibitions as the Committee may, from time to time, order or direct, by means of a traffic sign erected, placed or marked on or near the controlled parking place by or on behalf of the Committee and, in addition, where the controlled parking place is a disc parking place park that vehicle otherwise than in accordance with the provisions of [sections 2A, 3, 4 and 5] of this Ordinance,

[(e) park that vehicle on any part of the controlled land and engage, or cause or permit any other person to engage, in any trade or business in or from that vehicle while so parked.]

(2) The provisions of the last preceding subsection shall not apply to the driving or parking of a vehicle on any controlled land, controlled road or controlled parking place where such driving or parking, as the case may be, is in compliance with the order or direction of an officer of police engaged in the regulation of traffic on such aforesaid land, road or parking place, and in addition, in the case of controlled land specified in item 2 of the Schedule to this Ordinance (land at the South Quay and North Quay being part of the land reclaimed under the North Beach Reclamation Scheme including the Salerie), is in accordance with the order or direction of the States Harbourmaster.

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**NOTES**

*In section 2,*

*the words in square brackets in paragraph (c) of subsection (1) were inserted by the Vehicular Traffic (Control of Parking on Certain States Land) (Amendment) Ordinance, 2012, section 1(a), with effect from 27th June, 2012;*

*the words and figures in square brackets in paragraph (d) of subsection (1) were substituted, and paragraph (e) of subsection (1) was inserted, by the Vehicular Traffic (Control of Parking on Certain States Land) (Amendment) Ordinance, 1993, respectively section 1(a) and section 1(b), with effect from 24th February, 1993.*

*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 2 of this Ordinance may be discharged by payment of a fixed penalty.<sup>3</sup>*

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**Section 2A.**

[ **2A.** A person, being in charge of a motor cycle or pedal cycle, shall not, without the permission in writing of the Committee, park that motor cycle or pedal cycle on or within any disc parking place.]

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**NOTE**

*Section 2A was inserted by the Vehicular Traffic (Control of Parking on Certain States Land) (Amendment) Ordinance, 1993, section 1(c), with effect from 24th February, 1993.*

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**Persons must use parking disc in disc parking places.**

**3.** A person who, being in charge of a vehicle, parks that vehicle in a disc parking place shall, as soon as may be after arriving thereat, set the clock of a parking disc to indicate the time at which the vehicle arrived at the disc parking place and shall fix the parking disc against the internal face of the windscreen of the vehicle or, if the vehicle has no windscreen at a convenient place, on the left or near side of the vehicle, in such manner that the parking disc may be distinctly seen by a person outside or alongside the vehicle.

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**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 3 of this Ordinance may be discharged by payment of a fixed penalty.<sup>4</sup>*

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**Time during which parking is permitted in disc parking places.**

4. (1) A person, being in charge of a vehicle, shall not allow that vehicle to remain parked in a disc parking place for any continuous period reckoned from the time at which the vehicle arrived thereat, greater than the period as the Committee may, from time to time, order or direct by means of a traffic sign erected, placed or marked in accordance with the provisions of section 2 of this Ordinance as respects that disc parking place and such person shall, at the expiration of such period, remove that vehicle from within the limits of that disc parking place.

(2) For the purposes of the last preceding subsection as respects disc parking places, the time indicated by the clock of a parking disc fixed to a vehicle parked in a disc parking place shall, until the contrary be proved, be presumed to be the time at which the vehicle last arrived thereat.

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**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 4 of this Ordinance may be discharged by payment of a fixed penalty.<sup>5</sup>*

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**Prohibition against re-parking in certain disc parking places within specified period.**

5. (1) Without prejudice to the generality of the provisions of section 2 of this Ordinance, the Committee may, from time to time, order or direct, by means of a traffic sign erected, placed or marked in accordance with the provisions of the aforesaid section 2 that the re-parking of any vehicle within the period specified in the next succeeding subsection in any disc parking place as shall for the purposes of this section be set aside by the Committee.

