

The Road Traffic (Guernsey) Ordinance, 2019

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THE STATES POLICY & RESOURCES COMMITTEE, in pursuance of the Resolution of the States of 14th December, 2018^a, in exercise of the powers conferred upon the States by section 7 of the Offences (Fixed Penalties) (Guernsey) Law, 2009^b and all other powers enabling them in that behalf, and in exercise of the powers conferred on that Committee by Article 66A(1) of the Reform (Guernsey) Law, 1948^c, hereby orders:-

PART I HIGHWAY CODE

Highway Code.

1. (1) The Committee may issue a code (referred to as the "**Highway Code**") comprising such directions as appear to the Committee to be proper for the guidance of persons using public highways and may from time to time revise the code by revoking, varying, amending or adding to the provisions of the Code in such manner as the Committee thinks fit.

(2) The Highway Code issued under this section may adopt or incorporate (by reference, annexation or otherwise), and may make provision by reference to, any code issued by Her Majesty's Government in the United Kingdom,

^a Article XVIII of Billet d'État No. XXVII of 2018.

^b Order in Council No. XV of 2010; amended by Ordinance No. XLV of 2012; No. XLIII of 2013; Nos. IX and XXV of 2016.

^c Ordres en Conseil Vol. XIII, p. 288; amended by Order in Council No. XVII of 2015; there are other amendments not relevant to this Ordinance.

which provisions shall thereupon have effect as a code under this section.

(3) A code under this section shall be laid before a meeting of the States as soon as practicable after being issued, and if at that meeting the States resolve to annul the code it shall cease to have effect but without prejudice to anything done under it or to the making of any new code.

(4) A code under this section –

(a) may be amended or repealed by a subsequent code,

(b) may contain such supplementary and incidental provision as, in the opinion of the Committee, is necessary or expedient for the purpose of the code.

(5) The Committee shall cause any code made under this section to be published in such form as the Committee thinks fit, and copies thereof may be put on sale at such price as the Committee may determine.

(6) A contravention by any person of the Highway Code issued under this section does not of itself render that person liable to civil or criminal proceedings, but the contravention may, in any proceedings in which there is in issue a liability or contention in relation to which that provision of the code appears to the Court to be relevant, be relied upon by any party to the proceedings as tending to establish or negative the liability or contention.

PART II
USE OF PUBLIC HIGHWAYS

Obstruction of public highway.

2. (1) A person must not, without lawful authority or excuse, in any way wilfully obstruct the free passage of any person, vehicle or animal along a public highway.

(2) A person must not wilfully or negligently behave in such a way as to –

(a) cause danger to other persons using the highway,

(b) damage any property belonging to others on or bordering the highway.

(3) Without prejudice to subsections (1) and (2) –

(a) a person in charge of a vehicle must not cause or permit such vehicle to be placed or left on a public highway in such a position as to –

(i) cause an obstruction of the highway, except during such time as may be necessary for loading or unloading, or

(ii) cause danger to other persons using the highway,

- (b) a person in charge of a vehicle must not cause or permit such vehicle to be placed or left on a public highway in such a position as to obstruct the entry to or egress from any premises adjoining such highway,
- (c) subject to sections 4(2) and 5(2), a person in charge of a vehicle must not cause or permit such vehicle to be placed or left on a footpath reserved for pedestrians or on a cycle lane, cycle track or shared path,
- (d) a person in charge of a vehicle must not without reasonable cause impede the progress of other persons using the highway by driving at a slow speed which is not necessitated by the conditions on the highway at that time,
- (e) a person in charge of an animal must not tether or allow to be tethered such animal on a public highway,
- (f) no person shall play any game in a public highway in such a manner as to endanger, obstruct or cause annoyance to other users of the highway,
- (g) no person shall deposit any object or substance on the public highway and any object or substance so deposited shall be removed as soon as possible and steps taken to warn other users of the highway of its presence.

