

**STATEMENT TO BE MADE BY THE MINISTER FOR TRANSPORT AND
TECHNICAL SERVICES ON TUESDAY 5th JULY 2011**

Cycle Helmet Legislation

On 10th March 2010, the States agreed to support part a) of Deputy Green's Proposition P4/2010 and required me as Minister for Transport and Technical Services to bring forward legislation "*to ensure that cyclists were required to wear a suitable safety helmet whilst cycling in the case of persons aged under the age of 18 years.*" Part b), which proposed compulsory cycle helmet wearing for adults, was not supported.

During the debate some members questioned whether 18 was the most appropriate age. I have subsequently discussed this with Deputy Green and propose to bring legislation to the Assembly setting the age at 14.

I am mindful that our laws must be reasonable and practical to enforce and to that end I believe that policing will be easier if we initially set the level at under 14, when age differences from one year to the next tend to be more obvious and youngsters are more generally under the control of their parents. It will also be consistent with the age used in seat belt legislation. The compulsory wearing of helmets until the age of 14 is likely to establish a habit in later life and so increase the proportion of cycle helmet wearing generally. This is something that TTS will monitor and review to consider whether, in time, the age limit should be increased or indeed if it should ultimately become compulsory for all ages.

My officers have developed law drafting instructions on that basis to amend the Road Traffic (Jersey) Law 1956. By prescribing the provision in that Law the requirement will apply to the use of pedal cycles on a public road, a road administered by the Minister for Housing, a cycle track or in a public park.

Appropriate amendments will also be required to the Consumer Protection (Protective Helmets) (Jersey) Order 2006 to accommodate cycle helmets or a standalone Order drafted for cycle helmets. The Minister for Economic Development, who administers that Order, has approved the law drafting instructions.

Draft legislation will be brought to the Assembly in due course.

STATEMENTS OF A MATTER OF OFFICIAL RESPONSIBILITY

8. The Minister for Transport and Technical Services made a statement regarding cycle helmet legislation

The Bailiff:

Very well. Then we come next to a statement which the Minister for Transport and Technical Services will make concerning cycle helmet legislation. Well, he would if he were here. Very well, he ... very well, Minister, your statement please.

8.1 The Connétable of St. Brelade (The Minister for Transport and Technical Services):

On 10th March 2010, the States agreed to support part (a) of Deputy Green's proposition P4/2010 and required me as Minister for Transport and Technical Services to bring forward legislation to ensure that cyclists were required to wear a suitable safety helmet while cycling in the case of persons aged under age 18 years. Part (b), which proposed compulsory cycle helmets wearing for adults was not supported. During the debate, some Members questioned whether 18 was the most appropriate age. I have subsequently discussed this with Deputy Green and propose to bring legislation to the Assembly setting the age at 14. I am mindful that our laws must be reasonable and practical to enforce and, to that end, I believe that policing will be easier if we initially set the level at under 14, when age differences from one year to the next tend to be more obvious and youngsters are more generally under the control of their parents. It will also be consistent with the age used in seat belt legislation. The compulsory wearing of helmets until the age of 14 is likely to establish a habit in later life and so increase the proportion of cycle helmet wearing generally. This is something that T.T.S. (Transport and Technical Services) will monitor and review to consider whether in time the age limit should be increased or indeed if it should ultimately become compulsory for all ages. My officers have developed law drafting instructions on that basis to amend the Road Traffic (Jersey) Law 1956. By prescribing the provisions in that law the requirement will apply to the use of pedal cycles on a public road, a road administered by the Minister for Housing, a cycle track or in a public park. Appropriate amendments will also be required to the Customer Protection (Protective Helmets) (Jersey) Order 2006 to accommodate cycle helmets or a standalone order drafted for cycle helmets. The Minister for Economic Development who administers that order has approved the law drafting instructions. Draft legislation will be brought to the Assembly in due course. Thank you.

The Bailiff:

Does any Member wish to ask a question of the Minister? Deputy Tadier?

8.1.1 Deputy M. Tadier:

I was fortunate enough not to be here for that debate, because I was on Commonwealth business in London and it did make the news over there and it was the talk among delegates. My concern here is that while I think I probably would be supportive of the move to 14, it seems probably more sensible is that the Minister was charged by this House to bring forward a law and it was voted on democratically and won by a majority and that law should apply to all those under the age of 18, so my question is really, how the Minister can just come back by making a statement having consulted with one Deputy out of 53 States Members that this decision is going to be changed to 14?

The Connétable of St. Brelade:

The States Members at the time of the debate were not given the option of 14 and it was the general feeling during the debate that was the preferred course. Deputy Green was the proposer of the proposition and after discussion with him and as a result of input from the police, in general, it was felt that 14 was a far more appropriate age.

8.1.2 Deputy M. Tadier:

May I have a supplementary? We are not overwhelmed with questions. I completely understand where the Minister is coming from. It seems to me that the appropriate course of action should be for the Minister to bring the law forward as agreed by the States at 18, anyone under 18 having to wear a helmet and then for the Deputy to bring an amendment to that which can be endorsed by the House, not for the Minister to bring forward a law which the majority of the House, as he said, did not even have the option of debating.

The Connétable of St. Brelade:

That was another option; we felt this was a more efficient way forward and a quicker way to achieve the results of getting the legislation in place during this session of the States.

8.1.3 Senator S.C. Ferguson:

On the same lines as Deputy Tadier, does the Minister not think - I appreciate that it was considered to be more efficient - but does it not occur to him that bringing it forward in this manner, does rather take the States into somewhat contemptuous attitude of this Assembly by just taking a decision and not coming back to the States with it in a format that keeps to the spirit of the original decision?

[12:30]

The Connétable of St. Brelade:

Well clearly the legislation will come back to this Assembly for approbation in due course and Members will have an option to amend it then. It just seemed that in order to get the legislation on the statute books as soon as possible that this was the most efficient way of proceeding. It was not with any intention to take the option of States Members away to put their views forward.

8.1.4 The Connétable of St. Saviour:

In his statement the Minister says that this law will apply to use of pedal cycles on a public road, a road administered by the Minister for Housing, a cycle track or a public path. Will it include pavements, Royal Square and other areas not designated for use by cyclists?

The Connétable of St. Brelade:

Yes, it will.

8.1.5 Deputy D.J. De Sousa:

Along the lines of the first 2 questioners, why has this taken so long to come back to the House when on 10th March 2010 this legislation was passed by a majority and we are now on 5th July 2011?

The Connétable of St. Brelade:

Regrettably, any changes in law drafting do take an appreciable amount of time. All departments are pressed and it has been proceeded with as quickly as humanly possible.

The Bailiff:

Are there any other questions? Very well, that concludes that matter.