

STATES OF JERSEY



DRAFT ARMED FORCES (VEHICLES AND ROADS – AMENDMENTS) (JERSEY) REGULATIONS 201- (P.40/2018): COMMENTS

**Presented to the States on 5th April 2018
by the Education and Home Affairs Scrutiny Panel**

STATES GREFFE

COMMENTS

1. The Education and Home Affairs Scrutiny Panel (“the Panel”) has undertaken a review of the [Draft Armed Forces \(Vehicles and Roads – Amendments\) \(Jersey\) Regulations 201-](#) (P.40/2018). [P.40/2018](#), if adopted by the States, would bring forward Regulations that would make amendments to the following Laws –
 - Regulation 1 amends the [Motor Traffic \(Third-Party Insurance\) \(Jersey\) Law 1948](#) to exempt any home forces vehicles from requiring insurance.
 - Regulation 2 amends the [Motor Vehicle Registration \(Jersey\) Law 1993](#) to exempt the registration of home forces vehicles.
 - Regulation 3 amends the [Motor Vehicles \(International Circulation\) \(Jersey\) Regulations 1958](#), by removing the requirement of any armed forces vehicle (and personal vehicles of Armed Forces personnel) to hold a Jersey registration number after more than a year’s residence in the Island.
 - Regulation 4 amends Article 38(1) of the [Road Traffic \(Jersey\) Law 1956](#) to allow for a home forces vehicle to draw more than one trailer.
 - Regulation 5 amends the [Motor Vehicles \(Construction and Use\) \(Jersey\) Order 1998](#) to require a visiting force to apply for a P30 licence to operate oversized vehicles (or those that do not comply with the construction and use requirements) in the Island.
 - Regulation 6 amends the [Motor Vehicles \(Driving licences\) \(Jersey\) Order 2003](#), to allow 17 year-olds working within the home forces to operate a heavy goods vehicle whilst under supervision.
2. The Panel received a briefing from Officers from the Community and Constitutional Affairs Department, and the Law Draftsman, on 19th March 2018, where it was presented with the changes as listed above.
3. Further to the briefing, the Panel wrote to the Jersey Field Squadron, the Comité des Connétables, Driver and Vehicle Standards (“DVS”) and the Department for Infrastructure (“DfI”) to ascertain whether any concerns existed in relation to the proposition. The Panel received an in-depth [response from DVS and DfI](#) that explained the chronology of the discussions around the amendments which can be found in the attached **Appendix**.
4. The Panel also received further correspondence from the [Jersey Field Squadron](#), who expressed no concerns in relation to the Proposition, and were satisfied that appropriate consultation had been undertaken. The [Comité des Connétables](#) responded to say that they had not been consulted on the proposals. All of the submissions received by the Panel can be accessed [here](#).
5. In light of the comments received on the Proposition, the Panel is satisfied that it is in order, and will therefore be supporting it.

DEPARTMENT FOR INFRASTRUCTURE

REGISTRATION – EXEMPTION FOR CROWN MILITARY VEHICLES

BRIEF FOR SCRUTINY PANEL

DRIVER & VEHICLE STANDARDS

Background

A1 The Jersey Field Squadron (TA) operates a number of motor vehicles that remain the property of the Crown (UK Army), which they use in the performance of their duties. The Motor Vehicle Registration (Jersey) Law 1993 requires these vehicles should be registered in Jersey. Since it was established in the early 1980s, it would seem the TA has operated such vehicles on roads in Jersey without registering them, using local personnel who have Jersey driving licences.

A2 Article 12(1) of the Motor Vehicle Registration (Jersey) Law 1993 (“MVRL”) states –

“... no person shall use or keep on a road a motor vehicle which is not either –

- (a) a registered motor vehicle;
- (b) exempt from registration by virtue of Article 2; or
- (c) used or kept on the road by virtue of a trade licence issued under Article 8.”.

Article 2 of the MVRL states –

“2 Application

Nothing in this Law shall operate to require the registration under this Law of –

- (a) any vehicle other than a motor vehicle;
- (b) any motor vehicle for the time being the property of the Crown and used by the Lieutenant-Governor in the performance of his or her official duties;
- (c) any invalid carriage; or
- (d) any vehicle which is for the time being exempt from registration by virtue of the Motor Vehicles (International Circulation) (Jersey) Regulations 1958.”.

A3 As the TA vehicles do not qualify under any of (a) to (d) of Article 2, have not been registered and cannot operate under a trade licence, then Article 12(1) implies that the TA personnel who are Jersey residents and have Jersey driving licences cannot legally drive the TA vehicles on Jersey roads. This seriously compromises the TA’s ability to operate and train its personnel in Jersey.

