

PROJET DE LOI

ENTITLED

Loi relative à l'Entretien des Voies Publiques *

[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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* Ordres en Conseil Vol. III, p. 397; as amended by the Loi relative au Cadastre Général de l'Île (Ordres en Conseil Vol. V, p. 91); the Loi relative aux Automobiles (Ordres en Conseil Vol. V, p. 147); the Loi relative au Cadastre Général de l'Île (Ordres en Conseil Vol. VI, p. 135); the Loi pour l'Entretien des Rues de la Paroisse de St. Pierre-Port et la Reconstitution du Comité des Voies Publiques de l'Île (Ordres en Conseil Vol. VI, p. 166); the Loi supplémentaire à la Loi relative à l'Entretien des Voies Publiques (Ordres en Conseil Vol. VI, p. 289); the Loi Supplémentaire à la Loi relative à l'Entretien des Voies Publiques (Ordres en Conseil Vol. VII, p. 74); the Loi rappelant les Lois concernant le service des Voitures Publiques et la Perception par les États de Contributions par rapport à l'Octroi de Licences pour telles Voitures (Ordres en Conseil Vol. X, p. 3); the Loi de 1948 portant amendement aux Lois relatives à l'Entretien des Voies Publiques (Ordres en Conseil Vol. XIII, p. 348); the Tax on Rateable Values Law, 1952 (Ordres en Conseil Vol. XV, p. 369); the Horse Tax (Repeal) (Guernsey) Law, 1959 (Ordres en Conseil Vol. XVIII, p. 104); the States Civil Service Board (Implementation) Law, 1964 (Ordres en Conseil Vol. XIX, p. 213); 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). This Law was applied, in part, with modifications, to the Island of Alderney by the Alderney (Application of Legislation) Ordinance, 1948 (Recueil d'Ordonnances Tome IX, p. 280). See also the States Committees (Amendment) Law, 1966 (Ordres en Conseil Vol. XX, p. 135); the Road Traffic (Road Humps) (Guernsey) Law, 1983 (Ordres en Conseil Vol. XXVIII, p. 175); the Public Thoroughfares (Amendment) (Guernsey) Law, 1990 (Ordres en Conseil Vol. XXXII, p. 99).

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Loi relative à l'Entretien des Voies Publiques

ARRANGEMENT OF ARTICLES

- I. Voies Publiques entretenues par les États.
- II. Les États percevront contributions ci-dessous. Taxe sur pierres exportées.
.....

DU CADASTRE

- III-IV. ...
- V. ...
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- VII. ...
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- XI. ...
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- IX. ...
- X. ...
- XI. ...
- XII. ...

DE LA PERCEPTION DE LA TAXE SUR LA VALEUR CONTRIBUABLE (ANGLICÉ "RATEABLE VALUE")

- XIII. ...

DE LA PERCEPTION DES DROITS SUR LES CHEVAUX

- XIV. ...
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- XVI. ...
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DE L'ADMINISTRATION DES VOIES PUBLIQUES DE L'ÎLE

- XVIII. ...
- XIX. Comité aura soin des voies publiques.
- XX. ...
- XXI. ...
- XXII. ...
- XXIII. ...

PROJET DE LOI

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Loi relative à l'Entretien des Voies Publiques

...

NOTE

The Preamble to this Law was repealed by the Tax on Rateable Values Law, 1952, section 10, Schedule, with effect from 19th January, 1953.¹

Voies Publiques entretenues par les États.

I. Les États répareront et entretiendront à leurs frais les voies publiques suivantes –

1. Les grandes routes, rues et chemins de l'Île comme par le passé.
2. ...

Ne sera compris dans l'entretien d'une voie publique le coupement des broussailles, lequel restera à la charge de ceux qui y sont présentement tenus.

NOTES

In Article I, paragraph 2 was repealed by the Loi pour l'Entretien des Rues de la Paroisse de St. Pierre-Port et la Reconstitution du Comité des Voies Publiques de l'Île, 1919, Article 10, with effect from 13th December, 1919.²

In accordance with the provisions of the Road Traffic (Road Humps) (Guernsey) Law, 1983, section 1(1), with effect from 14th June, 1983 and notwithstanding the provisions of this Law, the Committee for the Environment & Infrastructure 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 for the Environment & Infrastructure may, subject to the provisions of section 1 of the 1983 Law, construct, maintain and remove road humps in any public highway.

