

STATES OF JERSEY



DRAFT ARMED FORCES (VEHICLES AND ROADS – AMENDMENTS) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 26th February 2018
by the Minister for Home Affairs**

STATES GREFFE



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REPORT

Background

The Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017 was adopted by the States Assembly on 19th July 2017.

The [Report](#) accompanying the Draft Law explained that, if the Law was approved by the States Assembly, work would then commence to develop draft Regulations to amend legislation relating to the use of motor vehicles and roads by the armed forces.

The Regulations

These Regulations accordingly amend several Laws, Regulations and Orders and provide consistency for members of the British Armed Forces, and of any visiting force, in relation to their use of vehicles and roads in Jersey.

The Regulations exempt motor vehicles, which are to be used for the purposes of the British Armed Forces, from requiring insurance, as would be the case if the vehicle were to be used for the same purpose elsewhere in the United Kingdom.

Similarly, a vehicle to be used for the purposes of the British Forces is not required to be registered in Jersey, although must clearly display, through an appropriate indicator, the purposes for which it is being used. The precise nature of the indicator is to be determined by the Minister for Infrastructure who could amend, by Order, the requirements of what must be displayed.

Members of the British forces who are posted to Jersey would be permitted to continue using the driving licence that was issued to them in another part of the British Islands for the purpose of driving non-military vehicles. The statutory age restrictions for the use of certain classes of vehicles would not apply for members of a British force provided that the vehicle is to be used for forces purposes, and that the member of the force holds a driving licence issued either in Jersey or another part of the British Islands. This is, again, a common arrangement for the British Armed Forces.

The Regulations also grant certain permissions and provide controls relating to the construction and use of forces vehicles. This includes, for example, the requirement to obtain authorisation from the Minister for Infrastructure for the use of roads where the vehicle would otherwise not be permitted.

Commencement

Subject to the agreement of the Assembly, the primary Law would be brought into force on 30th June 2018 (Armed Forces Day) by an Appointed Day Act which has been lodged alongside these Regulations. It is proposed that the Regulations come into force on the same date.

Collective responsibility under Standing Order 21(3A)

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Minister for Home Affairs, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

Financial and manpower implications

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

Explanatory Note

These Regulations amend several Laws, Regulations and Orders in relation to the use of vehicles and roads by the armed forces and their members. The Regulations are made under the Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017 (the “Armed Forces Law”), which was registered on 24th November 2017 and will come into force on a day to be appointed by the Assembly. These amendments mostly use the concepts of “home force” and “visiting force of a listed country” from the Armed Forces Law.

Under Article 3(1) of the Armed Forces Law, a “home force” means any of the regular forces or the reserve forces, within the meaning of those terms in the Armed Forces Act 2006 of the United Kingdom, as amended from time to time (the “Armed Forces Act”). Section 374 of that Act defines “the regular forces” as the Royal Navy, the Royal Marines, the regular army (defined in turn as any of Her Majesty’s military forces, but excluding the Regular Reserve, the Army Reserve, a force raised under the law of a British overseas territory, and a force of a Commonwealth country) or the Royal Air Force. It then defines “the reserve forces” as the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Regular Reserve, the Army Reserve, the Royal Air Force Reserve and the Royal Auxiliary Air Force.

Under Article 3(1) of the Armed Forces Law, a “listed country” is a country that is specified in section 1(1)(a) of the Visiting Forces Act 1952 of the United Kingdom, or is designated under section 1(2) of that Act as a country to which section 2 of that Act applies. Under Article 3(4) of the Armed Forces Law, a “visiting force” is body, contingent or detachment of a force that is visiting Jersey at the invitation of any of the home forces, and in respect of which there is in effect for the time being a jurisdiction authorization issued by the Minister for Home Affairs under Article 3(5) of that Law.

Regulation 1 amends Article 2(3) of the Motor Traffic (Third-Party Insurance) (Jersey) Law 1948, to ensure that the requirement for insurance does not apply to motor vehicles owned and used by any of the home forces (whether or not also owned and used by any Department of Her Majesty’s Government).

Regulation 2 amends the Motor Vehicle Registration (Jersey) Law 1993 to exempt from registration motor vehicles used for the purposes of any of the home forces.

Under the inserted Article 2A(1), the vehicle must display an indicator approved (individually or by description) by the Inspector of Motor Traffic, for the person using or keeping it to claim the benefit of the exemption. The indicator must be used in accordance with any conditions imposed by the Inspector.

