

PROJET DE LOI

ENTITLED

The Road Traffic (Removal of Vehicles) (Guernsey) Law, 1968 *

[CONSOLIDATED TEXT]

NOTE

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* Ordres en Conseil Vol. XXI, p. 251; as amended by 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)).

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ARRANGEMENT OF SECTIONS

1. Power to make Ordinances about removal and disposal of vehicles left or abandoned on roads.
2. Variation and repeal of Ordinances.
3. Offences.
4. Penalties.
5. Interpretation.
6. Citation and commencement.

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THE STATES, in pursuance of their Resolution of the twenty-ninth day of July, nineteen hundred and sixty-four, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

Power to make Ordinances about removal and disposal of vehicles left or abandoned on roads.

1. (1) The States may from time to time by Ordinance make provision –

- (a) for the removal from a public highway, and safe custody, or for the moving from one position on a public highway to another position on that or another public highway, of, and of the loads carried by, motor vehicles which have been permitted to remain at rest on a public highway –
 - (i) in contravention of any enactment, or
 - (ii) in such position or in such condition or in such circumstances as to cause obstruction to other persons using the public highway or as to be likely to cause danger to such other persons, or
 - (iii) in such position or in such condition or in such circumstances as to appear to have been abandoned,

or which have broken down,

- (b) for authorising the Committee, if it appears to it that a motor vehicle has been abandoned, to sell or otherwise dispose of it,
- (c) for authorising the application of the proceeds of a sale by the Committee of the motor vehicle in or towards satisfaction of any costs incurred by the Committee in connection with the removal, storage and disposal thereof,
- (d) for recouping the Committee any such costs as aforesaid so far as not satisfied by virtue of the last foregoing paragraph,
- (e) for regulating the disposal of any sums received by the Committee on a sale of the motor vehicle, after deducting any sum applied thereout by virtue of paragraph (c) of this section.

(2) Different provisions may be made under this section with respect to motor vehicles of different classes or descriptions or with respect to motor vehicles of the same class or description in different circumstances.

NOTE

The following Ordinances have been made under section 1:

*Road Traffic (Removal of Vehicles) Ordinance, 1969;
States Supervisor (Transfer of Functions) (No. 2) Ordinance, 1972.*

Variation and repeal of Ordinances.

2. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

Offences.

3. Save as otherwise expressly provided by that Ordinance, any person who contravenes or attempts to contravene or fails to comply with any of the provisions of any Ordinance made under this Law or any direction given or requirement imposed under or by virtue of that Ordinance shall be guilty of an offence under that Ordinance.

Penalties.

4. The States may from time to time by Ordinance prescribe the penalties which shall be incurred by any person guilty of any offence under any Ordinance made under this Law and different penalties may be so prescribed for different offences.

NOTE

The following Ordinance has been made under section 4:

Road Traffic (Removal of Vehicles) Ordinance, 1969.

Interpretation.

5. In this Law, unless 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],

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

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on a public highway.

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 Law 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 Law 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.

Citation and commencement.

6. (1) This Law may be cited as the Road Traffic (Removal of Vehicles) (Guernsey) Law, 1968.

(2) This Law shall come into force on such day as the States may by Ordinance appoint.

NOTE

The Law was brought into force on the 29th October, 1969 by the Road Traffic (Removal of Vehicles) (Guernsey) Law, 1968 (Commencement) Ordinance, 1969, section 1.
