
(Made on the 24th November, 1971.)

(No. LX
—1971)

**The Road Traffic (Construction and Use
of Motor Vehicles) (Amendment)
Ordinance, 1971**

THE STATES, in pursuance of their Resolution of the twenty-sixth day of March, nineteen hundred and sixty-nine, hereby order:—

Plates for
goods
vehicles.

1. (1) A person shall not use or cause or permit any other person to use on a public highway a goods vehicle registered on or after the coming into force of this Ordinance, if such vehicle is not equipped with a plate securely affixed to the vehicle in a legible, conspicuous and readily accessible position containing the following particulars:—

- (a) the manufacturer's name,
- (b) the vehicle type,
- (c) the engine type,
- (d) the chassis or serial number,
- (e) the number of axles,
- (f) the maximum axle weight for each axle,

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- (g) the maximum gross weight, and
 (h) the maximum train weight,

and in the case of a trailer which is a goods vehicle such of the above mentioned particulars as are applicable, together with—

- (i) the maximum load imposed on the drawing vehicle.

(2) The particulars in respect of axle weight, gross weight, train weight and load imposed on the drawing vehicle required in pursuance of the last preceding subsection shall be those which the manufacturer of the vehicle considers to represent weight limits at or below which the vehicle is fit for use having regard to its design and equipment.

(3) A person shall not use or cause or permit any other person to use on a public highway a goods vehicle if in relation to such vehicle the axle weight for each axle or the gross weight or the train weight of such vehicle or the load imposed on any drawing vehicle is in excess of the particulars relating thereto set out on the plate affixed to such vehicle in pursuance of the requirements of subsection (1) of this section.

2. Subject to the provisions of section four of this Ordinance a person shall not use or cause or permit any other person to use on a public highway a motor vehicle unless every wheel of such vehicle is fitted with a pneumatic tyre.

Tyres of motor vehicles.

3. (1) Subject to the provisions of section four of this Ordinance a person shall not use or cause or permit any other person to use on a public highway a motor vehicle a wheel of which is fitted with a pneumatic tyre, if:—

Condition and maintenance of tyres.

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- (a) the tyre is unsuitable having regard to the use to which the vehicle is being put or to the types of tyres fitted to its other wheels and without prejudice to the foregoing a tyre shall be deemed to be unsuitable if it is used on a vehicle carrying a load in excess of the weight limits at or below which it is suitable according to the recommendations of the manufacturer of the tyre;
- (b) the tyre is not so inflated as to make it fit for the use to which the vehicle is being put;
- (c) the tyre has a break in its fabric, or has a cut in excess of one inch or ten per centum of the section width of the tyre, whichever is the greater, measured in any direction on the outside of the tyre and deep enough to reach the body cords;
- (d) the tyre has any lump or bulge caused by the separation or partial failure of its structure;
- (e) the tyre has any portion of the ply or cord structure exposed;
- (f) where the tyre is fitted to a wheel of a motor vehicle, being a motor cycle whereof the cylinder capacity of the engine does not exceed fifty cubic centimetres, the tread of the tyre does not show throughout at least three-quarters of the breadth of the tread and round the entire outer circumference of the tyre a pattern the relief of which is clearly visible, or where the tyre is fitted to the wheel of any other motor vehicle, the tread pattern (excluding any tie-bar) of the tyre does not have a depth of at least

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one millimetre throughout at least three-quarters of the breadth of the tread and round the entire outer circumference of the tyre:

Provided that this paragraph shall not apply in the case of a motor cycle having three wheels, the unladen weight of which does not exceed two hundredweight and which is incapable of exceeding a speed of twelve miles per hour on the level under its own power:

Provided that the provisions of this subsection shall not apply to an agricultural trailer the laden weight of which does not exceed four tons when such trailer is being drawn by an agricultural tractor.

