

PROJET DE LOI

ENTITLED

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

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

© States of Guernsey

*

Ordres en Conseil Vol. XXX, p. 341; as amended by the: Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); Vehicle Registration and Licensing (Transfer of Functions) (Guernsey) Law, 1991 (No. VI of 1991, Ordres en Conseil Vol. XXXIII, p. 127); Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995 (No XI of 1995, Ordres en Conseil Vol. XXXVI, p. 256); Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2000 (No. IX of 2000, Ordres en Conseil Vol. XL, p. 298); Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007 (No. XIX of 2007); Island Traffic Committee (Transfer of Functions) (No. 2) Ordinance, 1992 (Recueil d'Ordonnances Tome XXVI, p. 90); Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); Motor Taxation (First Registration Duty) (Guernsey) Ordinance, 2016 (No. XIII of 2016); Motor Vehicles (International Circulation) (Amendment) Ordinance, 2019 (No. IV of 2019); Road Traffic (Trailer Registration) Ordinance, 2019 (No. VI of 2019); Motor Taxation (First Registration Duty of Motor Vehicles) (Guernsey) Ordinance, 2024 (No. XXVII of 2024). See also the: Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); Road Traffic (Drink Driving) (Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 512); Driving Licences (Guernsey) Ordinance, 1995 (Recueil d'Ordonnances Tome XXVI, p. 374).

PROJET DE LOI

ENTITLED

The Motor Taxation and Licensing (Guernsey) Law, 1987

ARRANGEMENT OF SECTIONS

Introduction

1. Establishment and duty of the Committee.
2. Control over the registration, taxation and licensing of motor vehicles and trailers and the licensing of drivers, by Ordinance.
- 2A. Regulations as to registration, motor taxation, licences and fees.
- 2B. General provisions relating to section 2A.
- 2C. Inspection of motor vehicles and trailers.
- 2D. Registration of vehicles owned by corporations.
3. Prohibition against the use of motor vehicles not registered on a public highway.
4. Prohibition against the use of trailers not registered on certain journeys.
5. Prohibition against the driving of motor vehicles on a public highway without a driving licence.
6. ...
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.
11. Endorsement of driving licences.
12. Arrest of persons driving while disqualified.
13. ...
14. Form of applications and documents, etc. under this Law.
- 14A. Provision of information to Committee.
15. Issue and charges for administrative documents, etc., by the Committee.
- 15A. Committee to maintain register.
- 15B. Additional powers of Committee.
16. ...
17. ...
18. Ownership of motor vehicles and trailers 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.
- 28A. Power to amend Law by Ordinance, and provisions as to Ordinances.
- 28B. References to repealed enactments.
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.

Establishment and duty of the Committee.

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

NOTES

In section 1,

the word in square brackets was substituted by the Island Traffic Committee (Transfer of Functions) (No. 2) Ordinance, 1992, section 4, Schedule 2, paragraph 21, with effect from 30th September, 1992;

the words within the square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(a), with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 4(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

The following case has referred to this Law:

Law Officers of the Crown v. Ian Louis Hutchinson (2004) (Unreported, Royal Court, 6th January) (Guernsey Judgment No 17/2004).

In accordance with the provisions of the Road Traffic (Drink Driving) (Guernsey) Law, 1989, section 2A(7), Schedule, with effect from 11th February, 2004, offences under this Law constitute "traffic offences" for the purposes of the 1989 Law.

In accordance with the provisions of the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 21(2), for the avoidance of doubt, this Law shall be deemed to have effect, and to have had effect since its coming into force, in the Islands of Guernsey and Alderney.

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

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 [and trailers] 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 –

- (1) the requirements to be observed for the registration of motor vehicles [and trailers], including provisions relating to the importation, sale, ownership, testing and examination of motor vehicles [and trailers] for any of the purposes of this Law and the issue of registration documents, the revocation and the cancellation of registration and registration documents,
[(1A) without prejudice to subsection (1), provision for the compulsory or voluntary registration of trailers,]
- (2) the requirements to be observed for the issue of new registration documents in place of documents lost or defaced, [...],

- (3) the requirements to be observed by the registered keeper of a motor vehicle [or trailer] where there is a change in the ownership of that vehicle [or trailer] 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 [or registered trailers] which have been broken up, destroyed or permanently exported,
- (5) the requirements to be observed by authorised insurers for the notification of motor vehicles [or registered trailers] insured by them and which are classified as damaged beyond economic repair limits,
- (6) ...
- (7) ...
- (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 [...],

