

Island of  Guernsey

**Ordinance of the States**

**X**  
**2002**

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Made ..... 26th June, 2002.  
Coming into operation ..... 26th June, 2002.

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**The Road Traffic (Construction and Use of Motor Vehicles)**  
**Ordinance, 2002**

# **The Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 2002**

**THE STATES**, in pursuance of their Resolution of the 9<sup>th</sup> day of January, 2002<sup>a</sup>, hereby order:-

## **Maximum width of motor vehicles.**

1. Subject to the provisions of section 2, a person shall not, except under the authority of and in accordance with the conditions of the permission in writing of the States Traffic Committee ("**the Committee**"), use or cause or permit any other person to use on a public highway a motor vehicle of which the overall width is in excess of 2.31 metres.

## **Exceptions from section 1.**

2. (1) The provisions of section 1 shall not apply in the case of a motor vehicle of which the overall width is not in excess of 2.5 metres or (in the case of an articulated motor vehicle) 2.6 metres when (in either case) it is used on the harbours route, that is to say, on the public highways between -

- (a) No. 6 Berth the White Rock, Saint Peter Port; and
- (b) the Vale Castle, Vale;

via Saint Julian's Pier, the Weighbridge, Glategny Esplanade, Saint George's Esplanade, Longstore, Les Banques, La Rue des Bas Courtils, Bulwer Avenue, South Side, the Bridge, North Side and Castle Road.

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<sup>a</sup> Article XIII of Billet d'État No. XXIV of 2001.

(2) The provisions of section 1 shall not apply in the case of a public service vehicle in respect of which there is for the time being in force either a private hire omnibus licence or a public service omnibus licence and of which the overall width is not in excess of 2.49 metres when it is used on any public highway for the purposes of or ancillary to -

- (a) a public omnibus service;
- (b) a public excursion service; or
- (c) a private hire omnibus service;

on a route approved for the purposes of this subsection by the Committee.

(3) The provisions of section 1 shall not apply in the case of an articulated motor vehicle of which the overall width is not in excess of 2.6 metres when it is used on public highways specified by the Committee for the purpose of going to and from the industrial sites situated at North Side, Lowlands, La Route du Braye, La Rue de la Hure Mare and Pitronnerie Road, provided that the vehicle is used only during the approved times, that is to say, between 9.00 p.m. and 6.45 a.m.

**Maximum load of motor vehicles.**

3. Subject to the provisions of section 4, a person shall not, except under the authority of and in accordance with the conditions of the permission in writing of the Committee, use or cause or permit any other person to use on a public highway a motor vehicle if -

- (a) the maximum load carried by the vehicle is in excess

of 9 tonnes per axle; or

- (b) the combined maximum weight of the vehicle and the load is in excess of -
  - (i) 24 tonnes (in the case of a vehicle with three axles); or
  - (ii) 28 tonnes (in the case of a vehicle with four or more axles).

**Exceptions from section 3.**

4. The provisions of section 3 shall not apply in the case of an articulated motor vehicle -

- (a) when it is used on the harbours route, provided that the combined maximum weight of the vehicle and the load does not exceed 9 tonnes per axle or 44 tonnes in total; or
- (b) when it is used on public highways specified by the Committee for the purpose of going to and from the industrial sites situated at North Side, Lowlands, La Route du Braye, La Rue de la Hure Mare and Pitronnerie Road, provided that -
  - (i) the combined maximum weight of the vehicle and the load does not exceed 9 tonnes per axle or 44 tonnes in total; and

- (ii) such vehicles are used only during the approved times, that is to say, between 9.00 p.m. and 6.45 a.m.

**Provisions relating to carriage of loads 2.44 metres wide or more.**

5. (1) Without prejudice to compliance with the provisions of sections 1, 3 and 8 (relating to the maximum width, maximum load and maintenance and use of motor vehicles) a person shall not use or cause or permit any other person to use on a public highway a motor vehicle carrying a load of which the width is 2.44 metres or more unless the load is effectively secured to the vehicle by means of a securing device fitted to the vehicle of such type as the Committee may from time to time by order prescribe.

(2) An order made under the provisions of subsection (1) may prescribe different types of securing devices for the carriage of different types of loads on motor vehicles.

(3) Any power conferred by subsection (1) to make any order shall be construed as a power exercisable in like manner to vary or repeal the order.

