

**REPLY BY THE PRESIDENT OF THE COMMITTEE *FOR THE*
ENVIRONMENT & INFRASTRUCTURE
TO QUESTIONS ASKED PURSUANT TO RULE 14 OF THE
RULES OF PROCEDURE BY DEPUTY R. LE BRUN**

Question 1

In light of the States' 2019 decision to adopt the Highway Code for Guernsey, including guidance which states that it is illegal for motorists to drive on a pavement except where they consider it necessary to do so in order to pass - thereby effectively permitting pavement driving at a driver's discretion - will the Committee state, in clear and specific terms:

- (a) Whether a formal written risk assessment or safety analysis specifically addressing this guidance was undertaken prior to its adoption; if so, to provide it in full, and if not, to confirm none exists.**

Answer

The Highway Code for Guernsey provides a summary for information purposes of many important parts of Guernsey traffic legislation. It was introduced as part of legislative changes required to help demonstrate compliance with a road transport convention the States agreed to endorse due to the implications of Brexit. The Highway Code for Guernsey is not an authoritative statement of Guernsey Law and reference should be made to the Road Traffic (Guernsey) Ordinance, 2019, part of which covers provisions relating to safe driving on footpaths.

The appropriateness of the wording of the relevant section of the legislation was carefully considered when drafting was taking place and before the Road Traffic (Guernsey) Ordinance, 2019 was submitted to the States and before the Highway Code for Guernsey was laid before the States. No specific risk assessment or safety analysis was carried out as part of this process. It is also considered relevant that there has been provision in legislation surrounding the circumstances where a vehicle is permitted to mount a footpath since at least 1929.

- (b) What objective evidence or documented analysis (beyond opinion or custom) supports advising motorists that they may mount the pavement to pass, and what defined policy problem this was intended to address.**

Answer

The underpinning legislation regarding the mounting of pavements dates back to at least 1929. The Ordonnance relative au Trafic Véhiculaire en cette Île, registered on 2 March 1929 states in section II (1):

“No person shall wilfully drive [ride] or lead a horse, other animal [or a vehicle] on any footpath reserved for pedestrians, with the exception of a perambulator being used for the conveyance of one or more children or except when necessary for passing another vehicle.”

Therefore, for nearly 100 years, it has been legal for vehicles to mount a footpath in certain circumstances.

It is important to note that this legislation, while aged, has evolved and has been amended over the years to meet current requirements, but its guiding principles remain.

Much of Guernsey’s road and transport infrastructure has evolved over many decades and was designed and implemented under a range of historical standards, policies and operational requirements that applied at the time. The road network therefore contains features that reflect earlier approaches to traffic management, safety, accessibility and highway design. The legislative changes made in 2019 (to ensure the convention requirements were met) recognised the need to accommodate existing local circumstances and infrastructure while updating the island's legal framework and aligning with modern requirements.

It is recognised that the type and size of vehicles has also evolved over time, but any proposal to remove existing infrastructure or change the way it operates should be carefully considered and in the context of the wider network.

The ability to mount a footpath in certain circumstances is considered reasonable because, in many cases, Guernsey’s roads are not physically wide enough for two vehicles to pass each other without one of the drivers having to mount the footpath. The Law stipulates that when the footpath is used for the passing of another vehicle or animal, it must be done with due care and regard for the safety of pedestrians and other road users. The Committee would strongly urge people to remember this when driving around the island, and to take care when driving a vehicle.

The law permits driving over a pavement which in a lot of cases will involve a vehicle accessing a property, a carte blanche ban on driving on the pavement would mean that a vehicle would be contravening this law every time it accessed or egressed its property.

(c) Why measures to remove or reduce the need for pavement driving - including road redesign, enforcement, traffic management, or constraints on vehicle size or volume - were not prioritised, and whether the Committee accepts that this guidance arises from constraints in the island’s road network design.

Answer

The Committee accepts that the island's constrained road network does present challenges and requires all road users to be considerate. Engineered solutions, traffic restraint measures, education and enforcement all form part of a package of measures that reduce or resolve issues caused by inappropriate driving or riding and the Committee is striving to make improvements as quickly as it can. However, all measures require pragmatism and proportionality and consideration of impact on the wider area when considering options available.

