

# STATES OF JERSEY

**r**

## **DRAFT ROAD TRAFFIC (No. 55) (JERSEY) REGULATIONS 200**

---

**Lodged au Greffe on 11th November 2003  
by the Deputy of St. Martin**

---

**STATES GREFFE**





Jersey

## **DRAFT ROAD TRAFFIC (No. 55) (JERSEY) REGULATIONS 200**

### **REPORT**

---

Since its introduction there have been a number of amendments and Orders in respect of the Road Traffic (Jersey) Law 1956 (the 'Law').

I believe that the spirit behind Article 3(2)(a) of the Motor Vehicles (Driving Licences) (Jersey) Order 2003 was to enable holders of Driving Licences to renew their licences up to three months before the expiry of the licence. This common sense approach is the adopted practice when we renew our insurances, TV licences and many other matters, which are subject to renewal. This period of tolerance has particular relevance to the renewal of Driving Licences in Jersey because many thousands of licences expire during January every five years.

The Parish Connétables have sensibly advised Licence holders to renew their licences ahead of the renewal date to avoid long queues during January 2004, when many thousands of licences are due to expire. This had been the sensible practice five years ago and indeed was being replicated this year.

However, due to an intervention from St. Helier querying this practice, the present common sense practice must end. It has been noted that Article 3(3) of the Law states "Subject to the provisions of this Law with respect to provisional licences and to paragraphs (3A) and 3(B) of this Article, a licence shall, unless previously revoked or surrendered, remain in force for a period of five years from the date of issue."

The Law Officers have advised that, according to the letter of the Law, the practice of renewing Driving Licences ahead of the actual date of renewal is illegal because, in accordance with the Law, a Driving Licence may only remain in force for a period of five years from the date of its issue.

Already this year Parish Authorities have renewed hundreds of Driving Licences and have inserted dates of expiry which are up to three months ahead of the date of renewal. However, since being advised by the DVS Department, some Parish Authorities have issued licences from the date of application whereby Licence holders feel that they have been "short-changed" and penalised for their public-spirited action.

To remedy the problem, Members are asked to support the amendment.

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

## **Explanatory Note**

---

These Regulations will amend the Road Traffic (Jersey) Law 1956 so as to provide that when an application is made, before the expiry of the licence holder's current licence, to renew the licence, the new licence remains in force for a period which is the total of the unexpired term for which the current licence would otherwise have run plus 5 years, or such shorter period as applies in the licence holder's case.





Jersey

# DRAFT ROAD TRAFFIC (No. 55) (JERSEY) REGULATIONS 200

*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE STATES**, in pursuance of the Order in Council of 26th December 1851<sup>[1]</sup> and Article 49 of the Road Traffic (Jersey) Law 1956,<sup>[2]</sup> have made the following Regulations –

---

## 1 Interpretation

In these Regulations “Law” means the Road Traffic (Jersey) Law 1956.<sup>[3]</sup>

## 2 Article 3 amended

In Article 3 of the Law<sup>[4]</sup> –

- (a) in paragraphs (3A) and (3B) the words “or renewed” shall be deleted;
- (b) at the beginning of paragraph (3C) there shall be inserted the words “Subject to paragraph (3CA) of this Article,”;
- (c) after paragraph (3C) there shall be inserted the following paragraph –

“(3CA) Where –

- (a) a licence holder applies to renew his or her licence (the “current licence”) without any alteration to the class or description of motor vehicles which the licence holder is authorized by the current licence to drive;
- (b) the application is made, in the prescribed manner, before the expiry of the period for which the current licence is in force;
- (c) the licence is granted before the expiry of the period for which the current licence would have remained in force had it not been surrendered,

the licence granted shall remain in force for a period being the aggregate of –

- (i) the remainder of the period for which the current licence would have remained in force had it not been surrendered, and
- (ii) the period, commencing upon the expiry of the period described in clause (i) of this paragraph, applicable in the licence holder’s case under paragraph (3), (3A) or (3B) of this Article.”.

## 3 Citation and commencement

These Regulations may be cited as the Road Traffic (No. 55) (Jersey) Regulations 200 and shall come into force 7 days after they are made.



---

[1] *Recueil des Lois, Tomes I-III, page 196.*

[2] *Recueil des Lois, Tome VIII, page 636.*

[3] *Recueil des Lois, Tome VIII, page 579 and Nos. 6998, 7004, 7020, 7072, 7081, 7219, 7229, 7411, 7472, 7495, 7700, 7878, 7917, 8016, 8076, 8077, 8096, 8150, 8160, 8196, 8340, 8457, 8624, 8722, 9116, 9180, 9205, 9294, 9308, 31/2001, 178/2001 and 50/2002.*

[4] *Recueil des Lois, Tome VIII, page 585 and Nos. 8077 and 8624.*