

STATES OF JERSEY



DRAFT ROAD TRAFFIC AND VEHICLES (VIENNA CONVENTION – MISCELLANEOUS AMENDMENTS) (JERSEY) REGULATIONS 201- (P.109/2018): AMENDMENT

**Lodged au Greffe on 6th November 2018
by the Environment, Housing and Infrastructure Scrutiny Panel**

STATES GREFFE

DRAFT ROAD TRAFFIC AND VEHICLES (VIENNA CONVENTION –
MISCELLANEOUS AMENDMENTS) (JERSEY) REGULATIONS 201-
(P.109/2018): AMENDMENT

1 PAGE 44, ARTICLE 7 –

In the inserted Article 78A of the Road Traffic (Jersey) Law 1956 (scheme for periodic technical inspection of motor vehicles) –

(a) in paragraph (5)(e) for “the fees” substitute “subject to any Regulations under paragraph (8), the fees”;

(b) after paragraph (7) insert –

“(8) The States may by Regulations –

(a) make provision for the fees that are to be charged in relation to inspections; and

(b) amend a provision of an Order, being a provision made under paragraph (4) or (5)(e), to –

(i) remove an inconsistency with the provision made under sub-paragraph (a),

(ii) insert a reference to the Regulations, and

(iii) make consequential, transitional, transitory or saving provision in relation to the provision made under clause (i) or (ii).”.

2 PAGE 44, ARTICLE 7 –

In the inserted Article 78A of the Road Traffic (Jersey) Law 1956 (scheme for periodic technical inspection of motor vehicles) –

(a) in paragraph (5)(f) for “the designation” substitute “subject to any Regulations under paragraph (9), the designation”;

(b) after paragraph (8), as inserted by paragraph 1 of this amendment, insert –

“(9) The States may by Regulations –

(a) make provision for the designation of persons as examiners for the purpose of carrying out inspections, including provision –

(i) as to the approval of premises and equipment to be used by examiners, and

(ii) as to any fees to be charged in relation to that designation or approval; and

(b) amend a provision of an Order, being a provision made under paragraph (4) or (5)(f), to –

(i) remove an inconsistency with the provision made under sub-paragraph (a),

(ii) insert a reference to the Regulations, and

- (iii) make consequential, transitional, transitory or saving provision in relation to the provision made under clause (i) or (ii).”.

ENVIRONMENT, HOUSING AND INFRASTRUCTURE SCRUTINY PANEL

REPORT

The Environment, Housing and Infrastructure Scrutiny Panel has carried out a review of [P.109/2018](#) ‘Draft Road Traffic and Vehicles (Vienna Convention – Miscellaneous Amendments) (Jersey) Regulations 201-’, and will be presenting its Comments to the Assembly prior to the debate on 20th November 2018. This amendment arises from that work.

If approved by the States, P.109/2018 will grant the Minister for Infrastructure decision-making powers to enact by Ministerial Order various elements of the proposals, some of which the Panel believes are still lacking in fully considered detail.

Specifically, Part 2 of P.109/2018 relates to the periodic technical inspections of vehicles and, under Regulation 7, proposes to insert into the [Road Traffic \(Jersey\) Law 1956](#), new Article 78A, which specifies at paragraph (5) that the Minister by Order will set –

- “(e) *the fees that are to be charged in relation to inspections;*
- (f) *the designation of persons as examiners for the purpose of carrying out inspections;”.*

In regard to sub-paragraph (e), whilst the Minister has given indicative figures of approximately £40–£60 per test, there is no certainty that these will be the final costs. Furthermore, if P.109/2018 is approved as it stands, this decision-making power will be preserved for future Ministers, who will have the automatic power to amend the fees at their discretion. This creates a potential situation where costs could be increased beyond what might now be considered a ‘reasonable’ indicative cost. Although the previous point still stands – it is only an indicative cost. Due to the fact that these proposals will affect all Jersey motorists, it is considered by the Panel to be a matter of high public interest.

In regard to sub-paragraph (f), the Panel feels that the decision as to whether vehicle inspections are carried out at a States test facility or outsourced to independent garages is a matter which warrants further scrutiny. This is likely to have significant cost and recruitment/manpower implications, not only for the States, but also for the motor industry. The Panel is of the opinion this should be brought to the States Assembly for debate at such time as the full business case is made available.

However, the Panel also acknowledges that there are strict timescales for legislation to be in place in order for the UK to extend the Vienna Convention to Jersey ahead of Brexit and that, should P.109/2018 be approved by the States, lodging an amendment to have these Regulations enacted by the Assembly from the outset would significantly impede these deadlines being met.

In consideration of all of the above, and in respect of both sub-paragraphs, this amendment seeks to permit the Minister to make an Order in the first instance, for reasons of expediency. However, it seeks to ensure that draft Regulations can be brought forward at a later date, giving the States Assembly the power to amend what the Minister has previously ordered. The Panel believes this to be a fair compromise and that if approved, it will ensure that the States Assembly can enact these decision-making powers into the future.

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of the proposed amendment.