

**Jersey Law 19/1962**

**ROAD TRAFFIC (MISCELLANEOUS PROVISIONS) (JERSEY)  
LAW, 1962.**

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**A LAW** to amend in various respects the Laws relating to road traffic and, in particular, to increase the deterrents to the commission of offences, to provide a greater measure of safety to users of the road, to facilitate the flow of traffic and to establish uniformity in the administration of the Law, sanctioned by Order of Her Majesty in Council of the

**24th day of AUGUST, 1962.**

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*(Registered on the 12th day of September, 1962).*

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**STATES OF JERSEY.**

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**The 16th day of March, 1961.**

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**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law : -

*PART I*

**AMENDMENTS OF THE ROAD TRAFFIC (JERSEY) LAW, 1956**

**ARTICLE 1**

(1) In paragraph (1) of Article 1 of the Road Traffic (Jersey) Law, 1956,<sup>1</sup> as amended<sup>2</sup> (hereinafter referred to as “the principal Law”), immediately after the definition of “driver” there shall be inserted the following definition –

<sup>1</sup> Tome 1954–1956, page 497.

<sup>2</sup> Tome 1957–1960, page 241.

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“ ‘highway authority’ has the same meaning as in the Highways (Jersey) Law, 1956 ;”<sup>3</sup>

immediately after the definition of “motoring offence” there shall be inserted the following definition –

“ ‘omnibus’ has the meaning assigned thereto by the Motor Traffic (Jersey) Law, 1935;”<sup>4</sup>

immediately after the definition of “road” there shall be inserted the following definition –

“ ‘statutory’, in relation to any prohibition, restriction, requirement or provision, means contained in, or having effect under, any enactment ;”

and for the definition of “traffic sign” there shall be substituted the following definition –

“ ‘traffic sign’ means any object or device (whether fixed or portable) for conveying warnings, information, requirements, restrictions or prohibitions of any description prescribed or authorized under paragraph (2) of Article 35 of this Law to traffic on roads or any specified description of traffic, and any line or mark on a road for conveying such warnings, information, requirements, restrictions or prohibitions;”.

(2) At the end of the said Article 1 there shall be inserted the following paragraphs –

“(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.

(5) For the purposes of this Law, a document in the prescribed form containing a licence issued under Article 3 of

<sup>3</sup> Tome 1954–1956, page 375.

<sup>4</sup> Tome VII, page 455.

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this Law and a provisional licence issued under Article 6 of this Law shall, so long as the two licences do not relate to vehicles of the same class or description, be treated as a single licence.”

(3) Paragraph (5) of Article 34 of the principal Law<sup>5</sup> is hereby repealed.

ARTICLE 2

(1) For Article 2 of the principal Law<sup>6</sup> there shall be substituted the following Article –

“ARTICLE 2

**INTERPRETATION OF EXPRESSIONS RELATING TO  
MOTOR VEHICLES**

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

‘heavy motor car’ means a mechanically propelled vehicle which is constructed itself to carry a load or passengers and the weight of which unladen exceeds two tons and a half ;

‘heavy motor cycle’ means a mechanically propelled vehicle (not being a light motor cycle or invalid carriage) with less than four wheels and the weight of which unladen does not exceed eight hundredweight ;

‘invalid carriage’ means a mechanically propelled vehicle the weight of which unladen does not exceed five hundredweight 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 ;

<sup>5</sup> Tome 1954–1956, page 529.

<sup>6</sup> Tome 1954–1956, page 499.

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‘light motor cycle’ means a mechanically propelled vehicle (not being an invalid carriage) with less than four wheels, the weight of which unladen does not exceed three hundredweight and the cylinder capacity of the engine of which does not exceed two hundred cubic centimetres ;

‘motor car’ means a mechanically propelled vehicle (not being a heavy motor cycle, light motor cycle or invalid carriage) which is constructed itself to carry a load or passengers and the weight of which unladen does not exceed two tons and a half ;

‘motor cycle’ means a heavy motor cycle or a light motor cycle ;

‘motor vehicle’ means any mechanically propelled vehicle intended or adapted for use on roads ;

‘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.

