

DRAFT MOTOR TRAFFIC (No. 9) (JERSEY) REGULATIONS 200

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by the Home Affairs Committee**



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REPORT

In February 1966, the States agreed, in principle, that the Public Rank taxi (Jersey) Regulations 1956, as amended, and, if necessary, the Motor Traffic (Jersey) Law 1935, as amended, should be further amended so as to provide for the operation of "taxis", "controlled cabs" and "uncontrolled cabs" in place of the present system of public rank taxis and private hire cabs.

These draft Regulations will enable the introduction of these changes and permit the Home Affairs Committee to make minor changes to the Law that will regularize current shortcomings in the administration of the taxicab industry.

Essentially, controlled taxicabs will replace public rank taxis and regulated taxicabs will replace private hire cabs. In time, both will operate with the same regulated fares. They will have more uniform signs and customers will be able to hail a taxicab for hire, on-street, call for a taxicab or pick one up at a rank. Only people wholly committed to the industry will be involved in operating taxicabs and they will operate under a Code of Conduct drawn up by the Home Affairs Committee.

There will be a third form of taxicab, the limousine taxicab. These vehicles will not be available for immediate hire on ranks or on-street, will have no advertising signs and will not be fitted with meters or have controlled fares.

Extensive consultation has taken place with representatives from the industry and it is expected that this consultation will continue to bring a fresh and pro-active approach to the provision of taxicab services in Jersey.

Financial and manpower implications

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

Explanatory Note

The main purpose of these Regulations is to amend the Motor Traffic (Jersey) Law 1935 (“the Law” in the Regulations) to give the Home Affairs Committee the power to make Orders to ensure that, insofar as it is practicable to do so, there is an adequate, efficient and reasonably priced cab service available throughout the Island at all times.

The opportunity has also been taken to make the 1935 Law human rights compliant by ensuring that people who are aggrieved by decisions made under the Law are given adequate rights of appeal against those decisions.

Regulation 1 defines what the term “the Law” means when used in the Regulations.

Regulation 2 replaces Article 6 of the Law with an Article that makes it clear that it is not only an offence to use a vehicle as a public service vehicle if it does not have a public service vehicle licence but it is also an offence not to comply with the conditions of a vehicle’s public service vehicle licence when it is being used to provide a public service.

Regulation 3 replaces Articles 9 and 10 of the Law to give people who are refused a public service vehicle licence or have their public service vehicle licence suspended or revoked the ability to appeal to the Royal Court against the refusal, suspension or revocation.

The new Article 9 also makes it clear that a public service vehicle licence can be granted subject to conditions necessary to ensure the proper operation of the vehicle and the public service to be provided by the vehicle.

Regulation 4 replaces Article 24(1) of the Law with more precise wording that makes it clear that in Article 24(1)(a) the reference is to an application for an omnibus service licence made under Article 19(1) of the Law.

Regulation 5 replaces Article 30 with an Article that provides that a person may appeal to the Royal Court if the authority to drive a public service vehicle the person has been given by a badge is revoked or suspended by the Home Affairs Committee.

Regulation 6 replaces Article 33 with an Article that provides that a person may appeal to the Royal Court if the Home Affairs Committee refuses to grant the person a badge that would authorize the person to drive a public service vehicle.

Regulation 7 replaces Articles 37 and 38.

The new Article 37 allows the Committee to make general Orders in respect of public service vehicles, their passengers and those who drive them. It also provides for the provision of stands for public service vehicles. In addition it allows the Committee to publish codes of conduct giving guidance to owners and drivers of public service vehicles.

The new Article 38 requires the Home Affairs Committee to make Orders relevant to the provision of a cab service for the Island.

Regulation 8 replaces the Long Title of the Law with a more appropriate Long Title.

Regulation 9 repeals certain Regulations which are to be replaced by Orders under the new arrangements and certain earlier Orders that are now no longer necessary.

Regulation 10 provides for the citation and commencement of the Regulations.