Les États percevront contributions ci-dessous. [Taxe à raison d'un taux général de 3d. par livre sterling sur [valeur contribuable (anglicé "rateable value")].] Taxe sur pierres exportées. [Licences pour voitures publiques.] [Droits sur chevaux.] [Taxe sur Automobiles.] [Taxe sur Vélocipèdes.]

II. En considération des charges ainsi entreprises, les États lèveront et percevront annuellement les contributions spécifiées ci-dessous, savoir –

- [1. ...]
2. Une taxe sur les pierres exportées sanctionnée par Ordre de Sa Majesté en Conseil en date du 11 Janvier 1900, enregistré sur les Records de cette Île le 27 Janvier 1900.
3. ...
4. ...
5. ...
6. ...

NOTES

In Article II,

paragraph 1 was repealed by the Tax on Rateable Values Law, 1952, section 10, Schedule, with effect from 19th January, 1953;³

paragraph 3 was repealed by the Loi rappelant les Lois concernant le service des Voitures Publiques et la Perception par les États de Contributions par rapport à l'Octroi de Licences pour telles Voitures, 1935, with effect from 21st January, 1935;

paragraph 4 was repealed by the Horse Tax (Repeal) (Guernsey) Law, 1959, section 1, with effect from 1st January, 1960;⁴

paragraph 5 was repealed by the Loi relative aux Automobiles, 1915, Article 17, with effect from 25th September, 1915;

paragraph 6 was repealed by the Cycle Tax Law, 1937, section 1, with effect from 29th December, 1937.

The Loi relative aux droits perçus sur les Pierres exportées, 1900 has since been repealed by the Loi relative aux droits perçus sur les pierres exportées, 1924, with effect from 19th July, 1924. The Loi relative aux droits perçus sur les pierres exportées, 1924 has since been repealed by the Duties Levied on Stone Exported (Repeal) (Guernsey) Law, 1967, section 4, with effect from 19th September, 1967.

DU CADASTRE

Experts seront présentés par Connétables et seront assermentés.

III. ...

IV. ...

NOTE

Article III and Article IV were repealed by the Loi relative au Cadastre Général de l'Île, Article 21.5, with effect from 15th November, 1919.⁵

Cadastre énoncera. Carte Officielle.

V. ...

NOTE

Article V was repealed by the Loi relative au Cadastre Général de l'Île, Article 21.5, with effect from 15th November, 1919.⁶

Déclaration sera faite par propriétaires, curateurs, saisis, etc.

VI. ...

NOTE

Article VI was repealed by the Loi relative au Cadastre Général de l'Île, Article 21.5, with effect from 15th November, 1919.⁷

Cadastre sera déposé pour inspection. Significations au Superviseur par Contribuables.

VII. ...

NOTE

Article VII was repealed by the Loi relative au Cadastre Général de l'Île, Article 21.5, with effect from 15th November, 1919.⁸

Révision du Cadastre.

VIII. ...

NOTE

Article VIII was repealed by the Loi relative au Cadastre Général de l'Île, Article 21.5, with effect from 15th November, 1919.⁹

Cadastre sera authentiqué par Superviseur.

IX. ...

NOTE

Article IX was repealed by the Loi relative au Cadastre Général de l'Île, Article 21.5, with effect from 15th November, 1919.¹⁰

[Cadastre Général de l'Île] aux frais d'États.

X. ...

NOTE

Article X was repealed by the Loi relative au Cadastre Général de l'Île, Article 21.5, with effect from 15th November, 1919.¹¹

Propriétés publiques exemptées.

XI. ...

NOTE

Article XI was repealed by the Tax on Rateable Values Law, 1952, section

10, Schedule, with effect from 19th January, 1953.¹²

Usufruitiers et Saisis.

XII. ...

NOTE

Article XII was repealed by the Tax on Rateable Values Law, 1952, section 10, Schedule, with effect from 19th January, 1953.¹³

DE LA PERCEPTION DE LA TAXE SUR LA [VALEUR CONTRIBUABLE
(ANGLICÉ "RATEABLE VALUE")]

[Taxe sera payable le 10 octobre de chaque année.

