

**DRAFT ROAD TRAFFIC (AMENDMENT No. 49) (JERSEY)
REGULATIONS 199**

**Lodged au Greffe on 28th July 1998
by the Public Services Committee**



STATES OF JERSEY

STATES GREFFE

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Explanatory Note

These Regulations further amend the Road Traffic (Jersey) Law 1956 -

- (a) to provide for wheelchairs and electrically assisted pedal cycles of such class as the Defence Committee may prescribe by Order not to be treated as motor vehicles and, in the case of wheelchairs, to provide exemptions from some of the other provisions of the Law (*Regulations 1, 2, 3, 5 and 11*);
- (b) to allow Orders of the Public Services Committee to provide for part-time speed limits (*Regulation 4*);
- (c) to provide for the Public Services Committee to designate any way as a cycle track (*Regulation 7*);
- (d) to regulate the use of footways and cycle tracks and to make special provision to allow for their use in certain circumstances for unloading, for passing other vehicles on narrow roads and for their cleaning and maintenance by vehicles employed for that purpose (*Regulations 1, 6, 8 10 and 11*);
- (e) to prohibit the driving of an electrically assisted pedal cycle by a person under the age of 14 (*Regulation 7*);
- (f) to allow temporary parking facilities to be designated in the vicinity of works which are being executed or an event which is occurring (*Regulation 9*);
- (g) to allow for temporary modification of the effect of Orders restricting the use of roads or providing for parking places (*Regulation 9*); and
- (h) to provide for the Defence Committee to make Orders regulating the construction and use of wheelchairs and to make further provision for the construction and use of pedal cycles (*Regulation 12*).

The Regulations come into force on 1st November 1998.

Road Traffic (Jersey) Law 1956

ROAD TRAFFIC (No. 49) (JERSEY) REGULATIONS 199

(Promulgated on the day of 199)

STATES OF JERSEY

The day of 199

THE STATES, in pursuance of the powers conferred on them by the Order in Council of the twenty-sixth day of December 1851¹ and Article 49 of the Road Traffic (Jersey) Law 1956, as amended² (hereinafter referred to as “the Law”), have made the following Regulations -

- I. In paragraph (1) of Article 1 of the Law³ -
 - (a) there shall be inserted in the appropriate alphabetical order the following definitions -

“ ‘cycle track’ means any way to which the public have access by pedal cycle only or by pedal cycle and on foot only;

‘footway’ means any way to which the public have access on foot only;

‘pedal cycle’ means a bicycle, a tricycle or a cycle having four or more wheels, not being in any case a motor vehicle;

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

² Recueil des Lois, Tome VIII, page 636.

³ Recueil des Lois, Tome VIII, page 579 and Nos. 7411, 7875, 8016, 8624, 8722 and 9180.

'pedestrian' includes a person using a wheelchair;

'wheelchair' means a vehicle, whether mechanically propelled or not which -

(a) is constructed or adapted for the carriage of one person, being a person suffering from a physical disability; and

(b) falls within such class of wheelchair as may be prescribed;”;

(b) for paragraph (a) of the definition of “the Committee” there shall be substituted the following paragraph -

“(a) references to ‘the Committee’ in Articles 13A, 22, 23B, 32A, 32C, 33, 33A, 33B, 34 and 34A and in paragraph (4) Article 36 of this Law shall be construed as references to the Public Services Committee, and the power to make orders under Articles 13A, 22, 23B, 32B, 32C, 33, 33A, 33B and 34A of this Law, and to prescribe the size, colour and type of traffic signs under Article 35, shall be exercised by that Committee;”;

(c) for the definition of “traffic sign” there shall be substituted the following definition -

“ ‘traffic sign’ means -

(a) any object or device (whether fixed or portable); or

(b) any line or mark,

for conveying warnings, information, requirements, restrictions or prohibitions of any description prescribed or authorised under paragraph (2) of Article 35 of this Law to traffic or any specified description of traffic on roads, footways or cycle tracks;”.

2. In paragraph (1) of Article 2 of the Law⁴ -

(a) for the definition of “motor vehicle” there shall be substituted the following definition -

“ ‘motor vehicle’ means any mechanically propelled vehicle intended or adapted for use on roads which is not excluded from this definition by virtue of Article 2A of this Law;”; and

(b) for the definition of “pedestrian controlled vehicle” there shall be substituted the following definition -

“ ‘pedestrian controlled vehicle’ means a motor vehicle constructed or adapted -

(a) for use only under the control of a pedestrian; or

(b) for use either under such control or under the control of a person on it but is not for the time being in use under, or proceeding under, the control of a person on it,

and not used or constructed or adapted for use for the carriage of a driver or passenger;”.

