

Island of



Guernsey

## Ordinance of the States

**XI**  
**2019**

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Made ..... 15th January, 2019

Laid before the States ..... 27th March, 2019

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## The Road Traffic (Miscellaneous Provisions) (Guernsey) Ordinance, 2019

## **The Road Traffic (Miscellaneous Provisions) (Guernsey) Ordinance, 2019**

THE STATES POLICY & RESOURCES COMMITTEE, in pursuance of the Resolution of the States of 14<sup>th</sup> December, 2018<sup>a</sup>, in exercise of the powers conferred upon the States by section 7 of the Offences (Fixed Penalties) (Guernsey) Law, 2009<sup>b</sup> and all other powers enabling them in that behalf, and in exercise of the powers conferred on that Committee by Article 66A(1) of the Reform (Guernsey) Law, 1948<sup>c</sup>, hereby orders:-

### **Amendment of Vehicle Noise etc. Ordinance.**

1. The Vehicle Noise etc. Ordinance, 1986<sup>d</sup> is amended as follows.
2. Immediately after section 1, insert the following section –

#### **"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.

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<sup>a</sup> Article XVIII of Billet d'État No. XXVII of 2018.

<sup>b</sup> Order in Council No. XV of 2010; amended by Ordinance No. XLV of 2012; No. XLIII of 2013; Nos. IX and XXV of 2016.

<sup>c</sup> Ordres en Conseil Vol. XIII, p. 288; amended by Order in Council No. XVII of 2015; there are other amendments not relevant to this Ordinance.

<sup>d</sup> Recueil d'Ordonnances Tome XXIII, p. 404; amended by Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XXIV, p. 20.

(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.

3. In section 2(2) –

- (a) immediately after "section 1(2)" insert "or section 1A",
- (b) immediately after the word "noise" in both places where it occurs insert "or emission of smoke, vapour or oily substance",
- (c) in paragraph (b), immediately after "section 1(2)(a)" insert "or 1A".

4. Section 5 is repealed.

**Amendment of Speed Limits Ordinance.**

5. For section 7(1) of the Road Traffic (Speed Limits and Trials) Ordinance, 1987<sup>e</sup>, substitute –

" (1) Subject to the condition set out in subsection (1A), nothing in this Ordinance, or in any regulations or other Ordinance as mentioned in section 6, applies in relation to any vehicle when it is being used for police, fire brigade or ambulance purposes, to the extent only that

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<sup>e</sup> Recueil d'Ordonnances Tome XXIV, p. 20; amended by Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XXVIII, pp. 88 and 201; Ordinance Nos. X and XVI of 2002; No. XVI of 2018.

observance of that provision would be likely to hinder the use of the vehicle for the purpose for which it is being used.

(1A) The condition mentioned in subsection (1) is that the person in charge of the vehicle ensures –

(a) that some or all of the vehicle's warning apparatus (whether audible, luminous or both) is activated during such use, and

(b) that other road users are not endangered."

**Amendment of Traffic Signs and Signals Ordinance.**

6. The Traffic Signs and Traffic Light Signals Ordinance, 1988<sup>f</sup> is amended as follows.

7. At the end of section 5(5), insert "and, in the case of a danger warning sign, shall be placed at a sufficient distance from the danger to give adequate warning to persons using the highway".

8. In section 9, immediately after subsection (3), insert –

"(3A) A traffic light signal shall have effect in precedence to any traffic sign indicating priority."

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<sup>f</sup> Recueil d'Ordonnances Vol. XXIV, p. 275; amended by Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XXV, pp. 11, 30 and 83; Tome XXVI, p. 90; Ordinance No. XXXIII of 2003; No. XII of 2007.

9. In section 10, immediately after subsection (3), insert –

"(3A) A temporary traffic sign, and a temporary traffic signal, erected in accordance with this section, shall have effect in precedence to any permanent traffic sign or traffic light signal, as the case may be, while it is erected, placed or marked on the highway."

10. For the heading to section 13 and section 13(1), substitute –

**"Precedence of signs and directions of police officers, etc.**

13. (1) Subject to subsection (2), a person using a public highway must comply with an order or direction given by the Committee by means of a traffic sign or traffic light signal, notwithstanding that such order or direction appears to contradict any other regulation concerning that highway."

**Amendment of Fixed Penalties Law.**

11. In the Schedule to the Offences (Fixed Penalties) (Guernsey) Law, 2009 –

- (a) the entry relating to Offences against Article VIII(1) of the Ordonnance relative au Trafic Véhiculaire en cette Île (le 2 mars 1929) is repealed,
- (b) immediately after the entry relating to Offences against section 1 of the Vehicle Noise Etc. Ordinance, 1986, insert –

"Offences against section 1A of the Vehicle Noise etc. Ordinance, 1986	Excessive smoke, vapour etc. from vehicles	A	£40	£30"
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**Extent.**

12. This Ordinance has effect in the islands of Guernsey, Herm and Jethou.

**Citation.**

13. This Ordinance may be cited as the Road Traffic (Miscellaneous Provisions) (Guernsey) Ordinance, 2019.

**Commencement.**

14. This Ordinance shall come into force on the date appointed by Regulations of the Committee for the Environment & Infrastructure, and different dates may be appointed for different provisions and for different purposes.

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