

ORDINANCE

OF THE STATES OF DELIBERATION

ENTITLED

The Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1971 *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome XVII, p. 324; as amended by the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1972 (Recueil d'Ordonnances Tome XVIII, p. 124); the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) (No. 2) Ordinance, 1972 (Recueil d'Ordonnances Tome XVIII, p. 217); the Road Traffic (Increase in Fines) Ordinance, 1988 (Recueil d'Ordonnances Tome XXIV, p. 354); the Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 2002 (No. X of 2002, Recueil d'Ordonnances Tome XXIX, p. 94); the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 2019 (No. ** of 2019). See also the Road Traffic (Drink Driving) (Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 512); the Offences (Fixed Penalties) (Guernsey) Law, 2009 (No. XV of 2010).

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The Road Traffic (Construction and Use of Motor Vehicles)
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ARRANGEMENT OF SECTIONS

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SCHEDULE ...

(Made on 24th November, 1971.)

The Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1971

THE STATES, in pursuance of their Resolution of the twenty-sixth day of March, nineteen hundred and sixty-nine, hereby order: –

Plates for goods vehicles.

1. (1) A person shall not use or cause or permit any other person to use on a public highway a goods vehicle registered on or after the coming into force of this Ordinance, if such vehicle is not equipped with a plate securely affixed to the vehicle in a legible, conspicuous and readily accessible position containing the following particulars –

- (a) the manufacturer's name,
- (b) the vehicle type,
- (c) the engine type,
- (d) the chassis or serial number,
- (e) the number of axles,
- (f) the maximum axle weight for each axle,
- (g) the maximum gross weight, and
- (h) the maximum train weight,

and in the case of a trailer which is a goods vehicle such of the above mentioned particulars as are applicable, together with –

(i) the maximum load imposed on the drawing vehicle.

(2) The particulars in respect of axle weight, gross weight, train weight and load imposed on the drawing vehicle required in pursuance of the last preceding subsection shall be those which the manufacturer of the vehicle considers to represent weight limits at or below which the vehicle is fit for use having regard to its design and equipment.

(3) A person shall not use or cause or permit any other person to use on a public highway a goods vehicle if in relation to such vehicle the axle weight for each axle or the gross weight or the train weight of such vehicle or the load imposed on any drawing vehicle is in excess of the particulars relating thereto set out on the plate affixed to such vehicle in pursuance of the requirements of subsection (1) of this section.

NOTES

In accordance with the provisions of the Road Traffic (Drink Driving) (Guernsey) Law, 1989, section 2A(7), Schedule, with effect from 11th February, 2004, offences under this Ordinance constitute "traffic offences" for the purposes of the 1989 Law.

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 1 of this Ordinance may be discharged by payment of a fixed penalty.

[Plates for motor vehicles and trailers.]

1A. (1) Without prejudice to section 1, a person shall not use or cause or permit any other person to use on a public highway a motor vehicle or trailer

registered on or after the coming into force of this Ordinance, if such vehicle or trailer is not equipped with a plate securely affixed to the vehicle or trailer containing the following particulars –

- (a) in the case of a motor vehicle –
 - (i) the name or the trade mark of the manufacturer,
 - (ii) on the chassis or, in the absence of a chassis, on the body, the manufacturer's production or serial number,
 - (iii) on the engine, the engine number if such a number is placed on it by the manufacturer,
- (b) in the case of a trailer, the information referred to in sub-paragraphs (i) and (ii).]

NOTE

Section 1A was inserted by the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 2019, section 2, with effect from 29th March, 2019.

Tyres of motor vehicles.

2. Subject to the provisions of section four of this Ordinance a person shall not[, without the permission in writing of the Committee,] use or cause or permit any other person to use on a public highway a motor vehicle unless every wheel of such vehicle is fitted with a pneumatic tyre.

NOTES

In section 2, the words in square brackets were inserted by the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1972, section 2, with effect from 23rd June, 1972.

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 2 of this Ordinance may be discharged by payment of a fixed penalty.

Condition and maintenance of tyres.

