

**DRAFT ROAD TRAFFIC (No. 51) (JERSEY) REGULATIONS 199
(P.127/99): AMENDMENTS**

**Lodged au Greffe on 26th October 1999
by Deputy G.C.L. Baudains of St. Clement**



STATES OF JERSEY

STATES GREFFE

Report

Projet 127 of 1999 (Draft Road Traffic (No. 51) (Jersey) Regulations 1999) purports to realign sanctions, taking into account inflation and changing attitudes towards certain offences. These sanctions were last updated in 1990, so inflation should only double the existing sanctions. The Projet fails to mention that at least 13 and possibly 14 of the existing sanctions also carry an option for disqualification or endorsement. Surely this should colour the level of fines set.

I realise that fixing motoring fines to the Standard Scale of Fines will remove the need to update them periodically. However, as they will no longer receive regular re-inspection, it is paramount that we get it right this time. Unfortunately, some fines have not doubled to allow for inflation, but have been multiplied four or more times. There are also many anomalies where transgressions of equal severity carry widely different sanctions and vice versa.

Furthermore, Projet 129 of 1999 could well make the report on page 2 of Projet 127 out-of-date in a couple of weeks as it seeks to increase the Standard Scale of Fines. For example, level 3 is to rise from £2,000 to £2,500 and level 4 from £5,000 to £6,000.

The anomalies need to be removed and, because of the huge jump from level 2 to level 3 on the Standard Scale of Fines (£600 to £2,500 in P.129/99), there is a problem of where to place current £500 fines which, with inflation, should now be £1,000. Waiting for a couple of years for inflation to take them closer to level 3 could be an option, or the introduction of an intermediate level in the Standard Scale of Fines.

Explanatory Note

These amendments would alter some the proposed fines to be inserted into the Road Traffic (Jersey) Law 1956 by P.127/99, as follows -

<i>Offence</i>	<i>Current fine</i>	<i>Fine proposed by P.127/99</i>	<i>Fine proposed by these amendments</i>
1. Instructing driving when unregistered - Art.3A(3)	£500	level 3 (£2,000)	level 2 (£500)
2. Failure to deliver licence revoked on fitness grounds - Art.5(4)	£100	level 2 (£500)	level 3 (£2,000)
3. Failure to comply with conditions of provisional licence - Art.6(2)	£500/3 months	level 3 (£2,000)	level 2 (£500)
4. False statement to obtain licence - Art.11(2)	£1,000	level 4 (£5,000)	level 3 (£2,000)
5. Driving/ permitting driving by underage/ inexperienced driver - Art.13(3)	£500	level 3 (£2,000)	level 2 (£500)
6. Excess alcohol - Art.16A	£2,000/6 months	level 4 (£5,000) (+6 months)	level 3 (£2,000) (+ 6 months)
7. Failure to provide breath specimen - Art.16B	£500	level 3 (£2,000)	level 2 (£500)
8. Failure to provide specimen for analysis - Art.16C	£2,000/6 months	level 4 (£5,000) (+ 6 months)	level 3 (£2,000) (+ 6 months)
9. Failing to wear seatbelt - Art.22A	£50	level 2 (£500)	level 1 (£50)
10. Unlawfully carrying pillion passenger - Art.23	£500	level 3 (£2,000)	level 2 (£500)

<i>Offence</i>	<i>Current fine</i>	<i>Fine proposed by P.127/99</i>	<i>Fine proposed by these amendments</i>
11. Failing to stop when required by police - Art.26(1)	£500	level 3 (£2,000)	level 2 (£500)
12. Using vehicle contrary to restriction - Art.33	£100	level 3 (£2,000)	level 2 (£500)
13. Failing to obey traffic directions - Art.36(1)(a)	£500	level 3 (£2,000)	level 2 (£500)
14. Failing to obey traffic sign - Art.36(1)(b)	£500	level 3 (£2,000)	level 2 (£500)
15. Supplying/ altering vehicle in unroadworthy condition - Art.41(3)	£1,000	level 4 (£5,000)	level 3 (£2,000)
16. Fitting defective parts - Art.41B(1)	£500/3 months	level 4 (£5,000)	level 3 (£2,000)

The final amendment would mean that there would be no power to order disqualification or endorsement in the case of a contravention of a requirement of an Order made under Article 39 of the 1956 Law in relation to lighting equipment or reflectors (as was the case in relation to offences under the now-repealed Road Transport Lighting (Jersey) Law 1956).

