

DRAFT ROAD TRAFFIC (No. 51) (JERSEY) REGULATIONS 199

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STATES OF JERSEY

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REPORT

Part I

These draft Regulations are concerned primarily with the revision of fines for offences under the Road Traffic (Jersey) Law 1956, as amended. When the 1956 Law was enacted the penalty provisions naturally reflected the attitudes and the value of money at the time. Since then, there have been several increases in the various penalty provisions. Many new offences have been created.

Whilst the penalty provisions were amended extensively by -

- the Road Traffic (No. 15) (Jersey) Regulations 1979 (R & O 6714); and
- the Road Traffic (No. 36) (Jersey) Regulations 1990 (R & O 8077),

the various penalties for the offences under the 1956 Law have never actually been reviewed in their totality.

Since 1990, the States have of course also enacted the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993, which sets out four levels of fine as follows -

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

The penalties for offences under the Road Traffic Law have thus far not been linked to the levels on the standard scale. The main purpose of this amendment is to link the penalty provisions to those levels. By doing so, the need periodically to increase fines under the Road Traffic Law will be obviated. On each occasion that the amount of fines in the Schedule to the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993 is amended, that amendment will apply automatically to the Road Traffic Law as to any other enactment which refers to the standard scale.

Regulation 1 would amend the fines for offences under the Road Traffic Law in accordance with the following Table -

<i>Offence</i>	<i>Current penalty</i>	<i>Proposed penalty</i>
Driving w/o holding licence - Art.3(1)	£500	level 3 (£2,000)
Failing to surrender licence for endorsement or change of name or address - Art.3(3F)	£500	level 2 (£500)
Instructing when unregistered - Art.3A (3)	£500	level 3 (£2,000)
Failing to surrender certificate (driving instructor) - Art.3C(3)	£100	level 2 (£500)
Failing to produce certificate (driving instructor) - Art.3C(4)	£100	level 2 (£500)
Failing to comply with Order re cars to be used for instruction - Art.3C(5)	£100	level 2 (£500)
Failure to deliver licence revoked on fitness grounds - Art. 5(4)	£100	level 2 (£500)
Failure to comply with conditions of provisional licence - Art.6(2)	£500/3 months	level 3 (£2,000)
Failure to produce licence to police officer - Art.7(1)	£100	level 2 (£500)
Applying for or obtaining licence whilst disqualified - Art.9(4)(a)	£1,000	level 3 (£2,000)
Driving whilst disqualified - Art.9(4) (b)	£2,000/ 12 months	level 4/ 12 months (£5,000)
Failing to produce licence for	£500	level 3

endorsement - Art.10(2)		(£2,000)
Applying for licence w/o giving details of endorsement - Art.10(4)	£500	level 3 (£2,000)
Forging licence - Art.11(1)	£2,000/2 years	level 4 (£5,000)
False statement to obtain licence - Art.11(2)	£1,000	level 4 (£5,000)
Driving/permitting driving by underage/inexperienced driver - Art.13 (3)	£500	level 3 (£2,000)
Careless driving - Art.15	£1,000 (MV), £500 (non MV)	level 3 (MV) (£2,000) level 2 (non MV) (£500)
Driving under influence - Art.16	£2,000/6 months (MV) £2,000 first offence, £2,000/3 months, second + (non MV)	level 4 (£5,000)
Excess alcohol - Art.16A	£2,000/6 months	level 4 (£5,000)
Failure to provide breath specimen - Art.16B	£500	level 3 (£2,000)
Failure to provide specimen for analysis - Art.16C(7)	£2,000/6 months	level 4 (£5,000)
Drawing more than 1 trailer - Art.20	£500	level 2 (£500)
Failing to give way to other vehicle - Art.21	£100	level 2 (£500)
Failing to wear seatbelt - Art.22A	£50	level 2 (£500)
Driving with child not wearing seatbelt - Art.22B	£50	level 2 (£500)
Unlawfully carrying pillion passenger - Art.23	£500	level 3 (£2,000)
Failing to comply with order re helmet on motorcycle - Art.23A	£50	level 2 (£500)
Unlawfully carrying cycle passenger - Art.24	£100	level 2 (£500)
Riding more than 2 bicycles abreast - Art.25	£100 (non MV) £500 (MV)	level 2 (for all) (£500)
Failing to stop when required by police - Art.26(1)	£500	level 3 (£2,000)
Failing to give name and address - Art.26(2)	£1,000	level 3 (£2,000)
Holding onto motor vehicle - Art.29(1)	£500	level 2 (£500)
Tampering with motor vehicle - Art.29 (2)	£500	level 3 (£2,000)
Leaving vehicle in dangerous position - Art.30	£500	level 3 (£2,000)
Stretching rope across road - Art.32	£500	level 3 (£2,000)
Breach of order re parking places - Art.32B	£100	level 2 (£500)
Making or altering disabled badge, false statements re badge - Art.32C	£500	level 2 (£500)
Wrongful use of disabled badge - Art.32D	£500	level 3 (£2,000)
Using vehicle contrary to restriction on road - Art.33	£100	level 3 (£2,000)