- [(10A) without prejudice to the generality of section 2A(n), the rates of motor tax chargeable upon the first registration of a motor vehicle ("**first registration duty**"),]
- (11) ...
- (12) ...
- (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 [...],
- (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 [and/or trade plates], including changes of name and address and provisions for inspecting trade premises and the cancelling, surrendering and revoking of trade licences [and/or trade plates],
- (18) the categories of trade licences [and/or trade plates] and the fees chargeable thereunder,
- (19) the conditions attaching to the use of a motor vehicle under a

trade licence [and/or trade plates],

- (20) the period of validity of a trade licence [and/or trade plates] and the surcharge payable for the issue of a licence [and/or trade plates] of lesser period,
- (21) the requirements to be observed for the issue of new trade licences [and/or trade plates] in place of licences [and/or trade plates] lost or defaced and the charges payable therefor,
- (22) the refund of fees for surrendered trade licences [and/or trade plates] 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, [...] parental consent in respect of minors, changes of name and address, physical fitness, disabilities, and for cancelling, surrendering and revoking driving licences [but excluding any matter for which provision can be made by regulation under section 2A],
- (25) ...
- (26) ...
- (27) ...

- (28) ...
- (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,
- [(32A) the requirements to be observed for the grant and authentication of passes, certificates or other documents relating to vehicles or the drivers of vehicles which may be required for the purposes of travel abroad by persons resident in the Bailiwick, and the fees payable therefor,

- (32B) the requirements to be observed for modifying, in relation to vehicles brought temporarily into this Island by persons resident outside this Island, and in relation to persons so resident who are temporarily in this Island, and matters incidental thereto, any enactment relating to vehicles or the drivers of vehicles,]
- (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.

NOTES

In section 2,

first, the words in square brackets in the heading³, second, the words in square brackets in the introductory paragraph, third, the words in square brackets in subsection (1), fourth, subsection (1A), fifth, the words in square brackets in subsection (3) and, sixth, the words in square brackets in subsection (4) and subsection (5) were inserted by the Road Traffic (Trailer Registration) Ordinance, 2019, section 4, respectively paragraph (a), paragraph (b), paragraph (c), paragraph (d), paragraph (e) and paragraph (f), with effect from 29th March, 2019;

Consolidated text

the words omitted in, first, the square brackets in paragraph (2) and, second, the square brackets in paragraph (15) were repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, respectively section 3(a) and section 3(c), with effect from 1st January, 2008;

paragraph (6), paragraph (7), paragraph (11), paragraph (12) and paragraph (28) were repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 3(b), with effect from 1st January, 2008;

the words omitted in square brackets in paragraph (10) were repealed by the Motor Taxation (First Registration Duty) (Guernsey) Ordinance, 2016, section 3(2), with effect from 1st May, 2016;

paragraph (10A) was inserted by the Motor Taxation (First Registration Duty of Motor Vehicles) (Guernsey) Ordinance, 2024, section 1(a), with effect from 8th November, 2024;

the words in square brackets in paragraph (17), paragraph (18), paragraph (19), paragraph (20), paragraph (21) and paragraph (22) were inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 3(d), with effect from 1st January, 2008;

the words omitted in the first pair of square brackets in paragraph (24) were repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2000, section 1(b)(i), with effect from 22nd August, 2000, subject to the savings in section 2 of the 2000 Law;

the words in the second pair of square brackets in paragraph (24) were inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2000, section 1(b)(ii), with effect from 22nd August, 2000;

paragraph (25), paragraph (26) and paragraph (27) were repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2000, section 1(c), with effect from 22nd August, 2000, subject to the savings in section 2 of the 2000 Law;

subsection (32A) and subsection (32B) were inserted by the Motor Vehicles (International Circulation) (Amendment) Ordinance, 2019, section 2, with effect from 29th March, 2019.

The following Ordinances have been made under section 2:

*Road Traffic (Disabled Persons) (Amendment) Ordinance, 1991;
Driving Licences (Guernsey) Ordinance, 1995;
Driving Licences (Amendment) (Guernsey) Ordinance, 1996;
Driving Licences (Amendment) (No. 2) (Guernsey) Ordinance, 1996;
Driving Licences (Amendment) (No. 3) (Guernsey) Ordinance, 1996;
Registration Marks (Sale and Retention) Ordinance, 1997;*

Driving Tests and Driving Licences (Increase of Fees) Ordinance, 2000;
Driving Licences (Guernsey) (Amendment) Ordinance, 2002;
Motor Tax (Amendment) Ordinance, 2006;
Motor Taxation (Abolition) (Guernsey) Ordinance, 2006;
Motor Vehicles, Traffic and Licensing (Amendment) Ordinance, 2007;
Driving Licences (Guernsey) (Amendment) Ordinance, 2010;
Driving Licences (Guernsey) (Amendment) Ordinance, 2015;
Motor Taxation (First Registration Duty) (Guernsey) Ordinance, 2016;
Motor Vehicles (International Circulation) (Amendment) Ordinance, 2019;
Road Traffic (Trailer Registration) Ordinance, 2019;
Driving Licences (Guernsey) (Amendment) Ordinance, 2020.

The following Ordinance has effect as if made under section 2:

Motor Vehicles (International Circulation) Ordinance, 1974.

