

ROAD TRAFFIC (JERSEY) LAW 1956

Official Consolidated Version

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Jersey

ROAD TRAFFIC (JERSEY) LAW 1956

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Jersey

ROAD TRAFFIC (JERSEY) LAW 1956[1]

A LAW with regard to the regulation of road traffic and to provide for matters incidental thereto

Commencement [see endnotes]

INTRODUCTORY

1 Interpretation

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

"animal" excludes dogs;

"breath test" means a preliminary test for the purpose of obtaining, by means of a device of a type approved by the Minister for Justice and Home Affairs, an indication whether the proportion of alcohol in a person's breath or blood is likely to exceed the prescribed limit;

"cycle track" means any way to which the public have access by pedal cycle only or by pedal cycle and on foot only;

"domestic driving permit" has the meaning assigned to it by Article 8(7);

"driver", where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and the expression "drive" shall be construed accordingly;

"drug" includes any intoxicant other than alcohol;

"fail" includes refuse;

"Fire and Rescue Service" means the service of that name referred to in Article 3 of the Fire and Rescue Service (Jersey) Law 2011;

"footway" means any way to which the public have access on foot only;

"highway authority" has the same meaning as in the Highways (Jersey) Law 1956;

"hospital" means an institution which provides medical or surgical treatment for in-patients or out-patients;

"Jersey Coastguard service" means maritime search and rescue within territorial waters referred to in Article 2(5)(b) in the Harbours (Administration) (Jersey) Law 1961 for which a harbour authority is responsible under that Law;

"licence" means a licence to drive a motor vehicle granted under Article 4, and includes a provisional licence;

"licensing authority" means the Minister;

"medical condition" means any illness, disease, disability or other physical or mental disorder;

"medical exemption certificate" has the meaning assigned thereto by Article 43;

"the Minister", without further description, means the Minister for Infrastructure;

"motoring offence" means an offence in connection with a motor vehicle or an offence under Article 29(4), 30(7) or 30B(4);

"omnibus" has the meaning assigned thereto by the Motor Traffic (Jersey) Law 1935;

"Order" means an Order made by a Minister under this Law;

"parochial authority" means the Connétable of the parish in which the applicant for a licence or licence holder, as the case may be, resides;

"pedal cycle" means a bicycle, a tricycle or a cycle having 4 or more wheels, not being in any case a motor vehicle;

"pedestrian" includes a person using a wheelchair;

"permanent resident of Jersey" means a person who –

(a) has resided in Jersey for more than 12 months; or

(b) intends to reside in Jersey for more than 12 months and who is not, under the Immigration Act 1971 of the United Kingdom, prohibited from remaining in Jersey for more than 12 months;

"prescribed" means prescribed by Order;

"prescribed limit" has the meaning given in Article 28(4);

"prescribed test" means a test prescribed for the purposes of Article 8(1)(a);

"provisional licence" means a provisional licence granted under Article 11;

"public parking place" means a place for the parking of vehicles or vehicles of any class or description, under the administration of any public or parochial authority;

"registered medical practitioner" has the same meaning as in the Medical Practitioners (Registration) (Jersey) Law 1960;

"road" means any public road, any other road to which the public has access, any of the roads on the Rue des Près Trading Estate, any bridge over which a road passes and any sea beach;

"statutory", in relation to any prohibition, restriction, requirement or provision, means contained in, or having effect under, any enactment;

"Traffic Officer" has the same meaning as in the Motor Traffic (Jersey) Law 1935;

"traffic sign" means –

(a) any object or device (whether fixed or portable); or

(b) any line or mark,

for conveying warnings, information, requirements, restrictions or prohibitions of any description prescribed or authorized under Article 72(3) to traffic or any specified description of traffic on roads, footways or cycle tracks;

"trailer" means any vehicle drawn by another vehicle;

"wheelchair" means a vehicle, whether mechanically propelled or not which –

(a) is constructed or adapted for the carriage of one person, being a person suffering from a physical disability; and

(b) falls within such class of wheelchair as may be prescribed.[2]

(2) References in this Law to any enactment repealed by this Law include references to any former enactment corresponding to that enactment and in this paragraph "enactment" includes an enactment of the United Kingdom.[3]

(3) References in this Law to the driving of a vehicle shall, in the case of a vehicle propelled by human power, be construed as references to the propelling or riding of the vehicle.

(4) References in this Law to the erection or placing of traffic signs shall include references to the display thereof in any manner, whether or not involving fixing or placing.[4]

(5) For the purposes of this Law, a document in the prescribed form containing a licence issued under Article 4 and a provisional licence issued under Article 11 shall, so long as the 2 licences do not relate to vehicles of the same class or description, be treated as a single licence.[5]

2 Interpretation of expressions relating to motor vehicles[6]

(1) In this Law, except in so far as the contrary is expressly provided or the context otherwise requires –

"agricultural tractor" means a motor tractor designed and used primarily for work in connection with agriculture which is driven on a road only when proceeding to and from the site of such work and which when so driven hauls nothing more than land implements or an agricultural trailer;

"articulated goods vehicle" means a motor vehicle which is so constructed that a trailer designed to carry goods may by partial superimposition be attached to it in such manner as to cause a substantial part of the weight of the trailer to be borne by the motor vehicle, and "articulated goods vehicle combination" means an articulated goods vehicle with a trailer so attached;

"electrically propelled vehicle" means a vehicle of which the motive power is solely derived from an electrical storage battery carried on the vehicle and not connected to any source of power when the vehicle is in motion;

"goods vehicle" means a motor vehicle or trailer constructed or adapted for use for the carriage or haulage of goods or burden of any description;

"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 kg;

"heavy motor cycle" means a mechanically propelled vehicle (not being a light motor cycle, moped or invalid carriage) with less than 3 wheels and the weight of which unladen does not exceed 410 kg;

"invalid carriage" means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kg and which is specifically designed and constructed, and not merely adapted, for the use of persons suffering from some physical defect or disability and is used solely by such persons;

"kerbside weight", in relation to a motor cycle or a moped means its weight when it carries –

(a) no person thereon; and

(b) a full supply of fuel in its tank, an adequate supply of other liquids incidental to its propulsion and no load other than the loose tools and equipment with which it is normally equipped;

"large goods vehicle" means a vehicle (including an articulated goods vehicle) which is constructed or adapted to carry or to haul goods and whose permissible maximum weight exceeds 7.5 tonnes;

"large passenger carrying vehicle" means any vehicle which is used for the carriage of passengers with more than 16 seats in addition to the driver's seat and also includes a vehicle used for carrying passengers for hire or reward with more than 8 seats in addition to the driver's seat;

"light motor cycle" means a mechanically propelled vehicle (not being a moped or an invalid carriage) with less than 3 wheels and the weight of which unladen does not exceed 153 kg which either is propelled by electric power or has the following characteristics –

(a) the cylinder capacity of its engine does not exceed 125 cc;

(b) the maximum power output of its engine does not exceed 11 kilowatts (as measured in accordance with International Organization for Standardization Standard 4106 – 1978 – 09 – 01); and

(c) its power to weight ratio does not exceed 100 kilowatts per metric tonne, the power being the maximum power output mentioned in sub-paragraph (b) above and the weight being the weight of the vehicle with a full supply of fuel in its tank, an adequate supply of other liquids needed for its propulsion and no load other than its normal equipment, including loose tools;

"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 kg;

"maximum design speed" in relation to a motor cycle or a moped means the maximum speed which the vehicle is designed to achieve under its own power on a level road;

"maximum gross weight" in relation to a motor vehicle or trailer, means the weight of the vehicle laden with the heaviest load which it is constructed or adapted to carry;

"maximum train weight" in relation to an articulated goods vehicle combination means the weight of the combination laden with the heaviest load which it is constructed or adapted to carry;

"medium-sized goods vehicle" means a motor vehicle which is constructed or adapted to carry or to haul goods and is not adapted to carry more than 9 persons inclusive of the driver and the permissible maximum weight of which exceeds 3.5 tonnes but does not exceed 7.5 tonnes;

"minibus" means a vehicle which is used for the carrying of passengers (but not for hire or reward) with more than 8 seats, but not more than 16 seats in addition to the driver's seat;

"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 kg and, if propelled by an internal combustion engine, an engine with a cylinder capacity which does not exceed 50 cc;

"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 7 passengers exclusive of the driver, does not exceed 3050 kg;

(b) if it is constructed for use for the conveyance of goods or burden of any description, does not exceed 3040 kg;

(c) does not exceed 2450 kg in a case falling within neither paragraph (a) nor (b);

"motor cycle" means a heavy motor cycle or a light motor cycle;

"motor tractor" means a mechanically propelled vehicle which is not constructed itself to carry any load, other than water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment and the weight of which unladen does not exceed 7370 kg;

"motor tricycle" means a 3-wheeled vehicle (not being a mowing machine, pedestrian controlled vehicle, electrically powered vehicle or moped) with an unladen mass not exceeding 500 kg and with a maximum design speed exceeding 30 mph;

"motor vehicle" means any mechanically propelled vehicle intended or adapted for use on roads which is not excluded from this definition by virtue of Article 3;

"pedestrian controlled vehicle" means a motor vehicle constructed or adapted –

(a) for use only under the control of a pedestrian; or

(b) for use either under such control or under the control of a person on it but is not for the time being in use under, or proceeding under, the control of a person on it,

and not used or constructed or adapted for use for the carriage of a driver or passenger;

"permissible maximum weight", in relation to a goods vehicle of whatever description, means –

(a) in the case of a motor vehicle which neither is an articulated goods vehicle nor is drawing a trailer, the maximum gross weight of the vehicle;

(b) in the case of an articulated goods vehicle –

(i) when drawing only a semi-trailer, the maximum train weight of the articulated goods vehicle combination,

(ii) when drawing a trailer as well as a semi-trailer, the aggregate of the maximum train weight of the articulated goods vehicle combination and the maximum gross weight of the trailer,

(iii) when drawing a trailer but not a semi-trailer, the aggregate of the maximum gross weight of the articulated goods vehicle and the maximum gross weight of the trailer,

(iv) when drawing neither a semi-trailer nor a trailer, the maximum gross weight of the vehicle;

(c) in the case of a motor vehicle (not being an articulated goods vehicle) which is drawing a trailer, the aggregate of the maximum gross weight of the motor vehicle and the maximum gross weight of the trailer;

"semi-trailer", in relation to an articulated goods vehicle, means a trailer attached to it in the manner described in the definition of articulated goods vehicle;

"small goods vehicle" means a motor vehicle (other than a motor cycle, moped or invalid carriage) which is constructed or adapted to carry or to haul goods and is not adapted to carry more than 9 persons inclusive of the driver and the permissible maximum weight of which does not exceed 3.5 tonnes;

"small passenger vehicle" means a motor vehicle (other than a motor cycle, moped or invalid carriage) which is constructed solely to carry passengers and their effects and is adapted to carry not more than 9 persons inclusive of the driver;

"track laying vehicle" means a motor vehicle so designed and constructed that the weight thereof is transmitted to the road surfaces either by means of continuous tracks or by a combination of wheels and continuous tracks in such circumstances that the weight transmitted to the road surface by the tracks is not less than half the weight of the vehicle.[7]

(2) For the purposes of this Law –

(a) in any case where a motor vehicle is so constructed that a trailer may by partial superimposition be attached to the vehicle in such manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself constructed to carry a load;

(b) in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be deemed to constitute a load, but shall be deemed to form part of the vehicle; and

(c) a side car attached to a motor cycle shall, if it complies with the prescribed conditions, be regarded as forming part of the vehicle to which it is attached and not as being a trailer:

Provided that this sub-paragraph shall not apply in computing the weight of a light motor cycle for the purposes of the definition thereof in paragraph (1).

3 Vehicles excluded from the definition of "motor vehicle"[8]

The following mechanically propelled vehicles are excluded from the definition of "motor vehicle" in this Law –

(a) a pedestrian controlled vehicle for cutting grass which is not capable of being used or adapted for any other purpose;

(b) any other pedestrian controlled vehicle as may be prescribed;

(c) a mechanically propelled wheelchair of such class as may be prescribed; and

(d) an electrically assisted pedal cycle of such class as may be prescribed.

LICENSING OF DRIVERS OF MOTOR VEHICLES

4 Licensing of drivers

(1) A person shall not drive a motor vehicle of any class or description on a road unless he or she is the holder of a licence authorizing him or her to drive motor vehicles of that class or description, and a person shall not employ any person to drive a motor vehicle of any class or description on a road unless the person so employed is the holder of a licence authorizing him or her to drive motor vehicles of that class or description, and a person who acts in contravention of this provision, or otherwise than in accordance with the licence shall be liable to a fine of level 3 on the standard scale.[9]

(2) A person wishing to apply for a licence shall –

(a) make application in the prescribed manner to the parochial authority;

(b) furnish with the application –

(i) a certificate showing that the person has passed the prescribed test (unless the application is for a licence following the surrender of a domestic driving permit under Article 8),

(ii) a photograph of the person which fulfils the prescribed requirements,

(iii) such certificates and licences as may be prescribed,

(iv) the documents or information required to satisfy the identification criteria determined for the purposes of paragraph (3);

(c) make a declaration, in a form approved by the Minister, that the person is not disqualified by reason of age or otherwise for obtaining the licence for which he or she is applying;

(d) pay the prescribed fee; and

(e) make a declaration in a form approved by the Minister that the person is a permanent resident of Jersey.[10]

(3) Subject to the provisions of this Law as to the physical fitness of applicants for licences and their competence to drive motor vehicles, on receipt of an application in accordance with paragraph (2), if the parochial authority is satisfied –

(a) as to the identity of the applicant, as determined in accordance with identification criteria determined by the Minister for Infrastructure;

(b) that the applicant is a permanent resident of Jersey; and

(c) as to compliance with any provisions prescribed under Article 8(2),

it shall (unless the applicant is disqualified under paragraph (12) for obtaining a licence) grant a licence in the prescribed form authorizing the applicant to drive motor vehicles of the class or description, or of the classes or descriptions, that may be specified in the licence.[11]

(4) Subject to the provisions of this Law with respect to provisional licences and to paragraphs (5) and (6) and Article 9(10)(b), a licence shall, unless previously revoked or surrendered, remain in force for a period of 10 years from the date of its issue.[12]

(5) Where the applicant's age, on the date at which the licence to drive a prescribed category of vehicle is to be granted, will exceed 45 but not 66 years, subject to Article 9(10)(b), the licence remains in force for whichever of the following periods ends earlier –

(a) a period of –

(i) 10 years, in the case of a licence granted before the day on which the Road Traffic (No. 65) (Jersey) Regulations 2021 come into force, or

(ii) 5 years, in the case of a licence granted on or after that day;

(b) the period ending on the 66th anniversary of the applicant's date of birth.[13]

(6) Where the applicant's age, on the date at which the licence to drive a prescribed category of vehicle is to be granted, will exceed 66 the licence shall remain in force for a period of one year.[14]

(7) Subject to paragraph (8), the same provisions shall apply to the renewal of a licence as apply to the grant of a licence.[15]

(8) Where –

(a) a licence holder applies to renew his or her licence (the "current licence") without any addition to the classes or descriptions of motor vehicles which the licence holder is authorized by the current licence to drive;

(b) the application is made, in the prescribed manner and within the prescribed period, before the expiry of the period for which the current licence is in force;

(c) the licence is granted before the expiry of the period for which the current licence would have remained in force had it not been surrendered,

the licence granted shall remain in force for a period being the aggregate of –

(i) the remainder of the period for which the current licence would have remained in force had it not been surrendered, and

(ii) the period, commencing upon the expiry of the period described in clause (i) of this paragraph, applicable in the licence holder's case under paragraph (4), (5) or (6).[16]

(8A) Paragraph (8B) applies where –

(a) a licence holder applies to renew his or her licence ("the current licence") without any addition to the classes or descriptions of motor vehicles which the licence holder is authorised by the current licence to drive;

(b) the licence application is made before the expiry of the current licence but not within the prescribed period under paragraph (8)(b); and

(c) the licence is granted before the expiry of the period for which the current licence would have remained in force had it not been surrendered.[17]

(8B) The licence granted is in force for the period applicable in the licence holder's case under paragraph (4), (5) or (6) for a period commencing on the date the licence is granted.[18]

(9) Where it appears to the parochial authority that a licence issued to any person was granted in error or with an error or omission in the particulars specified in the licence or required to be endorsed in pursuance of any enactment, then that licence may be revoked and the person shall be required to surrender the licence forthwith to the parochial authority.[19]

(10) A person who fails to comply with paragraph (9) shall be liable to a fine of level 2 on the standard scale.[20]

(11) The amendments, effected by the Road Traffic (No. 57) (Jersey) Regulations 2007, to the period for which a licence shall remain in force under paragraphs (4) and (5) shall not affect the period of validity of a licence granted or issued before those Regulations came into effect.[21]

(12) A person shall be disqualified for obtaining a licence –

(a) while another licence granted to him or her is in force;

(b) if he or she is by a conviction under this Law or by an order of a court thereunder disqualified for holding or obtaining a licence.

(13) In any proceedings the fact that a licence has been granted to a person shall be evidence that that person for the purpose of obtaining that licence made a declaration that he or she was not disqualified for holding or obtaining the licence.

5 Driving instruction[22]

(1) Subject to paragraph (2), no person shall give instruction in the driving of a motor car or heavy motor car for the giving of which payment of money or money's worth is or is to be made by or in respect of the person to whom the instruction is given unless the person giving the instruction is registered with the Minister as a driving instructor.[23]

(2) Paragraph (1) shall not apply to the giving of instruction in the driving of motor cars or heavy motor cars by an employee of the States, a parish or private concern to other employees of the States, that parish or private concern, as the case may be, where the duties include the giving of such instruction.[24]

(3) If instruction is given in contravention of paragraph (1) the person by whom it is given, and if that person is employed by another to give that instruction, that other, as well as that person, shall be liable to a fine of level 3 on the standard scale.[25]

6 Registration of driving instructors[26]

(1) For the purposes of this Law, the Minister shall establish and keep a register of driving instructors (in this Article and in Article 7 referred to as the "register").

(2) An application for the entry of a person's name in the register shall be made in the prescribed form to the Inspector of Motor Traffic.

(3) If an applicant –

(a) satisfies the Inspector of Motor Traffic that the prescribed conditions for registration are fulfilled in the applicant's case; and

(b) pays the prescribed fee,

the Minister shall cause the name of the applicant to be entered in the register.

(4) The Minister shall remove from the register the name of any person if satisfied that the prescribed conditions are no longer fulfilled in the person's case or if he or she refuses to undergo the test referred to in paragraph (9).

(5) Unless previously removed under the provisions of paragraph (4), the name of a person shall be removed from the register at the end of the period of 4 years beginning with the first day of the month next after that in which the name was entered in the register, but if an application for the retention of the name is made before the end of that period the name shall not be removed unless the Minister considers that that person is no longer a fit and proper person to have his or her name entered on the register.

(6) Where the name of a person has been removed from the register under paragraph (4) or (5) the Inspector of Motor Traffic shall notify that person in writing of the removal within 48 hours of the removal.

(7) An application for the retention of a person's name in the register shall be made in the prescribed form to the Inspector of Motor Traffic and the prescribed fee paid.

(8) A person whose name has been removed from the register under paragraph (5) who applies under paragraph (1) for his or her name to be entered again in the register shall be required again to pass the prescribed examination unless the application is made before the end of the period of one year beginning with the end of the said period of 4 years.

(9) The entry of a person's name in the register shall be subject to the condition that, so long as the name is in the register that person will, if at any time required by the Inspector of Motor Traffic, undergo the test prescribed of continued ability and fitness to give instruction in the driving of motor vehicles.

(10) A person aggrieved by the –

(a) refusal of his or her application for the –

(i) entry of his or her name in the register, or

(ii) retention of his or her name in the register; or

(b) removal of his or her name from the register,

may within 28 days after the day on which the person receives notice of the refusal or removal appeal to the Inferior Number of the Royal Court the decision of which shall be final and without appeal, but without prejudice to the right of the Inferior Number of the Royal Court to refer the matter to the Superior Number of the Royal Court.

7 Orders regarding driving instruction[27]

(1) The Minister may by Order prescribe –

(a) the conditions which must be fulfilled before the name of an applicant is entered in the register;

(b) examinations of the ability of persons to give instruction in the driving of motor cars and heavy motor cars and tests of continued ability and fitness to give such instruction, and any such Order may provide for –

(i) such examination to consist in part of a written examination and in part of practical tests of ability and fitness to drive and instruct,

(ii) a candidate for the practical part of the examination or the test to provide a vehicle for the purpose which complies with such conditions as may be specified in the Order,

(iii) payment of such fees as may be specified in the Order;

(c) a form of certificate for issue to persons whose names are in the register as evidence of their names being therein, a form of badge and an official title for use by such persons;

(d) requirements in respect of motor cars and heavy motor cars used for giving driving instruction.[28]

(2) If a person –

(a) whose name is not in the register, takes or uses a title prescribed under paragraph (1)(c), or wears or displays a badge or certificate so prescribed, or takes or uses any name, title, addition or description implying that his or her name is in the register; or

(b) being a person carrying on business in the provision of instruction in the driving of motor vehicles, uses a title or description so prescribed in relation to any person employed by him or her whose name is not in the register, or issues any advertisement or invitation calculated to mislead with respect to the extent to which persons whose names are in the register are employed by him or her,

then, unless the person proves that he or she did not know, and had no reasonable cause to believe, that his or her name, or, as the case may be, that of the person employed by him or her, was not in the register at the material time, the person shall be liable to a fine of level 3 on the standard scale.[29]

(3) Where the name of a person to whom a prescribed certificate has been issued is removed from the register in pursuance of Article 6 that person shall surrender the certificate to the Inspector of Motor Traffic within 14 days of the receipt of notice of removal and if the person fails to do so he or she shall be liable to a fine of level 2 on the standard scale.[30]

(4) A person to whom a prescribed certificate has been issued shall carry it at all times whilst giving driving instruction and shall produce it on being so required by a police officer or Traffic Officer and if the person fails to do so he or she shall be liable to a fine of level 2 on the standard scale.[31]

(5) If a person fails to comply with the provisions of any Order made under this Article relating to motor cars and heavy motor cars to be used for giving driving instruction the person shall be liable to a fine of level 2 on the standard scale.[32]

7A Licence applicants to be permanent residents of Jersey[33]

A licence shall not be granted to any applicant unless the applicant is a permanent resident of Jersey.

8 Test of competence to drive and surrender of certain domestic driving permits[34]

(1) A licence (other than a provisional licence) shall not be granted to any applicant unless –

(a) the applicant satisfies the parochial authority that the applicant has, within the 5 years immediately before the date of the application for the licence, passed a prescribed test showing the applicant to be competent to drive vehicles of the class or description which the applicant would be authorized to drive by the licence applied for;

(b) the applicant satisfies the parochial authority that the applicant has, within the 5 years immediately before the date of the application for the licence, held a licence (not being a provisional licence) authorizing the applicant to drive vehicles of that class or description; or

(c) where the licence is within a category specified in an Order made under paragraph (2) –

(i) the applicant satisfies the parochial authority that the applicant has, within the 5 years immediately before the date of the application for the licence, held a domestic driving permit, issued by a country or territory prescribed in an Order made under paragraph (2), that is a permit of a class prescribed in the Order in relation to that country or territory,

(ii) the Order allows the parochial authority to issue a licence that is within that category to a person who holds a domestic driving permit of that class that is issued by that country or territory, and

(iii) the applicant satisfies the parochial authority that the applicant is not, at the time of the application, disqualified under the law of that country or territory for holding or obtaining a licence under that law to drive vehicles of any class or description.[35]

(2) The Minister may by Order prescribe the following –

(a) a parochial authority may only issue, to a person who produces to the authority a domestic driving permit held by the person, a licence that is within a category specified in the Order, if –

(i) the permit is issued by a country or territory prescribed in the Order,

(ii) the permit is within a class of permits prescribed in the Order in relation to that country or territory, and

(iii) the Order specifies that a licence within that category may be issued to a holder of a permit within that class that is issued by that country or territory;

(b) paragraph (1) shall have effect, in relation to domestic driving permits issued in any such country or territory as if –

(i) for the period of 5 years referred to in the paragraph there were substituted a lesser period, or

(ii) for the condition that the applicant has held a domestic driving permit within the period of 5 years there were substituted a condition that the applicant holds a valid domestic driving permit at the date of the application for the licence;

(c) a licence shall not be issued to the holder of such a permit unless the permit is surrendered to the parochial authority for return by that authority to the issuing authority in the country or territory of issue.[36]

(3) For the purposes of paragraph (1)(b), on the first application for a licence under this Law by a person who, during the 5 years immediately preceding the date of the application for the licence, held a licence granted under any enactment repealed by this Law, the last-mentioned licence shall –

(a) where it is a licence to drive a heavy motor car or a motor car, be deemed to be a licence authorizing the person to drive vehicles of any class; and

(b) where it is a licence to drive a motor cycle, with or without sidecar, be deemed to be a licence to drive a heavy motor cycle or a light motor cycle.