Under the inserted Article 2A(2), the conditions can require the indicator to include an identifying mark; can limit the use of particular indicators, or of descriptions of indicators, to particular vehicles or descriptions of vehicles; can limit the use of an indicator to vehicles for which the Inspector had advance notice of their intended use for a home force’s purposes; or can in any other way assist in identifying the unregistered vehicle or in verifying that the vehicle is covered by the exemption.

Under the inserted Article 2A(3), the Inspector approves indicators, and imposes conditions, by giving written or electronic notice to a person nominated by one of the home forces (to enable that force to bring it to the attention of the other home forces).

Under the inserted Article 2A(4), the Minister for Infrastructure is given the power to amend by Order the provisions as to indicators, after consulting an appropriate member of the home forces.

Regulation 3 amends the Motor Vehicles (International Circulation) (Jersey) Regulations 1958. References to a British Forces (BFG) driving licence are deleted as they are no longer relevant. Provision is added for a member of a home force (whether regular or reserve), posted (not permanently) to Jersey, to drive on a “domestic driving permit” issued in another part of the British Islands for the duration of the posting (without having to exchange that licence or permit for a Jersey licence after a year). That only applies to the classes of vehicle that the person is authorized to drive by the domestic driving permit. If the person is driving a vehicle used for the purposes of the force, then the age limits in Article 20 of the Road Traffic (Jersey) Law 1956 are disapplied (see also notes on *Regulation 6* below in respect of Jersey licences for reserve home forces), and the person only needs to be the right age for the domestic driving permit in respect of the vehicle (such as a member of the regular army who has a United Kingdom licence to drive a large goods vehicle for the army at an age younger than 21).

Regulation 4 amends Article 38(1) of the Road Traffic (Jersey) Law 1956, which prohibits drawing more than one trailer. The proviso, under which forces vehicles are exempted from that prohibition, is amended to update the reference to vehicles owned and used by a home force, or used (but not owned) by a home force and driven by a person who is subject to service law, as defined in the Armed Forces Law.

Regulation 5 amends the Motor Vehicles (Construction and Use) (Jersey) Order 1998, to update references to the home and visiting forces. The exemptions from Articles 52 and 54 (requirements for rear under-run protection and sideguards) are continued for both home and visiting forces. But the other exemptions that currently apply only to visiting forces, under item 4 in the table in Article 2(4), are removed by the amendments. A visiting force will therefore need to apply for a licence under Article 78 of the Road Traffic (Jersey) Law 1956 for a vehicle that does not comply with the construction and use requirements (other than as to rear under-run protection and sideguards), in the same way as the home forces are already required to apply for those licences (under that Article the Minister for Infrastructure determines the manner in which applications must be made, and the Inspector of Motor Traffic decides whether to grant the licence in the public interest and what restrictions or conditions should be applied to the licence). The amendments also waive the fee for such a licence when it is for a vehicle used for the purposes of a home or visiting force.

Regulation 6 amends the Motor Vehicles (Driving Licences) (Jersey) Order 2003, by adding a new Article 42A. The new provision substitutes a minimum age of 17 years for all of the higher ages in the table in Article 20(1) of the Road Traffic (Jersey) Law 1956, in the case of a member of a home reserve force driving vehicles that are used for the purposes of that force. That would, for instance, include a 17 year old member of the Jersey Field Squadron who satisfies the requirements to apply for a Jersey driving licence (including as to Jersey residence), but wishes the licence to cover driving a large goods vehicle for the army without waiting till the age of 21 (see also notes on *Regulation 3* above in respect of licences issued outside Jersey to members of home forces that allow younger drivers to drive forces vehicles).

Regulation 7 names these Regulations and would bring them into force on whatever date may be appointed for the commencement of the Armed Forces Law.



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Arrangement

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Jersey

DRAFT ARMED FORCES (VEHICLES AND ROADS – AMENDMENTS) (JERSEY) REGULATIONS 201-

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

THE STATES, in pursuance of Article 18(6) of the Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017¹, have made the following Regulations –

1 Amendment of Motor Traffic (Third-Party Insurance) (Jersey) Law 1948

In Article 2(3) of the Motor Traffic (Third-Party Insurance) (Jersey) Law 1948², after the words “owned and used by any Department of Her Majesty’s Government,” there are inserted the words “by a home force as defined by Article 3(1) of the Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017³”.