**Maximum length of motor vehicle.**

6. Subject to the provisions of section 7, a person shall not, except under the authority of and in accordance with the conditions of the permission in writing of the Committee, use or cause or permit any other person to use on a public highway a motor vehicle of which the overall length is -

- (a) in the case of an articulated motor vehicle, in excess of 10.67 metres;
- (b) in the case of a public service vehicle, in excess of

9.75 metres;

- (c) in the case of any other motor vehicle, in excess of 9.45 metres; and
- (d) in the case of a towing vehicle and trailer, in excess of a combined length of 12.19 metres, and subject to neither the towing vehicle nor the trailer exceeding a length of 9.45 metres.

**Exceptions from section 6.**

7. The provisions of section 6 shall not apply in the case of an articulated motor vehicle -

- (a) when it is used on the harbours route; or
- (b) when it is used -
  - (i) on public highways specified by the Committee for the purpose of going to and from the industrial sites referred to in section 4(b); and
  - (ii) at the approved times referred to in that section;

provided that the overall length of the vehicle does not exceed 16.55 metres.

**Maintenance and use of motor vehicle so as not to cause danger or damage.**

8. A person shall not use or cause or permit any other person to use on a public highway a motor vehicle if at any time -

- (a) the vehicle or any part or accessory thereof is in such condition or if the weight distribution, packing or adjustment of the load thereof is such that any danger or damage is or is likely to be caused to any person in or on the vehicle or on a public highway or to property;
- (b) the load carried by the vehicle is so secured or is in such a position that any danger or damage is or is likely to be caused to any person in or on the vehicle or on a public highway or to property by reason of the load or any part or accessory thereof falling from the vehicle or by reason of any other movement of the load or any part or accessory thereof in relation to the vehicle;
- (c) the vehicle is used for any purpose for which it is so unsuitable as to cause or be likely to cause any danger or damage to any person in or on the vehicle or on a public highway or to property.

**Restrictions as to trailers.**

9. A person shall not, except under the authority of and in accordance with the conditions of the permission in writing of the Committee, use or cause or permit any other person to use on a public highway a motor vehicle -

- (a) to which there is attached more than one trailer; or
- (b) to which there is attached a trailer with a laden weight

which exceeds half the kerbside weight of the towing vehicle, unless the trailer is equipped with an efficient braking system which conforms to the requirements of section 5(2) of the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1971<sup>b</sup>.

**Grant of permission by Committee.**

10. (1) A person wishing to obtain the permission of the Committee under any provision of this Ordinance shall apply in that behalf to the Committee.

(2) An application under this section shall be made in such form and manner as the Committee may require and shall be accompanied by such information or documents as the Committee may reasonably require for the purpose of determining the application.

(3) Upon receipt of an application under this section and at any time thereafter the Committee may require the applicant to provide such additional information and documents as the Committee may reasonably require for the purpose of determining the application.

(4) Upon receipt of an application under this section the Committee may -

- (a) grant the permission applied for; or
- (b) refuse to grant the permission.

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<sup>b</sup> Recueil d'Ordonnances Tome XVII, p. 324; amended by Tome XVIII, pp. 124 and 217 and Tome XXIV, pp. 272 and 354.

(5) The Committee may, when granting a permission or at any time thereafter, impose such conditions in respect of the permission as it thinks fit.

(6) The Committee may at any time -

(a) revoke a permission; or

(b) vary or rescind any condition of a permission.

(7) Where the Committee decides -

(a) to refuse to grant a permission;

(b) to revoke a permission; or

(c) to impose, vary or rescind any condition in respect of a permission;

the Committee shall serve upon the applicant or (as the case may be) the holder of the permission notice in writing of the decision, stating the grounds of the decision, setting out (where appropriate) particulars of the condition in question and giving particulars of the right of appeal conferred by section 11.

(8) In exercising any of its functions in relation to the grant or refusal of a permission, the revocation of a permission or the imposition, variation or rescission of any condition in respect of a permission the Committee may, without limitation, have regard to the terms of any resolution of the States setting out the policy to be applied by the Committee in the exercise of that function.

**Appeals against decisions of Committee.**

11. (1) A person aggrieved by a decision of the Committee -
- (a) to refuse an application by him under section 10 for a permission;
  - (b) to revoke his permission;
  - (c) to impose, vary or rescind any condition in respect of his permission;

may appeal to the Court against the decision.

(2) The grounds of an appeal under this section shall be that the decision was ultra vires or was an unreasonable exercise of the Committee's powers.

