

# ORDER IN COUNCIL

**XXI**

**1987**

ratifying a *Projet de Loi*

ENTITLED

## **The Motor Taxation and Licensing (Guernsey) Law, 1987**

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(Registered on the Records of the Island of Guernsey  
on the 16th February, 1988.)

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1987.

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 16th day of February, 1988 before Sir Charles Frossard, Kt., Bailiff; present:—Donald Pescott Plummer, Brian Ernest Herbert Joy, Herbert Nicolle Machon, James de Sausmarez Carey, John Christopher Bulstrode, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss and John Edward Morris, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 18th December, 1987 approving and ratifying a *Projet de Loi* of the States of Guernsey entitled "The Motor Taxation and Licensing (Guernsey) Law, 1987", THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Procureur 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 December 1987

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 7th day of December 1987 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 14th day of March 1985, the States of Deliberation at a meeting held on the 29th day of April 1987 approved a Bill or “Projet de Loi” entitled “The Motor Taxation and Licensing (Guernsey) Law, 1987”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or ‘Projet de Loi’ is as 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 (Guernsey) Law, 1987”, 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.

*G. I. de Deney.*



# PROJET DE LOI

ENTITLED

## **The Motor Taxation and Licensing (Guernsey) Law, 1987**

### ARRANGEMENT OF SECTIONS

#### *Section*

1. Establishment and duty of the Committee.
2. Control over the registration, taxation and licensing of motor vehicles and the licensing of drivers, by Ordinance.
3. Prohibition against the use of motor vehicles not registered and taxed on a public highway.
4. Prohibition against the use of motor vehicles on a public highway where a higher rate of tax chargeable is not paid.
5. Prohibition against the driving of motor vehicles on a public highway without a driving licence.
6. Compliance with conditions attaching to trade licences.
7. Compliance with conditions attaching to driving licences.
8. Disqualification on conviction for traffic offences.
9. Effect of disqualification, suspension and appeal.
10. Offence of obtaining a driving licence, or driving, while disqualified.

*Section*

11. Endorsement of driving licences.
12. Arrest of persons driving while disqualified.
13. Deemed cancellation of registration of a motor vehicle and re-allocation of registration mark.
14. Applications under the Law.
15. Issue and charges for administrative documents, etc., by the Committee.
16. Suspension or abolition of motor tax, by Ordinance.
17. Payment for licences by cheque.
18. Ownership of motor vehicles for the purposes of this Law.
19. Notice of refusal, etc.
20. Service of notices.
21. Appeals.
22. Offences.
23. Certain penalties to be prescribed by Ordinance.
24. Offences by bodies corporate.
25. Variation and repeal of Ordinances.
26. Interpretation.
27. Savings for other enactments.
28. Repeals, transitional provisions and miscellaneous savings by Ordinance.
29. Citation.
30. Commencement.

## SCHEDULE

*Laws which the States may repeal in whole or in part or modify by Ordinance under section 28 of the Law*

# PROJET DE LOI

ENTITLED

## **The Motor Taxation and Licensing (Guernsey) Law, 1987**

THE STATES, in pursuance of their Resolution of the 14th day of March, 1985, 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.

1. The Committee responsible for carrying out the provisions under this Law (hereinafter referred to as "the Committee") shall be the States Board of Administration or such other Committee of the States as the States may, from time to time, by Resolution appoint.

Establishment and duty of the Committee.

2. The States may, from time to time, by Ordinance make such provision as they deem necessary or expedient for the registration, taxation and licensing of motor vehicles used on public highways and for the licensing of persons authorised to drive motor vehicles on public highways and, without prejudice to the generality of the foregoing, they may, from time to time, by Ordinance, in particular, make provision for all or any of the following matters:—

Control over the registration, taxation and licensing of motor vehicles and the licensing of drivers, by Ordinance.