(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 ; and
- (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

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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) of this Article.”

- (2) In paragraph (1) of Article 1 of the principal Law,<sup>7</sup> the definition of “motor vehicle” shall be deleted.

### ARTICLE 3

Immediately after Article 2 of the principal Law,<sup>8</sup> there shall be inserted the following Article –

#### “ARTICLE 2A

#### **APPLICATION OF LAW IN RELATION TO PEDESTRIAN-CONTROLLED VEHICLES**

- (1) A mechanically propelled vehicle to which this Article applies shall, for the purposes of this Law, be treated as not being a motor vehicle.
- (2) This Article applies –
- (a) to any implement for cutting grass which is controlled by a pedestrian and is not capable of being used or adapted for any other purpose ;

<sup>7</sup> Tome 1954–1956, page 497.

<sup>8</sup> Tome 1954–1956, page 499.

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- (b) to such other vehicles controlled by pedestrians as may be prescribed.
- (3) In paragraph (2) of this Article, ‘controlled by a pedestrian’ means that the implement or vehicle either –
  - (a) is constructed or adapted for use only under such control ; or
  - (b) is constructed or adapted 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 carried on it.”

ARTICLE 4

(1) For paragraph (1) of Article 4 of the principal Law<sup>9</sup> there shall be substituted the following paragraphs –

- “(1) A licence (other than a provisional licence) shall not be granted to any applicant unless he satisfies the licensing authority that he has, within the five years immediately preceding the date of the application for the licence, either –
- (a) passed a test prescribed under this Article (in this Law referred to as a ‘prescribed test’) showing him to be competent to drive vehicles of the class or description which he would be authorized by the licence applied for to drive ;
  - (b) held a licence (not being a provisional licence or a licence granted by virtue of paragraph (4) of this Article) authorizing him to drive vehicles of that class or description ; or

<sup>9</sup> Tome 1954–1956, page 502.

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- (c) held a domestic driving permit issued in a country to which this sub-paragraph applies authorizing him to drive vehicles of that class or description in that country, and is not, at the time of the application for the licence, disqualified under the law of that country for holding or obtaining a licence thereunder to drive vehicles of any class or description.

(1A) Sub-paragraph (c) of paragraph (1) of this Article shall apply to such countries outside the Island as the Committee may by order prescribe, and any order made under this paragraph may provide that, in relation to domestic driving permits issued in any such country, the said paragraph (1) shall have effect as if –

- (a) for the period of five years referred to therein there were substituted a lesser period ; or
- (b) or the condition that the applicant has held a domestic driving permit within the said period of five years there were substituted a condition that he holds a valid domestic driving permit at the date of the application for the licence.”

(2) At the end of the said Article 4 there shall be inserted the following paragraph –

“(6) In this Article, ‘domestic driving permit’, in relation to any country outside the Island, 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.”

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ARTICLE 5

In paragraph (2) of Article 5 of the principal Law,<sup>10</sup> for the words “from the declaration it appears” there shall be substituted the words “it appears from the declaration, or if on enquiry into other information the licensing authority is satisfied”.

ARTICLE 6

(1) For Article 8 of the principal Law<sup>11</sup> there shall be substituted the following Article –

“ARTICLE 8

**DISQUALIFICATION FOR OFFENCES AND  
ENDORSEMENT OF CONVICTIONS**

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

- (a) may, except where otherwise expressly provided by this Law or any other enactment, order him 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 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.

<sup>10</sup> Tome 1954–1956, page 504.

<sup>11</sup> Tome 1954–1956, page 508.



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(3) 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 he 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”.

(2) The First Schedule to this Law shall be inserted as the First Schedule to the principal Law.

#### ARTICLE 7

(1) In paragraph (1) of Article 9 of the principal Law,<sup>12</sup> for the words “order under this Law” there shall be substituted the words “an order made on a conviction”.