3. For Article 2A of the Law⁵ there shall be substituted the following Article -

“ARTICLE 2A

Vehicles excluded from the definition of “motor vehicle”

The following mechanically propelled vehicles are excluded from the definition of “motor vehicle” in this Law -

⁴ Recueil des Lois, Tome VIII, page 582 and Nos. 8150 and 8624.

⁵ Recueil des Lois, Tome VIII, page 585.

- (a) a pedestrian controlled vehicle for cutting grass which is not capable of being used or adapted for any other purpose;
- (b) any other pedestrian controlled vehicle as may be prescribed;
- (c) a mechanically propelled wheelchair of such class as may be prescribed; and
- (d) an electrically assisted pedal cycle of such class as may be prescribed.”.

4. In Article 13A of the Law⁶ -

- (a) for paragraph (1) there shall be substituted the following paragraphs -

“(1) A person shall not drive a motor vehicle of any class or description on any road at a speed exceeding the speed specified in the Second Schedule to this Law as the maximum speed in relation to a vehicle of that class or description.

(1A) The Committee may by order prohibit the driving of a motor vehicle of any class or description on any road as may be prescribed in that order -

- (a) at a speed exceeding that specified in the order;
- (b) at a speed exceeding that specified in the order during periods specified in the order; or
- (c) at a speed exceeding the speed for the time being indicated by traffic signs displayed in accordance with the provisions of the order.

(1B) An order made by virtue of sub-paragraph (c) of paragraph (1A) of this Article may prescribe the speed

⁶ Recueil des Lois, Tome VIII, page 599 and Nos. 6998, 8077 and 8691.

limits which may be indicated by traffic signs and any periods during which or circumstances in which they may have effect.

(1C) If any person acts in contravention of paragraph (1) of this Article or with any provision of any order made under paragraph (1A) of this Article he shall be liable to a fine not exceeding level 2 on the standard scale.”;

- (b) in paragraph (2) after the word “Article” there shall be inserted the words “or any order made under this Article”;
- (c) in paragraph (3) after the word “Article” there shall be inserted the words “and any order made under this Article”; and
- (d) in paragraph (5) -
 - (i) after the word “Article” where it first occurs there shall be inserted the words “or any order made thereunder”; and
 - (ii) for the words “an offence under this Article” there shall be substituted the words “such an offence”.

5. After the word “vehicle” in -

- (a) paragraph (1) of Article 14 of the Law;⁷ and
- (b) the first two places where it occurs in paragraph (1) of Article 16 of the Law,⁸

there shall be inserted the words “(other than a wheelchair)”.

6. For Article 22 of the Law⁹ there shall be substituted the following Article -

⁷ Recueil des Lois, Tome VIII, page 601 and No. 9116.

⁸ Recueil des Lois, Tome VIII, page 603.

⁹ Recueil des Lois, Tome VIII, page 608 and No. 8077.

“ARTICLE 22

Use of footways and cycle tracks

(1) Subject to paragraph (2) of this Article, if any person -

- (a) drives a vehicle, or permits or causes a vehicle to remain at rest, or rides, leads or drives an animal on any footway; or
- (b) except in the case of a vehicle which is a pedal cycle, does any of the things specified in subparagraph (a) of this paragraph on any cycle track,

he shall be liable to a fine not exceeding level 2 on the standard scale.

(2) A person shall not be convicted of an offence under paragraph (1) of this Article if he proves to the satisfaction of the court -

- (a) that the vehicle or animal was on the footway or cycle track for the purpose of obtaining access to any premises;
- (b) that the vehicle was on a footway or cycle track on the express direction or with the specific permission of a police officer;
- (c) that, for the purposes of loading or unloading, the vehicle was on a footway or cycle track, or any part of a footway or cycle track -
 - (i) prescribed for the purposes of loading and unloading during the period prescribed for such loading and unloading; or
 - (ii) with the permission of the Constable for the parish in which the footway or cycle track is situated;

- (d) that -
- (i) the footway or cycle track was adjacent to a road which is too narrow for vehicles to pass safely in opposite directions without either or both of them driving onto the footway or cycle track; and
 - (ii) having given due consideration to any pedestrian or cyclist who may be in the vicinity of the footway or cycle track, he drove the vehicle onto that footway or cycle track only for the purpose of stopping to permit another vehicle to pass;
- (e) that the vehicle was owned or operated by a highway authority or by a person discharging functions on behalf of a highway authority and was on the footway or cycle track in connection with the cleansing, maintenance or improvement of, or the maintenance or alteration of any structure or other work situated in, the footway or cycle track by or on behalf of that authority; or
- (f) that the vehicle or animal was on the footway or cycle track for the purpose of saving life or extinguishing fire or meeting any other like emergency.

