

PROJET DE LOI

ENTITLED

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

[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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* Ordres en Conseil Vol. XXVII, p. 76; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 423); 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). See also the Police Force (Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 1991 (No. XIII of 1991, Ordres en Conseil Vol. XXXIII, p. 217).

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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.

Interpretation.

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 –

"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,

"revenue officer" means a person authorised by the States [Committee for Home Affairs] to exercise the duties of a revenue officer

^a Ordres en Conseil Vol. X, p. 388.

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 [of which the vehicle bears a registration plate],
 - (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.

^b Ordres en Conseil Vol. XXIII, p. 573.

(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.

NOTES

In section 1,

the words in square brackets in the definition of the expression "revenue officer" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016;¹

the words in square brackets in sub-paragraph (i) of paragraph (a) of subsection (2) were substituted by the Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 1989, section 4, with effect from 2nd October, 1989.

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

In accordance with the provisions of the Police Force (Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

In accordance with the provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 1991, section 12, with effect from 30th September, 1991, the reference in this section to the "revenue officer" shall, save where the context otherwise requires, be deemed to be a reference to a person authorised by the Committee for Home Affairs to act as an officer of Customs and Excise.

Amendment of section three of the principal Law.

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

- (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",³

(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."

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

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 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 [level 1 on the uniform scale].

(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.

NOTES

In section 3, the words and figure in square brackets in subsection (4) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

In accordance with the provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 1991, section 12, with effect from 30th September, 1991, the references in this section to the "revenue officer" shall, save where the context otherwise requires, be deemed to be a reference to a person authorised by the Committee for Home Affairs to act as an officer of Customs and Excise.

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.

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

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.

Amendment of section seven of the principal Law.

6. ...

NOTE

Section 6 amends the Road Traffic (Compulsory Third Party Insurance) (Guernsey) Law, 1936.

Extension of application of section fifteen of the principal Law.

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.

Citation and collective title.

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

(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.

NOTE

The Law received Royal Sanction on 23rd May, 1979 and was registered on the Records of the Island of Guernsey and came into force on 19th June, 1979.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), with effect from 6th May, 2004.

² The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

³ For subsequent amendments, see the consolidated text of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936.