(2) In paragraph (3) of the said Article 9, the words “or limit the disqualification to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed” and the words “or limited” shall be deleted.

(3) For paragraph (5) of the said Article 9 there shall be substituted the following paragraph –

“(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 he was not disqualified shall be disregarded.”

#### ARTICLE 8

For Article 10 of the principal Law<sup>13</sup> there shall be substituted the following Article –

<sup>12</sup> Tome 1954–1956, page 509.

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“ARTICLE 10

**PROVISIONS AS TO ENDORSEMENTS**

(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 the offender shall, whether the offender is at the time the holder of a licence or not, operate as a requirement or order that any licence he may then hold or may subsequently obtain, shall be so endorsed until he becomes entitled under the provisions of this Article to have a licence issued to him 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 shall, within three 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 he is not then the holder of a licence, but subsequently obtains a licence, he shall within three days after so obtaining the licence produce it to the Judicial Greffier for the purpose of endorsement;

and, if he fails to do so, he shall be guilty of an offence; 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.

(3) On the issue of a new licence to any person, the particulars endorsed on any previous licence held by him shall

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be copied on to the new licence unless he has previously become entitled under the provisions of this Article to have a licence issued to him 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 free from endorsement, applies for or obtains a licence without giving particulars of the requirement or order, he shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, and any licence so obtained shall be of no effect.

(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 three 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 shall be entitled, either on applying for the grant of a licence or, on the payment of a fee of two shillings and sixpence and on the surrender of any subsisting licence, on application at any time, to have issued to him a new licence free from endorsement:

Provided that, in reckoning the said continuous period of three 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.

(6) Where by a conviction or an order made on a conviction a person is disqualified for holding or obtaining a licence, the licence shall be retained by the Judicial Greffier until the disqualification has expired or been removed and the person entitled to the licence has made a demand for its return to him.”

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ARTICLE 9

For Article 12 of the principal Law<sup>14</sup> there shall be substituted the following Article –

“ARTICLE 12

**RULE OF THE ROAD**

(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 his 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.”

ARTICLE 10

(1) Immediately after Article 13 of the principal Law<sup>15</sup> there shall be inserted the following Article –

<sup>14</sup> Tome 1954–1956, page 514.

<sup>15</sup> Tome 1954–1956, page 515.

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“ARTICLE 13A

**LIMITATION OF SPEED**

(1) Subject to the provisions of this Article, if any person drives –

- (a) a motor vehicle of any class or description on a road at a speed greater than the speed specified in the Second Schedule to this Law as the maximum speed in relation to a vehicle of that class or description;
- (b) a motor vehicle of any class or description at a speed exceeding twenty miles an hour on a road specified in an order as a road to which this subparagraph applies;

he shall be liable, in the case of a first offence, to a fine not exceeding twenty pounds and, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds.

(2) 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 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.

(3) The provisions of this Article shall not apply to any vehicle on any occasion when it is being used for fire service, 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.

(4) If any person aids, abets, counsels or procures any person (being a person who is employed by him to drive, or is

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subject to his orders in driving, a motor vehicle on a road) to commit an offence under this Article, he shall be liable, in the case of a first offence, to a fine not exceeding fifty pounds and, in the case of a second or subsequent conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(5) 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, 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 him to drive the vehicles to commit an offence under this Article.”

(2) The Second Schedule to this Law shall be inserted as the Second Schedule to the principal Law.<sup>16</sup>

(3) The Road Traffic (Speed Limit) (Jersey) Regulations, 1959,<sup>17</sup> are hereby repealed.

## ARTICLE 11

(1) For Article 14 of the principal Law<sup>18</sup> there shall be substituted the following Article –

<sup>16</sup> Tome 1954–1956, page 497.

<sup>17</sup> 1959 R. & O. No. 4095.

<sup>18</sup> Tome 1954–1956, page 515.

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“ARTICLE 14

**RECKLESS OR DANGEROUS DRIVING**

(1) If any person drives a vehicle or rides an animal on a road or other public place recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road or place, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road or place, he shall be guilty of an offence under this Article.