3. (1) Subject to the provisions of section four of this Ordinance a person shall not use or cause or permit any other person to use on a public highway a motor vehicle a wheel of which is fitted with a pneumatic tyre, if –

- (a) the tyre is unsuitable having regard to the use to which the vehicle is being put or to the types of tyres fitted to its other wheels and without prejudice to the foregoing a tyre shall be deemed to be unsuitable if it is used on a vehicle carrying a load in excess of the weight limits at or below which it is suitable according to the recommendations of the manufacturer of the tyre,
- (b) the tyre is not so inflated as to make it fit for the use to which the vehicle is being put,
- (c) the tyre has a break in its fabric, or has a cut in excess of one inch or ten per centum of the section width of the tyre, whichever is the greater, measured in any direction on the outside of the tyre and deep enough to reach the body cords,
- (d) the tyre has any lump or bulge caused by the separation or partial failure of its structure,

- (e) the tyre has any portion of the ply or cord structure exposed,
- (f) where the tyre is fitted to a wheel of a motor vehicle, being a motor cycle whereof the cylinder capacity of the engine does not exceed fifty cubic centimetres, the tread of the tyre does not show throughout at least three-quarters of the breadth of the tread and round the entire outer circumference of the tyre a pattern the relief of which is clearly visible, or where the tyre is fitted to the wheel of any other motor vehicle, the tread pattern (excluding any tie-bar) of the tyre does not have a depth of at least one millimetre throughout at least three-quarters of the breadth of the tread and round the entire outer circumference of the tyre,

Provided that this paragraph shall not apply in the case of a motor cycle having three wheels, the unladen weight of which does not exceed two hundredweight and which is incapable of exceeding a speed of twelve miles per hour on the level under its own power:

Provided that the provisions of this subsection shall not apply to an agricultural trailer the laden weight of which does not exceed four tons when such trailer is being drawn by an agricultural tractor.

(2) Without prejudice to the provisions of subsection (1) of this section, a person shall not use or cause or permit any other person to use on a public highway a motor vehicle all the tyres of which are not at all times maintained in such condition as to be fit for the use to which the motor vehicle is being put and as to be

free from any defect which might in any way cause damage to the surface of the public highway or danger to any person in or on such vehicle or on a public highway or to property.

NOTE

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 3 of this Ordinance may be discharged by payment of a fixed penalty.

Exceptions.

4. The provisions of section two and section three of this Ordinance shall not apply in the case of –

- (a) a motor vehicle equipped with tyres other than pneumatic tyres imported for the purpose of undergoing completion, repair, alteration or disposal of structure, mechanism or equipment while travelling from the place of landing to the works and while returning therefrom for reshipment,
- (b) a mechanically propelled vehicle designed and equipped for use in any place as an engine for the operation of an agricultural or industrial process while on a public highway proceeding to or from such place of use, and a trailer when the trailer is being drawn by any such vehicle for the purpose only of conveying implements and gear necessary to the use of the vehicle which draws it, and an agricultural or industrial implement so drawn.

[Brakes of motor vehicles and trailers.

5. A person shall not, without the permission in writing of the Committee, use or cause or permit any other person to use on a public highway a motor vehicle or trailer, or a combination of vehicles, which is not equipped with an efficient braking system –

- (a) which complies with such of sections 5A to 5D as are applicable in the case of such motor vehicle, trailer or combination,
- (b) in respect of which every part of every braking system, and the means of operation thereof, fitted to such vehicle is maintained in good and efficient working order and properly adjusted to ensure such compliance.]

NOTES

Section 5 was substituted by the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 2019, section 3, with effect from 29th March, 2019.¹

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 5 of this Ordinance may be discharged by payment of a fixed penalty.

[Brakes of motor vehicles other than motorcycles.

5A. (1) Every motor vehicle other than a motorcycle shall have brakes which can be easily operated by the driver from a driving position, and such brakes must include –

- (a) a service brake capable of slowing down the vehicle and of stopping it safely, rapidly and effectively,

Consolidated text

whatever its conditions of loading and whatever the upward or downward gradient of the road on which it is moving,

- (b) a parking brake capable of holding the vehicle stationary, whatever its conditions of loading, on a noticeable upward or downward gradient, the operative surfaces of the brake being held in the braking position by a device whose action is purely mechanical,
- (c) a secondary (emergency) brake capable of slowing down and stopping the vehicle, whatever its conditions of loading, within a reasonable distance, even in the event of failure of the service brake,

and such brakes may have parts in common provided that at least two of the devices are separately controlled.

