



Jersey

# **ROADS ADMINISTRATION (JERSEY) LAW 1960**

## **Official Consolidated Version**

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Showing the law from 28 September 2021 to Current



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## ROADS ADMINISTRATION (JERSEY) LAW 1960

### Contents

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#### Article

1	Interpretation .....	3
2	Consultation with Connétables .....	3
3	Power to acquire land for purposes of road construction and improvement .....	4
4	Prevention of obstruction to view at corners and bends .....	4
5	Ownership of road materials .....	5
6	Notices .....	5
7	Savings .....	6
8	Citation .....	6

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#### ENDNOTES 7

Table of Legislation History .....	7
Table of Renumbered Provisions .....	7
Table of Endnote References .....	7



Jersey

## ROADS ADMINISTRATION (JERSEY) LAW 1960<sup>1</sup>

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

Commencement [[see endnotes](#)]

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### 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](#);

“highway authority”, in relation to a main road, means the Minister 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](#);

“Minister” means the Minister for Infrastructure;

“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.<sup>2</sup>

### 2 Consultation with Connétables

In the exercise by the Minister of his or her powers under this Law in relation to any road or land, the Minister shall consult with the Connétable of the parish in which the road or land is situate.

### **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 Jersey for the construction of a new road or the improvement of an existing main road, it shall be lawful for the States 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 1961](#), and, in relation to the acquisition of any land as aforesaid, the Minister shall be the acquiring authority within the meaning of the said Law.
- (2) The powers conferred by paragraph (1) 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 1961](#), shall have effect as if references therein to the States were references to the Parish Assembly, to the Connétable, 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 10 of the [Compulsory Purchase of Land \(Procedure\) \(Jersey\) Law 1961](#), 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 paragraphs (1) and (2), 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.

### **4 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 the owner 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, the person may, within 14 days after receipt of the notice, send the person's 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 the person's behalf anything necessary for complying with the requirements of the notice.
- (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, the person shall, without prejudice to any other proceedings which may be taken against the person, be guilty of an offence and shall be liable to a fine of level 2 on the standard scale, 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 the person fails to do so he or she shall be deemed to commit a continuing offence and shall be liable to a fine of level 1 on the standard scale for each day upon which the offence continues.<sup>3</sup>
- (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 the person 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 the person makes a claim within 6 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;
  - (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 –
- “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 [Rates \(Jersey\) Law 2005](#);
  - “wall” includes any partition of whatsoever material constructed and any hoarding.<sup>4</sup>

## 5 Ownership of road materials

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

## 6 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;
- (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; 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 the owner or occupier 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.

## **7 Savings**

- (1) 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.
- (2) <sup>5</sup>

## **8 Citation**

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

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Roads Administration (Jersey) Law 1960	<a href="#">L.18/1960</a>	1 October 1960
Island Planning (Jersey) Law 1964	<a href="#">L.28/1964</a>	1 April 1965
Statute Law Revision (No. 5) (Jersey) Law 1980	<a href="#">L.23/1980</a>	21 November 1980
Rates (Jersey) Law 2005	<a href="#">L.33/2005</a>	2 December 2005
States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005	<a href="#">R&amp;O.132/2005</a>	9 December 2005
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	<a href="#">R&amp;O.158/2015</a>	1 January 2016
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	<a href="#">L.1/2016</a>	20 September 2016 ( <a href="#">R&amp;O.98/2016</a> )
Legislation (Jersey) Law 2021	<a href="#">L.8/2021</a> ( <a href="#">R&amp;O.112/2021</a> )	28 September 2021

### Table of Renumbered Provisions

Original	Current
4	repealed by <a href="#">L.28/1964</a>
5	4
6	repealed by <a href="#">L.23/1980</a>
7	5
8	6
9(1)	spent, omitted from this revised edition
9(2)	7(1)
9(3)	7(2)
10(1)	8
10(2)	spent, omitted from this revised edition

### Table of Endnote References

- <sup>1</sup> *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*
- <sup>2</sup> *Article 1*  
amended by *R&O.158/2015*
- <sup>3</sup> *Article 4(6)*  
amended by *L.1/2016*

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<sup>4</sup> *Article 4(9)*                      *amended by L.33/2005*

<sup>5</sup> *Article 7(2)*                      *deleted by L.8/2021*