

**ORDINANCE**  
**OF THE STATES OF DELIBERATION**

ENTITLED

**The Road Traffic (Motor Vehicles at Roadside by Night)**  
**Ordinance, 1974 \***

*[CONSOLIDATED TEXT]*

**NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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 XIX, p. 231; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278). See also the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); the Offences (Fixed Penalties) (Guernsey) Law, 2009 (No. XV of 2010).

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ARRANGEMENT OF SECTIONS

1. Motor vehicles at roadside by night.
2. Exemptions.
3. Offences and penalties.
4. Interpretation.
5. Citation.

(Made on 29th May, 1974.)

## **The Road Traffic (Motor Vehicles at Roadside by Night) Ordinance, 1974**

**THE STATES**, in pursuance of their Resolution of the twenty-seventh day of March, nineteen hundred and seventy-four, hereby order: –

### **Motor vehicles at roadside by night.**

1. Subject to the provisions of the next succeeding section, a person being in charge of a motor vehicle shall not, without the permission of an officer of police in uniform, cause or permit that vehicle to stand on any public highway during the hours of darkness otherwise than with the left or near side of such vehicle as close as may be to the edge of the carriageway.

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### **NOTE**

*In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 13th December, 2012, any liability to conviction of offences against section 1 of this Ordinance may be discharged by payment of a fixed penalty.<sup>1</sup>*

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### **Exemptions.**

2. The provisions of the last preceding section shall not apply –
- (a) to any motor vehicle when it is being used for fire brigade, ambulance or police purposes if compliance with the provisions of the last preceding section would hinder or be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion,
  - (b) to any motor vehicle standing in a parking place where

compliance with the provisions of the last preceding section would conflict with the provisions of any order made under the Road Traffic (Parking Places) Ordinance, 1963<sup>a</sup>,

- (c) to any motor vehicle on a public highway in which vehicles are required to proceed in one direction only,
- (d) to any motor vehicle whilst it is being used in connection with –
  - (i) the loading or unloading of the vehicle for the purpose of any building operation or demolition,
  - (ii) the repair of any other vehicle,
  - (iii) the removal of any obstruction to traffic,
  - (iv) the maintenance, repair or reconstruction of any public highway, or
  - (v) the laying, erection, alteration or repair in or near to any public highway of any sewer, of any main, pipe or apparatus for the supply of gas, water or electricity, of any telegraph or telephone wires, cables, posts or supports if, in any such case, compliance with the provisions of the last preceding section would hinder or be likely to hinder the use of the vehicle for the

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<sup>a</sup> Recueil d'Ordonnances Tome XIII, p. 292.

purpose for which it is being used on that occasion.

**Offences and penalties.**

3. Any person who contravenes the provisions of section one of this Ordinance shall be guilty of an offence and 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 (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.<sup>2</sup>*

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**Interpretation.**

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

**"hours of darkness"** means the time between half an hour after sunset on any day and half an hour before sunrise on the day next following,

**"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,

**"parking place"** means any area or part of a public highway designated by order made under the provisions of paragraph (a) or paragraph (b) of subsection (1) of section one of the Road Traffic (Parking Places)

Ordinance, 1963,

**"public highway"** includes any road, street, lane or public place.

(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.

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**NOTE**

*In accordance with the provisions of the Police Force (Bailiwick of 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.*

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**Citation.**

5. This Ordinance may be cited as the Road Traffic (Motor Vehicles at Roadside by Night) Ordinance, 1974.

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**NOTE**

*The Ordinance was made and came into operation on 29th May, 1974.*

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**1** Previously, in accordance with the provisions of the Traffic Offences (Fixed Penalties) Ordinance, 1989, section 1, section 2 and Schedule 1, with effect from 1st May, 1989, any liability to conviction of offences against section 1 of this Ordinance may have been discharged by payment of a fixed penalty.

**2** Previously, in accordance with the provisions of the Traffic Offences (Fixed Penalties) Ordinance, 1989, section 1, section 2 and Schedule 1, with effect from 1st May, 1989, any liability to conviction of offences against section 1 of this Ordinance may have been discharged by payment of a fixed penalty.