- (1) the requirements to be observed for the registration of motor vehicles, including provisions relating to the importation, sale, ownership, testing and examination of motor vehicles for any of the purposes of this

Law and the issue of registration documents, the revocation and the cancellation of registration and registration documents;

- (2) the requirements to be observed for the issue of new registration documents in place of documents lost or defaced, and the charges payable therefor;
- (3) the requirements to be observed by the registered keeper of a motor vehicle where there is a change in the ownership of that vehicle and the requirements to be observed by a registered keeper where there is a change in his name or address;
- (4) the requirements to be observed relating to motor vehicles which have been broken up, destroyed or permanently exported;
- (5) the requirements to be observed by authorised insurers for the notification of motor vehicles insured by them and which are classified as damaged beyond economic repair limits;
- (6) the classes of vehicles which shall not be treated as motor vehicles for the purposes of this Law;
- (7) the classes of motor vehicles exempted from the requirement to register;
- (8) the allocation of registration marks, including provisions for revoking, cancelling, surrendering, reserving, retaining and exchanging registration marks and the charges payable therefor;
- (9) the obligation to pay tax (hereinafter referred to as "motor tax") in respect of every motor vehicle used on a public highway;

- (10) the method according to which motor vehicles are taxed and the rates of taxes chargeable thereunder;
- (11) the classes or uses of motor vehicles exempted from the requirement to pay motor tax;
- (12) the classes or uses of motor vehicles entitled to preferential rates of taxes and the preferential rates of taxes chargeable thereunder;
- (13) the requirements to be observed for the issue of vehicle licences, including provisions for cancelling, surrendering and revoking thereof;
- (14) the refund of motor tax for surrendered vehicle licences and the method according to which such refunds shall be calculated;
- (15) the period of validity of a vehicle licence and the surcharge payable for the issue of licences of lesser periods;
- (16) the requirements to be observed for the issue of new vehicle licences in place of licences lost or defaced and the charges payable therefor;
- (17) the requirements to be observed for the issue of trade licences, including changes of name and address and provisions for inspecting trade premises and the cancelling, surrendering and revoking of trade licences;
- (18) the categories of trade licences and the fees chargeable thereunder;
- (19) the conditions attaching to the use of a motor vehicle under a trade licence;

- (20) the period of validity of a trade licence and the surcharge payable for the issue of a licence of lesser period;
- (21) the requirements to be observed for the issue of new trade licences in place of licences lost or defaced and the charges payable therefor;
- (22) the refund of fees for surrendered trade licences and the method according to which such refunds shall be calculated;
- (23) the requirements to be observed and the conditions to be complied with in respect of the use of motor vehicles by the chronically sick and disabled persons;
- (24) the requirements to be observed for the grant of a driving licence, including provisions relating to tests of competence to drive, age entitlement, parental consent in respect of minors, changes of name and address, physical fitness, disabilities, and for cancelling, surrendering and revoking driving licences;
- (25) the categories of driving licences;
- (26) the fees chargeable for a full driving licence and a provisional driving licence;
- (27) the conditions attaching to full driving licences and provisional driving licences;
- (28) the classes of motor vehicles the driving of which is exempted from the requirement to hold a driving licence;
- (29) the period of validity of a full driving licence and a provisional driving licence;

- (30) the period during which a certificate of competence to drive shall remain valid for the purpose of obtaining a full driving licence;
- (31) the period during which a full driving licence may be renewed without the requirement to produce a new certificate of competence to drive;
- (32) the requirements to be observed and the conditions under which a person holding a permit to drive motor vehicles for the time being in force granted under the authority of a country outside this Island designated by the Committee as being a country in respect of which the Committee is satisfied that satisfactory provision is made under and by the law of that country for the granting of permits to drive motor vehicles shall entitle that person to apply for and obtain a driving licence under this Law of the same category or its corresponding category, without the requirement to produce a certificate of competence to drive;
- (33) the requirements to be observed for the issue of new driving licences in place of licences lost or defaced, and the charges payable therefor;
- (34) the maintaining of records in connection with any function under this Law;
- (35) the powers of officers of police in connection with the production and inspection of registration documents, licences and certificates under this Law; and

to make such ancillary and incidental provisions, from time to time, as appear to the States to be necessary or desirable for the implementation of this Law and to make different provisions for different purposes under this Law.

Prohibition  
against the  
use of motor  
vehicles not  
registered  
and taxed  
on a public  
highway.

3. (1) Subject to the succeeding provisions of this section, a person shall not use a motor vehicle or cause or permit a motor vehicle to be used on a public highway unless such vehicle is registered and taxed under this Law or unless such vehicle is exempted from the requirements to register or to pay motor tax, as the case may be, by virtue of any Ordinance made under this Law or unless such vehicle is for the time being exempted from the requirement to pay motor tax in this Island under and by virtue of any enactment relating to the International Circulation of Motor Vehicles.

