

**DRAFT ROAD TRAFFIC (No. 51) (JERSEY) REGULATIONS 200-**

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**Lodged au Greffe on 28th March 2000  
by the Home Affairs Committee**

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**STATES OF JERSEY**

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**Report**

At present, if a person is presented before the Magistrate's Court or the Royal Court and sentencing is adjourned (for example to obtain background and/or psychiatric reports), that person, even if there has been a plea of guilty, remains at liberty to drive a motor vehicle even though the Court will in due course almost certainly be bound to disqualify the defendant. Those cases which are remanded for background reports are themselves 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 of England and Wales to order disqualification from driving immediately upon an accused being presented to the court and pleading guilty.

The purpose of these draft Regulations is to amend the Road Traffic (Jersey) Law 1956 to empower the Magistrate and/or the Royal Court to order the disqualification from driving of a defendant before he/she has actually been sentenced for an offence in respect of which disqualification may be imposed. Such power would only be able to be invoked after the defendant had pleaded guilty to, or been found guilty of, the relevant offence. The interim disqualification would apply pending the eventual imposition of sentence. Any period of disqualification imposed on passing the eventual sentence would be treated as reduced by the period during which the defendant 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 to the Royal Court.

A secondary purpose of the draft Regulations (as explained in the Draftsman's Explanatory Note) is to make drafting improvements and certain consequential amendments.

In conclusion the Committee believes that the proposal to empower the Courts to order interim disqualification from driving (which was originally made by the previous Magistrate) would clearly be in the public interest.

### **Explanatory Note**

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

- (1) 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*);
- (2) make a minor amendment of a corrective nature (*Regulation 3*); and
- (3) make a minor amendment consequent on the repeal and replacement of the Road Transport Lighting (Jersey) Law 1956(*Regulation 4*).

## Road Traffic (Jersey) Law 1956

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### ROAD TRAFFIC (No. 51) (JERSEY) REGULATIONS 200-

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(Promulgated on the      day of      200-)

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### STATES OF JERSEY

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The      day of      200-

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**THE STATES**, in pursuance of the powers conferred on them by the Order in Council of the twenty-sixth day of December 1851<sup>[1]</sup> and Article 49 of the Road Traffic (Jersey) Law 1956, as amended,<sup>[2]</sup> have made the following Regulations -

1. In these Regulations “the Law” means the Road Traffic (Jersey) Law 1956, as amended.<sup>[3]</sup>
2. After Article 8(1) of the Law<sup>[4]</sup> 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<sup>[5]</sup> for the expression “32A” there shall be substituted the expression “32B”.

4. In the First Schedule to the Law<sup>[6]</sup> -
  - (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”.

5. These Regulations may be cited as the Road Traffic (No. 51) (Jersey) Regulations 200- and shall come into force on the first day of May 2000.

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<sup>[1]</sup> Recueil des Lois, Tomes I-III, page 196.

<sup>[2]</sup> 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, 7878, 7917, 8016, 8077, 8096, 8150, 8160, 8196, 8340, 8457, 8624, 8722, 9116, 9180, 9205, 9294 and 9308.

[4] Recueil des Lois, Tome VIII, page 592.

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

[6] Recueil des Lois, Tome VIII, page 639 and Nos. 8016, 9116 and 9205.