AMENDMENTS OF ROAD TRAFFIC (No. 51) (JERSEY)
REGULATIONS 199 (P. 127 of 1999)

PAGE 9, REGULATION 1 -

In paragraph (1) -

- (a) delete sub-paragraph (b);*
- (b) re-letter sub-paragraph (c) as sub-paragraph (b);*
- (c) delete sub-paragraph (d);*
- (d) delete sub-paragraph (e).*

PAGE 10, REGULATION 1 -

(a) In paragraph (1) -

- (i) delete sub-paragraph (f);*
- (ii) re-letter sub-paragraphs (g) to (k) as sub-paragraphs (c) to (g) respectively;*
- (iii) delete sub-paragraph (l);*
- (iv) re-letter sub-paragraphs (m) and (n) as sub-paragraphs (h) and (i) respectively;*

(b) In paragraph (2) -

- (i) after sub-paragraph (a) insert the following sub-paragraph -*

“(b) in paragraph (3) of Article 3A;”;

- (ii) after sub-paragraph (b) insert the following sub-paragraph -*

“(c) in paragraph (3) of Article 13;”;

(iii) re-letter sub-paragraphs (b) and (c) as sub-paragraphs (d) and (e) respectively.

PAGE 11, REGULATION 1 -

(a) In paragraph (2) -

(i) before sub-paragraph (d) insert the following sub-paragraph -

“(f) in paragraph (3) of Article 23;”;

(ii) before sub-paragraph (d) insert the following sub-paragraph -

“(g) in paragraph (1) of Article 26;”;

(iii) re-letter sub-paragraphs (d) and (e) as sub-paragraphs (h) and (i) respectively;

(iv) for sub-paragraphs (f) and (g) substitute the following sub-paragraphs -

“(j) in paragraph (2) of Article 32D;

(k) in paragraph (1) of Article 33C; and

(l) in each place where they occur in paragraph (1) of Article 36.”;

(b) in paragraph (3) -

(i) delete sub-paragraph (b);

(ii) re-letter sub-paragraphs (c) to (e) as sub-paragraphs (b) to (d) respectively;

(iii) for sub-paragraph (f) substitute the following sub-paragraphs -

“(e) in paragraph (3) of Article 32B;

(f) in paragraph (4) of Article 33; and”;

(c) *after paragraph (3) insert the following paragraph -*

“(4) In paragraph (4) of Article 5 for the words ‘one hundred pounds’ there shall be substituted the words ‘level 3 on the standard scale’.”;

(d) *in paragraph (4) for the words “level 3” substitute the words “level 2”;*

(e) *re-number paragraph (4) as paragraph (5).*

PAGE 12, REGULATION 1 -

(a) *In paragraph (5) -*

(i) *after sub-paragraph (a) insert the following sub-paragraph -*

“(b) in paragraph (2) of Article 11;”;

(ii) *for sub-paragraphs (b) and (c) substitute the following sub-paragraphs -*

“(c) in paragraph (2) of Article 15;

(d) in paragraph (2) of Article 26; and

(e) in paragraph (3) of Article 41.”

(b) *In paragraph (6) -*

(i) *at the end of sub-paragraph (a) insert the word “and”;*

(ii) *at the end of sub-paragraph (b) for the semi-colon substitute a full-stop;*

(iii) *delete sub-paragraphs (c) and (d);*

(c) *delete paragraph 8;*

(d) after paragraph (7) insert the following paragraph -

“(9) In paragraph (1) of Article 16A and paragraph (7) of Article 16C for the words ‘two thousand pounds’ there shall be substituted the words ‘level 3 on the standard scale’.”;

(e) re-number paragraphs (5) to (7) as paragraphs (6) to (8) respectively.

PAGE 13, REGULATION 1 -

(a) In paragraph (9) for the words “level 3” substitute the words “level 2”;

(b) after paragraph (9) insert the following new paragraph -

“(11) In paragraph (3) of Article 22A for the words ‘fifty pounds’ there shall be substituted the words ‘level 1 on the standard scale’.”;

(c) in paragraph (10) -

(i) delete sub-paragraph (a);

(ii) re-letter sub-paragraphs (b) and (c) as sub-paragraphs (a) and (b) respectively;

(d) delete paragraph (12);

(e) re-number paragraph (9) as paragraph (10), paragraphs (10) and (11) as paragraphs (12) and (13) respectively and paragraph (13) as paragraph (14);

(f) For paragraph (14) substitute the following paragraph -

“(15) In paragraphs (1) and (6) of Article 41B of the Law for the words ‘guilty of an offence’ there shall be substituted the words ‘liable to a fine not exceeding level 3 on the standard scale’.”.

PAGE 14, REGULATION 1 -

Re-number paragraph (15) as paragraph (16).

PAGE 15, REGULATION 7 -

Substitute the following Regulation -

“7. Part C of the First Schedule to the Law shall be deleted.”.

DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT