

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Road Traffic (Disabled Persons) Ordinance, 1991 *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome XXV, p. 315; as amended by the: Road Traffic (Disabled Persons) (Amendment) Ordinance, 1991 (Recueil d'Ordonnances Tome XXV, p. 405); Island Traffic Committee (Transfer of Functions) (No. 2) Ordinance, 1992 (Recueil d'Ordonnances Tome XXVI, p. 90); Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); Road Traffic (Disabled Persons) (Amendment) Regulations, 2022 (G.S.I. No. 21 of 2022).

**ORDINANCE
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The Road Traffic (Disabled Persons) Ordinance, 1991

ARRANGEMENT OF SECTIONS

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(Made on 26th June, 1991.)

The Road Traffic (Disabled Persons) Ordinance, 1991

THE STATES, in pursuance of their Resolution of the 14th March, 1985^a, hereby order: –

Use of invalid carriages.

1. An invalid carriage complying with the requirements of sections 3 to 11 of this Ordinance and which is being used in accordance with such requirements –

- (a) shall be exempt from any statutory provision prohibiting use on a footway, and
- (b) if mechanically propelled, shall not be treated as a motor vehicle for the purposes of any legislation for the time being in force relating to the licensing and registration of motor vehicles[, and
- (c) if mechanically propelled, shall not be treated as a motor vehicle for the purposes of Article 8 of the Law entitled "Loi relative aux Automobiles" registered on the 11th December, 1926][, and.
- (d) shall not be treated as a motor vehicle for the purpose of section 5 of the Motor Taxation and Licensing (Guernsey) Law, 1987].

NOTES

^a On Article I of Billet d'État No. VII of 1985.

In section 1,

paragraph (c) and the word immediately after paragraph (b) were inserted by the Road Traffic (Disabled Persons) (Amendment) Ordinance, 1991, section 1, with effect from 31st October, 1991;

paragraph (d) and the word immediately after paragraph (c) were inserted by the Road Traffic (Disabled Persons) (Amendment) Regulations, 2022, regulation 2, with effect from 25th March, 2022.

The Loi relative aux Automobiles, 1926 has since been repealed by the Motor Taxation (Abolition) (Guernsey) Ordinance, 2006, section 3(1), Schedule, Part I, with effect from 1st January, 2008.

Badges.

2. (1) The Committee shall be empowered to issue upon application a badge in a form it prescribes ("**a badge**") for display on motor vehicles driven by or used for the carriage of a person suffering from some physical defect or disability ("**a disabled person**").

(2) Before a badge is issued the Committee shall be empowered to require such evidence of disability as it may deem necessary in any particular case.

(3) The words "**some physical defect or disability**" in this Ordinance mean such condition that the Committee may recognise for the purpose of issuing a badge.

(4) A badge may be issued in respect of any one or more vehicles and, if so issued, may be displayed on it or any of them at times when the vehicle is being driven by a disabled person.

(5) A badge may be issued to a disabled person in respect of one or more vehicles used by him as a passenger and may be displayed on any of such vehicles at times when being used to carry him.

(6) The Committee may issue a badge to an institution concerned in the care of disabled persons within the Island for any motor vehicle, or, as the case may be, for each motor vehicle kept within the Island for the institution to carry disabled persons, and any badge so issued may be displayed on the vehicle in respect of which it applies when it is being so used.

(7) The Committee shall maintain a register showing the details of holders of badges issued under this section and the vehicles in respect of which the badges are held.

(8) A badge issued under this section shall remain the property of the Committee and be issued for such period and subject to such conditions as the Committee sees fit.

(9) A badge issued under this section shall be delivered up forthwith when the Committee so requires and any person who without reasonable excuse fails to comply with such a requirement shall be guilty of an offence and liable on conviction to a fine not exceeding level 3 on the uniform scale.

(10) Any person who knowingly makes a false declaration or statement in or in connection with an application under this section for a badge shall be guilty of an offence and liable on conviction to a fine not exceeding level 4 on the uniform scale.

(11) Any person who with intent to deceive uses a badge issued under this section other than in accordance with the provisions of this Ordinance, or any other enactment for the time being in force regulating the use of such badges, shall be guilty of an offence and liable on conviction to a fine not exceeding level 4 on the uniform scale.

General requirements.

3. (1) An invalid carriage must be used only –
- (a) by a disabled person, or
 - (b) by some other person taking it to or bringing it from a place for maintenance or repair, or
 - (c) by a manufacturer for testing or demonstration, or
 - (d) by a prospective seller for demonstration, or
 - (e) by a person giving practical training in the use of invalid carriages.

(2) A Class B invalid carriage must not be used by a person aged under 14 years.

(3) A Class B invalid carriage must not be used on a footway at a speed exceeding 4 miles per hour.

Unladen weight.

4. (1) The unladen weight of a Class A invalid carriage shall not exceed 113.4 kilograms.

(2) The unladen weight of a Class B invalid carriage shall not exceed 150 kilograms.

(3) "**Unladen weight**" means the weight of the invalid carriage inclusive of the weight of water, fuel or accumulators used for the purposes of propulsion and loose tools, but exclusive of the weight of any other load or person.

Stopping.

5. (1) An invalid carriage shall be capable of being stopped in all conditions with reasonable stability and within a reasonable distance.

