

Jersey Law 18/1960

ROADS ADMINISTRATION (JERSEY) LAW, 1960.

A LAW to provide new means for the acquisition of land for the purposes of road construction and improvement, to control building near roads and access to land from roads, and otherwise to amend the Law relative to road administration, sanctioned by Order of Her Majesty in Council of the

3rd day of AUGUST, 1960.

(Registered on the 10th day of September, 1960).

STATES OF JERSEY.

The 1st day of March, 1960.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law: -

ARTICLE 1

INTERPRETATION

In this Law, unless the context otherwise requires –

“by-road” has the same meaning as “chemin vicinal” in the “Loi (1914) sur la Voirie”,¹ as amended;²

“the Committee” means the Public Works Committee;

¹ Tomes IV-VI, page 338.

² Volume 1970–1972, pages 197, 290 and 300 and Volume 1973–1974, page 27.

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“highway authority”, in relation to a main road, means the Committee and, in relation to a by-road, means the Roads Committee of the parish in which the road is situated;

“improvement”, in relation to any road, includes the widening of the road, the adjustment of the boundaries of the road, the levelling of the road and the doing of other works in respect of the road beyond ordinary repairs essential to placing it in a proper state of repair, the planting, laying out, maintenance and protection of trees, shrubs, flowers and grass margins in and beside the road, and the placing on or near the road of notices, milestones and signposts;

“main road” has the same meaning as “grande route” in the “Loi (1914) sur la Voirie”,³ as amended;⁴

“road” means a road, bridge, viaduct or subway which is repairable at the expense of the States or any parish, and includes the carriageway, footpath and any other part of such a road, bridge, viaduct or subway.

ARTICLE 2

CONSULTATION WITH CONSTABLES

In the exercise of its powers under this Law in relation to any road or land, the Committee shall consult with the Constable of the parish in which the road or land is situate.

ARTICLE 3

POWER TO ACQUIRE LAND FOR PURPOSES OF ROAD CONSTRUCTION AND IMPROVEMENT

(1) Where it appears to the States that any land should be acquired by the public of the Island for the construction of a new road or the improvement of an existing main road, it shall be lawful for the States

³ Tomes IV-VI, page 338.

⁴ Volume 1970–1972, pages 197, 290 and 300 and Volume 1973–1974, page 27.

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to acquire such land by compulsory purchase on behalf of the public in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law, 1953,⁵ and, in relation to the acquisition of any land as aforesaid, the Committee shall be the acquiring authority within the meaning of the said Law.

(2) The powers conferred by paragraph (1) of this Article shall extend to empower a parish to acquire land for the construction of a new road or the improvement of an existing by-road and, in relation to the exercise of such powers, the Compulsory Purchase of Land (Procedure) (Jersey) Law, 1953,⁵ shall have effect as if references therein to the States were references to the Parish Assembly, to the Constable, and references to the acquiring authority were references to the Roads Committee of the parish.

(3) In assessing the amount of the compensation payable to any person in relation to a compulsory purchase under this Article, an official arbitrator, in addition to acting in accordance with the rules laid down in Article 9 of the Compulsory Purchase of Land (Procedure) (Jersey) Law, 1953,⁶ shall have regard to the extent to which any remaining contiguous land belonging to that person may be benefited by the purpose for which the land is authorized to be acquired and in particular, but without prejudice to the generality of the foregoing provisions of this paragraph, shall, in the case of land authorized to be acquired for the widening of any road, set off against the value of the land to be acquired any increase in the value of other land belonging to the same person which may accrue by reason of the creation of a frontage of that other land to the road as widened.

(4) Any new road construction on land acquired in pursuance of the powers conferred by the foregoing provisions of this Article shall, if acquired by the States, be classified as a main road and, if acquired by a parish, be classified as a by-road.

⁵ See now Compulsory Purchase of Land (Jersey) Law, 1961, as amended (Volume 1961–1962, page 391, Volume 1963–1965, page 171, Volume 1970–1972, pages 179 and 316).

⁶ See now Article 9 of Compulsory Purchase of Land (Jersey) Law 1961, as amended (Volume 1961–1962, page 396, Volume 1963–1965, page 172 and Volume 1970–1972, page 179).

ARTICLE 4

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ARTICLE 5

PREVENTION OF OBSTRUCTION TO VIEW AT CORNERS AND BENDS

(1) Where a highway authority is of opinion that it is necessary for the prevention of danger arising from obstruction to the view of persons using a road to impose restrictions with respect to any land at or near any corner or bend in the road, the highway authority may serve a notice on the owner of the land directing him to alter the height or character of any wall (not being a wall forming part of the structure of a permanent building), bank or hedge thereon so as to cause it to conform with any requirements specified in the notice.

(2) There shall be annexed to any notice served under this Article a plan showing the land to which the notice relates.

(3) If any person on whom a notice has been served under this Article objects to complying with any requirement of the notice, or objects to any restriction imposed thereby, he may, within fourteen days after receipt of the notice, send his objection in writing, stating the grounds thereof, to the highway authority and thereupon the question whether the notice shall be withdrawn as respects any such requirement shall be determined in the manner provided by this Article.