[[Regulations as to registration, motor taxation, licences and fees.]

2A. The Committee may by regulation make such provision as they consider necessary or expedient in relation to –

- (a) the categories of driving licences,
- (b) the fees chargeable for –
 - (i) driving licences, and
 - (ii) tests of competence to drive,
- (c) the conditions attaching to driving licences, and
- (d) the age requirements and staging requirements to be observed for the grant of driving licences,
- [(e) the classes of vehicles which shall not be treated as

motor vehicles [or trailers] for the purposes of this Law,

- (f) the classes or uses of motor vehicles [or trailers] exempted from the requirement to register,
- (g) subject to the approval of the [Policy & Resources Committee], the classes or uses of motor vehicles exempted from the requirement to pay motor tax,
- (h) subject to the approval of the [Policy & Resources Committee], 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 [Policy & Resources Committee], 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 [or trailer] 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 expressions "motor vehicle" or "trailer", or of any class or use of motor vehicle or trailer, 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, [...]
- (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 [or trailers][, and]]
- [(n) the rates (including the bands) of any motor tax chargeable under this Law [(excluding first registration duty)].]]

NOTES

Section 2A was inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2000, section 1(d), with effect from 22nd August, 2000.

In section 2A,

the marginal note thereto was substituted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 4(a), with effect from 1st January, 2008;

paragraphs (e)-(j) and (l)-(m) were inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 4(b), with effect from 1st January, 2008;

first, the words in square brackets within paragraph (e), paragraph (f) and paragraph (m) and, second, the words in square brackets within

paragraph (j) were inserted and, third, paragraph (k) (which was originally inserted by the *Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 4(b)*, with effect from 1st January, 2008) was substituted by the *Road Traffic (Trailer Registration) Ordinance, 2019, section 5*, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 29th March, 2019;

the words "Policy & Resources Committee" in square brackets, wherever occurring, were substituted by the *Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 15(a)*, with effect from 1st May, 2016;

the word omitted in square brackets in paragraph (l) was repealed, the punctuation and word in square brackets in paragraph (m) were substituted and paragraph (n) was inserted by the *Motor Taxation (First Registration Duty) (Guernsey) Ordinance, 2016, section 3(2)*, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 1st May, 2016;

the words in square brackets within paragraph (n) were inserted by the *Motor Taxation (First Registration Duty of Motor Vehicles) (Guernsey) Ordinance, 2024, section 1(b)*, with effect from 8th November, 2024.

The functions, rights and liabilities of the Treasury and Resources Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the *Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 15(a)*, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

The following Regulations have been made under section 2A:

Driving Licences (Guernsey) (Amendment) Order, 2001;
Driving Licences (Amendment) (Guernsey) Regulations, 2002;
Driving Licences (Amendment) (Guernsey) Regulations, 2006;
Motor Taxation and Licensing (Fees) (Guernsey) Regulations, 2007;
Driving Licences and Driving Tests (Fees) Regulations, 2012;
Motor Vehicles Licensing Traffic and Public Transport (Fees) (Guernsey) Regulations, 2013;
Motor Taxation and Licensing (Fees) (Guernsey) (Amendment) Regulations, 2014;
Motor Taxation (First Registration Duty) (Exemptions and Preferential Rates) Regulations, 2016;
Driving Licences (Amendment) Regulations, 2016;
Driving Licences (Theory Test) (Guernsey) Regulations, 2016;
Motor Vehicles, Licensing and Traffic (Fees) (Guernsey) Regulations, 2016;
Road Traffic (Trailer Registration) Regulations, 2019;

Driving Licences (Amendment) Regulations, 2020;
Road Traffic (Disabled Persons) (Amendment) Regulations, 2022;
Motor Vehicles, Licensing, Tests and Traffic (Fees) (Guernsey)
Regulations, 2025.

[General provisions relating to section 2A.

2B. Regulations under section 2A –

- (a) may amend or repeal any provision of an Ordinance made under section 2 of this Law,
- (b) may be amended or repealed by subsequent regulations,
- (c) may contain such consequential, incidental, supplementary and transitional provision as the Committee may consider to be necessary or expedient [including, without limitation, provision repealing, amending or modifying this Law or any other enactment],
- [(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 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]
- (e) 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.]

NOTES

Section 2B was inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2000, section 1(d), with effect from 22nd August, 2000.

In section 2B,

the words in square brackets in paragraph (c) were inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 5(a), with effect from 1st January, 2008;

paragraph (d) was substituted, and paragraph (dd) was inserted, by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 5(b), with effect from 1st January, 2008.

