



Jersey

MOTOR VEHICLES (REMOVAL FROM PRIVATE LAND) (JERSEY) LAW 2019

Official Consolidated Version

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MOTOR VEHICLES (REMOVAL FROM PRIVATE LAND) (JERSEY) LAW 2019

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MOTOR VEHICLES (REMOVAL FROM PRIVATE LAND) (JERSEY) LAW 2019

A **LAW** to permit the removal of motor vehicles from private land and connected matters.

Commencement [[see endnotes](#)]

1 Interpretation

(1) In this Law, unless the context otherwise requires –

“Airport Director” means the person appointed as such under Article 2 of the [Aerodromes \(Administration\) \(Jersey\) Law 1952](#);

“Harbour Master” means the person who is appointed as such under Article 2 of the [Harbours \(Administration\) \(Jersey\) Law 1961](#);

“Inspector of Motor Traffic” means the Inspector of Motor Traffic appointed under Article 2 of the [Motor Traffic \(Jersey\) Law 1935](#);

“land owner” means the person for the time being having the enjoyment of that land, either as owner or usufructuary owner or in the exercise of rights of dower, franc vevuage, seigniorialty or otherwise;

“Minister” means the Minister for Justice and Home Affairs;

“motor vehicle” has the same meaning as in Article 2 of the [Road Traffic \(Jersey\) Law 1956](#);

“motor vehicle owner” means the registered owner, driver or other person in control or in charge of that motor vehicle and, in relation to a motor vehicle that is the subject of a hiring agreement or hire-purchase agreement, includes the person in possession of that motor vehicle under that agreement;

“parking place” means a place allocated for the parking of a motor vehicle or a motor vehicle of any class or description;

“private land” means any road, driveway, parking place, footway or other place that is not land belonging to the public of Jersey or under the administration of any parochial authority;

“registered owner”, in relation to a motor vehicle, means the person for the time being entered in the register of motor vehicles described in Article 3 of the [Motor Vehicle Registration \(Jersey\) Law 1993](#) as the owner of that vehicle;

“trailer” has the same meaning as in Article 1(1) of the [Road Traffic \(Jersey\) Law 1956](#).¹

- (2) In this Law, a reference to the removal of a motor vehicle from private land includes the removal of a motor vehicle or a trailer from one position to another on private land and the removal of any load carried by a motor vehicle or trailer.
- (3) The States may by Regulations amend paragraph (1).

2 Power to prohibit motor vehicle immobilization, interference or removal

- (1) The States may by Regulations prohibit the interference or removal of a motor vehicle on private land for any purpose, by any means, by any person or in any circumstance specified in the Regulations.
- (2) The States may by Regulations also prohibit the attachment or other use of an immobilization device on a motor vehicle left on private land.
- (3) In this Article “immobilization device” means a device or appliance designed or adapted for the purpose of preventing a motor vehicle from being driven or otherwise put in motion.

3 Power to remove vehicles from private land

- (1) The States may by Regulations make such provision as may appear to the States to be necessary or expedient to permit the removal of motor vehicles from private land.
- (2) Regulations made under paragraph (1) may include provision for any of the following –
 - (a) the circumstances in which a motor vehicle may be removed or must not be removed;
 - (b) requirements to be satisfied before a motor vehicle may be removed;
 - (c) requirements for the removal, storage, custody, recovery or disposal of a motor vehicle removed;
 - (d) the persons or classes of persons who may remove motor vehicles from private land;
 - (e) the circumstances in which the Inspector of Motor Traffic or a parochial authority must or may provide details of a registered keeper of a motor vehicle to a person specified in the Regulations or in circumstances specified in the Regulations;
 - (f) the procedure for notifying a person before or after the removal of a motor vehicle of the removal and of its storage, disposal or means of recovery of it;
 - (g) the recovery of expenses reasonably incurred in the removal, storage, custody, recovery or disposal of a motor vehicle removed from private land;
 - (h) the resolution of disputes or complaints in connection with the removal, storage, custody, recovery or disposal of a motor vehicle;
 - (i) any other provision connected to the exercise of the power under paragraph (1) or this paragraph.
- (3) In this Article a reference to disposal of a motor vehicle or trailer includes the sale, transfer or destruction of a motor vehicle or any load carried by the motor vehicle or trailer.

4 Parking charges for unauthorized parking on private land

- (1) The States may by Regulations make provision enabling a land owner, whether personally or through an agent, to impose a parking charge, or an additional or excess parking charge, upon a motor vehicle owner in respect of a motor vehicle or trailer that is left on that land owner's land.
- (2) Regulations under this Article may provide for any of the following –
 - (a) the maximum amount of parking charges, the discounting of a parking charge for early payment, any additional parking charge for late payment or any excess parking charge, that may imposed;
 - (b) the circumstances when a parking charge described in sub-paragraph (a) may, or must not, be recovered, including any requirement for a land owner to give notice that a parking charge is imposed when a motor vehicle or trailer is left on land specified in the notice;
 - (c) the persons who may impose a parking charge and the persons from whom a parking charge may, or must not, be recovered;
 - (d) the circumstances in which –
 - (i) the Inspector of Motor Traffic or a parochial authority must or may provide details of a registered keeper of a motor vehicle, or
 - (ii) the motor vehicle owner must or may provide details of any person to whom he or she has hired or lent a motor vehicle to a person specified in the Regulations or in circumstances specified in the Regulations;
 - (e) the conditions that must be satisfied before a person may impose or recover a parking charge including –
 - (i) the contents of any notice to be displayed or served in connection with a parking charge,
 - (ii) any evidence that may or must be produced in connection with a parking charge, and
 - (iii) the means of bringing any notice to the attention of any motor vehicle owner;
 - (f) the resolution of disputes or complaints in connection with the imposition or recovery of a parking charge;
 - (g) the means of recovery of an unpaid parking charge or an additional or excess parking charge;
 - (h) such other matters as the States consider to be necessary or expedient for the purposes of this Regulation.²

