

ORDER IN COUNCIL

IV
1982

ratifying a Projet de Loi

ENTITLED

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

(Registered on the Records of the Island of Guernsey
on the 30th March, 1982.)



1982

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 30th day of March, 1982 before Charles Keith Frossard, Esquire, Deputy Bailiff; present:— Stanley Walter Gavey, Esquire, O.B.E., Richard Alan Kinnersly, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C., Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Donald Pescott Plummer, Esquire, Sydney Haydn Heard, Esquire, M.B.E., Brian Ernest Herbert Joy, Esquire, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson and Herbert Nicolle Machon, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 10th day of March, 1982, ratifying a *Projet de Loi* entitled "The Motor Vehicles and Road Traffic (Penalties) (Guernsey) Law, 1982", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 10th day of March 1982

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 24th day of February 1982 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 23rd day of July 1981, the States of Deliberation at a meeting held on the 1st day of October 1981 approved a Bill or “Projet de Loi” entitled “The Motor Vehicles and Road Traffic (Penalties) (Guernsey) Law 1982”, 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 in the words and figures 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 and Road Traffic (Penalties) (Guernsey) Law, 1982”, and to order that the same shall have force of law in the Island of Guernsey.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

N. E. Leigh

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

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

THE STATES, in pursuance of their Resolution of the twenty-third day of July, nineteen hundred and eighty-one, 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.

Amendments
to the Law
of 1926.

1. The Law entitled "Loi relative aux Automobiles" registered on the eleventh day of December, nineteen hundred and twenty-six^(a), as amended^(b), is hereby further amended as follows:—

- (a) in Article 1 thereof the words "sous peine d'une amende n'excédant pas vingt livres sterling" are repealed and the words "sous peine d'une amende n'excédant pas deux cents livres sterling" are substituted therefor;
- (b) in Article 8 thereof the words "sous peine d'une amende n'excédant pas cinquante livres sterling pour la première infraction

(a) Ordres en Conseil Vol. VIII, p. 56.

(b) Ordres en Conseil Vol. IX, pp. 257 and 299; Vol. XI, pp. 121, 130 and 299; Vol. XII, p. 380; Vol. XIV, p. 436; Vol. XV, p. 43; Vol. XVI, p. 121; Vol. XVII, pp. 11, 241 and 246; Vol. XVIII, p. 257; Vol. XIX, p. 164; Vol. XX, p. 246; Vol. XXI, p. 113; Vol. XXII, pp. 227 and 530; Vol. XXIII, p. 217; No. VI of 1978.

et pour toute infraction subséquente sous peine d'une amende n'excédant pas cent livres sterling ou d'emprisonnement n'excédant pas trois mois ou de telle amende et tel emprisonnement à la fois" are repealed and the following words are substituted therefor:—

"sous peine d'une amende n'excédant pas cent livres sterling pour la première infraction et pour toute infraction subséquente sous peine d'une amende n'excédant pas deux cents livres sterling ou d'emprisonnement n'excédant pas trois mois ou de telle amende et tel emprisonnement à la fois" are substituted therefor;

- (c) in paragraph (c) of Article 10 thereof the words "vingt livres sterling" are repealed and the words "deux cents livres sterling ou d'emprisonnement n'excédant pas un mois" are substituted therefor;
- (d) in Article 13 thereof the words "sera passible d'une amende n'excédant pas vingt livres sterling ou d'emprisonnement n'excédant pas un mois" are repealed and the words "sera passible d'une amende n'excédant pas cent livres sterling" are substituted therefor;
- (e) in Article 15 thereof the words "vingt livres sterling" are repealed and the words "cent livres sterling" are substituted therefor;
- (f) in Article 16 thereof the words "Sera passible d'une amende n'excédant pas cinquante livres sterling ou d'emprisonnement n'excédant pas trois mois ou de telle amende et tel emprisonnement à la fois

pour la première infraction et pour toute infraction subséquente d'une amende n'excédant pas cent livres sterling ou d'emprisonnement n'excédant pas trois mois ou de telle amende et tel emprisonnement à la fois" are repealed and the words "Sera passible d'une amende n'excédant pas cent livres sterling ou d'emprisonnement n'excédant pas trois mois ou de telle amende et tel emprisonnement à la fois pour la première infraction et pour toute infraction subséquente d'une amende n'excédant pas deux cents livres sterling ou d'emprisonnement n'excédant pas trois mois ou de telle amende et tel emprisonnement à la fois" are substituted therefor.

Amend-
ments to the
Law of 1936.

2. The Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936(c), as amended(d), is hereby further amended as follows:—

- (a) in subsection (2) of section two thereof the words "fifty pounds or to imprisonment, with or without hard labour," are repealed and the words "five hundred pounds or to imprisonment" are substituted therefor;
- (b) in subsection (1) of section fifteen thereof the words "two hundred pounds or to a term of imprisonment, with or without hard labour," are repealed and the words "one thousand pounds or to a term of imprisonment" are substituted therefor;
- (c) in subsection (2) of section fifteen thereof the words "fifty pounds or to imprisonment

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

(d) Ordres en Conseil Vol. XII, p. 380; Vol. XVIII, pp. 35 and 257; Vol. XX, p. 246; No. III of 1979.

with or without hard labour for a term not exceeding six months" are repealed and the words "five hundred pounds or to a term of imprisonment not exceeding three months" are substituted therefor;

(d) in subsection (3) of section fifteen thereof the words "imprisonment with or without hard labour for a term not exceeding six months or to a fine not exceeding one hundred pounds" are repealed and the words "imprisonment for a term not exceeding three months or to a fine not exceeding five hundred pounds" are substituted therefor;

(e) subsection (2) of section sixteen thereof is repealed and the following subsection is substituted therefor:—

"(2) A person guilty of an offence under this Law for which no special penalty is provided shall be liable on conviction to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding two months."

3. The Road Traffic (Driving under the Influence of Drink or Drugs) Law, 1948(e), is hereby amended as follows:— Amend-
ments to the
Law of 1948.

(a) paragraph (a) of subsection (1) of section one thereof is repealed and the following paragraph is substituted therefor:—

"(a) on summary conviction to a fine not exceeding five hundred pounds or to

... imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.”;

(b) in paragraph (b) of subsection (1) of section one thereof the words “with or without hard labour” are repealed.

Repeals. 4. The Motor Vehicles (Amendment) (Guernsey) Law, 1971(f), and the Motor Vehicles (Amendment) (Guernsey) Law, 1978(g) are hereby repealed.

Citation. 5. This Law may be cited as the Motor Vehicles and Road Traffic (Penalties) (Guernsey) Law, 1982.

Commencement. 6. This Law shall come into force on the expiration of the period of one month commencing on the date on which it is registered on the records of the Island of Guernsey.

W. J. GAUDION,
Her Majesty's Deputy Greffier.

(f) Ordres en Conseil Vol. XXIII, p. 217.
(g) No. VI of 1978.