

STATES OF JERSEY

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DRAFT HIGHWAYS (AMENDMENT No. 4)(JERSEY) LAW 200

**Lodged au Greffe on 18th October 2005
by the Environment and Public Services Committee**

STATES GREFFE



Jersey

DRAFT HIGHWAYS (AMENDMENT No. 4)(JERSEY) LAW 200

European Convention on Human Rights

The President of the Environment and Public Services Committee has made the following statement –

In the view of the Environment and Public Services Committee the provisions of the Draft Highways (Amendment No. 4) (Jersey) Law 200 are compatible with the Convention Rights.

(Signed) **Senator P.F.C. Ozouf**

REPORT

In the event of a road traffic accident the Environment and Public Services Committee is often called out by the emergency services to assist in the clean-up operation. This clean up varies from glass and debris from the vehicles, damage to road side structures and street furniture and the removal of spilled lubricants or fuel oils.

With the assistance of the Police, the costs are recovered by billing the persons who are subsequently found responsible for the accident.

The Solicitor General has advised that the existing Law should be clarified to include a specific clause or article relating to this activity. The attached draft Law meets this requirement.

Financial Implications

There are no financial implications to adopting this amendment.

Manpower Implications

There are no manpower implications involved in adopting this amendment.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 14th October 2005 the Environment and Public Services Committee made the following statement before Second Reading of this projet in the States Assembly –

In the view of the Environment and Public Services Committee the provisions of the Draft Highways (Amendment No. 4) (Jersey) Law 200 are compatible with the Convention Rights.

Explanatory Note

The effect of this draft Law would be to amend the Highways (Jersey) Law 1956 to provide that where debris is deposited on a highway in consequence of any accident, the highway authority must clear the debris. Having done so, it may recover its reasonable expenses from any person who has caused the accident.

The new provisions (which would apply whether or not the accident itself occurs on the highway) would govern the removal of accident debris instead of Articles 1(1) and 45 of the Loi (1914) sur la voirie.

The Environment and Public Services Committee is for the time being the highway authority for main roads. In respect of a by-road within a parish, the Roads Committee for that parish is the highway authority.

The draft Law will come into force on the seventh day after it is registered in the Royal Court.



Jersey

DRAFT HIGHWAYS (AMENDMENT No. 4)(JERSEY) LAW 200

A LAW to further amend the Highways (Jersey) Law 1956.

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law, “the principal Law” means the Highways (Jersey) Law 1956.^[1]

2 Long title amended

In the long title to the principal Law, for the words “below, or above highways” there shall be substituted the words “, and the removal of accident debris, below or on or above highways; and for related matters”.

3 New Article 5A inserted

After Article 5 of the principal Law there shall be inserted the following Article –

“5A Clearance of accident debris

- (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,^[2] to the removal of debris deposited below, on or above a highway in consequence of any accident.”.

4 Citation and commencement

- (1) This Law may be cited as the Highways (Amendment No. 4) (Jersey Law 200.
- (2) This Law comes into force on the seventh day after it is registered in the Royal Court.

[1] Chapter 25.150.

[2] Chapter 25.950.