

STATES OF JERSEY



DRAFT HIGHWAY ENCROACHMENTS (AMENDMENT No. 2)(JERSEY) REGULATIONS 200

Lodged au Greffe on 31st October 2006
by the Minister for Transport and Technical Services

STATES GREFFE



Jersey

DRAFT HIGHWAY ENCROACHMENTS (AMENDMENT No. 2) (JERSEY) REGULATIONS 200

REPORT

Introduction

A proposed amendment to the Highway Encroachment (Jersey) Regulations 1957 is presented for approval.

Discussion

Regulation 3 of the Highway Encroachments (Jersey) Regulations 1957 requires the Highway Authority (the Minister for Transport and Technical Services) to gain States approval, by submission of a plan, before placing any raised paving or other material to assist pedestrians or direct traffic, on a main road. The Highway Authority for by-roads (the Parish Roads Committee) is required to seek similar approval from the Parish Assembly if it proposes works of this nature on its roads.

It is considered that to require such a level of approval for relatively minor works is unnecessarily onerous, bureaucratic, and contrary to the best interests of efficient government.

It is proposed that the consultation process for works of this nature is brought into line with more recent highways legislation such as the Highways Road Humps (Jersey) Regulations 2002. The effect of this would be that in place of the above requirements, where works were to be carried out on a by-road the Roads Committee would be required to consult with the Minister and in the case of a main road the Minister would be required to consult the Connétable of the Parish. A similar consultation process is proposed for the alteration and removal of these facilities.

The Comité des Connétable's supports the proposed amendment.

The Highway Encroachment (Jersey) Regulations 1957 are attached along with the proposed amendment.

Implications

This Amendment will have no implications for the financial or manpower resources of the States, other than to produce efficiencies in both States government and Parish administration.

Explanatory Note

The object of these Regulations is to simplify the approval procedure involved where a highway authority (a parish roads committee or the Minister for Transport and Technical Services) wishes to take steps to improve pedestrian safety, or to direct traffic, by placing raised paving or railings or other devices on a highway administered by it.



Jersey

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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 3 of the Highways (Jersey) Law 1956^[1], have made the following Regulations –

1 Regulation 3 substituted

For Regulation 3 of the Highway Encroachments (Jersey) Regulations 1957^[2] there shall be substituted the following Regulation –

“3 Encroachments on highways

- (1) A highway authority may on any carriageway of a highway place raised paving or other material for the purpose of making the crossing of the carriageway less dangerous to pedestrians or for directing the course of vehicular traffic.
- (2) A highway authority shall not, under paragraph (1), place anything on the carriageway of –
 - (a) a by-road – unless it has first consulted the Minister; or
 - (b) a main road – unless it has first consulted the Connétable of the parish in which the thing will be located.
- (3) A highway authority shall ensure that anything it has placed on a carriageway under paragraph (1) is adequately illuminated from 30 minutes after sunset to 30 minutes before sunrise so as to give warning to pedestrian and vehicular traffic.
- (4) A highway authority shall not alter or remove anything it has so placed without first consulting the Minister (in the case of something placed on the carriageway of a by-road) or the Connétable of the parish in which the thing is located (in the case of something placed on the carriageway of a main road).
- (5) A highway authority may place pillars, rails, or other fences, whether permanent or temporary, on any footpath of a highway for the purpose of protecting pedestrians or for the purpose of making the crossing of a carriageway of a highway less dangerous.
- (6) A highway authority shall not, under paragraph (5), place anything on a footpath unless –
 - (a) in the case of a footpath of a by-road – it has first consulted the Minister; or
 - (b) in the case of a footpath of a main road – it has first consulted the Connétable of the parish in which the thing will be located.”.

2 Citation and commencement

These Regulations may be cited as the Highway Encroachments (Amendment No. 2) (Jersey) Regulations 200- and shall come into force 7 days after they are made.

[1]

chapter 25.150

[2]

chapter 25.150.30