(4) The Minister may by Order make provision with respect to the nature of tests of competence to drive for the purposes of this Article, the evidence of the results thereof, and generally with respect thereto, and, in particular, but without prejudice to the generality of the foregoing –

(a) for requiring a person submitting for a test to provide a suitable vehicle for the purposes thereof;

(b) for requiring a fee of such amount as may be specified in the Order to be paid by the person seeking to submit for a test when he or she applies for an appointment for a test,

and different provision may be made with respect to tests of competence to drive different classes or descriptions of vehicles. [37]

(5) A fee paid in pursuance of the Order referred to in paragraph (4)(b) on application for an appointment for a test may be repaid in the following cases and not otherwise, that is to say –

(a) if no such appointment is made, or an appointment made is subsequently cancelled by a Traffic Officer;

(b) if the person for whom the appointment is made gives such notice cancelling the appointment as may be prescribed;

(c) if the person for whom the appointment is made keeps the appointment, but the test does not take place, or is not completed, for reasons attributable neither to the person nor to any vehicle provided by the person for the purposes of the test;

(d) if the person for whom the appointment is made produces a medical certificate as to the person's inability to give the prescribed notice of cancellation; or

(e) if the person for whom the appointment is made satisfies the Inspector that for any other reason it is right and proper for the fee to be repaid.[38]

(6) Prescribed tests shall be conducted by persons appointed for that purpose by the licensing authority.[39]

(7) In this Article, "domestic driving permit", in relation to any country outside Jersey, means a document issued under the law of that country and authorizing the holder to drive motor vehicles, or a specified class or description of motor vehicles, in that country, but excludes any such document which corresponds to a provisional licence.[40]

(8) [41]

9 Physical fitness to drive – before grant of licence or following grant of a provisional licence[42]

(1) An applicant for the grant of a licence must make a declaration, in a form approved by the Minister, as to the applicant's physical fitness to drive a motor vehicle.

(2) The declaration must require the applicant to state whether the applicant is suffering from, or has at any time or during any specified period suffered from, a relevant medical condition.

(3) A medical condition in respect of an application for a licence is a relevant medical condition for the purposes of this Article if –

(a) it is prescribed for the purpose of this paragraph; or

(b) it is a medical condition that is likely to cause the driving by the applicant, of any motor vehicle that the applicant would be authorised by the licence to drive, to be a source of danger to the public.

(4) If it appears from the applicant's declaration or from any other information, including an examination or assessment under paragraph (6), that the applicant suffers from a relevant medical condition, the parochial authority must, subject to paragraph (5), refuse to grant the licence.

(5) The parochial authority must not refuse to grant a licence under paragraph (4) on account of any relevant medical condition which is prescribed for the purpose of this paragraph if the applicant satisfies such requirements as may be prescribed with a view to authorising the grant of a licence to a person in whose case the medical condition is appropriately controlled.

(6) Where it appears to a parochial authority that a person who is an applicant for a licence or a person to whom a provisional licence has been granted, has or may have a relevant medical condition either from the declaration or other information, it may require the person to undergo, at the person's own expense either or both of the following –

(a) a medical examination by a registered medical practitioner designated by the parochial authority;

(b) a practical driving assessment by a person designated by the parochial authority for the purpose of determining whether the person can drive without being a source of danger to the public each type of motor vehicle the person would be, or is, authorised to drive by the provisional licence.

(7) A parochial authority must exercise its powers under paragraph (6) only for the purpose of determining either or both of the following –

(a) whether the person undergoing the examination or assessment has a relevant medical condition;

(b) whether any prescribed requirements under paragraph (5) are met.

(8) In the case of an applicant who is granted a provisional licence under Article 11 and in respect of whom an examination or assessment is required under paragraph (6), the parochial authority may –

(a) grant the provisional licence subject to such conditions as it thinks appropriate for that assessment, including limiting vehicles that may be driven to vehicles of a particular construction or design; and

(b) subject to paragraph (9), vary, substitute or delete such conditions as it thinks appropriate following that assessment.

(9) A parochial authority must revoke a provisional licence if it is satisfied following an examination or assessment under paragraph (6) that the licence holder has a relevant medical condition which would require the parochial authority to refuse the licence if the licence holder were an applicant for that licence.

(10) If a parochial authority grants a licence, other than a provisional licence, to an applicant with a relevant medical condition it may, having regard to the nature of that condition, do any of the following –

(a) impose such conditions as it thinks appropriate on the licence including –

(i) limiting vehicles that may be driven to vehicles of a particular construction or design, and

(ii) requiring such further medical examination or practical driving assessment to be undertaken at the licence holder's expense as the parochial authority may determine at such intervals that the parochial authority may determine;

(b) limit the period of time for which the licence is to be in force to such period as the parochial authority thinks appropriate so that the licence expires earlier than it otherwise would under Article 4(4), (5) or (6) as the case may be.

(11) A person may appeal to the Royal Court after giving the parochial authority notice of the person's intention to do so if the person aggrieved by any of the following –

(a) the refusal or grant of a licence by virtue of a medical condition;

(b) the imposition of any condition or limitation imposed on a licence under paragraph (8) or (10).

(12) On appeal the Court may make any order it considers appropriate.

10 Physical fitness to drive – after grant of licence[43]

(1) For the purpose of this Article a licence holder has a relevant medical condition if –

(a) it is a medical condition prescribed for the purpose of this Article; or

(b) it is a medical condition that is likely to cause the holder's driving of any motor vehicle that the holder's licence authorises the holder to drive, to be a source of danger to the public.

(2) A licence holder must as soon as reasonably practicable notify the licence holder's parochial authority in writing if the licence holder becomes aware –

(a) of suffering from a relevant medical condition that the licence holder has not previously disclosed to the parochial authority; or

(b) that a relevant medical condition that the licence holder is suffering from, or has at any time suffered from, and that the licence holder has previously disclosed to the parochial authority, has become more acute or reoccurred.

(3) Paragraph (2) does not apply where –

(a) the relevant medical condition is not one the licence holder has previously suffered from; and

(b) there are reasonable grounds for believing that the duration of the medical condition will not extend beyond the period of 3 months beginning with the date on which the licence holder first became aware of suffering from it.

(4) A person who fails to comply with paragraph (2) commits an offence and is liable to a fine of level 2 on the standard scale.

(5) Except where Article 9(6) applies in respect of a holder of a provisional licence and subject to paragraph (10), where a parochial authority in respect of a parish has reason to suspect (whether by virtue of a notice under paragraph (2) or otherwise) that a licence holder residing in the parish has or may have a relevant medical condition the parochial authority must serve a written notice in the prescribed form on the licence holder.[44]

(6) The notice must require the licence holder within 7 days of its service to undergo, at the licence holder's own expense either or both of the following –

(a) a medical examination by a registered medical practitioner designated by the parochial authority;

(b) a practical driving assessment by a person designated by the parochial authority for the purpose of determining whether the licence holder can drive without being a source of danger to the public each type of motor vehicle the licence holder is authorised to drive by the licence holder's licence.

(7) A parochial authority must exercise its powers under paragraph (6) only for the purpose of determining either or both of the following –

(a) whether the licence holder has a relevant medical condition;

(b) whether any prescribed requirements under Article 9(5) would be met if the person were an applicant for a licence.

(8) Subject to paragraph (9), where the parochial authority believes it is in the public interest to do so it may also suspend the validity of the licence until the results of the medical examination are known or the practical driving assessment has been made, as the case may be.

(9) A suspension under paragraph (8) does not prevent the licence holder from driving the vehicle to the extent that it is necessary to do so for the purpose of undergoing a practical driving assessment, including any preparation necessary for that assessment, but any such driving must be undertaken subject to such conditions as the parochial authority considers appropriate having regard to the licence holder's medical condition.

(10) Where a licence includes a condition under Article 9(10)(a)(ii) or paragraph (13)(b) of this Article, a notice under paragraph (5) is not required but paragraphs (8) and (9) and paragraphs (11) to (15) apply as if such notice had been given.

(11) Subject to paragraph (12), where a medical examination or driving assessment under this Article indicates that a person has a relevant medical condition the parochial authority must revoke the person's licence if the parochial authority would be required to refuse a licence under Article 9(4) if the person were an applicant for a licence.

(12) If the medical examination or driving assessment referred to in paragraph (11) indicates that there are reasonable grounds for believing that the duration of the relevant medical condition is limited, the parochial authority must suspend the driving licence or continue its suspension until the parochial authority is satisfied that the person no longer has that condition.

(13) A parochial authority may, following a medical examination or driving assessment of a licence holder and having regard to the nature of the licence holder's medical condition, impose such conditions it thinks appropriate on the licence including –

(a) limiting vehicles that may be driven to vehicles of a particular construction or design; and

(b) requiring such further medical examination or practical driving assessment to be undertaken at the licence holder's expense as the parochial authority may determine and at such intervals as the parochial authority may determine.

(14) The parochial authority must revoke the licence of a person –

(a) upon whom it has served a notice under paragraph (5) if the person fails to undergo a medical examination or the practical driving assessment, as required, within 7 days of the service of the notice; or

(b) who is required to undergo a medical examination or the practical driving assessment under a condition of the licence under Article 9(10)(a)(ii) or paragraph (13)(b) of this Article and fails to do so.

(15) The parochial authority may, if it has reasonable grounds to do so, extend the period of 7 days referred to in paragraph (14)(a).

(16) A person may appeal to the Royal Court after giving the parochial authority notice of the person's intention to do so if the person aggrieved by any of the following –

(a) the revocation or suspension of a licence under this Article;

(b) a condition imposed on a licence under paragraph (13).

(17) On appeal, the Court may make any order it considers appropriate.

11 Provisional licences

(1) For the purpose of enabling an applicant for the grant of a licence to learn to drive a motor vehicle with a view to passing a test under Article 8, the parochial authority may, if so requested by the applicant and on payment of such fee as may be prescribed, grant the applicant a provisional licence to be in force for a period of 6 months, which licence shall be in the prescribed form and granted subject to the prescribed conditions:

Provided that the grant of a provisional licence may be refused to an applicant to whom such a licence has been granted at any time within the preceding 12 months, if it appears to the authority that the applicant does not intend to submit to the said test within a reasonable time.[45]

(2) Any person who fails to comply with any of the conditions subject to which a provisional licence is granted shall be guilty of an offence and liable to a fine of level 2 on the standard scale.[46]

12 Orders regarding licences[47]

The Minister may by Order make provision for –

(a) the issue, on payment of the prescribed fee, of a new licence in the place of a licence that has been lost or defaced;

(b) altering the name or address of the holder of a licence as entered on the licence, if the entry has ceased to be correct;

(c) matters relating to domestic driving permits used under Regulation 2 of the Motor Vehicles (International Circulation) Regulations 1958, in lieu of a licence.

13 Requirements as to production of licences and certificates of insurance

(1) Any person driving a motor vehicle on a road shall, on being so requested by a Police Officer or Traffic Officer, produce his or her licence for examination, or, if the person is unable to do so, produce it in person to a Police Officer or Traffic Officer, within 48 hours of the time at which its production was required, at such place as may be notified to him or her at that time, and, if he or she fails to do so, he or she shall be liable to a fine of level 1 on the standard scale.[48]

(2) Paragraph (1) of this Article and Article 15(1) of the Motor Traffic (Third-Party Insurance) (Jersey) Law 1948, shall have effect as if the references therein to a person driving a motor vehicle on a road included references to –

(a) any person whom a Police Officer or Traffic Officer has reasonable cause to believe to have been the driver of a motor vehicle at a time when an accident occurred owing to its presence on a road;

(b) any person whom a Police Officer or Traffic Officer has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle on a road; and

(c) any person who accompanies the holder of a provisional licence while that person is driving a motor vehicle on a road or whom a Police Officer or Traffic Officer has reasonable cause to believe to have accompanied the holder of such a licence while driving at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the said holder in relation to the use of the vehicle on a road:

Provided that so much of Article 15(1) of the Motor Traffic (Third-Party Insurance) (Jersey) Law 1948, as requires the production of a certificate of insurance shall not apply to any such person as is specified in sub-paragraph (c).[49]

14 Disqualification for offences and endorsement of convictions[50]

(1) Subject to the provisions of this Law, a court before which a person is convicted of any offence specified in Schedule 1 (such offence being a motoring offence) –

(a) may, except where otherwise expressly provided by this Law or any other enactment, order the person to be disqualified for holding or obtaining a licence for such period as the court thinks fit; and

(b) may order that particulars of the conviction and of any disqualification to which the convicted person has become subject shall be endorsed on any licence held by the offender.

(2) Where –

(a) the Magistrate's Court –

(i) under Articles 25(3)(a), 25(3)(c) or 29(3) of the Criminal Procedure (Jersey) Law 2018, sends a person to the Royal Court for trial in respect of any offence specified in Schedule 1 to which that person has pleaded guilty, or

(ii) under Articles 27(1) or 29(3) of the Criminal Procedure (Jersey) Law 2018, sends a person to the Royal Court to be sentenced for any offence specified in Schedule 1 after finding that person guilty; or

(b) the Magistrate's Court or the Royal Court, after a person has pleaded guilty to, or been found guilty of, any such offence, adjourns before sentencing him or her,

that court may order him or her to be disqualified for holding or obtaining a licence until he or she has been so sentenced, and any period of disqualification imposed on sentence shall be treated as reduced by the period during which he or she has been so disqualified by virtue of this paragraph.[51]

(3) Where a person is, by virtue of a conviction or an order made on a conviction, disqualified for holding or obtaining a licence, particulars of the conviction and the disqualification shall be endorsed on any licence held by the offender.

(4) A person who by virtue of a conviction or an order made on a conviction is disqualified for holding or obtaining a licence may appeal against the disqualification in the same manner as against a conviction, and a court before whom a person is convicted of an offence whereby the person is so disqualified (whether by virtue of the conviction or an order) may, if it thinks fit, pending the appeal against the conviction or order, suspend the disqualification.

15 Provisions as to disqualifications and suspensions

(1) Where a person who is disqualified by virtue of a conviction or an order made on a conviction is the holder of a licence, the licence shall be suspended so long as the disqualification continues in force.[52]

(2) A licence suspended by virtue of this Law shall during the time of suspension be of no effect.

(3) A person who, by virtue of a conviction or order under this Law, is disqualified for holding or obtaining a licence may, at any time after the expiration of 12 months from the date of the conviction or order, and from time to time, apply to the court before which the person was convicted or by which the order was made to remove

the disqualification, and on any such application the court may, as it thinks proper, having regard to the character of the person disqualified and the person's conduct subsequent to the conviction or order, the nature of the offence and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order, or refuse the application:

Provided that where, on an application under this paragraph, a disqualification is not removed, a further application thereunder shall not be entertained if made within 6 months after the date of the decision of the court on the application.

If the disqualification is removed, the order of the court shall include a direction that particulars of the order be endorsed on the licence, if any, previously held by the applicant and the court shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.[53]

(4) If any person who at the time is disqualified under the provisions of this Law for holding or obtaining a licence –

(a) applies for or obtains a licence, the person shall be liable to a fine of level 3 on the standard scale;

(b) drives or attempts to drive a motor vehicle, or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description, on a road, the person shall be liable to imprisonment for a term of 12 months and to a fine of level 3 on the standard scale,

and a licence obtained by any person disqualified as aforesaid shall be of no effect.[54]

(5) In calculating the period for which a person is, by virtue of a conviction or an order made on a conviction, disqualified for holding or obtaining a licence, or the time after which a person may apply under this Article for the removal of such a disqualification, any time after the conviction during which the person was not disqualified shall be disregarded.[55]

(6) For the purposes of this Article, references to orders and convictions under this Law include references to orders and convictions under the corresponding provisions of any enactment repealed by this Law.

16 Provisions as to endorsements[56]

(1) A requirement of this Law or of an order made by a court thereunder that the particulars of any conviction or of any disqualification to which the convicted person has become subject are to be endorsed on any licence held by him or her shall, whether he or she is at the time the holder of a licence or not, operate as a requirement or order that any licence he or she may then hold or may subsequently obtain, shall be so endorsed until he or she becomes entitled under the provisions of this Article to have a licence issued free from endorsement.

(2) Where any licence held by an offender is, by this Law or an order made by a court thereunder, required to be endorsed then –

(a) if the offender is at the time the holder of a licence, he or she shall, within 3 days or such longer time as the court may determine, produce the licence to the Judicial Greffier for the purpose of endorsement; and

(b) if the offender is not then the holder of a licence, but subsequently obtains a licence, he or she shall within 3 days after so obtaining the licence produce it to the Judicial Greffier for the purpose of endorsement,

and, if the offender fails to do so, he or she shall be liable to a fine of level 2 on the standard scale; and if the licence is not produced for the purpose of endorsement within such time as aforesaid, it shall be suspended from the expiration of such time until it is produced for the purpose of endorsement.[57]

(3) On the issue of a new licence to any person, the particulars endorsed on any previous licence held by him or her shall be copied on to the new licence unless the person has previously become entitled under the provisions of this Article to have a licence issued free from endorsement.

(4) If any person, whose licence has been required or ordered to be endorsed and who has not previously become entitled under the provisions of this Article to have a licence issued to him or her free from endorsement, applies for or obtains a licence without giving particulars of the requirement or order, the person shall be liable to imprisonment for a term of 6 months and to a fine of level 2 on the standard scale, and any licence so obtained shall be of no effect.[58]

(5) Where a person, whose licence has been endorsed by virtue of a conviction or an order made on a conviction, has during a continuous period of 3 years or upwards since the date of the conviction or order not been the subject of a conviction or order having the like effect, he or she shall be entitled, either on applying for the grant of a licence or, on the payment of the prescribed fee and on the surrender of any subsisting licence, on application at any time, to have issued a new licence free from endorsement:

Provided that, in reckoning the said continuous period of 3 years, any period during which the applicant was by virtue of the conviction or order disqualified for holding or obtaining a licence shall be excluded.[59]

(6) Where a person is disqualified for holding or obtaining a licence, any licence in force in respect of the person immediately before the imposition of such disqualification shall be surrendered to the court and retained by the licensing authority –

(a) where the person has been so disqualified until he or she has, since the date of that conviction, passed the prescribed test, until it expires; or

(b) in any other case, until it expires or is returned on demand to the person concerned when he or she is no longer so disqualified, whichever is the sooner.[60]

17 Records of licences and endorsements[61]

(1) Every parochial authority shall establish and keep a record of –

(a) all licences granted and renewed by every parochial authority;

(b) all alterations duly made by every parochial authority in respect of the holder of such a licence;

(c) all endorsements from time to time duly made on such a licence.[62]

(2) Every parochial authority shall ensure that all the records described in paragraph (1) shall be made available to –

(a) every other parochial authority;

(b) the licensing authority;

(c) the Chief Officer of the States of Jersey Police Force;

(d) the Judicial Greffier.[63]

(3) The Chief Officer of the States of Jersey Police Force and the Judicial Greffier shall keep a record of any endorsement made on a licence.[64]

18 Forgery etc., of licences

(1) If, with intent to deceive, any person –

(a) forges, or alters or uses or lends to or allows to be used by any other person, any licence; or

(b) makes or has in the person's possession any document so closely resembling a licence as to be calculated to deceive,

the person shall be guilty of an offence and liable to imprisonment for a term of 2 years and to a fine.[65]

(2) If any person for the purpose of obtaining the grant of any licence to himself, herself or any other person, or the variation of any licence, or for the purpose of preventing the grant or variation of any licence, or of procuring the imposition of any condition or limitation in relation to a licence, knowingly makes any false statement or withholds any material information, the person shall be liable to a fine of level 3 on the standard scale.[66]

PROVISIONS AS TO DRIVING OF VEHICLES AND OFFENCES IN CONNECTION THEREWITH

19 Rule of the road[67]

(1) The rule of the road is (except where it is otherwise provided by or under this Law or any other enactment) that vehicles shall keep as near as practicable to the left or near side of the carriage-way and shall, when overtaking another vehicle proceeding in the same direction, pass to the right or offside of that vehicle unless the driver thereof has signalled the driver's intention to turn or move to the right; the same rule applies to animals being ridden, led or driven.

(2) A failure on the part of any person to observe the rule of the road shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings (whether civil or criminal, and including proceedings for an offence under this Law) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

20 Restriction on driving by young or inexperienced persons

(1) A person shall not drive, and shall, for the purposes of this Law be deemed to be disqualified for holding or obtaining a licence to drive, on a road a motor vehicle specified in the first column of the following Table if the person is under the age specified in relation thereto in the second column of that Table –

TABLE. [68]

	Class of motor vehicle	Age
1	Moped	16
2	Agricultural tractor (with or without trailer)	16
3	Invalid carriage	16
4	Mowing machine/pedestrian controlled vehicle	16
5	Small passenger or small goods vehicle	17
6	Motor tricycle	17
7	Light motor cycle	17
8	Electrically propelled vehicle	17
9	Medium sized goods vehicle	18
10	Minibus	18
11	Heavy motor cycle (subject to paragraph (6))	18
12	Large goods vehicle	21
13	Large passenger carrying vehicle	21
14	Track laying vehicle	21

(2) The Minister may by Order make provision for paragraph (1) to have effect as if for the classes of vehicles and the ages specified in the Table in that paragraph there were substituted different classes of vehicles and ages or different classes of vehicles or different ages.[69]

(3) Subject to paragraph (4), the Order may –

(a) apply to persons of a class specified in or under the Order;

(b) apply in circumstances so specified;

(c) impose conditions or create exemptions or provide for the imposition of conditions or the creation of exemptions;

(d) contain such transitional and supplemental provisions as the Minister considers necessary or expedient.[70]

(4) For the purpose of defining the class of persons to whom, the class of vehicles to which, the circumstances in which or the conditions subject to which an Order made by virtue of paragraph (2) is to apply where an approved training scheme for drivers is in force, it is sufficient for the Order to refer to a document which embodies the terms (or any of the terms) of the scheme or to a document which is in force in pursuance of the scheme.[71]

(5) In paragraph (4) –

"approved" means approved for the time being by the Minister for the purpose of the Order;

"training scheme for drivers" means a scheme for training persons to drive vehicles of a class in relation to which the age which is in force under this Article (but apart from any such scheme) is 21 years,

but no approved training scheme for drivers shall be amended without the approval of the Minister.[72]

(6) A person shall not drive a heavy motor cycle on a road, and shall, for the purposes of this Law, be deemed to be disqualified for holding or obtaining a licence to drive a heavy motor cycle, unless –

(a) the person has held a licence (other than a provisional licence) to drive a light motor cycle for a continuous period of at least one year, excluding any period during which the person was, by virtue of a conviction or order under this Law, disqualified for holding or obtaining such a licence; or

(b) the person has held a licence to drive a motor vehicle granted under any enactment repealed by this Law.

