



Jersey

CUSTOMARY LAW (CHOSSES PUBLIQUES) (JERSEY) LAW 1993

Revised Edition

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Arrangement

Article

| | | |
|---|---|---|
| 1 | Interpretation | 5 |
| 2 | Permits to occupy <i>choses publiques</i> | 5 |
| 3 | Abridgment of public right of access, etc..... | 6 |
| 4 | Citation..... | 6 |

Supporting Documents

| | |
|-------------------------------------|----------|
| ENDNOTES | 7 |
| Table of Legislation History | 7 |
| Table of Renumbered Provisions..... | 7 |
| Table of Endnote References..... | 7 |



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CUSTOMARY LAW (CHOSSES PUBLIQUES) (JERSEY) LAW 1993

A **LAW** to amend the customary law of Jersey to enable the granting of permits for the exclusive possession and use of certain areas of land to which the public of Jersey has access

Commencement [[see endnotes](#)]

1 Interpretation

In this Law, unless the context otherwise requires –

“by-road” has the same meaning as “*chemin vicinal*” in the Loi (1914) sur la Voirie;¹

“*chose publique*” means any area of land over which the public has, under the customary law of Jersey, the right to pass and repass without let or hindrance, whether on foot or with animals or vehicles, including any highway, but excluding any park or sea beach;

“police officer” means a member of the Honorary Police or the States of Jersey Police Force.

2 Permits to occupy *choses publiques*

(1) Subject to the provisions of this Law, and notwithstanding any rule of customary law to the contrary, the Connétable of the parish in which a *chose publique* is situated may –

- (a) in relation to a *chose publique* which is a by-road;
- (b) in relation to a *chose publique*, which is under the administration of the Minister for Transport and Technical Services², with the consent of that Minister,

grant to any person a permit authorizing that person to have the exclusive occupation of any land comprising that *chose publique* or a part thereof,

during the hours mentioned and for the purposes described in the permit and subject to any conditions imposed therein.

- (2) A permit under this Article shall, unless an earlier date is specified therein, expire on 31st December next following the date of its grant but may be withdrawn by the Connétable who granted it –
 - (a) at any time, by giving 30 days' written notice accordingly to the holder of the permit;
 - (b) without notice, if, in the opinion of the Connétable, an emergency has arisen, or is likely to arise, which requires the immediate withdrawal of the permit.
- (3) A permit under this Article may be granted subject to such conditions as the Connétable may think fit to impose and to the payment of such reasonable fee as the Connétable may determine.
- (4) Any fee paid for the grant of a permit under this Article shall be applied towards the cost of maintenance of the by-roads of the parish concerned.
- (5) If any person contravenes or fails to comply with a condition imposed in a permit under this Article the person shall be guilty of an offence and liable to a fine not exceeding £500.

3 Abridgment of public right of access, etc.

- (1) Subject to paragraph (2) and notwithstanding any rule of customary law to the contrary, at any time during which the holder of a permit granted under that Article is entitled under that permit to occupy the area of land to which the permit relates no person shall have the right to pass and repass over, whether on foot or with animals or vehicles or be on, that area of land unless the person does so, or is there, with the consent, express or implied, of the holder of the permit.
- (2) Paragraph (1) does not apply to –
 - (a) a police officer, an officer of the Impôts or an immigration officer, acting in the course of the officer's duty;
 - (b) a member of the fire, ambulance or other emergency service, acting in the course of the member's duty;
 - (c) a person lawfully exercising any power conferred by any enactment or lawfully discharging any function or duty on behalf of a Minister³ or a parochial authority; or
 - (d) a vehicle or animal which is in the charge of any of the above-mentioned persons.

4 Citation

This Law may be cited as the Customary Law (Choses Publiques) (Jersey) Law 1993.

ENDNOTES**Table of Legislation History**

| Legislation | Year and No | Commencement |
|--|--------------------|-------------------------|
| Customary Law (Choses Publiques) (Jersey) Law 1993 | L.20/1993 | 28 July 1993 (R&O.8559) |

Table of Renumbered Provisions

| Original | Current |
|-----------------|--|
| 1(2) | spent, omitted from this revised edition |
| 4 | spent, omitted from this revised edition |
| 5 | 4 |

Table of Endnote References

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- ¹ chapter 25.950
- ² Article 2(1) *the functions of the Environment and Public Services Committee which were hitherto functions of the Public Services Committee were transferred to the Minister for Transport and Technical Services by the States of Jersey (Transfer of Functions from Committees to Ministers) (Jersey) Regulations 2005 chapter 16.800.30*
- ³ Article 3(2)(c) *all Committee functions were transferred to Ministers by the States of Jersey (Transfer of Functions from Committees to Ministers) (Jersey) Regulations 2005 chapter 16.800.30*