

DRAFT ROAD TRAFFIC (No. 50) (JERSEY) REGULATIONS 199

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by the Defence Committee**



STATES OF JERSEY

STATES GREFFE

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Explanatory Note

These Regulations amend the Road Traffic (Jersey) Law 1956 so as to -

- (a) require the wearing of rear seat belts by children under the age of 14 (*Regulation 3*);
- (b) allow for orders to make further provision in relation to the construction and use of motor vehicles and to make further provision in relation to offences for non-compliance with such orders (*Regulations 5 and 6*);
- (c) create new offences in connection with the examination of vehicles (*Regulation 7*);
- (d) make minor amendments to the definitions of various types of motor vehicle in connection with construction and use requirements (*Regulation 2*);
- (e) make minor corrections to the definitions of “Committee” and “traffic sign” (to reflect current practice whereby the Public Services Committee are responsible for the erection of traffic signs) and to require traffic signs to indicate the presence of paying parking places; (*Regulations 1 and 4*); and
- (f) remove a reference to the Road Transport Lighting Law 1956 which is to be repealed as a result of the new power for orders under the Road Traffic Law to prescribe vehicle lighting requirements (*Regulation 8*).

Regulations 1, 4 and 9 (which deals with citation and commencement) come into force on 1st November 1998 and the other Regulations come into force on 1st January 1999.

Road Traffic (Jersey) Law 1956

ROAD TRAFFIC (No. 50) (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 -

1. In paragraph (1) of Article 1 of the Law³ -
 - (a) 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, 34A, 35 and in paragraph (4) of 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, 34A and 35 of this Law shall be exercised by that Committee;” and

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, 7878, 8016, 8624, 8722 and 9180.

- (b) in the definition of “traffic sign” for the words “paragraph (2)” there shall be substituted the words “paragraph (1)”.

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

- (a) for the definitions of “heavy motor car”, “moped” and “motor car” there shall be substituted in the appropriate place in alphabetical order the following definitions -

“ ‘heavy motor car’ means a mechanically propelled vehicle, not being a locomotive, a motor tractor, or a motor car, which is constructed itself to carry a load or passengers and the weight of which unladen exceeds 2540 kilogrammes;

‘moped’ means a mechanically propelled bicycle which has a maximum design speed which does not exceed 30 mph, a kerbside weight which does not exceed 250 kilogrammes and, if propelled by an internal combustion engine, an engine with a cylinder capacity which does not exceed 50 cubic centimetres;

‘motor car’ means a mechanically propelled vehicle, not being a motor tractor, a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers and the weight of which unladen -

- (a) if it is constructed solely for the carriage of passengers and their effects and is adapted to carry not more than seven passengers exclusive of the driver, does not exceed 3050 kilogrammes;
- (b) if it is constructed for use for the conveyance of goods or burden of any description, does not exceed 3040 kilogrammes;

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

- (c) does not exceed 2450 kilogrammes in a case falling within neither paragraph (a) nor (b);⁵;
- (b) in the definition of “heavy motor cycle” for the words “four wheels” there shall be substituted the words “three wheels”;
- (c) in the definition of “light motor cycle” -
 - (i) for the words “four wheels” there shall be substituted the words “three wheels”; and
 - (ii) for the words “nine kilowatts” in sub-paragraph (b) there shall be substituted the words “eleven kilowatts”;
- (d) after the definition of “light motor cycle” there shall be inserted the following definition -

“ ‘locomotive’ means a mechanically propelled vehicle which is not constructed itself to carry a load other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment, and the weight of which unladen exceeds 7370 kilogrammes;”;
- (e) at the end of the definition of “motor tractor” there shall be inserted the words “and the weight of which unladen does not exceed 7370 kilogrammes”.

3. In Article 22B of the Law⁵ -

- (a) for the heading there shall be substituted the following heading -

“Restrictions on carrying children not wearing seat belts in motor vehicles”;

⁵ Nos. 7411 and 8077.

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

“(1) Except as provided by order, a person shall not, without reasonable excuse, drive a motor vehicle on a road where -

- (a) a child under the age of 14 is in the front or rear of the vehicle;
 - (b) a seat belt is fitted or required by or under any enactment to be fitted in the front or rear of that vehicle as the case may be; and
 - (c) that child is not wearing a seat belt in conformity with such order.”; and
- (c) for sub-paragraph (b) of paragraph (3) there shall be substituted the following sub-paragraph -

“(b) prescribing different requirements where children are carried in the front or the rear of a vehicle and defining in relation to any class of vehicle what part of it is to be regarded as the front and what part as the rear for the purposes of paragraph (1) of this Article”.

4. In paragraph (2) of Article 35 of the Law⁶ for the words “Article 13A, 23B or 33” there shall be substituted the words “Article 13A, 23B, 33 or 33A”.

5. In Article 39 of the Law⁷ -

- (a) in paragraph (1) -

(i) for sub-paragraph (b) there shall be substituted the following sub-paragraph -

⁶ Recueil des Lois, Tome VIII, page 625.

⁷ Recueil des Lois, Tome VIII, page 628, and Nos. 6998 and 8077.

