

Island of  Guernsey

Ordinance of the States **XXI**  
1969

Made ... .. 29th October, 1969.  
Coming into Operation ... .. 1st November, 1969.

**The Road Traffic (Removal of Vehicles)  
Ordinance, 1969**

THE STATES, in pursuance of their Resolution of the twenty-ninth day of July, nineteen hundred and sixty-four, and in exercise of the powers conferred upon them by section one and section four of the Road Traffic (Removal of Vehicles) (Guernsey) Law, 1968(a), and of all other powers enabling them in that behalf, hereby order:—

PART I

*Removal of motor vehicles from public highways*

1. (1) This section shall apply to a motor vehicle which—  
(a) has broken down, or been permitted to remain at rest, on a public highway in such a position or in such condition or in such

Power of officers of police to require motor vehicles causing obstruction to be moved, etc.

(a) No. III of 1968.

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

(b) has been permitted to remain at rest on a public highway in contravention of any enactment.

(2) An officer of police may require the owner, driver or other person in control or in charge of any motor vehicle to which this section applies to move it or cause it to be moved, and any such requirement may include a requirement that the motor vehicle shall not be moved to any such public highway or to any such position on a public highway as may be specified.

(3) Any person who fails to comply as soon as practicable with any requirement given under the provisions of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty-five pounds.

(4) For the purposes of paragraph (b) of subsection (1) of this section, a motor vehicle which has broken down and has remained at rest for any period in any position on a public highway shall be treated as if it had been permitted to remain at rest in that position throughout that period.

Power of officers of police to remove from a public highway motor vehicles causing obstruction, etc.

2. Where a motor vehicle:—

(a) is a motor vehicle to which section one of this Ordinance applies; or

(b) having broken down on a public highway, appears to have been abandoned; or

(c) has been permitted to remain at rest on a public highway in such a position or in such

condition or in such circumstances as to appear to have been abandoned;

an officer of police may remove that motor vehicle or arrange for it to be removed from that public highway or may move it or arrange for it to be moved to another position on that or another public highway:

Provided that the powers conferred on an officer of police by this section shall not be exercised in the case of any motor vehicle by reason only of its being a motor vehicle which is causing obstruction unless the officer of police is of the opinion that, having regard to all the circumstances, the extent of the obstruction which the motor vehicle is causing is so serious that the motor vehicle ought not to remain where it is.

3. Any person removing or moving a motor vehicle under the provisions of this Ordinance may do so by towing or driving the motor vehicle or in such other manner as he may think necessary and may take such measures in relation to the motor vehicle as he may think necessary to enable him to remove or move it as aforesaid. Manner of removing motor vehicles, etc.

4. Where an officer of police removes or makes arrangements for the removal of a motor vehicle from a public highway under the provisions of this Ordinance he shall make such arrangements as may be reasonably necessary for the safe custody of the motor vehicle. Safe custody of motor vehicles which have been removed.

## PART II

### *Disposal of motor vehicles abandoned on public highways*

5. This Part of this Ordinance applies to a motor vehicle which has been, or could at any time be, Application of Part II.

removed from a public highway in pursuance of the provisions of Part I of this Ordinance and which appears to the Committee to have been abandoned.

Power of the  
Committee  
to dispose of  
abandoned  
motor  
vehicles.

6. (1) Subject to the provisions of the next succeeding subsection, the Committee may sell or otherwise dispose of a motor vehicle to which this Part of this Ordinance applies.

(2) The power of sale or disposal conferred by the provisions of subsection (1) of this section shall not be exercisable in respect of a motor vehicle unless a period of at least twenty-eight days shall have elapsed—

(a) in the case where a notice has been served by the Committee under section seven of this Ordinance on the person who appears to the Committee to be the owner of that motor vehicle, from the date of the service of the notice;

(b) in the case where the Committee has been unable to ascertain who is the owner of that motor vehicle, from the date on which the Chief Officer of Police shall have presented his report in respect of that motor vehicle to the Committee in accordance with the provisions of section nine of this Ordinance.

(3) The reference in paragraph (a) of the last preceding subsection to a notice served by the Committee under section seven of this Ordinance shall, in the case where two or more such notices have been so served in respect of the same motor vehicle, be construed as a reference to the last of such notices to be so served.

7. The Committee shall, where they are aware of the name and address of a person who appears to the Committee to be the owner of a motor vehicle, serve a notice on that person at that address stating that it is the intention of the Committee to sell or otherwise dispose of the motor vehicle (which shall be sufficiently described in the notice) on or after a date specified in the notice unless the motor vehicle is in the meantime removed by or on behalf of that person from such place as is specified by the Committee in the notice or from such other place as may be subsequently notified by the Committee to that person by notice served on that person.

Duty of Committee to notify the owner of a motor vehicle of its intention to dispose of it.

8. If a person on whom a notice has been served by the Committee in accordance with the provisions of the last preceding section informs the Committee of the name and address of some other person who he alleges may be the owner of the motor vehicle to which the notice relates, the Committee shall serve a notice stating the particulars mentioned in the last preceding section on that other person and on any further person who the Committee may in consequence of the service of the notice on the said other person be led to believe may be the owner of the motor vehicle.