MOTOR TRAFFIC (No. 9) (JERSEY) REGULATIONS 200

ARRANGEMENT OF REGULATIONS

1. Interpretation
2. Article 6 repealed and replaced
3. Articles 9 and 10 repealed and replaced
4. Article 24 amended
5. Article 30 repealed and replaced
6. Article 33 repealed and replaced
7. Articles 37 and 38 repealed and replaced
8. Long Title repealed and replaced
9. Repeal
10. Citation and commencement

Motor Traffic (Jersey) Law 1935

MOTOR TRAFFIC (No. 9) (JERSEY) REGULATIONS 200-

(Promulgated on the _____ day of _____ 200-)

STATES OF JERSEY

The _____ day of _____ 200-

THE STATES, in pursuance of the powers conferred on them by the Order in Council of 26th December 1851,^[1] and by Article 46 of the Motor Traffic (Jersey) Law 1935, as amended,^[2] have made the following Regulations -

Interpretation

1. In these Regulations “the Law” means the Motor Traffic (Jersey) Law 1935, as amended.^[3]

Article 6 repealed and replaced

2. For Article 6 of the Law^[4] there shall be substituted the following Article -

“ARTICLE 6

Requirement for public service vehicle licence

(1) A person must not cause or permit a motor vehicle to be used on a road as an omnibus, a char-à-banc or a cab unless -

- (a) the person is the holder of a public service vehicle licence for the vehicle that authorizes the vehicle to be used for that purpose; and
- (b) the vehicle is being used and operated in accordance with the conditions set out in the licence.

(2) A person who causes or permits a motor vehicle to be used or operated as a public service vehicle in contravention of this Article shall be guilty of an offence and is liable to a fine not exceeding level 4 on the standard scale.^[5].

Articles 9 and 10 repealed and replaced

3. For Articles 9 and 10 of the Law^[6] there shall be substituted the following Articles -

“ARTICLE 9

Grant of public service vehicle licences

(1) The Committee shall on payment of the fee prescribed by the Committee by Order grant a public service vehicle licence in respect of a vehicle if it is satisfied -

- (a) that the applicant is the owner of the vehicle;
- (b) that the applicant is a fit and proper person to operate the public service to be provided by the vehicle;
- (c) that an appropriate certificate of fitness is in force in respect of the vehicle; and

(d) that the grant of the licence would not be contrary to paragraph (6).

(2) The Committee may grant a public service vehicle licence unconditionally or subject to conditions, which shall be set out in the licence.

(3) The conditions shall be such, as in the Committee's opinion, are necessary or desirable to ensure the proper operation of the vehicle and the public service to be provided by the vehicle.

(4) Without prejudice to the generality of paragraph (3), the conditions may relate to-

(a) the number of passengers that may be carried in the vehicle or in any part of it;

(b) who may or may not operate the vehicle;

(c) the manner in which and the times during which the public service to be provided by the vehicle is to be operated;

(d) in the case of a public service vehicle licence granted in respect of a cab, the use of stands established by Committees of the States in accordance with Article 37 for use by cabs.

(5) Unless sooner revoked a public service vehicle licence continues in force for 1 year from the date of its grant but may be extended by the Inspector by up to 72 hours if the Inspector is satisfied that there is an adequate reason for doing so.

(6) The Public Services Committee may, in respect of a class of public service vehicles, determine that public service vehicle licences shall not be granted in excess of such number it considers desirable.

(7) A person may appeal to the Royal Court against a decision made by the Committee -

(a) not to grant the person a public service vehicle licence on the grounds that the person is not a fit and proper person to operate the public service to be provided by the vehicle; or

(b) as to a condition subject to which a public service vehicle licence has been granted to the person.

(8) Notice of the appeal must be lodged with the Royal Court within 29 days of notice of the refusal being given or of the grant of the licence, as the case may be, or within such further period as the Court may allow if it considers it desirable to do so in the interests of justice.

(9) In determining an appeal under this Article, the Royal Court is not restricted to a consideration of questions of law or to the facts contained in an application, or other information, before the Committee.

(10) When it determines an appeal the Royal Court may -

(a) confirm the decision of the Committee; or

(b) substitute for that decision any decision the Committee could have made.

(11) The Royal Court may make such orders as it thinks appropriate, including ancillary orders and orders as to costs.

ARTICLE 10

Suspension or revocation of public service vehicle licences

(1) The Committee may revoke a public service vehicle licence or suspend its validity, either for a specified period or for an indefinite period, if it appears to the Committee -

(a) that its holder is no longer a fit and proper person to operate the public service provided by the vehicle having regard to the holder's conduct, whether in respect of the provision of that public service or otherwise, the manner in which the vehicle has been used or operated or the manner in which the public

service has been provided (or has failed to be provided); or

(b) that the vehicle to which the licence relates has been used or operated in contravention of a condition set out in the licence.

(2) The validity of a public service vehicle licence granted in respect of a vehicle is suspended during any period a certificate of fitness is not in force in respect of the vehicle.

(3) The holder of a public service vehicle licence may appeal to the Royal Court against a decision by the Committee to revoke the licence or suspend its validity.

