



Jersey

## WHEELCHAIRS (JERSEY) ORDER 1998

### **Official Consolidated Version**

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Showing the law from 1 January 2019 to Current



## WHEELCHAIRS (JERSEY) ORDER 1998

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## WHEELCHAIRS (JERSEY) ORDER 1998

**THE HOME AFFAIRS COMMITTEE**, in pursuance of Articles 1, 3, 80 and 84 of the [Road Traffic \(Jersey\) Law 1956](#), orders as follows –

Commencement [[see endnotes](#)]

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### 1 Interpretation

In this Order –

“Class 1 wheelchair” means a wheelchair with an unladen weight not exceeding 113.4 kg which is not mechanically propelled;

“Class 2 wheelchair” means a mechanically propelled wheelchair with an unladen weight not exceeding 113.4 kg which is constructed or adapted so as to be incapable of exceeding a speed of 4 miles per hour on the level under its own power;

“Class 3 wheelchair” means a mechanically propelled wheelchair –

- (a) with an unladen weight not exceeding 150 kg;
- (b) with an overall width not exceeding 85 cm; and
- (c) which is constructed or adapted so as to be capable of exceeding a speed of 4 miles per hour but incapable of exceeding a speed of 8 miles per hour on the level under its own power;

“Law” means the [Road Traffic \(Jersey\) Law 1956](#);

“unladen weight” in relation to a wheelchair, means the weight of the wheelchair inclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for its propulsion and of loose tools, but exclusive of the weight of any other load or of a person carried by the wheelchair.

### 2 Classes of wheelchairs prescribed for the purposes of the Law

- (1) The class of wheelchair prescribed for the purpose of the definition of “wheelchair” in Article 1 of the Law consists of Class 1, Class 2 and Class 3 wheelchairs.

(2) The class of mechanically propelled wheelchairs prescribed for the purposes of Article 3 of the Law consists of Class 2 and Class 3 wheelchairs.

### **3 Persons who may use a wheelchair**

(1) A wheelchair may only be used on a road, footway or cycle track –

- (a) by a person suffering from a physical defect or physical disability who falls within a class of persons for whose use it was constructed or adapted;
- (b) by some other person for the purposes only of taking it to or bringing it from any place where maintenance or repair is to be or has been carried out to it;
- (c) by a manufacturer for the purposes only of testing or demonstrating it;
- (d) by a person offering it for sale for the purpose only of demonstrating it; or
- (e) by a person who is in the process of giving instruction in its use.

(2) A Class 3 wheelchair must not be used by a person under the age of 14 years.

### **4 Use of Class 3 wheelchairs on footways and pedestrian roads**

A Class 3 wheelchair must not be used at a speed greater than 4 miles per hour on –

- (a) any footway; or
- (b) any road or part of a road set apart for the use of pedestrians pursuant to an Order made under Article 62(1) of the Law.

### **5 Means of stopping**

(1) A Class 2 or Class 3 wheelchair must be capable of –

- (a) being brought to rest in all conditions of use with reasonable directional stability and within a reasonable distance; and
- (b) being held stationary indefinitely in all conditions of use on a gradient of at least one in 5 when it is not being propelled or is left unattended.

(2) The requirements of paragraph (1) shall not be regarded as met unless the necessary braking effect can be achieved by the appropriate use of –

- (a) the wheelchair's propulsion unit or transmission gear or of both the propulsion unit and transmission gear;
- (b) a separate system fitted to the wheelchair (which may be a system which operates upon the propulsion unit or transmission gear); or
- (c) a combination of the means of achieving a braking effect referred to in sub-paragraphs (a) and (b),

and, in the case of the requirements of paragraph (1)(b), without depending upon any hydraulic or pneumatic device or on the flow of electrical current.

### **6 Speed device and speed indicator**

(1) A Class 3 wheelchair must be fitted with –

- (a) a device which is capable of limiting its maximum speed to 4 miles per hour on the level under its own power and which can be put into operation by the user; and
- (b) a speed indicator.

- (2) A speed indicator fitted in accordance with this Article must be kept free from any obstruction which might prevent it being easily seen by the user of the wheelchair and shall be maintained in efficient working order.
- (3) A Class 3 wheelchair must not be used –
  - (a) on a footway unless the device fitted in accordance with paragraph (1)(a) is operating; or
  - (b) at any time unless the speed indicator is operating.
- (4) In this Article “speed indicator” means a device fitted to a wheelchair for the purpose of indicating to the user of the wheelchair whether the device referred to in paragraph (1)(a) is in operation.

## 7 Vision

- (1) A Class 2 or Class 3 wheelchair must be so constructed that its user can at all times have a full view of the road and traffic ahead when controlling the wheelchair.
- (2) Any windscreen or window fitted to a Class 2 or Class 3 wheelchair must be –
  - (a) made of safety glass or safety glazing; and
  - (b) maintained in such condition that it does not obscure the vision of the user of the wheelchair while the wheelchair is being driven.
- (3) In this Article –
  - “safety glass” means glass so manufactured or treated that if fractured it does not break into fragments likely to cause severe cuts; and
  - “safety glazing” means material other than glass so manufactured or treated that if fractured it does not break into fragments likely to cause severe cuts.

## 8 Rear view mirrors

- (1) A Class 3 wheelchair must be fitted either internally or externally with a rear view mirror.
- (2) Any rear view mirror fitted to a wheelchair must be so constructed or treated that if fractured it does not break into fragments likely to cause severe cuts.
- (3) In this Article “rear view mirror” means a mirror to assist the user of the wheelchair to become aware of traffic to the rear of the wheelchair.

## 9 Lighting

Where a Class 2 or Class 3 wheelchair is driven on any road it must comply with the provisions of the [Road Traffic \(Lighting\) \(Jersey\) Order 1998](#) as if it was a motor vehicle within the meaning of the Law and as if any reference to an invalid carriage in that Order included such a wheelchair.

**10 Use of horn**

- (1) A Class 3 wheelchair must be fitted with a horn, not being a reversing alarm or a 2-tone horn.
- (2) The horn fitted to any wheelchair –
  - (a) must emit a sound which is continuous and uniform but not strident; and
  - (b) must not, save in the case of an emergency, be sounded –
    - (i) when the wheelchair is stationary on a road, footway or cycle track, at any time other than at times of danger due to the presence of another moving vehicle, or
    - (ii) when the wheelchair is in motion on a road, footway or cycle track between the hours of 11.30 pm and 7 am and there is in the vicinity a system of street lighting furnished by lamps placed not more than 200 yards apart.
- (3) In this Article “horn”, “reversing alarm” and “2-tone horn” have the meaning given by Article 37 of the [Motor Vehicles \(Construction and Use\) \(Jersey\) Order 1998](#).

**11 Penalty for infringement of this Order**

A person who contravenes or fails to comply with any provision of this Order shall be liable to a fine not exceeding level 2 on the standard scale.

**12 Citation**

This Order may be cited as the Wheelchairs (Jersey) Order 1998.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Wheelchairs (Jersey) Order 1998	<a href="#">R&amp;O 9315</a>	1 January 1999

### Table of Renumbered Provisions

Original	Current
1(1)	1
(2), (3)	spent, omitted from this revised edition

### Table of Endnote References

*There are currently no endnote references*