

STATES OF JERSEY



DRAFT ROAD TRAFFIC (No. 58)(JERSEY) REGULATIONS 200

Lodged au Greffe on 25th June 2007
by the Minister for Transport and Technical Services

STATES GREFFE



Jersey

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REPORT

On March 15th, 2005, the States adopted the Proposition of the Environment and Public Services Committee, P.1/2004, amended by the Connétable of St. Helier, for a revised speed limits policy. If approved, draft Regulations 6 and 7 will give effect to certain aspects of the speed limits policy, requiring the Minister to consult the Connétable of the parish in which a road is situated before setting a speed limit on that road, and restricting vehicles with a laden weight of 3.5 tonnes or over to a maximum speed limit of 30 miles per hour on roads not subject to a lower speed limit. Those vehicles will be required to display a “30” sign to indicate that they are so restricted. This requirement will be prescribed by amendment to the Motor Vehicles (Construction and Use) (Jersey) Order 1998.

On March 28th, 2007, the States made the Road Traffic (No.57) (Jersey) Regulations 2007 which facilitated the introduction of a new driving licence system. The new driving licence system has been introduced and draft Regulations 2 and 3, if approved, will tidy up aspects of the law in respect of driving licences.

With the new driving licence system in place, it will be possible to check driving licence records during road checks. Draft Regulation 5, if approved, will require licence holders, when requested, to produce their licence for examination to Traffic Officers as well as Police Officers so that during road checks, Traffic Officers can verify that drivers' licence details are up to date, whether drivers with foreign licences should be applying for a Jersey driving licence and that drivers are licensed to drive the category of vehicle he/she is operating.

There have been situations in the past where persons presenting a driving licence from another country in exchange for a Jersey licence have demanded certain categories are included in the Jersey licence. Not all countries have similar driving tests particularly for larger vehicles such as buses and lorries. Draft Regulation 4, if approved, will allow the Minister to specify in an Order (in a Schedule) those categories of vehicles which will be included in a Jersey licence when a domestic driving permit from another country is surrendered in exchange for a Jersey licence.

Financial Implications

If approved it is estimated that the cost to the States will be in the order of £2000 for publicising the requirements for signs on vehicles over 3.5 tonnes and for putting these signs on States operated vehicles.

Manpower Implications

There are no manpower implications.

Explanatory Note

These Regulations make changes to the Road Traffic (Jersey) Law 1956 (“the Law”).

Regulation 1 specifies how the Law that is to be amended by the Regulations is referred to in the Regulations.

Regulation 2 amends Article 1 by altering the definition of “prescribed test”, so as to better accord with contemporary drafting style.

Regulation 3 has the effect of removing from the Law the matter currently set out in Article 4(10) of the Law. This has been done for 2 reasons. Firstly, because there is provision in Article 12(b) of the Law for Orders to be made in relation to the matters to which Article 4(10) of the Law relates. Secondly, because the requirement to surrender a licence when the address on it has altered shall no longer be required in respect of the new credit-card style licences issued in accordance with the Road Traffic (Jersey) Law 1956 as amended by the Road Traffic (No. 57) (Jersey) Regulations 2007.

Regulation 3 also inserts a new paragraph (11) into the Law, to clarify that the amendments to the period of validity of a licence effected by those amending Regulations shall only apply in relation to licences issued or granted after those Regulations came into force.

Regulation 4 amends Article 8 of the Law, so that a parochial authority may only issue licences of a category prescribed in an Order under Article 8(2) to a person who produces to the authority a domestic driving permit authorizing the applicant to drive a vehicle, if the permit is issued by a country or territory prescribed in the Order and the Order specifies that a licence of that category may be issued to a holder of a permit of that class that is issued by that country or territory.

Regulation 5 amends Article 13 of the Law so that a person may be required to supply his or her licence to a Traffic Officer, as well as to a member of the police.

Regulation 6 has the effect of amending Article 21(2) of the Law, under which the Minister may make Orders imposing speed limits on roads. The amendment will require the Minister, where the restriction would apply to a road within a parish, to consult the Connétable of the parish before doing so.

Regulation 7 amends Schedule 2 of the Law. Under paragraphs (1) and (4) of Article 21 of the Law (read with item 1 in Schedule 2 to the Law), it is an offence to drive an unladen vehicle weighing more than 2.5 tons, or a vehicle drawing a trailer, at a speed exceeding 30 miles per hour. The amendment will instead make it an offence to drive a large goods vehicle, a large passenger-carrying vehicle, a medium-sized goods vehicle, or a vehicle drawing a trailer, in excess of that speed.

Regulation 8 specifies the name by which the Regulations may be cited and that the Regulations come into force 7 days after they are made.