(4) Notice of the appeal must be lodged with the Royal Court within 29 days of notice of the revocation or suspension being given to the holder of the licence or within such further period as the Court may allow if it considers it desirable to do so in the interests of justice.

(5) When it determines an appeal the Royal Court may -

(a) annul or confirm the decision of the Committee; or

(b) substitute for that decision any decision the Committee could have made.

(6) The Royal Court may make such orders as it thinks appropriate, including ancillary orders and orders as to costs.”.

Article 24 amended

4. For Article 24(1) of the Law^[7] there shall be substituted the following paragraph -

“(1) This Article applies to a decision by the Public Services Committee on whether or not -

(a) to grant an application made under Article 19(1) for an omnibus service licence;

(b) to revoke an omnibus service licence; or

(c) to modify a condition contained in an omnibus service licence.”.

Article 30 repealed and replaced

5. For Article 30 of the Law^[8] there shall be substituted the following Article -

“ARTICLE 30

Revocation or suspension of authority given by a badge

(1) The Committee may, by written notice served on the holder of a badge, revoke or suspend, either for a specified period or for an indefinite period, the authority the badge gives the person to drive a public service vehicle if the Committee is satisfied that, by reason of the person’s conduct, or a physical or mental disability, the person is, either permanently or for the time being, not a fit person to drive a public service vehicle of the type specified on the badge.

(2) If the Committee revokes or suspends the authority given by a badge the holder of the badge must return the badge to the Committee as soon as practicable.

(3) A person who fails to comply with paragraph (2) shall be guilty of an offence and is liable to a fine not exceeding level 3 on the standard scale.^[9]

(4) The holder of a badge may appeal to the Royal Court against a decision by the Committee to revoke or suspend the authority given by the badge.

(5) Notice of the appeal must be lodged with the Royal Court within 29 days of notice of the

revocation or suspension being given to the holder of the badge or within such further period as the Court may allow if it considers it desirable to do so in the interests of justice.

(6) When it determines an appeal the Royal Court may -

- (a) annul or confirm the decision of the Committee; or
- (b) substitute for that decision any decision the Committee could have made.

(7) The Royal Court may make such orders as it thinks appropriate, including ancillary orders and orders as to costs.

(8) The Committee must return the badge if the Royal Court annuls the decision of the Committee.

(9) It must also return the badge at the end of any period of suspension of the authority given by the badge.

(10) The revocation of the authority given by a badge does not prejudice the right of the former holder of the badge to apply at any time for a badge in respect of any type of public service vehicle.”.

Article 33 repealed and replaced

6. For Article 33 of the Law^[10] there shall be substituted the following Article -

“ARTICLE 33

Appeal against refusal to issue badge

(1) If the Inspector refuses to issue a badge the applicant may, within 29 days of being informed of the refusal, apply to the Committee for an order requiring the Inspector to issue the badge requested.

(2) If the Committee refuses to give an order under paragraph (1) the person requesting the order may apply to the Royal Court for an order requiring the Inspector to issue the badge requested.

(3) Notice of the application must be lodged with the Royal Court within 29 days of notice of the refusal by the Committee being given to the person or within such further period as the Court may allow if it considers it desirable to do so in the interests of justice.

(4) When it determines an application the Royal Court may -

- (a) confirm the decision of the Committee not to require the Inspector to issue the badge; or
- (b) order the Inspector to issue the badge.

(5) The Royal Court may make such orders as it thinks appropriate, including ancillary orders and orders as to costs.

(6) The Inspector shall comply with an order given under paragraph (1) or (4)(b).”.

Articles 37 and 38 repealed and replaced

7. For Articles 37 and 38 of the Law^[11] there shall be substituted the following Articles -

“ARTICLE 37

Provisions in respect of public service vehicles generally

(1) The Committee may by Order make provisions -

- (a) as to the conduct of passengers in public service vehicles; and

(b) as to the conduct of the holders of badges when driving or in charge of public service vehicles.

(2) A Committee of the States may establish stands for public service vehicles of any class or description on property under its administration.

(3) The Public Services Committee may, with the approval of the Constable of the Parish, establish stands for public service vehicles of any class or description on property under the administration of the Parish.

(4) The Committee may publish for the guidance of owners and drivers of public service vehicles codes of conduct relating to the operation of public service vehicles.

(5) It shall not be an offence for a person to fail to comply with a provision of a code of conduct but any non-compliance shall be taken into account by the Committee when considering the possible revocation, suspension or renewal of a public service vehicle licence or a badge.

