

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **The Road Traffic (Prohibition on Use of Unsafe Motor Vehicles on Public Highways) Ordinance, 1971 \***

*[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 XVII, p. 340; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278). 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 (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).

**ORDINANCE  
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**The Road Traffic (Prohibition on Use of Unsafe Motor  
Vehicles on Public Highways) Ordinance, 1971**

ARRANGEMENT OF SECTIONS

1. Power of Court to prohibit use of unsafe motor vehicles on public highways.
2. Provisions relating to inspection of unsafe motor vehicles.
3. Offences and penalties.
4. Interpretation.
5. Citation.
6. Commencement.

SCHEDULE Fees payable for the inspection of motor vehicles.

*(Made on the 15th December, 1971.)*

## **The Road Traffic (Prohibition on Use of Unsafe Motor Vehicles on Public Highways) Ordinance, 1971**

**THE STATES**, in pursuance of their Resolution of the thirtieth day of April, nineteen hundred and sixty-nine, hereby order: –

### **Power of Court to prohibit use of unsafe motor vehicles on public highways.**

1. Any Court which convicts a person of an offence under any of the provisions of an enactment relating to the construction, safety or use of motor vehicles may at the time of such conviction order that the vehicle to which the conviction relates shall not be used on a public highway and such order shall remain effective until the vehicle has been inspected in compliance with the provisions of the next succeeding section by a person appointed in that behalf by the Committee and that person certifies, in writing, that the vehicle is safe for use on the public highway.

### **Provisions relating to inspection of unsafe motor vehicles.**

2. (1) An application for the inspection of a motor vehicle which is subject to an order of the Court made under the provisions of section one of this Ordinance shall be made, in writing, to the Committee.

(2) There shall be payable to the Committee in respect of every application under the provisions of the last preceding subsection for the inspection of a motor vehicle of the category of vehicle set out in the first column of the Schedule to this Ordinance the fee set out opposite thereto in the second column of the said Schedule.

(3) The Committee shall, as soon as may be after the receipt of an application under the provisions of subsection (1) of this section, notify the person making such application of the day and time appointed for the inspection of the motor vehicle and of the place at which such inspection shall take place.

(4) The Committee shall, as soon as may be after the issue of a

certificate under the provisions of section one of this Ordinance, forward a copy thereof to Her Majesty's Greffier.

**Offences and penalties.**

3. Any person who uses or causes or permits any other person to use on a public highway a motor vehicle in contravention of an order of the Court made under 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] or to imprisonment for a term not exceeding four months or to both such fine and such imprisonment.

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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.*

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**Interpretation.**

4. (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 –

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

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

**"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 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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**Citation.**

5. This Ordinance may be cited as the Road Traffic (Prohibition on Use of Unsafe Motor Vehicles on Public Highways) Ordinance, 1971.

**Commencement.**

6. This Ordinance shall come into force on the third day of January, nineteen hundred and seventy-two.

SCHEDULE Section two  
FEES PAYABLE FOR THE INSPECTION OF MOTOR VEHICLES

Category of motor vehicle	Fee payable
1. Motor-cycle and motor-cycle combination ... ..	50p
2. Any other motor vehicle not included in paragraph 1 of this Schedule ... ..	£1.00