

# ORDER IN COUNCIL

**III**  
**1979**

ratifying a Projet de Loi

ENTITLED

## **The Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1979**

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(Registered on the Records of the Island of Guernsey  
on the 19th June, 1979.)

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1979

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 19th day of June, 1979 before Charles Keith Frossard, Esquire, Deputy Bailiff; present:— Stanley Walter Gavey, Esquire, O.B.E., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Walter Francis Robin, Richard Alan Kinnersly, Albert Richard McCartney Straw, Esquires, Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Donald Pescott Plummer, Esquire and Sydney Haydn Heard, Esquire, M.B.E., Jurats.*

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 23rd day of May, 1979, ratifying a Projet de Loi entitled "The Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1979", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller 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 23rd day of May 1979

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 18th day of May 1979 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 27th day of September 1973 the States of Deliberation at a meeting held on the 31st day of January 1979, approved a Bill or “Projet de Loi” entitled “The Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1979”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction there-to. 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 Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1979”, 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*

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

## PROJET DE LOI

ENTITLED

### **The Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1979**

THE STATES, in pursuance of their Resolution of the twenty-seventh day of September, nineteen hundred and seventy-three, 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.

1. (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:—

Interpreta-  
tion.

“the Communities” means the European Economic Community, the European Coal and Steel Community and the European Atomic Energy Community;

“motor vehicle” has the meaning assigned to it by subsection (1) of section one of the principal Law;

“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;

“the principal Law” means the Road Traffic (Compulsory Third Party Insurance) (Guernsey) Law, 1936(a);

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

“revenue officer” means a person authorised by the States Board of Administration to exercise the duties of a revenue officer under the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972(b);

“trailer” means any vehicle, not being a motor vehicle, drawn by a motor vehicle;

“vehicle” means any motor vehicle or any trailer, whether coupled or not.

(2) For the purposes of this Law—

(a) the territory in which a vehicle is normally based is—

(i) the territory of the state in which the vehicle is registered;

(ii) in cases where no registration is required for the type of vehicle, but the vehicle bears an insurance plate or distinguishing sign analogous to a registration plate, the territory of the state in which the insurance plate or sign is issued; or

(iii) in cases where neither registration plate nor insurance plate nor distinguishing sign is required for the type of vehicle, the territory of the state in which the keeper of the vehicle is permanently resident; and

(b) references to a relevant foreign state are references to Austria, Czechoslovakia, Finland, the German Democratic Republic, Hungary, Norway, Sweden or Switzerland.

(3) 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.

2. Subsection (1) of section three of the principal Law is hereby further amended as follows, that is to say:—

Amendment  
of section  
three of the  
principal  
Law.

(a) in paragraph (b) thereof, for the words “ on a road ” and the full-stop immediately thereafter, there are hereby substituted the words and semi-colon “ on a road in the Island of Guernsey; and ”;

(b) there is hereby inserted, immediately before the proviso thereto, the following paragraph—

“(c) insures him or them in respect of any liability which may be incurred by him or them in respect of the use of the vehicle and of any trailer (that is to say, any vehicle drawn by a motor vehicle), whether or not coupled, in the territory (other than Gibraltar) of each of the member states of the Communities according to the law on compulsory insurance against civil liability in respect of the use of vehicles of the state where the liability may be incurred.”.

3. (1) A revenue officer may require a person having custody of any vehicle, being a vehicle which is normally based in the territory of a state, other than a relevant foreign state, which is not a member state of the Communities or in the non-European territory of a member state or in Gibraltar, when entering the Island of Guernsey to produce evidence that any loss or injury which may be caused by such a vehicle is covered throughout the territory in which the treaty establishing the European Economic Community is in force, in accordance with the

Powers of  
revenue  
officers in  
relation to  
vehicles  
entering the  
Island from  
certain non-  
member  
states.

requirements of the laws of the various member states on compulsory insurance against civil liability in respect of the use of vehicles.

(2) A revenue officer may, if no such evidence is produced or if he is not satisfied by such evidence, prohibit the use of the vehicle in the Island of Guernsey.

(3) Where a revenue officer prohibits the use of a vehicle under this section, he may also direct the driver to remove the vehicle to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle in accordance with the direction.