(2) Notwithstanding the provisions of subsection (1) of this section, it shall be lawful for a person to use on a public highway a motor vehicle which is not registered or taxed, as the case may be, under this Law if such vehicle is used by the owner of that vehicle or by another person with the consent of such owner during a period not exceeding forty-eight hours—

- (a) from the beginning of his taking possession of the vehicle as the owner thereof; or
- (b) from the beginning of his taking up permanent residence in this Island.

(3) Notwithstanding the provisions of subsection (1) of this section, it shall be lawful for a person to use or cause or permit another person to use a motor vehicle on a public highway if such vehicle is used under and in accordance with a trade licence.

4. Where a vehicle licence has been issued in respect of a motor vehicle and where for any reason whatsoever a higher rate of tax becomes chargeable as prescribed under this Law in respect of that vehicle, a person shall not use or cause or permit another person to use that vehicle on a public highway unless such higher rate of tax has been paid.

Prohibition against the use of motor vehicles on a public highway where a higher rate of tax chargeable is not paid.

5. (1) Subject to the succeeding provisions of this section, a person shall not drive a motor vehicle of any class on a public highway unless such person is the holder of a driving licence under this Law of such category authorising him to drive motor vehicles of that class or unless such person is the holder of a permit to drive motor vehicles for the time being in force granted by the authority of a country outside this Island which under and by virtue of any enactment relating to the International Circulation of Motor Vehicles authorises him to drive motor vehicles of that class in this Island without holding a driving licence under this Law.

Prohibition against the driving of motor vehicles on a public highway without a driving licence.

(2) Subject to the succeeding provisions of this section, a person shall not cause or permit another person to drive a motor vehicle of any class on a public highway unless such other person is the holder of a driving licence under this Law of such category authorising him to drive motor vehicles of that class or unless such other person is the holder of a permit to drive motor vehicles for the time being in force granted by the authority of a country outside this Island which under and by virtue of any enactment relating to the International Circulation of Motor Vehicles authorises him to drive motor vehicles of that class in this Island without holding a driving licence under this Law.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, it shall be lawful for a person to drive or cause or permit another person to drive a motor vehicle of any class on a public highway without holding a driving licence under this Law if such vehicle is of a class the driving of which is exempted under this Law from the requirement to hold a driving licence.

Compliance with conditions attaching to trade licences.

6. (1) A person who is the holder of a trade licence shall not use or cause or permit another person to use a motor vehicle on a public highway under the trade licence issued to him under this Law otherwise than in compliance with such conditions attaching to that licence.

(2) Where a person, not being a person who is the holder of a trade licence, uses a motor vehicle on a public highway under a trade licence he shall not use such vehicle otherwise than in compliance with such conditions attaching to that licence.

Compliance with conditions attaching to driving licences.

7. A person who is the holder of a driving licence shall not drive a motor vehicle on a public highway under the driving licence granted to him otherwise than in compliance with such conditions attaching to that licence.

Disqualification on conviction for traffic offences.

8. Where a person is convicted under any enactment for the time being in force in this Island including this Law of an offence relating to the circulation of a motor vehicle on a public highway (hereinafter referred to as a "traffic offence") the Court which convicts that person may, in addition to imposing the penalty in respect of that offence—

(a) in the case where such person is the holder of a driving licence—

- (i) order him to be disqualified from holding a driving licence of any category for such period as the Court thinks fit; or
  - (ii) order him to be disqualified from holding a driving licence of any category until such person has, since the date of the order, passed a test of competence to drive prescribed under this Law; or
- (b) in the case where such person is not the holder of a driving licence, order him to be disqualified from obtaining a driving licence of any category for such period as the Court thinks fit:

Provided that—

- (i) except in the case of an order made in consequence of a conviction under the Road Traffic (Driving under the Influence of Drink or Drugs) (Guernsey) Law, 1986(a), the Court, in ordering any disqualification from holding or obtaining a driving licence under this section, may direct that such disqualification shall relate to one or some only of the categories of driving licence;
- (ii) the provisions of this section and of the last preceding proviso shall, notwithstanding the provisions of section 2 of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936(b), apply in relation to the power of the Court to disqualify a person by virtue of a conviction under that section,

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(a) No. XV of 1986.

(b) Ordres en Conseil Vol. X, p. 388.

but shall not affect the power of the Court under the aforesaid section 2 to order a disqualification for a period of twelve months from the date of the conviction unless the Court for special reasons thinks fit to order otherwise and without prejudice to the power of the Court to order a longer period of disqualification.

Effect of dis-  
qualification,  
suspension  
and appeal.

