

ORDER IN COUNCIL

XIX
2002

ratifying a Projet de Loi

ENTITLED

The Motor Vehicles (Electrically Assisted Pedal Cycles) (Exemption) (Guernsey) Law, 2002

(Registered on the Records of the Island of Guernsey
on the 5th August, 2002.)



2002

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 5th day of August, 2002 before Sir de Vic Carey, Bailiff; present:—
David Charles Lowe, Esquire, Mrs. Eileen May Glass, Laurence
Lenfestey Guille, Derek Martin Le Page, Stephen Edward Francis
Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith Bichard,
OBE, Esquires, The Reverend Peter Gerald Lane, Michael Henry
De La Mare, and Michael John Tanguy, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 16th day of July, 2002, approving and ratifying a *Projet de Loi* of the States of Alderney entitled “The Motor Vehicles (Electrically Assisted Pedal Cycles) (Exemption) (Guernsey) Law, 2002”, 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.

At the Court at Buckingham Palace

The 16th day of July, 2002

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 8th day of July 2002 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 24th day of February, 2000, the States of Deliberation at a meeting held on the 27th day of March, 2002, approved a Bill or “Projet de Loi” entitled “The Motor Vehicles (Electrically Assisted Pedal Cycles) (Exemption) (Guernsey) Law, 2002”, 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 Vehicles (Electrically Assisted Pedal Cycles) (Exemption) (Guernsey) Law, 2002”, 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 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 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.

A. K. Galloway

PROJET DE LOI

ENTITLED

The Motor Vehicles (Electrically Assisted Pedal Cycles) (Exemption) (Guernsey) Law, 2002

THE STATES, in pursuance of their resolution of 24th February, 2000^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the island of Guernsey.

Use of electrically assisted pedal cycles.

1. An electrically assisted pedal cycle within the meaning of this Law shall not be treated -

- (a) as a motor vehicle for the purposes of -
 - (i) the Motor Taxation and Licensing (Guernsey) Law, 1987^b (hereinafter called “the 1987 Law”);
 - (ii) any legislation for the time being in force relating to the licensing and registration of motor vehicles; and
 - (iii) the Road Traffic (Compulsory Third-Party

^a Article VI of Billet d'État No. VI of 2000.

^b Ordres en Conseil, Vol. XXX, p. 341; Nos. XI of 1995 and IX of 2000.

Insurance) Guernsey) Law, 1936^c; or

- (b) as a motor cycle for the purposes of section 3 of the Motor Vehicles (Miscellaneous Provisions) Ordinance, 1962^d.

Person under the age of fourteen.

2. (1) An electrically assisted pedal cycle within the meaning of this Law shall not be driven on a public highway by a person under the age of fourteen.

(2) A person who -

- (a) drives such a pedal cycle; or
- (b) knowing or suspecting that another person is under the age of fourteen, causes or permits him to drive such a pedal cycle,

in contravention of subsection (1) is guilty of an offence and liable, on summary conviction, to such penalty as he would have incurred had he been convicted of an offence under section 22 of the 1987 Law.

^c Ordres en Conseil, Vol. X, p. 388; Vol. XVIII, p. 35 and 257; Vol. XX, p. 246; Vol. XXIII, p.227; Vol. XXVII, p. 303; Vol. XXIX, p. 214; Vol. XXX, p. 243; Vol. XXXI, p. 423; Order in Council No. I of 1991; Ordinance No. XXIV of 1992.

^d Recueil d'Ordonnances, Tome XIII, p. 87; Tome XIV, p. 152; Tome XV, p. 384; Tome XXIII, pp. 310 and 422; Tome XXVI, pp. 90 and 374.

Interpretation.

3. (1) In this Law -

“electrically assisted pedal cycle” means a bicycle or tricycle which-

- (a) has a kerbside weight not exceeding -
 - (i) in the case of a bicycle, other than a tandem bicycle, 40 kilograms; and
 - (ii) in the case of a tandem bicycle and a tricycle, 60 kilograms;
- (b) is fitted with pedals by means of which it is capable of being propelled; and
- (c) is fitted with no motor other than an electric motor which -
 - (i) has a continuous rated output which, when installed in the vehicle with the nominal voltage supplied, does not exceed, in the case of a bicycle, other than a tandem bicycle, 0.2 kilowatts, and in the case of a tandem bicycle and a tricycle, 0.25 kilowatts; and
 - (ii) cannot propel the vehicle when it is travelling at more than 15 miles per hour; and

“public highway” includes any road, street, lane or place to which the public has access whether on foot or with animals or vehicles and whether on payment or otherwise.

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

(3) The States Traffic Committee or such other Committee as the States may from time to time by Resolution prescribe may by regulations amend or repeal and re-enact the definition of “electrically assisted pedal cycle” contained in subsection (1) hereof and any regulations made under this subsection may be amended or repealed by subsequent regulations so made.

Citation.

4. This Law may be cited as the Motor Vehicles (Electrically Assisted Pedal Cycles) (Exemption) (Guernsey) Law, 2002.