Interfering with parking device/wrong display of parking device - Art.33C(1)	£500	level 2 (£500)
Unauthorized parking at designated parking place - Art.33C(2)	£100	level 2 (£500)
Contravention of Order re pedestrian crossing - Art.34A(6)	£500	level 3 (£2,000)
Not stopping at school crossing - Art.34C	£500	level 3 (£2,000)
Failing to obey traffic directions - Art.36A(1)(a)	£500	level 3 (£2,000)
Failing to obey traffic sign - Art.36A(1)(b)	£500	level 3 (£2,000)
Refuse to allow vehicle to be weighed - Art.38	£500	level 3 (£2,000)
Supplying altering vehicle unroadworthy condition	£1,000	level 4 (£5,000)
Obstructing testing used vehicles at sale room - Art.41A	£500/3 months	level 3 (£2,000)
Fitting defective vehicle parts - Art.41B(1)	£500/3 months	level 4 (£5,000)
Obstructing testing of vehicle to which parts fitted - Art.41B(6)	£500/3 months	level 3 (£2,000)
Failing to give info. as to identity of person in charge of vehicle - Art.44(1)	£500	level 3 (£2,000)

Part II

The next purpose of the draft Regulations is to amend the Road Traffic (Jersey) Law 1956 to empower the Magistrate and the Royal Court to order the disqualification from driving of a defendant before he/she has been sentenced for an offence for which disqualification may be imposed.

At present, if a person is presented before the Court and sentencing is adjourned (for example to obtain background and/or psychiatric reports), even where that person has pleaded guilty, he/she remains at liberty to drive a motor vehicle even though the Court will in due course almost certainly be bound to disqualify the defendant. Moreover, those cases which are remanded for background reports are almost inevitably the more serious cases in which the need to disqualify is all the more pressing.

There has long been a power in the courts in England and Wales to order disqualification from driving immediately upon an accused being presented to the court and pleading guilty.

The draft *Regulation 2* would make similar provision for the Magistrate's Court or the Royal Court, after a person had pleaded guilty, or been found guilty, to order him/her to be disqualified pending the eventual imposition of sentence. Any period of disqualification imposed on passing of the eventual sentence would be treated as reduced by the period during which he/she had been subject to an interim disqualification. Similar provision would also be made relating to powers to disqualify upon the committal of a person from the Magistrate's Court to the Royal Court.

Part III

The remaining provisions of the draft Regulations are, as indicated in the draftsman's Explanatory Note, concerned with drafting improvements and contain a number of consequential amendments which do not go to the substance of the Committee's proposals.

Conclusion

The Committee believes that the proposed adjustments to the levels of fine are consistent with the nature and/or gravity of the offences concerned.

The proposal to empower the Courts to order interim driving disqualifications was originally made by the Magistrate and the Committee believes that such a power would indeed be in the public interest.