XIII. ...]

NOTE

Article XIII was repealed by the Tax on Rateable Values Law, 1952, section 10, Schedule, with effect from 19th January, 1953.¹⁴

DE LA PERCEPTION DES DROITS SUR LES CHEVAUX

Déclarations seront faites en Janvier par propriétaires de chevaux.

XIV. ...

NOTE

Article XIV was repealed by the Horse Tax (Repeal) (Guernsey) Law, 1959, section 1, with effect from 1st January, 1960.¹⁵

12s. par cheval. 5s. par poney. Importateur de cheval paiera contribution dans les 24 heures de l'arrivée. Application des Amendes.

XV. ...

NOTE

Article XV was repealed by the Horse Tax (Repeal) (Guernsey) Law, 1959, section 1, with effect from 1st January, 1960.¹⁶

Registres des noms des propriétaires seront gardés par Connétables et publiés.

XVI. ...

NOTE

Article XVI was repealed by the Horse Tax (Repeal) (Guernsey) Law, 1959, section 1, with effect from 1st January, 1960.¹⁷

Contributions seront payées chaque Mars par Connétables au Superviseur.

XVII. ...

NOTE

Article XVII was repealed by the Horse Tax (Repeal) (Guernsey) Law, 1959, section 1, with effect from 1st January, 1960.

DE L'ADMINISTRATION DES VOIES PUBLIQUES DE L'ÎLE

Comité des Voies Publiques.

XVIII. ...

NOTE

Article XVIII was repealed by the Loi pour l'Entretien des Rues de la Paroisse de St. Pierre-Port et la Reconstitution du Comité des Voies Publiques de l'Île, 1919, Article 10, with effect from 13th December, 1919.

Comité aura soin des voies publiques. [...].

XIX. L'entretien et la réparation des voies publiques mis à la charge des États aux fins de l'Article I de cette Loi, sont confiés au [Committee for the Environment & Infrastructure] [...].

NOTES

In Article XIX,

the words "Committee for the Environment & Infrastructure" in square brackets 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;¹⁸

the words omitted in the second pair of square brackets were repealed, and the words omitted in square brackets in the marginal note thereto have been so omitted as a consequence of that repeal, by the States Civil Service Board (Implementation) Law, 1964, section 1, Schedule, Part I, paragraph (a)(i), with effect from 28th May, 1964.

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.¹⁹

Districts et Surveillants.

XX. ...

NOTE

Article XX was repealed by the States Civil Service Board (Implementation) Law, 1964, section 1, Schedule, Part I, paragraph (a)(ii), with effect from 28th May, 1964.

Devoirs des Surveillants.

XXI. ...

NOTE

Article XXI was repealed by the States Civil Service Board (Implementation) Law, 1964, section 1, Schedule, Part I, paragraph (a)(ii), with effect from 28th May, 1964.

Livre-journal sera gardé par Surveillant.

XXII. ...

NOTE

Article XXII was repealed by the States Civil Service Board (Implementation) Law, 1964, section 1, Schedule, Part I, paragraph (a)(ii), with effect from 28th May, 1964.

Lois rappelées.

XXIII. ...

NOTES

Article XXIII was repealed by the Tax on Rateable Values Law, 1952, section 10, Schedule, with effect from 19th January, 1953.

The Law received Royal Sanction on 14th November, 1904 and was registered on the Records of the Island of Guernsey and came into force in the Island of Guernsey on 26th November, 1904.

¹ Prior to its repeal, the Preamble was amended by the Loi de 1948 portant amendement aux Lois relatives à l'Entretien des Voies Publiques, 1948, section 1, Schedule, with effect from 28th August, 1948.

² Previously, the Law was applied in part to Alderney by the Alderney (Application of Legislation) Ordinance, 1948, section 2, with effect from 1st January, 1949, subject to the exceptions, adaptations and modifications set out in the Second Schedule to the 1948 Ordinance; and certain references in the Law had effect in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 3, with effect from 1st January, 1949.