The following Regulations have been made under section 2B:

Driving Licences (Guernsey) (Amendment) Order, 2001;
Driving Licences (Amendment) (Guernsey) Regulations, 2006;
Motor Taxation and Licensing (Fees) (Guernsey) Regulations, 2007;
Driving Licences and Driving Tests (Fees) Regulations, 2012;
Motor Vehicles Licensing Traffic and Public Transport (Fees) (Guernsey) Regulations, 2013;
Motor Taxation and Licensing (Fees) (Guernsey) (Amendment) Regulations, 2014;
Motor Taxation (First Registration Duty) (Exemptions and

Preferential Rates) Regulations, 2016;
Driving Licences (Amendment) Regulations, 2016;
Driving Licences (Theory Test) (Guernsey) Regulations, 2016;
Motor Vehicles, Licensing and Traffic (Fees) (Guernsey)
Regulations, 2016;
Road Traffic (Trailer Registration) Regulations, 2019;
Driving Licences (Amendment) Regulations, 2020;
Road Traffic (Disabled Persons) (Amendment) Regulations, 2022;
Motor Vehicles, Licensing, Tests and Traffic (Fees) (Guernsey)
Regulations, 2025.

[[Inspection of motor vehicles and trailers].

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

—

- (a) complies with any applicable requirements relating to the construction and use of motor vehicles and trailers, and
- (b) without prejudice to paragraph (a), that in the opinion of the Committee its condition is not such that its use on a public highway would involve a danger of injury to any person].

(2) If there is a failure to comply with any requirement of the Committee under subsection (1) [or the Committee is not satisfied as to any of the matters set out in subsection (1)(a) and (b)] the Committee may refuse to register the motor vehicle [or trailer] in question.]

NOTES

Section 2C was inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 6, with effect from 1st January, 2008.

In section 2C, first, the heading was substituted⁴, second, the words "or trailer" in square brackets, wherever occurring, were inserted, third, the words in the third pair of square brackets within subsection (1) and, fourth, the words in the first pair of square brackets within subsection (2) were inserted by the Road Traffic (Trailer Registration) Ordinance, 2019, section 6, respectively paragraph (a), paragraph (b), paragraph (c) and paragraph (d), with effect from 29th March, 2019.

[Registration of vehicles owned by corporations.

2D. The Committee shall refuse –

- (a) to register a motor vehicle [or trailer] 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 [or trailer],

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.]

NOTES

Section 2D was inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 6, with effect from 1st January, 2008.

In section 2D, the words in square brackets within paragraph (a) and paragraph (b) were inserted by the Road Traffic (Trailer Registration) Ordinance, 2019, section 7, with effect from 29th March, 2019.

Prohibition against the use of motor vehicles not registered [...] 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 [...] under this Law or unless such vehicle is exempted from the requirements to register [...] by virtue of any Ordinance [or regulations] made under this Law or unless such vehicle is for the time being exempted from the requirement [to be registered] 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 [...] 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 [...] –

(a) [not exceeding 48 hours] from the beginning of his taking possession of the vehicle as the owner thereof, or

(b) [not exceeding 14 days] from the beginning of his taking up permanent residence in this Island.

(3) ...

NOTES

In section 3,

the words omitted in square brackets in the marginal note thereto were repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 7(a), with effect from 1st January, 2008;

the words omitted in the first and second pairs of square brackets in subsection (1) were repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 7(b)(i), with effect from 1st January, 2008;

the words in the third pair of square brackets in subsection (1) were inserted and the words in the fourth pair of square brackets therein were substituted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, respectively section 7(b)(ii) and section 7(b)(iii), with effect from 1st January, 2008;

the words omitted in the first and second pairs of square brackets in subsection (2) were repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, respectively section 7(c)(i) and section 7(c)(ii), with effect from 1st January, 2008;

the words in square brackets in, first, paragraph (a) and, second, paragraph (b) of subsection (2) were inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, respectively section 7(c)(iii) and section 7(c)(iv), with effect from 1st January, 2008;

subsection (3) was repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 7(d), with effect from 1st January, 2008.

[Prohibition against the use of trailers not registered on certain journeys.]

4. (1) A person shall not use, or cause or permit to be used, a trailer of a prescribed description on a public highway on a journey which will involve entering a country, outside the British Islands, that is a party to the Vienna Convention unless such trailer is registered under this Law or unless such trailer is exempted from the requirement to register by virtue of any Ordinance or regulations made under this Law.

(2) It shall be a defence in any proceedings under subsection (1) for the defendant to prove that he or she reasonably believed –

- (a) that at the time of the alleged offence, the trailer –
 - (i) was registered, or
 - (ii) was of a description such that the trailer did not require to be registered, or
- (b) that the journey on which the trailer was used –
 - (i) would not involve leaving the British Islands, or

- (ii) would not involve entering any country which was a party to the Vienna Convention.]

NOTES

Section 4 (which was previously repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 8, with effect from 1st January, 2008) was inserted by the Road Traffic (Trailer Registration) Ordinance, 2019, section 8, with effect from 29th March, 2019.

In section 4, the heading was inserted by the Road Traffic (Trailer Registration) Ordinance, 2019, section 3(c), with effect from 29th March, 2019.