9. (1) Where the holder of a driving licence is disqualified, that licence shall be treated as being revoked with effect from the beginning of the period of disqualification; and for this purpose, if the licence holder appeals against the order and the disqualification is suspended under subsection (2) of this section, the period of disqualification shall be treated as beginning on the day on which the disqualification ceases to be suspended:

Provided that where the disqualification relates to one or some only of the categories comprised in that licence, the revocation under this section shall apply only to that category or those categories.

(2) Notwithstanding any provisions to the contrary in any enactment for the time being in force in this Island, a person disqualified by an order of a Court may appeal against the order in the same manner as against a conviction and the Court which makes an order disqualifying a person may, if it thinks fit, suspend the disqualification pending an appeal against the order.

(3) Where a Court exercises its power under subsection (2) of this section, Her Majesty's Greffier shall forthwith send a copy of the order suspending the disqualification to the Committee.

(4) In determining the expiration of the period for which a person is disqualified by an order of a

Court made in consequence of a conviction, any time after the conviction during which the disqualification was suspended shall be disregarded.

(5) A disqualification by virtue of an order of a Court made under paragraph (a)(ii) of section 8 of this Law shall be deemed to include an order authorising the person disqualified to apply for and obtain a provisional driving licence during the period of disqualification ordered by the Court:

Provided that the Court may by order prohibit the person disqualified from applying for or obtaining a provisional driving licence under this subsection for such period as the Court thinks fit.

(6) A disqualification by virtue of an order of a Court under paragraph (a)(ii) of section 8 of this Law shall be deemed to have expired on production to the Committee of a certificate of competence to drive motor vehicles of the class or classes in respect of the category or categories of driving licence to which the disqualification relates that the person disqualified has, since the order was made, passed the requisite test of competence to drive.

(7) A driving licence of any category obtained by any person who is disqualified from driving a motor vehicle of any class, other than a provisional driving licence obtained by a person disqualified by an order of a Court made under paragraph (a)(ii) of section 8 of this Law and entitled to obtain such a provisional driving licence under subsection (5) of this section, shall be of no effect.

10. Subject to the provisions of subsection (5) and (7) of section 9 of this Law, a person disqualified from holding or obtaining a driving licence shall not while he is so disqualified—

Offence of obtaining a driving licence, or driving, while disqualified.

- (a) apply for or obtain a driving licence of any category which relates to any class or classes of motor vehicles to which the disqualification relates; or
- (b) drive any motor vehicle on a public highway, or if the disqualification is limited to the driving of a motor vehicle of any class or classes comprised in any particular category or categories of driving licence, a motor vehicle of that class or classes.

Endorsement of driving licences.

11. (1) Where a person is convicted of a traffic offence and the Court orders the convicted person to be disqualified, the order of disqualification shall be deemed to include an order that there shall be endorsed particulars of the conviction and particulars of the disqualification on any driving licence held by the convicted person, whether such person is at the time of the disqualification the holder of a driving licence or not, and such order shall operate as an order that any driving licence he may then hold shall be so endorsed by Her Majesty's Greffier under subsection (4) of this section and in addition that any driving licence he may subsequently obtain shall be so endorsed by the Committee until he becomes entitled under subsection (3) of this section to have a driving licence issued to him free from the aforesaid particulars.

(2) A person whose driving licence has been endorsed pursuant to the provisions of subsection (1) of this section shall be entitled to have a new driving licence issued to him free from the particulars to which the endorsement applies if, after the end of the period for which the endorsement remains effective, he applies for a new driving licence as may be prescribed, pays the prescribed fee and satisfies any other requirements as may be prescribed.

(3) An endorsement pursuant to the provisions of subsection (1) of this section on a person's disqualification remains effective until five years have elapsed since the date of the expiry of the disqualification to which the endorsement relates.

(4) A person who is the holder of a driving licence charged with a traffic offence shall deliver his licence to Her Majesty's Greffier at or before the hearing of such charge and Her Majesty's Greffier shall hold such licence 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 endorse the licence pursuant to the provisions of subsection (1) of this section and—

- (a) if the disqualification ordered relates to all the categories specified in the licence, Her Majesty's Greffier shall return the licence to the Committee for cancellation together with a copy of the order;
- (b) where the disqualification ordered relates to one or some only of the categories specified in the licence, Her Majesty's Greffier shall return the licence to the convicted person and forthwith send a copy of the order to the Committee:

Provided that nothing in this subsection shall affect the operation of the provisions of any enactment relating to the International Circulation of Motor Vehicles where the person convicted of the offence charged is the holder of a permit authorising him to drive motor vehicles in this Island without holding a driving licence under this Law and the Court orders him to be disqualified.