³ Prior to its repeal paragraph 1 was substituted by the Loi supplémentaire à la Loi relative à l'Entretien des Voies Publiques, 1921, with effect from 16th July, 1921; and amended by the Loi de 1948 portant amendement aux Lois relatives à l'Entretien des Voies Publiques, 1948, section 1, Schedule, with effect from 28th August, 1948; and applied, with modifications, to the Island of Alderney by the Alderney (Application of Legislation) Ordinance, 1948, section 2, Second Schedule, with effect from 1st January, 1949.

⁴ Prior to its repeal, and in accordance with the provisions of the Indirect Taxes, Duties and Impôts (Increase of Rates) (Guernsey) Law, 1958, section 1, Schedule, with effect from 8th November, 1958, any provision in paragraph 4 enabling the States, by Resolution, to vary the rate of any tax, duty or Impôt ceased to have effect; and paragraph 4 was applied, with modifications, to the Island of Alderney by the Alderney (Application of Legislation) Ordinance, 1948, section 2, Second Schedule, with effect from 1st January, 1949.

⁵ Article III and Article IV were previously repealed, in so far only as they concerned the Cadastre therein mentioned, by the Loi relative au Cadastre Général de l'Île, 1915, Article XI(e), with effect from 2nd January, 1915.

⁶ Article V was previously repealed, in so far only as it concerned the Cadastre therein mentioned, by the Loi relative au Cadastre Général de l'Île, 1915,

Article XI(e), with effect from 2nd January, 1915.

⁷ Article VI was previously repealed, in so far only as it concerned the Cadastre therein mentioned, by the Loi relative au Cadastre Général de l'Île, 1915, Article XI(e), with effect from 2nd January, 1915.

⁸ Article VII was previously repealed, in so far only as it concerned the Cadastre therein mentioned, by the Loi relative au Cadastre Général de l'Île, 1915, Article XI(e), with effect from 2nd January, 1915.

⁹ Article VIII was previously repealed, in so far only as it concerned the Cadastre therein mentioned, by the Loi relative au Cadastre Général de l'Île, 1915, Article XI(e), with effect from 2nd January, 1915; and amended accordingly by Article XI of the 1915 Law, with effect from that same date.

¹⁰ Article IX was previously repealed, in so far only as it concerned the Cadastre therein mentioned, by the Loi relative au Cadastre Général de l'Île, 1915, Article XI(e), with effect from 2nd January, 1915.

¹¹ Article X was previously repealed, in so far only as it concerned the Cadastre therein mentioned, by the Loi relative au Cadastre Général de l'Île, 1915, Article XI(e), with effect from 2nd January, 1915; and amended accordingly by Article XI of the 1915 Law, with effect from that same date.

¹² Prior to its repeal, in its application to the Island of Alderney, Article XI was modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 2, Second Schedule, with effect from 1st January, 1949.

¹³ Prior to its repeal, Article XII was applied to the Island of Alderney by the Alderney (Application of Legislation) Ordinance, 1948, section 2, Second Schedule, with effect from 1st January, 1949.

¹⁴ Prior to its repeal, Article XIII was substituted by the Loi Supplémentaire à la Loi relative à l'Entretien des Voies Publiques, 1923, with effect from 19th May, 1923; and the heading thereto was amended by the Loi de 1948 portant amendement aux Lois relatives à l'Entretien des Voies Publiques, 1948, section 1, Schedule, with effect from 28th August, 1948.

¹⁵ Prior to its repeal, Article XIV was applied to the Island of Alderney by the Alderney (Application of Legislation) Ordinance, 1948, section 2, Second Schedule, with effect from 1st January, 1949.

¹⁶ Prior to its repeal, Article XV was applied to the Island of Alderney by the Alderney (Application of Legislation) Ordinance, 1948, section 2, Second Schedule, with effect from 1st January, 1949.

¹⁷ Prior to its repeal, Article XVI was applied to the Island of Alderney by the Alderney (Application of Legislation) Ordinance, 1948, section 2, Second Schedule, with effect from 1st January, 1949.

¹⁸ Previously, these words 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; and, in accordance with the provisions of, first, the States Committees (Amendment) Law, 1966, section 4(1), with effect from 27th April, 1966 and, second, the Public Thoroughfares (Amendment) (Guernsey) Law, 1990, section 1, with effect from 19th June, 1990, the references to the "Comité des voies publiques" in Article XIX were to be construed as references to the States Public Thoroughfares Committee.

¹⁹ 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.