(2) Without prejudice to the provisions of subsection (1) of this section, a person shall not use or cause or permit any other person to use on a public highway a motor vehicle all the tyres of which are not at all times maintained in such condition as to be fit for the use to which the motor vehicle is being put and as to be free from any defect which might in any way cause damage to the surface of the public highway or danger to any person in or on such vehicle or on a public highway or to property.

4. The provisions of section two and section three of this Ordinance shall not apply in the case of:— Exceptions.

- (a) a motor vehicle equipped with tyres other than pneumatic tyres imported for the purpose of undergoing completion, repair, alteration or disposal of structure, mechanism or equipment while travelling from the place of landing to the works and while returning therefrom for reshipment;

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- (b) a mechanically propelled vehicle designed and equipped for use in any place as an engine for the operation of an agricultural or industrial process while on a public highway proceeding to or from such place of use, and a trailer when the trailer is being drawn by any such vehicle for the purpose only of conveying implements and gear necessary to the use of the vehicle which draws it, and an agricultural or industrial implement so drawn.

Brakes of
motor
vehicles.

5. (1) A person shall not use or cause or permit any other person to use on a public highway a motor vehicle—

- (a) if such vehicle is not equipped either with an efficient braking system having two means of operation, or with two efficient braking systems each having a separate means of operation;
- (b) if in the case of such vehicle registered on or after the coming into force of this Ordinance the braking system thereof does not have brakes acting on all the wheels of the vehicle which as applied by one means of operation have a total braking efficiency of not less than fifty per centum, or which as applied by a second independent means of operation have a total braking efficiency of not less than twenty-five per centum;
- (c) if in the case of such vehicle registered before the coming into force of this Ordinance the braking system thereof does not have brakes acting on all the wheels of the vehicle which as applied by one means of operation have a total braking efficiency of not less than forty per centum, or which as

applied by a second independent means of operation have a total braking efficiency of not less than fifteen per centum.

(2) Subject to the provisions of the next succeeding subsection a person shall not use or cause or permit any other person to use on a public highway a motor vehicle drawing a trailer the unladen weight of which exceeds two hundredweight if such trailer is not equipped with an efficient braking system so designed and constructed that—

- (a) when the trailer is being drawn, the brakes of that braking system are capable of being applied to all the wheels of the trailer by the driver of the drawing vehicle using the means of operation applying to those of the brakes of the drawing vehicle which were designed and constructed to have the highest braking efficiency of any of the brakes of any braking system with which the drawing vehicle is equipped;
- (b) when the trailer is being drawn, in the event of a failure of any part (other than a fixed member or a brake shoe anchor pin) of the braking system with which the drawing vehicle is equipped or of any part (other than as aforesaid) of the braking system with which the trailer is equipped, the brakes shall still be capable of being applied to at least two wheels of the trailer or, in the case of a two-wheeled trailer, to one wheel;
- (c) when the trailer is stationary—
 - (i) the brakes of that system can also be applied to at least two wheels of the trailer and released by a person standing on the ground by a means of operation fitted to the trailer;

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- (ii) the braking force of that system can, when applied in the manner indicated in paragraph (a) or sub-paragraph (i) of paragraph (c) of this subsection at all times be maintained in operation by direct mechanical action without the intervention of any hydraulic, electric or pneumatic device; and
- (iii) such braking force, when so applied and so maintained in operation by direct mechanical action, is capable of holding the trailer stationary on a gradient of at least 1 in 6.25 without the assistance of stored energy:

Provided that—

- (a) the provisions of paragraph (a) and paragraph (b) of this subsection shall not apply in the case of a trailer if the brakes of the trailer automatically come into operation on the overrun of the trailer;
 - (b) the provisions of this subsection shall not apply:—
 - (i) to an agricultural trailer the laden weight of which does not exceed four tons when such trailer is being drawn by an agricultural tractor;
 - (ii) to a vehicle which has broken down when such vehicle is being drawn by a motor vehicle in consequence of the breakdown.
- (3) The provisions of the last preceding subsection shall apply as follows:—
- (i) in the case of a trailer manufactured on or after the coming into force of this Ordinance, immediately it is used on a public highway;
 - (ii) in the case of a trailer manufactured before the coming into force of this

Ordinance, at the expiration of the period of two years from the coming into force of this Ordinance.