- A4 It would appear, therefore, as the legislation stands, the TA should register these vehicles in Jersey and comply with the other obligations this brings, including paying any duties.
- A5 This seems impractical and compromises the TA's ability to operate flexibly and responsively and train its personnel in Jersey. In light of the above, consultations were established in 2014 between the Inspector of Motor Traffic for Driver and Vehicle Standards, Major N.K. Spratley, C.O. for the Jersey Field Squadron and Steven Austin-Vautier, Chief Officer, Home Affairs, to discuss a more practical solution. It was proposed that vehicles being the property of the Crown and used by the military and importantly therefore still on a military register in the UK, should be exempted from Jersey registration in order that the military can remain responsive without breaching registration legislation.
- A6 In the UK, vehicles "*kept by the Crown which are used or appropriated for use for naval, military or air force purposes*" are exempted from registration under the Road Vehicles (Registration and Licensing) Regulations 2002.

Requirements

- B1 It was agreed that Article 2 of the Motor Vehicle Registration (Jersey) Law 1993 should be amended to add motor vehicles for the time being the property of the Crown and used or appropriated for use for military purposes, to those vehicles that are not required to be registered under that Law.
- B2 It appears lawful, by virtue of Article 2(3) of the Motor Traffic (Third-Party Insurance) (Jersey) Law 1948, for persons to use motor vehicles owned and used by a "*Department of Her Majesty's Government*", on roads without having third party insurance cover.
- B3 It is understood that provision is made in UK legislation such that motor vehicles owned by the Crown and operated by the military are each assigned a registration mark that can be used to readily identify that vehicle. Such provision should be maintained while these vehicles are stationed in Jersey.

B4 The Regulations

Following Major Spratley's departure from the Jersey Field Squadron at the end of his term of office, the consultation continued with SSgt. Martin (Doc) Holliday to agree changes to the Regulations which would accommodate the proposed amendments.

These Regulations accordingly amend several Laws, Regulations and Orders and provide consistency for members of the British Armed Forces, and of any visiting force, in relation to their use of vehicles and roads in Jersey.

The Regulations exempt motor vehicles which are to be used for the purposes of the British Armed Forces, from requiring insurance, as would be the case if the vehicle were to be used for the same purpose elsewhere in the United Kingdom.

Similarly, a vehicle to be used for the purposes of the British Forces is not required to be registered in Jersey, although must clearly display, through an appropriate indicator, the purposes for which it is being used. The precise nature of the indicator is to be determined by the Minister for Infrastructure who could amend, by Order, the requirements of what must be displayed. It has been suggested that the indicator could be generated in the same way as a Vehicle Exemption Licence (P30) which would require the vehicles to display a coloured windscreen disc and for the driver to carry a copy of the P30 permit in the vehicle. This will also serve to create a register of the military vehicles operating in Jersey at any one time.

Members of the British forces who are posted to Jersey would be permitted to continue using the driving licence that was issued to them in another part of the British Islands for the purpose of driving non-military vehicles. The statutory age restrictions for the use of certain classes of vehicles would not apply for members of a British force provided that the vehicle is to be used for forces purposes, and that the member of the force holds a driving licence issued either in Jersey or another part of the British Islands. This is, again, a common arrangement for the British Armed Forces.

The Regulations also grant certain permissions and provide controls relating to the construction and use of forces vehicles. This includes, for example, the requirement to obtain authorisation from the Minister for Infrastructure for the use of roads where the vehicle would otherwise not be permitted i.e. over width vehicles.

Summary

Following full consultation between the Home Affairs Department, The Jersey Field Squadron and Driver and Vehicle Standards it has been proposed:

To request a change to Article 2 of the Motor Vehicle Registration (Jersey) Law 1993 to exempt any vehicle for the time being the property of the Crown and used by the Jersey Field Squadron (TA) in the performance of its official duties from requiring registration under this law.

For Members of the British forces who are posted to Jersey to be permitted to continue using the driving licence that was issued to them in another part of the British Islands for the purpose of driving non-military vehicles.

That the statutory age restrictions for the use of certain classes of vehicles would not apply for members of a British force provided that the vehicle is to be used for forces purposes, and that the member of the force holds a driving licence issued either in Jersey or another part of the British Islands.

To also grant certain permissions and provide controls relating to the construction and use of forces vehicles. This includes, for example, the requirement to obtain authorisation from the Minister for Infrastructure for the use of roads where the vehicle would otherwise not be permitted, i.e. over width vehicles.

Reason for proposal

So that the Jersey Field Squadron can remain responsive and perform its official duties, using motor vehicles which remain the property of the Crown, without breaching Jersey legislation.