2 Amendment of Motor Vehicle Registration (Jersey) Law 1993

In the Motor Vehicle Registration (Jersey) Law 1993⁴ –

(a) after Article 2(b) there is inserted the following sub-paragraph –

“(ba) any motor vehicle that, for the time being –

(i) is used for the purposes of a home force, as defined by Article 3(1) of the Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017⁵, and

(ii) indicates that use as required by Article 2A;”;

(b) after Article 2 there is inserted the following Article –

“2A Indicator of use of vehicle for naval, military or air force purposes

(1) A motor vehicle indicates its use, for the purpose of Article 2(ba)(ii), if –

(a) a plate, disc or document (an ‘indicator’) is displayed in a conspicuous place on or in the motor vehicle, so as to be clearly visible from outside the motor vehicle;

- (b) the Inspector has, by notice under paragraph (3), approved the indicator, or a description of indicators within which the indicator falls, for the purpose of Article 2(ba)(ii); and
 - (c) the indicator is used in accordance with any condition imposed by the Inspector under paragraph (2).
- (2) The Inspector may, by notice under paragraph (3), impose any one or more of the following conditions on the use of an indicator –
 - (a) a condition that the indicator includes a mark identifying the particular indicator;
 - (b) a condition that a particular indicator is used only in relation to a particular motor vehicle or by a particular person or home force, or that particular descriptions of indicator are used only in relation to particular descriptions of motor vehicle;
 - (c) a condition that the indicator is not used in relation to a motor vehicle unless, when the vehicle was brought to Jersey or on some other occasion specified in the condition, the Inspector was notified of the intention to use it for the purposes of a home force;
 - (d) any other condition appearing to the Inspector likely to be useful in identifying the motor vehicle or in verifying the use of the motor vehicle.
- (3) The notice must be given –
 - (a) in writing or by electronic communication within the meaning of the Electronic Communications (Jersey) Law 2000⁶; and
 - (b) to a member of a home force who has been nominated by that force for the purpose of enabling that force to bring the approval or condition to the attention of any person, or of any other of the home forces, who might reasonably be expected to seek to rely on Article 2(ba).
- (4) The Minister may by Order, after consulting any member of a home force appearing appropriate to the Minister, amend paragraphs (1) and (2) to add, substitute or remove any requirement as to the indication of the use of a motor vehicle.
- (5) In this Article ‘home force’ has the meaning given by Article 3(1) of the Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017⁷.

3 Amendment of Motor Vehicles (International Circulation) (Jersey) Regulations 1958

In the Motor Vehicles (International Circulation) (Jersey) Regulations 1958⁸ –

- (a) in Regulation 2(1) –
 - (i) sub-paragraph (c) is deleted,
 - (ii) the words “, except in the case of a holder of a British Forces (BFG) driving licence,” are deleted;

- (b) after Regulation 2(1) there is inserted the following paragraph –
- “(1A) Subject to the provisions of this Regulation, it shall be lawful for a person who –
- (a) is a member of a home force, within the meaning of Article 3(1) of the Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017⁹;
 - (b) is posted by that force to Jersey, other than permanently; and
 - (c) holds a domestic driving permit issued under the law of any jurisdiction in the British Islands other than Jersey,
- during the period of that posting to drive, or to be employed by that force in driving, in Jersey a motor vehicle of any class or description which the person is authorized by that permit to drive, notwithstanding that the person is not the holder of a licence within the meaning of the Road Traffic (Jersey) Law 1956¹⁰.”;
- (c) for Regulation 2(3) there is substituted the following paragraph –
- “(3) Paragraphs (1) and (2) are without prejudice to Article 20 of the Road Traffic (Jersey) Law 1956, except that –
- (a) Article 20(6) of that Law does not apply to a person driving under this Regulation a heavy motor cycle brought temporarily into Jersey, if the person has attained the age of 18 years; and
 - (b) Article 20 of that Law does not apply to a person driving, under paragraph (1A) of this Regulation, a motor vehicle that is being used for the purposes of the force of which that person is a member.”;
- (d) in Regulation 2(5) for the words “the right conferred by paragraph (1)(b) or the right conferred by paragraph (1)(c) or the right conferred by paragraph (2)(b), or any 2 or more of those rights, either in the case of all domestic driving permits or British Forces (BFG) driving licences, or in the case of domestic driving permits or British Forces (BFG) driving licences of a description specified in the Order” there are substituted the words “the right conferred by paragraph (1)(b) or (2)(b), or both of those rights, either in the case of all domestic driving permits, or in the case of domestic driving permits of a description specified in the Order”;
- (e) in Regulation 2(6) –
- (i) the definitions “British Forces (BFG) driving licence” and “dependants” are deleted,
 - (ii) in the definition “domestic driving permit”, paragraph (b) is deleted;
- (f) in Regulation 4(1), sub-paragraph (c) of the definition “visitor’s registration document” is deleted.

