



Jersey

HIGHWAYS (JERSEY) LAW 1956

Official Consolidated Version

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Jersey

HIGHWAYS (JERSEY) LAW 1956¹

A LAW to control the placing of things, and the removal of accident debris, below or on or above highways; and for related matters²

Commencement [[see endnotes](#)]

1 Definitions

In this Law –

“1914 Law” means the [Loi \(1914\) sur la Voirie](#);

“by-road” has the same meaning as *chemin vicinal* in the 1914 Law;

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

“main road” has the same meaning as *grande route* in the said Law;

“Minister” means the Minister for Infrastructure.³

2 General prohibition

(1) Subject as provided by this Law and the [Customary Law \(Choses Publiques\) \(Jersey\) Law 1993](#), it shall not be lawful to place anything below, on or above any highway in Jersey.⁴

(2) Nothing in this Law shall apply to –

(a) undertaker works carried out by a utility undertaker, including any undertaker works carried out by another person under licence from the utility undertaker;

(b) specified road works;

(c) emergency or urgent works.⁵

(3) In paragraph (2), “undertaker works”, “utility undertaker”, “specified road works”, “emergency works” and “urgent works” have the same meanings as in the [Road Works and Events \(Jersey\) Law 2016](#).⁶

- (4) Nothing in this Law shall relieve a person from an obligation to obtain any permit, consent, permission or authorization required under the [Road Works and Events \(Jersey\) Law 2016](#), or any other enactment.⁷

3 Power of the States to grant authority by Regulations

The States may make Regulations authorizing the placing below, on or above the highway of things of such classes or descriptions as may be specified in the Regulations subject to such conditions as may be so specified.

4 Power of highway authorities to grant licences

- (1) Subject to paragraph (2), the highway authority may grant a licence to any person authorizing the person to place any thing below, on or above any highway administered by that authority, and any such licence may be granted subject to such conditions as the highway authority may think fit to impose and to the periodic payment of such reasonable sum as the highway authority may determine.⁸
- (2) The highway authority shall not grant a licence under this Article authorizing the placing of anything below, on or above a highway or a part of a highway which is for the time being the subject of a permit granted under the [Customary Law \(Choses Publiques\) \(Jersey\) Law 1993](#) except on the application of the holder of the permit.⁹
- (3) Any licence under this Article may be granted for a fixed period or for an indefinite period, and any licence granted for an indefinite period may be withdrawn by the highway authority on giving not less than 6 months' notice in writing to the holder of the licence:
- Provided that where less than 5 years' notice of withdrawal is given and the holder of the licence is of the opinion that he or she is prejudicially affected by the withdrawal, the holder of the licence may appeal to the Inferior Number of the Royal Court, either in term or in vacation, and the Court may make such order in the matter as it thinks just and equitable.
- (4) No licence granted under this Article shall authorize the placing of any thing less than 7 feet above a footpath or less than 18 feet above a carriageway.
- (5) Where the property in any thing placed below, on or above a highway under the authority of a licence granted under this Article is transferred, the licence shall, on application to the highway authority, be transferred to the new owner by endorsement of the licence or otherwise, but unless so transferred a licence shall cease to be in force at the expiration of 3 months from the date of the transfer.¹⁰
- (6) Where a by-road below, on or above which any thing has been placed under the authority of a licence granted under this Article is, by virtue of Article 1 of the 1914 Law, classified as a main road, the powers of the Roads Committee of the parish in which the road is situated in respect of that licence shall be transferred to the Minister.¹¹

5 Offences and removal of things placed in contravention of law

- (1) If any person places any thing or causes any thing to be placed below, on or above any highway in contravention of the provisions of this Law, the person shall, without prejudice to any other proceedings which may be taken against him or her, be guilty of an offence and shall be liable to a fine of level 3 on the standard scale, and, whether or not any proceedings are taken in respect of the offence or otherwise, the highway authority may remove the thing and the expenses reasonably incurred in so doing shall be recoverable as a civil debt from the offender:

Provided, that in the case of a thing which is placed below a highway and which communicates with a property bordering on a highway, the powers of the highway authority under the foregoing provisions of this paragraph shall not be exercisable, but the highway authority may serve a notice on the owner of such property requiring the owner to remove the thing in question.¹²

- (2) If any person on whom a notice has been served under the proviso to paragraph (1) fails to comply with the requirements of the notice within such period (not being less than 28 days from the service thereof) as may be specified in the notice, the highway authority may remove the thing in question, and the expenses reasonably incurred in so doing shall be recoverable as a civil debt from the person in default.
- (3) Any person aggrieved by a notice served under this Article may, within the period specified therein, appeal to the Inferior Number of the Royal Court, either in or out of term, and the decision of the Court shall be final and without appeal, but without prejudice to the right of the Inferior Number of the Royal Court to refer the matter to the Superior Number of the Royal Court.
- (4) Where an appeal under this Article is brought against a notice served thereunder, paragraph (2) shall not apply unless the appeal is abandoned or dismissed, and shall, in that case, have effect as if for the reference therein to the period specified in the notice there were substituted a reference to 28 days from the date on which the appeal was abandoned or dismissed.

