

Island of



Guernsey

## Ordinance of the States

**XII**  
**2007**

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Made .....30th May, 2007

Coming into Operation .....1st January, 2008

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# **The Motor Vehicles, Traffic and Licensing (Amendment) Ordinance, 2007**

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**THE STATES**, in pursuance of their Resolutions of the 24<sup>th</sup> February, 2000<sup>a</sup>, the 31<sup>st</sup> March, 2006<sup>b</sup> and the 26<sup>th</sup> October, 2006<sup>c</sup>, and in exercise of the powers conferred on them by section 1 of the Motor Vehicles (International Circulation) Law, 1956, as amended<sup>d</sup>, sections 2 and 28 of the Motor Taxation and Licensing (Guernsey) Law, 1987, as amended<sup>e</sup> and all other powers enabling them in that behalf, hereby order:-

### **Amendment of Traffic Véhiculaire Ordonnance of 1932.**

1. (1) The Ordonnance supplémentaire à l'Ordonnance ayant rapport au Trafic Véhiculaire en cette île, 1932<sup>f</sup> is amended as follows.

(2) In Article 7(1) for "in respect of which a license<sup>g</sup> is issued" substitute "which is required to be registered under the Motor Taxation and Licensing (Guernsey) Law, 1987<sup>h</sup>".

(3) In Article 8 -

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<sup>a</sup> Article VI of Billet d'État No. VI of 2000.

<sup>b</sup> Article VIII of Billet d'État No. VII of 2006.

<sup>c</sup> Article XII of Billet d'État No. XVII of 2006.

<sup>d</sup> Ordres en Conseil Vol. XVII, p. 19; Vol. XXXII, p. 377.

<sup>e</sup> Ordres en Conseil Vol. XXX, p. 341; No. XI of 1995; and No. IX of 2000.

<sup>f</sup> Recueil d'Ordonnances, Tome VI, p. 89.

<sup>g</sup> The spelling "license" is used throughout the original text of the 1932 Ordinance.

<sup>h</sup> Ordres en Conseil Vol. XXX, p. 341; No. XI of 1995; and No. IX of 2000.

(a) the expression "(other than an alteration of the nature referred to in Article 9 of this Ordinance)" is repealed,

(b) the words "licensed and" are repealed, and

(c) the proviso is repealed.

(4) Article 9 is repealed.

(5) In Article 10(1)<sup>i</sup> for "immediately" substitute "as soon as is reasonably practicable and in any case within a period of 14 days beginning on the day of the sale or disposal".

(6) In Article 10(2) -

(a) the words from and including "and unless" to the end of the first sentence are repealed, and

(b) the third sentence (which begins "Upon expiry") is repealed.

(7) In Article 11 for "forthwith" substitute "as soon as is reasonably practicable and in any case within a period of 14 days beginning on the day of the change".

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<sup>i</sup> Article 10 was inserted by Recueil d'Ordonnances Tome XVI, p. 503.

- (8) For Article 12<sup>j</sup> substitute the following Article -

**"Destruction or export of vehicle.**

12. (1) When a motor vehicle is broken up, destroyed or otherwise scrapped the person carrying out the scrapping ("the scrap merchant") shall provide the owner of the vehicle with a receipt showing -

- (a) the scrap merchant's name and address, and
- (b) the date when, and place where, he scrapped the vehicle.

(2) A copy of that receipt, together with the registration book for the vehicle, shall be furnished by the owner to the Committee as soon as is reasonably practicable and in any case within a period of 14 days beginning on the day on which the scrap merchant scrapped the vehicle.

(3) When a motor vehicle is permanently exported from Guernsey and Alderney, the registration book for the vehicle shall be forwarded by the owner to the Committee as soon as is reasonably practicable and in any case within a period of 14 days beginning on the day of the exportation."

- (9) In Article 13 -

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<sup>j</sup> Article 12 was inserted by Recueil d'Ordonnances Tome XVI, p. 503.

(a) for paragraph (1) substitute the following paragraphs -

"(1) If a registration book issued by the Committee is lost, destroyed or accidentally defaced or the figures or particulars thereon become illegible, the owner of the vehicle shall apply to the Committee for the issue to him of a duplicate.

(1A) The Committee, if satisfied as to the circumstances mentioned in paragraph (1), shall issue the duplicate on payment of a fee of £1 (or such other amount as the Committee may by regulation determine).

(1B) The duplicate so issued has the same effect as the original registration book.",

(b) in paragraph (2) the words "license or" are repealed.