4 Amendment of Road Traffic (Jersey) Law 1956

In Article 38(1) of the Road Traffic (Jersey) Law 1956¹¹, for the words in the proviso “motor vehicles owned by Her Majesty and used for naval, military or

air force purposes, or in the case of vehicles so used while being driven by persons for the time being subject to the orders of any member of the armed forces of the Crown” there are substituted the words “a motor vehicle owned and used for the purposes of a home force, as defined by Article 3(1) of the Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017¹², or in the case of a motor vehicle so used while being driven by a person who is subject to service law within the meaning of that Law”.

5 Amendment of Motor Vehicles (Construction and Use) (Jersey) Order 1998

In the Motor Vehicles (Construction and Use) (Jersey) Order 1998¹³ –

- (a) in Article 1(1), after the definition “gross weight” there is inserted the following definition –
 - “ ‘home force’ has the meaning given by Article 3(1) of the Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017¹⁴;”;
- (b) in Article 1(1), for the definition “vehicle in the service of a visiting force or of a headquarters” there is substituted the following definition –
 - “ ‘visiting force’ means a visiting force of a listed country, as defined by Article 3(1) and (4) of the Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017;”;
- (c) for Article 1(4)(b)(ii) there is substituted the following clause –
 - “(ii) a vehicle belonging, or which has belonged, to a home force and which is or was used or appropriated for the purposes of that force;”;
- (d) in Article 1(4)(b)(iii) the words “or a headquarters or defence organization to which in each case the Visiting Forces and International Headquarters (Application of Law) Order 1965 of the United Kingdom applies” are deleted;
- (e) in the Table in Article 2(4), item 4 (vehicle in the service of a visiting force or of a headquarters) is deleted;
- (f) after Article 2(7) there is added the following paragraph –
 - “(8) No fee is required under paragraph (7) in respect of a vehicle used for the purposes of a home force or of a visiting force.”;
- (g) for Article 52(2)(i) there is substituted the following sub-paragraph –
 - “(i) a vehicle used for the purposes of a home force or of a visiting force;”;
- (h) for Article 54(2)(g) there is substituted the following sub-paragraph –
 - “(g) a vehicle used for the purposes of a home force or of a visiting force;”.

6 Amendment of Motor Vehicles (Driving Licences) (Jersey) Order 2003

After Article 42 of the Motor Vehicles (Driving Licences) (Jersey) Order 2003¹⁵ there is inserted the following Article –

“42A Reserve forces – young driver exemption

Despite Article 20(4) of the Law, a person who has attained the age of 17 years is not to be deemed to be disqualified by age from holding or obtaining a licence to drive, or from driving under such a licence, on a road a motor vehicle specified in any of items 9 to 14 of the table in that Article, if –

- (a) the person is a member of a home force that is a reserve force, within the meaning of those terms in Article 3(1) of the Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017¹⁶; and
- (b) the vehicle is used for the purposes of that force.”.

7 Citation and commencement

These Regulations may be cited as the Armed Forces (Vehicles and Roads – Amendments) (Jersey) Regulations 201- and come into force on the coming into force of the Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017.

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- 1 *L.25/2017*
 - 2 *chapter 25.250*
 - 3 *L.25/2017*
 - 4 *chapter 25.350*
 - 5 *L.25/2017*
 - 6 *chapter 04.280*
 - 7 *L.25/2017*
 - 8 *chapter 25.400.50*
 - 9 *L.25/2017*
 - 10 *chapter 25.550*
 - 11 *chapter 25.550*
 - 12 *L.25/2017*
 - 13 *chapter 25.550.08*
 - 14 *L.25/2017*
 - 15 *chapter 25.550.10*
 - 16 *L.25/2017*