

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Highways Protection Ordinance, 1947 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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 IX, p. 201; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Road Traffic and Highways Offences (Increase of Fines) Ordinance, 1986 (Recueil d'Ordonnances Tome XXIII, p. 422). See also the Reform (Guernsey) Law, 1948 (Ordres en Conseil Vol. XIII, p. 288); the Criminal Justice (Bailiwick of Guernsey) Law, 1979 (Ordres en Conseil Vol. XXVII, p. 172).

Consolidated text

ORDINANCE
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ARRANGEMENT OF SECTIONS

Damage to the surface of any public highway.

(Made on the 6th October, 1947.)

The Highways Protection Ordinance, 1947

THE COURT, on the representations of the States Public Thoroughfares Committee, and having heard His Majesty's Procureur thereon, hereby orders: –

Damage to the surface of any public highway.

Any person who by himself, his servants or agents, whether with or without any vehicle or instrument, causes damage to the surface of any public highway on this Island other than damage caused with lawful authority or from fair wear and tear caused by normal and lawful passage thereover either on foot or with a vehicle or vehicles not having a spike, bar or other metal projection part thereof or attached thereto coming in contact with such surface shall be guilty of an offence and shall be liable on conviction in respect of a first offence to a fine not exceeding [level 1 on the uniform scale] and in respect of any subsequent offence, to a fine not exceeding [level 2 on the uniform scale] or to imprisonment with or without hard labour for a term not exceeding three months or to both such fine and such imprisonment, and whether in respect of a first or of any subsequent offence may, in addition to the penalties hereinbefore set out, be ordered to pay to the States such sum as the Court in its discretion may deem reasonable in respect of the cost of repair of such damage.

NOTES

In this section, the words and figures in the first and second pairs of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.¹

The Ordinance was made and came into operation on 6th October, 1947.

In accordance with the provisions of the Reform (Guernsey) Law, 1948, Article 70(3), with effect from 1st January, 1950, this formerly Provisional Ordinance of the Royal Court became a Permanent Ordinance of the States.

In accordance with the provisions of the Criminal Justice (Bailiwick of Guernsey) Law, 1979, section 2(2), with effect from 19th December, 1979, and subject to the provisions of section 2(3) of that Law, no person shall be sentenced by a Court to imprisonment with hard labour and accordingly the power conferred under this section shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term for which a sentence of imprisonment with hard labour could have

been passed in that case immediately before that date.

¹ These words and figures were previously substituted by the Road Traffic and Highways Offences (Increase of Fines) Ordinance, 1986, section 1, Schedule, with effect from 1st April, 1986.