

Jersey R & O 8624

Road Traffic (Jersey) Law 1956

ROAD TRAFFIC (No. 43) (JERSEY) REGULATIONS 1993

(Promulgated on the 8th day of December 1993)

STATES OF JERSEY

The 7th day of December 1993

THE STATES, in pursuance of the powers conferred on them by the Order in Council of the twenty-sixth day of December 1851¹ and Article 49 of the Road Traffic (Jersey) Law 1956, as amended² (hereinafter referred to as “the Law”), have made the following Regulations –

1. In Article 1 of the Law³ –
 - (a) in paragraph (1) –
 - (i) there shall be inserted in the appropriate alphabetical order the following definitions –

“domestic driving permit” has the meaning assigned to it by paragraph (6) of Article 4 of this Law;

“parochial authority” means the Constable of the parish in which the applicant for a licence or licence holder, as the case may be, resides; and

¹ Recueil des Lois, Tomes I–III, page 196.

² Recueil des Lois, Tome VIII, page 636.

³ Recueil des Lois, Tome VIII, page 579, and Nos. 7471, 7878, 8016 and 8076.

- (ii) for the definition of “licensing authority” there shall be substituted the following definition –

“ ‘licensing authority’ means the Committee;”;

- (b) in paragraph (2) there shall be inserted at the end the words “and in this paragraph “enactment” includes an enactment of the United Kingdom”.

2. In paragraph (1) of Article 2 of the Law⁴ –

- (a) there shall be inserted in the appropriate alphabetical order the following definitions –

“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;

⁴ Recueil des Lois, Tome VIII, page 582, and No. 8150.

“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 sixteen seats in addition to the driver’s seat and also includes a vehicle used for carrying passengers for hire or reward with more than eight seats in addition to the driver’s seat;

“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 nine 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 eight seats, but not more than 16 seats in addition to the driver’s seat;

“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;

“motor tricycle” means a three-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);

“pedestrian controlled vehicle” means a motor vehicle which is controlled by a pedestrian and is not constructed or adapted for use or used 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 nine 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 nine 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;

- (b) in the definition of “heavy motor cycle” for the words “407 kilogrammes” there shall be substituted the words “410 kilogrammes”;
- (c) in the definition of “invalid carriage” for the words “five hundredweight” there shall be substituted the words “254 kilogrammes”;

- (d) in the definition of “moped” for the words “mechanically propelled vehicle” in both places where they occur there shall be substituted the words “mechanically propelled bicycle”; and
- (e) the definition of “tractor” shall be deleted.

3. In Article 3 of the Law –

- (a) in paragraph (1) after the word “provision” there shall be inserted the words “, or otherwise than in accordance with the licence”;
- (b) in paragraph (2) –
 - (i) in sub-paragraph (a) for the words “licensing authority” there shall be substituted the words “parochial authority”;
 - (ii) for paragraph (b) there shall be substituted the following sub-paragraph –

“(b) furnish with his application –

 - (i) a certificate showing that he has passed the prescribed test;
 - (ii) a photograph of himself which fulfills the prescribed requirements;
 - (iii) such certificates and licences as may be prescribed;”;
- (c) in paragraph (2A) –
 - (i) for the words “licensing authority” there shall be substituted the words “parochial authority”; and

- (ii) after the word “applicant,” in the first place where it occurs there shall be inserted the words

“and as to compliance with any provisions prescribed under paragraph (1A) of Article 4 of this Law,”; and

- (d) for paragraphs (3) and (3A) there shall be substituted the following paragraphs –

“(3) Subject to the provisions of this Law with respect to provisional licences and to paragraphs (3A) and (3B) of this Article, a licence shall, unless previously revoked or surrendered, remain in force for a period of five years from the date of its issue.

(3A) Where the applicant’s age, on the date at which the licence to drive a prescribed category of vehicle is to be granted or renewed, will exceed forty-five but not sixty-six years the licence shall remain in force for a period of five years or the period ending on the sixty-sixth anniversary of his date of birth, whichever is the earlier.

(3B) Where the applicant’s age, on the date at which the licence to drive a prescribed category of vehicle is to be granted or renewed, will exceed sixty-six the licence shall remain in force for a period of one year.

(3C) The same provisions shall apply to the renewal of a licence as apply to the grant of a licence.

(3D) 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.

(3E) Where the name or address of the licence holder as specified in the licence ceases to be correct its holder shall forthwith surrender the licence to the parochial authority and provide him with particulars of the alterations required to be made in the name or address.

(3F) A person who fails to comply with paragraph (3D) or (3E) shall be liable to a fine not exceeding five hundred pounds.”.

4. In Article 4 of the Law⁵ –

- (a) for the heading there shall be substituted the following heading –

“Test of competence to drive and surrender of certain domestic driving permits”;

- (b) in paragraph (1) –

(i) for the words “licensing authority” there shall be substituted the words “parochial authority”; and

(ii) in sub-paragraph (b) the words “or a licence granted by virtue of paragraph (4) of this Article” shall be deleted;

- (c) for paragraph (1A) there shall be substituted the following paragraph –

“(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 –

⁵ Recueil des Lois, Tome VIII, page 587, and Nos. 7229 and 7495.