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(4) A person shall not use or cause or permit any other person to use on a public highway a motor vehicle of which every part of every braking system and the means of operation thereof fitted to such vehicle are not at all times while the vehicle is used on a public highway maintained in good and efficient working order and properly adjusted so that the brakes forming part of the system comply with the requirements as to the efficiency of the brakes which are applicable to such a vehicle by virtue of the provisions of subsection (1) and subsection (2) of this section.

6. (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:—

Interpretation.

“agricultural produce” has the meaning assigned to it by section one of the Motor Vehicles (Taxation and Licensing) (Tractors) Law, 1957 (a);

“agricultural tractor” has the meaning assigned to it by section one of the Motor Vehicles (Taxation and Licensing) (Tractors) Law, 1957 (a);

“agricultural trailer” means a trailer the property of a person engaged in agriculture which is not used on a public highway for the conveyance of any goods or burden other than agricultural produce or articles required for agricultural purposes;

(a) Ordres en Conseil Vol. XVII, p. 241.

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“axle weight” in relation to each axle of a motor vehicle, means the sum of the weights transmitted to the surface of the road by all the wheels of that axle;

“braking efficiency” in relation to the application of brakes to a motor vehicle at any time, means the maximum braking force capable of being developed by the application of those brakes, expressed as a percentage of the weight of the vehicle including any persons or load carried in the vehicle at that time;

“goods vehicle” means a motor vehicle designed, constructed or adapted for use wholly or mainly for the carriage of goods and includes a trailer so designed, constructed or adapted;

“gross weight” in relation to a motor vehicle, means the sum of the weights transmitted to the road surface by all the wheels of the vehicle and in relation to a motor vehicle drawing a trailer, the sum of the weights transmitted to the road surface by all the wheels of the motor vehicle and the trailer;

“pneumatic tyre” means a tyre, other than a recut pneumatic tyre, which complies in all respects with the following requirements:—

- (a) it shall be provided with, or together with the wheel upon which it is mounted shall form, a continuous closed chamber inflated to a pressure substantially exceeding atmospheric pressure when the tyre is in the condition in which it is normally used, but is not subjected to any load;
- (b) it shall be capable of being inflated and deflated without removal from the wheel or vehicle;
- (c) it shall be such that, when it is deflated and is subjected to a normal load, the sides of the tyre collapse;

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“recut pneumatic tyre” means any pneumatic tyre in which an existing tread pattern has been cut or burnt deeper or a new tread pattern has been cut or burnt except where the pattern is cut or burnt entirely in additional material added to the tyre for the purpose;

“registered” in relation to a motor vehicle, means registered in accordance with the provisions of the Law entitled “Loi relative aux Automobiles” of the eleventh day of December, nineteen hundred and twenty-six (b);

“stored energy” in relation to a braking system of a vehicle, means energy (other than the muscular energy of the driver or the mechanical energy of a spring) stored in a reservoir for the purpose of applying the brakes under the control of the driver, either directly or as a supplement to his muscular energy;

“trailer” means a vehicle drawn by a motor vehicle;

“train weight” in relation to a motor vehicle which may draw a trailer, means the maximum laden weight for the motor vehicle together with any trailer which may be drawn by it;

“wheel” in relation to a motor vehicle means a wheel the tyre or rim of which when the vehicle is in motion on a road is in contact with the ground.

(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,

(b) Ordres en Conseil Vol. VIII, p. 56.

1971. extended or applied by or under any other enactment including this Ordinance.