The following Regulations have been made under section 4:

Road Traffic (Trailer Registration) Regulations, 2019.

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

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.

(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.

[(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.]

NOTE

In section 5, subsection (4) was inserted by the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995, section 1(a), with effect from 14th November, 1995.

Compliance with conditions attaching to trade licences.

6. ...

NOTE

Section 6 was repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 8, with effect from 1st January, 2008.

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 [under this Law] otherwise than in compliance with such conditions attaching to that licence.

NOTE

In section 7, the words in square brackets were inserted by the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995, section 1(b), with effect from 14th November, 1995.

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, 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

a No. XV of 1986.

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

prejudice to the power of the Court to order a longer period of disqualification.

NOTE

The Road Traffic (Driving under the Influence of Drink or Drugs) (Guernsey) Law, 1986 has since been repealed by the Road Traffic (Drink Driving) (Guernsey) Law, 1989, section 11, with effect from 6th March, 1990.

Effect of disqualification, 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.

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

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 –

[(a) apply for the grant of a driving licence of any category which relates to any class of motor vehicle to which the disqualification relates until the commencement of –

(i) in the case of an application for a provisional driving licence, a period of one month, or

(ii) in the case of an application for a full driving licence, a period of two months,

in each case ending on the date of expiration of the period of disqualification:

Provided that such licence shall not take effect until the period of disqualification has expired, 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.

NOTE

In section 10, paragraph (a) was substituted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2000, section 1(e), with effect from 22nd August, 2000.

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 [the counterpart of] 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 [the counterpart of] 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 [the counterpart of] 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 [the counterpart of which is] free from the aforesaid particulars.

(2) A person [the counterpart of] 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 [and counterpart issued to him the counterpart of which is] 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 [and counterpart] 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 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:]

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.

[(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.]

NOTES

In section 11,

the words in, first, the first three pairs of square brackets in subsection (1) and, second, the fourth pair of square brackets therein were inserted by the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995, respectively section 1(c)(i) and 1(c)(ii), with effect from 14th

November, 1995;

the words in, first, the first, second, the second and, third, the third pairs of square brackets in subsection (2) were inserted by the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995, respectively section 1(d)(i), section 1(d)(ii) and 1(d)(iii), with effect from 14th November, 1995;

subsection (4), save for the proviso thereto, was substituted by the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995, section 1(e), with effect from 14th November, 1995;

subsection (6) was inserted by the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995, section 1(f), with effect from 14th November, 1995.

The prescribed fee for the purposes of this section is, in accordance with the provision of the Driving Licences (Guernsey) Ordinance, 1995, section 7, Schedule 3, £6.60.

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. ...

NOTE

Section 13 was repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 8, with effect from 1st January, 2008.

[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 [or trailers] –

- (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.]

NOTES

Section 14 was substituted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 9, with effect from 1st January, 2008.

In section 14, the words in square brackets were inserted by the Road Traffic (Trailer Registration) Ordinance, 2019, section 9, with effect from 29th March, 2019.

[Provision of information to Committee.]

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

NOTES

Section 14A was inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 9, with effect from 1st January, 2008.

In section 14A, the words in square brackets were inserted by the Road Traffic (Trailer Registration) Ordinance, 2019, section 10, with effect from 29th March, 2019.

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

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.

[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.]

NOTE

Section 15A was inserted by the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995, section 1(g), with effect from 14th November, 1995.

[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.]

NOTE

Section 15B was inserted by the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995, section 1(g), with effect from 14th November, 1995.

Suspension or abolition of motor tax, by Ordinance.

16. ...

NOTES

Section 16 was repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 10, with effect from 1st January, 2008, subject to the savings in section 18 of the 2007 Law, whereby any Ordinance which (a) was in force immediately before the commencement of the 2007 Law and (b) was made under or by virtue of any of the words or provisions repealed shall continue to have effect until repealed, amended or modified by an Ordinance or regulations under this Law.

The following Ordinance was made under section 16:

Motor Taxation (Abolition) (Guernsey) Ordinance, 2006.

Payment for licences by cheque.

17. ...

NOTE

Section 17 was repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 10, with effect from 1st January, 2008.

Ownership of motor vehicles [and trailers] for the purposes of this Law.

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

NOTES

In section 18,

the words in square brackets in the heading thereto were inserted by the Road Traffic (Trailer Registration) Ordinance, 2019, section 11(a), with effect from 29th March, 2019;⁵

the words in square brackets were inserted by the Road Traffic (Trailer Registration) Ordinance, 2019, section 11(b), with effect from 29th March, 2019.

The following case has referred to section 18:

Law Officers of the Crown v. Ian Louis Hutchinson (2004) (Unreported, Royal Court, 6th January) (Guernsey Judgment No 17/2004).

Notice of refusal, etc.