(5) Where a driving licence is cancelled pursuant to the provisions of subsection (4)(a) of this section, there shall not be refundable any fee in respect of any unexpired period of validity thereof.

Arrest of persons driving while disqualified.

12. An officer of police may arrest any person driving or attempting to drive a motor vehicle on a public highway whom he has reasonable cause to suspect of being disqualified.

Deemed cancellation of registration of a motor vehicle and re-allocation of registration mark.

13. (1) Where a motor vehicle has remained untaxed for any consecutive period exceeding two years, the Committee may serve notice in writing signed by the President or any other member of the Committee or officer thereof authorised in that behalf by the Committee on the registered keeper requesting such information relating to the vehicle and the reason for the vehicle being untaxed as the Committee may deem necessary.

(2) Where a notice has been served by the Committee on the registered keeper of a motor vehicle under the provisions of subsection (1) of this section and an acknowledgement by the registered keeper of receipt of the notice has not been received by the Committee within the period of six months from the date of service of the aforesaid notice, the registration of the motor vehicle to which the notice relates shall on the expiry of that period be deemed to have been revoked and the registration documents relating thereto shall forthwith cease to have effect; and the Committee shall thereafter be empowered to cancel the registration records relating to that vehicle and re-allocate the registration mark assigned thereto to any other vehicle without further notification to the aforesaid registered keeper:

Provided that the provisions of this section shall be without prejudice to a person the registration of

whose vehicle has been revoked under this section to make a new application for the re-registration of the vehicle under this Law and the allocation of a new registration mark in respect thereof.

14. Any application under this Law for any registration to be made, licence or certificate to be granted or issued shall be made in such form and shall contain such particulars as the Committee may, from time to time, determine and shall be accompanied by such information as the Committee may, from time to time, require, and any registration document, licence or certificate issued or granted under this Law shall be in such form as the Committee may, from time to time, determine.

Applications under this Law.

15. The Committee is hereby empowered to issue such administrative documents, information, and statistics for the purposes of this Law as it deems necessary or expedient and in such form and containing such particulars as the Committee may, from time to time, determine and to make such reasonable charges therefor and for copies thereof as the Committee may, from time to time, determine.

Issue and charges for administrative documents, etc., by the Committee.

16. Without prejudice to the provisions of section 2 of this Law, the States may, from time to time, by Ordinance suspend or abolish the requirements of any provisions of this Law relating to the obligation to pay motor tax for all or any class of motor vehicles.

Suspension or abolition of motor tax, by Ordinance.

17. (1) Where a licence is granted to any person on receipt of a cheque and the cheque is subsequently dishonoured, the licence shall be void as from the time when it was granted and, without prejudice to any proceedings which may be taken consequent

Payment for licences by cheque.

upon such dishonour, the Committee shall send to that person a notice in writing requiring him to deliver up the licence to the Committee within the period of seven days from the date when the notice was posted.

(2) If a person who has been required under subsection (1) of this section to deliver up a licence fails to comply with the requirement within the period mentioned in that subsection he shall be guilty of an offence under this Law.

Ownership of motor vehicles for the purposes of this Law.

18. Where an application is made under this Law for the registration of a motor vehicle, the person making such application shall be deemed for the purposes of this Law to be the owner of that vehicle and where a motor vehicle is registered under this Law, the registered keeper thereof shall be deemed for the purposes of this Law to be the owner of that vehicle.

Notice of refusal, etc.

19. Where under this Law, the Committee refuses to register a motor vehicle or refuses to issue or grant a licence or revokes the registration of a motor vehicle or revokes a licence, notice in writing of such refusal or revocation, setting out the reasons therefor and signed by the President or any other member of the Committee or officer thereof authorised in that behalf by the Committee shall be served, as soon as may be, on the applicant for the registration or the licence or on the registered keeper or licence holder, as the case may be.

Service of notices.

20. Any notice which may be served for the purposes of this Law shall be validly served:—

- (a) on any person, if delivered to him, left, or sent by registered post or by recorded delivery service to him, at his usual or last known place of abode;

- (b) on any firm if delivered to any partner of the firm or left at, or sent by registered post or by recorded delivery service to, the principal or last known principal place of business of the firm;
- (c) on any body corporate, if left at, or sent by registered post or by recorded delivery service to, its registered office if situate in this Island or, if its registered office is not so situate, its principal or last known principal place of business in this Island:

Provided that where the person to be served is a licence holder or a registered keeper, the address for service of any notice for the purposes of this Law with regard to any matter whatsoever concerning the licence held by him or the registered motor vehicle kept by him, as the case may be, shall be his registered address.