ARTICLE 38

Committee to ensure adequate cab service

(1) Except as provided by paragraph (4), it is the duty of the Committee to prescribe by Order such matters as it is necessary or convenient to prescribe to ensure that, insofar as it is practicable to do so, there is an adequate, efficient and reasonably priced cab service available throughout the Island at all times.

(2) The Committee may, in particular, prescribe -

(a) the design and type of vehicles that may or may not be used as cabs;

(b) the manner in which drivers of cabs must or must not be dressed;

(c) the equipment that must be provided in cabs, including communication equipment and meters, and the manner in which the equipment or meters must or must not be operated;

(d) the signs, advertisements and other material that must or must not, or may be displayed on or in cabs and the manner in which it must or must not, or may be displayed;

(e) the places where and the manner in which cabs may or may not wait or ply for hire;

(f) the cabs that may or may not use any particular stand established by a Committee of the States in accordance with Article 37 for use by cabs, and the manner and conditions of that use.

(3) An Order made under paragraph (1) may provide for a matter specified in the Order to be determined by the Committee or by a person appointed by the Committee.

(4) The Public Services Committee may prescribe the fares and charges payable for the hire of cabs.”.

Long Title repealed and replaced

8.-(1) For the Long Title of the Law^[12] there shall be substituted the following Long Title -

“**A LAW** to provide for the regulation of public service vehicles; sanctioned by Order of Her Majesty in Council of the 25th October 1935.”.

(2) The following words that appear before the words of enactment of the Law shall be omitted¹² -

“CONSIDERANT qu’il y a lieu de réglementer la circulation automobile dans cette Ile;”.

Repeal

9. The following enactments are repealed -

- (a) Public Rank Taxis (Jersey) Regulations 1956;^[13]
- (b) Public Rank Taxis (Amendment) (Jersey) Regulations 1956;^[14]
- (c) Public Rank Taxis (Amendment No. 4) (Jersey) Regulations 1966;^[15]
- (d) Public Rank Taxis (Amendment No. 13) (Jersey) Regulations 1978;^[16]
- (e) Public Service Vehicles (Drivers' Badges) (Jersey) Regulations 1979;^[17]
- (f) Public Service Vehicles (Fees) (Jersey) Regulations 1991;^[18]
- (g) Public Service Vehicles (Fees) (Amendment) (Jersey) Regulations 1992;^[19]
- (h) Public Service Vehicles (Fees) (Amendment No. 2) (Jersey) Regulations 1992;^[20]
- (i) Public Service Vehicles (Fees) (Amendment No. 4) (Jersey) Regulations 1994;^[21]
- (j) Public Service Vehicles (Fees) (Amendment No. 12) (Jersey) Regulations 2001;^[22]
- (k) Motor Traffic (Experimental Routes) (Designation) (Jersey) Order 1988;^[23]
- (l) Motor Traffic (Experimental Routes) (General Provisions) (Jersey) Order 1988;^[24]
- (m) Motor Traffic (Road Services Licences) (Jersey) Order 1965;^[25]
- (n) Motor Traffic (Road Services Licences) (Amendment) (Jersey) Order 1983.^[26]

Citation and commencement

10. These Regulations may be cited as the Motor Traffic (No. 9) (Jersey) Regulations 200 and shall come into force on the seventh day after promulgation.

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

^[2] Recueil des Lois, Tome VII, page 176 and No. 30/2002.

^[3] Recueil des Lois, Tome VII, page 160 and Nos. 8721 and 30/2002.

^[4] Recueil des Lois, Tome VII, page 162 and No. 30/2002.

^[5] Recueil des Lois, Volume 1992-1993, page 437.

^[6] Recueil des Lois, Tome VII, page 162 and No. 30/2002.

^[7] Recueil des Lois, Tome VII, page 169 and No. 30/2002.

^[8] Recueil des Lois, Tome VII, page 171 and No. 30/2002.

^[9] Recueil des Lois, Volume 1992-1993, page 437.

^[10] Recueil des Lois, Tome VII, page 171 and No. 30/2002.

^[11] Recueil des Lois, Tome VII, page 172 and No. 30/2002.

^[12] Recueil des Lois, Tome VII, page 160.

^[13] No. 3682.

^[14] No. 3734 (included in Amended Reprint of No. 3682).

^[15] No. 4769 (included in Amended Reprint of No. 3682).

- [16] No. 6585.
- [17] No. 6676.
- [18] No. 8250.
- [19] No. 8379.
- [20] No. 8504.
- [21] No. 8655.
- [22] No. 179/2001.
- [23] No. 7821.
- [24] No. 7822.
- [25] No. 4721.
- [26] No. 7248.