

This is a translation of the

Loi (1914) sur la Voirie

(Chapter 25.950)

as in force on 1 January 2019


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Law (1914) on the public roads

WHEREAS it is necessary to make several amendments to the Law on Public Roads, passed by the States on the 13th day of March 1874, and confirmed by Order of Her Majesty in Council in the year 1874, the 7th day of July;

THE STATES have decided to repeal the said Law, and to substitute therefor the following Law, subject to the sanction of His Most Excellent Majesty in Council, to come into force on the 1st January following its promulgation.

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- (1) The States shall be charged with the direct administration of the main roads and shall meet all costs of construction, maintenance and other expenses.
 - (2) The by-roads shall remain, as previously, under the administration of the different parishes.
 - (3) The following shall be classified as main roads –
 - (a) the public roads mentioned in the lists approved by the States on 15th March 1934, 6th February 1936, and 20th May 1937; and
 - (b) any other public road which shall be classified as a main road by the States.
 - (4) All other roads shall be classified as by-roads.

1A

The Minister for Infrastructure is authorized to take all necessary measures for the proper maintenance of the main roads.

2

A Roads Committee shall be established in each parish to superintend the repair and maintenance of the by-roads, to direct the planning and execution of the work, and to ensure compliance with this Law in all respects as hereinafter more fully provided.

3

Insofar as the Parish of St Helier is concerned, the Roads Committee shall consist of the Connétable of the parish, who shall be its President, the Rector and 5 Principals of the parish. The Connétable and four of the aforementioned persons shall constitute a quorum. In the other parishes, the Committee shall consist of the Connétable of the parish, who shall be its President, the Rector and three Principals resident in the parish. The Connétable, with two of the aforementioned persons, shall constitute a quorum.

4

There shall be two Roads Inspectors for each Vingtaine, chosen from eminent inhabitants of the parish irrespective of Vingtaines, whose duty and functions are hereinafter specified.

5

The said Principals (members of the Roads Committee) and the said Inspectors shall be chosen for a term of 3 years by an Assembly of the Principals and Officers of their respective parishes, convened for that purpose during the month of December, and they shall commence their duties on 1st January thereafter. Both the members of the said Committee and the Inspectors shall take oath before the Royal Court well and faithfully to discharge the duties of their office. They shall be required to present themselves to the Royal Court on receipt of a notice to this effect from the Connétable of the parish. Any such person who fails to appear, or refuses to take oath, without offering an excuse which the Royal Court considers to be valid, shall be liable to a fine of level 1 on the standard scale. In either case the Parish Assembly, without delay, shall choose a person to replace him or her. The person so chosen shall also be required to take oath, subject to the same penalties.

The person incurring the said fine shall not, for that reason, be exempt from serving if again chosen after the expiration of 3 years.

Centeniers and Vingteniers shall not, during their terms of office, be permitted to serve as members of the Roads Committee: provided that where a Vingtenier currently in office is chosen as a member of the Roads Committee in pursuance of this Law, he or she shall have the right, when appearing before the Royal Court under this Article, to

choose between the said offices of Vingtenier and member of the Roads Committee, following which another person shall be duly elected to fill the office that has become vacant, as the case may be.

6

Should a member of the Committee or an Inspector die or leave the parish, another shall be chosen and sworn in his or her stead to complete the term of office of the member he or she replaces. The same shall be the case if a Curator is appointed for a member of the Committee or an Inspector, or if that member or Inspector appoints one or more Attorneys without whom he or she cannot act in relation to his or her estate, movable or immovable.

7

Each Connétable shall convene the Roads Committee as often as the need arises, and whenever required to do so by any of those entitled to attend the Committee. The Connétable shall advise each of them of the subject for which the Committee is convened.

8

The Roads Inspectors shall superintend works of repair of the by-roads, and they shall see that the directions of the Roads Committee are duly complied with.

10

The Assembly of the Principals and Officers of each parish convened for this purpose by the Connétable, shall place at the disposal of the Roads Committee the necessary sums for the repairs and other work on by-roads during the year, and the Roads Committee shall render an account once a year, to the Parish Assembly, of the funds placed at its disposal and of the contributions which have been specially applied to the upkeep of the by-roads.

12

Each Roads Committee shall make an annual visit of inspection of the by-roads of its parish in the month of September, and more often if necessary, accompanied by the Inspectors in their respective Vingtaines. The Committee shall indicate the places requiring repairs, the manner in which the work is to be carried out, the materials needed and the proper time for undertaking the work. The Inspectors must comply with the directions of the Committee in all respects.

13

Each Roads Committee shall also be responsible for designating places along the by-roads where carts can be left, when necessary, which the Inspectors shall oversee, and if it is not possible to achieve this without going onto a person's property, the owner thereof shall be obliged to consent, being recompensed for any inconvenience

suffered, in the manner prescribed by Article 3 of the Roads Administration (Jersey) Law 1960.

15

In adjacent parishes having party roads and where it is necessary for roads to be distinguished and marked out, the Roads Committees of such adjacent parishes are authorized and charged to abolish all party roads by mutual consent and, if necessary and at the same time, to place boundary stones, at joint expense, to distinguish the roads of one parish from those of the other. If necessary, each Committee shall in its parish likewise delineate the roads of adjacent Vingtaines, the Inspectors of such Vingtaines being summoned to be present.