- (3) An appeal under this section shall be instituted -
- (a) within a period of 28 days immediately following the date of the notice of the Committee's decision; and
  - (b) by summons served on the President of the Committee stating the grounds and material facts on which the appellant relies.
- (4) On an appeal under this section the Court may -
- (a) set the decision of the Committee aside and, if the Court considers it appropriate to do so, remit the matter to the Committee with such directions as the

Court thinks fit; or

(b) confirm the decision.

(5) In this section "**the Court**" means the Royal Court sitting as an Ordinary Court.

(6) An appeal from a decision of the Court made under this section shall lie to the Court of Appeal on a question of law.

**Powers of police to inspect, etc.**

**12.** An officer of police and any person for the time being appointed by the Committee as an examiner of vehicles, on production of his authority if so required, may require the person in charge of any motor vehicle to allow the vehicle-

(a) to be inspected and tested for the purpose of ensuring that the provisions of this Ordinance are being complied with;

(b) to be weighed either laden or unladen, and the weight transmitted to the road by any parts of the vehicle in contact with the road to be tested, and for that purpose to proceed to a weighbridge or other machine for weighing vehicles:

provided that an officer of police or any person appointed as aforesaid shall not require the person in charge of the vehicle to unload the vehicle or to cause it to be unloaded for the purpose of being weighed unladen.

**Offences and penalties.**

13. (1) A person who contravenes any provision of this Ordinance is guilty of an offence and liable, on conviction, to a fine not exceeding level 3 on the uniform scale.

(2) A person who, without lawful authority or reasonable excuse, obstructs or fails to comply with any requirement imposed by any person in the exercise or purported exercise of his powers under the provisions of section 12 is guilty of an offence and liable, on conviction, to a fine not exceeding level 4 on the uniform scale.

(3) A person who -

(a) in connection with an application for, or otherwise for the purposes of obtaining, a permission of the Committee under any provision of this Ordinance;

(b) in purported compliance with a requirement imposed by or under any provision of this Ordinance; or

(c) otherwise than as mentioned in paragraph (a) or (b) but in circumstances in which he intends, or could reasonably be expected to know, that the statement, information or document provided by him would or might be used by any person for the purpose of exercising functions conferred by, or in connection with the administration or enforcement of, this Ordinance -

(i) makes a statement which he knows or has

reasonable cause to believe to be false, deceptive or misleading in a material particular;

(ii) dishonestly or otherwise, recklessly makes a statement which is false, deceptive or misleading in a material particular;

(iii) produces or furnishes or causes or permits to be produced or furnished any information or document which he knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular; or

(iv) dishonestly or otherwise, recklessly produces or furnishes or recklessly causes or permits to be produced or furnished any information or document which is false, deceptive or misleading in a material particular;

is guilty of an offence and liable, on conviction, to a fine not exceeding level 4 on the uniform scale.

**Interpretation.**

**14.** (1) In this Ordinance, unless the context otherwise requires -

“**articulated motor vehicle**” means a motor vehicle with a trailer so attached to the drawing vehicle that part of the trailer is superimposed upon the drawing vehicle, and when the trailer is uniformly loaded not less than twenty per cent of the weight of its load is borne by the drawing vehicle;

“**Committee**” means the States Traffic Committee;

“**harbours route**” has the meaning given by section 2(1);

“**motor vehicle**” means a mechanically propelled vehicle intended or adapted for use on a public highway and includes a trailer drawn thereby;

“**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;

“**overall length**” means the length of a motor vehicle, including its load, measured between vertical planes at right angles to the longitudinal axis of the vehicle and passing through the extreme projecting points thereof;

“**overall width**” means the width of a motor vehicle, including its load, measured between vertical planes parallel to the longitudinal axis of the vehicle and passing through the extreme projecting points thereof exclusive of -

- (a) any driving mirror (including any supporting bracket or fixing),
- (b) any direction indicator,
- (c) so much of the distribution of any tyre as is caused by the weight of the vehicle,

(d) any front corner marker lamp or side marker lamp;

“**private hire omnibus licence**” has the same meaning as in the Public Transport Ordinance, 1986<sup>c</sup>;

“**private hire omnibus service**” has the same meaning as in the Public Transport Ordinance, 1986;

“**public excursion service**” has the same meaning as in the Public Transport Ordinance, 1986;

“**public highway**” includes any road, street, lane or public place;

“**public omnibus service**” has the same meaning as in the Public Transport Ordinance, 1986;

“**public service omnibus licence**” has the same meaning as in the Public Transport Ordinance, 1986;

“**public service vehicle**” has the same meaning as in the Public Transport Ordinance, 1986; and

“**trailer**” means a vehicle drawn by a motor vehicle.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, repealed and re-enacted (with or

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<sup>c</sup> Recueil d'Ordonnances Tome XXIII, p. 351; amended by Tome XXIV, pp. 103 and 265; Tome XXV, p. 211; Tome XXVI, pp. 152 and 370; and Nos. VI and XXI of 2001.

without modification), extended or applied.