(7) The Minister may by Order make provision for a distinguishing mark to be displayed on a motor vehicle of any class or description while it is being driven by a person who holds a licence (other than a provisional licence) to drive motor vehicles of that class or description but has held it for a continuous period of less than one year.[73]

(8) Any person who drives, or causes or permits any person to drive, a motor vehicle in contravention of this Article, shall be liable to a fine of level 2 on the standard scale.[74]

21 Limitation of speed[75]

(1) A person shall not drive a motor vehicle of any class or description on any road at a speed exceeding the speed specified in Schedule 2 as the maximum speed in relation to a vehicle of that class or description.[76]

(2) The Minister may by Order prohibit the driving of a motor vehicle of any class or description on any road as may be prescribed in that Order –

(a) at a speed exceeding that specified in the Order;

(b) at a speed exceeding that specified in the Order during periods specified in the Order; or

(c) at a speed exceeding the speed for the time being indicated by traffic signs displayed in accordance with the provisions of the Order.[77]

(2A) Before making an Order under paragraph (2) in respect of a road in a parish, the Minister shall consult the Connétable of the parish.[78]

(3) An Order made by virtue of paragraph (2)(c) may prescribe the speed limits which may be indicated by traffic signs and any periods during which or circumstances in which they may have effect.[79]

(4) If any person acts in contravention of paragraph (1) or with any provision of any Order made under paragraph (2) he or she shall be liable to a fine not exceeding level 2 on the standard scale.[80]

(5) A person prosecuted for driving a motor vehicle of any class or description on a road at a speed exceeding the speed limit imposed by or under this Article or any

Order made under this Article in relation to a vehicle of that class or description shall not be liable to be convicted solely on the evidence of one witness to the effect that in the opinion of the witness the person prosecuted was driving the vehicle at a speed exceeding that limit.[81]

(6) The provisions of this Article and any Order made under this Article shall not apply to any vehicle on any occasion when it is being used for the purposes of the Fire and Rescue Service or the Jersey Coastguard service or for ambulance or police purposes, if the observance of those provisions would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.[82]

(7) If a person who employs other persons to drive motor vehicles on roads publishes or issues any time table or schedule or gives any directions, under which any journey or stage or part of any journey is to be completed within some specified time and it is not practicable in the circumstances of the case for that journey or that stage or part of the journey to be completed in the specified time without an infringement of the provisions of this Article or any Order made thereunder, the publication or issue of the said time table or schedule or the giving of the directions may be produced as *prima facie* evidence that the employer procured or incited the persons employed by the employer to drive the vehicles to commit such an offence.[83]

22 Dangerous driving[84]

(1) If any person drives a vehicle (other than a wheelchair) dangerously or rides an animal dangerously on a road or other public place, he or she shall be guilty of an offence under this Article.[85]

(2) A person guilty of an offence under this Article, such offence being a motoring offence, shall be liable to a fine or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

(3) A person guilty of an offence under this Article, such offence not being a motoring offence, shall be liable to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 3 months or to both such fine and imprisonment.

(4) Particulars of any conviction for a motoring offence under this Article shall be endorsed on any licence held by the person convicted.

(5) A person convicted of a motoring offence under this Article shall, without limiting the power of the court to order a longer period of disqualification and unless the court for any special reason thinks fit to order otherwise, be disqualified for a period of 12 months for holding or obtaining a licence.[86]

23 Causing death by dangerous driving[87]

(1) If any person causes the death of another person by driving a motor vehicle dangerously on a road or other public place, he or she shall be guilty of an offence under this Article.

(2) A person guilty of an offence under this Article shall be liable to a fine or to imprisonment for a term not exceeding 10 years or to both such fine and imprisonment.

(3) Particulars of any conviction for an offence under this Article shall be endorsed on any licence held by the person convicted.

(4) A person convicted of an offence under this Article shall, without prejudice to the power of the court to order a longer period of disqualification and unless the court for any special reason shall think fit to order otherwise, be disqualified for a period of 2 years for holding or obtaining a licence.

23A Causing serious injury by dangerous driving[88]

(1) A person who causes serious injury to another person by driving a motor vehicle dangerously on a road or other public place is guilty of an offence.

(2) A person guilty of an offence under this Article is liable to imprisonment for a term of 5 years and to a fine.

(3) Particulars of any conviction for an offence under this Article must be endorsed on any licence held by the person convicted.

(4) A person convicted of an offence under this Article shall, without limiting the power of the court to order a longer period of disqualification and unless the court for any special reason thinks fit to order otherwise, be disqualified for a period of 2 years for holding or obtaining a licence.

24 Provisions supplemental to Articles 22, 23 and 23A[89]

(1) For the purposes of Articles 22, 23 and 23A, a person is to be regarded as driving dangerously if and, subject to paragraph (3), only if –

(a) the way the person drives falls far below what would be expected of a competent and careful driver; and

(b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.[90]

(2) For the purposes of Article 22 in its application to a person riding an animal, paragraph (1) shall apply as if any reference to driving or to a driver were a reference to riding or to a rider.

(3) For the purposes of Articles 22, 23 and 23A, a person is also to be regarded as driving dangerously if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous.[91]

(4) In paragraphs (1) and (3), "dangerous" refers to danger either of injury to any person or serious damage to property and, in determining for the purposes of those paragraphs what would be expected of, or obvious to, a competent and careful driver in a particular case, regard shall be had not only to the circumstances of which the driver could be expected to be aware but also any circumstance shown to have been within the knowledge of the accused.

(5) In determining the state of a vehicle for the purposes of paragraph (3), regard may be had to anything attached to it or carried on or in it and to the manner in which anything is attached or carried.

25 Careless driving[92]

(1) If any person drives a vehicle, or rides, leads or drives an animal, on a road or other public place without due care and attention or without reasonable consideration for other persons using the road or other public place, he or she shall be guilty of an offence under this Article.[93]

(2) A person guilty of an offence under this Article shall be liable to a fine of level 3 on the standard scale.[94]

(3) [95]

25A Causing death by careless driving[96]

(1) A person who causes the death of another person by driving a motor vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.

(2) A person guilty of an offence under this Article is liable to imprisonment for a term of 5 years and to a fine.

(3) Particulars of any conviction for an offence under this Article must be endorsed on any licence held by the person convicted.

(4) A person convicted of an offence under this Article shall, without limiting the power of the court to order a longer period of disqualification and unless the court for any special reason thinks fit to order otherwise, be disqualified for a period of 12 months for holding or obtaining a licence.

26 Causing death by careless driving when under the influence of drink or drugs[97]

(1) If any person causes the death of another person by driving a motor vehicle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road or place and –

(a) the person is, at the time when driving, unfit to drive through drink or drugs;

(b) the person has consumed so much alcohol that the proportion of it in his or her breath, blood or urine at that time exceeds the prescribed limit;

(c) the person is, within 18 hours after that time, required to provide a specimen in pursuance of Article 30, but, without reasonable excuse, fails to provide it; or

(d) the person is required by a police officer to give permission for a laboratory test of a specimen of blood taken from the person under Article 30A, but without reasonable excuse fails to do so,

the person shall be guilty of an offence under this Article.[98]

(2) For the purposes of this Article, a person shall be taken to be unfit to drive if his or her ability to drive properly is for the time being impaired.

(3) A person guilty of an offence under this Article shall be liable to a fine or to imprisonment for a term not exceeding 10 years or to both such fine and imprisonment.

(4) Particulars of any conviction for an offence under this Article shall be endorsed on any licence held by the person convicted.

(5) A person convicted of an offence under this Article shall, without prejudice to the power of the court to order a longer period of disqualification and, unless the court shall for any special reason think fit to order otherwise, in the case of a first offence, be disqualified for a period of 2 years and in the case of a second or subsequent offence committed within 10 years of the last such offence, for a period of 3 years, for holding or obtaining a licence.[99]

(6) In paragraph (5) "offence" means an offence under this Article or under Article 26B, 27, 28, 30 or 30B.[100]

26A Causing serious injury by careless driving[101]

(1) A person who causes serious injury to another person by driving a motor vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.

(2) A person guilty of an offence under this Article is liable to imprisonment for a term of 2 years and to a fine.

(3) Particulars of any conviction for an offence under this Article must be endorsed on any licence held by the person convicted.

(4) [102]

26B Causing serious injury by careless driving when under the influence of drink or drugs[103]

(1) A person who causes serious injury to another person by driving a motor vehicle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road or place and –

(a) the person is, at the time when driving, unfit to drive through drink or drugs;

(b) the person has consumed so much alcohol that the proportion of it in his or her breath, blood or urine at that time exceeds the prescribed limit;

(c) the person is, within 18 hours after that time, required to provide a specimen under Article 30, but, without reasonable excuse, fails to provide it; or

(d) the person is required by a police officer to give permission for a laboratory test of a specimen of blood taken from the person under Article 30A, but without reasonable excuse fails to do so,

is guilty of an offence.

(2) For the purposes of this Article, a person is taken to be unfit to drive if his or her ability to drive properly is for the time being impaired.

(3) A person guilty of an offence under this Article is liable to imprisonment for a term of 4 years and to a fine.

(4) Particulars of any conviction for an offence under this Article must be endorsed on any licence held by the person convicted.

(5) A person convicted of an offence under this Article shall, without limiting the power of the court to order a longer period of disqualification and, unless the court shall for any special reason think fit to order otherwise, in the case of a first offence, be disqualified for a period of 2 years and in the case of a second or

subsequent offence committed within 10 years of the last such offence, for a period of 3 years, for holding or obtaining a licence.

(6) In paragraph (5) "offence" means an offence under this Article or under Article 26, 27, 28, 30 or 30B.

26C Meaning of "serious injury"[104]

In Articles 23A, 26A and 26B "serious injury" includes an injury that –

(a)

(b) results in a fracture of any bone (except simple fractures of fingers, toes or nose);

(c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;

(d) involves injury to any internal organ; or

(e) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface.

27 Driving when under influence of drink or drugs

(1) Any person who, when driving or attempting to drive a vehicle (other than a wheelchair), or when riding, leading or driving or attempting to ride, lead or drive an animal, or when in charge of a vehicle (other than a wheelchair) or animal, on a road or other public place, is unfit to drive, or is unfit to have control of the animal, through drink or drugs, shall be guilty of an offence under this Article:

Provided that a person in charge of a vehicle, but not driving or attempting to drive the vehicle, shall not be convicted of an offence under this Article if he or she proves to the satisfaction of the court that at the material time the circumstances were such that there was no likelihood of the person driving the vehicle so long as he or she remained unfit to drive through drink or drugs.[105]

(2) A person guilty of an offence under this Article shall be liable to imprisonment for a term of 12 months and to a fine of level 3 on the standard scale.[106]

(3) [107]

(4) For the purposes of this Article a person shall be taken to be unfit to drive or to be unfit to have control of an animal if his or her ability to drive properly or to have proper control of the animal is for the time being impaired.[108]

(5) A person convicted of a motoring offence under this Article shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, in the case of a first offence, be disqualified for a period of 12 months and in the case of a second or subsequent offence committed within 10 years of the last such offence, for a period of 3 years, for holding or obtaining a licence.[109]

(6) In paragraph (5) "offence" means an offence under this Article or under Article 26, 26B, 28, 30 or 30B.[110]

28 Driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit[111]

(1) If a person –

(a) drives or attempts to drive a motor vehicle on a road or other public place; or

(b) is in charge of a motor vehicle on a road or other public place,

after consuming so much alcohol that the proportion of it in the person's breath, blood or urine exceeds the prescribed limit he or she shall be guilty of an offence and liable to imprisonment for a term of 12 months and to a fine of level 3 on the standard scale.[112]

(2) A person convicted of an offence under paragraph (1) shall, unless the court for special reasons think fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, in the case of a first offence, be disqualified for a period of 12 months and in the case of a second or subsequent offence committed within 10 years of the last such offence, for a period of 3 years, for holding or obtaining a licence.[113]

(3) In paragraph (2) "offence" means an offence under this Article or under Article 26, 27, 30 or 30B.[114]

(4) In this Law the "prescribed limit" means, as the case may require –

(a) 35 microgrammes of alcohol in 100 millilitres of breath;

(b) 80 milligrammes of alcohol in 100 millilitres of blood; or

(c) 107 milligrammes of alcohol in 100 millilitres of urine.

(5) It is a defence for a person charged with an offence under paragraph (1)(b) to prove that at the time the person is alleged to have committed the offence the circumstances were such that there was no likelihood of the person driving the vehicle whilst the proportion of alcohol in the person's breath, blood or urine remained likely to exceed the prescribed limit.

(6) The court may, in determining whether there was such a likelihood as is mentioned in paragraph (5), disregard any injury to the person and any damage to the vehicle.

29 Breath tests[115]

(1) Where a police officer has reasonable cause to suspect –

(a) that a person driving or attempting to drive or in charge of a motor vehicle on a road or other public place has alcohol in his or her body or has committed a traffic offence whilst the vehicle was in motion;

(b) that a person has been driving or attempting to drive or been in charge of a motor vehicle on a road or other public place with alcohol in his or her body and that that person still has alcohol in his or her body; or

(c) that a person has been driving or attempting to drive or been in charge of a motor vehicle on a road or other public place and has committed a traffic offence whilst the vehicle was in motion,

the police officer may, subject to Article 32, require the person to provide a specimen of breath for a breath test.

(2) If an accident occurs owing to the presence of a motor vehicle on a road or other public place a police officer may, subject to Article 32, require any person who the police officer has reasonable cause to believe was driving or attempting to drive or in charge of the vehicle at the time of the accident to provide a specimen of breath for a breath test.

(3) A person may be required under paragraph (1) or (2) to provide a specimen either at or near the place where the requirement is made or, if the requirement is made under paragraph (2) and the police officer making the requirement thinks fit, at a police station specified by the police officer.

(4) A person who, without reasonable excuse, fails to provide a specimen of breath when required to do so in pursuance of this Article shall be guilty of an offence and liable to a fine of level 2 on the standard scale.[116]

(5) A person does not provide a specimen of breath for a breath test or for analysis unless the specimen –

(a) is sufficient to enable the test or the analysis to be carried out; and

(b) is provided in such a way as to enable the objective of the test or analysis to be satisfactorily achieved.

(6) In this Article "traffic offence" means an offence under any provision of this Law except Article 5 or 7, or under the Motor Traffic (Jersey) Law 1935, or the Motor Traffic (Third-Party Insurance) (Jersey) Law 1948.

30 Provision of specimens for analysis[117]

(1) In the course of an investigation into whether a person has committed an offence under Article 26, 27 or 28 a police officer may, subject to the following provisions of this Article and Article 32, require the person –

(a) to provide 2 specimens of breath for analysis by means of a device of a type approved by the Minister for Justice and Home Affairs; or

(b) to provide a specimen of blood or urine for a laboratory test.[118]

(2) A requirement under this Article to provide specimens of breath can only be made at a police station.

(3) A requirement under this Article to provide a specimen of blood or urine can only be made at a police station or at a hospital; and it cannot be made at a police station unless –

(a) the police officer making the requirement has reasonable cause to believe that for medical reasons a specimen of breath cannot be provided or should not be required;

(b) at the time the requirement is made a device or a reliable device of the type mentioned in paragraph (1)(a) is not available at the police station or it is then for any other reason not practicable to use such a device there;

(c) a device of the type mentioned in paragraph (1)(a) has been used at the police station and the police officer making the requirement has reasonable cause to believe that the device has not produced a reliable indication of the proportion of alcohol in the breath of the person concerned; or

(d) the suspected offence is one under Article 26 or 27 and the police officer making the requirement has been advised by a registered medical practitioner that the condition of the person required to provide the specimen might be due to some drug,

but may then be made notwithstanding that the person required to provide the specimen has already provided or been required to provide 2 specimens of breath.[119]

(4) If the provision of a specimen other than a specimen of breath may be required in pursuance of this Article, the question whether it is to be a specimen of blood or a specimen of urine shall be decided by the police officer making the requirement, except that if a registered medical practitioner is of the opinion that for medical reasons a specimen of blood cannot or should not be taken the specimen shall be a specimen of urine.

(5) A person provides a specimen of blood if and only if he or she consents to its being taken by a registered medical practitioner and it is so taken.

(6) A specimen of urine shall be provided within one hour of the requirement for its provision being made and after the provision of a previous specimen of urine.

(7) A person who, without reasonable excuse, fails to provide a specimen when required to do so in pursuance of this Article shall be guilty of an offence and liable to imprisonment for a term of 12 months and to a fine of level 3 on the standard scale.[120]

(8) A person convicted of an offence under paragraph (7) shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, in the case of a first offence, be disqualified for a period of 12 months and in the case of a second or subsequent offence committed within 10 years of the last such offence, for a period of 3 years, for holding or obtaining a licence.[121]

(9) In paragraph (8) "offence" means an offence under this Article or under Article 26, 27, 28 or 30B.[122]

(10) A police officer must, on requiring any person to provide a specimen in pursuance of this Article warn the person that a failure to provide it may render him or her liable to prosecution.

30A Specimens of blood from persons who cannot consent[123]

(1) A police officer may ask a registered medical practitioner to take a specimen of blood from a person, whether or not that person consents, if the conditions in paragraph (2) are fulfilled.

(2) The conditions are –

(a) that the person concerned is one from whom the police officer may under Article 30 (in the absence of any incapacity of that person and of any objection under Article 32) require the provision of a specimen of blood for a laboratory test;

(b) that it appears to that police officer that the person has been involved in an accident that constitutes or is comprised in the matter that is under investigation or the circumstances of that matter;

(c) that it also appears to that police officer that the person is or may be incapable of giving consent to the taking of a specimen of blood; and

(d) that it also appears to that police officer that the person's incapacity is attributable to medical reasons.

(3) A request under paragraph (1) shall not be made to a registered medical practitioner who for the time being has any responsibility for the clinical care of the person concerned (other than the responsibility that would arise in respect of the taking of the specimen of blood).

(4) A request under paragraph (1) shall not be made to a registered medical practitioner other than a police medical practitioner, unless –

(a) it is not reasonably practicable for the request to made to a police medical practitioner; or

(b) it is not reasonably practicable for a police medical practitioner who is willing to do so to take the specimen of blood.

(5) It shall be lawful for a registered medical practitioner to whom a request is made under paragraph (1), if he or she thinks fit to do so –

(a) to take a specimen of blood from the person concerned, whether or not that person consents; and

(b) to provide the sample to a police officer.

(6) In this Article –

(a) "the person concerned" means the person from whom a police officer under paragraph (1) asks a registered medical practitioner to take a specimen of blood;

(b) "police medical practitioner" means a registered medical practitioner who is engaged under any agreement to provide medical services for purposes connected with the activities of the Honorary Police or the States of Jersey Police Force; and

(c) it is immaterial for the purposes of the condition in paragraph (2)(c) that the person concerned has or has not purported to give consent to the taking of a specimen of blood.

30B Testing of blood taken under Article 30A[124]

(1) If a specimen of blood is taken under Article 30A, it shall not be subjected to a laboratory test unless the conditions in paragraph (2) of this Article are fulfilled.

(2) The conditions are –

(a) that the person from whom the specimen of blood was taken has been informed that it was taken;

(b) that he or she has been required by a police officer to give permission for a laboratory test of the specimen; and

(c) that he or she has given permission.

(3) A police officer shall, on requiring a person to give his or her permission for the purposes of this Article for a laboratory test of a specimen of blood, warn that

person that a failure to give the permission may render the person liable to prosecution.

(4) A person who, without reasonable excuse, fails to give his or her permission for a laboratory test of a specimen of blood that has been taken from the person under Article 30A shall be guilty of an offence and liable to imprisonment for a term of 12 months and to a fine of level 3 on the standard scale.[125]

(5) A person convicted of an offence under paragraph (4) shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, in the case of a first offence, be disqualified for a period of 12 months and in the case of a second or subsequent offence committed within 10 years of the last such offence, for a period of 3 years, for holding or obtaining a licence.

(6) In paragraph (5), "offence" means an offence under this Article or under Article 26, 27, 28 or 30.

31 Choice of specimens of breath[126]

(1) Of any 2 specimens of breath provided by any person in pursuance of Article 30, that with the lower proportion of alcohol in the breath shall be used and the other shall be disregarded but if the specimen with the lower proportion of alcohol contains no more than 50 microgrammes of alcohol in 100 millilitres of breath the person who provided it may claim that it should be replaced by such specimen as may be required under Article 30(4), and if the person then provides such a specimen neither specimen of breath shall be used.

(2) The Minister for Justice and Home Affairs may by Order substitute another proportion of alcohol in the breath for that specified in paragraph (1).[127]

32 Protection for hospital patients[128]

(1) While a person is at a hospital as a patient he or she shall not be required under Article 30 to provide a specimen of breath for a breath test or to provide a specimen for a laboratory test unless the registered medical practitioner in immediate charge of the person's case has been notified of the proposal to make the requirement; and –

(a) if the requirement is then made it shall be for the provision of a specimen at the hospital; but

(b) if the medical practitioner objects on the ground specified in paragraph (2) the requirement shall not be made.[129]

(2) The ground on which the registered medical practitioner may object is that the requirement or the provision of a specimen or, in the case of a specimen of blood or urine, the warning required under Article 30(10), would be prejudicial to the proper care and treatment of the patient.

(3) While a person is at a hospital as a patient, no specimen of blood shall be taken from the person under Article 30A, and he or she shall not be required to give permission for a laboratory test of a specimen taken under that Article, unless –

(a) the registered medical practitioner in immediate charge of the person's case has been notified of the proposal to take the specimen or to make the requirement; and

(b) the medical practitioner has not objected on the ground specified in paragraph (4).[130]

(4) The ground on which the registered medical practitioner may object is that the taking of the specimen, the requirement to give permission or the warning required under Article 30B(3) would be prejudicial to the proper care and treatment of the patient.[131]

33 Evidence in proceedings for an offence under Article 26, 27 or 28[132]

(1) This Article and Article 34 apply with respect to proceedings for an offence under Article 26, 27 or 28.[133]

(2) Evidence of the proportion of alcohol or any drug in a specimen of breath, blood or urine provided by or taken from the accused shall, in all cases (including cases where the specimen was not provided or taken in connection with the alleged offence), be taken into account, and subject to paragraph (3), it shall be assumed that the proportion of alcohol in the accused's breath, blood or urine at the time of the alleged offence was not less than in the specimen.[134]

(3) The assumption described in paragraph (2) shall not be made if the accused proves –

(a) that the accused had consumed alcohol before providing the specimen or having it taken, and –

(i) in relation to an offence under Article 26, after the time of the alleged offence, or

(ii) otherwise, after the accused had ceased to drive, attempt to drive or to be in charge of a motor vehicle on a road or other public place; and

(b) that had the accused not done so, the proportion of alcohol in his or her breath, blood or urine would not have exceeded the prescribed limit and, if it is alleged that the accused was unfit to drive through drink, would not have been such as to impair his or her ability to drive properly.[135]

(4) A specimen of blood shall be disregarded unless it was taken from the accused with his or her consent by a registered medical practitioner, or it was taken from the accused by a registered medical practitioner under Article 30A and the accused subsequently gave his or her permission for a laboratory test of the specimen.[136]

(5) Where, at the time a specimen of blood or urine was provided by the accused, he or she asked to be supplied with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution unless –

(a) the specimen in which the alcohol or drug was found is one of 2 parts into which the specimen provided by the accused was divided at the time it was provided; and

(b) the other part was supplied to the accused.

(6) Where a specimen of blood was taken from the accused under Article 30A, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution unless –

(a) the specimen in which the alcohol or drug was found is one of 2 parts into which the specimen taken from the accused was divided at the time it was taken; and

(b) any request to be supplied with the other part that was made by the accused at the time when he or she gave permission for a laboratory test of the specimen was complied with.[137]

34 Documentary evidence as to specimens in such proceedings[138]

(1) Evidence of the proportion of alcohol or a drug in a specimen of breath, blood or urine may, subject to paragraphs (3) and (4), be given by the production of a document or documents purporting to be whichever of the following is appropriate, that is to say –

(a) a statement automatically produced by the device by which the proportion of alcohol in a specimen of breath was measured and a certificate signed by a police officer (which may but need not be contained in the same document as the statement) that the statement relates to a specimen provided by the accused at the date and time shown in the statement; and

(b) a certificate signed by the Official Analyst as to the proportion of alcohol or any drug found in a specimen of blood or urine identified in the certificate.

(2) Subject to paragraphs (3) and (4), evidence that a specimen of blood was taken from the accused with his or her consent by a medical practitioner may be given by the production of a document purporting to certify that fact and to be signed by a registered medical practitioner.

(3) Subject to paragraph (4) –

(a) a document purporting to be such a statement or such a certificate, or both such a statement and such a certificate, as is mentioned in paragraph (1)(a) is admissible in evidence on behalf of the prosecution in pursuance of this Article only if a copy of it either has been handed to the accused when the document was produced or has been served on the accused not later than 7 days before the hearing; and

(b) any other document is so admissible only if a copy of it has been served on the accused not later than 7 days before the hearing.