(2) A person guilty of an offence under this Article, such offence being a motoring offence, shall be liable –

(a) in the case of a first offence, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding four months or to both such fine and imprisonment; and

(b) in the case of a second or subsequent conviction, to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two 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 –

(a) in the case of a first offence, to a fine not exceeding thirty pounds; and

(b) in the case of a second or subsequent conviction, to a fine not exceeding thirty pounds or to imprisonment for a term not exceeding three months.

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

(5) On a second or subsequent conviction for a motoring offence under this Article, the court shall exercise the power conferred by this Law of ordering that the offender shall be disqualified for holding or obtaining a licence unless the court, by reason of three years or more having elapsed since the date of the previous or last previous conviction or for any other special reason, thinks fit to order otherwise, but this provision shall not be construed as affecting the right of the court to exercise the power aforesaid on a first conviction.

The disqualification required to be imposed by this paragraph shall be for a period of not less than twelve months unless more than three years have elapsed since the offender's last conviction under this Article."

(2) In the head-note to Article 19 of the principal Law,<sup>19</sup> for the word "dangerous" there shall be substituted the words "reckless or dangerous".

## ARTICLE 12

For Article 15 of the principal Law<sup>20</sup> there shall be substituted the following Article –

### "ARTICLE 15

#### **CARELESS DRIVING**

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

<sup>19</sup> Tome 1954–1956, page 519.

<sup>20</sup> Tome 1954–1956, page 516.



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(2) A person guilty of an offence under this Article, such offence being a motoring offence, shall be liable –

(a) in the case of a first offence, to a fine not exceeding forty pounds; and

(b) in the case of a second or subsequent conviction, to a fine not exceeding eighty pounds or to imprisonment for a term not exceeding three months 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 –

(a) in the case of a first offence, to a fine not exceeding ten pounds; and

(b) in the case of a second or subsequent conviction, to a fine not exceeding twenty pounds.”

### ARTICLE 13

(1) In paragraph (1) of Article 16 of the principal Law,<sup>21</sup> sub-paragraphs (a) and (b) shall be deleted and for the word “liable” there shall be substituted the words “guilty of an offence under this Article.”.

(2) Immediately after paragraph (1) of the said Article 16 there shall be inserted the following paragraphs –

“(1A) A person guilty of an offence under this Article, such offence being a motoring offence, shall be liable –

(a) in the case of a first offence, to a fine not exceeding one hundred pounds or to imprisonment for a term

<sup>21</sup> Tome 1954–1956, page 517.

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not exceeding four months or to both such fine and imprisonment ; and

- (b) in the case of a second or subsequent conviction, to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(1B) A person guilty of an offence under this Article, such offence not being a motoring offence, shall be liable –

- (a) in the case of a first offence, to a fine not exceeding thirty pounds ; and
- (b) in the case of a second or subsequent conviction, to a fine not exceeding thirty pounds or to imprisonment for a term not exceeding three months.”

#### ARTICLE 14

For Article 17 of the principal Law<sup>22</sup> there shall be substituted the following Article –

#### “ARTICLE 17

#### **POWER TO ORDER OFFENDERS TO BE TESTED**

(1) On the conviction of the holder of a licence (other than a provisional licence) for a motoring offence under Article 14, 15 or 16 of this Law –

- (a) where the court makes an order disqualifying him for holding or obtaining a licence, or where he is so disqualified by virtue of the conviction, then, at the end of the period of disqualification, he shall be

<sup>22</sup> Tome 1954–1956, page 518.

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disqualified for holding or obtaining a licence (other than a provisional licence) until he has, since the end of that period, passed the prescribed test ; and

- (b) in any other case, the court may make an order disqualifying him for holding or obtaining a licence (other than a provisional licence) until he has, since the date of the conviction, passed the prescribed test.

(2) 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) of this Article subject to the following modifications –

- (a) paragraph (3) of Article 9 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 on the issue to him 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.”

