

GENERAL SERVICES COMMITTEE

8th April 2013

Sir

Report for April Billet - Rock Island Trials Bike Event 20th – 21st April 2013

Section 5 of the Motor Taxation and Licensing (Guernsey) Law, 1987 (which has effect in Alderney) prohibits the driving of a motor vehicle on a public highway unless the driver is the holder of a relevant driving licence. It has been drawn to our attention that some of the participants of the Rock Island Trials Bike event are between the ages of 8 and 16 and therefore do not hold such a driving licence. A public highway is defined under section 26(1) of the 1987 Law to include “any road, street, lane or public place” and a “public place”, although not defined in the 1987 Law, would almost certainly include a foreshore or beach to which the public has access.

The advice of Law Officers Chambers has been sought on how this matter could be overcome so that all the intended competitors can participate in the Event. Law Officers Chambers has advised that if as a matter of law, and in effect, the States can deny public access to the area for the duration of the Event, then it would be reasonable to conclude that the area would not be a public place and thus not a public highway for the duration of the Event for the purposes of the 1987 Law. On the basis that the States are the owners of the area involved then, in exercise of private law rights the States could (acting by the Committee that has the mandate for exercising rights in relation to States owned land) by resolution deny access to the public.

At the meetings of 12th February 2013 and 12th March 2013 the Estates and Services Committee, as the Committee mandated to manage States land, resolved to approve the closure of certain public highways from the 20th April to the 21st April inclusive, to enable the various events in the Rock Island Trial Bike event to take place, they are as follows:

- *Fort Albert access track following the coast around to the foreshore at Bibette Head and the Bibette (Saye) access track;*
- *An area at Vau Trembliers point;*
- *Foreshore area at Cats Bay;*
- *Track from Fort Quesnard to the causeway of Houmet Herbe;*
- *Area of Houmet Herbe causeway;*
- *Area at York Hill*
- *Foreshore at Crabby bay at base of Fort Grosnez*
- *Area at Fort Tourgis along the foreshore to Clonque Bay.*

Louis Jean
Chairman