

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
QUESTION SUBMITTED ON TUESDAY 6th APRIL 2021
ANSWER TO BE TABLED ON TUESDAY 13th APRIL 2021**

Question

“Will H.M. Attorney General advise members of the legal consequences, if any, of the Minister for Infrastructure failing to display road signs under the Road Traffic (Jersey) Law 1956, Article 72, near junctions to advise motorists of the speed they are required to travel at on the road they are entering into, in circumstances where the motorist subsequently exceeds the speed limit on that road before coming upon a road sign stating what the speed limit is?”

Answer

Article 72(2) of the Road Traffic (Jersey) Law 1956 (the “Law”) reads:

The Minister shall cause traffic signs to be placed and maintained on or near the roads or cycle tracks to which any Order made under Article 21, 46, 62 or 63 relates in such manner as to indicate the requirement of the Order:

Provided that the duty imposed on the Minister by virtue of this paragraph shall not apply in any case where the effect of any one or more Orders is that the requirements thereof apply to all roads in Jersey.

Article 21 of the Law relates to speed limits.

There is no express requirement in Article 72 of the Law for signs to be placed in a specific location, including near junctions. There is also no guidance in the Road Traffic (Speed Limits) (Jersey) Order 2003 or the Traffic Signs (Jersey) Order 1968 which specifies where such signs should be displayed. Accordingly, there is no specific legal requirement for the Minister to ensure that signs are erected at junctions where roads join with different speed limits.

In relation to the driver, under Article 21(4) of the Law, if any person acts in contravention of Article 21(1) or any provision of any Order specifying the speed limit on a relevant road, he or she shall be liable to a fine not exceeding level 2 on the standard scale (i.e. a maximum of £1,000). The circumstances, including whether there was a visible traffic sign indicating the speed limit on the road, may be taken into consideration by the Court when deciding the level of fine in each specific case.