(3) The Committee may, after consultation with the Constable of the relevant parish, prescribe any part of a footway or cycle track as an area to be used by vehicles during prescribed periods for the purposes of loading and unloading.

(4) If any person fastens any animal so that it can stand on any footway or cycle track, he shall be liable to a fine not exceeding level 2 on the standard scale.

(5) In this Article "vehicle" shall not include perambulators or wheelchairs."

7. After Article 23A of the Law¹⁰ there shall be inserted the following Articles -

“ARTICLE 23B

Orders with respect to cycle tracks

(1) The Committee may, after consultation with the Constable of the parish in which the way is situated, by order -

- (a) prescribe any way as a cycle track;
- (b) specify whether the cycle track, or any part of it -
 - (i) is to be used by pedal cycles only or by both pedal cycles and pedestrians; or
 - (ii) is to be used by pedal cycles in one direction only or in both directions.

(2) Articles 14, 14B, 15, 16, 16F, 18, 24, 25, 26, 27 and 36 of this Law shall apply to the riding of pedal cycles on any cycle track prescribed under this Article.

(3) Any person who uses a cycle track in contravention of any provision of an order made under paragraph (1) of this Article shall be liable to a fine not exceeding level 1 on the standard scale.

ARTICLE 23C

Electrically assisted pedal cycles

(1) An electrically assisted pedal cycle of a class specified in an order made for the purposes of Article 2A of this Law shall not be driven on a road or cycle track by a person under the age of 14.

¹⁰ Recueil des Lois, Tome VIII, page 609 and Nos. 7219 and 8077.

- (2) A person who -
 - (a) drives such a pedal cycle; or
 - (b) knowing or suspecting that another person is under the age of 14, causes or permits him to drive such a pedal cycle,

in contravention of paragraph (1) of this Article shall be liable to a fine not exceeding level 2 on the standard scale.”.

8. In sub-paragraph (f) of paragraph (1) of Article 33 of the Law¹¹ for the words “for the use and accommodation of foot passengers” there shall be substituted the words “for the use of pedestrians or pedestrians and cyclists”.

9. For Article 34 of the Law¹² there shall be substituted the following Articles -

“ARTICLE 33E

Temporary traffic restrictions

(1) Where the conditions set out in paragraph (2) of this Article are satisfied, the highway authority responsible for the maintenance of a road may -

- (a) restrict or prohibit the use of that road or any part of it by vehicles or by vehicles of any particular class or description; or
- (b) designate any area in the vicinity of that road as a parking place,

to such extent and subject to such conditions or exceptions as the authority may consider necessary.

¹¹ Recueil des Lois, Tome VIII, page 618 and Nos. 7072 and 8077.

¹² Recueil des Lois, Tome VIII, page 620 and No. 8077.

(2) The conditions referred to in paragraph (1) of this Article are that -

- (a) works are being executed or proposed to be executed in the vicinity of the road;
- (b) the highway authority is satisfied that by reason of such works traffic in the vicinity should be restricted or prohibited or any area in the vicinity should be designated as a parking place; and
- (c) so long as any restriction, prohibition or designation imposed under this Article is in force, a notice stating its effect and describing any alternative routes available for traffic shall be kept posted in a conspicuous manner -
 - (i) at each end of the part of the road to which the restriction or prohibition relates;
 - (ii) at the points at which it will be necessary for vehicles to diverge from the road; and
 - (iii) at the area designated as a parking place.

(3) The powers vested in a highway authority by paragraph (1) of this Article may be exercised by the President of the authority where it appears to him that, owing to the likelihood of danger to the public or of serious damage to the highway, the use of a road or of any part of it should immediately be restricted or prohibited or an area designated as a parking place, and provided that no restriction, prohibition or designation imposed under this paragraph shall continue in force for more than 14 days.

(4) Where the conditions set out in paragraph (5) of this Article are satisfied, the Constable of a parish may -

- (a) restrict or prohibit the use of that road or any part of it by vehicles or by vehicles of any particular class or description; or

- (b) designate any area in the vicinity of that road as a parking place,

to such extent and subject to such conditions or exceptions as he may consider necessary.