(d) Whether the Committee accepts that the guidance advises conduct which remains unlawful in principle; and if not, the precise legal basis on which such conduct is considered lawful in practice and clearly understood by road users.

Answer

The Committee does not accept that the guidance included in the Highway Code for Guernsey relating to driving on footpaths advises conduct which remains unlawful. The legislation and guidance make it clear that where mounting a footpath is necessary for passing a vehicle or animal, such a manoeuvre is required to be carried out with due regard for the safety of pedestrians and other road users. The law is written in such a way as vehicles can access property while driving over the pavement at 90 degrees too, as described in answer 2.

The Committee does not collate data to offer a view on whether road users clearly understand the relevant legislation and guidance. However, correspondence is fairly regularly received by Traffic and Highway Services with road users outlining their experiences and often concerns about inappropriate driving on a footpath. The Integrated Transport Strategy approved by the States of Guernsey includes a hierarchy of road users which places those most vulnerable at the forefront of decision making. As mentioned above, the Committee is striving to make improvements to the island's road network in a timely fashion within the resources available to it.

(e) What monitoring or evaluation has been undertaken since 2019 of the impact of this guidance on pedestrian safety, and whether any comparable jurisdiction permits motorists, at their discretion, to mount pavements to pass; if not, what justification exists for maintaining this approach.

Answer

No specific monitoring or evaluation has been undertaken since 2019 of the impact of the legislation or guidance relating to driving on footpaths.

No research has been undertaken as to whether other jurisdictions permit motorists to mount a footpath in certain circumstances.

The justification for maintaining the current legislation and guidance is because in many cases, Guernsey's roads are not physically wide enough for two vehicles to pass each other without one of the drivers having to mount the footpath. Engineered solutions, traffic restraint measures, education and enforcement all form part of a package of measures that can reduce or resolve issues caused by inappropriate driving or riding. However, all measures require pragmatism and proportionality.

(f) What specific criteria, if any, govern pavement driving, including:

- **The maximum speed at which a vehicle may travel while mounted on a pavement.**

Answer

There is no maximum speed limit at which a vehicle may mount/travel along a footpath separate to the maximum speed limit for the road or to speed limit applicable to certain types of vehicles , but section 4 (2) of the Road Traffic (Guernsey) Ordinance, 2019, states:

“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.”

- **The point at which, and distance over which, a driver may mount and remain on the pavement before and after encountering oncoming vehicles.**

Answer

There is no specific detail on the point at which, and distance over which, a driver may mount and remain on the pavement before and after encountering an oncoming vehicle. This is left to the discretion of the driver and will depend on the circumstances and location, but, as stated in the legislation, it must be necessary and a person must proceed *“with due care and regard for the safety of pedestrians and other users of the public highway”*

- **The size of an oncoming vehicle that would justify such action.**

Answer

The legislation does not specify this, it states *“where necessary for passing another vehicle or animal”* as each circumstance will have different and individual

circumstances due to but not limited to the road on which the action is required and the size of the vehicle being used and the size of the approaching vehicle.

- **How risk is managed and advised where pedestrians may emerge without visibility onto a previously clear looking pavement, including from property gateways or entrances opening directly onto a pavement.**

Answer

The legislation states that drivers are required to proceed *“with due care and regard for the safety of pedestrians and other users of the public highway”*.

A fundamental principle of driving is that the driver is responsible for continuously observing the road environment, identifying potential hazards and assessing emerging risks. Drivers are expected to anticipate the actions of other road users, recognise situations that may require them to slow down, stop or alter their course, and adjust their driving accordingly.

The importance of hazard identification is also reinforced through the driver licensing process. The hazard perception element of the theory test is specifically designed to assess a driver's ability to recognise developing hazards. The inclusion of hazard perception testing reflects the principle that safe driving depends not only on knowledge of traffic rules, but on the ability to identify risks, anticipate potential conflicts and make timely decisions to avoid danger.

