



Jersey

# **PUBLIC UTILITIES ROAD WORKS (JERSEY) LAW 1963**

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## **PUBLIC UTILITIES ROAD WORKS (JERSEY) LAW 1963**

### **Arrangement**

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Jersey

## **PUBLIC UTILITIES ROAD WORKS (JERSEY) LAW 1963**

**A LAW** to restrict the exercise of statutory powers to execute road works, and for purposes ancillary thereto

Commencement [[see endnotes](#)]

### **1 Interpretation**

- (1) In this Law, unless the context otherwise requires –

“apparatus” includes any structure constructed for the lodging therein of apparatus;

“emergency works” means works whose execution at the time when they are executed is requisite in order to put an end to, or to prevent the arising of, circumstances then existing or imminent which are calculated to cause danger to persons or property, interruption of a supply or service afforded by statutory undertakers, or substantial loss to statutory undertakers; and, in relation to works comprising items whereof some fall within the preceding provisions of this definition and others do not, includes only such of them as fall within those provisions and such others of them as cannot reasonably be severed therefrom;

“general notice” means a notice published by the highway authority in the Jersey Gazette;

“highway authority” and “road” have the same meanings as in the Roads Administration (Jersey) Law 1960;<sup>1</sup>

“in”, in a context referring to works, apparatus or other property in a road, includes a reference to works, apparatus or other property under, over, across, along or upon it;

“reinstatement and making good”, in relation to a road that has been opened or broken up, includes all such works as are requisite for securing that it does not remain open or broken up for any longer time than is reasonably necessary, and that its state during the period before it is

permanently reinstated and made good is not such as is likely to cause danger;

“road purposes” means the maintenance of a road, the widening of a road, the adjustment of the boundaries of a road and the doing of other works in respect of a road;

“statutory power” means a power conferred by any enactment whether passed or coming into force before or after the passing of this Law;

“statutory undertakers” means the authority, body or person by whom a statutory power to execute undertakers’ works is exercisable, in the capacity in which that power is vested in them;

“telegraphic line” has the same meaning as “apparatus” in the Telecommunications (Jersey) Law 2002;<sup>2</sup>

“undertakers’ works” means works (including works executed or to be executed on behalf of the Crown) for any purposes other than road purposes, being works of any of the following kinds, that is to say –

- (a) placing apparatus;
    - inspecting, maintaining, adjusting, repairing, altering or renewing apparatus;
    - changing the position of apparatus or removing it;
  - (b) breaking up or opening a road for the purposes of works mentioned in sub-paragraph (a) of this definition, and tunnelling or boring under a road for those purposes, breaking up or opening a sewer, drain or tunnel for those purposes, and other works requisite for or incidental to those purposes.
- (2) References in this Law to a service pipe or service line are to any such pipe or line as the following and to such only, that is to say –
- (a) a pipe or line through or by means of which a supply of gas, water or electricity is afforded or intended to be afforded to a consumer, either directly from premises from which the supply originates or from a main (that is to say, a pipe or line through or by means of which a supply is afforded, or intended to be afforded, for the purposes of a general supply);
  - (b) a pipe or line through or by means of which sewerage services are afforded or intended to be afforded and which is a sewer within the meaning of the Sewerage (Amendment) (Jersey) Law 1953;<sup>3</sup>
  - (c) an underground telegraphic line placed or intended to be placed for the purposes of affording telegraphic communication to or from any premises, as distinguished from such a line placed or intended to be placed for general purposes of telegraphic communication:

Provided that so much of any such pipe or line as is placed, or intended to be placed, for a continuous length of 100 yards or more in a road shall be treated as not being a service pipe or service line. <sup>4</sup>