Explanatory Note

These Regulations further amend the Road Traffic (Jersey) Law 1956 so as to -

- (1) revise the fines applicable for offences under the Law so that they all relate to the standard level of fines (at present level 1 = £50, level 2 = £500, level 3 = £2,000 and level 4 = £5,000) (*Regulation 1*);
- (2) provide a power of interim disqualification after conviction but before sentence for any offence for which disqualification from holding or obtaining a driving licence may be imposed (*Regulation 2*);
- (3) make minor amendments of a corrective nature and repeal redundant provisions (*Regulations 3-6*); and
- (4) make a minor amendment consequent on the repeal and replacement of the Road Transport Lighting (Jersey) Law 1956 (*Regulation 7*).

Road Traffic (Jersey) Law 1956

ROAD TRAFFIC (No. 51) (JERSEY) REGULATIONS 199

(Promulgated on the day of 199)

STATES OF JERSEY

The day of 199

THE STATES, in pursuance of the powers conferred on them by the Order in Council of the twenty-sixth day of December 1851^[1] and Article 49 of the Road Traffic (Jersey) Law 1956, as amended^[2] (hereinafter referred to as “the Law”), have made the following Regulations -

1.-(1) In each of the following places in the Law for the words “five hundred pounds” there shall be substituted the words “level 3 on the standard scale” -

- (a) in paragraph (1) of Article 3;^[3]
- (b) in paragraph (3) of Article 3A;^[4]
- (c) in paragraphs (2) and (4) of Article 10;^[5]
- (d) in paragraph (3) of Article 13;^[6]
- (e) in paragraph (3) of Article 23;^[7]
- (f) in paragraph (1) of Article 26;^[8]
- (g) in paragraph (2) of Article 29;^[9]
- (h) in paragraph (2) of Article 30;^[10]
- (i) in Article 32;^[11]
- (j) in paragraph (6) of Article 34A;^[12]
- (k) in paragraph (2) of Article 34C;^[13]
- (l) in each place where they occur in paragraph (1) of Article 36;^[14]
- (m) in Article 38;^[15] and
- (n) in each place where they occur in paragraph (1) of Article 44.^[16]

(2) In each of the following places in the Law for the words “five hundred pounds” there shall be substituted the words “level 2 on the standard scale” -

- (a) in paragraph (3F) of Article 3;^[17]
- (b) in paragraph (3) of Article 15;^[18]
- (c) in paragraph (1) of Article 20;^[19]
- (d) in paragraph (1) of Article 29;^[20]
- (e) in paragraph (6) of Article 32C;^[21]
- (f) in paragraph (2) of Article 32D;^[22] and
- (g) in paragraph (1) of Article 33C.^[23]

(3) In each of the following places in the Law for the words “one hundred pounds” there shall be substituted the words “level 2 on the standard scale” -

- (a) in each place where they occur in Article 3C;^[24]
- (b) in paragraph (4) of Article 5;^[25]
- (c) in paragraph (1) of Article 7;^[26]
- (d) in paragraph (2) of Article 21;^[27]
- (e) in paragraph (2) of Article 24;^[28]
- (f) in paragraph (3) of Article 32B;^[29] and
- (g) in paragraph (2) of Article 33C.^[30]

(4) In paragraph (2) of Article 6 of the Law^[31] 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”.

(5) In each of the following places in the Law for the words “one thousand pounds” there shall be substituted the words “level 3 on the standard scale” -

- (a) in sub-paragraph (a) of paragraph (4) of Article 9;^[32]
- (b) in paragraph (2) of Article 15;^[33] and
- (c) in paragraph (2) of Article 26.^[34]

(6) In each of the following places in the Law for the words “two thousand pounds” there shall be substituted the words “level 4 on the standard scale” -

- (a) in sub-paragraph (b) of paragraph (4) of Article 9;^[35]
- (b) in each place where they occur in Article 16;^[36]

(c) in paragraph (1) of Article 16A;^[37] and

(d) in paragraph (7) of Article 16C.^[38]

(7) In paragraph (1) of Article 11 of the Law^[39] for the words “he shall be guilty of a misdemeanour and shall be liable to a fine not exceeding two thousand pounds” there shall be substituted the words “he shall be liable to a fine not exceeding level 4 on the standard scale”.