**Repeals.**

15. The following enactments are repealed -

- (a) the Road Traffic (Speed Limits and Trailers) Ordinance, 1959<sup>d</sup>;
- (b) the Road Traffic (Speed Limits and Trailers) (Amendment) Ordinance, 1965<sup>e</sup>;
- (c) the Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 1970<sup>f</sup>;
- (d) sections 8 and 12 of, and the schedule to, the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1971<sup>g</sup>;
- (e) the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1972<sup>h</sup>;
- (f) the Road Traffic (Construction and Use of Motor

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<sup>d</sup> Recueil d'Ordonnances Tome XII, p. 96.

<sup>e</sup> Recueil d'Ordonnances Tome XIV, p. 97.

<sup>f</sup> Recueil d'Ordonnances Tome XVI, p. 339.

<sup>g</sup> Recueil d'Ordonnances Tome XVII, p. 324.

<sup>h</sup> Recueil d'Ordonnances Tome XVIII, p. 124.

- Vehicles) (Amendment) (No. 2) Ordinance, 1972<sup>i</sup>;
- (g) the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1975<sup>j</sup>;
- (h) the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1976<sup>k</sup>;
- (i) the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1980<sup>l</sup>;
- (j) the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1982<sup>m</sup>;
- (k) the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1984<sup>n</sup>;
- (l) in the schedule to the Road Traffic and Highways Offences (Increase of Fines) Ordinance, 1986<sup>o</sup>, the entry relating to the Road Traffic (Speed Limits and Trailers) Ordinance, 1959;

<sup>i</sup> Recueil d'Ordonnances Tome XVIII, p. 217.

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<sup>j</sup> Recueil d'Ordonnances Tome XX, p. 218.

<sup>k</sup> Recueil d'Ordonnances Tome XX, p. 245.

<sup>l</sup> Recueil d'Ordonnances Tome XXI, p. 406.

<sup>m</sup> Recueil d'Ordonnances Tome XXII, p. 408.

<sup>n</sup> Recueil d'Ordonnances Tome XXIII, p. 27.

<sup>o</sup> Recueil d'Ordonnances Tome XXIII, p. 422.

- (m) in schedules 2 and 3 to the Road Traffic (Speed Limits and Trials) Ordinance, 1987<sup>P</sup>, the entry relating to the Road Traffic (Speed Limits and Trailers) Ordinance, 1959;
- (n) the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1988<sup>Q</sup>; and
- (o) section 3 of the Road Traffic (Increase in Fines) Ordinance, 1988<sup>R</sup>.

**Savings.**

16. (1) Any subordinate legislation made or other thing done under an enactment repealed and re-enacted (with or without modification) by this Ordinance, or having effect as if so made or done, which could have been made or done under this Ordinance shall have effect, after the date of commencement of this Ordinance, as if made or done under the provision re-enacted.

(2) Any reference, howsoever expressed, in any enactment, statutory instrument or rule of court to an enactment repealed and re-enacted (with or without modification) by this Ordinance shall, unless the contrary intention appears, be construed as a reference to the provision re-enacted.

**Citation and collective title.**

17. (1) This Ordinance may be cited as the Road Traffic

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<sup>P</sup> Recueil d'Ordonnances Tome XXIV, p. 20.

<sup>Q</sup> Recueil d'Ordonnances Tome XXIV, p. 272.

<sup>R</sup> Recueil d'Ordonnances Tome XXIV, p. 354.

(Construction and Use of Motor Vehicles) Ordinance, 2002.

(2) This Ordinance and the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1971<sup>s</sup> may be cited together as the Road Traffic (Construction and Use of Motor Vehicles) Ordinances, 1971 and 2002.

**Commencement.**

**18.** This Ordinance shall come into force on the 26<sup>th</sup> June , 2002.

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<sup>s</sup> Recueil d'Ordonnances Tome XVII, p. 324; amended by Tome XVIII, pp. 124 and 217 and Tome XXIV, pp. 272 and 354.