

STATES OF JERSEY



Jersey

DRAFT ROAD TRAFFIC (No. 66) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 5th March 2021
by the Minister for Infrastructure
Earliest date for debate: 20th April 2021**

STATES GREFFE

REPORT

This report explains the policy reasons for the draft Road Traffic (No. 66) (Jersey) Regulations 202- (the “draft Regulations”) which would make amendments to the [Road Traffic \(Jersey\) Law 1956](#) (“the 1956 Law”).

As long ago as 2007, the Jersey Coastguard Service approached the then Minister for Home Affairs for permission to use “Blue Beacons on Coastguard vehicles when proceeding to maritime emergencies”. The rationale for the request was said to be “to gain recognition from other road users of the need to reach scenes of such incidents promptly and safely”. Use of such warning lights on vehicles other than police, ambulance, fire service and RNLI vehicles was, and remains, prohibited under the [Road Traffic \(Lighting\) \(Jersey\) Order 1998](#).

The Coastguard had then recently acquired a new vehicle, equipped with flashing blue lights and Coastguard livery for use in maritime emergency response, the use of which would, it was said, “help to give the vehicle the authority when managing coastal incidents as ‘on scene co-ordinator’ from the shore”. The Minister for Home Affairs approved this request ([MD-HA-2007-0034](#)), subject to the proviso that Coastguard vehicle drivers would not be exempt from the other traffic law exemptions pertaining to the fire service, ambulance or police when attending emergency calls, such as not keeping to speed limits and going through red traffic lights, as at the time Coastguard vehicle drivers were not trained to the same level as Police, ambulance and fire service drivers to handle vehicles in emergency response situations. No change to the Road Traffic (Lighting) (Jersey) Order 1998 was made at that time.

By 2015, Assistant Harbour Masters, who would be the drivers of Coastguard vehicles in emergencies, had received further driving training and in March that year the Minister for Home Affairs made another Ministerial decision ([MD-HA-2015-0026](#)) noting that the drivers “are qualified Institute of Advanced Motoring Advance Drivers and have undertaken and passed a RoSPA (Royal Society for the Prevention of Accidents) accredited training blue-light training course”. The Minister therefore decided that all the exemptions applying to other emergency service vehicles should be extended to Jersey Coastguard vehicles and the Executive Officer, Home Affairs was instructed to liaise with the Transport and Technical Services Department and the Law Draftsman’s Office over the necessary changes to the legislation.

In September 2015 the then Minister for Transport and Technical Services, whose portfolio included the legislation which needed amending, made a decision ([MD-T-2015-0075](#)) in which he “approved law drafting instructions to extend the exemptions under Road Traffic legislation, which currently apply to the other emergency services, to the Coastguard”.

One of the reasons for the delay in progress since 2015 was that during the process of preparation of the amending legislation, a defect in the existing legislation was found, which required an amendment of the 1956 Law to correct both the existing provision relating to traffic signals and emergency vehicles and, consequentially, the Road Traffic (Traffic Signs) (Jersey) Order 1968. The draft Regulations would make that amendment as well as making the changes necessary to enable the application of the “blue light” exemptions to the Coastguard as is further explained in the Explanatory Note to the draft Regulations.

The States are accordingly requested to adopt the draft Regulations, following which the Minister for Infrastructure will make an Order in terms of the attached Draft Road Traffic (Miscellaneous Amendments – Coastguard Vehicles) (Jersey) Order 202-, the

effect of which is set out in the Explanatory Note for the draft Order (see **Appendix** to this report). This will complete the process of extending to the coastguard service vehicles, when in use in response to a marine emergency, the same exemptions from compliance with traffic signals and speed limits as apply to other emergency vehicles, and permit the use flashing blue warning lights and sirens on those vehicles.

Financial and manpower implications

There are no additional costs or manpower implications for the Government arising from the adoption of these draft Regulations.

APPENDIX TO REPORT

Road Traffic (Miscellaneous Amendments – Coastguard Vehicles) (Jersey)
Order 202-

Explanatory Note

EXPLANATORY NOTE

This Order amends 3 Orders under the Road Traffic (Jersey) Law 1956 (the “Law”) so that various requirements under that Law, including the requirement to comply with traffic lights, do not apply to vehicles used for emergency purposes by the Jersey Coastguard service. (Such vehicles are referred to in this note as “Coastguard vehicles”). The provisions are similar to those that already exist for vehicles used by ambulance, fire and rescue and police services.

Article 1 amends the Motor Vehicles (Construction and Use) (Jersey) Order 1998 so that the requirement in that Order which prohibits motor vehicles from being fitted with a bell, gong, siren or 2-tone horn does not apply to Coastguard vehicles.

Article 2 amends the Road Traffic (Lighting) (Jersey) Order 1998 so that Coastguard service vehicles are included in the definition of “emergency vehicles”. The effect of the amendment is that, as an “emergency vehicle” blue flashing lights can be fitted to a Coastguard vehicle.

Article 3 amends the Traffic Signs (Jersey) Order 1968 so that, provided certain conditions in the Law are met, drivers of Coastguard vehicles are not guilty of offences under the Law for failing to comply with traffic lights and traffic signs prescribed in that Order.

