

STATES OF JERSEY



DRAFT MOTOR VEHICLE REGISTRATION (AMENDMENT No. 5) (JERSEY) LAW 201-

**Lodged au Greffe on 14th March 2016
by the Minister for Infrastructure**

STATES GREFFE



Jersey

DRAFT MOTOR VEHICLE REGISTRATION (AMENDMENT No. 5) (JERSEY) LAW 201-

REPORT

This proposed amendment to the Motor Vehicle Registration (Jersey) Law 1993 (“the Law”) is required to make provision for the Minister, through the Department for Infrastructure, to exempt any vehicle which is for the time being the property of the Crown, and is used by the Jersey Field Squadron (T.A.) in the performance of its official duties, from requiring registration under the Law.

European context

The purpose of vehicle registration marks is to provide a unique identifier which allows countries to enforce compliance of national vehicle standards; allows vehicle ownership to be clearly established in the event of a crime or accident; and facilitates the collection of vehicle taxes and registers of insurance.

To provide for enforcement, national governments strictly require individuals to register vehicles in their country of residence. This assists the Police Force in each jurisdiction to detect vehicle crime and prevent frauds, such as number-plate cloning and tax avoidance. However, exceptions are provided in special circumstances and for certain individuals, such as diplomats, foreign students and the military.

Consequently, there are general provisions across Europe to facilitate the movement of military vehicles and exempt them from local vehicle registration requirements. These exemptions are particular to military vehicles, as armed forces are considered to be a special case.

Financial and manpower implications

Annual income to the Department for Infrastructure/DVS will accrue from exemption (P30) permits granted to the T.A. for any oversized vehicles. It would be expected that these fees would ultimately be paid from within existing States’ budgets, so there would be no net resource implications if approved.

As the vehicles will not require registration, there will be no significant manpower implications. Traffic officers will examine any oversized vehicles and issue the usual P30 permits. They will also issue windscreen disc identifiers for all Army, Navy and Airforce vehicles used by the T.A. in the performance of its official duties, and will maintain a list of the vehicles on the P30 permit system.

Human Rights

No human rights notes are annexed because the Law Officers’ Department has indicated that the draft Law does not give rise to any human rights issues.

Explanatory Note

This Law amends the Motor Vehicle Registration (Jersey) Law 1993 to exempt from registration motor vehicles used for the purposes of any armed forces.

Under the inserted Article 2A(1), the vehicle must display an indicator approved (individually or by description) by the Inspector of Motor Traffic, for the person using or keeping it to claim the benefit of the exemption. The indicator must be used in accordance with any conditions imposed by the Inspector.

Under the inserted Article 2A(2), the conditions can require the indicator to include an identifying mark; can limit the use of particular indicators, or of descriptions of indicators, to particular vehicles or descriptions of vehicles; can limit the use of an indicator to vehicles for which the Inspector had advance notice of their intended use for an armed force's purposes; or can in any other way assist in identifying the unregistered vehicle or in verifying the vehicle is covered by the exemption.

Under the inserted Article 2A(3), the Inspector approves indicators, and imposes conditions, by giving written or electronic notice to a person nominated by Her Majesty's armed forces (who should bring it to the attention of any other force, including a visiting force from another country).

Under the inserted Article 2A(4), the Minister is given the power to amend by Order the provisions as to indicators, after consulting an appropriate member of Her Majesty's armed forces.



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A LAW to amend further the Motor Vehicle Registration (Jersey) Law 1993

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Amendment of Motor Vehicle Registration (Jersey) Law 1993

In the Motor Vehicle Registration (Jersey) Law 1993¹ –

(a) after Article 2(b) there is inserted the following sub-paragraph –

“(ba) any motor vehicle that, for the time being –

- (i) is used for naval, military or air force purposes, and
- (ii) indicates that use as required by Article 2A;”;

(b) after Article 2 there is inserted the following Article –

“2A Indicator of use of vehicle for naval, military or air force purposes

- (1) A motor vehicle indicates its use, for the purpose of Article 2(ba)(ii), if –
 - (a) a plate, disc or document (an ‘indicator’) is displayed in a conspicuous place on or in the motor vehicle, so as to be clearly visible from outside the motor vehicle;
 - (b) the Inspector has, by notice under paragraph (3), approved the indicator, or a description of indicators within which the indicator falls, for the purpose of Article 2(ba)(ii); and
 - (c) the indicator is used in accordance with any condition imposed by the Inspector under paragraph (2).
- (2) The Inspector may, by notice under paragraph (3), impose any one or more of the following conditions on the use of an indicator –

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- (a) a condition that the indicator includes a mark identifying the particular indicator;
 - (b) a condition that a particular indicator is used only in relation to a particular motor vehicle or by a particular person or armed force, or that particular descriptions of indicator are used only in relation to particular descriptions of motor vehicle;
 - (c) a condition that the indicator is not used in relation to a motor vehicle unless, when the vehicle was brought to Jersey or on some other occasion specified in the condition, the Inspector was notified of the intention to use it for naval, military or air force purposes;
 - (d) any other condition appearing to the Inspector likely to be useful in identifying the motor vehicle or in verifying the use of the motor vehicle.
- (3) The notice must be given –
 - (a) in writing or by electronic communication within the meaning of the Electronic Communications (Jersey) Law 2000²; and
 - (b) to a member of Her Majesty’s armed forces nominated by one of those forces as responsible for bringing the approval or condition to the attention of any person or armed force (whether in Her Majesty’s armed forces or in the armed forces of any other country or territory) that might reasonably be expected to seek to rely on Article 2(ba).
 - (4) The Minister may by Order, after consulting any member of Her Majesty’s armed forces appearing appropriate to the Minister, amend any of paragraphs (1) to (3) to add, substitute or remove any requirement as to the indication of the use of a motor vehicle.”.

2 Citation and commencement

This Law may be cited as the Motor Vehicle Registration (Amendment No. 5) (Jersey) Law 201- and comes into force 7 days after it is registered.

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- ¹ *chapter 25.350*
² *chapter 04.280*