- (2) In every motor vehicle other than a motorcycle –
 - (a) the service brake must act on all the wheels of the vehicle,
 - (b) without prejudice to paragraph (a) –
 - (i) in the case of such a vehicle registered before the coming into force of this Ordinance, the braking system thereof must have brakes acting on all the wheels of the vehicle which (as applied by one means of operation) have a total braking efficiency of not less than forty per

centum, or which (as applied by a second independent means of operation) have a total braking efficiency of not less than fifteen per centum, and

- (ii) in the case of such a vehicle registered after the coming into force of this Ordinance, the braking system must have brakes acting on all the wheels of the vehicle which (as applied by one means of operation) have a total braking efficiency of not less than fifty per centum, or which (as applied by a second independent means of operation) have a total braking efficiency of not less than twenty-five per centum,
- (c) the secondary (emergency) brake and the parking brake must each be capable of acting on at least one wheel on each side of the vehicle's median longitudinal plane,
- (d) the service brake and the parking brake must act on braking surfaces permanently connected to the wheels through components of adequate strength,
- (e) a braking surface must not be capable of being disconnected from the wheels unless such disconnection –
 - (i) is momentary,
 - (ii) in respect of the parking brake, can be effected

only by the action of the driver, and

- (iii) in respect of the service or secondary (emergency) brake, braking remains possible with the efficiency described in subsection (1),
- (f) vehicle equipment which contributes to the braking of the vehicle must be so designed and constructed that the efficacy of the service brake is ensured notwithstanding prolonged and repeated use,
- (g) the service braking action must be properly distributed and synchronised among the various axles of the vehicle.]

NOTE

Section 5A was inserted by the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 2019, section 3, with effect from 29th March, 2019.

[Braking of trailers.

5B. (1) Every trailer the maximum gross weight of which exceeds 750 kilograms must be equipped with a braking system in good and efficient working order which must include –

- (a) a service brake capable of slowing down the trailer and of stopping it safely, rapidly and effectively, whatever its conditions of loading and whatever the upward or downward gradient of the road on which it is moving, and

- (b) a parking brake capable of holding the trailer stationary, whatever its conditions of loading, on a noticeable upward or downward gradient, the operative surfaces of the brake being held in the braking position by a device whose action is purely mechanical,

provided that subsection (b) does not apply to a trailer which cannot be uncoupled from the drawing vehicle without the use of tools if the requirements in section 5C(3) are satisfied for the combination of vehicles.

(2) The braking system of a trailer to which subsection (1) applies must comply with the following –

- (a) the service brake must act on all the wheels of the trailer,
- (b) the braking action must be properly distributed and synchronised among the various axles of the trailer,
- (c) subject to subsection (3), the service brake must be capable of being brought into action by the service brake control of the motor vehicle drawing the trailer,
- (d) the service brake and the parking brake must act on braking surfaces permanently connected to the wheels through components of adequate strength,
- (e) subject to subsection (4), the braking devices must be such that the trailer is stopped automatically if the coupling device breaks while the trailer is in motion.

(3) In the case of a trailer the maximum gross weight of which does not exceed 3,500 kilograms, subsection (2)(c) shall not apply if the brakes of the trailer automatically come into operation on the overrun of the trailer.

(4) Subsection (2)(e) shall not apply to a trailer –

- (a) with only one axle or with two axles less than one metre apart,
- (b) the maximum gross weight of which does not exceed 1,500 kilograms, and
- (c) which is not a semi-trailer,

if it is fitted, in addition to the coupling device, with a secondary attachment.]

NOTE

Section 5B was inserted by the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 2019, section 3, with effect from 29th March, 2019.

Braking of combinations of vehicles.

5C. (1) Without prejudice to sections 5A and 5B relating to motor vehicles and trailers as separate vehicles, the following provisions apply to combinations of such vehicles –

- (a) the braking devices on each of the component vehicles must be compatible,
- (b) the service braking action must be properly distributed and synchronised between the various axles of the

combination.

(2) When a trailer is being drawn, in the event of a failure of any part (other than a fixed member or a brake shoe anchor pin) of the braking system with which the drawing vehicle is equipped or of any part (other than as aforesaid) of the braking system with which the trailer is equipped, the brakes shall still be capable of being applied to at least two wheels of the trailer or, in the case of a two-wheeled trailer, to one wheel.

