



29 November 2023

Request

Please supply me with the following information on the Parish of St Helier Roads Committee.

1. The structure of the roads committee and its membership, to include working groups and sub-committees.
2. The role that the procureurs du bien publique play in decision making of the roads committee
3. The legal basis under which the various sub-committee and working groups are formed.
4. A comprehensive list of the legal responsibilities of the Roads Committee.
5. Detail of any checks and balances the parish has in place to provide independent expert scrutiny of the impacts of decisions made by the roads committee.

Response

1. This information is absolutely exempt as it is accessible by other means.

FOI exemption applied:

Article 23 - Information accessible to applicant by other means

Information is absolutely exempt information if it is reasonably available to the applicant, otherwise than under this Law, whether or not free of charge. A scheduled public authority that refuses an application for information on this ground must make reasonable efforts to inform the applicant where the applicant may obtain the information.

Justification for exemption

Loi (1914) sur la Voirie – Article 3 of the [Loi \(1914\) Sur La Voirie \(jerseylaw.je\)](http://jerseylaw.je)

Membership of Roads Committee: Please see Minutes of the Parish Assembly, <https://sthelier.je/wp-content/uploads/sites/14/2023/02/Minutes-14-April.pdf>, <https://sthelier.je/wp-content/uploads/sites/14/2023/02/Minutes-26-October-.pdf> and <https://sthelier.je/wp-content/uploads/sites/14/2023/03/Minutes-22-March-3.pdf>

Working groups/sub-committees – established by the Roads Committee, see minutes of Roads Committee Minutes:

Parking: Item 75/2023 https://sthelier.je/wp-content/uploads/sites/14/2023/08/120723-A-Agenda-Minutes_.pdf

Scooters & Cycling: Item 89/2023 <https://sthelier.je/wp-content/uploads/sites/14/2023/08/090823-A-Agenda-Minutes-amended.pdf>

Litter: Item 90/2023 <https://sthelier.je/wp-content/uploads/sites/14/2023/08/090823-A-Agenda-Minutes-amended.pdf>

2. Decisions of the Roads Committee are made by members of that Committee (the Procureurs du Bien Public are not members of the Roads Committee – see 1 above).
3. The various sub-committee and working groups have been established by the Roads Committee as set out in 1 above.
4. This information is absolutely exempt as it is accessible by other means.

FOI exemption applied:

Article 23 - Information accessible to applicant by other means

Information is absolutely exempt information if it is reasonably available to the applicant, otherwise than under this Law, whether or not free of charge. A scheduled public authority that refuses an application for information on this ground must make reasonable efforts to inform the applicant where the applicant may obtain the information.

Justification for exemption -

Loi (1914 sur la Voirie – as the ‘highway authority’ the Roads Committee’s legal responsibilities are set out in legislation, see:

- **Road Works and Events (Jersey) Law 2016**

Part 2	General duty of highway authority in relation to road management
Part 3	Administration of Road Works Permits
Part 4	Administration of Embargoed undertaker works following substantial highway authority works
Part 9	Enforcement powers of relevant highway authority.

- **Highways (Jersey) Law 1956**

Article 4	Power to grant licences to authorise persons to place anything below, on or above a highway.
Article 5	Power to remove anything which has been placed on the highway in contravention of this law.
Article 5a	Responsibility to remove any debris deposited below, on or above a highway in consequences of any accident, and power to recover the expenses reasonably incurred as a civil debt.
Article 6	To administer any delegated function of the Minister of Department for Infrastructure

- **Loi (1914) sur la Voirie**

Article 2	To supervise the repair and upkeep of by-roads and to control the work.
Article 10	To be responsible for costs of road works and submit accounts for Parish Assembly.
Article 12	To inspect all by-roads in September each year. (Visite des Chemins)

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| Article 13 | To arrange for places along the by-roads for stationing of rubbish carts. |
| Article 15 | To erect boundary stones to distinguish the Parish boundary with another Parish. |
| Article 42 | To carry out a Visite du Branchage twice a year & Visite Royale every six years |
- **Extinguishment of Roads (Jersey) Law 1972**

Article 2	To apply to the Royal Court for an order authorising the extinguishment of a road.
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 - **Road Works (Specified Road Works) (Jersey) Order 2018**

Article 1	Administration of specific road works for the purpose of Article 6 of the Road Works and Events (Jersey) Law 2016.
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 - **Roads Administration (Jersey) Law 1960**

Article 3	Power to acquire land for the purposes of road construction and improvement.
Article 4	Power to prevent obstruction to view at corners or bends.

 - **Highway Encroachment (Jersey) Regulations 1957**

Article 2	Power to direct that Regulation 1 (permitted encroachments over highways) shall not apply if a projection is so placed as to hinder the effective carrying out any functions of a highway authority.
Article 3	Power to place on any carriageway, raised paving or other material. Also placement of pillars, rails or other fences for the purpose of protecting pedestrians.

 - **Planning and Building (Jersey) Law 2002**

Article 14	Responsibility to comment on Planning applications where the development involves the creation of a new means of access or enlargement of an existing means of access to a road or where problems might occur.
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Please find a link to the Jersey Law website where a copy of the above laws can be involved [Jersey Law | Current Laws](#)

5. The Roads Committee had decision making powers as outlined in legislation – see 4 above – and will seek expert advice as it considers necessary before reaching a decision.

