



Jersey

## **ROADS (DRAINAGE) (JERSEY) LAW 1962**

### **Official Consolidated Version**

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Showing the law from 1 January 2019 to Current



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## **ROADS (DRAINAGE) (JERSEY) LAW 1962**

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Jersey

## ROADS (DRAINAGE) (JERSEY) LAW 1962

A **LAW** to make further provision for the drainage of surface water from roads

Commencement [[see endnotes](#)]

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### 1 Interpretation

In this Law –

“adjoining” includes abutting on;

“highway authority” and “road” have the same meanings as in the [Roads Administration \(Jersey\) Law 1960](#);

“land” includes land covered by water;

“owner” has the same meaning as in the [Rates \(Jersey\) Law 2005](#).<sup>1</sup>

### 2 Drainage of roads

(1) The highway authority may, for the purpose of draining a road administered by that authority or of otherwise preventing surface water from flowing on to it, do all or any of the following, that is to say –

(a) construct or lay, in the road or in land adjoining or lying near to the road, such ditches, gutters, drains, watercourses, bridges, culverts, tunnels or pipes as it considers necessary;

(b) erect barriers in the road or in such land as aforesaid to divert surface water into or through any existing ditch, gutter, drain, watercourse, bridge, culvert, tunnel or pipe;

(c) scour, cleanse and keep open all ditches, gutters, drains or watercourses situated in the road, or in such land as aforesaid.

(2) Where for the purpose of draining a road administered by it or of otherwise preventing surface water from flowing on to such road, the highway authority proposes –

(a) to construct or lay in land adjoining or lying near to the road, any ditches, gutters, drains, watercourses, bridges, culverts, tunnels or pipes; or

- (b) to erect barriers in such land to divert surface water into or through any existing ditch, gutter, drain, watercourse, bridge, culvert, tunnel or pipe, the highway authority shall serve notice of its intention to do so on every owner, lessee and occupier of that land, and such notice shall contain a sufficient description of the land, and shall specify the proposed site of –
- (i) the work to be constructed or laid in the land under sub-paragraph (a); or
  - (ii) the barrier to be erected in such land under sub-paragraph (b); and
  - (iii) refer to the powers of the highway authority set out in paragraph (1)(c).<sup>2</sup>
- (3) The highway authority shall, as soon as may be after the notice under paragraph (2) has been served, make application to the Inferior Number of the Royal Court for an order that the notice be registered in the Public Registry of Contracts and such registration shall constitute public notice of the proposal of the highway authority to do in that land such of the things set out in paragraph (1)(a), (b) and (c) as are specified or referred to in the notice.<sup>3</sup>
- (4) Where injury is sustained by the owner or occupier of any land, not being waste or common land, by reason of the exercise by the highway authority of any of its powers under paragraph (1), the authority shall be liable to make reasonable compensation to the injured person, and in the case of dispute the amount of the compensation shall be determined by arbitration.
- (5) If a person, without the consent of the highway authority, alters, obstructs or interferes with a ditch, gutter, drain, watercourse, bridge, culvert, tunnel, pipe or barrier which has been constructed, laid or erected by the authority in exercise of its powers under paragraph (1), or which is under its control, the authority may carry out any work of repair or reinstatement necessitated by the action of that person and may recover from that person as a civil debt the expenses reasonably incurred by it in so doing, and, without prejudice to the right to exercise that power, the person shall be liable to a fine not exceeding 3 times the amount of those expenses.

### 3 Citation

This Law may be cited as the Roads (Drainage) (Jersey) Law 1962.

## ENDNOTES

### Table of Legislation History

| Legislation                                    | Year and No               | Commencement    |
|--|---------------------------|-----------------|
| Roads (Drainage) (Jersey) Law 1962             | <a href="#">L.12/1962</a> | 30 June 1962    |
| Roads (Drainage) (Amendment) (Jersey) Law 1986 | <a href="#">L.11/1986</a> | 8 May 1986      |
| Rates (Jersey) Law 2005                        | <a href="#">L.33/2005</a> | 2 December 2005 |

### Table of Renumbered Provisions

| Original | Current                                  |
|----------|--|
| 2(1A)    | 2(2)                                     |
| (1B)     | (3)                                      |
| (2)      | (4)                                      |
| (3)      | (5)                                      |
| 3        | spent, omitted from this revised edition |
| 4        | 3  |

### Table of Endnote References

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- <sup>1</sup> Article 1                      *amended by L.33/2005*  
<sup>2</sup> Article 2(2)                    *inserted by L.11/1986*  
<sup>3</sup> Article 2(3)                    *inserted by L.11/1986*