(4) A document purporting to be a certificate (or so much of a document as purports to be a certificate) is not so admissible if the accused, not later than 3 days before the hearing or within such further time as the court may in special circumstances allow, has served notice on the prosecutor requiring the attendance at the hearing of the person by whom the document purports to be signed.

(5) A copy of a certificate required by this Article to be served on the accused or a notice required by this Article to be served on the prosecutor may be served personally or sent by registered post or recorded delivery service.

(6) In this Article "Official Analyst" means the Official Analyst appointed under the Official Analyst (Jersey) Law 2022.[139]

35 Power to order offenders to be tested[140]

(1) On the conviction of a person for an offence under Articles 22, 23, 23A, 25, 25A, 26, 26A, 26B, 27, 28, 30 or 30B, where the court makes an order disqualifying that person for holding or obtaining a driving licence for a fixed period of time, it shall make an order disqualifying the person for holding or obtaining a licence (other than a provisional licence) until he or she has, since the end of that fixed period, passed the prescribed test.[141]

(2) On the conviction of a person for –

(a) an offence described in paragraph (1) where the court does not make an order disqualifying him or her for holding or obtaining a licence for a fixed period of time; or

(b) an offence under Article 21,

the court may make an order disqualifying the person for holding or obtaining a licence (other than a provisional licence) until he or she has, since the date of that conviction, passed the prescribed test.[142]

(3) The provisions of this Law which have effect where a person is disqualified for holding or obtaining a licence by virtue of a conviction or order shall have effect in relation to a disqualification having effect by virtue of paragraph (1) or (2) subject to the following modifications –

(a) Article 15(3) shall not apply, but the disqualification shall be deemed to have expired on production to the Judicial Greffier of evidence in the prescribed form that the person disqualified has, since the order was made, passed the prescribed test;

(b) on the return to the person disqualified of any licence held by him or her, or on the issue to the person of a licence, there shall be added to the endorsed particulars of the disqualification a statement that the person disqualified has passed the prescribed test.[143]

36 Alternative verdicts[144]

(1) If, on the trial of a person charged with an offence specified in the first column of the table below (where the general nature of the offence is indicated), the court or the jury, as the case may be, is of the opinion that the person is not guilty of that offence but is guilty of an offence under one or more of the provisions specified in the corresponding entry in the second column of the table below, he or she may be found guilty of an offence under one or more of those provisions.

Offence charged	Alternative
causing death by dangerous driving (Article 23)	dangerous driving (Article 22)
	causing death by careless driving (Article 25A)
	careless driving (Article 25)
causing serious injury by dangerous driving (Article 23A)	dangerous driving (Article 22)
	careless driving (Article 25)

Offence charged	Alternative
	causing serious injury by careless driving (Article 26A)
dangerous driving (Article 22)	careless driving (Article 25)
causing death by careless driving when under influence of drink or drugs (Article 26)	careless driving (Article 25)
	causing death by careless driving (Article 25A)
	driving when under influence of drink or drugs (Article 27)
	driving with alcohol concentration above prescribed limit (Article 28)
	failing to provide a specimen for analysis or laboratory tests (Article 30(7))
	failing to give permission for a laboratory test of a specimen (Article 30B)
causing death by careless driving (Article 25A)	careless driving (Article 25)
causing serious injury by careless driving (Article 26A)	careless driving (Article 25)
causing serious injury by careless driving when under influence of drink or drugs (Article 26B)	careless driving (Article 25)
	driving when under influence of drink or drugs (Article 27)
	driving with alcohol concentration above prescribed limit (Article 28)
	failing to provide a specimen for analysis or laboratory tests (Article 30(7))
	failing to give permission for a laboratory test of a specimen (Article 30B)
driving or attempting to drive when unfit to drive through drink or drugs (Article 27)	being in charge of a vehicle when unfit to drive through drink or drugs (Article 27)
driving or attempting to drive with alcohol concentration above prescribed limit (Article 28(1)(a))	being in charge of a motor vehicle with alcohol concentration above prescribed limit (Article 28(1)(b))
	Driving or attempting to drive, or being in charge of, a vehicle when unfit to drive through drink or drugs (Article 27)
being in charge of a motor vehicle with alcohol concentration above	being in charge of a vehicle when unfit to drive through drink or drugs (Article 27)[145]

Offence charged	Alternative
prescribed limit (Article 28(1)(b))	

(2) Where the offence with which a person is charged or indicted is an offence under Article 26 or Article 26B, paragraph (1) shall not authorize his or her conviction of any offence of attempting to drive.[146]

(3) The provisions of this Article are without prejudice to any other powers of the court.

37 Notification of disease or disability[147]

If, in any proceedings in respect of a motoring offence, it appears to the court that the accused may be suffering from any disease or physical disability which would be likely to cause the driving by the accused of a motor vehicle to be a source of danger to the public, the court shall notify the Connétable of the parish in which the accused resides.

38 Restriction on drawing of trailers

(1) Not more than one trailer may be drawn by a motor vehicle on a road, and if any person causes or permits a trailer to be drawn in contravention of this Article, he or she shall be liable, to a fine of level 2 on the standard scale:

Provided that this paragraph shall not apply in the case of a motor vehicle owned and used for the purposes of a home force, as defined by Article 3(1) of the Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017, or in the case of a motor vehicle so used while being driven by a person who is subject to service law within the meaning of that Law.[148]

(2) For the purposes of this Article, the expression "trailer" shall not include –

(a) an agricultural implement not constructed to carry a load; or

(b) a trailer forming part of a public service vehicle licensed under the Motor Traffic (Jersey) Law 1935, for use as a char-à-banc.[149]

39 Motor vehicles to give way to other vehicles in narrow roads

(1) If a motor vehicle meets in any narrow road a vehicle which is not propelled by mechanical power and there is not sufficient room to enable such vehicles to pass one another with ease, the driver of the motor vehicle shall give way and shall reverse the motor vehicle for a distance sufficient to permit the vehicles to pass without risk of damage.

(2) If the driver of a motor vehicle acts in contravention of this Article, the driver shall be liable to a fine of level 2 on the standard scale.[150]

40 Use of footways and cycle tracks[151]

(1) Subject to paragraph (2), if any person –

(a) drives a vehicle, or permits or causes a vehicle (other than a pedal cycle placed in a place reserved for pedal cycles) to remain at rest, or rides, leads or drives an animal on any footway; or

(b) except in the case of a vehicle which is a pedal cycle, does any of the things specified in sub-paragraph (a) on any cycle track,

the person shall be liable to a fine not exceeding level 2 on the standard scale.[152]

(2) A person shall not be convicted of an offence under paragraph (1) if he or she proves to the satisfaction of the court –

(a) that the vehicle or animal was on the footway or cycle track for the purpose of obtaining access to any premises;

(b) that the vehicle was on a footway or cycle track on the express direction or with the specific permission of a police officer;

(c) that, for the purposes of loading or unloading, the vehicle was on a footway or cycle track, or any part of a footway or cycle track –

(i) prescribed for the purposes of loading and unloading during the period prescribed for such loading and unloading, or

(ii) with the permission of the Connétable for the parish in which the footway or cycle track is situated;

(d) that –

(i) the footway or cycle track was adjacent to a road which is too narrow for vehicles to pass safely in opposite directions without either or both of them driving onto the footway or cycle track, and

(ii) having given due consideration to any pedestrian or cyclist who may be in the vicinity of the footway or cycle track, the person drove the vehicle onto that footway or cycle track only for the purpose of stopping to permit another vehicle to pass;

(e) that the vehicle was owned or operated by a highway authority or by a person discharging functions on behalf of a highway authority and was on the footway or cycle track in connection with the cleansing, maintenance or improvement of, or the maintenance or alteration of any structure or other work situated in, the footway or cycle track by or on behalf of that authority; or

(f) that the vehicle or animal was on the footway or cycle track for the purpose of saving life or extinguishing fire or meeting any other like emergency.

(3) The Minister may, after consultation with the Connétable of the relevant parish, prescribe any part of a footway or cycle track as an area to be used by vehicles during prescribed periods for the purposes of loading and unloading.

(4) If any person fastens any animal so that it can stand on any footway or cycle track, he or she shall be liable to a fine not exceeding level 2 on the standard scale.

(5) In this Article "vehicle" shall not include perambulators or wheelchairs.

41 Wearing of seat belts[153]

(1) The Minister may by Order make provision requiring, subject to such exceptions as may be prescribed, persons driving or riding in motor vehicles on a road to wear seat belts of such description as may be prescribed.

(2) Orders under this Article –

(a) may make different provisions in relation to different classes of vehicle, different descriptions of persons and different circumstances;

(b) shall include exceptions for –

(i) the users of vehicles for the purpose of delivery of goods or mail to consumers or addressees, as the case may be, while engaged in making local rounds of deliveries,

(ii) the drivers of vehicles while performing a manoeuvre which includes reversing,

(iii) any person holding a valid medical exemption certificate,

(iv) any person engaged on the duties of a driver of a cab;[154]

(c) may make any prescribed exceptions subject to such conditions as may be prescribed; and

(d) may prescribe cases in which a fee of a prescribed amount may be charged on an application for any certificate required as a condition of any prescribed exception.

(3) Any person who drives or rides in a motor vehicle in contravention of an Order under this Article shall be guilty of an offence and liable to a fine of level 2 on the standard scale; but notwithstanding any enactment or rule of law no person other than the person actually committing the contravention shall be guilty of an offence by reason of the contravention.[155]

(4) If the holder of a medical exemption certificate is informed by a police officer that he or she may be prosecuted for an offence under paragraph (3), the holder shall not, in proceedings for that offence, be entitled to rely on the exception afforded to him or her by the certificate unless –

(a) it is produced to the police officer at the time the holder is so informed; or

(b) within 5 days after the date on which the holder is so informed, it is produced at such place as may be notified to him or her at the time the holder is so informed.

(5) An Order under this Article requiring the wearing of seat belts by persons riding in motor vehicles shall not apply to children under the age of 14 years.

(6) In this Article "cab" has the same meaning as in the Motor Traffic (Jersey) Law 1935.

41A Notification to bus passengers of requirement to wear seat belts[156]

(1) In this Article –

(a) "bus" means a motor vehicle that –

(i) has at least 4 wheels,

(ii) is constructed or adapted for the carriage of passengers, and

(iii) has more than 8 seats in addition to the driver's seat;

(b) "operator" means the owner of a bus or, if the bus is in the possession of any other person under an agreement for hire, hire-purchase, conditional sale, loan or otherwise, that person;

(c) "passenger seat" means any seat other than the driver's seat;

(d) "seat belt" means any description of seat belt prescribed under Article 41 or 42.

(2) The operator of a bus in which any of the passenger seats are equipped with seat belts must take all reasonable steps to ensure that every passenger is notified that he or she is required to wear a seat belt at all times when –

(a) sitting in a seat equipped with a seat belt; and

(b) the bus is in motion.

(3) For the purposes of paragraph (2), a passenger must be notified by one or more of the following means –

(a) an official announcement, or an audio-visual presentation, made when the passenger joins the bus or within a reasonable time of doing so;

(b) a sign prominently displayed at each passenger seat equipped with a seat belt.

(4) In paragraph (3)(a), "official announcement" means an announcement by the driver of the bus, or by a conductor or courier or person who is a group leader in relation to any group of persons who are passengers on the bus.

(5) For the purposes of paragraph (3)(b), a sign that takes the form of a pictorial symbol must show a white figure on a blue background in the form shown below.



(6) An operator who contravenes paragraph (2) is guilty of an offence and liable to a fine of level 2 on the standard scale.

42 Restrictions on carrying children not wearing seat belts in motor vehicles[157]

(1) Except as provided by Order made by the Minister, 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; and

(b)

(c) that child is not wearing a seat belt in conformity with such Order.[158]

(2) A person who drives a motor vehicle in contravention of paragraph (1) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.[159]

(3) The Minister may by Order make provisions –

(a) excepting from the prohibition in paragraph (1) children of any prescribed description, vehicles of a prescribed class or the driving of vehicles in such circumstances as may be prescribed;

(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);

(c) prescribing for the purposes of paragraph (1) the descriptions of seat belt to be worn by children of any prescribed description and prescribing any requirements relating to the use of such belts or the manner in which they are fixed, including requirements relating to other fixtures or fittings such as airbags.[160]

(4) In this Article "seat belt" includes any description of restraining device for a child and any reference to wearing a seat belt shall be construed accordingly.

43 Medical exemption certificate[161]

(1) For the purposes of this Law –

(a) a medical exemption certificate is –

(i) a certificate issued by a registered medical practitioner in accordance with the provisions of this Article to the effect that the registered medical practitioner is satisfied that it is inadvisable on medical grounds for the person named in the certificate to wear a seat belt, or

(ii) a certificate to such effect issued by an authority having power to issue such a certificate under the law of the United Kingdom or a member State of the European Union;

(b) a medical exemption certificate may be issued –

(i) for a period not exceeding one month, by a registered medical practitioner,

(ii) in all other circumstances by the Medical Officer of Health in response to an application made in accordance with the provisions of this Article.[162]

(2) An application for a medical exemption certificate, valid for a period in excess of one month or for an unspecified period, shall be made to the Medical Officer of Health in a form approved by the Minister.

(3) On receipt of an application the Medical Officer of Health may –

(a) if satisfied that it is inadvisable on medical grounds for the applicant to wear a seat belt, issue a certificate to that effect in a form approved by the Minister for –

(i) a specified period, or

(ii) an unspecified period; or

(b) refuse to issue a medical exemption certificate.

(4) If any person is aggrieved by a refusal of the Medical Officer of Health to issue a medical exemption certificate he or she may appeal to such registered medical practitioner as the Minister shall from time to time nominate for the purpose of such appeals.

(5) A registered medical practitioner nominated under paragraph (4) shall, with the least possible delay, consider an appeal under that paragraph and may uphold the decision of the Medical Officer of Health to refuse a medical exemption certificate

or may require the Medical Officer of Health to issue a medical exemption certificate for a specified or unspecified period.

(6) The decision of a registered medical practitioner nominated under paragraph (4) shall be final and without further appeal.

(7) [163]

44 Restriction on pillion riding on motor cycles

(1) It shall not be lawful for any person, other than the driver, to be carried on a road on a 2-wheeled motor cycle:

Provided that one additional person may be carried if sitting astride the cycle behind the driver on a proper seat securely fixed thereto, and if the cycle is fitted with footrests for the use of that person.

(2) The Minister may by Order make provision for modifying the provisions of paragraph (1) in relation to any class or description of motor cycles.

(3) If any person is carried on any 2-wheeled motor cycle in contravention of the provisions of this Article, the driver of the cycle shall be liable to a fine of level 2 on the standard scale.[164]

(4) For the purposes of this Article, and of any Order made thereunder, the expression "motor cycle" includes a moped.[165]

45 Motor cycle helmets[166]

(1) The Minister may by Order make provision requiring, subject to such exceptions as may be specified in the Order, persons driving or riding (otherwise than in a side car) on motor cycles of any class or description specified in the Order to wear protective helmets of such description as may be so specified.

(2) Orders under this Article may make different provision in relation to different circumstances or different classes of circumstance.

(3) Any person who drives or rides on a motor cycle in contravention of any Order made under this Article shall be liable to a fine of level 1 on the standard scale.[167]

(4) For the purposes of this Article and of any Order made thereunder, the expression "motor cycle" includes a moped.[168]

45A Bicycle helmets for children[169]

(1) The Minister may by Order make provision requiring a child to wear a protective helmet of a prescribed description and in a prescribed manner, if the child –

(a) drives or rides on –

(i) a pedal cycle, or

(ii) a trailer drawn by a pedal cycle;

(b) does so on a road or cycle track; and

(c) is of a prescribed age.

(2) A child commits an offence and is liable to a fine of level 1 on the standard scale if, without reasonable excuse, the child contravenes a requirement imposed on the child by an Order under paragraph (1).

(3) A parent of a child commits an offence, and is liable to a fine of level 1 on the standard scale, if without reasonable excuse the parent causes or permits that child to contravene a requirement imposed on the child by an Order under paragraph (1).

(4) A person commits an offence, and is liable to a fine of level 1 on the standard scale, if without reasonable excuse the person drives a pedal cycle when a child –

(a) rides on that pedal cycle or on a trailer drawn by that pedal cycle; and

(b) contravenes a requirement imposed on the child by an Order under paragraph (1).

(5) For the purpose of paragraph (4) the child is to be treated as riding on the pedal cycle or trailer irrespective of whether the child is also driving the pedal cycle or trailer.

(6) If a police officer reasonably suspects that a person is contravening or is about to contravene a requirement imposed on that person by an Order under paragraph (1), the police officer may require –

(a) that person to dismount from the pedal cycle or trailer, or not to mount it as the case may be;

(b) that person to give –

(i) his or her age, name and address, and

(ii) the name and address of his or her parent or parents; and

(c) any other person driving the pedal cycle, or appearing to be about to drive it, to give the information required under sub-paragraph (b) in respect of the suspected person, to the extent of his or her knowledge.

(7) A person who without reasonable excuse fails to comply with a requirement under paragraph (6) commits an offence, and is liable to a fine of level 2 on the standard scale.

(8) Article 84(4) does not apply to a contravention of an Order under this Article.

(9) In this Article "parent", in relation to a child, means a person who for the time being has parental responsibility for that child within the meaning of the Children (Jersey) Law 2002.

46 Orders with respect to cycle tracks[170]

(1) The Minister may, after consultation with the Connétable of the parish in which the way is situated, by Order –

(a) prescribe any way as a cycle track;

(b) specify whether the cycle track, or any part of it –

(i) is to be used by pedal cycles only or by both pedal cycles and pedestrians, or

(ii) is to be used by pedal cycles in one direction only or in both directions.

(2) Articles 22, 24, 25, 27, 33, 36, 48, 49, 51, 52 and 74 shall apply to the riding of pedal cycles on any cycle track prescribed under this Article.

(3) Any person who uses a cycle track in contravention of any provision of an Order made under paragraph (1) shall be liable to a fine not exceeding level 1 on the standard scale.

47 Electrically assisted pedal cycles[171]

(1) An electrically assisted pedal cycle of a class specified in an Order made for the purposes of Article 3 shall not be driven on a road or cycle track by a person under the age of 14.

(2) A person who –

(a) drives such a pedal cycle; or

(b) knowing or suspecting that another person is under the age of 14, causes or permits the other person to drive such a pedal cycle,

in contravention of paragraph (1) shall be liable to a fine not exceeding level 2 on the standard scale.

48 Restriction on carriage of persons on bicycles

(1) It shall not be lawful for any person, other than the person (or, in the case of a tandem bicycle, the persons) propelling the bicycle, to be carried on a road on a bicycle not propelled by mechanical power:

Provided that one additional person may be carried if sitting astride the bicycle on a proper seat securely fixed thereto and if the bicycle is fitted with foot-rests for the use of that person.

(2) If any person is carried on such a bicycle in contravention of the provisions of this Article, he or she (or, in the case of a tandem bicycle, each of the persons) propelling the bicycle shall be liable to a fine of level 2 on the standard scale.[172]

49 Prohibition on riding or propelling bicycles more than 2 abreast

(1) It shall not be lawful for more than 2 bicycles, whether or not propelled by mechanical power, to be ridden or propelled abreast on a road.

(2) If any person acts in contravention of the provisions of this Article, he or she shall be liable to a fine of level 2 on the standard scale.[173]

50 Restrictions on holding telephones[174]

(1) If any person who is driving a vehicle on a road holds a telephone in any way while the vehicle is in motion, he or she shall be guilty of an offence under this Article.

(2) A person guilty of an offence under this Article shall be liable to a fine not exceeding level 2 on the standard scale.

51 Duty to stop and duty to give name and address

(1) Any person driving a vehicle on a road shall stop the vehicle on being so required by a Police or Traffic Officer, and if he or she fails to do so shall be liable to a fine of level 3 on the standard scale:

Provided that a person shall not be convicted of an offence under this paragraph if he or she proves to the satisfaction of the court that he or she had no reason to believe that the person requiring him or her to stop the vehicle was a Police or Traffic Officer.[175]

(2) If the driver of a motor vehicle who is alleged to have committed an offence under the foregoing provisions of this Law as to dangerous driving or careless driving refuses, on being so required by any person having reasonable ground for so requiring, to give his or her name or address, or gives a false name or address, the driver shall be guilty of an offence and shall be liable to a fine of level 3 on the standard scale.[176]

ACCIDENTS

52 Duty of driver of vehicle in case of accident[177]

(1) A driver of a vehicle must comply with paragraph (2), if owing to the presence of the vehicle on a road, an accident occurs involving any of the following –

(a) personal injury to any person;

(b) damage to –

(i) another vehicle, or

(ii) any other property (moveable or immovable) including land and anything constructed on, fixed to or growing on land; or

(c) injury is caused to any horse, cattle, ass, mule, sheep, pig, goat or dog.

(2) The driver of the vehicle must stop and, if required by any person having reasonable grounds for doing so, must give the following information –

(a) the driver's name and address and, if different, the name and address of the owner of the vehicle;

(b) the registration mark of the vehicle; and

(c) whether, and the extent to which, there is in force in relation to the user of the vehicle a policy of insurance in respect of third party risks.

(3) If, for any reason (including not being required by any person), the driver of the vehicle does not give the information referred to in paragraph (2)(a), the driver –

(a) must immediately inform a police officer of the occurrence of the accident; and

(b) must not move the vehicle without the consent of a police officer.

(4) Subject to paragraph (5), if a cat is hit by a motor vehicle while that vehicle is being driven on a road, the driver of the vehicle must –

(a) stop the vehicle as soon as it is safe or reasonably practicable to do so; and

(b) notify a person or body described in paragraph (6) of –

(i) when the cat was hit, and

(ii) the location where the cat was last seen by the driver.

(5) A driver is not guilty of an offence of failing to comply with paragraph (4) if the driver of the motor vehicle did not know and had no reason to suspect that a cat was hit by the motor vehicle.

(6) A person or body for the purpose of paragraph (4) is –

(a) a person who is responsible for care of the cat; or

(b) a person or body specified for the purpose of paragraph (4) in a code issued under Article 85.

(7) If a person fails to comply with paragraph (1) or (3), that person commits an offence and is liable to a fine and imprisonment for 6 months.

(8) If a person fails to comply with paragraph (4) that person commits an offence and is liable to a fine of level 3 on the standard scale.

(9) A person or body referred in paragraph (6)(b) who is notified of information under paragraph (4) must –

(a) keep a record of when the cat was struck and when the cat was last seen; and

(b) make that information available to any person who seems to have reasonable grounds for requiring the information.

(10) For the avoidance of doubt, in respect of an accident involving injury to an animal, this Article is without prejudice to any other action a person may take to avoid liability under Article 4 (cruelty and unnecessary suffering) and Article 5 (neglect and abandonment) of the Animal Welfare (Jersey) Law 2004.

MISCELLANEOUS PROVISIONS

53 Taking vehicle without owner's consent or other authority[178]

(1) Every person who takes and drives away, or attempts to take and drive away, any vehicle, without having either the consent of the owner thereof or other lawful authority or, knowing that any vehicle has been so taken, drives or attempts to drive it or allows himself or herself to be carried in or on it without such consent or authority, shall be liable –

(a) if the vehicle is a motor vehicle –

(i) in the case of a first offence, to a fine or to imprisonment for a term not exceeding 6 months,

(ii) in the case of a second or subsequent conviction, to a fine or to imprisonment for a term not exceeding 3 years, or to both such fine and imprisonment;

(b) if the vehicle is not a motor vehicle –

(i) in the case of a first offence, to a fine,

(ii) in the case of a second or subsequent conviction, to a fine or to imprisonment for a term not exceeding 12 months, or to both such fine and imprisonment:

Provided that if the court or jury, as the case may be, is satisfied that the accused acted in the reasonable belief that the accused had lawful authority, or in the reasonable belief that the owner would, in the circumstances of the case, have given consent if the owner had been asked therefor, the accused shall not be liable to be convicted of the offence.[179]

(2) If, on the trial of a person on a charge of stealing a vehicle, the court or the jury, as the case may be, is of the opinion that the person was not guilty of stealing the vehicle but was guilty of an offence under this Article, he or she may be found guilty of that offence and thereupon shall be liable to be punished accordingly.