16

A book shall be kept in each parish specially for the affairs of the Roads Committee, in which the Connétable shall regularly enter all decisions and orders of the Committee, both as regards the repair of roads and the cutting of foliage, as well as other matters under the Committee's jurisdiction.


20A

Each Roads Committee, as well as the Minister for Infrastructure, shall receive and examine any representations which may be made with regard to matters under the Committee's, or the Minister's, remit and shall, for the information of either, summon the interested person to appear before the Committee or the Minister, as the case may be.

22

The Vingtaine de la Ville de St Hélier shall as in the past be divided into 2 Cantons, and 3 Vingteniers shall be chosen and take oath, 2 for the Canton de Haut de la Ville, and 1 for the Canton de Bas of the same Vingtaine, to fulfil the duties of Vingtenier therein, in all respects independently of the duties and functions of the *Vingtenier Militaire* of the said parish.

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- (1) At least one week before the first visit in each period specified in paragraph (3), each Connétable shall notify the persons who occupy the houses, lands, and other properties, bordering the public roads in his or her parish –
 - (a) that those persons must cut forthwith the overhanging branches growing from their properties along those public roads, in such a way that there remains a height of 12 feet up to the branches, such requirement extending over the entire width of those roads (including their "reliefs"), except over the footpaths where the height to be left free is to be 8 feet;

- (b) that, in addition, they must remove the branches that have been cut off in accordance with this Article as well as brambles, weeds and all other obstructions and deleterious matter encroaching on the public road; and
 - (c) that, in the case of a failure to comply with these requirements, they shall be liable to a financial penalty not exceeding £100 for each infringement.
- (2) The Connétables shall at the same time announce the dates fixed for the *branchage* visits in their respective parishes.
- (3) The *branchage* visits shall be carried out in the three-week period starting on 24th June each year and in the three-week period starting on 1st September in each year.
- (4) In the application of paragraphs (1) and (2) –
- (a) a notification and an announcement is to be made by notice in the Jersey Gazette;
 - (b) such a notice –
 - (i) may relate to one or more parishes or all the parishes, and
 - (ii) must be signed, either by the relevant parish Connétables if the notice relates to one or more parishes, or by the Chairman of the Comité des Connétables if the notice relates to all the parishes;
 - (c) the expression ‘the houses, lands, and other property, bordering the public roads’ includes a house, land, or other property, which borders a public road, even in the case where the property is not situated in the same parish as the public road but in the adjoining parish;
 - (d) the person who occupies a house, land, or other property, bordering a public road is considered to be –
 - (i) in the case of a building that is divided among several persons by virtue of a co-ownership declaration, a reference to the association of co-owners, or
 - (ii) in the case of a building that is divided into flats that shareholders of the company that owns the building have a right to occupy, a reference to that company.

- (1) On the days fixed for the *branchage* visits, each Connétable shall visit the roads in his or her parish accompanied by the members of the Roads Committee and the Centeniers.
- (2) The Connétable shall be accompanied in each Vingtaine of the parish either by one or more Vingteniers of the Vingtaine or by one or more other Vingteniers of the parish.
- (3) On the advice of the said members of the Roads Committee and Centeniers, the Connétable shall decide the financial penalties that each person who has failed to comply with the notice referred to in Article 41 shall incur.
- (4) One of the Vingteniers shall have the duty –
 - (a) to enforce the said financial penalties in respect of the said persons;
 - (b) to serve on each of the said persons a written order from the Connétable specifying which branches, obstacle or other deleterious matter must be removed; and
 - (c) to notify each of the said persons that they have eight days in which to remove, as the case requires, the branches, obstacle or other deleterious matter.

43

- (1) A financial penalty referred to in Article 42 that is not paid shall be recoverable by the Connétable as a civil debt.
- (2) Any person who does not remove the *branchage*, obstacle or other deleterious matter in accordance with the requirements of an order under Article 42(4) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.
- (3) If a person charged with such a contravention accepts the decision of a Centenier having jurisdiction in the matter, the Centenier may deal summarily with the offence and impose a fine of level 1 on the standard scale.
- (4) Such a fine imposed by the Centenier shall be retained by the relevant parish.
- (5) In any case, the Connétable may undertake the necessary work in order to remove the branches, obstacle or other deleterious matter and may recover the costs incurred as a civil debt.

44

Irrespective of the number of branches or obstructions judged to be nuisances on the above-mentioned visits, only one penalty shall be levied on a road for each kind of obstruction or nuisance along the same piece of land.

45

It shall be the duty of the Connétable, at all times, irrespective of the above-mentioned visits, to have all injurious *branchage* cut and all obstructions including all effluent, mud or other nuisance whatsoever removed from the public roads in the country and streets in the town. If the *branchage* is not cut or the nuisance is not removed within the time ordered by the Connétable he or she may impose on the person responsible a financial penalty not exceeding £100, which may be recovered by the Connétable as a civil debt and the Connétable may have the necessary work carried out and shall be entitled to recover the cost thereof in the manner prescribed in paragraph (1) of Article 5 of the Highways (Jersey) Law 1956, as amended.

46

The financial penalties imposed by virtue of this Law shall be applied to the repair of by-roads of the parish.

47

The powers conferred on the States by the Order in Council of 26th December 1851 to make Regulations relating to the police of the public roads include a power to amend the provisions of this Law.

48

It is understood that this Law neither prevents the visits of inspection of roads by the Bailiff and Jurats nor diminishes in any way the authority of the Royal Court in this respect.

Unofficial