(10) In Article 15(4)<sup>k</sup> the words "and licence" (wherever appearing) are repealed.

(11) In Article 24 for "in respect of which a license has been issued" substitute "which is required to be registered under the Motor Taxation and Licensing (Guernsey) Law, 1987".

### **Amendment of Licences de Commerçant Ordinance of 1932.**

2. In the Ordinance of the Royal Court of 1932 relating to Licences de

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<sup>k</sup> Article 15 was inserted by Ordinance XXXVI of 1997.

Commerçant<sup>1</sup> -

- (a) in article 1 the definition of "trade licence" is repealed,
- (b) in article 2(1) -
  - (i) in the marginal note for "Licenses" substitute "plates",
  - (ii) for "a General Trade License or a Limited Trade License" substitute "trade plates",
  - (iii) the word "all" is repealed, and
  - (iv) for "Licenses severally" substitute "plates",
- (c) in article 2(2) -
  - (i) in the marginal note for "Licenses" substitute "plates",
  - (ii) for "fully licensed" substitute "registered",
  - (iii) the words "license and" are repealed,
  - (iv) for "the appropriate duty ("droits") prescribed

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<sup>1</sup> Recueil d'Ordonnances, Tome VIII, p. 229; amended by Ordinances of 1933 and 1937 (Tome VIII, p. 233).

in the said Law" substitute "a fee of £30",

- (v) for "2s. 6d." substitute "£15 (or such other amount as the Committee may in either case by regulation determine)",
- (vi) the words from and including "Every Trade License shall contain" to the end of paragraph (f) are repealed, and
- (vii) in the wording after paragraph (f) -
  - (A) for "Licenses" substitute "plates", and
  - (B) for "and may be renewed" substitute "and, subject to payment of a fee of £30 (or such other amount as the Committee may by regulation determine), may be renewed",
- (d) in article 2(3) -
  - (i) in the marginal note for "Licenses" substitute "plates",
  - (ii) for "A Trade License" substitute "Trade plates",
  - (iii) the words "the license or" and "in connection therewith" are repealed,

- (iv) for "the license is issued" substitute "the plate is issued",
- (e) in article 2(4) -
  - (i) for "A Trade License" substitute "Trade plates",
  - (ii) for "such license" substitute "such plates",
- (f) article 2(5)(a) is repealed,
- (g) in article 2(5)(b) for "A Limited Trade License" substitute "Trade plates",
- (h) in article 2(6) -
  - (i) for "a Trade License" substitute "trade plates",
  - (ii) for the words following "authorised to be used" substitute "by article 3(2)",
- (i) article 3(1) is repealed,
- (j) in article 3(2) -
  - (i) the words "LIMITED TRADE LICENSES" are repealed, and

- (ii) for "a Limited Trade License" substitute "trade plates",
- (k) for article 4<sup>m</sup> substitute the following article -

**"Exemption from Law of 1987.**

4. While a motor vehicle is being used under trade plates in conformity with the provisions of this Ordinance the vehicle shall be deemed to be validly registered under and for the purposes of the Motor Taxation and Licensing (Guernsey) Law, 1987, as amended.",

- (l) article 5 is repealed,
- (m) in article 6<sup>n</sup> -
  - (i) in the marginal note for "Licenses" substitute "plates", and
  - (ii) in paragraph (1) for "a Trade License" substitute "trade plates".

**Amendment of Motor Vehicles Ordinance of 1962.**

3. In the Motor Vehicles (Miscellaneous Provisions) Ordinance, 1962<sup>o</sup> -

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<sup>m</sup> Article 4 was substituted by Tome VIII, p. 233.

<sup>n</sup> Article 6 was substituted by Tome VIII, p. 233.

<sup>o</sup> Recueil d'Ordonnances Tome XIII, p. 87; amended by Tome XIV, p. 152 and Tome XXIII, p.422.

- (a) in section 1 in the definition of "owner" for "licensed" substitute "registered",
- (b) in section 6<sup>P</sup> -
  - (i) in subsection (2)(a) and (b) for "licensed" wherever appearing substitute "registered",
  - (ii) in subsection (3) the words from and including "and shall issue" to the end of the subsection are repealed,
  - (iii) subsection (4) is repealed,
  - (iv) in subsection (6) the words "and shall return to the Board the disc issued in respect of such motor vehicle in accordance with the provisions of subsection (3) of this section" are repealed, and
  - (v) in subsection (9) the expression "subsection (4) or" is repealed.