54 Restrictions on persons being towed by, getting on to or tampering with motor vehicles

(1) If any person otherwise than with reasonable cause takes or retains hold of, or otherwise than with lawful authority or reasonable cause gets on to, a motor vehicle or trailer while in motion on any road, for the purpose of being drawn or carried, he or she shall be liable to a fine of level 3 on the standard scale.[180]

(2) If while a motor vehicle is on a road or public place or on any place provided for the parking of vehicles, any person otherwise than with lawful authority or reasonable cause gets on to the vehicle or tampers with the brake or other part of the mechanism of the vehicle, he or she shall be liable to a fine of level 2 on the standard scale.[181]

55 Prohibition on leaving of vehicles on roads in positions likely to cause danger or obstruction[182]

(1) It shall not be lawful for any person in charge of a vehicle to cause or permit the vehicle or any trailer drawn thereby to remain at rest on a road –

(a) in such a position as to cause any unnecessary obstruction thereof; or

(b) in such a position or such condition or in such circumstances as to be likely to cause danger to other persons using the road:

Provided that a person shall not be convicted of an offence under this Article if he or she proves to the satisfaction of the court that the vehicle or trailer was at rest on the road in compliance with the requirements of Article 52 or for the purpose of saving life or extinguishing fire or meeting any other like emergency.

(2) If any person acts in contravention of paragraph (1) he or she shall be liable to a fine of level 2 on the standard scale.[183]

56 Removal of vehicles illegally, obstructively or dangerously parked, abandoned or broken down, and disposal of vehicles abandoned[184]

(1) The Minister may by Order make provision –

(a) in relation to the removal from roads and the safe custody, or to the removal from one position on a road to another position on that or another road, of vehicles which are broken down, or which have been permitted to remain at rest on a road in contravention of any statutory prohibition or restriction or in such a position or in such condition or in such circumstances as to be likely

to cause danger or obstruction to other persons using the road, or as appear to have been abandoned, and of the loads carried thereby;

(b) for the recovery of any expenses reasonably incurred by any public or parochial authority in the execution of the Order;

(c) for authorizing the public or parochial authority, if it appears that the vehicle has been abandoned, to sell or otherwise dispose of it and of any load carried thereby;

(d) for authorizing the application of the proceeds of the sale of the vehicle and of any load carried thereby in or towards the satisfaction of any expenses reasonably incurred in connection with the disposal thereof and of any expenses recoverable by virtue of sub-paragraph (b); and

(e) for regulating the disposal of the balance (if any) of the proceeds of the sale.

(2) Any Order under paragraph (1) shall provide that a power of disposal conferred thereby shall not be exercisable in the case of a vehicle or load (other than a load of a perishable nature) unless the public or parochial authority have taken such steps as may be prescribed, and there has elapsed such period as may be prescribed (not being less than 6 weeks beginning with the day on which the first of the said steps are taken), the steps and the period being such as will, in the opinion of the Minister, suffice for securing adequate opportunity for enabling the vehicle or load to be claimed.[185]

(3) In this Article, "road" includes any land under the administration of any public or parochial authority, and the power to make Orders under this Article shall include a power to make Orders in relation to vehicles which are not authorized to be on any such land.

57 Provisions with respect to stretching of ropes etc, across public roads

Any person who for any purpose places or causes to be placed any rope, wire or other apparatus across a public road or any part thereof in such a manner as to be likely to cause danger to persons using the road shall, unless the person proves that he or she had taken all necessary means to give adequate warning of the danger, be liable to a fine of level 2 on the standard scale.[186]

PUBLIC PARKING PLACES

58 Compulsory acquisition of land for provision of parking places[187]

(1) Where it appears to the States that any land should be acquired by the public of Jersey for the purpose of providing suitable places for the parking of vehicles, it shall be lawful for the States to acquire such land by compulsory purchase on behalf of the public in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, and, in relation to the acquisition of any land as aforesaid, the Minister shall be the acquiring authority within the meaning of the said Law.

(2) In this Article, "land" has the same meaning as in the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961.[188]

59 Orders with regard to public parking places[189]

(1) The Minister may by Order make provision as to the use of any public parking place and, in particular, as to the vehicles or classes or descriptions of vehicle which may be entitled to use the parking place, as to the conditions on which the parking place may be used, and as to the charges (if any) to be paid in connection with the use of the parking place.

(2) Orders made under this Article may provide for and regulate the use of any apparatus or device to indicate the time at which a vehicle arrived at a public parking place or the charges paid or payable for the use of that place, or as a means of collecting any such charges, and may provide for treating the indications given by any such apparatus or device as evidence of such facts and for such purposes as may be prescribed.[190]

(3) Orders made under this Article may provide that any contravention of, or non-compliance with, the terms thereof shall be an offence punishable by a fine not exceeding level 2 on the standard scale.[191]

(4) Orders made under this Article may provide for the performance by persons authorized by the authority administering a public parking place of such duties as may be prescribed.[192]

(5) [193]

USE OF VEHICLES BY DISABLED PERSONS

60 Badges for display on motor vehicles used by disabled persons[194]

(1) The Minister may, on application being made in such form as the Minister may determine, issue to a disabled person a badge –

(a) for one or more motor vehicles which the disabled person drives;

(b) for one or more motor vehicles used by the disabled person as a passenger,

and the badge, if so issued, may be displayed on such a vehicle when the disabled person drives it or is a passenger in it.

(2) The Minister shall maintain a register showing the holders of badges issued under this Article and whether the badge was issued under paragraph (1)(a) or (b), or both.

(3) A badge issued under this Article shall remain the property of the Minister.

(4) The Minister may appoint such other authority as the Minister thinks fit, and on such terms as may be agreed, to issue badges on the Minister's behalf and, when such an appointment is made –

(a) the Minister shall publish in the Jersey Gazette a notice of the appointment;

(b) paragraphs (1), (2), (3) and (5)(e) shall have effect as if for references to the Minister there were substituted references to the appointed authority.

(5) The Minister may by Order prescribe –

(a) the form and manner of display of a badge issued under this Article;

(b) the description of disabled person to whom this Article applies;

(c) the period for which a badge may be issued and provisions for the renewal or re-issue of a badge;

(d) the fees (if any) to be charged for a badge;

(e) circumstances in which the Minister may refuse to issue a badge, or in which a badge may be forfeited to the Minister,

and different provisions may be made for different purposes of this Article.

(6) Any person who –

(a) makes or has in his or her possession any document so closely resembling a badge issued under this Article as to be calculated to deceive;

(b) with intent to deceive alters a badge issued under this Article;

(c) knowingly makes a false statement for the purpose of procuring the grant or issue to that person or any other person of such a badge,

shall be liable on conviction to a fine of level 2 on the standard scale.[195]

61 Wrongful use of disabled person's badge[196]

(1) A person who is guilty of an offence in relation to a motor vehicle under a provision of this Law other than this Article (the "first offence") is also guilty of an offence under this Article if at the time of the commission of the first offence –

(a) a badge of a form prescribed under Article 60(5) was displayed on the vehicle;

(b) the person was using the vehicle in circumstances in which a disabled person's concession would be available to a disabled person's vehicle; and

(c) the vehicle was not being used by the person to whom the badge was issued.

(2) A person guilty of an offence under this Article shall be liable to a fine of level 2 on the standard scale.[197]

(3) In this Article –

"disabled person's concession" means a provision made by or under an Order under this Law –

(a) setting aside part of a road, or public parking place, for use only by disabled persons' vehicles;

(b) wholly or partly exempting disabled persons' vehicles from prescribed restrictions on the waiting of vehicles;

"disabled person's vehicle" means a vehicle lawfully displaying a badge of a form prescribed under Article 60(5).[198]

PROVISIONS RELATING TO PUBLIC ROADS

62 Power to restrict use of roads by vehicles[199]

(1) Subject to the provisions of this Article, where, as regards any road, it appears to the Minister after consultation with the Connétable of the parish in which the road is situated that it is expedient so to do –

(a) for avoiding danger to persons or other traffic using the road or any other road;

(b) for preventing damage to the road or to any building on or near the road;

(c) for facilitating the passage of vehicular traffic on the road or any other road;

(d) for preventing the use of the road by vehicular traffic of a kind which, or the use thereof by such traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property;

(e) without prejudice to the generality of sub-paragraph (d), for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot; or

(f) for preventing the use of the road, or any part thereof, by vehicular traffic of any kind and for setting apart the said road or part thereof for the use of pedestrians or pedestrians and cyclists,

the Minister may make Orders prohibiting, restricting or regulating the use of the road or any part of the width thereof by vehicular traffic or by such traffic of any class or description specified in the Orders, either generally or subject to exceptions so specified, and either at all times or at times, on days or during periods so specified, and, without prejudice to the generality of the provisions of this paragraph –

(i) requiring such traffic to proceed in a special direction or prohibiting it so proceeding;

(ii) specifying the part of the carriageway to be used by such traffic proceeding in a specified direction;

(iii) prohibiting or restricting the waiting of vehicles or the loading or unloading of vehicles

(iv) prohibiting the use of roads by through traffic;

(v) prohibiting or restricting overtaking;

(vi) authorizing the use (but subject to such conditions, if any, as may be specified in the Order) of any part of a road as a parking place for vehicles, or for vehicles of such classes or descriptions as may be specified in the Order. [200]

(2) No Order shall be made under paragraph (1) with respect to any road which would have the effect of preventing such access as may be reasonably required for vehicles of any class or description to any premises situated on or adjacent to the road and, for the purposes of this paragraph –

(a) premises shall be treated as adjacent to a road, whatever their distance therefrom, if they are accessible for vehicles of that class or description from, and only from, that road;

(b) a restriction on the loading or the unloading of goods shall in no circumstances be treated as preventing such access as may be reasonably required if the restriction does not prevent loading or unloading for more than 7 hours in all in any consecutive period of 24 hours.[201]

(3) No prohibition or restriction on waiting imposed under the powers conferred by paragraph (1) shall apply to any omnibus.

(4) Any person who uses a vehicle or causes or permits a vehicle to be used in contravention of any Order made under this Article shall be liable to a fine of level 2 on the standard scale.[202]

63 Designation of paying parking places on public roads[203]

(1) Without prejudice to his or her powers under Article 62, the Minister may, after consultation with the Connétable of the parish in which the road is situated, by Order designate parking places on roads for vehicles, or for vehicles of any class specified in the Order and may make charges for vehicles left in any parking place so designated of such amount as is prescribed under Article 64.

(2) An Order under this Article may designate a parking place for use (either at all times or at times specified in the Order) only by such persons or vehicles, or such persons or vehicles of a class specified in the Order, as may be authorized for the purpose by a permit from the Minister or both by such persons or vehicles or classes of persons or vehicles and also, with or without charge and subject to such conditions as to duration of parking or times at which parking is authorized, by such other persons or vehicles, or persons or vehicles of such other class, as may be specified; and

(a) in the case of any particular parking place and any particular vehicle, or any vehicle of a particular class, the Minister may issue a permit for that vehicle to be left in the parking place while the permit remains in force, either at all times or at such times as may be specified in the permit; and

(b) except in the case of an omnibus, may make such charge in connection with the issue or use of the permit, of such amount and payable in such manner, as the Minister may by Order prescribe.

(3) The exercise by the Minister of his or her functions under this Article shall not render the Minister subject to any liability in respect of the loss of or damage to any vehicle in a parking place or the contents or fittings of any such vehicle.

64 Charges at and regulation of designated parking places[204]

(1) The Minister shall prescribe any charges to be paid for vehicles left in a parking place designated by an Order under Article 63 and may require those charges, or any part of them, to be paid by means of the hire or purchase in advance, or the use of, parking devices in accordance with an Order made under this Article.

(2) An Order under this Article may include power to make such provision as may appear to the Minister to be necessary or expedient for regulating or restricting the use of any parking place designated by Order under Article 63, or otherwise for or

in connection with the operation of such parking place and in particular (but without prejudice to the generality of the foregoing) provision –

(a) for regulating the time at which and the method by which any charge is to be paid;

(b) for regulating the issue, use and surrender of parking devices;

(c) for requiring vehicles to display parking devices when left in any parking place in respect of which the parking devices may be used;

(d) without prejudice to the generality of sub-paragraph (c), for regulating the manner in which parking devices are to be displayed or operated;

(e) for prescribing the use, and the manner of use, of apparatus of such type as may be approved by the Minister, either generally or specially, designed to be used in connection with parking devices;

(f) for treating –

(i) the indications given by a parking device, or

(ii) the display or failure to display a parking device on or in any vehicle left in any parking place,

as evidence of such facts as may be provided by the Order;

(g) for the refund, in such circumstances and in such manner as may be prescribed in the Order, of the whole or a part of the amount of any charge paid in advance in respect of a parking device;

(h) for the payment of a deposit in respect of the issue of a parking device and for the repayment of the whole or a part of any such deposit;

(i) for determining the number and dimensions of the spaces in which vehicles may be left in a parking place;

(j) for authorising the alteration of the position in a parking place, or the removal from a parking place, of vehicles in respect of which any Order relating to the parking place has been contravened or not complied with and for the safe custody of vehicles so removed;

(k) for exempting from the payment of any charge any vehicle left in a parking place in such circumstances as may be specified in the Order, and for treating any vehicle so exempted as having been left there, and the charge from which it is exempted as having been paid, at such time as may be so specified;

(l) for prohibiting or restricting the carrying on of any trade or other activities, or the doing of any other thing, at any parking place;

(m) for the erecting of signs and notices at or near any parking place;

(n) for regulating the grant, revocation and surrender of any permit such as is mentioned in Article 63(2)(a) and the issue, use and surrender of tokens indicating the holding of such a permit, or the payment of any charge in connection with the issue or use of the permit;

(o) for requiring a vehicle to which a permit applies to display the permit or such a token when it is left in a parking place to which the permit applies, and for treating the display of or failure to display the permit or such token

on any vehicle left at a parking place as evidence of such facts as may be provided by the Order;

(p) for the refund in such circumstances and in such manner as may be provided by the Order of the amount of any charge paid in advance by virtue of Article 63(2)(b).

(3) In this Article and Article 65, "parking device" means either a card, disc, token, meter, permit, stamp or other similar device, whether used in a vehicle or not, of such type or design as may be approved by the Minister either generally or specially, which, being used either by itself, or in conjunction with any such apparatus as is referred to in paragraph (2)(e), indicates, or causes to be indicated, the payment of a charge, and –

(a) the period in respect of which it has been paid and the time of the beginning or end of the period;

(b) whether or not the period for which it has been paid or any further period has elapsed;

(c) the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place, and the time of the beginning or end of the period; or

(d) whether or not the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place or any further period has elapsed,

or any other device of any such description as may from time to time be prescribed for the purposes of this Article and Article 63 by Order, and of such type and design as may be approved by the Minister either generally or specially.

(4) An approval under paragraph (3) which revokes or amends a previous approval under that paragraph may make such saving or transitional provision as appears to the Minister to be necessary or expedient.

(5) Subject to paragraph (6), the approval of the Minister of –

(a) the type or design of a parking device; or

(b) the type of apparatus designed to be used in connection with parking devices,

may, for the purposes of this Article be given, in respect of any device or apparatus, either without time limit, or for such period, being not less than 2 years, as the Minister considers appropriate.

(6) Before the expiry of any such period, or of any such period as extended under this paragraph, the Minister may –

(a) direct that the period shall be extended for such further period as the Minister may specify; or

(b) may approve the device without time limit.

65 Offences relating to designated parking places[205]

(1) A person who, with intent to defraud –

(a) interferes with any apparatus referred to in Article 64(2)(e) or with a parking device, or operates or attempts to operate any such apparatus or any parking device otherwise than in the manner prescribed; or

(b) displays a parking device otherwise than in the manner prescribed,

shall be guilty of an offence and liable to a fine of level 2 on the standard scale.[206]

(2) A person who –

(a) being the driver of a vehicle, leaves the vehicle in a designated parking place otherwise than as authorized by or under an Order relating to the parking place, or fails duly to pay any charge payable under Article 63, or contravenes or fails to comply with any provision of an Order relating to the parking place as to the manner in which vehicles shall stand in, or be driven into or out of, the parking place; or

(b) whether being the driver of a vehicle or not, otherwise contravenes or fails to comply with any Order relating to designated parking places,

shall be guilty of an offence and liable to a fine of level 1 on the standard scale.[207]

(3) In relation to an offence under paragraph (2)(a) of failing to pay any charge payable under Article 63, the reference in that sub-paragraph to the driver of a vehicle shall be construed as a reference to the person driving the vehicle at the time when it was left in the parking place.

(4) Where in any proceedings for an offence under this Article of failing to pay any charge, it is proved that the amount which has become due, or any part of that amount, has not been duly paid, the court shall order payment of the sum not paid and any sum so ordered to be paid shall be recoverable as a penalty.

(5) In any proceedings for an offence under this Article it shall be assumed, unless the contrary is shown that any device or apparatus provided for the purposes of a parking place is of a type approved by the Minister.

66 Supplementary provisions as to designated parking places[208]

(1) Where under an Order made under Article 63 vehicles may not be left at all times in the designated parking place –

(a) the parking place shall for the purposes of Articles 64 and 65 be treated as respects any time during which vehicles may not be left there in pursuance of the Order, as if it were not designated by the Order; and

(b) any vehicle left in the parking place which remains there at the beginning of a period during which vehicles may be left there in pursuance of the Order shall, for the purposes of those Articles, be treated as if it had been left there at the beginning of that period, but without prejudice to any rights or liabilities in respect of anything done or omitted at any time before the beginning, or after the end of that period.

(2) An Order under Article 63 may revoke the authorization of any road or part of a road as a parking place by Order under Article 62(1)(vi) and such an Order, or an Order under that sub-paragraph, may provide that the designation shall not have effect as respects any time in respect of which provision is made under Article 63 for the leaving of vehicles in that place.

67 [209]

PROVISIONS RELATING TO PUBLIC PARKING PLACES AND PUBLIC ROADS[210]

67A Prohibition on parking of vehicles for sale or hire in the course of a business[211]

(1) A person is guilty of an offence if –

(a) the person carries on a business at least one of the objects of which involves the sale or hire of motor vehicles; and

(b) a motor vehicle that is for the time being offered, exposed or advertised for sale or hire in the course of that business is parked in a public parking place or on a road.

(2) However, it is a defence for the person to prove that the vehicle was so parked by a customer or potential customer of the business in the course of that customer or potential customer's continued use of the vehicle.

(3) A person guilty of an offence under paragraph (1) is liable to a fine of level 2 on the standard scale.

(4) An offence under paragraph (1) may be charged by reference to a day or any longer period of time and a person may be convicted of a second offence or subsequent offences under that paragraph by reference to any period of time following the preceding conviction for such an offence.

68 Temporary modification of the effect of Orders made under Article 59, 62 or 63[212]

(1) Subject to the provisions of paragraphs (2) and (3), a highway authority may issue a notice which shall have effect as if the provisions of any Order made under Article 59, 62 or 63 were modified to the extent specified in the notice for any period, not exceeding 12 months, there specified.[213]

(2) No notice issued under paragraph (1) shall have effect unless –

(a) the Minister and the Connétable of the parish in which any road to be affected by the notice is situated have been consulted;

(b) it has been published in the Jersey Gazette on 2 occasions during the 7 days immediately preceding the date on which it is to have effect; and

(c) such road signs are erected as would be required if the Order had been amended to the extent specified in the notice.

(3) This Article does not apply where a highway authority issues a notice under Article 58(2)(c) of the Road Works and Events (Jersey) Law 2016.[214]

68A Penalty charges in respect of parking contraventions[215]

(1) Orders may provide for a penalty charge to be imposed in respect of a parking contravention and where such an Order is in force in respect of any parking

contravention, no criminal proceedings may be brought in respect of that parking contravention.

(2) The penalty charge is recoverable as a debt due to the enforcement authority by proceedings instituted in the Petty Debts Court and despite Article 3 of the Petty Debts Court (Miscellaneous Provisions) (Jersey) Law 2000 the decision of the Court in such proceedings is final.

(3) The person liable to pay the penalty charge is the registered owner of the vehicle to which the parking contravention relates and that owner may recover the amount of the charge from the person who was in charge of the vehicle at the time of the contravention.

(4) Orders under this Article may provide for any of the following –

(a) the maximum levels of penalty charges;

(b) enforcement authorities to impose penalty charges and set the amount of any penalty charge subject to the prescribed maxima;

(c) the publication of the amount of penalty charges;

(d) the contents of any notice advising on the imposition of a penalty charge;

(e) the means of issuing a penalty charge notice, which may include affixing the notice to the vehicle or sending it by post;

(f) exemptions from penalty charges;

(g) discounts or surcharges in relation to penalty charges, which may be set by an enforcement authority;

(h) challenges to penalty charges;

(i) transitional and savings provisions in respect of parking contraventions occurring before the commencement of the first Order made under this Article;

(j) such other matters as the Minister considers to be incidental to, or necessary or expedient for, the purposes of the Order.

(5) An enforcement authority may delegate –

(a) any of its functions under such an Order to another enforcement authority with that other authority's agreement; and

(b) its power under the Order to issue penalty charge notices to any person or class of persons.

(6) A person who –

(a) removes or interferes with a penalty charge notice (not being the registered owner or person in charge of the vehicle to which that notice relates, or a person acting on behalf of an enforcement authority); or

(b) makes a representation that is false in a material particular in connection with a penalty charge or any challenge to a penalty charge,

is guilty of an offence and liable to a fine of level 2 on the standard scale.

(7) The amount of a penalty charge is to be applied as follows –

(a) where it relates to a parking contravention occurring on a road, footpath or cycle track, half for the benefit of the annual income of the States and half

for the benefit of the parish in which the parking contravention occurred, to be applied towards the cost of maintaining by-roads of the parish;

(b) where it relates to a parking contravention occurring in a public parking place, for the benefit of the enforcement authority responsible for that parking place.

(8) In this Article –

"enforcement authority", in the case of a parking contravention relating to –

(a) a road, footpath or cycle track means the Connétable of the parish in which the road is situated;

(b) a public parking place –

(i) administered by a parish, means the Connétable of that parish,

(ii) administered by an administration for which the Minister for Education and Lifelong Learning is responsible, means the Minister for Education and Lifelong Learning,

(iii) administered by an administration for which the Minister for Sustainable Economic Development is responsible, means the Minister for Sustainable Economic Development, or

(iv) administered by an administration for which the Minister for Infrastructure is responsible, means the Minister for Infrastructure;

"parking contravention" means –

(a) an offence under Article 40(1) of permitting or causing a vehicle to remain at rest on any footway or cycle track in contravention of Article 40(1);

(b) a contravention of an Order made under Article 59;

(c) a contravention of an Order under Article 62(1) prohibiting or restricting the waiting of vehicles, or the loading or unloading of vehicles, on roads or parts of roads; or

(d) an offence under Article 65(2);

"penalty charge" means a penalty charge imposed for a parking contravention by an Order under this Article;

"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 the vehicle and in relation to any other vehicle means the owner.[216]

PEDESTRIAN CROSSINGS

69 Establishment of pedestrian crossings[217]

(1) The Minister may, after consultation with the Connétable of the parish in which the road is situated, establish on any road such crossings for pedestrians as the Minister considers necessary and may execute any works (including the erection, maintenance, alteration and removal of marks and traffic signs) required in connection with the establishment of such crossings.

(2) The Minister may by Order make provision with respect to the precedence of vehicles and pedestrians respectively and generally with respect to the movement of traffic (including pedestrians), at and in the vicinity of crossings.

(3) Without prejudice to the generality of paragraph (2), any Order made thereunder may prohibit pedestrian traffic on the carriageway within 100 yards of a crossing, and may make provision with respect to the indication of the limits of a crossing, or of any other matter whatsoever relating to the crossing, by marks or devices on or near the carriageway or otherwise, and generally with respect to the erection of traffic signs in connection with a crossing.

(4) Different Orders may be made under this Article in relation to different traffic conditions, and in particular, but without prejudice to the generality of the foregoing, different Orders may be made in relation to crossings in the vicinity of, and at a distance from, a road junction, and to traffic which is controlled by a police officer, and by traffic signals, and by different kinds of traffic signals, and which is not so controlled.

(5) Any Order made under this Article may apply only to a particular crossing or particular crossings specified in the Order.