- (4) For the purposes of this section –
- (a) a person who causes or permits a vehicle to remain on a public highway during such time as may be necessary for loading or unloading must remove such vehicle when ordered so to do by an officer of police or when requested so to do in an emergency or by any person whose passage is being obstructed, and
 - (b) nothing in this section shall prevent the parking of a vehicle in an area or part of the public highway designated by the Committee as a parking place under the Road Traffic (Parking Places) Ordinance, 1963^d in accordance with the provisions of that Ordinance and any Order made thereunder.

Charge of vehicles or animals on public highway.

3. (1) Subject to subsections (3) and (4), a person in charge of a vehicle or animal on a public highway must keep such vehicle or animal to the left hand side of such highway.

(2) Without prejudice to subsection (1), a person in charge of a vehicle or animal must, when passing oncoming traffic –

- (a) leave sufficient lateral space for oncoming traffic to

^d Recueil d'Ordonnances Tome XIII, p. 292; amended by Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XXI, p. 525; Tome XXII, p. 49; Tome XXIV, pp. 275 and 481; Tome XXVI, pp. 90 and 315; Ordinance No. XXXIII of 2003; No. IX of 2016.

pass, and

- (b) if necessary due to the presence of an obstruction or the presence of other road-users, slow down or stop to allow the oncoming traffic to pass.

(3) A person in charge of a vehicle or animal must not drive or ride such vehicle or animal from one side of the highway to the other, change direction or otherwise carry out any manoeuvre which involves moving laterally, without first –

- (a) giving a clear signal to other persons using the highway of the proposed action, and
- (b) ascertaining that such action will not cause an obstruction of the highway or cause danger to other persons using the highway.

(4) A person in charge of a vehicle or animal who wishes to overtake another vehicle or animal shall do so on the right hand side of the vehicle or animal to be overtaken unless the driver of such vehicle or animal has indicated an intention to turn to the right and has moved towards the right hand side of the highway for that purpose and sufficient space is available.

(5) A person in charge of a vehicle or animal must not drive or ride such animal or vehicle in such a way as to cut across a file of schoolchildren accompanied by a person in charge or other large groups of pedestrians forming a procession.

(6) No person under the age of 14 years shall drive a one-horse vehicle and no person under the age of 16 years shall drive a two-horse vehicle.

Driving etc. on footpaths.

4. (1) Subject to subsections (2), (3) and (4), a person must not wilfully drive or ride any vehicle, or ride or lead a horse or other animal, on a footpath reserved for pedestrians.

(2) Notwithstanding the provisions of subsection (1), a person in charge of a vehicle or animal may drive, ride or lead a vehicle or animal onto a footpath reserved for pedestrians, where necessary for passing another vehicle or animal, provided that such person proceeds with due care and regard for the safety of pedestrians and other users of the public highway.

(3) Subsection (1) does not apply to an invalid carriage within the meaning of the Road Traffic (Disabled Persons) Ordinance, 1991 and which falls within section 1(a) of that Ordinance.

(4) Nothing in this section shall prohibit anything done –

(a) in accordance with any permission given under the authority of the Committee, or

(b) pursuant to, and in accordance with, any enactment.

Driving etc. on cycle lanes, cycle tracks and shared paths.

5. (1) Subject to subsection (2), (3) and (4), a person must not wilfully drive or ride any vehicle other than a cycle, or ride or lead a horse or other animal –

- (a) on a cycle lane or cycle track, or
- (b) on any part of the public highway ("**shared path**") indicated by signs or road markings as reserved for the shared, unsegregated use of pedestrians and cyclists.

(2) Notwithstanding the provisions of subsection (1), a person in charge of a vehicle or animal may drive, ride or lead a vehicle or animal onto a cycle lane or a cycle track, or a shared path, where necessary for passing another vehicle or animal, provided that such person proceeds with due care and regard for the safety of cyclists, pedestrians and other users of the public highway.

(3) Subsection (1)(b) does not apply to an invalid carriage within the meaning of the Road Traffic (Disabled Persons) Ordinance, 1991 and which falls within section 1(a) of that Ordinance.

- (4) Nothing in this section shall prohibit anything done –
 - (a) in accordance with any permission given under the authority of the Committee, or
 - (b) pursuant to, and in accordance with, any enactment.

Power of police to stop vehicles.