#### ARTICLE 15

In paragraph (1) of Article 20 of the principal Law,<sup>23</sup> for the words “he shall be liable to a fine not exceeding five pounds :” there shall be substituted the words “he shall be liable, in the case of a first offence,

<sup>23</sup> Tome 1954–1956, page 520.

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to a fine not exceeding five pounds and, in the case of a second or subsequent conviction, to a fine not exceeding ten pounds :”.

ARTICLE 16

In paragraph (1) of Article 29 of the principal Law,<sup>24</sup> for the word “five” there shall be substituted the word “two”.

ARTICLE 17

For Article 30 of the principal Law<sup>25</sup> there shall be substituted the following Article –

“ARTICLE 30

**PROHIBITION ON LEAVING OF VEHICLES ON ROADS  
IN POSITIONS LIKELY TO CAUSE DANGER OR  
OBSTRUCTION**

(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 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 27 of this Law or for the purpose of saving life or extinguishing fire or meeting any other like emergency.

<sup>24</sup> Tome 1954–1956, page 525.

<sup>25</sup> Tome 1954–1956, page 526.

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- (2) If any person acts in contravention of –
- (a) sub-paragraph (a) of paragraph (1) of this Article, he shall be liable, in the case of a first offence, to a fine not exceeding two pounds and, in the case of a second or subsequent conviction, to a fine not exceeding ten pounds ;
- (b) sub-paragraph (b) of the said paragraph (1), he shall be liable, in the case of a first offence, to a fine not exceeding two pounds and, in the case of a second or subsequent conviction, to a fine not exceeding twenty-five pounds.”

ARTICLE 18

For Article 31 of the principal Law<sup>26</sup> there shall be substituted the following Article –

“ARTICLE 31

**POWER TO MAKE PROVISION WITH REGARD TO  
REMOVAL OF VEHICLES FROM ROADS, ETC**

- (1) Provision may be made by order –
- (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 have 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 ; and

<sup>26</sup> Tome 1954–1956, page 526.

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- (b) for the recovery of any expenses reasonably incurred by any public or parochial authority in the execution of the order.

(2) 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.”

ARTICLE 19

Immediately after Article 32 of the principal Law<sup>27</sup> there shall be inserted the following Articles –

*“Public parking places*

ARTICLE 32A

**COMPULSORY ACQUISITION OF LAND FOR  
PROVISION OF PARKING PLACES**

(1) Where it appears to the States that any land should be acquired by the public of the Island 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, 1953,<sup>28</sup> and, in relation to the acquisition of any land as aforesaid, the Committee 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, 1953.<sup>28</sup>

<sup>27</sup> Tome 1954–1956, page 527.

<sup>28</sup> Tome 1951–1953, page 713.

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ARTICLE 32B

**ORDERS WITH REGARD TO PUBLIC PARKING PLACES**

(1) Provision may be made by order 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 connexion with the use of the parking place.

(2) A copy of any order in force by virtue of this Article in relation to any public parking place shall be exhibited on or near the parking place.

(3) Orders under this Article may provide for imposing fines not exceeding five pounds in respect of breaches thereof.

(4) In this Article, ‘public parking place’ means a place, not being part of a road, for the parking of vehicles or vehicles of any class or description, under the administration of any public or parochial authority.”

ARTICLE 20

For Article 33 of the principal Law<sup>29</sup> there shall be substituted the following Article –

“ARTICLE 33

**POWER TO RESTRICT USE OF ROADS BY VEHICLES**

(1) Subject to the provisions of this Article, where, as regards any road, it appears to the Committee after consultation

<sup>29</sup> Tome 1954–1956, page 527.

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with the Constable 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 ; or
- (b) for preventing damage to the road or to any building on or near the road ; or
- (c) for facilitating the passage of vehicular traffic on the road or any other road ; or
- (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 ; or
- (e) without prejudice to the generality of sub-paragraph (d) of this paragraph, for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot ;

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



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- (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 without charge (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.

(2) No order shall be made under paragraph (1) of this Article 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 six hours in all in any consecutive period of twenty-four hours.

