

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **The Road Traffic (Inspection of Cycles and Motor Vehicles) Ordinance, 1955 \***

[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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\* Recueil d'Ordonnances Tome XI, p. 118; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1971 (Recueil d'Ordonnances Tome XVII, p. 324); 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 Resolution of the States of Guernsey of 24th April, 1991 (Billet XI, proposition 1(4)); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (*supra*); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (*supra*).

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**The Road Traffic (Inspection of Cycles and Motor Vehicles)  
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ARRANGEMENT OF SECTIONS

1. Interpretation.
2. Inspection and testing of motor vehicles.
3. Penalty.
4. Citation.
5. Commencement.

(Made on 27th July, 1955.)

## The Road Traffic (Inspection of Cycles and Motor Vehicles) Ordinance, 1955

**THE STATES**, in pursuance of their resolution of the 22<sup>nd</sup> day of June, 1955, hereby order: –

### **Interpretation.**

1. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"[**Committee for Home Affairs**]" means the States [Committee for Home Affairs],

"**Committee**" means the [States Committee for Home Affairs],

"**cycle**" means a bicycle or tricycle but does not include an invalid carriage or any vehicle required to be licensed as an automobile, and

"**motor vehicle**" means any mechanically propelled vehicle used for circulation on any public highway, the propelling force of which whether wholly or in part is derived from petrol, steam, oil, electricity or any other mechanical force; and includes any trailer drawn by any such vehicle.

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### **NOTES**

*In section 1, the words in the first and second pairs of square brackets in the definition of the expression "Committee for Home Affairs" were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(3), Schedule 3, paragraph 7 and section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.<sup>1</sup>*

*The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance 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.<sup>2</sup>*

*In accordance with their Resolution of 24th April, 1991, concerning Billet d'État No. XI, dated 12th April, 1991, the States directed that the Island Police Committee as established under Article 2 of the Loi ayant rapport à la Police Salariée pour l'Île entière, 1920, the States Committees (Amendment) Law, 1948 and the Police Committee (Amendment) Law, 1990 should be the States Committee for Home Affairs. The functions, rights and liabilities of the States Committee for Home Affairs and of its President arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Home Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 9, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were subsequently 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.*

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### **Inspection and testing of motor vehicles.**

2. (1) Any police officer in uniform, and any person for the time being appointed by the Committee as an examiner of vehicles who shall produce his authority if required, is hereby empowered to inspect and test either on a road or, subject to the consent of the occupier of the premises, on any premises where the vehicle is, any brakes, silencers[, tyres] or steering gear fitted to any cycle or motor vehicle.

(2) The power conferred by subsection (1) of this section to inspect and test a motor vehicle on premises where the vehicle is shall not be exercised unless either the owner of the vehicle consents or notice of the date and time at which it is proposed to carry out the inspection and test has been given to him in accordance with the provisions of the next succeeding subsection.

(3) Any notice given under subsection (2) of this section shall be given to the owner of the vehicle personally or left at his address not less than forty-eight hours before the time of the proposed inspection or shall be sent to him at his address by registered post not less than seventy-two hours before that time.

(4) For the purposes of this section, the owner of the vehicle shall be deemed to be –

- (a) in the case of a vehicle which is for the time being registered under the Law entitled "Loi relative aux Automobiles" registered on the eleventh day of December, 1926, as amended by any subsequent enactment, and is not being used under a trade licence, the person appearing as the owner of the vehicle in the register kept by the [Committee for Home Affairs] under that Law,
- (b) in the case of a vehicle used under a trade licence, the holder of the licence, and
- (c) in the case of a vehicle which is used under an international circulation permit, the person to whom the permit was issued,

and in cases (a) and (b) the address of the owner as shown on the register of the [Committee for Home Affairs] or on the licence (as the case may be) may be treated as his address.

(5) The provisions of subsections (2) and (3) of this section shall not apply in the case of any inspection and test made in connection with an accident in which the cycle or motor vehicle has been involved.

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**NOTES**

*In section 2,*

*the punctuation and word in square brackets in subsection (1) were inserted by the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1971, section 7(a), with effect from 24th November, 1971;*

*the words "Committee for Home Affairs" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(3), Schedule 3, paragraph 7, with effect from 1st May, 2016.*

*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.*

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**Penalty.**

3. Any person who obstructs a police officer in uniform, or any person for the time being appointed by the Committee as an examiner of vehicles, in the execution of his duties under this Ordinance shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding [level 1 on the uniform scale].

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**NOTE**

*In section 3, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.<sup>3</sup>*

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**Citation.**

4. This Ordinance may be cited as the Road Traffic (Inspection of Cycles and Motor Vehicles) Ordinance, 1955.

**Commencement.**

5. This Ordinance shall come into force on the 29<sup>th</sup> day of July, 1955.

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<sup>1</sup> These words, where secondly occurring, 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.

<sup>2</sup> The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and

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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.

<sup>3</sup> These words were previously substituted by the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1971, section 7(b), with effect from 24th November, 1971.