(3) When the trailer is stationary –

- (a) the brakes of that system can also be applied to at least two wheels of the trailer and released by a person standing on the ground by a means of operation fitted to the trailer,
- (b) the braking force of that system can, when applied in the manner indicated in paragraph (a) or section 5B(2)(c), at all times be maintained in operation by direct mechanical action without the intervention of any hydraulic, electric or pneumatic device, and
- (c) such braking force, when so applied and so maintained in operation by direct mechanical action, is capable of holding the trailer stationary on a gradient of at least 1 in 6.25 without the assistance of stored energy:

Provided that –

- (i) the provisions of subsection (2) shall not apply in the case of a trailer if the brakes of the trailer

automatically come into operation on the overrun of the trailer,

(ii) the provisions of this subsection shall not apply

–

(aa) to an agricultural trailer the laden weight of which does not exceed 4006 kilograms when such trailer is being drawn by an agricultural tractor,

(bb) to a motor vehicle which has broken down when such vehicle is being drawn by a motor vehicle in consequence of the breakdown.]

NOTE

Section 5C was inserted by the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 2019, section 3, with effect from 29th March, 2019.

[Braking of motorcycles.]

5D. (1) Every motorcycle shall be equipped with two brakes, one of which acts at least on the rear wheel or wheels and the other at least on the front wheel or wheels.

(2) In the case of a motorcycle registered before the coming into force of this Ordinance, the braking system thereof must have brakes acting on both the wheels of the motorcycle which (as applied as a combination) have a total braking efficiency of not less than forty per centum, or which (as applied as a single means of operation) have a total braking efficiency of not less than fifteen per centum.

(3) In the case of a motorcycle registered after the coming into force of this Ordinance, the braking system must have brakes acting on both the wheels of the motorcycle which (as applied as a combination) have a total braking efficiency of not less than fifty per centum, or which (as applied as a single means of operation) have a total braking efficiency of not less than twenty-five per centum.

(4) The brakes of a motorcycle must be capable of slowing down the motorcycle and of stopping it safely, rapidly and effectively, whatever its conditions of loading and whatever the upward or downward gradient of the road on which it is moving.]

NOTE

Section 5D was inserted by the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 2019, section 3, with effect from 29th March, 2019.

Interpretation.

6. (1) In this Ordinance, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"agricultural produce" has the meaning assigned to it by section one of the Motor Vehicles (Taxation and Licensing) (Tractors) Law, 1957^a,

"agricultural tractor" has the meaning assigned to it by section one of the Motor Vehicles (Taxation and Licensing) (Tractors) Law, 1957^a,

^a Ordres en Conseil Vol. XVII, p. 241.

^a Ordres en Conseil Vol. XVII, p. 241.

"agricultural trailer" means a trailer the property of a person engaged in agriculture which is not used on a public highway for the conveyance of any goods or burden other than agricultural produce or articles required for agricultural purposes,

"axle weight" in relation to each axle of a motor vehicle, means the sum of the weights transmitted to the surface of the road by all the wheels of that axle,

"braking efficiency" in relation to the application of brakes to a motor vehicle at any time, means the maximum braking force capable of being developed by the application of those brakes, expressed as a percentage of the weight of the vehicle including any persons or load carried in the vehicle at that time,

[**"combination of vehicles"** means coupled vehicles which travel on the public highway as a unit,]

"goods vehicle" means a motor vehicle designed, constructed or adapted for use wholly or mainly for the carriage of goods and includes a trailer so designed, constructed or adapted,

"gross weight" in relation to a motor vehicle, means the sum of the weights transmitted to the road surface by all the wheels of the vehicle and in relation to a motor vehicle drawing a trailer, the sum of the weights transmitted to the road surface by all the wheels of the motor vehicle and the trailer,

[**"maximum gross weight"**, in relation to a motor vehicle or trailer, means the weight of such vehicle or trailer laden with the heaviest load which

it is constructed or adapted to carry,]

["**motorcycle**" means any two-wheeled motor vehicle, with or without a side-car,]

["**motor vehicle**" means a mechanically propelled vehicle intended or adapted for use on a public highway,]

["**parking brake**" means the device used to hold the vehicle stationary in the driver's absence or, in the case of trailers, when the trailer is uncoupled,]

"**pneumatic tyre**" means a tyre, other than a recut pneumatic tyre, which complies in all respects with the following requirements –

- (a) it shall be provided with, or together with the wheel upon which it is mounted shall form, a continuous closed chamber inflated to a pressure substantially exceeding atmospheric pressure when the tyre is in the condition in which it is normally used, but is not subjected to any load,
- (b) it shall be capable of being inflated and deflated without removal from the wheel or vehicle,
- (c) it shall be such that, when it is deflated and is subjected to a normal load, the sides of the tyre collapse,