19. Where under this Law, the Committee refuses to register a motor

vehicle [or trailer] or refuses to issue or grant a licence or revokes the registration of a motor vehicle [or trailer] 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.

NOTES

In section 19,

the words "or trailer" in square brackets, wherever occurring, were inserted by the Road Traffic (Trailer Registration) Ordinance, 2019, section 12, with effect from 29th March, 2019;

the words in the third pair of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(a), with effect from 1st May, 2016.⁶

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.

Appeals.

21. (1) Any person aggrieved by any decision of the Committee under this Law refusing to register a motor vehicle [or trailer] or refusing to issue or grant a licence [or granting a licence subject to conditions] or revoking the registration of a motor vehicle [or trailer] 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.

(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.

NOTE

In section 21,

the words "or trailer" in square brackets, wherever occurring, were inserted by the Road Traffic (Trailer Registration) Ordinance, 2019, section 12, with effect from 29th March, 2019;

the words in the second pair of square brackets in subsection (1) were inserted by the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995, section 1(h), with effect from 14th November, 1995;

the words in square brackets in subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(a), with effect from 1st May, 2016.⁷

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 [or otherwise under or for the purposes of this Law] knowingly makes any false statement or recklessly

Consolidated text

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 [level 3 on the uniform scale] 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 [level 5 on the uniform scale] or to imprisonment for a term not exceeding three years or to both such fine and such imprisonment:

[...].

NOTES

In section 22,

the words in the first pair of square brackets were inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 12(a), with effect from 1st January, 2008;

the words and figures in the second and third pairs of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989;

the words omitted in the fourth pair of square brackets were repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 12(b), with effect from 1st January, 2008.

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 [or regulations] 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 [level 5 on the uniform scale] or imprisonment for a term not exceeding three years or both such fine and such imprisonment.

NOTES

In section 23,

the words in the first pair of square brackets were inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 12, with effect from 1st January, 2008;

the words and figure in the second pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

The following Ordinance has been made under section 23:

Driving Licences (Guernsey) Ordinance, 1995.

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.

NOTE

The following Ordinance has been made under section 25:

Motor Taxation (Abolition) (Guernsey) Ordinance, 2006.

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 [or trailer], means any class or description of motor vehicle [or trailer] as prescribed,

"category" means –

- (a) in relation to a driving licence, any category of driving licence as prescribed,
- (b) ...

"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) ...

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

^c Ordres en Conseil Vol. X, p. 388.

that licence and which relates to that licence,]

"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 [any Ordinance made under section 2(32A) or section 2(32B)],

"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,

[...]

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on a public highway and[, for the purposes of the provisions

of this Law relating to driving licences,] 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 [or trailer] 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 [or regulations] 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 [or trailer] 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 [or trailer] kept by him, as the case may be,

"registration document", in relation to a motor vehicle [or trailer], means the book or other document containing the particulars of the vehicle [or trailer] issued to the registered keeper thereof on the registration of the vehicle [or trailer] as prescribed,

"registered keeper", in relation to a motor vehicle [or trailer], means the person in respect of whom that motor vehicle [or trailer] is for the time being registered under this Law as prescribed,

"registration mark", in relation to a motor vehicle [or trailer], means the registered number assigned to that vehicle [or trailer] on the registration thereof as prescribed and the expression **"mark"** includes numerals and letters,

["staging requirement" means a requirement that a person must hold a driving licence of a particular category before being granted a driving licence of another particular category,]

[...]

"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,

["this Island" means the Islands of Guernsey and Alderney,]

[...]

"traffic offence" has the meaning assigned to it by section 8 of this Law,

[**"trailer"** means anything on wheels which is intended or adapted to be drawn by a motor vehicle,]

"under this Law" means under any provisions of this Law and[, except in section 22,] includes under any provisions of any Ordinance [or regulations] 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,

[**"Vienna Convention"** means the Convention on Road Traffic, done at Vienna on 8th November, 1968.]

[...]

(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.

NOTES

In section 26,

first, the words "or trailer" in square brackets, wherever occurring, second, the words in square brackets in the definition of the expression "motor vehicle", third, the definition of the expression "trailer" and, fourth, the definition of the expression "Vienna Convention" were inserted by the

