

# STATES OF JERSEY



Jersey

## DRAFT HIGHWAYS LAW (JERSEY) AMENDMENT REGULATIONS 202-

---

Lodged au Greffe on 11th April 2025  
by the Minister for Infrastructure  
Earliest date for debate: 3rd June 2025

---

STATES GREFFE

## REPORT

---

### Background

These draft Regulations would amend the [Highways \(Jersey\) Law 1956](#) (the “1956 Law”).

Currently Article 2(1) of the 1956 Law prohibits a person from placing anything below, on, or above any highway in Jersey. This is subject to certain exceptions, including if the placement is authorised by a licence granted by a highway authority. A person who contravenes Article 2(1) commits an offence, punishable by a fine of up to £10,000. This would apply to any advertising materials put up relating to a candidate, party or view for an election or in support of or opposing a view in relation to a referendum.

Previously such activities have been done without the knowledge that a licence was required. The matter came to light in the lead up to the 2022 general election and a set of guidelines were produced and circulated to all parties to ensure that any related risks to either those involved in the putting out or removing of advertising, as well as the general public, would be mitigated or removed. All 13 highway authorities agreed that if these were adhered to, no licence would be required.

Although the guidelines ensured the general safety of everyone, following further discussions with relevant parties, it was identified that this arrangement did not have any firm legal backing. To remedy this, the proposed changes to the Highways (Jersey) Law 1956 through these draft Regulations would introduce a firm set of conditions (based on the guidelines) which must be complied with in order to remove the requirement for a licence to be obtained.

### Proposed change

The draft Regulations, if adopted, will introduce the ability for the Minister for Infrastructure to exempt anyone placing or removing advertising materials relating to a candidate, political party, or a view, below, on, or above a highway (including a footpath) from requiring a licence under the Law, provided there is compliance with a published set of conditions. The conditions will determine how, where and when such materials can be placed and when they must be removed as well as the process of putting up and taking down to ensure the safety of all concerned.

The conditions will also specify the make up of any advertising materials to ensure they are of a suitable nature and will not become a danger whilst they are in place. This includes size, backing materials, design, colour and type of material so as not to cause any distraction, obstruction or interfere with existing traffic signage.

Should the Regulations be adopted, a subsequent Order will be produced to enable the conditions to be enacted.

The conditions are based on a set of guidelines that were produced and circulated for the last general election. The proposed changes formalise these thus adding weight to their validity.

The changes proposed in these draft Regulations have been shared prior to lodging with the Privileges and Procedures Committee and the Comité des Connétables.

If the changes are not made, there will be a lack of safe standards and there would be an additional administrative burden on all the 13 highway authorities who would have to process applications, issue licences and police the placement of such materials. The highway authorities are already under pressure dealing with their routine daily business and this could result in delays in processing applications and issuing licences. Each highway authority is also able to make a charge for the licence so their costs could be partially offset.

### **Financial and staffing implications**

There are no new financial and/or staffing implications.

### **Children's Rights Impact Assessment**

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.

## EXPLANATORY NOTE

---

The Highways Law (Jersey) Amendment Regulations 202-, if made, would amend the Highways (Jersey) Law 1956 (the “1956 Law”). Article 2(1) of the 1956 Law prohibits a person from placing anything below, on or above any highway in Jersey. This is subject to certain exceptions, including if the placement is authorised by a licence granted by a highway authority. A person who contravenes Article 2(1) commits an offence, punishable by a fine of up to £10,000.

*Regulation 1* inserts a new Article 4A in the 1956 Law, under which the Minister may, by Order, provide that the general prohibition in Article 2(1) does not apply in relation to campaign advertising material relating to an election or referendum, in certain circumstances. The circumstances are that the material is placed below, on or above the highway only during the campaign period in relation to the election or referendum, and that both the material and its placement comply with the conditions (if any) specified by the Order. The new Article defines “campaign advertising material” and “campaign period” in relation to a public election, a parish election and a referendum. Paragraph (5) of the new Article makes provision for the end of the campaign period if no poll for a particular election is held, as a result of an order of the Royal Court following the withdrawal, disqualification or death of a candidate.

*Regulation 2* gives the title of the Regulations and provides for them to come into force 7 days after they are made.



Jersey

## DRAFT HIGHWAYS LAW (JERSEY) AMENDMENT REGULATIONS 202-

*Made**[date to be inserted]**Coming into force**[date to be inserted]*

**THE STATES** make these Regulations under the [Order in Council of 26 December 1851](#) and Article 8A of the [Highways \(Jersey\) Law 1956](#) and –

### 1 [Highways \(Jersey\) Law 1956](#) amended

In the [Highways \(Jersey\) Law 1956](#), after Article 4 there is inserted –

#### **“4A Power to exempt election advertising material from general prohibition**

- (1) The Minister may by Order provide that the general prohibition in Article 2(1) does not apply in relation to campaign advertising material relating to a public or parish election, or a referendum, if –
  - (a) the material is placed below, on or above the highway only during the campaign period in relation to the election or referendum; and
  - (b) the material and its placement comply with the conditions (if any) specified in the Order.
- (2) The conditions that may be specified include, in particular, conditions as to the location of material, the manner of its placement and the times at which it may be put up and taken down.
- (3) “Campaign advertising material” means –
  - (a) in relation to a public or parish election, material indicating support for or against –
    - (i) a candidate,
    - (ii) a political party, or
    - (iii) the option of voting for none of the candidates; and
  - (b) in relation to a referendum, material indicating support for or against a particular outcome of the referendum.
- (4) “Campaign period” –
  - (a) in relation to a public election, means the period –

- (i) beginning with the day after the day on which the JEA publishes the candidate announcement under Article 17H(1)(b) of the Elections Law, and
    - (ii) ending at the end of the second day after the day on which the poll for the election is held;
  - (b) in relation to a parish election, means the period –
    - (i) beginning with the day after the day on which the nomination meeting under Article 19 of the Elections Law is held, and
    - (ii) ending at the end of the second day after the day on which the poll for the election is held;
  - (c) in relation to a referendum, means the period –
    - (i) beginning with the day specified in the Order made under this Article (which must be earlier than the day on which the referendum is to be held), and
    - (ii) ending at the end of the second day after the day on which the referendum is held.
- (5) If, in accordance with an order made by the Royal Court under Article 23 of the Elections Law (withdrawal, disqualification or death of candidate), no poll for an election is held, the “campaign period” in relation to that election ends at the end of the second day after the day on which that order is made (instead of at the time specified in paragraph (4)(a)(ii) or (b)(ii)).
- (6) In this Article –
  - (a) “Elections Law” means the [Elections \(Jersey\) Law 2002](#);
  - (b) “referendum” means a referendum held in accordance with an Act under Article 6 of the [Referendum \(Jersey\) Law 2017](#);
  - (c) the following terms have the same meanings as in the Elections Law –
    - “candidate announcement”;
    - “JEA”;
    - “nomination meeting”;
    - “parish election”;
    - “political party”;
    - “public election”.

## 2 Citation and commencement

These Regulations may be cited as the Highways Law (Jersey) Amendment Regulations 202- and come into force 7 days after they are made.