(6) Any person who contravenes the provisions of any Order made under this Article shall be liable, to a fine of level 2 on the standard scale.[218]

(7) In this Article, "crossing" means a crossing for pedestrians established by the Minister under this Article and indicated in accordance with Orders having effect as respects that crossing; and for the purposes of a prosecution for a contravention of any of the provisions of any Order having effect as respects a crossing, the crossing shall be deemed to be established and indicated as aforesaid unless the contrary is proved.

SCHOOL CROSSINGS

70 School crossings[219]

The Minister for Education and Lifelong Learning may make arrangements for the patrolling of places where children cross roads on their way to or from school, during periods between the hours of 8 am and 5.30 pm when children are so on their way, by persons appointed by the Minister for Education and Lifelong Learning, other than police officers.

71 Stopping of vehicles at school crossings[220]

(1) When, between the hours of 8 am and 5.30 pm, a vehicle is approaching a place in a road where children on their way to or from school are crossing or seeking to cross the road, a school crossing patrol wearing a uniform approved by the Minister shall have power, by exhibiting a school crossing sign, to require the person driving or propelling the vehicle to stop it.

(2) When a person has been required under paragraph (1) to stop a vehicle –

(a) the person shall cause the vehicle to stop before reaching the place where the children are crossing or seeking to cross and so as not to stop or impede their crossing; and

(b) the vehicle shall not be put in motion again so as to reach the place in question so long as the sign continues to be exhibited,

and a person who fails to comply with the provisions of sub-paragraph (a) or who causes a vehicle to be put in motion in contravention of sub-paragraph (b), shall be liable to a fine of level 2 on the standard scale.[221]

(3) In this Article –

"school crossing patrol" means a person appointed to patrol in accordance with arrangements made under Article 70;

"school crossing sign" means a sign of the prescribed size, colour and type or, if the Minister authorizes the use of signs of another description, a sign of that description; and Orders made under this Article may provide for the attachment of reflectors to signs or for the illumination of such signs.

(4) For the purposes of this Article, where it is proved –

(a) that a sign was exhibited by a school crossing patrol, it shall be presumed to be of a size, colour and type prescribed, or of a description authorized, under the foregoing provisions of this Article, and if it was exhibited in circumstances in which it was required by an Order to be illuminated, to have been illuminated in the prescribed manner, unless the contrary is proved; and

(b) that a school crossing patrol was wearing a uniform, the uniform shall be presumed, unless the contrary is proved, to be a uniform approved by the Minister.

TRAFFIC SIGNS AND DIRECTIONS

72 Erection of traffic signs[222]

(1) The Minister may, and in such cases as may be required by or under this Law shall, cause traffic signs to be placed and maintained on or near any road, footway or cycle track and, subject to and in conformity with such directions as may be given by the Minister, may permit traffic signs to be so placed.[223]

(2) The Minister shall cause traffic signs to be placed and maintained on or near the roads or cycle tracks to which any Order made under Article 21, 46, 62 or 63 relates in such manner as to indicate the requirement of the Order:

Provided that the duty imposed on the Minister by virtue of this paragraph shall not apply in any case where the effect of any one or more Orders is that the requirements thereof apply to all roads in Jersey.[224]

(3) Traffic signs shall be of the prescribed size, colour and type except where the Minister authorizes the erection or retention of a sign of another character, and any Order prescribing the size, colour or type of traffic signs may attach a significance to a sign which, for the purposes of this Law, shall be deemed to be the indication given by the sign.

(4) For the purposes of paragraph (3), illumination, whether by lighting or by the use of reflectors or reflecting material, or the absence of such illumination, shall be part of the type of the sign.

(5) The Minister may by notice in writing require the owner or occupier of any land on which there is any object or device (whether fixed or portable) for the guidance or direction of persons using roads, footways or cycle tracks to remove it, and if any person fails to comply with such a notice the Minister may personally cause the removal to be effected, doing as little damage as may be, and may recover summarily as a civil debt from the person so in default the expense incurred in so doing.[225]

(6) Any person authorized by the Minister may, on production if so required of evidence of his or her authority, enter on any land and exercise such other powers as may be necessary for the purpose of the exercise and performance of the Minister's powers and duties under this Article.

73 Temporary signs for dealing with traffic congestion or danger[226]

(1) A police officer may place on any road, or on any structure on any road, traffic signs of any size, colour or type prescribed or authorized under Article 72, being signs indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances.

(2) The power to place signs conferred by this Article shall include power to maintain any sign for a period of 7 days or less from the time when it is placed, but no longer.

74 Penalties for neglect of traffic directions

(1) Subject to paragraph (2), where a traffic controller is for the time being engaged in the regulation of traffic on a road, or where any traffic sign being a sign for regulating the movement of traffic or indicating the route to be followed by traffic and being of the size, colour or type prescribed or authorized under Article 72, has been lawfully placed on or near any road, footway or cycle track, any person driving any vehicle who –

(a) neglects or refuses to stop the vehicle or to make it proceed along a particular road or to make it proceed in or keep to a particular line of traffic when directed to do so by the traffic controller in the execution of the traffic controller's duty or fails to conform to the indication given by the sign, being a light signal used for the control of vehicular traffic, shall be liable to a fine of level 2 on the standard scale; or

(b) fails to conform to the indication given by the sign, being a sign other than a light signal used as aforesaid, shall be liable to a fine of level 2 on the standard scale.[227]

(2) Paragraph (1)(b) shall not apply to any person driving a wheelchair.[228]

(3) The Minister may by Order provide that a person shall not be convicted of an offence under paragraph (1) for failure to conform to the indication given by any

such sign as may be specified in the Order, if he or she proves to the satisfaction of the court –

(a) that the vehicle which the person was driving was being used for the purposes of the Fire and Rescue Service or the Jersey Coastguard service or for ambulance or police purposes;

(b) that to have conformed to the indication would have unreasonably hindered the use of the vehicle for the purpose for which it was being used;

(c) that the person took all reasonable precautions to prevent danger to the persons using the road; and

(d) that the person complied with any prescribed requirements.[229]

(4) For the purposes of this Article, a traffic sign placed on or near a road, footway or cycle track shall be deemed to be of the size, colour or type prescribed or authorized under Article 72, and to have been lawfully so placed, unless the contrary is proved.[230]

(5) In this Article, "traffic controller" means –

(a) any Police Officer or Traffic Officer; and

(b) any States' employee within the meaning of Article 2 of the Employment of States of Jersey Employees (Jersey) Law 2005 who is designated responsibility for the regulation of traffic on roads.[231]

PROVISIONS AS TO WEIGHT AND WEIGHING OF VEHICLES

75 Method of calculating weight

For the purposes of this Law and of any other enactment relating to the use of motor vehicles on roads, the weight unladen of any vehicle shall be taken to be the weight of the vehicle inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle when working on a road, but exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle, and of loose tools and loose equipment.

76 Weighing of motor vehicles

Subject to any Order, it shall be lawful for a Police or Traffic Officer to require the person in charge of any motor vehicle to allow the vehicle or any trailer drawn thereby to be weighed, either laden or unladen, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and for that purpose to proceed to a weighbridge or other machine for weighing vehicles, and if any person in charge of a motor vehicle refuses or neglects to comply with any such requirement, the person in charge of the motor vehicle shall be liable to a fine of level 2 on the standard scale:

Provided that it shall not be lawful for a Police or Traffic Officer to require the person in charge of the motor vehicle to unload the vehicle or trailer, or to cause or allow it to be unloaded, for the purpose of being weighed unladen.[232]

ORDERS

77 Orders with regard to motor vehicles

(1) The Minister may by Order make provision 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 and, in particular, but without prejudice to the generality of the foregoing provisions, with respect to any of the following matters –

(a) the width, height and length of motor vehicles and trailers and the load carried thereby, the diameter of wheels, and the width, nature and condition of tyres, of motor vehicles and trailers;

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

(c) excessive noise owing to the design or condition of the vehicle, or the loading thereof;

(d) the maximum weight unladen and laden of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area thereof by a motor vehicle or trailer of any class or description or by any part or parts of such a vehicle or trailer in contact with the road, and the conditions under which the weights may be required to be tested;

(e) the particulars to be marked on motor vehicles and trailers;

(f) the towing of or drawing of vehicles by motor vehicles;

(g) the number and nature of brakes, and for securing that brakes, silencers and steering gear shall be efficient and kept in proper working order;

(h) lighting equipment and reflectors;

(i) the appliances to be fitted for signalling the approach of a motor vehicle, or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or for intimating any intended change of speed or direction of a motor vehicle and the use of any such appliance, and for securing that they shall be efficient and kept in proper working order, and for prohibiting the use of appliances fitted to motor vehicles for signalling their approach by sound at any times, and on or in any roads or localities, specified in the Order;

(j) for empowering persons authorized by or under the Order to test and inspect a motor vehicle, whether on a road or elsewhere and to drive the motor vehicle for that purpose;

(k) for empowering persons authorized 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;

(l) 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;

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

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

(o) the issue of duplicates or copies of certificates of compliance and the fees to be paid for such issue;

(p) appeals where a certificate of compliance is refused;

(q) licences, and in particular with respect to the record to be kept of licences, and for making any particulars with respect to any persons who are disqualified for holding or obtaining licences or whose licences are suspended or endorsed available for use by the police, and for preventing a person holding more than one licence and for facilitating the identification of holders of licences and for providing for the issue of a new licence in the place of a licence lost or defaced on payment of such fee as may be prescribed,

and different provisions may be made as respects different classes or descriptions of vehicles or as respects the same class or description of vehicles in different circumstances and as respects different times of the day or night and as respects roads in different localities.[233]

(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.[234]

(3) Subject to paragraph (4), 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 of level 3 on the standard scale.[235]

(4) Paragraph (3) 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 Article 78(1), and the restrictions or conditions specified in the licence have been complied with.[236]

(5) In any proceedings for an offence under paragraph (3) in which there is alleged a contravention of or failure to comply with a requirement as to any 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% –

(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.[237]

(6) A person who intentionally obstructs a person authorized 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.[238]

78 Authorization of use on roads of vehicles not complying with Orders under Article 77[239]

(1) Where it appears to be desirable in the public interest so to do, the Inspector of Motor Traffic may grant in respect of any motor vehicle or trailer a licence providing that, subject to such restrictions and conditions as may be specified in the licence, such provisions of any Order made under Article 77 as may be so specified shall not apply to that vehicle or trailer or shall apply subject to such modifications as may be so specified.[240]

(2) For the avoidance of doubt, the provisions of any Order made under Article 77 shall apply to a vehicle in respect of which a licence has been granted under paragraph (1) and which is used on a road in contravention of any restriction or condition of that licence.[241]

(3) Application for a licence shall be made in such manner as the Minister may determine and shall be accompanied by such fee as may be prescribed.

(4) Any person aggrieved by the refusal of the Inspector of Motor Traffic to grant a licence under this Article, or by any restriction or condition subject to which a licence is granted, may appeal to the Minister on the ground that, having regard to all the circumstances, the decision of the Inspector was unreasonable, and the decision of the Minister thereon shall be final.[242]

78A Scheme for periodic technical inspection of motor vehicles[243]

(1) In this Article –

"certificate of satisfaction" means a certificate issued under the Order under paragraph (5)(g);

"inspection scheme" means the scheme for which provision is made by the Order under paragraphs (4) to (6);

"prior interval period", in relation to a vehicle, means the period determined under the Order under paragraph (5)(d) in relation to that vehicle;

"Vienna Convention" means the Convention on Road Traffic, done at Vienna on 8th November 1968, as amended from time to time.

(2) The Minister must exercise his or her power under Article 77 to make –

(a) such provision as appears to the Minister to provide appropriately for the safety of road users; and

(b) such provision as is, in the opinion of the Minister, necessary to comply with the requirements of the Vienna Convention.

(3) A person commits an offence, and is liable to a fine of level 2 on the standard scale, if –

(a) the person –

(i) uses on a road a vehicle to which the inspection scheme applies, or

(ii) is the owner of such a vehicle and causes or permits it to be used on a road; and

(b) no certificate of satisfaction has been issued, during the prior interval period before the vehicle is so used, in respect of an inspection of that vehicle carried out during that period.

(4) The Minister must by Order make provision for a scheme for the periodic technical inspection of motor vehicles for compliance with the provisions of the Order under Article 77 that apply to each such vehicle, being a scheme that, in the opinion of the Minister, complies with the requirements of the Vienna Convention.

(5) The Order under paragraph (4) must include provision as to –

(a) the descriptions of motor vehicle to which the inspection scheme applies, which may be framed by reference to any matter appearing relevant to the Minister, including –

(i) the age of the vehicle or the date of its import or registration,

(ii) any other form of periodic technical inspection to which the vehicle is subject, and

(iii) the purpose for which the vehicle is used, including whether it is being driven to or from an inspection;

(b) the date from which inspections may first be carried out in relation to each such description of motor vehicle;

(c) the later date from which the inspection scheme first applies to each such description of motor vehicle, being a date that appears to the Minister to allow an appropriate period for preparation, by the Minister and by the owners of vehicles, for the application of the scheme to that description of motor vehicle;

(d) the frequency of inspection for each such description of motor vehicle, including the method of determination of the interval period for the purpose of paragraph (3)(b) in relation to that description of motor vehicle;

(e) subject to any Regulations under paragraph (8), the fees that are to be charged in relation to inspections;

(f) subject to any Regulations under paragraph (9), the designation of persons as examiners for the purpose of carrying out inspections;

(g) the issue of certificates of satisfaction for vehicles found on inspection to meet the requirements of the Order made under Article 77; and

(h) appeals against, or reviews of, a refusal of a certificate of satisfaction.

(6) The Order under paragraph (4) may include –

(a) provision made by reference to, or by modification of, provision made under any of sub-paragraphs (j) to (p) of Article 77(1);

(b) such transitional, transitory, saving, consequential, incidental or supplementary provision as appears to the Minister to be expedient for the purposes of the Order.

(7) Article 79 applies in relation to a certificate of satisfaction as it applies in relation to a certificate of compliance issued under an Order under Article 77.

(8) The States may by Regulations –

(a) make provision for the fees that are to be charged in relation to inspections; and

(b) amend a provision of an Order, being a provision made under paragraph (4) or (5)(e), to –

(i) remove an inconsistency with the provision made under sub-paragraph (a),

(ii) insert a reference to the Regulations, and

(iii) make consequential, transitional, transitory or saving provision in relation to the provision made under clause (i) or (ii).

(9) The States may by Regulations –

(a) make provision for the designation of persons as examiners for the purpose of carrying out inspections, including provision –

(i) as to the approval of premises and equipment to be used by examiners, and

(ii) as to any fees to be charged in relation to that designation or approval; and

(b) amend a provision of an Order, being a provision made under paragraph (4) or (5)(f), to –

(i) remove an inconsistency with the provision made under sub-paragraph (a),

(ii) insert a reference to the Regulations, and

(iii) make consequential, transitional, transitory or saving provision in relation to the provision made under clause (i) or (ii).

79 Forgery, false statements, documents and representations in connection with the examination of vehicles[244]

(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

(c) makes or has in the person's 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 2 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 or her 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 or herself 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 77.

80 Orders with regard to vehicles other than motor vehicles[245]

(1) The Minister may by Order make provision as to the use of pedal cycles on roads and cycle tracks, their construction and equipment and the conditions under which they may be so used and, in particular but without prejudice to the generality of the foregoing provisions, with respect to any of the following matters –

(a) the number, nature and efficiency of brakes and their maintenance in proper working order;

(b) lighting equipment and reflectors;

(c) the appliances to be fitted for signalling approach and their maintenance in proper working order; and

(d) the testing and inspection, by persons authorized under the Order, of any equipment prescribed under this Article or Article 45A.[246]

(2) The Minister may by Order make provision for regulating the number, nature and use of brakes, including skid pans and locking-chains, in the case of vehicles drawn by horses or other animals, or any class or description of such vehicles, when used on roads, and for securing that such brakes are efficient and kept in proper working order, and for empowering persons authorized by or under the Order to test and inspect any such brakes, whether on a road or elsewhere.

(3) The Minister may by Order make provision as to the use of wheelchairs on roads, footways and cycle tracks, their construction and equipment and the conditions under which they may be so used.

(4) Orders under this Article may be made so as to apply either generally or in such circumstances or to such class or description of vehicle only as may be specified in the Order.

80A Order with regard to registration of certain motor-drawn trailers[247]

(1) In this Article –

"motor-drawn trailer" means a vehicle that is drawn, or is intended or adapted to be drawn, by a motor vehicle;

"Vienna Convention" has the same meaning as in Article 78A.

(2) Other expressions used in this Article, that are also used in the Motor Vehicle Registration (Jersey) Law 1993, have the same meaning as in that Law.

(3) A person commits an offence, and is liable to a fine of level 2 on the standard scale, if –

(a) the person uses on a road a motor-drawn trailer on a journey that will involve entering a country, outside the British Islands, that is a party to the Vienna Convention; and

(b) the motor-drawn trailer is not –

(i) registered under this Article, or

(ii) exempted from registration by the Order under paragraph (9).

(4) In any proceedings for the offence under paragraph (3), it is a defence for the defendant to prove that he or she reasonably believed –

(a) that, at the time of the alleged offence, the motor-drawn trailer –

(i) was registered, or

(ii) fell within a particular description, if a trailer of that description would not be required to be registered; or

(b) that the journey on which the motor-drawn trailer was used –

(i) would not involve leaving the British Islands, or

(ii) would involve leaving the British Islands, but would involve entering only a particular other country or countries, if none of those other countries was a party to the Vienna Convention.

(5) The provisions listed in paragraph (6) (the "motor vehicle provisions") apply in relation to registration of a trailer for the purpose of this Article as if those provisions were provisions of this Article, with the substitution of references to a motor-drawn trailer for references to a motor vehicle.

(6) The motor vehicle provisions are –

(a) Parts 1 and 2 of the Motor Vehicle Registration (Jersey) Law 1993;

(b) Articles 11, 12(6) to (10), 13 to 15, 16(2) and 17 of that Law;

(c) the Schedule to that Law;

(d) Parts 1 to 3 of the Motor Vehicle Registration (General Provisions) (Jersey) Order 1993;

(e) Schedules 1 to 5 of that Order.

(7) The Minister must by Order modify the application of the motor vehicle provisions to any extent that the Minister considers necessary or expedient in order to remedy anything in those provisions that might, in the opinion of the Minister, otherwise render the provisions, when applied in relation to the registration of a trailer, incompatible with the requirements of the Vienna Convention.

(8) The Minister may by Order further modify the application of the motor vehicle provisions to any extent that the Minister considers appropriate in order –

(a) to render any of those provisions more appropriate for trailers, or simpler in their application to trailers; or

(b) to make any provision similar to a provision of, or made under, Part 2 of the Haulage Permits and Trailer Registration Act 2018 of the United Kingdom.

(9) The Minister must by Order provide for particular descriptions of motor-drawn trailer to be exempt from the requirement to register, for the purpose of paragraph (3)(b)(ii), and may do so by reference to any factor appearing relevant to the Minister, including –

(a) the weight or size or other characteristics of the motor-drawn trailer;

(b) the description of motor vehicle by which the motor-drawn trailer is drawn;

(c) the use, or intended use, of the motor-drawn trailer;

(d) the residence or establishment of the person using the motor-drawn trailer, or of its owner or any other person, in Jersey or elsewhere; and

(e) any reason for which the motor-drawn trailer would not, if it was a motor vehicle, be required to be registered under the Motor Vehicle Registration (Jersey) Law 1993.

(10) The Minister may by Order provide for the voluntary registration of a motor-drawn trailer that –

(a) is exempted by the Order under paragraph (9) from the requirement for registration; and

(b) is intended to be used on a journey that will involve entering a country, outside the British Islands, that is a party to the Vienna Convention.

(11) The Order under paragraph (9) must include transitory provision, until the end of a period appearing to the Minister to offer a reasonable opportunity for the introduction of registration under this Article, under which motor-drawn trailers –

(a) are exempted during that period from the requirement to register, for the purpose of paragraph (3)(b)(ii); but

(b) may be registered in anticipation of becoming subject to that requirement at or after the end of that period.

(12) Nothing in paragraph (7) or (8) is to be read as requiring a modification under that paragraph to be made in any particular form, whether by reference to a motor vehicle provision, by setting out a motor vehicle provision as modified, or otherwise.

(13) An Order under this Article may include such other transitory, transitional, saving, consequential, incidental or supplementary provision as appears to the Minister to be expedient for the purposes of the Order.

(14) Paragraphs (8) to (13) are subject to the restriction that no provision may be made under them that would, in the opinion of the Minister, be incompatible with the requirements of the Vienna Convention.

81 Vehicles not to be sold in unroadworthy condition or altered so as to be unroadworthy[248]

(1) Subject to the provisions of this Article, it shall not be lawful to supply a vehicle or trailer for delivery in such a condition that the use thereof on a road in that condition would be unlawful by virtue of the provisions of any Order made under Article 77 or 80 as respects brakes, steering gear or tyres or as respects the

construction, weight or equipment of vehicles, or in such a condition that its use on a road would involve a danger of injury to any person.[249]

(2) Subject to the provisions of this Article, it shall not be lawful to alter a vehicle or trailer so as to render its condition such that the use thereof on a road in that condition would be unlawful by virtue of any provision made as respects the construction, weight or equipment of vehicles by any Order made under Article 77 or 80.[250]

(3) A person who supplies or alters any vehicle or trailer in contravention of the provisions of this Article or causes or permits it to be so supplied or altered shall be liable to a fine of level 3 on the standard scale.[251]

(4) A person shall not be convicted of an offence under this Article in respect of the supply or alteration of a vehicle or trailer if he or she proves –

(a) that it was supplied or altered, as the case may be, for export from Jersey; or

(b) that the person had reasonable cause to believe that the vehicle or trailer would not be used on a road in Jersey or would not be so used until it had been put into a condition in which it might lawfully be so used.[252]

(5) Nothing in the foregoing provisions of this Article shall affect the validity of a contract or any rights arising under a contract.

(6) In this Article and in Article 82 "supply" includes –

(a) sell;

(b) offer to sell or supply; and

(c) expose for sale.[253]

82 Testing condition of used vehicles at sale rooms, etc[254]

(1) A Police or Traffic Officer may at any reasonable hour enter premises where used motor vehicles or trailers are supplied or kept for supply, in the course of a business and test and inspect any used motor vehicle or trailer found thereon for the purpose of ascertaining whether it is in any such condition as is mentioned in Article 81, and for the purpose of testing a motor vehicle and any trailer drawn by it may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.[255]

(2) Any person who obstructs a Police or Traffic Officer acting under paragraph (1) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.[256]

83 Fitting and sale of defective or unsuitable vehicle parts[257]

(1) If any person –

(a) fits a vehicle part to a vehicle; or

(b) causes or permits a vehicle part to be fitted to a vehicle, in such circumstances that, by reason of that part being fitted to the vehicle, the use of the vehicle on a road would constitute a contravention of or failure to comply with any of the provisions of an Order made under Article 77 or 80,

the person shall be guilty of an offence and liable to a fine of level 2 on the standard scale.[258]

(2) A person shall not be convicted of an offence under paragraph (1) if he or she proves –

(a) that the vehicle to which the part was fitted was to be exported from Jersey; or

(b) that he or she had reasonable cause to believe that that vehicle would not be used on a road in Jersey or would not be so used until it had been put into a condition in which its use would not constitute a contravention of or failure to comply with any provisions of an Order under Article 77 or 80.

(3) If any person who –

(a) sells or supplies or offers to sell or supply a vehicle part; or

(b) causes or permits a vehicle part to be sold, supplied or offered for sale or supply,

has reasonable cause to believe that the part is to be fitted to a motor vehicle, or to a vehicle of a particular class, or to a particular vehicle, he or she shall be guilty of an offence and liable to a fine of level 2 on the standard scale if that part could not be fitted to a motor vehicle or, as the case may require, to a vehicle of that class or of a class to which the particular vehicle belongs, except in such circumstances as are mentioned in paragraph (1).[259]

(4) A person shall not be convicted of an offence under paragraph (3) in respect of the sale, supply or offer of a vehicle part if he or she proves –

(a) that the part was sold, supplied or offered, as the case may be, for export from Jersey; or

(b) that the person had reasonable cause to believe that it would not be fitted to a vehicle used on a road in Jersey or would not be so fitted until it had been put into such a condition that it could be fitted otherwise than in such circumstances as are mentioned in paragraph (1).

