

STATES OF JERSEY



DRAFT ROAD TRAFFIC (No. 57)(JERSEY) REGULATIONS 200

**Lodged au Greffe on 1st December 2006
by the Minister for Transport and Technical Services**

STATES GREFFE



Jersey

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REPORT

These Regulations will enable a secure credit card style Jersey driving licence to be issued to residents of the Island after the appropriate identity checks have been carried out.

The current, pink, foldable cardboard Jersey driving licence has been in existence since 1st January 1994. Its computer platform is the States mainframe VAX system and its computer software program is the now obsolete Dataflex 2.1.

In 2003 the States Information Technology Department indicated to DVS they wished to close the VAX system. This would necessitate the Driving Licence System being moved to another platform.

Driver and Vehicle Standards agreed and at the same time took the opportunity to investigate the possibility of re-programming the system software to a more modern one and introduce a credit card style Jersey driving licence. The pink cardboard driving licence was no longer being accepted as a secure identity document as it was possible to forge or alter.

A working party was set up but the project foundered due to lack of funding.

Early in 2006 the newly formed Transport and Technical Services Department re-started the project. A project board including representatives from the parishes was formed and funding received from the States Information Technology Section.

A supplier was chosen and appointed; the software re-programmed with the ability to produce secure credit card style Jersey driving licences.

The No. 57 Regulations—

- (i) define a permanent resident of Jersey;
- (ii) ensure a parish only grants a driving licence to a permanent resident as defined in the Regulations;
- (iii) empower the Minister for Transport and Technical Services to agree the identity criteria which applicants will have to meet before a parish issues a licence. This is to combat identity theft/fraud;
- (iv) increase the validity period of a driving licence from 5 to 10 years.

The new credit card style licence will –

- (i) conform to the 3rd EU Directive on Driving Licences;
- (ii) be a more secure, durable, difficult to forge and more convenient document;
- (iii) be more acceptable as a form of identity due to the increased security measures;
- (iv) be dealt with by the 12 parishes but the licences being printed and distributed centrally at the Tower Hall.

Financial and manpower implications

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

Explanatory Note

Regulation 1 specifies that the Road Traffic (Jersey) Law 1956 is the principal Law referred to in these Regulations.

Regulation 2 inserts into the principal Law a definition of “permanent resident of Jersey”, specifying that such a person shall be a person who has either resided in Jersey for 12 months or more, or intends to reside in Jersey for more than 12 months and is not prohibited from remaining in Jersey for more than 12 months under the UI Immigration Act 1971.

Regulation 3 amends Article 4 of the principal Law so that –

- (a) the forms of a declaration and other documents that must be made in support of an application for a driving licence may be determined by an administrative decision of the Minister, rather than prescribed by Order as is currently the case;
- (b) the parochial authority may grant a driving licence if (amongst other things already specified in the Law) it is satisfied that the applicant is a permanent resident of Jersey;
- (c) the Minister for Transport and Technical Services shall determine the criteria by which the parochial authority may be satisfied as to the identity of an applicant for a licence;
- (d) an applicant for a licence shall be required to provide to the parochial authority, together with his or her application, the documents or information required to satisfy the identification criteria determined by the Minister; and
- (e) increases the period for which a licence shall remain in force from 5 to 10 years.

Regulation 4 specifies that a parochial authority shall not grant a driving licence unless it is satisfied that the applicant is a permanent resident of Jersey.

Regulation 5 revokes Article 8(8) of the principal Law. Article 8(8) specifies that a provisional UK driving licence and a valid certificate of driving competency shall together constitute a domestic driving permit. A person who holds a domestic driving permit is not required to pass a prescribed test. Revoking Article 8(8) will mean that a person holding such a licence and certificate will no longer be exempt from the requirement to pass a prescribed test.

Regulation 6 amends Article 9 of the principal Law, so that the form of declaration as to an applicant for a licence’s physical fitness may be determined by the Minister by administrative decision, rather than by Order as is currently the case.

Regulation 7 specifies the name by which these Regulations may be cited and that they shall come into force on 1st February 2007.



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Arrangement

Regulation

<u>1</u>	<u>Interpretation</u>
<u>2</u>	<u>Article 1 amended</u>
<u>3</u>	<u>Article 4 amended</u>
<u>4</u>	<u>New Article 7A inserted</u>
<u>5</u>	<u>Article 8 amended</u>
<u>6</u>	<u>Article 9 amended</u>
<u>7</u>	<u>Citation and commencement</u>



Jersey

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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of the Order in Council of 26th December 1851 and Article 92 of the Road Traffic (Jersey) Law 1956, have made the following Regulations –

1 Interpretation

In these Regulations, “principal Law” means the Road Traffic (Jersey) Law 1956^[1].

2 Article 1 amended

In Article 1(1) of the principal Law, after the definition “pedestrian” there shall be inserted the following definition –

“ ‘permanent resident of Jersey’ means a person who –

- (a) has resided in Jersey for more than 12 months; or
- (b) intends to reside in Jersey for more than 12 months and who is not, under the Immigration Act 1971 of the United Kingdom, prohibited from remaining in Jersey for more than 12 months;”.

3 Article 4 amended

In Article 4 of the principal Law –

- (a) in paragraph (2)(b) –
 - (i) in clause (iii) for the words “be prescribed;” there shall be substituted the words “be prescribed;”;
 - (ii) after clause (iii) there shall be inserted the following clause–
 - “(iv) the documents or information required to satisfy the identification criteria determined for the purposes of paragraph (3);”;
- (b) in paragraph (2)(c), for the words “in the prescribed form” there shall be substituted the words “, in a form approved by the Minister;”;
- (c) in paragraph (2)(d) for the words “prescribed fee.” there shall be substituted the words “prescribed fee; and”;
- (d) after paragraph (2)(d) there shall be added the following subparagraph –
 - “(e) make a declaration in a form approved by the Minister that the person is a permanent resident of Jersey.”;
- (e) for paragraph (3) there shall be substituted the following paragraph–

“(3) Subject to the provisions of this Law as to the physical fitness of applicants for licences and their competence to drive motor vehicles, on receipt of an application in accordance with paragraph (2), if the parochial authority is satisfied–

- (a) as to the identity of the applicant, as determined in accordance with identification criteria determined by the Minister for Transport and Technical Services;
- (b) that the applicant is a permanent resident of Jersey; and
- (c) as to compliance with any provisions prescribed under Article 8(2),

it shall (unless the applicant is disqualified under paragraph (12) for obtaining a licence) grant a licence in the prescribed form authorizing the applicant to drive motor vehicles of the class or description, or of the classes or descriptions, that may be specified in the licence.”;

(f) in paragraphs (4) and (5) for the words “5 years” there shall be substituted the words “10 years”.

4 New Article 7A inserted

After Article 7 of the principal Law there shall be inserted the following Article–

“7A Licence applicants to be permanent residents of Jersey

A licence shall not be granted to any applicant unless the applicant is a permanent resident of Jersey.”.

5 Article 8 amended

In Article 8 of the principal Law –

- (a) in paragraph (7) the words “, subject to paragraph (8),” shall be deleted;
- (b) paragraph (8) shall be deleted.

6 Article 9 amended

In Article 9(1) of the Law, for the words “in the prescribed form” there shall be substituted the words “, in a form approved by the Minister,”.

7 Citation and commencement

- (1) These Regulations may be cited as the Road Traffic (No. 57) (Jersey) Regulations 2007.
- (2) These Regulations shall come into force on 1st February 2007.