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

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(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, in the case of a first offence, to a fine not exceeding two pounds, and, in the case of a second or subsequent conviction, to a fine not exceeding ten pounds.”

ARTICLE 21

For Article 35 of the principal Law<sup>30</sup> there shall be substituted the following Article –

“ARTICLE 35

**ERECTION OF TRAFFIC SIGNS**

(1) The Committee may, and in such cases as may be required by or under this Law shall, cause traffic signs to be placed on or near any road and, subject to and in conformity with such directions as may be given by the Committee, may permit traffic signs to be so placed.

(2) The Committee shall cause traffic signs to be placed on or near the roads to which any order made under Article 13A or 33 of this Law relates in such manner as to indicate the requirement of the order.

(3) Traffic signs shall be of the prescribed size, colour and type except where the Committee 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) of this Article, 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.

<sup>30</sup> Tome 1954–1956, page 530.

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(5) The Committee 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 to remove it, and if any person fails to comply with such a notice the Committee may itself 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.

(6) Any person authorized by the Committee may, on production if so required of evidence of his authority, enter on any land and exercise such other powers as may be necessary for the purpose of the exercise and performance of its powers and duties under this Article.”

ARTICLE 22

Immediately after Article 35 of the principal Law<sup>31</sup> there shall be inserted the following Article –

“ARTICLE 35A

**TEMPORARY SIGNS FOR DEALING WITH TRAFFIC  
CONGESTION OR DANGER**

(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 35 of this Law, 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 seven days or less from the time when it is placed, but no longer.”

<sup>31</sup> Tome 1954–1956, page 530.

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## ARTICLE 23

In paragraphs (1) and (3) of Article 36 of the principal Law,<sup>32</sup> for the words “prescribed size, colour and type” there shall be substituted the words “size, colour or type prescribed or authorized under Article 35 of this Law”.

## ARTICLE 24

In paragraphs (1) and (2) of Article 41 of the principal Law,<sup>33</sup> immediately after the words “this Law” there shall be inserted the words “or of the Road Transport Lighting (Jersey) Law, 1956,”.<sup>34</sup>

## ARTICLE 25

In Article 42 of the principal Law,<sup>35</sup> the proviso to paragraph (1) shall be deleted, and for paragraphs (2) and (3) of the said Article 42 there shall be substituted the following paragraph –

“(2) The Subordinate Legislation (Jersey) Law, 1960,<sup>36</sup> shall apply to orders made under this Law.”

## ARTICLE 26

For Article 49 of the principal Law<sup>37</sup> there shall be substituted the following Article –

<sup>32</sup> Tome 1954–1956, page 531.

<sup>33</sup> Tome 1954–1956, page 536.

<sup>34</sup> Tome 1954–1956, page 473.

<sup>35</sup> Tome 1954–1956, page 537.

<sup>36</sup> Tome 1957–1960, page 519.

<sup>37</sup> Tome 1954–1956, page 541.

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“ARTICLE 49

**POWER OF STATES TO MAKE REGULATIONS**

(1) Nothing in this Law shall be construed as derogating in any way from the powers conferred on the States by the Order in Council of the twenty-sixth day of December, 1851,<sup>38</sup> 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.

(2) The powers conferred on the States by the said Order in Council and this Article include a power to amend any of the provisions of this Law.”

ARTICLE 27

(1) The amendment of the principal Law by this Part of this Law shall not prevent the taking into account of any previous conviction for the purpose of determining whether any conviction is a second or subsequent conviction, but –

- (a) in determining whether any conviction for a motoring offence is a second or subsequent conviction, any conviction for an offence, not being a motoring offence, shall be disregarded ; and
- (b) in determining whether a conviction for an offence, not being a motoring offence, is a second or subsequent conviction, any conviction for a motoring offence shall be disregarded.

(2) Any order or bye-law made under the principal Law which is in force at the date of the coming into force of this Law shall, as from that date –

<sup>38</sup> Tome II, page 23.