(8) In paragraph (2) of Article 11³⁹ and in paragraph (3) of Article 41 of the Law^[40] for the words “one thousand pounds” there shall be substituted the words “level 4 on the standard scale”.

(9) In paragraph (4) of Article 16B of the Law^[41] for the expression “£500” there shall be substituted the words “level 3 on the standard scale”.

(10) In each of the following places in the Law for the words “fifty pounds” there shall be substituted the words “level 2 on the standard scale” -

(a) in paragraph (3) of Article 22A;^[42]

(b) in paragraph (2) of Article 22B;^[43] and

(c) in paragraph (3) of Article 23A.^[44]

(11) For paragraph (2) of Article 25 of the Law^[45] there shall be substituted the following paragraph -

“(2) If any person acts in contravention of the provisions of this Article, he shall be liable to a fine not exceeding level 2 on the standard scale”.

(12) In paragraph (4) of Article 33 of the Law^[46] for the words “one hundred pounds” there shall be substituted the words “level 3 on the standard scale”.

(13) In paragraph (2) of Article 41A of the Law^[47] 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”.

(14) In Article 41B of the Law^[48] -

(a) in paragraph (1) for the words “guilty of an offence” there shall be substituted the words “liable to a fine not exceeding level 4 on the standard scale”; and

(b) in paragraph (6) 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”.

(15) In paragraph (1) of Article 46 of the Law^[49] for the words “an amount not exceeding fifty pounds” there shall be substituted the words “an amount not exceeding level 1 on the standard scale as it had effect at the time when such offence was committed”.

2. After paragraph (1) of Article 8 of the Law^[50] there shall be inserted the following paragraph -

“(1A) Where -

(a) the Magistrate’s Court -

(i) pursuant to paragraph (2) of Article 4 of the Magistrate’s Court (Miscellaneous Provisions) (Jersey) Law 1949, as amended, commits a person to the Royal Court for trial in respect of any

offence specified in the First Schedule to this Law; or

(ii) pursuant to Article 4A of that Law, commits a person to be sentenced for any such offence after finding him guilty; or

(b) the Magistrate's Court or the Royal Court, after a person has pleaded guilty to, or been found guilty of, any such offence, adjourns before sentencing him,

that court may order him to be disqualified for holding or obtaining a licence until he has been so sentenced, and any period of disqualification imposed on sentence shall be treated as reduced by the period during which he has been so disqualified by virtue of this paragraph.”.

3. In the heading to, and paragraph (1) of, Article 34 of the Law^[51] for the expression “32A” there shall be substituted the expression “32B”.

4. Articles 45 and 50 of the Law^[52] shall be repealed.

5. For Article 47 of the Law^[53] there shall be substituted the following Article -

“ARTICLE 47

Application of fines

(1) Save as provided by paragraph (2) of this Article, all fines imposed for offences under this Law or any order made under this Law shall be awarded for the benefit of the annual income of the States.

(2) Where a fine is imposed pursuant to paragraph (1) of Article 46 of this Law, one half of that fine shall be awarded for the benefit of the annual income of the States and the other half shall be awarded for the benefit of the parish in which the offence was committed and applied towards the cost of maintenance of the by-roads of that parish.”.

6. In Article 48 of the Law⁵³ for the words “General Revenues” there shall be substituted the words “annual income”.

7. In the First Schedule to the Law^[54] -

(a) Part C shall be deleted; and

(b) in paragraph 2 of Part E after the words “steering gear” there shall be inserted the words “, lighting equipment or reflectors”.

8. These Regulations may be cited as the Road Traffic (No. 51) (Jersey) Regulations 199 and shall come into force on the first day of November 1999.

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

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

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

[4] Recueil des Lois, Tome VIII, page 587, and Nos. 7020, 7917 and 8077.

[5] Recueil des Lois, Tome VIII, pages 595 and 596, and No. 8077.

[6] Recueil des Lois, Tome VIII, page 599, and No. 8077.