21. (1) Any person aggrieved by any decision of the Committee under this Law refusing to register a motor vehicle or refusing to issue or grant a licence or revoking the registration of a motor vehicle or revoking a licence may, within the thirty days exceeding the date of the service on him of a notice in pursuance of the provisions of section 20 of this Law, appeal therefrom to the Royal Court sitting as an Ordinary Court on the grounds that the decision of the Committee was ultra vires or was an unreasonable exercise of its powers. Appeals.

(2) Any appeal under this section shall be instituted by way of summons which shall set out the material facts upon which the appellant relies and which shall be served upon the President of the Committee to show cause why the decision appealed from should not be set aside or varied.

(3) On any appeal under this section the burden of satisfying the Royal Court that the decision of the Committee which is the subject of the appeal is *intra vires* or reasonable shall be discharged by the Committee and the Committee shall be entitled to a final right of reply.

(4) An appeal on any question of law shall lie to the Court of Appeal from any decision in first instance of the Royal Court under this section within such period and in such manner as may be prescribed by order of the Royal Court sitting as a Full Court.

**Offences.**

22. If any person—

- (a) does any act in contravention of any of the provisions of this Law or of the conditions prescribed in relation to any licence issued or granted under this Law; or
- (b) fails to do any act which he is required to do under this Law or under the conditions of any licence issued or granted under this Law; or
- (c) in connection with any application under this Law for the grant or issue or renewal of any registration, licence, certificate or other document whatsoever knowingly makes any false statement or recklessly makes any statement which is false in a material particular or produces or furnishes any information which he knows or believes to be false; or
- (d) knowingly fails to produce any registration document, licence or certificate which he is required to produce under this Law; or
- (e) wilfully obstructs any officer of police or any person duly authorised in the exercise of any of their powers under this Law; or

- (f) with intent to deceive, forges or alters or uses or lends to or allows to be used by any other person any registration document issued, licence or certificate granted or issued or any other document whatsoever issued under this Law;

he shall be guilty of an offence and liable, either—

- (a) on summary conviction, to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment; or
- (b) on indictment, to a fine not exceeding six hundred pounds or to imprisonment for a term not exceeding three years or to both such fine and such imprisonment:

Provided that—

- (i) in the case of a conviction for an offence under section 4 of this Law (Prohibition against the use of motor vehicles on a public highway where a higher rate of tax chargeable is not paid) the convicted person shall be liable to the penalty as provided under this section but the Court shall not impose a fine of less than three times the difference between the motor tax actually paid on the vehicle licence and the amount of motor tax at the higher rate.
- (ii) in the case of a conviction for an offence under section 6 of this Law (Compliance with conditions attaching to trade licences) the Court which convicts that person may, in addition, order the forfeiture of the trade licence in respect of which the conviction relates.

Certain penalties to be prescribed by Ordinance.

23. Save as otherwise expressly provided in section 22 of this Law, the States may, from time to time, by Ordinance prescribe the penalties which shall be incurred by any person guilty of an offence under any Ordinance made in pursuance of any of the provisions of this Law and different penalties may be so prescribed for different such offences:

Provided that any such penalty shall not exceed a maximum fine of six hundred pounds or imprisonment for a term not exceeding three years or both such fine and such imprisonment.

Offences by bodies corporate.

24. Where an offence under this Law or any Ordinance made thereunder which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Variation and repeal of Ordinances.

25. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

Interpretation.

26. (1) In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“authorised insurer” has the meaning assigned to it by section 3(3) of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936(c);

“class”; in relation to a motor vehicle, means any class or description of motor vehicle as prescribed;

“category” means—

(a) in relation to a driving licence, any category of driving licence as prescribed;

(b) in relation to a trade licence, any category of trade licence as prescribed;

“certificate of competency to drive” means a certificate issued to a person as prescribed certifying that such person has passed a test of competence to drive motor vehicles of such class or classes specified in such certificate; and the expression “certificate” shall be construed accordingly;

“the Committee” has the meaning assigned to it by section 1 of this Law;

“conditions” mean—

(a) in relation to a driving licence, such conditions attaching to that driving licence as prescribed;

(b) in relation to a trade licence, such conditions attaching to that trade licence as prescribed;