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- (a) in the case of an order, have effect as if made under the principal Law as amended by this Law ;
- (b) in the case of a bye-law, have effect as if it were an order made under the principal Law as so amended, and shall continue in force until revoked by such an order.

*PART II*

AMENDMENT OF THE MOTOR TRAFFIC (JERSEY) LAW, 1935

ARTICLE 28

(1) In Article 1 of the Motor Traffic (Jersey) Law, 1935,<sup>39</sup> for the definition of “Traffic Officer” there shall be substituted the following definition –

“ ‘Traffic Officer’ means the Inspector of Motor Traffic, the Deputy Inspector of Motor Traffic or any Traffic Officer appointed under Article 3 of this Law ;”.

(2) For Articles 3, 4, 5 and 6 of the said Law there shall be substituted the following Article –

“ARTICLE 3

(1) There shall be appointed an Inspector of Motor Traffic, a Deputy Inspector of Motor Traffic and such Traffic Officers (all of whom shall be officers within the meaning of the Civil Service Administration (Jersey) Law, 1953<sup>40</sup>) as may be necessary to exercise the powers conferred and perform the duties imposed on them respectively by or under this Law or any other enactment and to perform such other duties relating to road traffic as the Committee may from time to time impose on them.

<sup>39</sup> Tome VII, page 456.

<sup>40</sup> Tome 1951–1953, page 669.

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(2) In the event of the absence from duty of the Inspector of Motor Traffic either by reason of illness or for any other cause, or in the event of a vacancy in the office of Inspector of Motor Traffic, the duties imposed and the powers conferred on the Inspector of Motor Traffic shall be exercised by the Deputy Inspector of Motor Traffic.”

ARTICLE 29

Any person appointed to any office under the Motor Traffic (Jersey) Law, 1935,<sup>41</sup> who is in office at the time of the coming into force of this Law shall be deemed to have been appointed to that office under that Law as amended by this Part of this Law.

*PART III*

AMENDMENT OF THE MOTOR TRAFFIC (THIRD-PARTY  
INSURANCE) (JERSEY) LAW, 1948

ARTICLE 30

(1) At the end of paragraph (1) of Article 2 of the Motor Traffic (Third-Party Insurance) (Jersey) Law, 1948,<sup>42</sup> there shall be inserted the following proviso –

“Provided that a person shall not be convicted of an offence under this paragraph if he proves that the vehicle did not belong to him and was not in his possession under a contract of hiring or of loan, that he was using the vehicle in the course of his employment and that he neither knew nor had reason to believe that there was not in force in relation to the user of the vehicle such a policy of insurance as aforesaid.”

(2) In paragraph (2) of the said Article 2, the words from “and a person convicted” to the end of the paragraph, and paragraph (3) shall cease to have effect.

<sup>41</sup> Tome VII, page 456.

<sup>42</sup> Tome 1946–1948, page 436.

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*PART IV*

AMENDMENTS OF THE ROAD TRANSPORT LIGHTING (JERSEY)  
LAW, 1956

ARTICLE 31

(1) In paragraph (1) of Article 1 of the Road Transport Lighting (Jersey) Law, 1956,<sup>43</sup> (hereinafter referred to as “the principal Law”), for the definition of “hours of darkness” there shall be substituted the following definition –

“ ‘hours of darkness’ means the time between half-an-hour after sunset and half-an-hour before sunrise ;”.

(2) Immediately after the said Article 1 there shall be inserted the following Article –

“ARTICLE 1A

**APPLICATION OF LAW IN RELATION TO  
PEDESTRIAN-CONTROLLED VEHICLES**

(1) A mechanically propelled vehicle to which this Article applies shall, for the purposes of this Law, be treated as a vehicle propelled by hand.

(2) This Article applies –

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

(b) to such other vehicles controlled by pedestrians as may be prescribed.

<sup>43</sup> Tome 1954–1956, page 473.