**Amendment of Motor Licences Ordinance of 1970.**

4. In the Vehicular Traffic (Motor Licences) (Amendment) Ordinance,

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<sup>P</sup> Section 6 was inserted by Tome XIV, p. 152.

1970<sup>q</sup>, section 1(d) is repealed.

**Amendment of International Circulation Ordinance of 1974.**

5. (1) The Motor Vehicles (International Circulation) Ordinance, 1974<sup>r</sup> is amended as follows.

(2) In section 1(3) for "the Law of 1926" substitute "the Motor Taxation and Licensing (Guernsey) Law, 1987<sup>s</sup>".

(3) In section 2(1) for "the Law of 1926" substitute "the Driving Licences (Guernsey) Ordinance, 1995<sup>t</sup>".

(4) In section 2(2) for the words beginning with "paragraph 14" to the end of the subsection substitute "the Road Traffic (Permits to Drive Public Service Vehicles) Ordinance, 1986<sup>u</sup>".

(5) In section 2(3) for "the Law of 1926" substitute "the Driving Licences (Guernsey) Ordinance, 1995".

(6) In section 3 -

(a) in the marginal note for "motor tax" substitute "registration",

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<sup>q</sup> Recueil d'Ordonnances Tome XVI, p. 503.

<sup>r</sup> Recueil d'Ordonnances Tome XIX, p. 285; Tome XXV, p. 133; Tome XXVI, p. 90; No. VIII of 1989; and No. XXXIII of 2003.

<sup>s</sup> Ordres en Conseil Vol. XXX, p. 341; No. XI of 1995; and No. IX of 2000.

<sup>t</sup> Recueil d'Ordonnances Tome XXVI, p. 374.

<sup>u</sup> Recueil d'Ordonnances Tome XXIII, p. 393.

- (b) in subsection (1) -
  - (i) for "in respect of which motor tax is not payable" substitute "which", and
  - (ii) after "the next following section" insert "need not be registered",
  
- (c) in subsection (2) -
  - (i) for "the Law of 1926" substitute "the Motor Taxation and Licensing (Guernsey) Law, 1987",
  - (ii) the words "motor tax shall not be payable in respect of" are repealed, and
  - (iii) after "any person" insert "need not be registered",
  
- (d) in subsection (3) -
  - (i) for "Article 1 of the Law of 1926" substitute "Section 3(1) of the Motor Taxation and Licensing (Guernsey) Law, 1987", and
  - (ii) for the words "in respect of" to the end of the subsection substitute "which by virtue of this section need not be registered",

- (e) in subsection (4) for the words preceding paragraph (a) substitute "Where by virtue of this section any motor vehicle has not been registered",
- (f) in subsection (5) -
  - (i) for "in respect of which payment of motor tax has not been made by virtue of this section" substitute "which by virtue of this section has not been registered", and
  - (ii) for paragraph (a) substitute -
    - "(a) that motor vehicle shall no longer be exempt from registration, and".
- (7) In section 4 -
  - (a) in the marginal note for "motor tax" substitute "registration",
  - (b) in subsection (2) -
    - (i) for "the Law of 1926" substitute "the Motor Taxation and Licensing (Guernsey) Law, 1987",
    - (ii) for "motor tax shall not be payable" substitute "the motor vehicle need not be registered",

- (c) in subsection (3) -
  - (i) for "Article 1 of the Law of 1926" substitute "Section 3(1) of the Motor Taxation and Licensing (Guernsey) Law, 1987", and
  - (ii) for the words "in respect of" to the end of the subsection substitute "which by virtue of this section need not be registered",
- (d) in subsection (4) -
  - (i) in paragraph (b) for "liability to pay motor tax" substitute "registration",
  - (ii) in paragraph (c) the words "for the payment of the motor tax which, but for this section, would be payable in respect of the motor vehicle and" are repealed,
- (e) in subsection (5) -
  - (i) the words "motor tax is not payable" and "in respect of" are repealed, and
  - (ii) after "any motor vehicle" insert "need not be registered",
- (f) in subsection (6) -