(2) Where a person, being in charge of a vehicle, has removed that vehicle in compliance with the requirements of section 4 of this Ordinance from any disc parking place to which the provisions of this section applies, he shall not re-park that vehicle or cause or permit any other person to re-park that vehicle within any part of that disc parking place within the period as the Committee may, from time to time, order or direct by means of a traffic sign erected, placed or marked in accordance with the provisions of section 2 of this Ordinance as respects that disc parking place.

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**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 5 of this Ordinance may be discharged by payment of a fixed penalty.<sup>6</sup>*

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**Application of other enactments relating to the significance of traffic signs.**

6. Where a traffic sign erected, placed or marked on or near a controlled road or controlled parking place by or on behalf of the Committee pursuant to any provisions of this Ordinance complies in its specifications with a traffic sign prescribed under the provisions of any enactment for the time being in force regulating its use on a public highway, such a traffic sign shall for the purposes of this Ordinance, but only in the interpretation of its significance, convey the same information, conditions, restrictions or prohibitions, as the case may be, as if such traffic sign had been a traffic sign used on a public highway pursuant to the provisions of such aforesaid enactment.

**Offences.**

7. If any person –
- (a) does any act in contravention of any of the provisions of this Ordinance, or

- (b) does any act in contravention of or fails to comply with any order or direction of the Committee given by a traffic sign pursuant to any of the provisions of this Ordinance,

he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 2 on the uniform scale].

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**NOTE**

*In section 7, the words and figure in the second pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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**Penalty for giving false name or address.**

8. If any person who has committed or who is reasonably suspected by an officer of police of having committed an offence under any provisions of this Ordinance, when required by an officer of police to give his name or address, gives a false name or address, he shall be guilty of an offence and liable on conviction, to a fine not exceeding [level 2 on the uniform scale].

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**NOTE**

*In section 8, 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.*

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**Amendment to Ordinance of 1975 (Fixed Penalty).**

9. ...

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**NOTE**

*Section 9 was repealed by the Traffic Offences (Fixed Penalties) Ordinance, 1989, section 9(1), Schedule 3, with effect from 1st May, 1989, subject to the savings in section 9(2) of the 1989 Ordinance.*

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**Interpretation.**

**10.** (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

**"controlled land"** has the meaning assigned to it in section 1 of this Ordinance,

**"controlled parking place"** has the meaning assigned to it in section 1 of this Ordinance,

**"controlled road"** has the meaning assigned to it in section 1 of this Ordinance,

**"disc parking place"**, in relation to controlled land, means a parking place on any area of land or any part of a controlled road set aside by order or direction of the Committee as a parking place for vehicles using a parking disc in accordance with the provisions of sections 3, 4 and 5 of this Ordinance,

**"enactment"** includes any order, rule or regulation made in pursuance of any enactment,

**"officer of police"** means a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey,

**"parking disc"** has the same meaning assigned to it by section 8 of

the Road Traffic (Parking Places) Ordinance, 1963<sup>b</sup>,

**"parking place"**, in relation to controlled land, means any area of land or any part of a controlled road set aside by order or direction of the Committee as a parking place for vehicles,

**"roadway"**, in relation to controlled land, means any roadway whatsoever set aside by order or direction of the Committee as a way for vehicles,

**"traffic sign"** means any object or device (whether fixed or portable) for conveying to persons in charge of vehicles on a controlled road or in a controlled parking place information, conditions, restrictions or prohibitions of any description pursuant to any of the provisions of this Ordinance and any line or mark on a controlled road or controlled parking place for so conveying such information, conditions, restrictions or prohibitions,

**"vehicle"** means a mechanically propelled vehicle and includes a trailer drawn thereby, an animal drawn vehicle, a hand drawn vehicle, a bicycle and tricycle.

(2) Except where the context otherwise requires, any reference in this Ordinance to any other enactment shall 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 Ordinance.

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**NOTE**

*In accordance with the provisions of the Police Force (Bailiwick of*

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<sup>b</sup> Recueil d'Ordonnances Tome XIII, p. 292; Tome XXI, p. 525; Tome XXII, p. 49; No. XXXVIII of 1988.

*Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.*

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**Citation.**

**11.** This Ordinance may be cited as the Vehicular Traffic (Control of Parking on Certain States Land) Ordinance, 1988.

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**NOTE**

*The Ordinance was made and came into operation on 26th October, 1988.*

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SCHEDULE  
CONTROLLED LAND

Section 1

1. Any part of land at the former Odeon Cinema site and car park in Monument Gardens, Saint Peter Port.
2. Any part of land at the South Quay and North Quay, being part of the land reclaimed under the North Beach Reclamation Scheme (including the Salerie), Saint Peter Port.
3. Any part of land at the Mignot Plateau, Saint Peter Port.
- [4. Belgrave, Saint Sampson, on the area of land on the east side of the road immediately to the north of the slipway.
5. La Tonnelle, Saint Sampson, on the area of land on the east side of the road opposite the Halfway junction.
6. Richmond Corner, Saint Sampson, on the land on the east side of the road opposite the junction with Grandes Maisons Road including the unpaved area on the east side of Bulwer Avenue.
7. Vazon car park, Castel, adjacent to the kiosk and public toilets.
8. The two public car parks at L'Eree, Saint Pierre du Bois, opposite the junction with Les Adams.]
- [9. Albert Pier, Saint Peter Port.
10. Victoria Pier, Saint Peter Port.

11. Castle Pier, Saint Peter Port, between the junction with South Esplanade and the south-west corner of the Model Yacht Pond.]
- [12. The relevant parts of Market Street within the meaning of the Market Street (Closure) (Guernsey) Law, 2002.]
- [13. Salerie Battery, St Peter Port, on the land to the west of the Salerie (land reclaimed under the North Beach Reclamation) and also the cobbled area at the northern end of the Battery.]

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**NOTES**

*In the Schedule,*

*the entries numbered 4, 5, 6, 7 and 8 were inserted by the Vehicular Traffic (Control of Parking on Certain States Land) (Amendment) Ordinance, 1993, section 1(d), with effect from 24th February, 1993;*

*the entries numbered 9, 10 and 11 were inserted by the Vehicular Traffic (Control of Parking on Certain States Land) (Amendment) Ordinance, 2000, section 1, with effect from 29th November, 2000;*

*the entry numbered 12 was inserted by the Market Street (Closure) (Guernsey) Law, 2002, section 2, with effect from 26th March, 2002;*

*the entry numbered 13 was inserted by the Vehicular Traffic (Control of Parking on Certain States Land) (Amendment) Ordinance, 2012, section 1(b), with effect from 27th June, 2012.*

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<sup>1</sup> 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.

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

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and vested in them, respectively, from the States 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; the functions of the States Traffic Committee under this Ordinance were previously transferred to it from the Island Traffic Committee by the Island Traffic Committee (Transfer of Functions) (No. 2) Ordinance, 1992, section 1, Schedule 1, paragraph 24, with effect from 29th July, 1992, subject to the savings in section 2 of the 1992 Ordinance.

**3** Previously, in accordance with the provisions of the Traffic Offences (Fixed Penalties) Ordinance, 1989, section 1, section 2 and Schedule 1, with effect from 1st May, 1989, any liability to conviction of offences against section 2 may have been discharged by payment of a fixed penalty.

**4** Previously, in accordance with the provisions of the Traffic Offences (Fixed Penalties) Ordinance, 1989, section 1, section 2 and Schedule 1, with effect from 1st May, 1989, any liability to conviction of offences against section 3 may have been discharged by payment of a fixed penalty.

**5** Previously, in accordance with the provisions of the Traffic Offences (Fixed Penalties) Ordinance, 1989, section 1, section 2 and Schedule 1, with effect from 1st May, 1989, any liability to conviction of offences against section 4 may have been discharged by payment of a fixed penalty.

**6** Previously, in accordance with the provisions of the Traffic Offences (Fixed Penalties) Ordinance, 1989, section 1, section 2 and Schedule 1, with effect from 1st May, 1989, any liability to conviction of offences against section 5 may have been discharged by payment of a fixed penalty.