5A Clearance of accident debris¹³

- (1) If any debris is deposited below, on or above a highway in consequence of any accident, the highway authority shall remove the debris from the highway.
- (2) Paragraph (1) applies whether or not the accident itself occurs below, on or above the highway.
- (3) If a highway authority removes any debris under paragraph (1), the highway authority may recover the expenses reasonably incurred by it in doing so as a civil debt from any person who causes the accident.
- (4) This Article applies, instead of Articles 1(1) and 45 of the Loi (1914) sur La Voirie, to the removal of debris deposited below, on or above a highway in consequence of any accident.

6 Power of Minister to delegate functions¹⁴

- (1) Subject to the following provision of this Article, the Minister may delegate, either partly or wholly, the functions of the Minister under this Law in relation to any main road to the Roads Committee of the parish in which the main road is situated.
- (2) Any such delegation shall be made, and may be amended, modified, varied or revoked at any time, in writing by the Minister and shall be subject to such conditions, exceptions or qualifications as the Minister may specify in writing at any time.
- (3) The delegation of any function under this Article does not prevent the exercise of that function by the Minister.

7 Notices

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

- (a) by delivering it to the person on whom it is to be served;
- (b) by leaving it at the usual or last-known place of abode of that person;
- (c) by sending it in a prepaid letter addressed to that person at the person's usual or last-known place of abode;
- (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;
- (e) if it is not practicable after reasonable enquiry to ascertain the name and address of an owner of premises on whom it should be served, or if the premises are unoccupied or the name of the owner is not known, by addressing it to the owner by the description of "owner" 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.¹⁵

8 Savings

- (1) Nothing in this Law shall prejudice or affect any rights or powers in existence immediately before the coming into force of this Law.
- (2) Nothing in this Law shall affect any right of proceeding under any other enactment or under the customary law.
- (3) For the avoidance of doubt, it is declared that this Law does not apply to the branches of trees overhanging highways.

8A Amendment by Regulations¹⁶

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.

9 Citation

This Law may be cited as the Highways (Jersey) Law 1956.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	*Projet No (where applicable)
Highways (Jersey) Law 1956	L.12/1956	1 August 1956	
Highways (Amendment) (Jersey) Law 1963	L.9/1963	29 June 1963	
Statute Law Revision (No. 5) (Jersey) Law 1980	L.23/1980	21 November 1980	
Highways (Amendment No. 2) (Jersey) Law 1991	L.18/1991	16 August 1991	
Customary Law (Choses Publiques) (Jersey) Law 1993	L.20/1993	28 July 1993 (R&O.8559)	
Highways (Amendment No. 3) (Jersey) Law 1994	L.14/1994	1 August 1994 (R&O.8696)	
States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005	R&O.132/2005	9 December 2005	P.216/2005
Highways (Amendment No. 4) (Jersey) Law 2006	L.8/2006	10 March 2006	P.251/2005
Loi (2013) (Amendement) sur la Voirie	L.21/2013	22 November 2013	P.70/2013
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	R&O.158/2015	1 January 2016	P.46/2015 (re-issue)
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	L.1/2016	20 September 2016 (R&O.98/2016)	P.87/2015
Road Works and Events (Jersey) Law 2016	L.11/2016	1 January 2017 (R&O.121/2016) 1 January 2018 (R&O.118/2017)	P.152/2015

*Projets available at www.statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
4(1A)	4(2)
4(2)	4(3)
4(3)	4(4)
4(4)	4(5)
4(5)	4(6)

Original	Current
5A	6
6	7
7	8
7(1)	spent, omitted from this revised edition
7(2)	8(1)
7(3)	8(2)
7(4)	8(3)
8	spent, omitted from this revised edition; former paragraph 8(2) repealed by L.23/1980
9(1)	9
9(2)	spent, omitted from this revised edition

Table of Endnote References

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- ¹ *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *Long title amended by L.8/2006*
- ³ *Article 1 amended by L.14/1994, R&O.158/2015*
- ⁴ *Article 2 amended by L.20/1993, renumbered as paragraph (1) by L.11/2016*
- ⁵ *Article 2(2) inserted by L.11/2016*
- ⁶ *Article 2(3) inserted by L.11/2016*
- ⁷ *Article 2(4) inserted by L.11/2016*
- ⁸ *Article 4(1) amended by L.9/1963, L.20/1993*
- ⁹ *Article 4(2) inserted by L.20/1993*
- ¹⁰ *Article 4(5) amended by L.9/1963*
- ¹¹ *Article 4(6) amended by L.9/1963, L.14/1994*
- ¹² *Article 5(1) amended by L.18/1991, L.1/2016*
- ¹³ *Article 5A inserted by L.8/2006*
- ¹⁴ *Article 6 inserted by L.14/1994*
- ¹⁵ *Article 7 amended by L.9/1963*
- ¹⁶ *Article 8A inserted by L.21/2013*