

# ORDER IN COUNCIL

**XI**  
**1995**

ratifying a Projet de Loi

ENTITLED

## **The Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995**

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(Registered on the Records of the Island of Guernsey  
on the 14th November, 1995.)

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1995

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 14th day of November, 1995 before Sir Graham Dorey, Bailiff;  
present:—Stanley Walter John Jehan, Leonard Arthur Moss, John  
Edward Morris, Charles Anthony Spensley, Lawrence Oscar Ozanne,  
John Richard Rowe Henry, David Charles Lowe, Esquires, Mrs. Eileen  
May Glass, Laurence Lenfestey Guille and Derek Martin Le Page,  
Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 18th October, 1995, approving and ratifying a *Projet de Loi* entitled “The Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995” THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island of which Order in Council the tenor followeth:—

# At the Court at Buckingham Palace

The 18th day of October, 1995

PRESENT,

## The Queen's Most Excellent Majesty in Council

WHEREAS, there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 3rd day of October 1995 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth:—

‘1. That, in pursuance of their Resolution of the 28th day of October 1993, the States of Deliberation at a meeting held on the 31st day of May 1995 approved a Bill or “Projet de Loi” entitled “The Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction there-to. 2. That the said Bill or “Projet de Loi” is set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Motor Taxation and Licensing (Amendment) (Guernsey) Law 1995”, and to order that the same shall have force of law in the Island of Guernsey.”:

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, and it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*N. H. Nicholls*

PROJET DE LOI  
ENTITLED  
**The Motor Taxation and Licensing (Amendment) (Guernsey)  
Law, 1995**

**THE STATES**, in pursuance of their Resolution of the 28th day of October, 1993(a), have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

**Amendments to the 1987 Law**

1. The Motor Taxation and Licensing (Guernsey) Law, 1987, as amended(b), is hereby amended as follows:-

(a) immediately after section 5(3) there is inserted:-

"(4) A person who becomes resident in this Island shall, during the period of one year after he becomes so resident, be treated for the purposes of this Law as the holder of a driving licence authorising him to drive a motor vehicle of any class on a public highway provided that he is the holder of a permit to drive motor vehicles of that class for the time being in force granted by the authority of a country outside this Island.";

(b) in section 7, immediately after the words "granted to him" insert "under this Law";

(c) in section 11(1):-

(i) immediately before the words "any driving licence" in each place where they occur, insert "the counterpart of"; and

(ii) immediately before the words "free from the aforesaid particulars" insert "the counterpart of which is";

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(a) Article XIII of Billet d'État No. XIX of 1993.

(b) Ordres en Conseil, Vol. XXX, p. 343; Ordinance No. XXIV of 1992.

(d) in section 11(2):-

(i) immediately after the words "A person" insert "the counterpart of";

(ii) for the words "issued to him" substitute "and counterpart issued to him the counterpart of which is";

(iii) immediately after the words "driving licence" in the third place where they occur, insert "and counterpart";

(e) delete section 11(4), except the proviso, and substitute the following:-

"(4) A person who is the holder of a driving licence charged with a traffic offence shall deliver his licence and its counterpart to Her Majesty's Greffier at or before the hearing of such charge and Her Majesty's Greffier shall hold such licence and counterpart until determination of the charge by the Court and where such person is convicted of the offence charged and the court orders that he be disqualified, Her Majesty's Greffier shall send the licence and its counterpart, together with a copy of the order, to the Committee which shall:-

(a) if the disqualification ordered relates to all the categories specified in the licence, cancel the licence;  
or

(b) where the disqualification ordered relates to one or some only of the categories specified in the licence, cancel the licence and issue to the convicted person a new licence and counterpart specifying only those categories to which the disqualification did not relate:"

- (f) immediately after section 11(5) insert the following additional subsection:-

"(6) Where the counterpart to any driving licence is endorsed pursuant to the provisions of subsection (1) the Committee may endorse upon the driving licence a notice indicating the fact that such endorsement upon the counterpart has been made.";

- (g) immediately after section 15, insert:-

**"Committee to maintain register**

15A. The Committee shall maintain a register, in such form and containing such particulars as it shall from time to time determine, of persons to whom licences have been issued under this Law.

**Additional powers of Committee**

15B. (1) The Committee may, by Resolution make provision as to:-

- (a) the nature and content of tests of competence to drive for the purpose of the issue of licences under this Law;
- (b) the minimum standards required for vehicles to be used for such tests;
- (c) the qualifications, selection and appointment of persons by whom they may be conducted and the revocation of any appointment;

and generally with regard to such tests.

(2) The Committee may, by Resolution:-

- (a) approve the persons providing approved training courses for motor cyclists;
- (b) prescribe the nature and content of such training courses; and
- (c) prescribe the maximum fees payable by persons undergoing such training courses."

(h) in section 21(1), after the words "refusing to issue or grant a licence" insert "or granting a licence subject to conditions";

(i) in section 26(1), after the definition of "conditions" insert the following definition:-

" **"counterpart"**, in relation to a licence, means a document entitled "Driving Licence Counterpart" which was issued at the time of the grant of that licence and which relates to that licence;"

(j) in section 26(1), in the definition of "under this Law", after the words "any provisions of this Law and" insert ", except in section 22,".

**Amendment to 1991 Law**

2. Section 14 of the Administration of Justice (Bailiwick of Guernsey) Law, 1991(c), is hereby amended as follows:-

- (a) in subsection (1), delete paragraphs (d) and (e);

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(c) Order in Council No. I of 1991.

- (b) in subsection (2), delete paragraphs (a) and (b) and the words "if this section applies to him by virtue of paragraph (a), (b) or (c) of subsection 1,";
- (c) in subsection (4), delete the words "driving licence or".

**Citation**

3. This Law may be cited as the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995.