Amendments to Ordinance of 1955. 7. The Road Traffic (Inspection of Cycles and Motor Vehicles) Ordinance, 1955 (c), is hereby amended as follows:—

- (a) in subsection (1) of section two thereof immediately after the word “silencers” there are inserted a comma and the word “tyres”;
- (b) in section three thereof the words “ten pounds” are repealed and the words “fifty pounds” are substituted therefor.

Amendments to Ordinance of 1970. 8. The Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 1970 (hereinafter referred to as “the principal Ordinance”) (d), is hereby amended as follows:—

- (a) section six thereof and the marginal note thereto are repealed and the following section and marginal note are substituted therefor:—

“Maintenance and use of motor vehicle so as not to cause danger or damage.

6. A person shall not use or cause or permit any other person to use on a public highway a motor vehicle if at any time—

- (a) the vehicle or any part or accessory thereof is in such condition or if the weight distribution, packing or adjustment of the load thereof is such that any danger or damage is or is likely to be caused to any person in

(c) Recueil d'Ordonnances Tome XI, p. 118.

(d) Ordinance No. XIII of 1970.

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or on the vehicle or on a public highway or to property;

- (b) the load carried by the vehicle is so secured or is in such a position that any danger or damage is or is likely to be caused to any person in or on the vehicle or on a public highway or to property by reason of the load or any part or accessory thereof falling from the vehicle or by reason of any other movement of the load or any part or accessory thereof in relation to the vehicle;
- (c) the vehicle is used for any purpose for which it is so unsuitable as to cause or be likely to cause any danger or damage to any person in or on the vehicle or on a public highway or to property.”;

(b) section seven thereof is repealed and the following section is substituted therefor:—

“ 7. An officer of police and any person for the time being appointed by the Committee as an examiner of vehicles, on production of his authority if so required, may require the person in charge of any motor vehicle to allow such vehicle—

- (i) to be inspected and tested for the purpose of ensuring that the provisions of this Ordinance are being complied with;

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- (ii) to be weighed either laden or unladen, and the weight transmitted to the road by any parts of the vehicle in contact with the road to be tested, and for that purpose to proceed to a weighbridge or other machine for weighing vehicles :

Provided that an officer of police or any person appointed as aforesaid shall not require the person in charge of the vehicle to unload such vehicle or to cause it to be unloaded, for the purpose of being weighed unladen.”;

- (c) paragraph (a) of section eight thereof is repealed and the following paragraph is substituted therefor—

“(a) contravenes any of the provisions of this Ordinance; or”.

Repeals.

9. The Ordinances set out in the left hand column of the Schedule to this Ordinance are hereby repealed to the extent set out in the right hand column of that Schedule.

Construction.

10. This Ordinance shall be construed as one with the principal Ordinance.

Citation.

11. This Ordinance may be cited as the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1971.

Collective title.

12. This Ordinance and the principal Ordinance may be cited together as the Road Traffic (Construction and Use of Motor Vehicles) Ordinances, 1970 and 1971.

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SCHEDULE

Section nine

Ordinances repealed	Extent of repeal
The Ordinance entitled "Ordonnance ayant rapport au Trafic Véhiculaire en cette Ile" of the seventh day of June, nineteen hundred and thirty(e).	So much of the Ordinance as remains unrepealed.
The Ordinance entitled "Ordonnance ayant rapport au Trafic Véhiculaire en cette Ile" of the second day of April, nineteen hundred and thirty-eight(f).	Regulation "S"3.
The Ordinance entitled "Ordonnance supplémentaire à l'Ordonnance ayant rapport au Trafic Véhiculaire en cette Ile du 21 janvier 1929" of the sixteenth day of January, nineteen hundred and thirty-nine (g).	The whole Ordinance.

(e) Recueil d'Ordonnances Tome VIII, p. 163.

(f) Recueil d'Ordonnances Tome VIII, p. 177.

(g) Recueil d'Ordonnances Tome VIII, p. 178.