"**recut pneumatic tyre**" means any pneumatic tyre in which an existing tread pattern has been cut or burnt deeper or a new tread pattern has been cut or burnt except where the pattern is cut or burnt entirely in additional material added to the tyre for the purpose,

"registered" in relation to a motor vehicle, means registered in accordance with the provisions of the Law entitled "Loi relative aux Automobiles" of the eleventh day of December, nineteen hundred and twenty-six^b,

[**"secondary (emergency) brake"** means the device designed to slow down and stop the vehicle in the event of failure of the service brake,]

[**"semi-trailer"** means any trailer designed to be coupled to a motor vehicle in such a way that part of it rests on the motor vehicle and that a substantial part of its mass and of the mass of its load is borne by the motor vehicle,]

[**"service brake"** means the device normally used to slow down and stop the vehicle,]

"stored energy" in relation to a braking system of a vehicle, means energy (other than the muscular energy of the driver or the mechanical energy of a spring) stored in a reservoir for the purpose of applying the brakes under the control of the driver, either directly or as a supplement to his muscular energy,

"trailer" means a vehicle drawn by a motor vehicle, [and includes a semi-trailer,]

"train weight" in relation to a motor vehicle which may draw a trailer, means the maximum laden weight for the motor vehicle together with any trailer which may be drawn by it,

^b Ordres en Conseil Vol. VIII, p. 56.

"wheel" in relation to a motor vehicle means a wheel the tyre or rim of which when the vehicle is in motion on a road is in contact with the ground.

[(1A) References in this Ordinance to the coming into force of this Ordinance mean 24th November 1971.]

(2) Any reference in this Ordinance 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 including this Ordinance.

NOTES

In section 6, the definitions of the expressions, first, "combination of vehicles", second, "maximum gross weight", "motorcycle", "motor vehicle" and "parking brake" and, third, "secondary (emergency) brake", "semi-trailer" and "service brake" in subsection (1) were inserted, fourth, the words in square brackets in the definition of the expression "trailer" therein were inserted and, fifth, subsection (1A) was inserted by the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 2019, respectively section 4(a), section 4(b), section 4(c), section 4(d) and section 5, with effect from 29th March, 2019.

The Loi relative aux Automobiles, 1926 and the Motor Vehicles (Taxation and Licensing) (Tractors) Law, 1957 have since been repealed by the Motor Taxation (Abolition) (Guernsey) Ordinance, 2006, section 3(1), Schedule, Part I, with effect from 1st January, 2008.

Amendments to Ordinance of 1955.

7. The Road Traffic (Inspection of Cycles and Motor Vehicles) Ordinance, 1955 is hereby amended as follows –

- (a) in subsection (1) of section two thereof immediately after the word "silencers" there are inserted a comma and the word "tyres",

- (b) in section three thereof the words "ten pounds" are repealed and the words "fifty pounds" are substituted therefor.²

Amendments to Ordinance of 1970.

8. ...

NOTE

Section 8 was repealed by the Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 2002, section 15(d), with effect from 26th June, 2002, subject to the savings in section 16 of the 2002 Ordinance.³

Repeals.

9. The Ordinances set out in the left hand column of the Schedule to this Ordinance are hereby repealed to the extent set out in the right hand column of that Schedule.

Construction.

10. This Ordinance shall be construed as one with the principal Ordinance.

NOTE

In section 10, the "principal Ordinance" was the Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 1970, which Ordinance has since been repealed by the Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 2002, section 15(d), with effect from 26th June, 2002, subject to the savings in section 16 of the 2002 Ordinance.

Citation.

11. This Ordinance may be cited as the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1971.

NOTE

The Ordinance was made and came into operation on 24th November, 1971.

Collective title.

12. ...

NOTE

Section 12 was repealed by the Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 2002, section 15(d), with effect from 26th June, 2002.

SCHEDULE

Section nine

...

NOTE

The Schedule was repealed by the Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 2002, section 15(d), with effect from 26th June, 2002, subject to the savings in section 16 of the 2002 Ordinance.

1 Prior to its substitution, section 5 was amended by the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) (No. 2) Ordinance, 1972, section 1, with effect from 14th December, 1972; the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1988, section 1, with effect from 8th February, 1988.

2 For subsequent amendments, see the consolidated text of the Road Traffic (Inspection of Cycles and Motor Vehicles) Ordinance, 1955.

3 Prior to its repeal, section 8 was amended by the Road Traffic (Increase in Fines) Ordinance, 1988, section 3(2), with effect from 1st August, 1988.