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(3) In paragraph (2) of this Article, ‘controlled by a pedestrian’ means that the implement or vehicle either –

- (a) is constructed or adapted for use only under such control ; or
- (b) is constructed or adapted 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 carried on it.”

ARTICLE 32

Immediately after Article 14 of the principal Law<sup>44</sup> there shall be inserted the following Article –

“ARTICLE 14A

**POWERS OF STATES TO MAKE REGULATIONS**

The powers conferred on the States by the Order in Council of the twenty-sixth day of December, 1851,<sup>45</sup> to make regulations relating to the police of the public roads include a power to amend any of the provisions of this Law.”

*PART V*

SHORT TITLE

ARTICLE 33

This Law may be cited as the Road Traffic (Miscellaneous Provisions) (Jersey) Law, 1962 ; this Law and the principal Law may be cited together as the Road Traffic (Jersey) Laws, 1956 to 1962 ; this Law and the Motor Traffic (Jersey) Laws, 1935 to 1957, may be cited together as the Motor Traffic (Jersey) Laws, 1935 to 1962 ; this Law and the

<sup>44</sup> Tome 1954–1956, page 483.

<sup>45</sup> Tome II, page 23.

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Motor Traffic (Third-Party Insurance) (Jersey) Law, 1948, may be cited together as the Motor Traffic (Third-Party Insurance) (Jersey) Laws, 1948 and 1962 ; and this Law and the Road Transport Lighting (Jersey) Law, 1956, may be cited together as the Road Transport Lighting (Jersey) Laws, 1956 and 1962.

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*SCHEDULES*

*FIRST SCHEDULE*

**(Article 8)**

**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.<sup>46</sup>
- Any offence against Article 2 (using, or causing or permitting use of, uninsured vehicle).
- C. OFFENCES AGAINST THE ROAD TRANSPORT LIGHTING (JERSEY) LAW, 1956.<sup>47</sup>
- Any offence against Article 12 (causing or permitting vehicle to be on road in contravention of provisions of the Law or any order made thereunder, or failure to comply with such provisions) other than a first offence or an offence which, for the purposes of that Article, is deemed to be a first offence.
- D. OFFENCES AGAINST THE ROAD TRAFFIC (JERSEY) LAW, 1956.<sup>48</sup>
- Any offence against the following provisions, namely –

<sup>46</sup> Tome 1946–1948, page 435.

<sup>47</sup> Tome 1954–1956, page 473.

<sup>48</sup> Tome 1954–1956, page 497

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Article 3(1)	(driving, or employing a person to drive without a licence) ;
Article 6(2)	(failure to comply with conditions of provisional licence) ;
Article 9(4)	(applying for or obtaining a licence, or driving while disqualified) ;
Article 13	(restriction on driving by young or inexperienced persons) ;
Article 13A	(limitation of speed) ;
Article 14	(reckless or dangerous driving) ;
Article 15	(careless driving) ;
Article 16	(driving, or attempting to drive, when under influence of drink or drugs) ;
Article 23	(unlawful pillion riding) ;
Article 28	(taking vehicle without owner's consent or authority) ;
Article 29(2)	(getting on to, or tampering with, a vehicle without authority) ;
Article 30	(leaving vehicle in position likely to cause danger or obstruction) ;
Article 36).	(failure to comply with traffic directions or indications given by traffic signs

E. OFFENCES AGAINST ORDERS MADE UNDER THE ROAD TRAFFIC (JERSEY) LAW, 1956.<sup>48</sup>

1. Any offence against an order made under Article 33, 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

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of the carriageway ; or

- (b) of contravening a prohibition or restriction on overtaking.
2. Any offence against an order made under Article 39, 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.

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*SECOND SCHEDULE*

**(Article 13A)**

**LIMITS OF SPEED**

CLASS OR DESCRIPTION OF VEHICLE	MAXIMUM SPEED MILES PER HOUR.
(1) Vehicles having an unladen weight exceeding two tons and a half and vehicles drawing trailers ... ..	30
(2) Other vehicles ... ..	40

**F. DE L. BOIS,**

*Greffier of the States.*