[7] Recueil des Lois, Tome VIII, page 609, and Nos. 7495 and 8077.

[8] Recueil des Lois, Tome VIII, page 611 and No. 8077.

[9] Recueil des Lois, Tome VIII, page 614 and No. 8077.

- [10] Recueil des Lois, Tome VIII, page 615 and No. 8077.
- [11] Recueil des Lois, Tome VIII, page 616 and No. 8077.
- [12] Recueil des Lois, Tome VIII, page 622 and No. 8077.
- [13] Recueil des Lois, Tome VIII, page 623 and No. 8077.
- [14] Recueil des Lois, Tome VIII, page 626, and Nos. 8077 and 9294.
- [15] Recueil des Lois, Tome VIII, page 628 and No. 8077.
- [16] Recueil des Lois, Tome VIII, page 634 and No. 8077.
- [17] Recueil des Lois, Tome VIII, page 586 and No. 8624.
- [18] Recueil des Lois, Tome VIII, page 603 and No. 8077.
- [19] Recueil des Lois, Tome VIII, page 607, and Nos. 8077 and 8340.
- [20] Recueil des Lois, Tome VIII, page 614 and No. 8077.
- [21] Recueil des Lois, Tome VIII, page 618, and Nos. 7004, 7072 and 8077.
- [22] Recueil des Lois, Tome VIII, page 618, and Nos. 7072 and 8077.
- [23] Recueil des Lois, Tome VIII, page 620 and No. 8160.
- [24] Recueil des Lois, Tome VIII, page 587, and Nos. 7020, 7917 and 8077.
- [25] Recueil des Lois, Tome VIII, page 590, and Nos. 8077 and 8624.
- [26] Recueil des Lois, Tome VIII, page 591 and No. 8077.
- [27] Recueil des Lois, Tome VIII, page 608 and No. 8077.
- [28] Recueil des Lois, Tome VIII, page 610 and No. 8077.
- [29] Recueil des Lois, Tome VIII, page 617 and No. 8077.
- [30] Recueil des Lois, Tome VIII, page 620 and No. 8160.
- [31] Recueil des Lois, Tome VIII, page 591.
- [32] Recueil des Lois, Tome VIII, page 594 and No. 8077.
- [33] Recueil des Lois, Tome VIII, page 602 and No. 8077.
- [34] Recueil des Lois, Tome VIII, page 611 and No. 8077.
- [35] Recueil des Lois, Tome VIII, page 594, and Nos. 6998 and 8077.
- [36] Recueil des Lois, Tome VIII, page 603, and Nos. 8016, 8096 and 9294.
- [37] Recueil des Lois, Tome VIII, page 604 and No. 8016.
- [38] Recueil des Lois, Tome VIII, page 604, and Nos. 8016 and 9116.
- [39] Recueil des Lois, Tome VIII, page 597 and No. 8077.
- [40] Recueil des Lois, Tome VIII, page 632 and No. 8457.
- [41] Recueil des Lois, Tome VIII, page 604 and No. 8016.
- [42] Recueil des Lois, Tome VIII, page 609, and Nos. 7411, 7472 and 8077.
- [43] Recueil des Lois, Tome VIII, page 609, and Nos. 7411, 8077 and 9308.
- [44] Recueil des Lois, Tome VIII, page 610, and Nos. 7219 and 8077.
- [45] Recueil des Lois, Tome VIII, page 611 and No. 8077.
- [46] Recueil des Lois, Tome VIII, page 620, and Nos. 7072 and 8077.
- [47] Recueil des Lois, Tome VIII, page 633, and Nos. 7700 and 8457.
- [48] Recueil des Lois, Tome VIII, page 633 and No. 7700.

[49] Recueil des Lois, Tome VIII, page 635 and No. 8077.

[50] Recueil des Lois, Tome VIII, page 593.

[51] Recueil des Lois, Tome VIII, page 620 and No. 9294.

[52] Recueil des Lois, Tome VIII, pages 635 and 637.

[53] Recueil des Lois, Tome VIII, page 636.

[54] Recueil des Lois, Tome VIII, pages 639 and 640.