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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>Article 8 amended</u>
<u>5</u>	<u>Article 13 amended</u>
<u>6</u>	<u>Article 21 amended</u>
<u>7</u>	<u>Schedule 2 amended</u>
<u>8</u>	<u>Citation and commencement</u>



Jersey

ROAD TRAFFIC (No. 58)(JERSEY) REGULATIONS 200

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^[1] and Article 92 of the Road Traffic (Jersey) Law 1956^[2], have made the following Regulations –

1 Interpretation

In these Regulations, “Law” means the Road Traffic (Jersey) Law 1956^[3].

2 Article 1 amended

In Article 1 of the Law, in paragraph (1), for the definition “prescribed test” there shall be substituted the following definition –

“ ‘prescribed test’ means a test prescribed for the purposes of Article 8(1)(a);”.

3 Article 4 amended

In Article 4 of the Law, for paragraphs (10) and (11) there shall be substituted the following paragraphs –

“(10) A person who fails to comply with paragraph (9) shall be liable to a fine not exceeding £500.

(11) The amendments, effected by the Road Traffic (No. 57) (Jersey) Regulations 2007^[4], to the period for which a licence shall remain in force under paragraphs (4) and (5) shall not affect the period of validity of a licence granted or issued before those Regulations came into effect.”.

4 Article 8 amended

In Article 8 of the Law, for paragraphs (1) and (2) there shall be substituted the following paragraphs –

“(1) A licence (other than a provisional licence) shall not be granted to any applicant unless –

- (a) the applicant satisfies the parochial authority that the applicant has, within the 5 years immediately before the date of the application for the licence, passed a prescribed test showing the applicant to be competent to drive vehicles of the class or description which the applicant would be authorized to drive by the licence applied for;
- (b) the applicant satisfies the parochial authority that the applicant has, within the 5

years immediately before the date of the application for the licence, held a licence (not being a provisional licence) authorizing the applicant to drive vehicles of that class or description; or

- (c) where the licence is within a category specified in an Order made under paragraph (2) –
 - (i) the applicant satisfies the parochial authority that the applicant has, within the 5 years immediately before the date of the application for the licence, held a domestic driving permit, issued by a country or territory prescribed in an Order made under paragraph (2), that is a permit of a class prescribed in the Order in relation to that country or territory,
 - (ii) the Order allows the parochial authority to issue a licence that is within that category to a person who holds a domestic driving permit of that class that is issued by that country or territory, and
 - (iii) the applicant satisfies the parochial authority that the applicant is not, at the time of the application, disqualified under the law of that country or territory for holding or obtaining a licence under that law to drive vehicles of any class or description.

(2) The Minister may by Order prescribe the following –

- (a) a parochial authority may only issue, to a person who produces to the authority a domestic driving permit held by the person, a licence that is within a category specified in the Order, if –
 - (i) the permit is issued by a country or territory prescribed in the Order,
 - (ii) the permit is within a class of permits prescribed in the Order in relation to that country or territory, and
 - (iii) the Order specifies that a licence within that category may be issued to a holder of a permit within that class that is issued by that country or territory;
- (b) paragraph (1) shall have effect, in relation to domestic driving permits issued in any such country or territory as if –
 - (i) for the period of 5 years referred to in the paragraph there were substituted a lesser period, or
 - (ii) for the condition that the applicant has held a domestic driving permit within the period of 5 years there were substituted a condition that the applicant holds a valid domestic driving permit at the date of the application for the licence;
- (c) a licence shall not be issued to the holder of such a permit unless the permit is surrendered to the parochial authority for return by that authority to the issuing authority in the country or territory of issue.”.

5 Article 13 amended

In Article 13 of the Law, in paragraphs (1) and (2), after the words “Police Officer”, in each place where they occur, there shall be inserted the words “or Traffic Officer”.

6 Article 21 amended

After Article 21(2) of the Law there shall be inserted the following paragraph –

“(2A) Before making an Order under paragraph (2) in respect of a road in a parish, the Minister shall consult the Connétable of the parish.”.

7 Schedule 2 amended

In Schedule 2 to the Law, for item (1) there shall be substituted the following item –

“(1) Large goods vehicles, large passenger carrying vehicles,
medium-sized goods vehicles and vehicles drawing trailers 30”.

8 Citation and commencement

- (1) These Regulations may be cited as the Road Traffic (No. 58) (Jersey) Regulations 200-.
- (2) These Regulations shall come into force 7 days after they are made.

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- [1] *chapter 23.350*
- [2] *chapter 25.550*
- [3] *chapter 25.550*
- [4] *R&O.49/2007*