**2 Restriction on breaking up by statutory undertakers of roads recently closed or re-surfaced**

- (1) Subject to the provisions of this Article, a statutory power of statutory undertakers to break up or open a road shall not be exercisable in the road –
- (a) during any period in which the use by vehicles of the carriageway is prohibited, or the width thereof available for vehicular traffic is reduced to less than  $\frac{2}{3}$  of its width, for the purposes of the execution of works for road purposes; or
  - (b) during the execution of works of re-surfacing extending to  $\frac{1}{3}$  or more of the width of the carriageway,
- and during the 12 months following the completion of such works, if the following conditions are satisfied, that is to say –
- (i) that the highway authority had, after the passing of this Law, on 2 occasions by a general notice signified that the works relevant for the purposes of this Article were in prospect and had specified a date intended for beginning them, the first such occasion being not less than 12 months before the date so specified and the second such occasion being not more than 3 months before that date;
  - (ii) that such works were substantially begun on, or within one month from, the date so specified or, if any undertakers' works were in progress in the road on that date, within one month from the completion of those undertakers' works or, in either case, within some extended period agreed between the highway authority and the statutory undertakers for the purposes of the operation of this paragraph in relation to the works for road purposes, or the re-surfacing works, as the case may be.
- (2) Paragraph (1) shall not apply to breaking up or opening for the purposes of emergency works.
- (3) Paragraph (1) shall not apply to breaking up or opening a part of the road other than the carriageway for the purposes of –
- (a) works relating only to a service pipe or service line or an overhead telegraphic line or an overhead electric line, but, in the case of a placing of a service pipe or a service line, only if it is for affording a supply or service to premises to which it is not already afforded; or
  - (b) works required for satisfaction by statutory undertakers of an obligation of theirs created by an enactment, or created by an agreement made before the publication on the first occasion of the notice referred to in paragraph (1), which it is not reasonably practicable for them to satisfy without the breaking up or opening in question.
- (4) Paragraph (1) shall not apply to breaking up or opening done with the consent of the highway authority, and a consent for the purposes of this paragraph shall not be unreasonably withheld.

**3 Appeals**

Any person aggrieved by the refusal of the highway authority to grant consent under Article 2(4) may appeal to the Royal Court, either in or out of term, on the ground that it is in the public interest that such consent should be granted, and the Court may either confirm the refusal, or may direct the highway authority to grant consent and the highway authority shall comply with such direction.

**4 Offences**

If statutory undertakers break up or open a road in any case in which it is unlawful by virtue of Article 2(1) for them to do so –

- (a) they shall pay to the highway authority an amount equal to any cost reasonably incurred by the highway authority of reinstating and making good the road; and
- (b) without prejudice to their liability under sub-paragraph (a), they shall be liable to a fine not exceeding £100:

Provided that this sub-paragraph shall not bind the Crown.

**5 Non-satisfaction of statutory obligation because of operation of law**

In so far as any failure of statutory undertakers to satisfy an obligation to which they are subject by virtue of any enactment is attributable to the prohibition by Article 2 of breaking up or opening for which the statutory undertakers have duly sought the consent of the highway authority and for which consent has been withheld, the failure shall not be treated as a contravention of that enactment.

**6 Regulations**

The States may make Regulations amending the provisions of Article 2(1) by substituting for the period of 12 months mentioned therein either a longer or a shorter period, and by making any consequential amendments:

Provided that no Regulations made under this paragraph shall have the effect of extending the period during which a statutory power is restricted by Article 2(1) consequent upon the publication of a notice under sub-paragraph (i) thereof prior to the passing of the Regulations.

**7 Citation**

This Law may be cited as the Public Utilities Road Works (Jersey) Law 1963.



## ENDNOTES

### Table of Legislation History

| Legislation                                   | Year and No | Commencement                     |
|---|-------------|----------------------------------|
| Public Utilities Road Works (Jersey) Law 1963 | L.7/1963    | 18 May 1963                      |
| Water (Jersey) Law 1972                       | L.15/1972   | 1 April 1973                     |
| Telecommunications (Jersey) Law 1972          | L.24/1972   | 1 January 1973                   |
| Telecommunications (Jersey) Law 2002          | L.1/2002    | 1 January 2003<br>(R&O.139/2002) |

### Table of Renumbered Provisions

| Original | Current                                  |
|----------|--|
| 1(3)     | spent, omitted from this revised edition |

### Table of Endnote References

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- <sup>1</sup> chapter 25.650
- <sup>2</sup> Article 1(1) chapter 06.288  
definition “telegraphic line” substituted by L.1/2002; former definition substituted by L.24/1972
- <sup>3</sup> chapter 22.375
- <sup>4</sup> Article 1(2) amended by L.15/1972