(2) When immobile or left unattended an invalid carriage shall be capable of being held stationary indefinitely on a gradient of at least 1 in 5 without depending upon any hydraulic or pneumatic device or the flow of electricity.

(3) The requirements of this section will not be met unless the necessary effect can be achieved by the use of –

- (a) the propulsion unit or transmission gear or both,
- (b) a separate system fitted to the vehicle (which may operate upon the propulsion unit or transmission gear),
or
- (c) a combination of (a) and (b) above.

Speed.

6. (1) A Class B invalid carriage shall be fitted with –

- (a) a device capable of limiting the speed to 4 miles per hour on the level under its own power operated by the user, and
- (b) a speed indicator which shall show the user that the device in subsection (1)(a) is working and the speed of the invalid carriage whilst in motion.

(2) A speed indicator shall at all times be kept unobstructed and in

efficient working order.

(3) A speed indicator shall be used at all times whilst the invalid carriage is in motion.

Width.

7. The overall width of an invalid carriage shall not exceed 0.85 metres.

Audible warning apparatus.

8. (1) A Class B invalid carriage shall be fitted with a horn which shall not be a reversing alarm or two tone horn.

(2) A horn shall only be sounded when the invalid carriage is either –

(a) stationary on a public highway at times of danger, or

(b) in motion on a road other than between 11.30 p.m. and 7.00 a.m. the next morning.

Vision.

9. (1) An invalid carriage shall be so constructed that the user can at all times have a full view ahead when controlling it.

(2) Any windscreen or window on an invalid carriage shall be made out of glass or glazing manufactured or treated so that if broken it does not produce dangerous fragments.

Rear view mirrors.

10. (1) A Class B invalid carriage shall be fitted either internally or externally with an efficient, clear and unobstructed rear view mirror.

(2) Any rear view mirror shall be made out of material so manufactured or treated so that if broken it does not produce dangerous fragments.

Lighting.

11. (1) The Committee may by order exempt an invalid carriage from the requirements of the Lighting of Vehicles and Skips Ordinance, 1988^b.

(2) Subject to subsection (4) an invalid carriage shall be equipped with direction indicators.

(3) Direction indicators shall at all times be kept in efficient working order.

(4) The Committee may by order exempt an invalid carriage from the requirements of subsection (2) if satisfied that the vehicle will remain in the Island of Guernsey for a period not exceeding 6 weeks in any year.

NOTE

The following Order has been made under section 11:

Lighting of Vehicles and Skips (Exemptions) Order, 2019.

Offences.

12. Any person who uses or permits the use of any vehicle on a public highway which does not comply with the requirements of sections 3 to 11 shall be guilty of an offence punishable on conviction with a fine not exceeding level 3 on the uniform scale.

^b No. XXV of 1988.

Regulations.

13. (1) The Committee may by Regulation amend any of the provisions of sections 3 to 11 of this Ordinance.

(2) Regulations under this section –

(a) may contain such supplementary, incidental and transitional provisions as in the opinion of the Committee, are necessary or expedient for the purposes of the Regulations,

(b) may be amended or repealed by subsequent Regulations.

Exemptions.

14. (1) The Committee may in its absolute discretion (from which decision no appeal shall lie) issue a certificate in respect of any invalid carriage exempting it from all or any of the provisions of sections 3 to 11.

(2) The certificate shall name the disabled person entitled to the benefit of such exemptions.

(3) An invalid carriage shall not be exempt from any of the provisions of this Ordinance if being driven or used other than by the person named in the certificate pursuant to subsection (2).

Interpretation.

15. (1) In this Ordinance –

"Class A invalid carriage" means a mechanically propelled invalid carriage which is so constructed or adapted as to be incapable of exceeding a

speed of 4 miles per hour on the level under its own power,

"Class B invalid carriage" means a mechanically propelled invalid carriage which is so constructed or adapted as to be capable of exceeding a speed of 4 miles per hour, but incapable of exceeding a speed of 8 miles per hour on the level under its own power,

"the Committee" means the [States [Committee for the Environment & Infrastructure]] or such other Committee or like body of the States as the States may from time to time prescribe by Resolution under this section,

"footway" means part of a public highway over which the public has a right of passage on foot only,

"invalid carriage" means a mechanically propelled vehicle, constructed or adapted for the carriage of one disabled person.

(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 15,

the word in square brackets in the definition of the expression "the Committee" in subsection (1) was substituted by the Island Traffic Committee (Transfer of Functions) (No. 2) Ordinance, 1992, section 4, Schedule 2, paragraph 26, with effect from 30th September, 1992;

the words within the square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(a), with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 4(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

Citation and commencement.

16. (1) This Ordinance may be cited as the Road Traffic (Disabled Persons) Ordinance, 1991.

(2) This Ordinance shall come into force on 1st July, 1991.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 29, with effect from 6th May, 2004.

² The functions, rights and liabilities of the Environment Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the States Traffic Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 29, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions of the States Traffic Committee under this Ordinance were previously transferred to it from the Island Traffic Committee by the Island Traffic Committee (Transfer of Functions) (No. 2) Ordinance, 1992, section 1, Schedule 1, paragraph 27, with effect from 29th July, 1992, subject to the savings in section 2 of the 1992

Ordinance.