(5) The conditions referred to in paragraph (4) of this Article are that -

- (a) an event is occurring or is proposed to occur in the vicinity of the road;
- (b) the Constable is satisfied that by reason of such event traffic in the vicinity should be restricted or prohibited or any area in the vicinity should be designated as a parking place; and
- (c) so long as any restriction, prohibition or designation imposed under this Article is in force, a notice stating its effect and describing any alternative routes available for traffic shall be kept posted in a conspicuous manner -
 - (i) at each end of the part of the road to which the restriction or prohibition relates;
 - (ii) at the points at which it will be necessary for vehicles to diverge from the road; and
 - (iii) at the area designated as a parking place.

(6) Any person who uses a vehicle in contravention of any restriction, prohibition or designation imposed under this Article shall be liable to a fine not exceeding level 2 on the standard scale.

ARTICLE 34

Temporary modification of the effect of orders made under Article 32A, 33 or 33A

(1) Subject to the provisions of paragraph (2) of this Article, a highway authority may issue a notice which shall have effect as if the provisions of any order made under Article 32A, 33 or 33A of this Law were modified to the extent specified in the notice for any period, not exceeding 12 months, there specified.

(2) No notice issued under paragraph (1) of this Article shall have effect unless -

- (a) the Committee and the Constable of the parish in which any road to be affected by the notice is situated have been consulted;
- (b) it has been published in the Jersey Gazette on two occasions during the seven days immediately preceding the date on which it is to have effect; and
- (c) such road signs are erected as would be required if the order had been amended to the extent specified in the notice.”.

10. In Article 35 of the Law¹³ -

- (a) in paragraph (1) for the words “placed on or near any road” there shall be substituted the words “placed and maintained on or near any road, footway or cycle track”;
- (b) in paragraph (2) -
 - (i) for the words “placed on or near the roads” there shall be substituted the words “placed and maintained on or near the roads or cycle tracks”; and

¹³ Recueil des Lois, Tome VIII, page 624.

- (ii) after the words “Article 13A” there shall be inserted the word “, 23B”; and
- (c) in paragraph (5) after the word “roads” there shall be inserted the words “, footways or cycle tracks”.

11. In Article 36 of the Law¹⁴ -

- (a) in paragraph (1) -
 - (i) for the word “Where” there shall be substituted the words “Subject to paragraph (1A) of this Article, where”; and
 - (ii) after the words “any road” there shall be inserted the words “, footway or cycle track”;
- (b) after paragraph (1) there shall be inserted the following paragraph -

“(1A) Sub-paragraph (b) of paragraph (1) of this Article shall not apply to any person driving a wheelchair”; and

- (c) in paragraph (5) after the word “road” there shall be inserted the words “, footway or cycle track”.

12. For Article 40 of the Law¹⁵ there shall be substituted the following Article -

“ARTICLE 40

Orders with regard to vehicles other than motor vehicles

(1) Provision may be made by order as to the use of pedal cycles on roads and cycle tracks, their construction and equipment and the conditions under which they may be so used and, in particular but without prejudice to the generality of the

¹⁴ Recueil des Lois, Tome VIII, page 626 and No. 8077.

¹⁵ Recueil des Lois, Tome VIII, page 631.

foregoing provisions, with respect to any of the following matters -

- (a) the number, nature and efficiency of brakes and their maintenance in proper working order;
- (b) lighting equipment and reflectors;
- (c) the appliances to be fitted for signalling approach and their maintenance in proper working order; and
- (d) the testing and inspection, by persons authorised under the order, of any equipment prescribed under this Article.

(2) Provision may be made by order for regulating the number, nature and use of brakes, including skid pans and locking-chains, in the case of vehicles drawn by horses or other animals, or any class or description of such vehicles, when used on roads, and for securing that such brakes are efficient and kept in proper working order, and for empowering persons authorised by or under the order to test and inspect any such brakes, whether on a road or elsewhere.

(3) Provision may be made by order as to the use of wheelchairs on roads, footways and cycle tracks, their construction and equipment and the conditions under which they may be so used.

(4) Orders under this Article may be made so as to apply either generally or in such circumstances or to such class or description of vehicle only as may be specified in the order.”.

13. In paragraph (4) of Article 42 of the Law¹⁶ for the words “such maximum penalty, not exceeding a fine of five hundred pounds” there shall be substituted the words “such fine not exceeding level 2 on the standard scale”.

¹⁶ Recueil des Lois, Tome VIII, page 633 and No. 8077.

14. These Regulations may be cited as the Road Traffic (No. 49) (Jersey) Regulations 199 and shall come into force on the first day of November 1998.