

# ORDER IN COUNCIL

**XIX**  
**2007**

ratifying a Projet de Loi

ENTITLED

## **The Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007**

(Registered on the Records of the Island of Guernsey  
on the 18th December, 2007.)



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2007

## ORDER IN COUNCIL



### IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

18th day of December, 2007 before Richard John Collas, Esquire, Deputy Bailiff;  
present:- David Charles Lowe, OBE, Stephen Edward Francis Le Poidevin, Alan  
Cecil Bisson, Keith Bichard OBE, Esquires, The Reverend Peter Gerald Lane,  
Michael Henry De La Mare, Michael John Tanguy, Esquires, Susan Mowbray,  
Barbara Jean Bartie, David Osmond Le Conte and John Ferguson, Jurats

The Deputy Bailiff having this day placed before the Court an  
Order of Her Majesty in Council dated 12<sup>th</sup> December 2007 approving and ratifying a Projet de  
Loi entitled the Motor Taxation and Licensing (Guernsey) (Amendment) Law 2007, 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.



*At the Court at Buckingham Palace*

THE 12th DAY OF DECEMBER 2007

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY  
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“In accordance with Your Majesty’s General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

“That, in pursuance of their Resolutions of 24th February 2000, 31st March 2006 and 26th October 2006, the States of Deliberation at a meeting on 30th May 2007 approved a *Projet de Loi* entitled *The Motor Taxation and Licensing (Guernsey) (Amendment) Law 2007* and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction *The Motor Taxation and Licensing (Guernsey) (Amendment) Law 2007*, and to order that it shall have force of law in the Islands of Guernsey and Alderney.

“The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it”.

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Islands of Guernsey and Alderney and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty’s Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty’s Order and to proceed accordingly.

*Judith Simpson*

# PROJET DE LOI

ENTITLED

## **The Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007**

**THE STATES**, in pursuance of their Resolutions of the 24<sup>th</sup> February, 2000<sup>a</sup>, the 31<sup>st</sup> March, 2006<sup>b</sup> and the 26<sup>th</sup> October, 2006<sup>c</sup>, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey and Alderney.

### **Amendments to Law of 1987.**

1. The Motor Taxation and Licensing (Guernsey) Law, 1987, as amended<sup>d</sup> ("**the Law of 1987**"), is further amended as follows.

2. In the arrangement of sections in the Law of 1987 -

- (a) for the entry relating to section 2A<sup>e</sup> substitute  
"Regulations as to registration, motor taxation,  
licences and fees.",

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<sup>a</sup> Article VI of Billet d'État No. VI of 2000.

<sup>b</sup> Article VIII of Billet d'État No. VII of 2006.

<sup>c</sup> Article XII of Billet d'État No. XVII of 2006.

<sup>d</sup> Ordres en Conseil Vol. XXX, p. 341; amended by No's XI of 1995 and IX of 2000.

<sup>e</sup> Section 2A was inserted by No. IX of 2000.

- (b) in the entry relating to section 3 the words "and taxed" are repealed,
- (c) the entries relating to sections 4, 6, 13, 16 and 17 are repealed,
- (d) for the entry relating to section 14 substitute "Form of applications and documents, etc under this Law.", and
- (e) the following entries are inserted at the appropriate places -

"2C. Inspection of motor vehicles."

"2D. Registration of vehicles owned by corporations."

"14A. Provision of information to Committee."

"28A. Power to amend Law by Ordinance, and provisions as to Ordinances."

"28B. References to repealed enactments."

3. In section 2 of the Law of 1987 -

- (a) in paragraph (2), the words "and the charges payable therefor" are repealed,
- (b) paragraphs (6), (7), (11), (12) and (28) are repealed,

- (c) in paragraph (15) the words "and the surcharge payable for the issue of licences of lesser periods" are repealed, and
- (d) in paragraphs (17) to (22) after "licence" and "licences" wherever appearing insert "and/or trade plates".

4. In section 2A of the Law of 1987<sup>f</sup> -

- (a) for the heading substitute "Regulations as to registration, motor taxation, licences and fees.", and
- (b) after paragraph (d) insert the following additional paragraphs -
  - "(e) the classes of vehicles which shall not be treated as motor vehicles for the purposes of this Law,
  - (f) the classes or uses of motor vehicles exempted from the requirement to register,
  - (g) subject to the approval of the Treasury and Resources Department, the classes or uses of motor vehicles exempted from the requirement to pay motor tax,

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<sup>f</sup> Section 2A was inserted by No. IX of 2000.

