

22.02.08

1 Deputy R.J. Ward of St. Helier of the Minister for Home Affairs regarding the Highway Code (OQ.19/2022):

In light of the recent changes to the Highway Code introducing a hierarchy of road users, will the Minister confirm what steps, if any, have been taken by the States of Jersey Police to update their protocols and procedures for investigating road traffic collisions involving vulnerable road users?"

Deputy G.C. Guida of St. Lawrence (The Minister for Home Affairs):

The States of Jersey Police are guided by provisions set out in the Road Traffic (Jersey) Law 1956 when responding to and dealing with road traffic collisions of any nature, including those who are deemed the most vulnerable. This requires that the police respond to road traffic accidents in the following circumstances: all accidents involving personal injury by the requirement under Article 52 of the law for drivers to stop and exchange information is not met, where it appears that a defect in the vehicle involved may have been a contributory factor, where there are grounds to suspect that a defect in the road was a contributory factor, and where an animal as defined in the Road Traffic (Jersey) Law 1956 is killed or injured. The recent amendment to the Highway Code have not necessitated a change to this.

3.1.1 Deputy R.J. Ward:

Can the Minister give an indication of how many accidents where vulnerable road users are involved on average happen each year? Subsequently, how many prosecutions have been undertaken, for example, in the last 4 years?

Deputy G.C. Guida:

I apologise, I do not have that information at hand but I will of course provide it to the Deputy. I think there is a small misunderstanding in that the Highway Code is guidance, it is not law. So it should be treated as such and the biggest influence it is going to have is when a case is brought to court. So the police will investigate and will gather all evidence available but the judgment in the Magistrate's Court might be different now that the guidance has changed.

3.1.2 Connétable M.K. Jackson of St. Brelade:

Would the Minister confirm that the police on the beat, so to speak, who are dealing with accidents when they do from time to time arise, have received guidelines on how to deal with the new Highway Code regulations?

Deputy G.C. Guida:

Of course, the police are extremely sensitive to any change in legislation or guidance and they would have been aware of the change in this law way longer than we have. It will be something of course they will integrate completely. Again, it will probably not change the way that they report on accidents but it will certainly change the way that people are prosecuted in court.

3.1.3 Deputy I. Gardiner of St. Helier:

Would the Minister clarify if the law is going to change as guidance changed? Are there any plans in place to update the law according to the new guidance?

Deputy G.C. Guida:

Following a proposition made in this very Assembly, the Road Traffic Law is under review, as is the whole notion of road safety in Jersey. So the Minister for Infrastructure is heavily at work now, working both on the Highway Code, which has to mirror the U.K. (United Kingdom) one, but also our local law to make sure that it is efficient and fit for its purpose.

[9:45]

3.1.4 Deputy I. Gardiner:

Would the Minister advise if he is aware about the timeline for lodging a new law?

Deputy G.C. Guida:

I understand from the Infrastructure Ministry that this is something that will probably happen during 2022.

3.1.5 Senator S.W. Pallett:

I wonder if the Minister could advise in regards to considering cases whether the Honorary Police and Centeniers have been given any update with advice as to what should be considered when prosecuting?

Deputy G.C. Guida:

Like the States of Jersey Police, the Honorary Police is kept very aware of which laws apply or not and certainly what is in the Highway Code, so I am pretty certain that they are fully aware of the changes. Again, I do not think this will make much difference in the way that accidents are investigated. Any serious accident will be investigated by the States of Jersey Police. They have a C.I.S. (Criminal Investigation Section) unit which investigates any accidents where there was an injury. Once in court it will be up to the Magistrate to decide whether there was dangerous or careless driving, and the penalties are very different if that is found to be the case.

3.1.6 Deputy R.J. Ward:

Will there be any effect on the level or depth of investigation of a collision involving a vulnerable user given the change in hierarchy, i.e. to the method of investigation? Is this being looked at by the police because it could be significant in terms of a prosecution later on, if there is no change in investigation but there may be a change in the outcome?

Deputy G.C. Guida:

I think again there is a small misunderstanding. This has been made extremely public because of the change in the Highway Code in the U.K. and here but the hierarchy of road users has always existed and it is something that has always been taken into consideration. Finally, the investigation of any collision is extremely thorough, extremely scientific and methodological, and I do not think that it can be improved.