“disability” includes diseases;

“disqualified”, in relation to a driving licence, means disqualified from holding or obtaining a driving licence by order of a Court under any enactment for the time being in force in this Island including this Law; and the expression “disqualification” shall be construed accordingly;

“driving licence” means a licence granted under this Law as prescribed to drive a motor vehicle on a public highway and includes a full driving licence and a provisional driving licence;

“any enactment relating to the International Circulation of Motor Vehicles” means any enactment for the time being in force in this Island relating to the International Circulation of Motor Vehicles and includes the Motor Vehicles (International Circulation) (Guernsey) Law, 1956(*d*) and any Ordinance made thereunder;

“full driving licence” means a driving licence other than a provisional driving licence;

“licence” means any licence issued or granted under this Law as prescribed; and the expression “licensed” shall be construed accordingly;

“licence holder” means the person to whom a licence has been issued or granted under this Law as prescribed;

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(*d*) Ordres en Conseil Vol. XVII, p. 19.

“motor tax” has the meaning assigned to it by section 2(9) of this Law; and the expressions “tax” and “taxation” shall be construed accordingly;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on a public highway and includes a trailer drawn thereby; and the expression “vehicle” shall be construed accordingly;

“officer of police” means a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey;

“owner”, in relation to a person making an application for the registration of a motor vehicle and in relation to a registered keeper, has the meaning assigned to it by section 18 of this Law and the expression “ownership” shall be construed accordingly;

“prescribed” means prescribed by Ordinance made in accordance with any of the provisions of this Law;

“provisional driving licence” means a driving licence granted under this Law as prescribed for the purpose of enabling the licence holder to drive a motor vehicle with a view to passing a test of competence to drive;

“public highway” includes any road, street, lane or public place;

“registered”, in relation to a motor vehicle used on a public highway, means registered under this Law as prescribed; and the expressions “to register” and “registration” shall be construed accordingly;

“registered address”, in relation to the service of a notice pursuant to the provisions of section 20 of this Law upon a person being a licence holder or a registered keeper, means the address furnished by that person to the Committee under this Law as prescribed as being the address for the purposes of the licence held by him or the registered motor vehicle kept by him, as the case may be;

“registration document”, in relation to a motor vehicle, means the book or other document containing the particulars of the vehicle issued to the registered keeper thereof on the registration of the vehicle as prescribed;

“registered keeper”, in relation to a motor vehicle, means the person in respect of whom that motor vehicle is for the time being registered under this Law as prescribed;

“registration mark”, in relation to a motor vehicle, means the registered number assigned to that vehicle on the registration thereof as prescribed and the expression “mark” includes numerals and letters;

“taxed”, in relation to motor tax, means taxed under this Law as prescribed; and the expression “untaxed” shall be construed accordingly;

“test of competence to drive”, in relation to an application to drive a motor vehicle, means any such test of competence or test as to fitness or ability of the applicant as prescribed being a test authorising the grant of a driving licence of such category or categories in respect of motor vehicles of such class or classes to which the application relates;

“trade licence”, in relation to a motor vehicle, means a licence issued to a motor trader under this Law as prescribed for the use on a public highway of all motor vehicles which are from time to time temporarily in his possession in the course of his business as a motor trader and all recovery motor vehicles kept by him for the purpose of dealing with disabled motor vehicles in the course of that business;

“traffic offence” has the meaning assigned to it by section 8 of this Law;

“under this Law” means under any provisions of this Law and includes under any provisions of any Ordinance made under this Law and the expression “for the purposes of this Law” shall be construed accordingly;

“use”, in relation to a motor vehicle on a public highway, includes the keeping of a motor vehicle on a public highway and the expressions “uses” and “used” shall be construed accordingly;

“vehicle licence” means a licence issued under this Law as prescribed in respect of a motor vehicle used on a public highway upon payment of motor tax as prescribed;

(2) Except where the context otherwise requires, any reference in this Law to any other enactment shall be construed as including a reference to that enactment as amended, repealed, replaced, extended or applied by or under any other enactment including this Law.

27. The provisions of this Law shall not in any way affect the operation of any enactment for the time being in force in this Island relating to motor Savings for other enactments.

vehicles and driving licences except in so far as inconsistent with this Law and the provisions of this Law shall be in addition to, and not in derogation of, the provisions of any such other enactment.

Repeals,  
transitional  
provisions  
and miscel-  
laneous  
savings by  
Ordinance.