(4) Any person on whom a notice is served under this Article shall have power, notwithstanding anything in any contract, lease or other agreement, to do all such things as may be necessary for complying with the requirements of the notice.

(5) Where notice has been served on any person under this Article, the highway authority may, with the consent of that person, do on his behalf anything necessary for complying with the requirements of the notice.

⁷ Article repealed by Island Planning (Jersey) Law, 1964 (Volume 1963–1965, page 372).

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(6) Subject to the provisions of this Article, if any person on whom a notice has been served under this Article fails to comply with the requirements of the notice, he shall, without prejudice to any other proceedings which may be taken against him, be guilty of an offence and shall be liable to a fine not exceeding five pounds, and any person so convicted shall within such time as the court may allow do all such things as may be necessary to conform to the requirements of the notice, and if he fails to do so he shall be deemed to commit a continuing offence and shall be liable to a fine not exceeding forty shillings for each day upon which the offence continues.

(7) Any person on whom a notice is served under this Article shall be entitled to recover from the highway authority any expenses reasonably incurred by him in carrying out any directions contained in the notice; and any person sustaining loss in direct consequence of any requirement of a notice served under this Article shall, if he makes a claim within six months after the service of the notice, be entitled to recover from the highway authority compensation for the loss sustained.

(8) If any question arises –

- (a) as to the amount of any compensation payable under this Article; or
- (b) whether a notice served under this Article shall be withdrawn as respects any requirement objected to in manner provided by this Article; or
- (c) whether any expenses were reasonably incurred by any person in carrying out directions contained in a notice served under this Article;

the question shall be decided, if the parties so agree, by a single arbitrator appointed by them, or in default of such agreement as aforesaid, by the Inferior Number of the Royal Court.

(9) In this Article –

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“hedge” includes any tree or shrub, whether forming part of a hedge or not;

“land” includes land covered with water;

“owner” has the same meaning as in the Parish Rate (Administration) (Jersey) Law, 1946;⁸

“wall” includes any partition of whatsoever material constructed and any hoarding.

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ARTICLE 7

OWNERSHIP OF ROAD MATERIALS

Any materials removed from a road in the course of the improvement or repair thereof shall be the property of the highway authority.

ARTICLE 8

NOTICES

Any notice required or authorized to be sent or served under or for the purposes of this Law may be sent or served either –

- (a) by delivering it to the person to or on whom it is to be sent or served; or
- (b) by leaving it at the usual or last-known place of abode of that person; or
- (c) by sending it in a prepaid letter addressed to that person at his usual or last-known place of abode; or

⁸ Tome VII, page 351.

⁹ Article revoked by Statute Law Revision (No. 5) (Jersey) Law, 1980 (Volume 1979–19—, page 325).

- (d) in the case of a body corporate or unincorporate, by delivering it to the secretary or clerk of the body at its registered or principal office or by sending it in a prepaid letter addressed to the secretary or clerk of the body at that office; or
- (e) if it is not practicable after reasonable inquiry to ascertain the name and address of an owner or occupier of premises on whom it should be served, or if the premises are unoccupied or the name of the owner or occupier is not known, by addressing it to him by the description of “owner” or “occupier” of the premises (naming them) to which it relates and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

ARTICLE 9

REPEAL AND SAVINGS

- (1) The following enactments are hereby repealed –
 - (a) the “Loi sur l’expropriation pour cause d’utilité publique” confirmed by Order of Her Majesty in Council of the sixteenth day of May, 1893;¹⁰
 - (b) The “Loi (1914) (Amendement) sur l’expropriation pour cause d’utilité publique”;¹¹
 - (c) Articles 18, 19 and 36A of the “Loi (1914) sur la Voirie”, as amended.¹²

Provided that the Laws repealed by sub-paragraphs (a) and (b) of paragraph (1) of this Article shall continue to apply for the purpose of

¹⁰ Tome IV (1908 edition), page 238.

¹¹ Volume 1939–1945, page 363.

¹² Tome V (1935 edition), pages 376 and 377, Volume 1939–1945, page 354 and Volume 1951–1953, page 27.

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the completion of any proceedings for the expropriation of any land commenced before the date on which this Law comes into force.

(2) Save as otherwise expressly provided by this Law, the powers conferred by this Law shall be in addition to, and not in derogation of, any powers conferred by any other enactment.

(3) For the avoidance of doubt, it is hereby declared that nothing in this Law shall be deemed to affect the operation of the “Acte autorisant les différentes paroisses de l’Ile à contracter des emprunts pour l’élargissement et l’amélioration des voies publiques de cette Ile”, confirmed by Order of His Majesty in Council of the fifteenth day of June, 1928.¹³

ARTICLE 10

SHORT TITLE AND COMMENCEMENT

(1) This Law may be cited as the Roads Administration (Jersey) Law, 1960.

(2) This Law shall come into force on the first day of the month next following that in which it is promulgated.

To be printed, published and posted.

F. DE L. BOIS,

Greffier of the States.

¹³ Tomes IV-VI, page 658.