

ORDER IN COUNCIL

XI
2017

ratifying a Projet de Loi

ENTITLED

The Road Traffic (Fees and Charges) (Guernsey) Law, 2017

(Registered on the Records of the Island of Guernsey
on the 13th November, 2017.)



2017

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 13th day of November, 2017 before Sir Richard Collas, Bailiff; present:- Barbara Jean Bartie, Stephen Murray Jones, Esquire, Claire Helen Le Pelley, Constance Helyar-Wilkinson, David Percy Langley Hodgetts, Esquire, L.V.O., Niall David McCathie, Terry John Ferbrache, David Allan Grut, Steven John Morris, David James Mortimer, Esquires, Joanne Marie Wyatt and Alan Stevenson Boyle, Esquire, Jurats.

The Bailiff, having this day placed before the Court an Order of Her Majesty in Council dated 11th October, 2017 approving and ratifying a Projet de Loi of the States of Guernsey entitled “The Road Traffic (Fees and Charges) (Guernsey) Law, 2017”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ORDERED that the said Order be registered on the records of this Island.

S. SIMMONDS
Her Majesty’s Deputy Greffier.



At the Court at Buckingham Palace

THE 11th DAY OF OCTOBER 2017

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“In accordance with Your Majesty’s General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

“That, in pursuance of their Resolution of 28th June 2013, the States of Deliberation at a meeting on 21st June 2017 approved a *Projet de Loi* entitled the Road Traffic (Fees and Charges) (Guernsey) Law, 2017 and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Road Traffic (Fees and Charges) (Guernsey) Law, 2017, and to order that it shall have force of law in the Island of Guernsey.

“The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it”.

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Island of Guernsey and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty’s Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty’s Order and to proceed accordingly.

Richard Tilbrook

PROJET DE LOI

ENTITLED

The Road Traffic (Fees and Charges) (Guernsey) Law, 2017

THE STATES, in pursuance of their Resolution of the 28th June, 2013^a, 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.

Amendment to 1984 Law.

1. The Public Transport (Guernsey) Law, 1984^b is amended as follows.
2. For section 3(1)(h), substitute -
 - "(h) the charging, levying and securing the payment of fees in relation to any licence under the provisions of any such Ordinance, including (without limitation) any fee payable -
 - (i) upon the issue, renewal or variation (including the variation of any conditions) of any such licence, or
 - (ii) upon application for any such issue, renewal or variation,

^a Article VI of Billet d'État No. XII of 2013.

^b Ordres en Conseil Vol. XXVIII, p. 423.

and, without prejudice to the generality of the foregoing, such an Ordinance may make provision for a waiver or reduction of charges at the discretion of the Committee ,".

Charges payable for permits.

3. (1) The States may, from time to time, by regulations make such provision as they deem necessary or expedient for the charging, levying and securing the payment of fees which may be charged upon an application for, or the issue of -

- (a) exemption under section 26(3) of the Lighting of Vehicles and Skips Ordinance, 1988^c from the requirements of section 7 of that Ordinance,
- (b) any permission under section 3 of the Prohibited and One-Way Streets Ordinance, 1989^d, and
- (c) any permission under section 10 of the Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 2002^e.

^c Recueil d'Ordonnances Tome XXIV, p. 356; amended by Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XXV, p. 11; Tome XXVI, p. 90; Ordinance No. XXXIII of 2003; No. IX of 2016.

^d Recueil d'Ordonnances Tome XXV, p. 83; amended by Tome XXVI, p. 90; Ordinance No. IX of 2016. There are other amendments not relevant to this provision.

^e Ordinance No. X of 2002; amended by No. XXXIII of 2003; No. IX of 2016.

(2) Without prejudice to the generality of subsection (1), regulations under this section may make provision for a waiver or reduction of charges at the discretion of the Committee.

General provisions as to regulations.

4. (1) Any regulations made under this Law -
- (a) may be amended or repealed by subsequent regulations hereunder, and
 - (b) may contain consequential, incidental, supplementary and transitional provisions.
- (2) Any power to make regulations under this Law may be exercised -
- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases, and
 - (b) so as to make, as respects the cases in relation to which it is exercised -
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different

provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

- (iii) any such provision either unconditionally or subject to any prescribed conditions.

(3) Any regulations made under this Law must be laid as soon as practicable before a meeting of the States; and if, at that or their next meeting, the States resolve to annul the regulations, they shall cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

Interpretation.

5. (1) In this Law -

"**enactment**" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

"**Committee**" means the States Committee for the Environment and Infrastructure,

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance.

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

extended or applied.

Citation.

6. This Law may be cited as the Road Traffic (Fees and Charges) (Guernsey) Law, 2017.

Commencement.

7. This Law shall come into force on the date of its registration on the records of the Island of Guernsey.

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