- **and whether pedestrians are, in practice, expected to give way to vehicles on the pavement, and if no such criteria exist, to confirm that the guidance operates without defined parameters and explain how safe and consistent interpretation is expected.**

Answer

In section 4 (1) of the legislation it states:

“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.”

The legislation makes it clear that the footpath is reserved for pedestrians but that 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.

Given the context of the above, it is not considered that there is an expectation on the part of a pedestrian to give way to a vehicle that has mounted the footpath. However,

there is guidance in section H1 of the Highway Code that expands on responsibilities based on the hierarchy of road users and the importance of all road users being considerate.

(g) Whether the Committee has assessed this guidance against the principles of the United Nations Convention on the Rights of the Child (UNCRC) - including the requirement that the best interests of the child shall be a primary consideration and that children be protected from harm - which has been extended to the Bailiwick and to which the States has committed in respect of public policy; if so, to provide that assessment, and if not, to confirm none exists and explain how the Committee has satisfied itself that permitting or advising pavement driving is consistent with those principles, particularly on routes used by children travelling to and from school

Answer

The Committee has not specifically assessed the legislation or guidance in the Guernsey Highway Code against the principles of the UNCRC. However, Road Safety is one of the Committee's top priorities and it is committed to a widespread programme of safety and infrastructure improvements around the island's schools. The Committee has been engaging with headteachers, staff and students within schools to assist them as they consider safety (UNCRC Article 19), as well as a healthy environment (Article 24). One of the key ways that this is being achieved is through the introduction of School Streets and infrastructure improvements. Schools have also been assisted with the setting up of travel plans.

A Review of Road Safety Infrastructure for all local schools was conducted in quarter 4 of 2025 with each school being assessed against several criteria. These included number and severity of Road Traffic Collisions (RTCs) in the area, the impact of recently completed projects and infrastructure, concerns raised by members of the public or key stake holders and whether the school has engaged with Traffic & Highway Services and the Health Improvement Commission when looking at schemes and initiatives.

Many safety/active travel improvements have been undertaken in and around the island's schools over recent years and there are a number of other potential improvements currently being investigated. Future initiatives will feed into a Road Infrastructure Improvements Plan for the Committee to consider and prioritise accordingly.

Whilst there are roads across the island where it is necessary for drivers to mount the footpath, providing the driver does this only when necessary and proceeds with due care and regard for the safety of pedestrians and other users of the public highway, then risks can be minimised.

(h) Whether the Committee has, either prior to or since 2019, formally engaged with any disability or accessibility organisations to assess the impact of this guidance on their service users, including organisations such as the Guernsey Blind Association, whose members may be disproportionately affected by vehicles mounting pavements; if so, to provide details of such engagement and any resulting assessments or findings, and if not, to explain why no such consultation has been undertaken given the foreseeable impact on sight-impaired and other vulnerable pedestrians;

Answer

The Committee has not formally engaged with disability or accessibility organisations to assess the impact of this guidance on their service users but staff within Traffic & Highway Services regularly engage with the States Disability Officer and the Guernsey Blind Association regarding new and improved active travel infrastructure (such as footpaths and crossing points).

It is accepted that those with sight impairments and other vulnerable pedestrians will find it more difficult when walking in narrow roads where footpaths may need to be mounted and drivers should take this into consideration, always proceeding with due care and regard for the safety of pedestrians and other users of the public highway.

(i) Whether the Committee recognises that there is an urgent requirement to review this guidance and the Island's road infrastructure and, more broadly, to adapt the guidance and network in a manner which both improves safety for vulnerable road users and allows for the effective flow of traffic, particularly in light of increasing vehicle numbers and the growing size of vehicles, which reduce available road space and may exacerbate the frequency and risk of pavement encroachment in the absence of intervention.

Answer

The Committee considers that the current legislation and guidance is appropriate for Guernsey. Whilst undoubtedly targeted improvements can be made to the road network, there remains a responsibility on all road users to travel around the island considerately and respecting legislation that is in place for the safety of all road users.

Date of Receipt of the Question: 26 June 2026

Date of Reply: 10 July 2026