Service of notices on other persons.

9. (1) Subject to the provisions of subsection (2) of this section, where a motor vehicle to which this Part of this Ordinance applies does not carry an identification mark in accordance with the provisions of the Ordinance entitled "Ordonnance supplémentaire à l'Ordonnance ayant rapport au Trafic Véhiculaire en cette Ile" made permanent on the eighteenth day of January, nineteen hundred and thirty-two<sup>(b)</sup>, the Committee shall, where it intends to sell or other-

Duty of Committee to ascertain the ownership of a motor vehicle.

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(b) Recueil d'Ordonnances Tome VI, p. 89.

wise dispose of that motor vehicle under the provisions of section six of this Ordinance, direct the Chief Officer of Police to make such enquiries as the Committee considers reasonable as to who may be the person who is the owner of the motor vehicle and the address of that person, and the Chief Officer of Police shall, as soon as may be after completing such enquiries, present to the Committee a written report thereon.

(2) The provisions of subsection (1) of this section shall not apply in relation to any motor vehicle where the Committee is satisfied that a person has been found who appears to be the owner of that motor vehicle and the Committee has been informed of the address of that person.

Committee to make further enquiries in certain cases.

10. If, after the provisions of sections seven, eight and nine of this Ordinance have been complied with, a vehicle is not claimed, the Committee shall make such further enquiries (if any) as it considers reasonable as to who may be the owner of that vehicle and the address of that person.

Provisions of sections seven and eight to apply in certain cases.

11. Where by virtue of sections nine or ten of this Ordinance, the Committee is informed of the name and address of a person who it is considered may be the owner of the vehicle, sections seven and eight of this Ordinance as respects the service of notices shall apply in relation to that person at that address as they apply in relation to the person mentioned in the said section seven.

Committee not required to make enquiries in certain cases.

12. Nothing in the foregoing provisions of this Part of this Ordinance shall require the Committee to take any such step as is therein mentioned for the purpose of enquiring who is the owner of a motor vehicle to which this Part of this Ordinance applies, if it has found a person who satisfies it that he is in

fact the owner of that vehicle and it has served on him at his address a notice containing the particulars specified in section seven of this Ordinance.

13. Upon the sale of a motor vehicle by the Committee, the Committee shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by it in connection with the removal, storage or disposal of that motor vehicle.

Deductions  
from pro-  
ceeds of sale.

14. In the event of any costs mentioned in the last preceding section incurred by it in connection with the disposal of the motor vehicle not being satisfied by virtue of the provisions of the last preceding section, the Committee may recoup those costs so far as not satisfied from the person who was the last owner of the motor vehicle before it was removed from a public highway either in pursuance of this Ordinance or after it had been disposed of by virtue of the power of disposal conferred by this Ordinance, if a notice was served on that person by the Committee under the foregoing provisions of this Part of this Ordinance stating the particulars mentioned in section seven of this Ordinance.

Recouping  
of costs.

15. Any sums received by the Committee on a sale of a motor vehicle under the provisions of section six of this Ordinance, after deducting any sum applied thereout by virtue of the provisions of section thirteen of this Ordinance, shall be payable within a period of one year from the date of the sale of the motor vehicle to any person to whom, but for such sale, the motor vehicle would have belonged, and in so far as any such sums are not claimed within the said period they shall be paid by the Committee to the Treasurer of the States for the account of the General Revenue.

Application  
of proceeds  
of sale of  
a motor  
vehicle.

Service of notices.

16. Any notice required to be served under this Part of this Ordinance may be served—

- (a) on any person, if delivered to him, left, or sent by registered post or recorded delivery service to him, at his usual or last known place of abode;
- (b) on any firm, if delivered to any partner of the firm or left at, or sent by registered post or recorded delivery service to, the principal or last known principal place of business of the firm;
- (c) on any body corporate, if left at, or sent by registered post or recorded delivery service to its registered office if situate in this Island, or, if its registered office is not so situate, its principal or last known principal place of business in this Island.

### PART III

#### *Interpretation, citation and commencement*

Interpretation.

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

“the Committee” means the Island Police Committee;

“owner” means, in relation to a motor vehicle which is the subject of a hire purchase agreement, the person in possession of the motor vehicle under that agreement;

“officer of police” means a member of the salaried police force of this Island and, within the limit of his jurisdiction, a member of the special constabulary of this Island;

“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.

(2) In this Ordinance:—

(a) references to the removal of a motor vehicle from a public highway shall be construed as references to the removal of that motor vehicle from that public highway to a place which is not on that or any other public highway; and

(b) references to removing, moving or making arrangements for the safe custody of a motor vehicle shall respectively include references to removing, moving or making arrangements for the safe custody of any load carried by the motor vehicle.

(3) Except where the context otherwise requires, any reference in this Ordinance to any other enactment shall be construed as including a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment including this Ordinance.

18. This Ordinance may be cited as the Road Traffic (Removal of Vehicles) Ordinance, 1969. Citation.

19. This Ordinance shall come into force on the first day of November, nineteen hundred and sixty-nine. Commencement.

R. A. MALLETT,  
Her Majesty's Deputy Greffier.