(5) Any Police or Traffic Officer may at any reasonable hour enter premises where, in the course of a business, vehicle parts are fitted to vehicles or are sold, supplied or offered for sale and test and inspect any vehicle or vehicle part found on those premises for the purposes of ascertaining whether –

(a) a vehicle part has been fitted to the vehicle in such circumstances as are mentioned in paragraph (1); or

(b) the vehicle part could not be sold or supplied for fitting to a vehicle used on roads in Jersey without the commission of an offence under paragraph (3),

and for the purpose of testing a motor vehicle and any trailer drawn by it the Police or Traffic Officer may drive it and for the purpose of testing a trailer may draw it with a motor vehicle.

(6) Any person who obstructs a Police or Traffic Officer acting under paragraph (5) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.[260]

(7) Nothing in this Article shall affect the validity of a contract or of any rights arising under a contract.

84 General provisions as to Orders

(1) The Minister may make Orders to prescribe anything which may be prescribed under this Law and generally for the purpose of carrying this Law into effect.

(1A) In an Order under this Law prescribing any fee or charge the Minister may, if he or she makes the Order with the concurrence of the Minister for Treasury and Resources –

(a) take into account such matters as he or she thinks fit; and

(b) set the fee or charge so as to raise income in excess of the amounts necessary to cover the expenses of the Minister in discharging his or her functions under this Law.[261]

(2) [262]

(3) The power to make Orders under this Law may be exercised –

(a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and

(b) so as to make, as respects the cases in relation to which it is exercised –

(i) the full provision to which the power extends or any lesser provision (whether by way of exception or otherwise),

(ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or classes of case, or different provision as respects the same case or class of case for different purposes of the enactment,

(iii) any such provision either unconditionally or subject to any specified condition.[263]

(4) If any person acts in contravention of, or fails to comply with, any Order made under this Law, contravention of or failure to comply with which is not made an offence under any other provision of this Law, the person shall, for each offence, be liable to such fine not exceeding level 2 on the standard scale, as may be prescribed by the Order.[264]

GENERAL

85 Issue by Minister of directions for guidance of users of roads

(1) The Minister may prepare a code (in this Article referred to as the "highway code") comprising such directions as appear to the Minister to be proper for the guidance of persons using roads and may from time to time revise the code in such manner as the Minister thinks fit.

(2) The Minister shall cause the highway code and every revised edition thereof to be printed and issued to the public.[265]

(3) A failure on the part of any person to observe any provision of the highway code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings (whether civil or criminal, and including proceedings for an offence under this Law) be relied upon by any party to the

proceedings as tending to establish or to negative any liability which is in question in those proceedings.

86 Duty to give information as to person in charge of vehicle

(1) Where an offence is alleged to have been committed in connection with a vehicle being on a road –

(a) the owner of the vehicle shall give such information as the owner may be required by a Centenier to give as to the identity of the person in charge of the vehicle at the time of the commission of the alleged offence, and, if the owner fails to do so, shall be liable to a fine of level 3 on the standard scale, unless the owner shows to the satisfaction of the court that he or she did not know and could not with reasonable diligence have ascertained who was the person in charge of the vehicle as aforesaid; and

(b) any other person shall, if required as aforesaid, give any information which it is in his or her power to give and which may lead to the identification of the person in charge of the vehicle as aforesaid, and, if the person fails to do so, he or she shall be liable to a fine of level 3 on the standard scale.[266]

(2) In this Article, "owner", in relation to a vehicle which is the subject of a hiring agreement or a hire-purchase agreement, means the person in possession of the vehicle under that agreement.

87 Aiding, abetting, etc., commission of offences[267]

A person who aids, abets, counsels or procures any other person to commit an offence against the provisions of this Law or any Order made thereunder commits an offence and shall be liable to the same punishment as might be imposed on conviction of the first-mentioned offence.

88 [268]

89 Power to inflict and levy fines summarily[269]

(1) Subject to the provisions of this Article, where a person is charged with any offence under this Law or under any Order and accepts the decision of a Centenier having jurisdiction in the matter, then that Centenier may inflict and levy summarily a fine of level 1 on the standard scale.[270]

(2) Paragraph (1) shall not apply where the offender is charged with any offence specified in Schedule 3 to the extent specified therein in relation to that offence.[271]

(3) Where any fine is levied by a Centenier in pursuance of the powers conferred by this Article, the Centenier shall give a receipt for it.[272]

(4) Where any fine is levied by a Centenier in pursuance of the powers conferred by this Article, the Centenier shall, as soon as reasonably practicable, inform the Chief Officer of the States of Jersey Police Force of the details of the fine.[273]

90 Application of fines[274]

(1) A fine imposed for an offence under Articles 18, 20, 21, 22, 23, 25, 26, 27, 51 and 53 shall be awarded for the benefit of His Majesty.[275]

(2) Despite paragraph (1), if a fine in relation to an offence under Article 21 is inflicted and levied summarily by a Centenier of the parish where the offence was committed, the fine shall be awarded for the benefit of the parish and shall be applied towards the general expenses of the parish.[276]

(3) A fine imposed for –

(a) an offence under this Law, other than an offence specified in paragraph (1); or

(b) an offence under any Order,

shall be awarded for the benefit of the annual income of the States.

(4) Despite paragraph (3), if a fine in relation to –

(a) an offence under this Law, other than an offence specified in paragraph (1); or

(b) an offence under any Order,

is inflicted and levied summarily by a Centenier of the parish where the offence was committed –

(i) half of the fine shall be awarded for the benefit of the annual income of the States; and

(ii) half of the fine shall be awarded for the benefit of the parish and shall be applied towards the cost of maintaining by-roads of the parish.[277]

91 Financial provisions

All fees received by the Connétable of a parish under this Law shall be applied towards the cost of maintenance of the by-roads of the parish and all other fees received under this Law shall be credited to the annual income of the States.[278]

92 Power of States to make Regulations[279]

(1) Nothing in this Law shall be construed as derogating in any way from the powers conferred on the States by the Loi (1851) autorisant l'établissement des règlements sur la police des chemins, to make Regulations relating to the police of the public roads, and the powers so conferred may be exercised in relation to any park or other public place or any sea beach.[280]

(2) The powers conferred on the States by the Loi (1851) autorisant l'établissement des règlements sur la police des chemins and this Article include a power to amend any of the provisions of this Law.[281]

93 Citation

This Law may be cited as the Road Traffic (Jersey) Law 1956.

SCHEDULE 1[282]

(Article 14)

MOTORING OFFENCES IN RESPECT OF WHICH DISQUALIFICATION OR ENDORSEMENT MAY BE ORDERED

A. NON-STATUTORY OFFENCES.

1. Manslaughter by the driver of a motor vehicle.
2. Causing bodily harm committed by a person having charge of a motor vehicle.

B. OFFENCES AGAINST THE MOTOR TRAFFIC (THIRD-PARTY INSURANCE) (JERSEY) LAW 1948.

Any offence against Article 2 (using, or causing or permitting use of, uninsured vehicle).

C. OFFENCES AGAINST THE ROAD TRAFFIC (JERSEY) LAW 1956.

Any offence against the following provisions, namely –

Article 4(1)	(driving, or employing a person to drive without a licence);
Article 11(2)	(failure to comply with conditions of provisional licence);
Article 15(4)	(applying for or obtaining a licence, or driving while disqualified);
Article 20	(restriction on driving by young or inexperienced persons);
Article 21	(limitation of speed);
Article 22	(dangerous driving);
Article 23	(causing death by dangerous driving);
Article 23A	(causing serious injury by dangerous driving);
Article 25	(careless driving);
Article 25A	(causing death by careless driving);
Article 26	(causing death by careless driving when under influence of drink or drugs);
Article 26A	(causing serious injury by careless driving);
Article 26B	(causing serious injury by careless driving when under the influence of drink or drugs);
Article 27	(Driving, or attempting to drive, or being in charge of a vehicle, when unfit to drive through drink or drugs)
Article 28(1)	(driving, or attempting to drive, or being in charge of a motor vehicle with alcohol concentration above prescribed limit);

Article 29(4)	(failing to provide a specimen of breath);
Article 30(7)	(failing to provide a specimen for analysis or laboratory test);
Article 30B(4)	(failing to give permission for laboratory test of specimen of blood);
Article 44	(unlawful pillion riding);
Article 50	(holding a telephone while driving);
Article 52	(failure to stop after an accident)
Article 53	(taking vehicle without owner's consent or authority);
Article 54(2)	(getting on to, or tampering with, a vehicle without authority);
Article 55	(leaving vehicle in position likely to cause danger or obstruction);
Article 74	(failure to comply with traffic directions or indications given by traffic signs).

D. OFFENCES AGAINST ORDERS MADE UNDER THE ROAD TRAFFIC (JERSEY) LAW 1956.

1. Any offence against an Order made under Article 62, being an offence –

   (a) of failure to comply with a requirement to proceed or not to proceed in a specified direction or along a specified part of the carriageway; or

   (b) of contravening a prohibition or restriction on overtaking.

2. Any offence against an Order made under Article 77, being an offence of using a vehicle on a road, or causing or permitting a vehicle to be so used, so as, by the condition of the vehicle or its parts or accessories, the number of passengers carried by it, or the weight, distribution, packing or adjustment of its load, to cause, or to be likely to cause, danger, and in particular (but without prejudice to the generality of the foregoing) of contravening any requirement as to brakes, silencers, steering gear or tyres.

3. Any offence against an Order made under Article 77, being an offence –

   (a) of contravening or failing to comply with any requirement with respect to lighting equipment and reflectors; or

   (b) of using a vehicle on a road, or causing or permitting a vehicle to be so used, which does not comply with such a requirement,

other than a first offence.

SCHEDULE 2[283]

(Article 21)

LIMITS OF SPEED

	CLASS OR DESCRIPTION OF VEHICLE	MAXIMUM SPEED MILES PER HOUR.
(1)	Large goods vehicles, large passenger carrying vehicles, medium-sized goods vehicles and vehicles drawing trailers	30
(2)	Other vehicles	40

SCHEDULE 3[284]

(Article 89)

OFFENCES IN RESPECT OF WHICH THERE IS NO POWER TO LEVY FINES SUMMARILY[285]

Article 15(4)	applying for or obtaining a licence or driving while disqualified;
Article 18	forgery etc. of licence;
Article 20	restriction on driving by young or inexperienced persons;
Article 21	limitation of speed – (a) an offence – (i) involving a speed of more than 12 mph but not more than 19 mph above the limit in relation to a vehicle of the class or description concerned, and (ii) which is committed within 3 years of the date on which the defendant was convicted for an offence under any of Articles 21, 22, 25, 27, 28, 29, 30 or 52; (b) an offence involving a speed of more than 19 mph above the limit in relation to a vehicle of the class or description concerned;
Article 22	dangerous driving;
Article 23	causing death by dangerous driving;
Article 23A	causing serious injury by dangerous driving;
Article 25A	causing death by careless driving;
Article 26	causing death by careless driving when under influence of drink or drugs;
Article 26A	causing serious injury by careless driving;
Article 26B	causing serious injury by careless driving when under the influence of drink or drugs;
Article 27	driving, or attempting to drive, or being in charge of a vehicle, when unfit to drive through drink or drugs;
Article 28(1)	driving, or attempting to drive, or being in charge of a motor vehicle with alcohol concentration above prescribed limit;
Article 29(4)	failing to provide a specimen of breath;
Article 30(7)	failing to provide a specimen for analysis or a laboratory test;
Article 30B(4)	failing to give permission for a laboratory test of specimen of blood;
Article 52(1) and (3)	failure to stop or report after certain accidents;

Article 53	taking vehicle without owner's consent or authority where the vehicle concerned is a motor vehicle;
Article 81	sale or supply of unroadworthy vehicle or alteration of vehicle so as to render it unroadworthy.

ENDNOTES

Table of Legislation History

Legislation name	Number	Commencement	◦Projet No (where applicable)
Road Traffic (Jersey) Law 1956	L.26/1956	1 January 1957 (R&O.3726)	
Road Traffic (Amendment) (Jersey) Law 1958	L.5/1958	8 April 1958	
Police Court (Miscellaneous Provisions) (Amendment) (Jersey) Law 1960	L.28/1960	21 December 1960	
Road Traffic (Miscellaneous Provisions) (Jersey) Law 1962	L.19/1962	12 September 1962	
Road Traffic (Amendment No. 2) (Jersey) Law 1962	L.26/1962	19 January 1963	
Road Traffic (Jersey) Regulations 1963	R&O.4430	1 May 1963	
Road Traffic (Jersey) Regulations 1965	R&O.4727	20 October 1965	
Road Traffic (Jersey) Regulations 1966	R&O.4778	1 May 1966	
Road Traffic (No. 2) (Jersey) Regulations 1966	R&O.4806	6 July 1966	
Road Traffic (No. 3) (Jersey) Regulations 1967	R&O.4904	11 March 1967	
Road Traffic (No. 4) (Jersey) Regulations 1970	R&O.5420	26 September 1970	
Road Traffic (No. 5) (Jersey) Regulations 1970	R&O.5449	28 November 1970	
Road Traffic (No. 6) (Jersey) Regulations 1972	R&O.5743	22 November 1972	
Road Traffic (No. 7) (Jersey) Regulations 1973	R&O.5794	14 March 1973	
Road Traffic (No. 8) (Jersey) Regulations 1974	R&O.5957	1 May 1974	
Road Traffic (No. 9) (Jersey) Regulations 1975	R&O.6207	1 January 1976	
Road Traffic (No. 10) (Jersey) Regulations 1975	R&O.6222	1 January 1976	
Road Traffic (No. 11) (Jersey) Regulations 1976	R&O.6264	8 March 1976	
Road Traffic (No. 12) (Jersey) Regulations 1977	R&O.6406	6 April 1977	
Road Traffic (No. 13) (Jersey) Regulations 1977	R&O.6454	16 August 1977	

Legislation name	Number	Commencement	◦Projet No (where applicable)
Road Traffic (No. 14) (Jersey) Regulations 1978	R&O.6586	29 November 1978	
Road Traffic (No. 15) (Jersey) Regulations 1979	R&O.6714	1 November 1979	
Road Traffic (No. 16) (Jersey) Regulations 1979	R&O.6721	1 November 1979	
Road Traffic (No. 17) (Jersey) Regulations 1980	R&O.6820	16 June 1980	
Road Traffic (No. 19) (Jersey) Regulations 1980	R&O.6830	25 June 1980	
Road Traffic (No. 20) (Jersey) Regulations 1981	R&O.6901	4 February 1981	
Road Traffic (No. 21) (Jersey) Regulations 1981	R&O.6998	25 November 1981 (Reg. 4 in force 1 January 1982)	
Road Traffic (No. 22) (Jersey) Regulations 1981	R&O.7004	9 December 1981	
Road Traffic (No. 23) (Jersey) Regulations 1982	R&O.7020	1 April 1982	
Road Traffic (No. 24) (Jersey) Regulations 1982	R&O.7072	28 July 1982	
Road Traffic (No. 25) (Jersey) Regulations 1982	R&O.7081	25 August 1982	
Road Traffic (No. 26) (Jersey) Regulations 1983	R&O.7219	24 August 1983	
Road Traffic (No. 27) (Jersey) Regulations 1983	R&O.7229	1 January 1984	
Road Traffic (No. 28) (Jersey) Regulations 1985	R&O.7411	1 September 1985	
Road Traffic (No. 29) (Jersey) Regulations 1986	R&O.7472	1 March 1986	
Road Traffic (No. 30) (Jersey) Regulations 1986	R&O.7495	23 April 1986	
Road Traffic (No. 31) (Jersey) Regulations 1987	R&O.7700	9 December 1987	
Road Traffic (No. 32) (Jersey) Regulations 1989	R&O.7878	8 February 1989	
Road Traffic (No. 33) (Jersey) Regulations 1989	R&O.7917	17 May 1989	
Road Traffic (No. 34) (Jersey) Regulations 1990	R&O.8016	1 March 1990	
Road Traffic (No. 35) (Jersey) Regulations 1990	R&O.8076	27 June 1990	
Road Traffic (No. 36) (Jersey) Regulations 1990	R&O.8077	27 June 1990	

Legislation name	Number	Commencement	◦Projet No (where applicable)
Road Traffic (No. 37) (Jersey) Regulations 1990	R&O.8096	29 August 1990	
Road Traffic (No. 38) (Jersey) Regulations 1990	R&O.8150	12 December 1990	
Road Traffic (No. 39) (Jersey) Regulations 1991	R&O.8160	16 January 1991	
Road Traffic (No. 40) (Jersey) Regulations 1991	R&O.8196	24 April 1991	
Road Traffic (No. 41) (Jersey) Regulations 1992	R&O.8340	19 February 1992	
Road Traffic (No. 42) (Jersey) Regulations 1992	R&O.8457	14 October 1992	
Road Traffic (No. 43) (Jersey) Regulations 1993	R&O.8624	1 January 1994	
Road Traffic (No. 44) (Jersey) Regulations 1994	R&O.8691	22 June 1994	
Road Traffic (No. 45) (Jersey) Regulations 1994	R&O.8722	7 September 1994	
Road Traffic (No. 46) (Jersey) Regulations 1997	R&O.9116	10 September 1997	
Road Traffic (No. 47) (Jersey) Regulations 1997	R&O.9180	7 December 1997	
Road Traffic (No. 48) (Jersey) Regulations 1998	R&O.9205	18 March 1998	P.7/1998
Road Traffic (No. 49) (Jersey) Regulations 1998	R&O.9294	1 November 1998	P.169/1998
Road Traffic (No. 50) (Jersey) Regulations 1998	R&O.9308	Regs. 1, 4 and 9 in force 1 November 1998; Regs. 2, 3, 5, 6, 7 and 8 in force 1 January 1999	P.203/1998
Road Traffic (No. 51) (Jersey) Regulations 2001	R&O.31/2001	1 March 2001	P.13/2001
Road Traffic (No. 52) (Jersey) Regulations 2001	R&O.178/2001	1 January 2002	P.176/2001
Road Traffic (No. 53) (Jersey) Regulations 2002	R&O.50/2002	13 June 2002	P.66/2002
Road Traffic (No. 54) (Jersey) Regulations 2003	R&O.137/2003	2 December 2003	P.157/2003
Road Traffic (No. 55) (Jersey) Regulations 2003	R&O.138/2003	2 December 2003	P.151/2003
Road Traffic (No. 56) (Jersey) Regulations 2003	R&O.153/2003	16 December 2003	P.179/2003
Road Traffic (Amendment No. 3) (Jersey) Law 2005	L.5/2005	28 January 2005	P.146/2004

Legislation name	Number	Commencement	◦Projet No (where applicable)
States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005	R&O.47/2005	9 December 2005	P.61/2005
States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005	R&O.133/2005	9 December 2005	P.217/2005
Employment of States of Jersey Employees (Consequential, Amendment, Repeal, Transitional and Savings Provision) (Jersey) Regulations 2005	R&O.155/2005	9 December 2005	P.243/2005
States of Jersey (Transfer of Functions No. 1) (Home Affairs to Transport and Technical Services) (Jersey) Regulations 2006	R&O.41/2006	1 May 2006	P.26/2006
Road Traffic (No. 57) (Jersey) Regulations 2007	R&O.49/2007	4 April 2007	P.161/2006
Road Traffic (Amendment No. 4) (Jersey) Law 2007	L.16/2007	25 May 2007	P.88/2006
Road Traffic (No. 58) (Jersey) Regulations 2007	R&O.114/2007	3 October 2007	P.87/2007
Criminal Procedure (Connétables and Centeniers) (Amendment) (Jersey) Law 2009	L.2/2009	9 January 2009	P.118/2008
Road Traffic (No. 59) (Jersey) Regulations 2009	R&O.104/2009	14 October 2009	P.128/2009
Summary Fines (Miscellaneous Amendments) (Jersey) Law 2010	L.2/2010	15 January 2010	P.6/2009
Road Traffic (No. 60) (Jersey) Regulations 2014	R&O.105/2014	24 July 2014	P.30/2014
Connétables (Miscellaneous Provisions – Consequential Amendments) (Jersey) Regulations 2014	R&O.81/2014	1 August 2014 (R&O.80/2014)	P.78/2014
States of Jersey Police Force Law 2012	L.37/2012	1 August 2014 (R&O.87/2014)	P.182/2011
Road Traffic (No. 61) (Jersey) Regulations 2014	R&O.162/2014	1 October 2014	P.140/2014
Road Traffic (No. 62) (Jersey) Regulations 2015	R&O.145/2015	24 November 2015	P.115/2015
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	R&O.158/2015	1 January 2016	P.46/2015 (re-issue)

Legislation name	Number	Commencement	◦Projet No (where applicable)
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	L.1/2016	20 September 2016 - amendments by Schedule 1 to Articles 25(2) and 27(2) not in force (R&O.98/2016)	P.87/2015
Criminal Justice (Miscellaneous Provisions) (Jersey) Regulations 2016	R&O.97/2016	20 September 2016	P.74/2016
Road Works and Events (Jersey) Law 2016	L.11/2016	1 January 2017 (R&O.121/2016)	P.152/2015
Road Traffic (No. 63) (Jersey) Regulations 2018	R&O.5/2018	23 January 2018*	P.67/2017
Armed Forces (Vehicles and Roads – Amendments) (Jersey) Regulations 2018	R&O.66/2018	30 June 2018	P.40/2018
States of Jersey (Minister for International Development and Minister for Children and Housing) (Jersey) Order 2018	R&O.82/2018	21 July 2018	
Road Traffic and Vehicles (Vienna Convention – Miscellaneous Amendments) (Jersey) Regulations 2018	R&O.115/2018	4 December 2018	P.109/2018
Motor Vehicles (Removal from Private Land) (Jersey) Law 2019	L.1/2019	1 March 2019	P.112/2018
Road Traffic (No. 64) (Jersey) Regulations 2020	R&O.97/2020	21 July 2020	P.10/2020
States of Jersey (Minister for Children and Education, Minister for Housing and Communities and Minister for External Relations and Financial Services) (Jersey) Order 2021	R&O.29/2021	2 March 2021	
Road Traffic (No. 66) (Jersey) Regulations 2021	R&O.48/2021	28 April 2021	P.15/2021
Road Traffic (No. 67) (Jersey) Regulations 2021	R&O.76/2021	16 June 2021	P.37/2021
Legislation (Jersey) Law 2021	L.8/2021	28 September 2021 (R&O.112/2021)	P.26/2021
Criminal Procedure (Consequential and Supplementary Amendments) (Jersey) Regulations 2021	R&O.94/2021	1 October 2021	P.59/2021
Road Traffic (No. 68) (Jersey) Regulations 2021	R&O.124/2021	12 October 2021	P.39/2021
Official Analyst (Jersey) Law 2022	L.30/2022	12 August 2022	P.41/2022

Legislation name	Number	Commencement	◦Projet No (where applicable)
States of Jersey (Transfer of Justice Functions – Chief Minister to Justice and Home Affairs) Order 2023	R&O.76/2023	21 September 2023	
States of Jersey (Ministerial Offices – Minister for Sustainable Economic Development) Order 2023	R&O.102/2023	24 November 2023	
Changes to Ministerial Offices (Jersey) Amendment Order 2024	R&O.10/2024	9.30 a.m. on 27 February 2024	
Road Traffic (No. 65) (Jersey) Regulations 2021	R&O.37/2021	5 October 2024 (R&O.43/2024)	P.6/2021 (re-issue)
Crime (Public Order) (Jersey) Law 2024	L.9/2024	18 October 2024	P.97/2023 (re-issue)

◦Projets available at statesassembly.gov.je

** Regulation 10(2) provides that the Regulations are not to have effect in relation to any offence committed before the day on which they come into force*

Table of Renumbered Provisions

Previous	Current
2A	3
3	4
(2A)	(3)
(3)	(4)
(3A)	(5)
(3B)	(6)
(3C)	(7)
(3CA)	(8)
(3D)	(9)
(3E)	(10)
(3F)	(11)
(4)	(12)
(5)	(13)
3A	5
3B	6
3C	7
4	8
(1A)	(2)
(2)	(3)
(3)	(4)
(3A)	(5)
former (4)	repealed by R&O.8624
(5)	(6)
(6)	(7)
(7)	(8)