- (i) the words "payment of motor tax has not been made as aforesaid in respect of" are repealed, and
  - (ii) after "any motor vehicle" insert "has not by virtue of this section been registered",
- (g) in subsection (8) -
- (i) for "in respect of which payment of motor tax has not been made by virtue of this section" substitute "which by virtue of this section has not been registered", and
  - (ii) for paragraph (a) substitute -
    - "(a) that motor vehicle shall no longer be exempt from registration, and",
- (h) in subsection (9) for "in respect of which motor tax is not for the time being payable by virtue of this section" substitute "which by virtue of this section need not be registered".
- (8) Section 8 is repealed.
- (9) In section 10(1) -
- (a) in the definition of "entitled person" for "motor tax"

substitute "registration",

- (b) in the definition of "exempted motor vehicle" for "in respect of which motor tax is not for the time being payable under and by virtue of this Ordinance" substitute "which under and by virtue of this Ordinance need not be registered",
- (c) the definitions of "the Law of 1926" and "motor tax" are repealed,
- (d) after the definition of "the Ordinance of 1930" insert the following definition -

**"registered"** means registered under the Motor Taxation and Licensing (Guernsey) Law, 1987 (and related expressions shall be construed accordingly),".

(10) In the Second Schedule -

- (a) in paragraph 1 for "the Law of 1926" substitute "the Driving Licences (Guernsey) Ordinance, 1995",
- (b) in paragraph 3 -
  - (i) for "Article 13 of the Law of 1926" substitute "section 23 of the Driving Licences (Guernsey) Ordinance, 1995", and
  - (ii) the expression "(gallicized "autorisation à

conduire")" is repealed.

**Amendment of Traffic Signs Ordinance of 1995.**

6. After section 16 of the Traffic Signs and Traffic Light Signals Ordinance, 1988<sup>v</sup> insert the following section -

**"Amendment of Schedules by order.**

**16A.** (1) The Committee may by order -

- (a) amend or repeal any entry in Schedules 1, 2, 3 and 4, and
- (b) add any traffic sign or traffic light signal to any of those Schedules.

(2) An order under subsection (1) -

- (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, common or statutory law,
- (b) may be amended or repealed by a subsequent order hereunder,

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<sup>v</sup> Recueil d'Ordonnances Tome XXIV, p. 275.

- (c) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient including, without limitation, provision amending this Ordinance, and
- (d) shall be laid before a meeting of the States as soon as possible after being made; and if at that or the next meeting the States resolve that the order be annulled, then it shall cease to have effect, but without prejudice to anything done under it or to the making of a new order.

(3) Any power conferred by this Law to make an order 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.

(4) Any reference in this Ordinance or any other enactment to Schedule 1, 2, 3 or 4 is a references thereto as from time to time amended (whether under this section or otherwise)."

#### **Amendment of Driving Licences Ordinance of 1995.**

7. (1) The Driving Licences (Guernsey) Ordinance, 1995<sup>w</sup> is amended as follows.

(2) After section 1(8) insert the following subsections -

"(8A) Notwithstanding subsection (8), a person who holds -

- (a) a provisional licence authorising him to drive a motor vehicle of a class included in categories P, A and A1, and
- (b) a certificate of completion of a training course for motor cyclists approved for the purposes of section 2A,

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<sup>w</sup> Recueil d'Ordonnances Tome XXVI, p. 374.

may renew that provisional licence in accordance with section 6(1).

(8B) The provisional licence as renewed -

- (a) shall come into force immediately on the expiration of the previous provisional licence, but
- (b) subject to subsection (8C), does not authorise the holder to drive a motor vehicle of a class included in categories P, A and A1 on a public highway unless, within a period of one month immediately after the expiration of the previous provisional licence, the holder has retaken a training course for motor cyclists approved for the purposes of section 2A and has obtained a certificate of completion in respect thereof.

(8C) Subsection (8B)(b) does not apply to a person who holds a provisional licence authorising him to drive a motor vehicle of a class included in category A if he holds, and has held for a period of at least twelve months, a full licence authorising him to drive a motor vehicle of a class included in category A1."

(3) In section 6(1) after "one month" insert "(or such longer period as the Committee thinks fit)".

(4) In section 6(2) after "two months" insert "(or such longer period as the Committee thinks fit)".

**Extent.**

8. (1) Subject to subsection (2), this Ordinance has effect in the Islands of Guernsey and Alderney.

(2) Sections 3, 5 and 6 have effect only in the Island of Guernsey.

**Interpretation.**

9. References in this Ordinance to an enactment are references thereto as from time to time amended, repealed and replaced (with or without modification), extended or applied.

**Citation and commencement.**

10. (1) This Ordinance may be cited as the Motor Vehicles, Traffic and Licensing (Amendment) Ordinance, 2007.

(2) This Ordinance comes into force on the 1<sup>st</sup> January, 2008.