

STATES OF JERSEY



DRAFT ROAD TRAFFIC (No. 61) (JERSEY) REGULATIONS 201-

Lodged au Greffe on 4th August 2014
by the Minister for Transport and Technical Services

STATES GREFFE



Jersey

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REPORT

A problem has been highlighted by the Parish authority of St. Martin where a motor trader has been using public car parks administered by the Transport and Technical Services Department as well as on-street parking areas to store vehicles they have for sale. This has the effect of making the spaces used unavailable for use by the public in areas which have restricted parking facilities available. It has been reported that other parishes are also suffering from similar problems.

Following discussions with the Legal Advisors at Police Headquarters there are currently no offences which would adequately deal with this problem in the Road Traffic (Public Parking Places) (Jersey) Order 2006, the Policing of Roads (Jersey) Regulations 1959, the Road Traffic (Jersey) Law 1956 or any of the 12 Parish Road Traffic Orders.

The Law Draftsman has produced the Draft Road Traffic (No. 61) (Jersey) Regulations 201- which will introduce new offences which will prohibit a vehicle which is being offered, exposed or advertised for sale in the course of a “motor trading business” being parked in either a public parking place or on a road with the ability for a fine to be levied for each day a vehicle is left there. The Regulations also apply to a vehicle which is offered, exposed or advertised for hire.

The Minister for Transport and Technical Services proposes the new offences should come into force on the day after the States make the Regulations.

Financial and manpower implications

There are no additional financial and manpower implications for the States or for the parishes arising from these draft Regulations.

Explanatory Note

These Regulations (see *Regulation 1(4)*) make it an offence for a person carrying on a business selling or hiring motor vehicles to park any vehicle that is for the time being offered, exposed or advertised for sale or hire in a public parking place or on a road.

The offence carries a fine of up to level 2 on the standard scale of fines and a person may be convicted of subsequent offence by references to any period of time following an original conviction.

The definition of “public parking place” has been relocated to the general definitions in Article 1 (*Regulation 1(2)*) so it applies throughout the Law, necessitating some consequential amendments (*Regulation 1(3)*).

Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993, the standard scale of fines is –

Level 1	£50
Level 2	£500
Level 3	£2,000
Level 4	£5,000.



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Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Order in Council of 26th December 1851¹ and Article 92 of the Road Traffic (Jersey) Law 1956², have made the following Regulations –

1 Amendment of the Road Traffic (Jersey) Law 1956

- (1) The Road Traffic (Jersey) Law 1956³ is amended as follows.
- (2) In Article 1 after the definition of “provisional licence” there shall be inserted the following definition –
“ ‘public parking place’ means a place for the parking of vehicles or vehicles of any class or description, under the administration of any public or parochial authority;”.
- (3) As a consequence of paragraph (2), Article 59(5) and the words “as defined in Article 59” in Article 61(3)(a) shall be deleted.
- (4) After Article 67 there shall be inserted the following heading and Article –

“PROVISIONS RELATING TO PUBLIC PARKING PLACES AND PUBLIC
ROADS

67A Prohibition on parking of vehicles for sale or hire in the course of a business

- (1) A person is guilty of an offence if –
 - (a) the person carries on a business at least one of the objects of which involves the sale or hire of motor vehicles; and
 - (b) a motor vehicle that is for the time being offered, exposed or advertised for sale or hire in the course of that business is parked in a public parking place or on a road.

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- (2) However, it is a defence for the person to prove that the vehicle was so parked by a customer or potential customer of the business in the course of that customer or potential customer's continued use of the vehicle.
 - (3) A person guilty of an offence under paragraph (1) is liable to a fine of level 2 on the standard scale.
 - (4) An offence under paragraph (1) may be charged by reference to a day or any longer period of time and a person may be convicted of a second offence or subsequent offences under that paragraph by reference to any period of time following the preceding conviction for such an offence."

2 Citation and commencement

These Regulations may be cited as the Road Traffic (No. 61) (Jersey) Regulations 201- and come into force 7 days after they are made.

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- ¹ *chapter 23.350*
 - ² *chapter 25.550*
 - ³ *chapter 25.550*