

Island of



Guernsey

Ordinance of the States

V
2015

Made 25th February, 2015

Coming into Operation 25th February, 2015

The Driving Licences (Guernsey) (Amendment) Ordinance, 2015

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THE STATES, in pursuance of their Resolution of the 30th January, 2014^a, and in exercise of the powers conferred on them by sections 2 and 28A of the Motor Taxation and Licensing (Guernsey) Law, 1987^b, and all other powers enabling them in that behalf, hereby order:-

Amendments to the 1995 Ordinance.

1. The Driving Licences (Guernsey) Ordinance, 1995^c, is further amended as follows –

- (a) immediately after section 16(2), insert the following subsection -

"(2A) For the avoidance of doubt, the persistent misuse of drugs or alcohol, whether or not such misuse amounts to a dependency, shall be treated as if it were a disability for the purposes of this Ordinance (except for section 16(4)(a))."

^a Article VIII of Billet d'État No. I of 2014.

^b Ordres en Conseil Vol. XXX, p. 341; Vol. XXXI, p. 278; Vol. XXXIII, p. 127; Vol. XXXVI, p. 256; Vol. XL, p. 298; Order in Council No. XIX of 2007; Recueil d'Ordonnances Tome XXVI, p. 90; and Tome XXIX, p. 406).

^c Recueil d'Ordonnances Tome XXVI, p. 374; Tome XXVII, p. 62; Tome XXVII, p. 138; Tome XXVII, p. 149; Tome XXVIII, p. 55; Tome XXVIII, p. 299; Tome XXIX, p. 202; Tome XXXII, p. 93; and Ordinance No. V of 2010. There are also other unrelated amendments.

(b) in section 18 –

(i) in subsection (5), for "If the Committee has reasonable grounds", substitute "If the circumstances prescribed in subsection (5A) obtain in relation to a person who is an applicant for, or holder of, a licence, or if the Committee has reasonable grounds", and

(ii) immediately after subsection (5), insert the following subsections –

"(5A) Subject to subsection (5B), the circumstances prescribed for the purposes of subsection (5) are that the person who is an applicant for, or holder of, a licence –

(a) has been disqualified by an order of a court by reason that the proportion of alcohol in his body equalled or exceeded –

(i) 87.5 microgrammes per 100 millilitres of breath,

(ii) 200 milligrammes per 100 millilitres of blood,
or

- (iii) 267.5 milligrammes per
100 millilitres of urine,

- (b) has been disqualified by order of
a court by reason that he has
failed, without reasonable
excuse, to provide a specimen
when required to do so pursuant
to section 3 of the Road Traffic
(Drink Driving) (Guernsey)
Law, 1989^d ("**the Drink
Driving Law**"), or

- (c) has been disqualified by order of
a court by reason of failure,
without reasonable excuse, to
give permission for a laboratory
test of a specimen of blood taken
pursuant to section 3A(6) of the
Drink Driving Law, or

- (d) has been disqualified by order of
a court on two or more
occasions within any period of
10 years by reason that –

^d Ordres en Conseil Vol. XXXI, p. 512; Vol. XXXII, p. 392; Order in Council No. V of 2004; No. XXIX of 2008; Ordinance No. XXXIII of 2003; and Ordinance No. L of 2008.

- (i) he was unfit to drive through drink contrary to section 1 of the Drink Driving Law, or
- (ii) the proportion of alcohol in his breath, blood or urine exceeded the limit prescribed by virtue of section 2 of the Drink Driving Law.

(5B) For the purposes of subsection (5A)(a), (b) and (c) an order of the court shall not be taken into account unless it was made on or after 25th February, 2015 and subsection (5A)(d) shall not apply to a person unless the last such order was made on or after 25th February, 2015.", and

- (c) in section 24(1), immediately after the definition of "**disability**", insert the following definition –

"**the Drink Driving Law**" has the meaning given in section 18(5A)(b),".

Interpretation.

- 2. (1) In this Ordinance -

"**enactment**" means any Law, Ordinance or subordinate legislation, and

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation and commencement.

3. This Ordinance -

- (a) may be cited as the Driving Licences (Guernsey) (Amendment) Ordinance, 2015, and
- (b) shall come into force on the 25th February, 2015.

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