“(b) the emission or consumption of smoke, noxious gases, fumes or vapour and the emission of sparks, ashes and grit;”;

- (ii) after sub-paragraph (g) there shall be inserted the following paragraph -

“(ga) lighting equipment and reflectors;”;

- (iii) at the end of sub-paragraph (j) there shall be inserted the words “and to drive the motor vehicle for that purpose”;

- (iv) after sub-paragraph (j) there shall be inserted the following sub-paragraphs -

“(ja) for empowering persons authorised by or under the order to -

(i) issue defect notices following a test and inspection of a vehicle; and

(ii) impound, whether on a road or elsewhere, vehicles which in their opinion contravene any provisions of an order as to the use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be so used;

(jb) the examination of vehicles for the purposes of the issue of certificates of compliance where it is found on examination that certain construction and use requirements are complied with;

(jc) the designation of persons as examiners for such purpose;

(jd) the fee for, form of and particulars to be contained in certificates of compliance;

- (je) the issue of duplicates or copies of certificates of compliance and the fees to be paid for such issue;
 - (jf) appeals where a certificate of compliance is refused;” and
 - (v) after the word “circumstances” at the end of the paragraph there shall be inserted the words “and as respects different times of the day or night and as respects roads in different localities”; and
- (b) for paragraph (2) there shall be substituted the following paragraphs -

“(2) An order under this Article with respect to lighting equipment and reflectors -

- (a) may require that lamps be kept lit at such times and in such circumstances as may be specified in the order; and
 - (b) may extend, in like manner as to motor vehicles and trailers, to vehicles of any description used on roads, whether or not they are mechanically propelled.
- (3) Subject to paragraph (4) of this Article, a person who -

- (a) contravenes or fails to comply with any requirement of an order made under this Article; or
- (b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,

shall be liable to a fine not exceeding level 3 on the standard scale or, if the vehicle concerned is a goods vehicle or a vehicle adapted to carry more than eight passengers, not exceeding level 4 on the standard scale.

(4) Paragraph (3) of this Article shall not apply to the extent that the provisions of the order with which the motor vehicle or trailer does not comply have been excluded or modified in their application to that vehicle or trailer, by virtue of a licence granted under paragraph (1) of Article 39A of this Law, and the restrictions or conditions specified in the licence have been complied with.

(5) In any proceedings for an offence under paragraph (3) of this Article in which there is alleged a contravention of or failure to comply with a requirement as to description of weight applicable to a goods vehicle, it shall be a defence to prove either -

- (a) that at the time when the vehicle was being used on the road -
 - (i) it was proceeding to a weighbridge which was the nearest available one to the place where the loading of the vehicle was completed for the purpose of being weighed; or
 - (ii) it was proceeding from a weighbridge after being weighed to the nearest point at which it was reasonably practicable to reduce the weight to the relevant limit, without causing an obstruction on any road; or
- (b) in a case where the limit of that weight was not exceeded by more than 5 per cent -

- (i) that that limit was not exceeded at the time when the loading of the vehicle was originally completed; and
- (ii) that since that time no person has made any addition to the load.

(6) A person who intentionally obstructs a person authorised to test and inspect or examine vehicles pursuant to an Order made under this Article shall be liable to a fine not exceeding level 2 on the standard scale.”.

6. After paragraph (1) of Article 39A of the Law⁸ there shall be inserted the following paragraph -

“(1A) For the avoidance of doubt, the provisions of any order made under Article 39 of this Law shall apply to a vehicle in respect of which a licence has been granted under paragraph (1) of this Article and which is used on a road in contravention of any restriction or condition of that licence.”.

7. After Article 39A of the Law⁹ there shall be inserted the following Article -

“ARTICLE 39B

Forgery, false statements, documents and representations in connection with the examination of vehicles

- (1) A person who, with intent to deceive -
 - (a) forges, alters or uses a certificate of compliance;
 - (b) lends such a certificate to, or allows it to be used by, any other person; or

⁸ Recueil des Lois, Tome VIII, page 630.

⁹ Recueil des Lois, Tome VIII, page 631.

- (c) makes or has in his possession a document so closely resembling such a certificate as to be calculated to deceive,

shall be liable to a fine or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(2) A person who knowingly makes a false statement or withholds any material information for the purpose of obtaining a certificate of compliance shall be liable to a fine not exceeding level 3 on the standard scale.

(3) A person who issues a certificate of compliance which is to his knowledge false in a material particular shall be liable to a fine not exceeding level 3 on the standard scale.

(4) A person who, with intent to deceive, falsely represents himself to be, or to be employed by, a person designated as an examiner for the purpose of issuing certificates of compliance shall be liable to a fine not exceeding level 3 on the standard scale.

(5) In this Article “certificate of compliance” means a certificate of compliance issued under an order made under Article 39 of this Law.”.

8. In Article 41 of the Law¹⁰ -

- (a) in paragraph (1) for the words from “that it is not capable of being used” to the end of that paragraph there shall be substituted the words “that its use on a road would involve a danger of injury to any person”; and
- (b) in paragraph (4) -
 - (i) in sub-paragraph (b) for the semicolon and the word “or” at the end of that sub-paragraph there shall be substituted a full stop; and

¹⁰ Recueil des Lois, Tome VIII, page 631, and No. 8457.

(ii) sub-paragraph (c) shall be deleted.

9.-(1) These Regulations may be cited as the Road Traffic (No. 50) (Jersey) Regulations 1998.

(2) These Regulations come into force as follows -

- (a) Regulations 1, 4 and 9 shall come into force on the first day of November 1998; and
- (b) Regulations 2, 3, 5, 6, 7 and 8 shall come into force on the first day of January 1999.