

Island of



Alderney

Ordinance of the States

III
2006

Made 19th April 2006

Came into force 1st August 2006

THE ROAD TRAFFIC (PROTECTIVE HELMETS) (ALDERNEY) ORDINANCE, 2006

THE STATES OF ALDERNEY, in pursuance of their Resolution of the 19th day of April 2006 and in exercise of the powers conferred on them by section 46 of the Government of Alderney Law, 2004(a), and all other powers enabling them in that behalf, hereby order:-

1. (1) A person who is aged under 18 years shall, when driving a motor cycle on a public highway, wear a protective helmet, which is securely fitted so as to afford to that person protection from injury in the event of an accident.

Protective helmets to be worn by motor cyclists under 18 years.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on conviction, to a fine not exceeding level 1, or in the case of a second or subsequent conviction, to a fine not exceeding level 3, on the uniform scale.

2. (1) A person who, whilst driving a motor cycle on a public highway, carries a passenger -

No person under 18 years to be carried as a passenger unless wearing a protective helmet.

(a) who is aged under 18 years, and

(b) who is not wearing a protective helmet, which is securely fitted so as to afford to that passenger protection from injury in the event of an accident,

is guilty of an offence.

(a) Order in Council No. VI of 2005.

(2) A person who is guilty of an offence under subsection (1) is liable on conviction, to a fine not exceeding level 1, or in the case of a second or subsequent conviction, to a fine not exceeding level 3, on the uniform scale.

Defence to offence under section 2.

3. In any proceedings for an offence under section 2(1), it shall be a defence for the accused to prove that -

- (a) he honestly and reasonably believed that the passenger concerned was aged 18 years or over, and
- (b) he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

General provisions as to regulations.

4. (1) Regulations under this Ordinance -

- (a) may be amended or repealed by subsequent regulations hereunder,
- (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the Committee to be necessary or expedient, and
- (c) shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

(2) Any power conferred by this Ordinance to make regulations may be exercised -

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
- (b) so as to make, as respects the cases in relation to which it is exercised -
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

- (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,
- (iii) any such provision either unconditionally or subject to any conditions specified in the regulations.

5. (1) In this Ordinance-

Interpretation.

"**Committee**" means the States General Services Committee,

"**electrically assisted pedal cycle**" has the meaning given by section 3(1) of the Motor Vehicles (Electrically Assisted Pedal Cycles) (Exemption) (Alderney) Law, 2002(b),

"**motor cycle**" includes a motor cycle combination and an autocycle, bicycle, tricycle or quad-bike which is being used as, or is adapted for use as a mechanically propelled vehicle, but does not include an electrically assisted pedal cycle,

"**protective helmet**" means a helmet or head-dress which in its shape, construction and other qualities complies with such requirements as the Committee may by regulation prescribe,

"**public highway**" means any highway and any other road or footpath to which the public has access,

"**States**" means the States of Alderney, and

"**uniform scale**" means the uniform scale of fines from time to time specified under the Uniform Scale of Fines (Alderney) Law, 1989(c).

(2) The Interpretation (Guernsey) Law, 1948(d) applies to the interpretation of this Ordinance.

(3) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

(b) Order in Council No. XX of 2002.

(c) Ordres en Conseil Vol. XXXI, p. 306 (Amended by Alderney Ordinance No. II of 2001).

(d) Ordres en Conseil Vol. XIII, p. 355.

- Citation.** 6. This Ordinance may be cited as the Road Traffic (Protective Helmets) (Alderney) Ordinance, 2006.
- Commencement.** 7. This Ordinance shall come into force on such date as the States may by resolution determine.

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