- (a) the said paragraph (1) shall have effect as if –
 - (i) for the period of five years referred to therein there were substituted a lesser period; or
 - (ii) for 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; and
 - (b) a licence to the holder of such permit shall not be issued unless the permit is surrendered to the parochial authority for return by that authority to the issuing authority in the country of issue.”.
 - (d) in sub-paragraph (a) of paragraph (3) before the word “vehicle” there shall be inserted the word “suitable”;
 - (e) paragraph (4) shall be deleted;
 - (f) in paragraph (5) for the words “traffic officers” there shall be substituted the words “persons appointed for that purpose by the licensing authority”; and
 - (g) in paragraph (7) for the words “section 88 of the Road Traffic Act 1972 (1972 c.20)” there shall be substituted the words “section 97 of the Road Traffic Act 1988 (c.52)”.
- 5.** In Article 5 of the Law⁶ –
- (a) in paragraph (1) after the word “suffering” there shall be inserted the words “or has at any time or, if a period is specified in the form, has during that period suffered”;

⁶ Recueil des Lois, Tome VIII, page 589, and Nos. 7081 and 8077.

- (b) in paragraph (2) for the words “licensing authority” in the first two places where they occur there shall be substituted the words “parochial authority”;
- (c) in paragraph (2A) for the words “licensing authority” there shall be substituted the words “parochial authority”;
- (d) in paragraph (3) –
 - (i) for the words “Constable of a parish” there shall be substituted the words “parochial authority”; and
 - (ii) for the word “Constable” in the second and third place where it occurs there shall be substituted the words “parochial authority”;
- (e) in paragraph (3A) –
 - (i) for the words “Constable of a parish” there shall be substituted the words “parochial authority”; and
 - (ii) for the word “Constable” in the second place where it occurs there shall be substituted the words “parochial authority”;
- (f) in paragraph (3B) for the word “Constable” there shall be substituted the words “parochial authority”;
- (g) in paragraph (4) for the words “Constable by whom it is revoked” there shall be substituted the words “parochial authority referred to in paragraph (3B) of this Article”; and
- (h) after paragraph (5) there shall be inserted the following paragraphs –
 - “(6) If at any time during the period for which his licence remains in force, a licence holder becomes aware –

- (a) that he is suffering from a relevant or prospective disability which he has not previously disclosed to the parochial authority; or
- (b) that a relevant or prospective disability from which he has at any time suffered (and which has previously been so disclosed) has become more acute since the licence was granted.

the licence holder shall forthwith notify the parochial authority in writing of the nature and extent of the liability.

(7) A person who fails without reasonable excuse to notify the parochial authority in accordance with paragraph (6) of this Article shall be liable to a fine.

6. In paragraph (1) of Article 6 of the Law⁷ for the words “licensing authority” there shall be substituted the words “parochial authority”.

7. In Article 6A of the Law⁸ –

- (a) for the full stop at the end of sub-paragraph (b) there shall be substituted a semi-colon; and
- (b) after sub-paragraph (b) there shall be inserted the following sub-paragraph –

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

8. In Article 10A of the Law⁹ –

⁷ Recueil des Lois, Tome VIII, page 590.

⁸ Recueil des Lois, Tome VIII, page 591.

⁹ Recueil des Lois, Tome VIII, page 596.

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- (a) in paragraph (1) –
 - (i) for the words “licensing authority” there shall be substituted the words “parochial authority”;
 - (ii) in sub-paragraph (a) for the word “him” there shall be substituted the words “every parochial authority”; and
 - (iii) in sub-paragraph (b) for the words commencing with the word “him” to the end there shall be substituted the words “every parochial authority in respect of the holder of such a licence”; and
- (b) for paragraph (2) there shall be substituted the following paragraphs –

“(2) Every parochial authority shall ensure that all the records described in paragraph (1) of this Article 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.

(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.”.

9. In Article 13 of the Law¹⁰ –

¹⁰ Recueil des Lois, Tome VIII, page 599, and Nos. 8077 and 8196.

- (a) in paragraph (1) for the Table there shall be substituted the following Table –

TABLE

<i>Class of Motor Vehicle</i>	<i>Age</i>
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
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11. Heavy motor cycle (subject to paragraph (2))	18
.	
12. Large goods vehicle	21
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13. Large passenger carrying vehicle	21
.	
14. Track laying vehicle	21 ”; and
.	

- (b) after paragraph (1) there shall be inserted the following paragraphs –

“(1A) Provision may be made by order for paragraph (1) of this Article 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.

(1B) Subject to paragraph (1C) of this Article, 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 Committee considers necessary or expedient.

(1C) 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 (1A) of this Article 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.

(1D) In paragraph (1C) of this Article –

“approved” means approved for the time being by the Committee 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 Committee.”.

- 10.** In paragraph (3) of Article 16F of the Law¹¹ –
- (a) for the words “Article 16” in the first place where they occur there shall be substituted the words “Article 16A”; and
 - (b) for the words “Article 16A” there shall be substituted the words “Article 16”.

11. These Regulations may be cited as the Road Traffic (No. 43) (Jersey) Regulations 1993 and shall come into force on the first day of January 1994.

G.H.C. COPPOCK

Greffier of the States.

¹¹ No. 8016.