6. (1) A person driving a motor vehicle or riding a cycle on a public highway must stop the vehicle on being required to do so, by word or sign, by an officer of police in uniform.

(2) A person driving a motor vehicle, or riding a cycle, must obey all orders given or communicated to him or her by an officer of police engaged in regulating and directing traffic on a public highway.

Duty to give name and address etc.

7. (1) Any person who is alleged to have committed an offence under this Ordinance or under any other enactment relating to vehicular traffic must, if required to do so by a person having reasonable ground for so requiring, give his or her name and address.

(2) Any person must, if required to do so by a person having reasonable ground for so requiring, give any information which it is within his or her power to give which may lead to the identification of a person who is alleged to have committed an offence under this Ordinance or under any other enactment relating to vehicular traffic.

(3) A person who refuses to comply with a requirement under subsection (1) or (2), or who gives a false name or address, or false information, is guilty of an offence.

Duty of driver in case of accident.

8. (1) Where, owing to the presence of a vehicle on a public highway, an accident occurs whereby personal injury is caused to any person other than the driver of that vehicle, or damage is caused to any other vehicle or to an animal other than an animal in or on that vehicle or a trailer drawn thereby, or to property of any other description, the driver of that vehicle must –

(a) stop immediately subject to ensuring that no additional

danger is caused to traffic on the highway, and

- (b) if required to do so by any person having reasonable grounds for so requiring, give the driver's name and address and the name and address of the owner of the vehicle and its identification mark.

(2) If, in the case of any such accident, the driver of the vehicle does not for any reason give his or her name and address at the time of the accident, the driver must report the accident at the police station or to an officer of police as soon as reasonably practicable and in any case within 24 hours of the occurrence of the accident.

(3) The driver of the vehicle involved in an accident in the circumstances described in subsection (1) must also -

- (a) endeavour to ensure traffic safety at the scene of the accident and take reasonable steps to prevent any interference with conditions at the scene,
- (b) subject to subsection (4), if a person has been killed or seriously injured in the accident, notify an officer of police and remain at the scene of the accident until authorised by the police to leave.

(4) Subsection (3)(b) does not apply to a driver who leaves the scene of the accident for the purpose of receiving necessary medical or other assistance or for giving assistance to an injured person.

(5) Any person who fails to comply with a duty under subsection (2) is liable, on conviction, to a fine not exceeding level 3 on the uniform scale or to imprisonment for a term not exceeding three months.

Obligation to give way.

9. The driver of a vehicle entering or about to enter any public highway from a public highway of lesser importance or from a private road, way or place shall give way to traffic proceeding along the highway entered or about to be entered.

PART III
OTHER OFFENCES

Dangerous driving.

10. (1) If any person drives a vehicle or animal on a public highway recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of that highway, and the amount of traffic which is at the time, or which might reasonably be expected to be, on that highway, that person is guilty of an offence under this section.

(2) A person guilty of an offence under this section is liable –

(a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both such fine and imprisonment,

(b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding level 5

on the uniform scale, or to both such fine and imprisonment.

Driving without due care and attention.

11. (1) If any person drives a vehicle or animal on a public highway without due care and attention, or without reasonable consideration for other persons using that highway, that person shall be guilty of an offence and liable on conviction to a fine not exceeding level 3 on the uniform scale and, in the case of a second or subsequent conviction, to a fine not exceeding level 4 on the uniform scale.

PART IV
GENERAL

Offences and penalties.

12. (1) Unless otherwise specifically provided for in this Ordinance, a person who contravenes any of the provisions of this Ordinance, or who gives any information required to be given under this Ordinance which, to the knowledge of such person, is false in any material particular, shall be guilty of an offence and liable on conviction to a fine not exceeding level 3 on the uniform scale, and for every subsequent offence to a fine not exceeding level 4 on the uniform scale.

(2) For the purposes of subsection (1) "**contravenes**" includes "fails to comply with".

Powers of the Committee.