Road Traffic (Trailer Registration) Ordinance, 2019, section 13, respectively paragraph (a), paragraph (b), paragraph (c) and paragraph (d), with effect from 29th March, 2019;

paragraph (b) of the definition of the expression "category" in subsection (1) was repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 14(a), with effect from 1st January, 2008;

paragraph (b) of the definition of the expression "conditions" in subsection (1) was repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 14(b), with effect from 1st January, 2008;

the definition of the expression "counterpart" in subsection (1) was inserted by the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995, section 1(i), with effect from 14th November, 1995;

the words in square brackets in the definition of the expression "any enactment relating to the International Circulation of Motor Vehicles" in subsection (1) were substituted by the Motor Vehicles (International Circulation) (Amendment) Ordinance, 2019, section 3, with effect from 29th March, 2019;

the words omitted in the square brackets immediately before the definition of the expression "motor vehicle" in subsection (1) were repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 14(c), with effect from 1st January, 2008;

the words in square brackets in the definition of the expression "prescribed" were inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 14(d), with effect from 1st January, 2008;

the definition of the expression "staging requirement" in subsection (1) was inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2000, section 1(f), with effect from 22nd August, 2000;

the words omitted in the square brackets immediately before the definition of the expression "test of competence to drive" in subsection (1) were repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 14(e), with effect from 1st January, 2008;

the definition of the expression "this Island" was inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 14(f), with effect from 1st January, 2008;

the words omitted in the square brackets immediately before the definition of the expression "traffic offence" in subsection (1) were repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 14(f) (the second paragraph (f) as shown, incorrectly, in the printed version of that section), with effect from 1st January, 2008;

the words and figures in the first pair of square brackets in the definition of the expression "under this Law" in subsection (1) were inserted by the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995, section 1(j), with effect from 14th November, 1995;

the words in the second pair of square brackets in the definition of the expression "under this Law" in subsection (1) were inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 14(g), with effect from 1st January, 2008;

the words omitted in the square brackets immediately after the definition of the expression "Vienna Convention" in subsection (1) were repealed by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 14(h), with effect from 1st January, 2008.

In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

Savings for other enactments.

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 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 miscellaneous 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 [or regulations] 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.

NOTES

In section 28, the words in square brackets in subsection (1) were inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 15, with effect from 1st January, 2008.

The following Ordinances have been made under section 28:

*Road Traffic (Disabled Persons) (Amendment) Ordinance, 1991;
Driving Licences (Guernsey) Ordinance, 1995;
Driving Licences (Guernsey) (Amendment) Ordinance, 2002;
Motor Taxation (Abolition) (Guernsey) Ordinance, 2006;
Motor Vehicles, Traffic and Licensing (Amendment) Ordinance,
2007.*

The following Ordinances have effect as if made under section 28:

*Ordonnance supplémentaire à l'Ordonnance ayant rapport au Trafic
Véhiculaire en cette Île, 1930;⁸
Ordonnance relative aux Licences de Commerçant accordables à
l'égard d'Automobiles en usage dans un but commercial;⁹
Motor Vehicles (Miscellaneous Provisions) Ordinance, 1962;
Vehicular Traffic (Motor Licences) (Amendment) Ordinance, 1967;
Vehicular Traffic (Motor Licences) (Amendment) Ordinance, 1968;
Vehicular Traffic (Motor Licences) (Amendment) Ordinance, 1970;
Vehicular Traffic (Motor Licences) (Amendment) Ordinance, 1976;
Driving Tests (Increase of Fees) Ordinance, 1992;
Indirect Taxes, Duties and Impôts (Increase of Rates) (Budget)
Ordinance, 1994;
Registration Marks (Sale and Retention) Ordinance, 1997;
Motorcycle Licence Plates (Guernsey and Alderney) Ordinance,
2007.*

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.]

NOTES

Section 28A was inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 16, with effect from 1st January, 2008.

The following Ordinance has been made under section 28A:

Driving Licences (Guernsey) (Amendment) Ordinance, 2015;
Motor Taxation (First Registration Duty) (Guernsey) Ordinance, 2016;
Motor Vehicles (International Circulation) (Amendment) Ordinance, 2019;
Road Traffic (Trailer Registration) Ordinance, 2019;
Driving Licences (Guernsey) (Amendment) Ordinance, 2020;
Motor Taxation (First Registration Duty of Motor Vehicles) (Guernsey) Ordinance, 2024;
Motor Taxation (First Registration Duty of Motor Vehicles) (Guernsey) Ordinance, 2025.

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.]

NOTE

Section 28B was inserted by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 16, with effect from 1st January, 2008.

Citation.

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

Commencement.

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.

NOTES

Sections 2, 16, 23, 24, 25, 26, 27, 28, 29 and 30 of the Law, and the Schedule thereto, were brought into force on 27th June 1991 by the Motor Taxation and Licensing (Commencement) Ordinance, 1991, section 1.

Sections 1, 5, 7, 8, 9, 10, 11, 12, 14, 15, 17, 19, 20, 21 and 22 of the Law

Consolidated text

were brought into force on 1st September, 1995 by the Motor Taxation and Licensing (Guernsey) (Commencement) Ordinance, 1995, section 1.

Section 13 of the Law was brought into force on 21st May, 2001 by the Motor Taxation and Licensing (Guernsey) Law, 1987 (Commencement) Ordinance, 2001, section 1.

Section 3 and section 18 of the Law were brought into force on 1st January, 2008 by the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, respectively section 7 and section 11.

