



## Contact us

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## Summary of the relevant legislative provisions

### Cutting of Hedges Ordinance, 1953

A Parish may serve a Warning Notice on a person who in their opinion has failed:

1. Between 1st and 15th June or between 15th and 30th September, to cut their hedges which overhang the public road up to a height of 12 foot from the road (where the road is ordinarily used by vehicular traffic) or 8 foot (where the road is not ordinarily used by vehicular traffic);
2. To remove from a public road material cut from hedges .

If the remedial work has not been completed within the timeframe (7 days for cutting a hedge and 24 hours for the removal of cuttings), the individual is liable to an initial civil penalty of £50 plus another £5 per day for every day in which the failure continues. A person may appeal to the Tribunal if they are aggrieved by the issuance of a Warning or Civil Penalty Notice.

### L'Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracements de Routes et Chemins of 1931

A bornement permit is required to erect a building or to re-erect on old foundations within 1.5m from any public road or way. Where an application for a bornement is

### Loi Relative aux Douits, 1936

A Parish may serve a warning notice on a person who in their opinion has failed to carry out any duty in relation to:

- a) The cleaning of a watercourse,
- b) The clearing of obstructions to the free flow of water in a watercourse, and
- c) The repair of the banks of a watercourse.

If by the eighth day the remedial work has not been completed, then the person is liable to an initial civil penalty of £50 plus an extra £5 per day for every day where the infraction continues. Where the person continues to fail to carry out this duty, the Central Streams Committee (i.e. the States' Trading Supervisory Board) may serve a further Notice, and where it is satisfied that there would be a risk to life or a risk of serious damage to property it can authorise a States employee, or another contractor, to go onto the property and carry out the required work. The costs of such work will be recoverable as a civil debt.

A person may appeal to the Tribunal if they are aggrieved by the issuance of warning notice, a civil penalty, or a notice from the States' Trading Supervisory Board, acting as the Central Streams Committee, that the remedial work will be undertaken and charged to them.

# The Parochial Appeals Tribunal



## This guide contains

- Functions of the Tribunal
- Frequently Asked Questions
- Summary of the Legislation

The Parochial Appeals Tribunal can consider appeals relating to Parish decisions on hedges, streams and bornements under the following legislation:

- L'Ordonnance ayant rapport à la Construction de Maisons, Salles Publiques et Bâtiments, et au Tracement de Routes et Chemins of 1931
- The Cutting of Hedges Ordinance, 1953
- Loi Relative aux Douits, 1936.

The Tribunal will deal with appeals from anybody served with :

- a refusal to permit the erection or re-erection of a building under Article 36 or 37 of L'Ordonnance ayant rapport à la Construction de Maisons, Salle Publique et Bâtiments, et au Tracement de Routes et Chemins, 1931;
- a warning notice under the Cutting of Hedges Ordinance, 1953;
- a civil penalty under the Cutting of Hedges Ordinance, 1953;
- a warning notice under section 8 of the Loi relative aux Douits, 1936;
- a civil penalty under section 8 of the Loi relative aux Douits, 1936;
- a notice under section 9 of the Loi relative aux Douits, 1936; and
- a demand for payment for work executed under section 9 of the Loi relative aux Douits, 1936.

The Tribunal can decide to:

- **Confirm** an appealed decision
- **Quash** an appealed decision, in whole or in part and refer the matter to the Parish
- **Require** Parishes to reconsider the matter
- And, under section 9 of the Loi relative aux Douits, 1936, (the legislation on streams) to direct the payment of compensation.



## FREQUENTLY ASKED QUESTIONS

We've tried to answer the most frequently asked questions regarding the Tribunal, but if you have further questions, please see the Guide to and the website ([www.gov.gg/pat](http://www.gov.gg/pat))



### What are the deadlines for an appeal to the Tribunal?

- **Refusal of a bornement** - 28 days commencing with the date of the letter advising of the decision
- **Warning Notices** for failure to cut a roadside hedge or clear a watercourse - 7 days commencing with the date of any Warning Notices
- **Civil Penalties** for failure to cut a roadside hedge or clear a watercourse - 14 days commencing with the date of any Civil Penalty
- **Notices of intention to carry out work** on an uncleared watercourse - 7 days commencing with the date of any notice.

### What if I am outside of the time limit?

The Tribunal has the ability to extend the time limit in some circumstances but you will need to show that exceptional reasons apply. Contact the Tribunal as soon as possible.

### Do I need to pay to appeal?

Yes, there is an administrative fee of £25 payable for each individual appeal.

### What happens when I submit my application?

The President will carefully consider your appeal to check it is correctly made. If the President believes that it falls outside of the Tribunal's responsibilities, you will be informed in writing. If the President decides the appeal is correctly made, then a copy of your letter will be sent to the Parish in order that they can prepare their response. This is likely to take 2 to 3 weeks. A copy of the Parish's response will be sent to you. And you will be asked to confirm if you wish to proceed with the appeal

### How quickly will a Hearing be arranged?

The Hearing will be arranged as soon as possible, generally within 28 days. You will be advised in writing of the date for the Hearing. You should advise the Tribunal as soon as possible if you are unable to attend.

### Do I need to attend the Hearing?

Ideally yes. If you do not attend then the Tribunal will consider your case based on the written submission that you have made.

### Can I bring someone to support me?

Yes, and you may also call witnesses but you must let the Secretary know before the Hearing.

### Do I need a lawyer?

The Tribunal tries to be as informal as possible. Procedures are also kept simple so that parties should not require legal representation. Again, please feel free to discuss this further with the Secretary.

### Who can attend the Hearing?

Hearings will be held in public.

### When will I find out the Tribunal's decision?

The Tribunal will advise you of their decision in writing setting out the reasons for their decision. The Tribunal will issue its decision as soon as possible and in any case within 21 days of a hearing.

The decisions will also be published on the Tribunal's website [www.gov.gg/pat](http://www.gov.gg/pat).

### What if I am dissatisfied with the Tribunal's decision?

Any party (i.e. the appellant or the Parish) who is dissatisfied with the Tribunal's judgment as being erroneous in law may request the Tribunal to state a case for submission to the Royal Court. The time limit for appealing the panel's decision is twenty one days from the date of issue of the Tribunal's decision.

## Where I can I find out more?

In the first instance, if you have a question about a decision or action taken by a Parish, you should contact the Parish to find out more about the reasons for the decision. It may be that it will be possible to resolve the matter at this stage.

The Tribunal's Secretary can be contacted in person at Sir Charles Frossard House, or by calling 717000, or by email at [pat@gov.gg](mailto:pat@gov.gg).

Further information about the Tribunal, including appeal forms, guidance notes and copies of the relevant legislation, can be found on the Tribunal's website — [www.gov.gg/pat](http://www.gov.gg/pat) or are obtainable from the Secretary to the Parochial Appeals Tribunal