

**Jersey R&O 50/2002**

**Road Traffic (Jersey) Law 1956**

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ROAD TRAFFIC (No. 53) (JERSEY) REGULATIONS 2002

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*(Promulgated on the 12th day of June 2002)*

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**STATES OF JERSEY**

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The 11th day of June 2002

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**THE STATES**, in pursuance of the powers conferred on them by the Order in Council of the twenty-sixth day of December 1851<sup>1</sup> and Article 49 of the Road Traffic (Jersey) Law 1956, as amended,<sup>2</sup> have made the following Regulations -

**1.** In these Regulations “Law” means the Road Traffic (Jersey) Law 1956, as amended.<sup>3</sup>

**2.** After Article 8(1) of the Law<sup>4</sup> there shall be inserted the following paragraph -

“(1A) Where -

(a) the Magistrate’s Court -

(i) pursuant to paragraph (2) of Article 4 of the Magistrate’s Court (Miscellaneous Provisions)

<sup>1</sup> Recueil des Lois, Tomes I-III, page 196.

<sup>2</sup> Recueil des Lois, Tome VIII, page 636.

<sup>3</sup> Recueil des Lois, Tome VIII, page 579 and Nos. 6998, 7004, 7020, 7072, 7081, 7219, 7229, 7411, 7472, 7495, 7878, 7917, 8016, 8077, 8096, 8150, 8160, 8196, 8340, 8457, 8624, 8722, 9116, 9180, 9205, 9294, 9308 and 178/2001.

<sup>4</sup> Recueil des Lois, Tome VIII, page 593.

(Jersey) Law 1949, as amended,<sup>5</sup> commits a person to the Royal Court for trial in respect of any offence specified in the First Schedule to this Law to which he has pleaded guilty; or

(ii) pursuant to Article 4A of that Law,<sup>6</sup> commits a person to be sentenced for any such offence after finding him 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,

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

3. For Article 10(6) of the Law<sup>7</sup> there shall be substituted the following paragraph -

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

(a) where he been so disqualified until he 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 is no longer so disqualified, whichever is the sooner.”.

4.-(1) In Article 15A of the Law<sup>8</sup> -

<sup>5</sup> Recueil des Lois, Tome VII, page 547 and Volume 1996-1997, page 171.

<sup>6</sup> Recueil des Lois, Tome VII, page 547 and Volume 1996-1997, page 171.

<sup>7</sup> Recueil des Lois, Tome VIII, page 596.

<sup>8</sup> Recueil des Lois, Tome VIII, page 603 and No. 9116.

(a) in paragraph (5) for the words “be disqualified for a period of twelve months for holding or obtaining a licence” there shall be substituted the words “in the case of a first offence, be disqualified for a period of twelve months and in the case of a second or subsequent offence committed within 10 years of the last such offence, for a period of three years, for holding or obtaining a licence.”; and

(b) after paragraph (5) there shall be inserted the following paragraph -

“(6) In paragraph (5) of this Article “offence” means an offence under this Article or under Article 16, 16A or 16C of this Law”.

(2) In Article 16 of the Law<sup>9</sup> -

(a) in paragraph (2) after the words “subsequent offence” there shall be inserted the words “committed within 10 years of the last such offence”; and

(b) after paragraph (2) there shall be inserted the following paragraph -

“(3) In paragraph (2) of this Article “offence” means an offence under this Article or under Article 15A, 16A or 16C of this Law”.

(3) In Article 16A of the Law<sup>10</sup> -

(a) in paragraph (2) after the words “subsequent offence” there shall be inserted the words “committed within 10 years of the last such offence”; and

(b) after paragraph (2) there shall be inserted the following paragraph -

<sup>9</sup> Recueil des Lois, Tome VIII, page 603 and Nos. 8016, 8096 and 9294.

<sup>10</sup> Recueil des Lois, Tome VIII, page 604 and Nos. 8016, 8624 and 9116.

“(2A) In paragraph (2) of this Article “offence” means an offence under this Article or under Article 15A, 16 or 16C of this Law”.

- (4) After Article 16C of the Law<sup>11</sup> -
  - (a) in paragraph (8) after the words “subsequent offence” there shall be inserted the words “committed within 10 years of the last such offence”; and
  - (b) after paragraph (8) there shall be inserted the following paragraph -

“(8A) In paragraph (8) of this Article “offence” means an offence under this Article or under Article 15A, 16, or 16A of this Law”.

5. In Article 17 of the Law<sup>12</sup> -

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

“(1) On the conviction of a person for an offence under Articles 14, 14A, 15, 15A, 16, 16A or 16C of this Law, 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 him for holding or obtaining a licence (other than a provisional licence) until he has, since the end of that fixed period, passed the prescribed test.

(1A) On the conviction of a person for -

- (a) an offence described in paragraph (1) where the court does not make an order disqualifying him for holding or obtaining a licence for a fixed period of time; or
- (b) an offence under Article 13A of this Law,

<sup>11</sup> Recueil des Lois, Tome VIII, page 604 and Nos. 8016, 8624 and 9116.

<sup>12</sup> Recueil des Lois, Tome VIII, page 605 and No. 8016.

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 that conviction, passed the prescribed test.”; and

- (b) in paragraph (2) after the words “paragraph (1)” there shall be inserted the words “or (1A)”.

**6.** In the heading to, and paragraph (1) of, Article 34 of the Law<sup>13</sup> for the expression “32A” there shall be substituted the expression “32B”.

**7.** In Article 46 of the Law<sup>14</sup> for the words “fifty pounds” there shall be substituted the words “one fifth of level 2 on the standard scale<sup>15</sup>”.

**8.** In Articles 47 and 48 of the Law<sup>16</sup> for the words “General Revenues” there shall be substituted the words “annual income”.

**9.** Article 50 of the Law<sup>17</sup> shall be repealed.

**10.** In the First Schedule to the Law<sup>18</sup> -

- (a) Part C shall be deleted; and
- (b) after paragraph 2 of Part E there shall be added the following paragraph -

“3. Any offence against an order made under Article 39, being an offence -

- (a) of contravening or failing to comply with any requirement with respect to lighting equipment and reflectors; or

<sup>13</sup> Recueil des Lois, Tome VIII, page 620 and No. 9294.

<sup>14</sup> Recueil des Lois, Tome VIII, page 635 and No. 8077.

<sup>15</sup> Recueil des Lois, Volume 1992-1993, page 437.

<sup>16</sup> Recueil des Lois, Tome VIII, page 636.

<sup>17</sup> Recueil des Lois, Tome VIII, page 637.

<sup>18</sup> Recueil des Lois, Tome VIII, page 639 and Nos. 8016, 9116 and 9205.

(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.”.

**11.** These Regulations may be cited as the Road Traffic (No. 53) (Jersey) Regulations 2002 and shall come into force on the day following promulgation.

**M.N. DE LA HAYE**

*Deputy Greffier of the States.*