In accordance with the provisions of the Motor Taxation and Licensing (Guernsey) (Amendment) Law, 2007, section 21(2), this Law shall be deemed to have effect, and to have had effect since its coming into force, in the Islands of Guernsey and Alderney.

SCHEDULE

Section 28

LAWS WHICH THE STATES MAY REPEAL IN WHOLE OR IN PART OR
MODIFY BY ORDINANCE UNDER SECTION 28 OF THE LAW

The Law entitled "Loi relative aux Automobiles" registered on the 11th day of December, 1926^e.

The Law entitled "Loi supplémentaire relative aux Automobiles, 1932"^f.

The Law entitled "Loi supplémentaire à la Loi relative aux Automobiles, 1932"^g.

The Law entitled "Loi Supplémentaire relative aux Automobiles (Autorisations de Conduire), 1937"^h.

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

The Law entitled "Loi supplémentaire à la Loi relative aux Automobiles et concernant les Tracteurs Agricoles, 1946"^j.

The Law entitled "Loi de 1950 supplémentaire à la Loi relative aux

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.

Automobiles"^k.

The Driving Licences (Suspension) (Guernsey) Law, 1951^l.

The Law entitled "Loi supplémentaire à la Loi relative aux Automobiles, 1954"^m.

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

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.

k	Ordres en Conseil Vol. XIV, p. 436.
l	Ordres en Conseil Vol. XV, p. 43.
m	Ordres en Conseil Vol. XVI, p. 121.
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.

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.

NOTES

The following Laws have since been repealed by the Driving Licences (Guernsey) Ordinance, 1995, section 26, Schedule 9, with effect from 1st September, 1995, subject to the savings in section 26(3) of the 1995 Ordinance:

Loi supplémentaire à la Loi relative aux Automobiles, 1932 (Vol. IX, p. 299);

Loi Supplémentaire relative aux Automobiles (Autorisations de Conduire), 1937;

Loi Supplémentaire relative aux Automobiles (Autorisations à Conduire), 1939;

Driving Licences (Suspension) (Guernsey) Law, 1951;

Loi supplémentaire à la Loi relative aux Automobiles, 1954;

Motor Vehicles (Driving Licences) Law, 1963;

Motor Vehicles (Amendment) (Guernsey) Law, 1967;

Motor Vehicles (Amendment) (Guernsey) Law, 1969;

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

The following Laws have since been repealed by the Motor Taxation (Abolition) (Guernsey) Ordinance, 2006, section 3(1), Schedule, Part I, with effect from 1st January, 2008:

Loi relative aux Automobiles, 1926;

Loi supplémentaire relative aux Automobiles, 1932 (Vol. IX, p. 257);

Loi de 1950 supplémentaire à la Loi relative aux Automobiles;

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.

Motor Vehicles (Taxation and Licensing) (Amendment) Law, 1956;
Motor Vehicles (Taxation and Licensing) (Tractors) Law, 1957;
Motor Vehicles (Taxation) (Amendment) Law, 1957.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 29, with effect from 6th May, 2004.

² The functions, rights and liabilities of the Environment Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the States Traffic Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003,

section 1, Schedule 1, paragraph 29, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions of the Traffic Committee under this Law were previously transferred to it from the Island Traffic Committee by the Island Traffic Committee (Transfer of Functions) (No. 2) Ordinance, 1992, section 1, Schedule 1, paragraph 22, with effect from 29th July, 1992, subject to the savings in section 2 of the 1992 Ordinance. The functions of the Island Traffic Committee under this Law were previously transferred to it and its President from, respectively, the States Board of Administration and the States Supervisor by the Vehicle Registration and Licensing (Transfer of Functions) (Guernsey) Law, 1991, section 1(1), with effect from 9th July, 1991, subject to the savings in section 2 of the 1991 Law.

3 The corresponding entry in the Arrangement of Sections was inserted by the Road Traffic (Trailer Registration) Ordinance, 2019, section 3(a), with effect from 29th March, 2019.

4 The words "and trailers" in the corresponding entry in the Arrangement of Sections were inserted by the Road Traffic (Trailer Registration) Ordinance, 2019, section 3(b), with effect from 29th March, 2019.

5 The words "and trailers" in the corresponding entry in the Arrangement of Sections were inserted by the Road Traffic (Trailer Registration) Ordinance, 2019, section 3(d), with effect from 29th March, 2019.

6 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 29, with effect from 6th May, 2004.

7 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 29, with effect from 6th May, 2004.

8 Recueil d'Ordonnances Tome VI, p. 89; the Ordinance was made and came into operation on 9th November, 1930; and was renewed as a permanent Ordinance on 18th January, 1932.

9 Recueil d'Ordonnances Tome VIII, p. 229; the Ordinance was made on 26th November, 1932 and, in accordance with the provisions of the Reform (Guernsey) Law, 1948, Article 70(3), became permanent on 1st January, 1950.