- (h) subject to the approval of the Treasury and Resources Department, the classes or uses of motor vehicles entitled to preferential rates of taxes and the preferential rates of taxes chargeable thereunder,
- (i) subject to the approval of the Treasury and Resources Department, the surcharge payable for the issue of licences of particular periods,
- (j) without prejudice to section 15, the fees chargeable upon first and subsequent registration of a motor vehicle and for all other administrative services relating to licensing and vehicle registration, including (without limitation) -
  - (i) the issue of duplicate registration books, tax discs and other documents,
  - (ii) the issue and renewal of trade plates, and trade plate deposits, and
  - (iii) the making of refunds,
- (k) the definition of the expression "motor vehicle", or of any class or use of motor vehicle, for the purposes of this Law,

- (l) the classes or uses of motor vehicles the driving of which is exempted from the requirement to hold a driving licence, and
- (m) the layout, dimensions, size, arrangement, content and display of, and other requirements (whether as to construction or otherwise) in respect of, registration marks and other marks, signs, badges, symbols and plates which, under this Law, are to be displayed on motor vehicles."

5. In section 2B of the Law of 1987<sup>g</sup> -

- (a) in paragraph (c) after the words "necessary or expedient" insert "including, without limitation, provision repealing, amending or modifying this Law or any other enactment", and
- (b) for paragraph (d) substitute the following paragraphs -
  - "(d) may make provision in relation to all cases to which section 2A extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
  - (dd) may make, as respects the cases in relation to

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<sup>g</sup> Section 2B was inserted by No. IX of 2000.

which they are made -

- (i) the full provision to which section 2A 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 prescribed conditions, and".

6. After section 2B of the Law of 1987<sup>h</sup> insert the following sections -

**"Inspection of motor vehicles.**

2C. (1) A person applying for the registration of a motor vehicle under this Law shall, if the Committee so requires, make the vehicle available for inspection and examination by or on behalf of the Committee at such time and place as the Committee may require.

(2) If there is a failure to comply with any requirement of the Committee under subsection (1) the Committee

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<sup>h</sup> Section 2B was inserted by No. IX of 2000.

may refuse to register the motor vehicle in question.

**Registration of vehicles owned by corporations.**

**2D.** The Committee shall refuse -

- (a) to register a motor vehicle on the application of a body corporate (wherever incorporated), or
- (b) to register a body corporate (wherever incorporated) as the keeper of a motor vehicle,

if not satisfied that the body corporate is carrying on a business in this Island and that the vehicle will be based or operated in this Island for the purposes of that business."

7. In section 3 of the Law of 1987 (which shall come into force on the 1<sup>st</sup> January, 2008) -

- (a) in the marginal note the words "and taxed" are repealed,
- (b) in subsection (1) -
  - (i) the words "and taxed" and "or to pay motor tax, as the case may be," are repealed,
  - (ii) after "Ordinance" insert "or regulations",
  - (iii) for "to pay motor tax" substitute "to be registered",

(c) in subsection (2) -

(i) the words "or taxed, as the case may be," are repealed,

(ii) the words "not exceeding forty-eight hours" are repealed,

(iii) in paragraph (a) before "from" insert "not exceeding 48 hours", and

(iv) in paragraph (b) before "from" insert "not exceeding 14 days",

(d) subsection (3) is repealed.

8. Sections 4, 6 and 13 of the Law of 1987 are repealed.

9. For section 14 of the Law of 1987 substitute the following sections -

**"Form of applications and documents, etc under this Law.**

14. Any document (including, without limitation, any registration document, licence or certificate and any application for such) and any information to be issued or furnished by or to the Committee under or for the purposes of this Law or any other enactment relating to motor vehicles -

(a) shall be in such form (including, without limitation, in electronic or facsimile form or in

the form of a copy),

- (b) shall contain such particulars,
- (c) shall be furnished and verified in such manner,  
and
- (d) shall be accompanied by such additional  
documents and information,

as the Committee may require.

**Provision of information to Committee.**

**14A.** The owner of a motor vehicle shall furnish to the Committee such documents and information, whether relating to the vehicle or the registration thereof or otherwise, as the Committee may require under or for the purposes of this Law."

**10.** Sections 16 and 17 of the Law of 1987 are repealed.

**11.** Section 18 of the Law of 1987 shall come into force on the 1<sup>st</sup> January, 2008.

**12.** In section 22 of the Law of 1987 -

- (a) in paragraph (c) after "whatsoever" insert "or otherwise under or for the purposes of this Law", and
- (b) the proviso is repealed.

