

ORDINANCE

OF THE STATES OF DELIBERATION

ENTITLED

The Vehicle Noise etc. Ordinance, 1986 *

[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 XXIII, p. 404; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Road Traffic (Speed Limits and Trials) Ordinance, 1987 (Recueil d'Ordonnances Tome XXIV, p. 20); the Road Traffic (Miscellaneous Provisions) (Guernsey) Ordinance, 2019 (No. ** of 2019). See also the Offences (Fixed Penalties) (Guernsey) Law, 2009 (No. XV of 2010).

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ARRANGEMENT OF SECTIONS

1. Excessive Noise.
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(Made on the 29th January, 1986.)

The Vehicle Noise etc. Ordinance, 1986

THE STATES, in pursuance of their Resolution of the 25th day of September, 1985, and on the representations of the Island Police Committee, hereby order: –

Excessive Noise.

1. (1) Subject to section 3 of this Ordinance, a person shall not use a motor vehicle on any public highway in such manner as to cause excessive noise which could be avoided by the exercise of reasonable care on his part.

(2) Subject to section 3 of this Ordinance, a person shall not –

- (a) use a motor vehicle on a public highway, or
- (b) cause or permit a motor vehicle to be used on a public highway,

in such circumstances as to cause excessive noise.

NOTE

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

[Excessive smoke, vapour etc.]

1A. (1) A person shall not use on any public highway, or cause or permit to be so used, a motor vehicle from which there is emitted any excessive smoke, visible vapour or oily substance.

(2) A person who contravenes subsection (1) shall be guilty of an offence and liable, on conviction, to a fine not exceeding level 3 on the uniform scale.]

NOTES

Section 1A was inserted by the Road Traffic (Miscellaneous Provisions) (Guernsey) Ordinance, 2019, section 2, with effect from 29th March, 2019.

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 29th March, 2019, any liability to conviction of offences against section 1A of this Ordinance may be discharged by payment of a fixed penalty.

Offence, penalty and defences.

2. (1) A person who contravenes section 1 of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 2 on the uniform scale].

(2) In proceedings against any person in respect of a contravention of section 1(2) [or section 1A] of this Ordinance it shall be a defence for him to prove –

- (a) that the noise [or emission of smoke, vapour or oily substance] was caused by some temporary or accidental circumstance and could not have been prevented or terminated by the exercise of reasonable care on his part, or
- (b) in the case of proceedings in respect of a contravention of section 1(2)(a) [or 1A] against a person other than the owner of the vehicle concerned, that the noise [or

emission of smoke, vapour or oily substance] was caused by a defect in the design or construction of the vehicle or by the negligence or fault of some other person and could not have been prevented or terminated by the exercise of reasonable care by the person against whom the proceedings are taken.

NOTES

In section 2,

the words and figure in square brackets in subsection (1) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989;

the words in, first, the first, second, the second and fourth and, third, the third pairs of square brackets in subsection (2) were inserted by the Road Traffic (Miscellaneous Provisions) (Guernsey) Ordinance, 2019, section 3, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 29th March, 2019.

Exceptions.

3. This Ordinance does not apply to the use of a motor vehicle by a person taking part in a race or trial of speed held in accordance with –

- [(a) section 4 of the Road Traffic (Speed Limits and Trials) Ordinance, [1986], or]
- (b) a licence granted by the Royal Court under the Control of Motor Vehicle Racing Ordinances, 1948 and 1970^b.

^b Recueil d'Ordonnances Tome IX, p. 203; Tome XV, p. 342; Tome XVI, p. 395.

NOTES

In section 3, paragraph (a) was substituted by the Road Traffic (Speed Limits and Trials) Ordinance, 1987, section 10(2), Schedule 3, paragraph 2(a), with effect from 1st March, 1987.

The date in square brackets in paragraph (a) shown, incorrectly, in the printed version of this section as "1986" should read "1987".

Interpretation.

4. In this Ordinance –

"**motor vehicle**" means any mechanically propelled vehicle and includes a trailer drawn thereby,

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

Amendments to Ordinance of 1929.

5. ...

NOTE

Section 5 was repealed by the Road Traffic (Miscellaneous Provisions) (Guernsey) Ordinance, 2019, section 4, with effect from 29th March, 2019.²

Citation.

6. This Ordinance may be cited as the Vehicle Noise etc. Ordinance, 1986.

NOTE

The Ordinance was made and came into operation on 29th January, 1986.

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 may have been discharged by payment of a fixed penalty.

2 Prior to its repeal, section 5, including the heading thereto, was amended by the Road Traffic (Speed Limits and Trials) Ordinance, 1987, section 10(1), Schedule 2 and section 10(2), Schedule 3, paragraph 2(b), with effect from 1st March, 1987.