

PROJET DE LOI

ENTITLED

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

[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.

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* No. XXVI of 2002 (Ordres en Conseil Vol XLII, p. 670); as amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Motor Vehicles (Electrically Assisted Pedal Cycles) (Exemption) (Guernsey) (Amendment) Regulations, 2016 (G.S.I. No. 20 of 2016). This Law is applied to Alderney by the Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950 (Ordres en Conseil Vol. XIV, p. 209).

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ARRANGEMENT OF SECTIONS

1. Use of electrically assisted pedal cycles.
2. Person under the age of fourteen.
3. Interpretation.
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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 Insurance) Guernsey) Law, 1936^c; or

^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.

^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.

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

NOTE

The Law is applied to the Island of Alderney by the Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950, section 1, Schedule, with effect from 16th July, 2002, subject to the exceptions, adaptations and modifications in section 2 of the 1950 Law.

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.

Interpretation.

3. (1) In this Law –

"electrically assisted pedal cycle" means a bicycle or tricycle which

–

- (a) has a kerbside weight not exceeding –

^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.

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- (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 0.25 kilowatts, and
 - (ii) cannot propel the vehicle when it is travelling at more than 15.5 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 [Committee for the Environment & Infrastructure] 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.

NOTES

In section 3,

paragraph (c) of the definition of the expression "electrically assisted pedal cycle" in subsection (1) was substituted by the Motor Vehicles (Electrically Assisted Pedal Cycles) (Exemption) (Guernsey) (Amendment) Regulations, 2016, regulation 1, with effect from 3rd May, 2016;

the words in square brackets in subsection (3) 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 Regulations have been made under section 3:

Motor Vehicles (Electrically Assisted Pedal Cycles) (Exemption) (Guernsey) (Amendment) Regulations, 2016.

Citation.

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

NOTE

The Law received Royal Sanction on 16th July, 2002 and was registered on the Records of the Island of Guernsey and came into force on 5th August, 2002.

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 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.