Article 4 sets out the title of this Order and provides for it to come into force 7 days after the day it is made.

Road Traffic (Miscellaneous Amendments – Coastguard Vehicles) (Jersey)
Order 202-

Article 1



Jersey

ROAD TRAFFIC (MISCELLANEOUS AMENDMENTS – COASTGUARD VEHICLES) (JERSEY) ORDER 202-

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE MINISTER FOR INFRASTRUCTURE makes this Order under Articles 72, 77 and 84 of the Road Traffic (Jersey) Law 1956 –

1 Article 37 (audible warning instruments) of the Motor Vehicles (Construction and Use) (Jersey) Order 1998 amended

For Article 37(5)(a) of the Motor Vehicles (Construction and Use) (Jersey) Order 1998 there is substituted –

“(a) used for the purposes of the Fire and Rescue Service or the Jersey Coastguard service or for ambulance or police purposes;”.

2 Article 1 (interpretation) of the Road Traffic (Lighting) (Jersey) Order 1998 amended

In Article 1 of the Road Traffic (Lighting) (Jersey) Order 1998 in the definition “emergency vehicle” after sub-paragraph (a) there is inserted –

“(aa) a vehicle used for the purposes of the Jersey Coastguard service;”.

3 Article 30 (exceptions relating to fire service, ambulance or police) of the Traffic Signs (Jersey) Order 1968 amended

In Article 30 of the Traffic Signs (Jersey) Order 1968 –

- (a) for the heading there is substituted “Exceptions for drivers of vehicles used for emergency services”;
- (b) in the opening words of Article 30, after “Article 74(1)”, “(b)” is deleted.
- (c) sub-paragraphs (i), (ii) and (iii) are renumbered (a), (b) and (c) respectively.

Article 4**4 Citation and commencement**

This Order may be cited as the Road Traffic (Miscellaneous Amendments – Coastguard Vehicles) (Jersey) Order 202- and comes into force 7 days after the day it is made.

DRAFT

Re-issue Note

This Project is re-issued to change the layout in the Appendix to the Report. No changes have been made to the text itself.

EXPLANATORY NOTE

These Regulations, if made, would amend the Road Traffic (Jersey) Law 1956 (the “Law”) so that traffic lights and other traffic restrictions need not apply to vehicles used for emergency purposes by the Jersey Coastguard service.

Regulation 1 is an interpretation provision.

Regulation 2 inserts a definition of “Jersey Coastguard service” into the Law. It also updates the current references in the Law to the fire service by inserting a definition of the “Fire and Rescue Service”.

Regulation 3 amends the provision in the Law which exempts vehicles used for fire, ambulance and police purposes from speed limits in emergency situations to include vehicles used by the Jersey Coastguard service.

Regulation 4 amends the provision in the Law which enables the Minister to make Orders exempting drivers of vehicles used for fire, ambulance and police purposes from complying with traffic signs so that the Minister can include vehicles used by the Jersey Coastguard service. *Regulation 4* also corrects a cross reference so that the reference in the Order making power to traffic signs includes traffic lights.

Regulation 5 sets out the title of these Regulations and provides for them to come into force 7 days after the day that they are made.



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Jersey

DRAFT ROAD TRAFFIC (No. 66) (JERSEY) REGULATIONS 202-

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES make these Regulations under Order in Council of 26th December 1851¹ and Article 92 of the Road Traffic (Jersey) Law 1956² –

1 Interpretation

In these Regulations, a reference to an Article is a reference to an Article in the Road Traffic (Jersey) Law 1956³.

2 Article 1 (interpretation) amended

In Article 1(1) –

- (a) after the definition “fail” there is inserted –
“ “Fire and Rescue Service” means the service of that name referred to in Article 3 of the Fire and Rescue Service (Jersey) Law 2011⁴;”;
- (b) after the definition “hospital” there is inserted –
“ “Jersey Coastguard service” means maritime search and rescue within territorial waters referred to in Article 2(5)(b) in the Harbours (Administration) (Jersey) Law 1961⁵ for which a harbour authority is responsible under that Law;”.

3 Article 21 (limitation of speed) amended

In Article 21(6) for “for fire service, ambulance or police purposes” there is substituted “for the purposes of the Fire and Rescue Service or the Jersey Coastguard service or for ambulance or police purposes”.

4 Article 74 (penalties for neglect of traffic directions) amended

In Article 74 –

- (a) in paragraph (1)(a) after “standard scale;” there is inserted “or”;
- (b) in paragraph (3) after “under paragraph (1)”, there is deleted “(b)”;

- (c) in paragraph (3)(a) for “for fire service, ambulance or police purposes” there is substituted “for the purposes of the Fire and Rescue Service or the Jersey Coastguard service or for ambulance or police purposes”.

5 Citation and commencement

These Regulations may be cited as Road Traffic (No. 66) (Jersey) Regulations 202- and come into force 7 days after the day they are made.

ENDNOTES

Table of Endnote References

1	<i>chapter 23.350</i>
2	<i>chapter 25.550</i>
3	<i>chapter 25.550</i>
4	<i>chapter 23.175</i>
5	<i>chapter 19.060</i>