5 Register of motor vehicle removal operators

- (1) The States may by Regulations provide for the establishment and maintenance of a register of motor vehicle removal operators.
- (2) Regulations made under paragraph (1) may include provision for such matters as the States consider to be necessary or expedient for the purposes of the establishment and maintenance of such a register, including any of the following –
 - (a) the person who must maintain the register;
 - (b) the information that must be included in the register;
 - (c) the criteria for registration;

- (d) fees for applications for registration, including any refund of fees;
 - (e) the grounds for accepting or refusing applications for registration;
 - (f) the attachment of conditions to the registration of a person;
 - (g) the processes for making or granting applications for registration, or for suspending or cancelling a person's registration;
 - (h) the process for appealing against decisions made in respect of the granting of, or the refusal to grant, applications for registration, the imposition of any conditions, or the suspension or the cancellation of a registration;
 - (i) the duration or renewal of a registration;
 - (j) the giving of any notice in connection with a registration;
 - (k) the publication of the register or any part of it;
 - (l) restrictions or prohibitions on operating as a motor vehicle removal operator without being registered.
- (3) Regulations may permit or require the Minister to –
- (a) publish the particulars that must be contained in an application for registration as a vehicle removal operator and any information that must accompany such application;
 - (b) prescribe the amount of any fee payable under the Regulations; or
 - (c) publish guidance or codes of practice to apply in relation to vehicle removal operators.
- (4) In this Article “publish” means publish in a manner that is likely to bring it to the attention of those affected.

6 Rules of Court³

The powers to make Rules of Court under Article 13 of the [Royal Court \(Jersey\) Law 1948](#), includes powers to make Rules regulating the practice and procedure for applications and appeals under this Law.

7 General provisions as to Regulations

Regulations made under this Law may –

- (a) make different provision for different cases and contain such incidental, supplementary, transitional, transitory, consequential or savings provisions as appear to the States to be necessary or expedient; and
- (b) create offences, and specify penalties for such offences not exceeding a level 3 fine on the standard scale.

8 General provisions as to offences

- (1) Where an offence under Regulations made under this Law, committed by a body corporate, limited liability partnership or separate limited partnership, is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –
- (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the company; or

- (b) any person purporting to act in any such capacity,
the person is guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (2) Where the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to acts and defaults of a member in connection with his or her functions of management as if the member were a director of the body corporate.

9 Power of Centenier to impose penalty

- (1) Where a person charged with an offence under this Law accepts the decision of a Centenier having jurisdiction in the matter, the Centenier may impose a fine of an amount not exceeding level 1 on the standard scale.
- (2) A fine imposed under paragraph (1) is to be paid for the benefit of the parish in which the offence was committed.

10 Limitation of liability

- (1) None of the following is liable in damages for any act done in the performance or purported performance of any power or duty conferred by or under this Law –
 - (a) a police officer;
 - (b) a parochial authority;
 - (c) the Minister;
 - (d) any States employee who is, or is acting as, an officer, employee or agent of the States or of the Minister or performing any function on behalf of the States or of the Minister;
 - (e) the Harbour Master or any person who is, or is acting as, an officer, employee, or agent of the Harbour Master or performing any function on behalf of the Harbour Master;
 - (f) the Airport Director or any person who is, or is acting as, an officer, employee, or agent of the Harbour Master or performing any function on behalf of the Harbour Master.
- (2) Paragraph (1) does not apply –
 - (a) if it is shown that the act was done in bad faith; nor
 - (b) so as to prevent an award of damages made in respect of an act on the ground that the act was unlawful as a result of Article 7(1) of the [Human Rights \(Jersey\) Law 2000](#).

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12 Citation and commencement

This Law may be cited as the Motor Vehicles (Removal from Private Land) (Jersey) Law 2019 and comes into force 7 days after it is registered.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	°Projet No (where applicable)
Motor Vehicles (Removal from Private Land) (Jersey) Law 2019	L.1/2019	1 March 2019	P.112/2018
Criminal Procedure (Consequential and Supplementary Amendments) (Jersey) Regulations 2021	R&O.94/2021	1 October 2021	P.59/2021
States of Jersey (Transfer of Justice Functions – Chief Minister to Justice and Home Affairs) Order 2023	R&O.76/2023	21 September 2023	

°Projets available at www.statesassembly.gov.je

Table of Endnote References

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- ¹ Article 1(1) *amended by R&O.76/2023*
- ² Article 4(2) *editorial change, sub-clause (ii) where secondly occurring renumbered as sub-clause (iii)*
- ³ Article 6 *amended by R&O.94/2021*
- ⁴ Article 11 *spent, omitted*