(4) Any person who—

- (a) uses a vehicle or causes or permits a vehicle to be used in contravention of a prohibition imposed under subsection (2) of this section; or
- (b) refuses, neglects or otherwise fails to comply in a reasonable time with a direction given under the last foregoing subsection;

shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

(5) A prohibition under subsection (2) of this section may be removed by a revenue officer if he is satisfied that appropriate action has been taken to remove or remedy the circumstances in consequence of which the prohibition was imposed.

Powers of officers of police to detain etc. vehicles in certain cases.

4. (1) Where an officer of police has reasonable cause to suspect the driver of a vehicle of having committed an offence under the last foregoing section, the officer of police may detain the vehicle,

and for that purpose may give a direction, specifying an appropriate person and directing the vehicle to be removed by that person to such place and subject to such conditions as are specified in the direction; and the prohibition imposed under subsection (2) of that section in respect of the vehicle shall not apply to the removal of the vehicle in accordance with that direction.

(2) Where under subsection (1) of this section an officer of police—

(a) detains a motor vehicle drawing a trailer; or

(b) detains a trailer drawn by a motor vehicle;

then, for the purpose of securing the removal of the trailer, he may also (in a case falling within paragraph (a) of this subsection) detain the trailer or (in a case falling within paragraph (b) of this subsection) detain the motor vehicle; and a direction under subsection (1) of this section may require both the motor vehicle and the trailer to be removed to the place specified in the direction.

(3) A vehicle which, in accordance with a direction given under subsection (1) of this section, is removed to a place specified in the direction shall be detained in that place, or in any other place to which it is removed in accordance with a further direction given under that subsection, until an officer of police authorises the vehicle to be released on being satisfied—

(a) that the prohibition (if any) imposed in respect of the vehicle under the last foregoing section has been removed, or that no such prohibition was imposed;

(b) that appropriate arrangements have been made for removing or remedying the circumstances in consequence of which any such prohibition was imposed; or

- (c) that the vehicle will be taken forthwith to a place from which it will be taken out of the Island of Guernsey to a place not in the European territory (other than Gibraltar) of a member state of the Communities and not in the territory of a relevant foreign state.

(4) Any person who—

- (a) drives a vehicle in accordance with a direction given under this section; or
- (b) is in charge of a place at which a vehicle is detained under this section;

shall not be liable for any damage to, or loss in respect of, the vehicle or its load unless it is shown that he did not take reasonable care of the vehicle while driving it or, as the case may be, did not, while the vehicle was detained in that place, take reasonable care of the vehicle or (if the vehicle was detained there with its load) did not take reasonable care of its load.

(5) In this section “appropriate person” means—

- (a) in relation to a direction to remove a motor vehicle, other than a motor vehicle drawing a trailer, a person licensed to drive vehicles of the class to which the vehicle belongs; and
- (b) in relation to a direction to remove a trailer, or to remove a motor vehicle drawing a trailer, a person licensed to drive vehicles of a class which, when the direction is complied with, will include the motor vehicle drawing the trailer in accordance with that direction.

5. Nothing in paragraph (a) of subsection (1) and subsection (6) of section three of the principal Law shall apply in the case of an insurance policy which is issued elsewhere than in the Island of Guernsey in respect of a vehicle normally based in the territory (other than Gibraltar) of a member state of the Communities or of a relevant foreign state.

Removal of certain requirements of the principal Law in relation to vehicles kept in member states etc.

6. In subsection (1) of section seven of the principal Law, there are hereby inserted, immediately after the words "of this Law" at the end of that subsection, the following words, that is to say—

Amendment of section seven of the principal Law.

"or, where no such certificate was delivered under the said section, the following particulars, that is to say, the registration mark or other identifying particulars of the vehicle concerned, the number or other identifying particulars of the insurance policy issued in respect of the vehicle, the name of the insurer and the period of the insurance cover".

7. Subsection (1) and subsection (4) of section fifteen of the principal Law shall have effect as if any reference therein to a certificate of insurance included a reference to any document produced as evidence of insurance in pursuance of section three of this Law.

Extension of application of section fifteen of the principal Law.

8. (1) This Law may be cited as the Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Law, 1979.

Citation and collective title.

(2) This Law and the Road Traffic (Compulsory Third Party Insurance) (Guernsey) Laws, 1936 to 1971, may be cited together as the Road Traffic (Compulsory Third Party Insurance) (Guernsey) Laws, 1936 to 1979.

R. H. VIDELO,  
Her Majesty's Greffier.