13. The Committee is authorised to –

(a) determine which of any two public highways which

intersect or join each other is the highway of greater importance and to designate such highway as a "**major road**" by means of a sign placed in or on any public highway of lesser importance ("**minor road**") leading thereto at or near the intersection of the two highways,

- (b) erect, maintain and alter on or near any public highway, or to remove therefrom, places of refuge for pedestrians.

Interpretation.

14. (1) In this Ordinance, unless the contrary intention appears –

"**animal**" means any horse, bovine animal, ass, mule, sheep, pig or goat; and in section 8 that expression shall also mean a dog,

"**Committee**" means the States Committee for the Environment & Infrastructure,

"**cycle**" includes an electrically assisted pedal cycle within the meaning of the Motor Vehicles (Electrically Assisted Pedal Cycles) (Exemption) (Guernsey) Law, 2002^e

"**cycle lane**" means a part of a public highway designated for cycles which is distinguished from the rest of the carriageway by longitudinal road markings,

^e Order in Council No. XXVI of 2002; amended by Ordinance No. XXXIII of 2003; No. IX of 2016; G.S.I. No. 20 of 2016.

"**cycle track**" means an independent public highway or part of a public highway designated for cycles and signposted as such, separated from other parts of the highway by structural means,

"**Highway Code**": see section 1,

"**motor vehicle**" means a mechanically propelled vehicle intended or adapted for use on a public highway,

"**public highway**" includes any road, street, lane or public place,

"**road markings**" has the meaning given in the Traffic Signs and Traffic Lights Signals Ordinance, 1988^f,

"**shared path**" has the meaning given in section 5(1)(b),

"**signs**" has the meaning given in the Traffic Signs and Traffic Lights Signals Ordinance, 1988,

"**uniform scale**" means the uniform scale of fines under the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989^g,

^f Recueil d'Ordonnances Vol. XXIV, p. 275; amended by Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XXV, pp. 11, 30 and 83; Tome XXVI, p. 90; Ordinance No. XXXIII of 2003; No. XII of 2007.

^g Ordres en Conseil Vol. XXXI, p. 278; amended by Order in Council No. XVIII of 2009; No. IV of 2018; Recueil d'Ordonnances Tome XXV, p. 344; No. XXIX of 2006; No. XXIX of 2013.

"vehicle" includes motor vehicles, bicycles and tricycles, horse-drawn and hand drawn vehicles.

Amendment of Fixed Penalties Law.

15. In the Schedule to the Offences (Fixed Penalties) (Guernsey) Law, 2009 –

- (a) the entry relating to Offences against Article II(1) of the Ordonnance relative au Trafic Véhiculaire en cette Île (le 2 mars 1929) is repealed,
- (b) immediately after the entry relating to Offences against section 1 of the Road Traffic (Restriction on Use of Mobile Telephones) (Guernsey) Ordinance, 2003, insert-

"Offences against sections 4(1) and 5(1) of the Road Traffic (Guernsey) Ordinance, 2019	Driving etc. on a footpath or cycle lane or track	A	£40	£30"
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Repeal.

16. The Ordonnance relative au Trafic Véhiculaire en cette Île, registered on 2nd March 1929^h, is repealed.

^h Recueil d'Ordonnances Tome VIII, p. 184; amended by Ordres en Conseil Vol. XXXI, p. 278; Vol. XXXIII, p. 127; Recueil d'Ordonnances Tome VIII, pp. 194, 204; Tome X, pp. 48, 176; Tome XIII, pp. 17, 306; Tome XIV, p. 319; Tome XVI, p. 187; Tome XXII, p. 125; Tome XXIII, pp. 26, 393, 404; Tome XXV, p. 140; Tome XXVI, pp. 90, 115, 374; Tome XXVII, p. 148; Tome XXVIII, p. 185; Ordinance No. XVI of 2002; No. XXXIII of 2003; No. XXX of 2006; No. IX of 2016; No. XXI of 2018.

Extent.

17. This Ordinance has effect in the islands of Guernsey, Herm and Jethou.

Citation.

18. This Ordinance may be cited as the Road Traffic (Guernsey) Ordinance, 2019.

Commencement.

19. This Ordinance shall come into force on the date appointed by Regulations of the Committee, and different dates may be appointed for different provisions and for different purposes.