28. (1) The States may, from time to time, by Ordinance repeal in whole or in part or modify any of the Laws mentioned in the Schedule to this Law and, where any such Law is repealed or modified in accordance with this section, any Ordinance made under the provisions of that Law and in force immediately before the coming into force of such repeal or modification shall continue in force as though it were made under the provisions of this Law until repealed or modified by an Ordinance made under the provisions of this Law.

(2) Any Ordinance made under this section may contain such transitional provisions and savings as appear to the States to be necessary or expedient.

Citation.

29. This Law may be cited as the Motor Taxation and Licensing (Guernsey) Law, 1987.

Commence-  
ment.

30. (1) This Law shall come into force on such day as the States may by Ordinance appoint and different days may be so appointed as respects the coming into force of different provisions of this Law.

(2) Any power conferred by any provisions of this Law to make any Ordinance may be exercised at any time after the registration of this Law and before the day on which the provisions of this Law under which such Ordinance is made shall come into force:

Provided that such Ordinance shall not come into force until such aforesaid provisions of this Law under which it is made shall come into force.

*Laws which the States may repeal in whole or in part or modify by Ordinance under section 28 of this Law*

The Law entitled "Loi relative aux Automobiles" registered on the 11th day of December, 1926<sup>(e)</sup>.

The Law entitled "Loi supplémentaire relative aux Automobiles, 1932"<sup>(f)</sup>.

The Law entitled "Loi supplémentaire à la Loi relative aux Automobiles, 1932"<sup>(g)</sup>.

The Law entitled "Loi Supplémentaire relative aux Automobiles (Autorisations de Conduire), 1937"<sup>(h)</sup>.

The Law entitled "Loi Supplémentaire relative aux Automobiles (Autorisations à Conduire), 1939"<sup>(i)</sup>.

The Law entitled "Loi supplémentaire à la Loi relative aux Automobiles et concernant les Tracteurs Agricoles, 1946"<sup>(j)</sup>.

The Law entitled "Loi de 1950 supplémentaire à la Loi relative aux Automobiles"<sup>(k)</sup>.

The Driving Licences (Suspension) (Guernsey) Law, 1951<sup>(l)</sup>.

The Law entitled "Loi supplémentaire à la Loi relative aux Automobiles, 1954"<sup>(m)</sup>.

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- (e) Ordres en Conseil Vol. VIII, p. 56.
  - (f) Ordres en Conseil Vol. IX, p. 257.
  - (g) Ordres en Conseil Vol. IX, p. 299.
  - (h) Ordres en Conseil Vol. XI, p. 130.
  - (i) Ordres en Conseil Vol. XI, p. 299.
  - (j) Ordres en Conseil Vol. XII, p. 380.
  - (k) Ordres en Conseil Vol. XIV, p. 436.
  - (l) Ordres en Conseil Vol. XV, p. 43.
  - (m) Ordres en Conseil Vol. XVI, p. 121.

The Motor Vehicles (Taxation and Licensing) (Amendment) Law, 1956(n).

The Motor Vehicles (Taxation and Licensing) (Tractors) Law, 1957(o).

The Motor Vehicles (Taxation) (Amendment) Law, 1957(p).

The Motor Vehicles (Amendment) (Guernsey) Law, 1960(q).

The Motor Vehicles (Driving Licences) Law, 1963(r).

The Motor Vehicles (Amendment) (Guernsey) Law, 1966(s).

The Motor Vehicles (Amendment) (Guernsey) Law, 1967(t).

The Motor Vehicles (Amendment) (Guernsey) Law, 1969(u).

The Motor Vehicles (Amendment) (Guernsey) Law, 1970(v).

The Motor Vehicles and Road Traffic (Penalties) (Guernsey) Law, 1982(w).

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- (n) Ordres en Conseil Vol. XVII, p. 11.  
 (o) Ordres en Conseil Vol. XVII, p. 241.  
 (p) Ordres en Conseil Vol. XVII, p. 246.  
 (q) Ordres en Conseil Vol. XVIII, p. 257.  
 (r) Ordres en Conseil Vol. XIX, p. 164.  
 (s) Ordres en Conseil Vol. XX, p. 246.  
 (t) Ordres en Conseil Vol. XXI, p. 113.  
 (u) Ordres en Conseil Vol. XXII, p. 227.  
 (v) Ordres en Conseil Vol. XXII, p. 530.  
 (w) No. IV of 1982.

D. R. DOREY,  
 Her Majesty's Deputy Greffier.