Previous	Current
5	9
5A	10
6	11
6A	12
7	13
8	14
(1A)	(2)
(2)	(3)
(3)	(4)
9	15
10	16
10A	17
11	18
12	19
13	20
(1A)	(2)
(1B)	(3)
(1C)	(4)
(1D)	(5)
(2)	(6)
(2A)	(7)
(3)	(8)
13A	21
(1A)	(2)
(1B)	(3)
(1C)	(4)
(2)	(5)
(3)	(6)
(4)	repealed by R&O.6998
(5)	(7)
14	22
14A	23
14B	24
15	25
15A	26
16	27
(1A)	(2)
(1B)	(3)
(1C)	(4)
(2)	(5)
(3)	(6)
16A	28
(2A)	(3)
(3)	(4)
(4)	(5)
(5)	(6)
16B	29

Previous	Current
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(8A)	(9)
(9)	(10)
16D	31
16E	32
16F	33
16G	34
17	35
(1A)	(2)
(2)	(3)
18	36
19	repealed by R&O.9116
19A	37
20	38
21	39
22	40
22A	41
22B	42
22C	43
23	44
23A	45
23B	46
23C	47
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25	49
25A	50
26	51
27	52
28	53
29	54
30	55
31	56
32	57
32A	58
32B	59
(3A)	(4)
(4)	(5)
32C	60
32D	61
33	62
33A	63
33B	64
33C	65
33D	66
33E	67
34	68
34A	69

Previous	Current
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34C	71
35	72
35A	73
36	74
(1A)	(2)
(2)	(3)
(3)	(4)
(4)	(5)
37	75
38	76
39	77
39A	78
(1A)	(2)
(2)	(3)
(3)	(4)
39B	79
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41A	82
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42	84
42(3) original	repealed by L.19/1962
43	85
44	86
44A	87
45	88
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47	90
48	91
49	92
50	repealed by R&O.50/2002
51	93
First Schedule	Schedule 1
Part C	repealed by R&O.50/2002
Part D	Part C
Part E	Part D
Second Schedule	Schedule 2
Third Schedule	Schedule 3

Table of Endnote References

[1] *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005 and the States of Jersey (Amendments and Construction Provisions No.12) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
This Law has been further amended by the States of Jersey (Transfer of Functions No. 1) (Home Affairs to Transport and Technical Services)) (Jersey) Regulations 2006. The amendments give effect to the transfer of functions from the Minister for Home Affairs to the Minister for Transport and Technical Services

[2] *Article 1(1)* *amended by L.19/1962, R&O.5957, R&O.6406, R&O.7411, R&O.7878, R&O.8016, R&O.8624, R&O.9294, R&O.9308, R&O.49/2007, R&O.114/2007, R&O.104/2009, R&O.162/2014, L.37/2012, R&O.158/2015, R&O.82/2018, L.1/2019, R&O.48/2021, R&O.76/2023, R&O.37/2021*

[3] *Article 1(2)* *amended by R&O.8624*

[4] *Article 1(4)* *inserted by L.19/1962*

[5] *Article 1(5)* *inserted by L.19/1962*

[6] *Article 2* *substituted by L.19/1962*

[7] *Article 2(1)* *amended by R&O.6222, R&O.6454, R&O.8150, R&O.8624, R&O.9294, R&O.9308*

[8] *Article 3* *substituted by R&O.9294*

[9] *Article 4(1)* *amended by R&O.6714, R&O.8077, R&O.8624, L.1/2016*

[10] *Article 4(2)* *substituted by R&O.6207, amended by R&O.8624, R&O.49/2007, R&O.37/2021*

[11] *Article 4(3)* *substituted by R&O.49/2007, amended by R&O.158/2015*

[12] *Article 4(4)* *substituted by R&O.8624, amended by R&O.49/2007, R&O.37/2021*

[13] *Article 4(5)* *substituted by R&O.8624, amended by R&O.137/2003, R&O.49/2007, substituted by R&O.37/2021*

[14] *Article 4(6)* *inserted by R&O.8624, amended by R&O.137/2003*

[15] *Article 4(7)* *inserted by R&O.8624, amended by R&O.137/2003*

[16] *Article 4(8)* *inserted by R&O.137/2003, amended by R&O.153/2003, R&O.37/2021*

[17] *Article 4(8A)* *inserted by R&O.37/2021*

[18] *Article 4(8B)* *inserted by R&O.37/2021*

[19] *Article 4(9)* *inserted by R&O.8624*

[20] *Article 4(10)* *substituted by R&O.114/2007, amended by L.1/2016*

[21] *Article 4(11)* *substituted by R&O.114/2007*

[22] *Article 5* *inserted by R&O.7020*

[23] *Article 5(1)* *amended by R&O.7917*

[24] *Article 5(2)* *amended by R&O.7917*

[25] *Article 5(3)* *amended by R&O.8077, L.1/2016*

[26] *Article 6* *inserted by R&O.7020*

[27] *Article 7* *inserted by R&O.7020*

[28] *Article 7(1)* *amended by R&O.7917*

[29] *Article 7(2)* *amended by R&O.8077, L.1/2016*

[30] *Article 7(3)* *amended by R&O.8077, L.1/2016*

[31] *Article 7(4)* *amended by R&O.8077, L.1/2016*

[32] *Article 7(5)* — *amended by R&O.7917, R&O.8077, L.1/2016*
[33] *Article 7A* — *inserted by R&O.49/2007*
[34] *Article 8* — *heading substituted by R&O.8624, former paragraph (4) repealed by R&O.8624*
[35] *Article 8(1)* — *substituted by R&O.114/2007*
[36] *Article 8(2)* — *substituted by R&O.114/2007*
[37] *Article 8(4)* — *amended by R&O.8624, R&O.7229*
[38] *Article 8(5)* — *inserted by R&O.7229*
[39] *Article 8(6)* — *amended by R&O.8624*
[40] *Article 8(7)* — *inserted by L.19/1962, amended by R&O.7495, R&O.49/2007*
[41] *Article 8(8)* — *deleted by R&O.49/2007*
[42] *Article 9* — *substituted by R&O.178/2001, amended by R&O.49/2007, substituted by R&O.37/2021*
[43] *Article 10* — *inserted by R&O.178/2001, substituted by R&O.37/2021*
[44] *Article 10(5)* — *editorial change, "prescribed form on licence holder" deleted, "prescribed form on the licence holder" inserted instead*
[45] *Article 11(1)* — *amended by R&O.8624, R&O.37/2021*
[46] *Article 11(2)* — *substituted by R&O.6901, amended by L.1/2016*
[47] *Article 12* — *amended by R&O.8624, inserted by R&O.6586*
[48] *Article 13(1)* — *amended by R&O.4778, R&O.6714, R&O.8077, R&O.114/2007, L.1/2016*
[49] *Article 13(2)* — *amended by R&O.114/2007*
[50] *Article 14* — *substituted by L.19/1962*
[51] *Article 14(2)* — *inserted by R&O.50/2002, amended by R&O.94/2021*
[52] *Article 15(1)* — *amended by L.19/1962*
[53] *Article 15(3)* — *amended by L.19/1962, R&O.6264*
[54] *Article 15(4)* — *substituted by R&O.6714, amended by R&O.6998, R&O.8077, L.1/2016*
[55] *Article 15(5)* — *substituted by L.19/1962*
[56] *Article 16* — *substituted by L.19/1962*
[57] *Article 16(2)* — *amended by R&O.6714, R&O.8077, L.1/2016*
[58] *Article 16(4)* — *amended by R&O.8077, L.1/2016*
[59] *Article 16(5)* — *amended by R&O.6586*
[60] *Article 16(6)* — *substituted by R&O.50/2002*
[61] *Article 17* — *inserted by R&O.6586*
[62] *Article 17(1)* — *amended by R&O.8624*
[63] *Article 17(2)* — *substituted by R&O.8624*
[64] *Article 17(3)* — *substituted by R&O.8624*
[65] *Article 18(1)* — *amended by R&O.6714, R&O.8077, L.1/2016*
[66] *Article 18(2)* — *amended by R&O.6714, R&O.8077, L.1/2016*
[67] *Article 19* — *substituted by L.19/1962*
[68] *Article 20(1)* — *table substituted by R&O.8624, substituted by R&O.6222*
[69] *Article 20(2)* — *inserted by R&O.8624*
[70] *Article 20(3)* — *inserted by R&O.8624*
[71] *Article 20(4)* — *inserted by R&O.8624*
[72] *Article 20(5)* — *inserted by R&O.8624*
[73] *Article 20(7)* — *inserted by R&O.8196*
[74] *Article 20(8)* — *amended by R&O.6714, R&O.8077, L.1/2016*
[75] *Article 21* — *inserted by L.19/1962, former Article 13A(4) repealed by R&O.6998*
[76] *Article 21(1)* — *substituted by R&O.9294*
[77] *Article 21(2)* — *inserted by R&O.9294*

[78] *Article 21(2A)* *inserted by R&O.114/2007*
[79] *Article 21(3)* *inserted by R&O.9294*
[80] *Article 21(4)* *inserted by R&O.9294*
[81] *Article 21(5)* *amended by R&O.9294*
[82] *Article 21(6)* *amended by R&O.9294, R&O.48/2021*
[83] *Article 21(7)* *amended by R&O.9294*
[84] *Article 22* *substituted by R&O.9116*
[85] *Article 22(1)* *amended by R&O.9294*
[86] *Article 22(5)* *added by R&O.145/2015*
[87] *Article 23* *inserted by R&O.9116*
[88] *Article 23A* *inserted by R&O.145/2015*
[89] *Article 24* *inserted by R&O.9116, heading amended by R&O.145/2015*
[90] *Article 24(1)* *amended by R&O.145/2015*
[91] *Article 24(3)* *amended by R&O.145/2015*
[92] *Article 25* *substituted by L.19/1962*
[93] *Article 25(1)* *amended by R&O.9116*
[94] *Article 25(2)* *substituted by R&O.6714, amended by R&O.8077, R&O.145/2015, R&O.97/2016, R&O.5/2018*
[95] *Article 25(3)* *repealed by L.1/2016*
[96] *Article 25A* *inserted by R&O.145/2015*
[97] *Article 26* *inserted by R&O.9116*
[98] *Article 26(1)* *amended by R&O.104/2009*
[99] *Article 26(5)* *amended by R&O.50/2002, R&O.145/2015*
[100] *Article 26(6)* *inserted by R&O.50/2002, amended by R&O.104/2009, R&O.145/2015*
[101] *Article 26A* *inserted by R&O.145/2015*
[102] *Article 26A(4)* *repealed by R&O.5/2018*
[103] *Article 26B* *inserted by R&O.145/2015*
[104] *Article 26C* *inserted by R&O.145/2015, amended by R&O.5/2018*
[105] *Article 27(1)* *substituted by R&O.4430, amended by R&O.9294, R&O.8016*
[106] *Article 27(2)* *inserted by L.19/1962, amended by R&O.6264, R&O.8016, R&O.145/2015, R&O.97/2016, R&O.5/2018*
[107] *Article 27(3)* *repealed by L.1/2016*
[108] *Article 27(4)* *inserted by R&O.4430*
[109] *Article 27(5)* *amended by R&O.6264, R&O.50/2002*
[110] *Article 27(6)* *inserted by R&O.50/2002; amended by R&O.104/2009, R&O.145/2015*
[111] *Article 28* *substituted by R&O.8016*
[112] *Article 28(1)* *amended by L.1/2016, R&O.5/2018*
[113] *Article 28(2)* *amended by R&O.50/2002*
[114] *Article 28(3)* *inserted by R&O.50/2002, amended by R&O.104/2009*
[115] *Article 29* *inserted by R&O.8016*
[116] *Article 29(4)* *amended by L.1/2016*
[117] *Article 30* *inserted by R&O.8016*
[118] *Article 30(1)* *amended by R&O.9116, R&O.76/2023*
[119] *Article 30(3)* *amended by R&O.9116*
[120] *Article 30(7)* *amended by L.1/2016, R&O.5/2016*
[121] *Article 30(8)* *amended by R&O.50/2002*
[122] *Article 30(9)* *inserted by R&O.50/2002, amended by R&O.104/2009*
[123] *Article 30A* *inserted by R&O.104/2009*
[124] *Article 30B* *inserted by R&O.104/2009*

[125] *Article 30B(4)* — *amended by L.1/2016, R&O.5/2018*
[126] *Article 31* — *inserted by R&O.8016*
[127] *Article 31(2)* — *amended by R&O.76/2023*
[128] *Article 32* — *inserted by R&O.8016*
[129] *Article 32(1)* — *amended by R&O.104/2009*
[130] *Article 32(3)* — *inserted by R&O.104/2009*
[131] *Article 32(4)* — *inserted by R&O.104/2009*
[132] *Article 33* — *heading amended by R&O.9116, inserted by R&O.8016*
[133] *Article 33(1)* — *amended by R&O.9116*
[134] *Article 33(2)* — *amended by R&O.9116, R&O.104/2009*
[135] *Article 33(3)* — *substituted by R&O.9116, amended by R&O.104/2009*
[136] *Article 33(4)* — *amended by R&.104/2009*
[137] *Article 33(6)* — *inserted by R&O.104/2009*
[138] *Article 34* — *inserted by R&O.8016*
[139] *Article 34(6)* — *amended by L.30/2022*
[140] *Article 35* — *substituted by L.19/1962*
[141] *Article 35(1)* — *substituted by R&O.50/2002, amended by R&O.104/2009, R&O.5/2018*
[142] *Article 35(2)* — *inserted by R&O.50/2002*
[143] *Article 35(3)* — *amended by R&O.50/2002*
[144] *Article 36* — *substituted by R&O.9116*
[145] *Article 36(1)* — *amended by R&O.104/2009, R&O.145/2015, R&O.5/2018*
[146] *Article 36(2)* — *amended by R&O.145/2015*
[147] *Article 37* — *inserted by R&O.4430*
[148] *Article 38(1)* — *amended by L.19/1962, R&O.8077, R&O.8340, L.1/2016, R&O.66/2018*
[149] *Article 38(2)* — *substituted by R&O.8340*
[150] *Article 39(2)* — *amended by R&O.6714, R&O.8077, L.1/2016*
[151] *Article 40* — *substituted by R&O.9294*
[152] *Article 40(1)* — *amended by R&O.76/2021*
[153] *Article 41* — *inserted by R&O.7411*
[154] *Article 41(2)* — *amended by R&O.7472*
[155] *Article 41(3)* — *substituted by R&O.8077, amended by L.1/2016, R.97/2020*
[156] *Article 41A* — *inserted by R&O.97/2020*
[157] *Article 42* — *inserted by R&O.7411, heading substituted by R&O.9308*
[158] *Article 42(1)* — *substituted by R&O.9308, amended by R&O.97/2020*
[159] *Article 42(2)* — *amended by R&O.8077, L.1/2016, R&O.97/2020*
[160] *Article 42(3)* — *amended by R&O.9308, R&O.97/2020*
[161] *Article 43* — *inserted by R&O.7411*
[162] *Article 43(1)* — *amended by R&O.97/2020*
[163] *Article 43(7)* — *revised on 18 June 2025 by Law Revision Board item 2025/7*
[164] *Article 44(3)* — *amended by R&O.4778, R&O.6714, R&O.8077, L.1/2016*
[165] *Article 44(4)* — *inserted by R&O.7495*
[166] *Article 45* — *inserted by R&O.4904, heading amended by R&O.105/2014*
[167] *Article 45(3)* — *amended by R&O.7219, R&O.8077, L.1/2016*
[168] *Article 45(4)* — *inserted by R&O.6721*
[169] *Article 45A* — *inserted by R&O.105/2014*
[170] *Article 46* — *inserted by R&O.9294*
[171] *Article 47* — *inserted by R&O.9294*
[172] *Article 48(2)* — *amended by R&O.4778, R&O.8077, L.1/2016*
[173] *Article 49(2)* — *amended by R&O.4778, R&O.6714, R&O.8077, L.1/2016*

[174] *Article 50*	*inserted by R&O.9205*
[175] *Article 51(1)*	*amended by R&O.6714, R&O.8077, L.1/2016*
[176] *Article 51(2)*	*amended by R&O.8077, L.1/2016*
[177] *Article 52*	*substituted by R&O.4430, R&O.124/2021*
[178] *Article 53*	*substituted by L.5/1958*
[179] *Article 53(1)*	*amended by R&O.8077, R&O.6998, R&O.6714, R&O.4430*
[180] *Article 54(1)*	*amended by L.19/1962, R&O.4778, R&O.8077, L.1/2016*
[181] *Article 54(2)*	*amended by R&O.6714, R&O.8077, L.1/2016*
[182] *Article 55*	*substituted by L.19/1962*
[183] *Article 55(2)*	*substituted by R&O.8077, amended by L.1/2016*
[184] *Article 56*	*substituted by R&O.4430, L.19/1962*
[185] *Article 56(2)*	*correction published March 2010: "Minister" substituted for "Committee"*
[186] *Article 57*	*amended by R&O.6714, R&O.8077, L.1/2016*
[187] *Article 58*	*inserted by L.19/1962*
[188] *Article 58(2)*	*amended by L.26/1962*
[189] *Article 59*	*inserted by L.19/1962*
[190] *Article 59(2)*	*substituted by R&O.6830*
[191] *Article 59(3)*	*substituted by R&O.8077, amended by R&O.31/2001*
[192] *Article 59(4)*	*inserted by R&O.6830*
[193] *Article 59(5)*	*deleted by R&O.162/2014*
[194] *Article 60*	*inserted by R&O.7004*
[195] *Article 60(6)*	*amended by R&O.7072, R&O.8077, L.1/2016*
[196] *Article 61*	*inserted by R&O.7072*
[197] *Article 61(2)*	*amended by R&O.8077, L.1/2016*
[198] *Article 61(3)*	*amended by R&O.162/2014*
[199] *Article 62*	*substituted by L.19/1962*
[200] *Article 62(1)*	*amended by R&O.9294, R&O.5449, R&O.4778*
[201] *Article 62(2)*	*amended by R&O.5449*
[202] *Article 62(4)*	*amended by R&O.4778, R&O.7072, R&O.8077, L.1/2016*
[203] *Article 63*	*inserted by R&O.8160*
[204] *Article 64*	*inserted by R&O.8160*
[205] *Article 65*	*inserted by R&O.8160*
[206] *Article 65(1)*	*amended by L.1/2016*
[207] *Article 65(2)*	*amended by L.1/2016*
[208] *Article 66*	*inserted by R&O.8160*
[209] *Article 67*	*repealed by L.11/2016*
[210]	*heading inserted by R&O.162/2014*
[211] *Article 67A*	*inserted by R&O.162/2014*
[212] *Article 68*	*substituted by R&O.9294, amended by R&O.50/2002*
[213] *Article 68(1)*	*amended by L.11/2016*
[214] *Article 68(3)*	*added by L.11/2016*
[215] *Article 68A*	*inserted by R&O.76/2021*
[216] *Article 68A(8)*	*editorial change, in sub-paragraph (b)(ii), in both places in which it occurs, "Minister for Education" deleted, "Minister for Children and Education" inserted, amended by R&O.102/2023, R&O.10/2024*
[217] *Article 69*	*inserted by R&O.4430*
[218] *Article 69(6)*	*amended by R&O.8077, L.1/2016*
[219] *Article 70*	*inserted by R&O.4430, amended by R&O.9180, R&O.158/2015, R&O.29/2021, R&O.10/2024*
[220] *Article 71*	*inserted by R&O.4430*

[221] *Article 71(2)* *amended by R&O.6714, R&O.8077, L.1/2016*
[222] *Article 72* *substituted by L.19/1962*
[223] *Article 72(1)* *amended by R&O.9294*
[224] *Article 72(2)* *amended by R&O.9308, R&O.9294, R&O.4727*
[225] *Article 72(5)* *amended by R&O.9294*
[226] *Article 73* *inserted by L.19/1962*
[227] *Article 74(1)* *amended by L.19/1962, R&O.4727, R&O.4778, R&O.6714, R&O.8077, R&O.9294, L.1/2016, R&O.48/2021*
[228] *Article 74(2)* *inserted by R&O.9294*
[229] *Article 74(3)* *amended by R&O.48/2021*
[230] *Article 74(4)* *amended by L.19/1962, R&O.9294*
[231] *Article 74(5)* *substituted by R&O.155/2005*
[232] *Article 76* *amended by R&O.6714, R&O.8077, L.1/2016*
[233] *Article 77(1)* *amended by R&O.9308*
[234] *Article 77(2)* *substituted by R&O.9308*
[235] *Article 77(3)* *inserted by R&O.9308, amended by L.1/2016*
[236] *Article 77(4)* *inserted by R&O.9308*
[237] *Article 77(5)* *inserted by R&O.9308*
[238] *Article 77(6)* *inserted by R&O.9308*
[239] *Article 78* *inserted by R&O.5743*
[240] *Article 78(1)* *amended by R&O.6264*
[241] *Article 78(2)* *inserted by R&O.9308*
[242] *Article 78(4)* *inserted by R&O.6264*
[243] *Article 78A* *inserted by R&O.115/2018*
[244] *Article 79* *inserted by R&O.9308*
[245] *Article 80* *substituted by R&O.9294*
[246] *Article 80(1)* *amended by R&O.105/2014*
[247] *Article 80A* *inserted by R&O.115/2018*
[248] *Article 81* *substituted by R&O.4806*
[249] *Article 81(1)* *amended by R&O.9308, R&O.8457, L.19/1962*
[250] *Article 81(2)* *amended by L.19/1962*
[251] *Article 81(3)* *substituted by R&O.8457, amended by L.1/2016*
[252] *Article 81(4)* *amended by R&O.8457, R&O.9308*
[253] *Article 81(6)* *inserted by R&O.8457*
[254] *Article 82* *inserted by R&O.7700*
[255] *Article 82(1)* *amended by R&O.8457*
[256] *Article 82(2)* *amended by L.1/2016*
[257] *Article 83* *inserted by R&O.7700*
[258] *Article 83(1)* *amended by L.1/2016*
[259] *Article 83(3)* *amended by L.1/2016*
[260] *Article 83(6)* *amended by L.1/2016*
[261] *Article 84(1A)* *inserted by L.5/2005*
[262] *Article 84(2)* *substituted by L.19/1962, deleted by L.8/2021*
[263] *Article 84(3)* *inserted by R&O.138/2003 (originally numbered paragraph (3))*
[264] *Article 84(4)* *amended by R&O.6998, R&O.8077, R&O.9294*
[265] *Article 85(2)* *amended by R&O.5420*
[266] *Article 86(1)* *amended by R&O.6714, R&O.8077, R&O.81/2014, L.1/2016*
[267] *Article 87* *inserted by R&O.6998*
[268] *Article 88* *repealed by L.1/2016*
[269] *Article 89* *substituted by R&O.6820*

[270] *Article 89(1)*	*amended by R&O.8077, R&O.50/2002, L.2/2009, L.2/2010, R&O.81/2014, L.1/2016*
[271] *Article 89(2)*	*substituted by R&O.8077*
[272] *Article 89(3)*	*substituted by R&O.81/2014*
[273] *Article 89(4)*	*substituted by R&O.81/2014*
[274] *Article 90*	*substituted by L.16/2007*
[275] *Article 90(1)*	*revised on 11 January 2024 by Law Revision Board item 2023/1*
[276] *Article 90(2)*	*amended by R&O.81/2014*
[277] *Article 90(4)*	*amended by R&O.81/2014*
[278] *Article 91*	*amended by R&O.50/2002*
[279] *Article 92*	*substituted by L.19/1962*
[280] *Article 92(1)*	*revised on 18 June 2025 by Law Revision Board item 2025/3*
[281] *Article 92(2)*	*revised on 18 June 2025 by Law Revision Board item 2025/3*
[282] *Schedule 1*	*inserted by L.19/1962, amended by R&O.4904, R&O.8016, R&O.9116, R&O.9205, R&O.50/2002, R&O.104/2009, R&O.5/2018*
[283] *Schedule 2*	*inserted by L.19/1962, amended by R&O.114/2007*
[284] *Schedule 3*	*inserted by R&O.6820, amended by R&O.8016, R&O.8077, R&O.8160, R&O.9116, R&O.9180, L.2/2009, R&O.104/2009, L.2/2010, R&O.81/2014, R&O.5/2018, R&O.124/2021, L.9/2024*
[285] *Schedule 3*	*heading amended by R&O.8077*