



Jersey

## ROAD TRAFFIC (No. 62) (JERSEY) REGULATIONS 2015

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## ROAD TRAFFIC (No. 62) (JERSEY) REGULATIONS 2015

*Made**17th November 2015**Coming into force**24th November 2015*

**THE STATES**, in pursuance of Order in Council of 26th December 1851<sup>1</sup> and Article 92 of the Road Traffic (Jersey) Law 1956<sup>2</sup>, have made the following Regulations –

### **1 Amendment of the Road Traffic (Jersey) Law 1956**

The Road Traffic (Jersey) Law 1956<sup>3</sup> is amended in accordance with these Regulations.

### **2 Article 22 amended**

In Article 22, after paragraph (4) there shall be added the following paragraph –

“(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.”.

### **3 Article 23A inserted**

After Article 23 there shall be inserted the following Article –

#### **“23A Causing serious injury by dangerous driving**

- (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.”

#### **4 Article 24 amended**

In Article 24, in its heading and in paragraphs (1) and (3) for the words “Articles 22 and 23” there shall be substituted the words “Articles 22, 23 and 23A”.

#### **5 Article 25 amended**

In Article 25(2) for the words “not exceeding £1,000” there shall be substituted the words “of level 4 on the standard scale”.

#### **6 Article 25A inserted**

After Article 25 there shall be inserted the following Article –

##### **“25A Causing death by careless driving**

- (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.”

#### **7 Article 26 amended**

In Article 26 –

- (a) in paragraph (5) for the words “12 months” there shall be substituted the words “2 years”;
- (b) in paragraph (6) for the words “Article 27” there shall be substituted the words “Article 26B, 27”.

#### **8 Articles 26A, 26B and 26C inserted**

After Article 26 there shall be inserted the following Articles –

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**“26A Causing serious injury by careless driving**

- (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) 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.

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

- (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 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.

- (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’**

In Articles 23A, 26A and 26B “serious injury” means an injury that –

- (a) requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received;
- (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.”.

## **9 Article 27 amended**

In Article 27 –

- (a) in paragraph (2) for the words after “liable to” to the end of the paragraph there shall be substituted the words “imprisonment for a term of 12 months and to a fine of level 4 on the standard scale”;
- (b) in paragraph (6) after the words “Article 26,” there shall be inserted the word “26B,”.

## **10 Article 36 amended**

- (1) In Article 36(1), for the table there shall be substituted the following table –

<b>Offence charged</b>	<b>Alternative</b>
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)
	causing serious injury by careless driving (Article 26A)
dangerous driving (Article 22)	careless driving (Article 25)

<b>Offence charged</b>	<b>Alternative</b>
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 when under influence of drink or drugs (Article 27)	being in charge of a motor vehicle when under influence of 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 when under influence of drink or drugs (Article 27)

- (2) In Article 36(2) after the words “Article 26” there shall be inserted the words “or Article 26B”.

## **11 Citation and commencement**

- (1) These Regulations may be cited as the Road Traffic (No. 62) (Jersey) Regulations 2015 and shall come in force 7 days after they are made.

- (2) These Regulations shall not have effect in relation to any offence committed before the day on which they come into force.

**L.-M. HART**

*Deputy Greffier of the States*



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- <sup>1</sup> *chapter 23.350*
  - <sup>2</sup> *chapter 25.550*
  - <sup>3</sup> *chapter 25.550*