13. In section 23 of the Law of 1987 after "under any Ordinance" insert "or regulations".

14. In section 26(1) of the Law of 1987 -

- (a) in the definition of "category" paragraph (b) is repealed,
- (b) in the definition of "conditions" paragraph (b) is repealed,
- (c) the definition of "motor tax" is repealed,
- (d) in the definition of "prescribed" after "Ordinance" insert "or regulations",
- (e) the definition of "taxed" is repealed,
- (f) after the definition of "test of competence to drive" insert the following definition -  
  
"this Island" means the Islands of Guernsey and Alderney, ",
- (f) the definition of "trade licence" is repealed,
- (g) in the definition of "under this Law" after "Ordinance" insert "or regulations", and
- (h) the definition of "vehicle licence" is repealed.

15. In section 28(1) of the Law of 1987, after "modified by an Ordinance" insert "or regulations".

16. After section 28 of the Law of 1987 insert the following sections -

**"Power to amend Law by Ordinance, and provisions as to Ordinances.**

**28A.** (1) The States may by Ordinance amend this Law.

(2) The power conferred by subsection (1) is without prejudice to any other power conferred by this Law to enact Ordinances or regulations (and vice versa).

(3) An Ordinance under this Law -

(a) may, for the avoidance of doubt -

(i) create new offences, and

(ii) repeal, replace, amend, extend, adapt, modify or disapply any rule of customary or common law,

(b) may be amended or repealed by a subsequent Ordinance hereunder,

(c) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient including, without limitation,

provisions repealing, amending or modifying any enactment.

(4) Any power conferred by this Law to make an Ordinance 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 prescribed conditions.

**References to repealed enactments.**

**28B.** Any reference in any enactment to an enactment -

- (a) which is amended by or under this Law, or
- (b) which is repealed and re-enacted with or without modification by or under this Law,

shall be construed as a reference thereto as from time to time amended or, as the case may be, re-enacted."

**Consequential amendment to Compulsory Third-party Insurance Law.**

17. In section 1(1) of the Road Traffic (Compulsory Third-party Insurance) (Guernsey) Law, 1936<sup>i</sup>, as amended, for the words "in relation to which the provisions of section three of that Law apply", wherever appearing<sup>j</sup>, substitute "in relation to which the provisions of section three of that Law would apply, were that section still in force".

**Savings for Ordinances.**

18. Notwithstanding the repeal by this Law of certain words and provisions of the Law of 1987, any Ordinance -

- (a) which was in force immediately before the commencement of this Law, and
- (b) which was made under or by virtue of any of the words or provisions repealed,

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<sup>i</sup> Ordres en Conseil Vol. X, p. 388.

<sup>j</sup> Those words were inserted by Ordres en Conseil Vol. XVIII, p. 257; and Vol. XX, p. 246.

shall continue to have effect until repealed, amended or modified by an Ordinance or regulations under the Law of 1987.

**References to amended enactments.**

19. Any reference in any enactment to an enactment which is amended by this Law shall be construed as a reference thereto as from time to time amended.

**Repeals.**

20. The Laws named in the Schedule are repealed to the extent specified therein.

**Application of this Law and 1987 Law to Alderney.**

21. (1) This Law has effect in the islands of Guernsey and Alderney.

(2) For the avoidance of doubt, the Law of 1987, the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995<sup>k</sup> and the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2000<sup>l</sup> shall be deemed to have effect, and to have had effect since their coming into force, in the Islands of Guernsey and Alderney.

**Interpretation.**

22. (1) In this Law "the Law of 1987" means the Motor Taxation and Licensing (Guernsey) Law, 1987<sup>m</sup>.

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<sup>k</sup> Order in Council No. XI of 1995.

<sup>l</sup> Order in Council No. IX of 2000.

<sup>m</sup> Ordres en Conseil Vol. XXX, p. 341; amended by No's XI of 1995 and IX of 2000.

(2) References in this Law to an enactment are references thereto as from time to time amended, repealed and replaced (with or without modification), extended or applied.

**Citation and commencement.**

**23.** (1) This Law may be cited as the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007.

(2) This Law shall come into force on the 1<sup>st</sup> January, 2008.

## SCHEDULE

Section 20

### REPEALS

1. NAME OF LAW	2. EXTENT OF REPEAL
The Indirect Taxes, Duties and Impôts (Increase of Rates) (Guernsey) Law, 1970 <sup>n</sup>	Sections 3 to 8 and the Schedule <sup>o</sup>
Indirect Taxes, Duties and Impôts (Miscellaneous Amendments and Repeals) (Guernsey) Law, 1974 <sup>p</sup>	The whole Law

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<sup>n</sup> Ordres en Conseil Vol. XXII, p. 473.

<sup>o</sup> Sections 1 and 2 were repealed by (respectively) No. X of 2004 and Vol. XXVI, p. 86.

<sup>p</sup> Ordres en Conseil Vol. XXIV, p. 236.