

PROJET DE LOI

ENTITLED

The Unlawful User of Vehicles Law, 1930 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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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* Ordres en Conseil Vol. IX, p. 8; as amended by the Unlawful User of Vehicles (Amendment) (Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 398); the Theft (Bailiwick of Guernsey) Law, 1983 (Ordres en Conseil Vol. XXVIII, p. 5); the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278). See also the Unlawful User of Vehicles (Amendment) (Guernsey) Law, 1970 (*supra*).

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ARRANGEMENT OF SECTIONS

Preamble

Unlawful User of Vehicles Law 1930.

1. Vehicles to which this Law applies. Definition of "Owner".
2.
3. Penalty for tampering with a motor vehicle on a road or parking place.
4. Arrest of person suspected of an offence under this section.
5. Taking hold of or getting on to a motor vehicle.
6. Attempts.
7. Title of Law.

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Unlawful User of Vehicles Law 1930.

ATTENDU QUE des plaintes sont faites centre des personnes qui se servent illicitement d'automobiles appartenant à d'autres personnes et afin d'y porter remède, les dispositions suivantes rédigées en anglais auront force de loi en cette Île.

Vehicles to which this Law applies. Definition of "Owner".

1. (1) This Law shall apply to all mechanically propelled vehicles intended or adapted for use on the roads (in this Law referred to as "**motor vehicles**") and to vehicles (in this Law referred to as "**trailers**") drawn by motor vehicles.

(2) In this Law, unless the context otherwise requires, the expression "**Owner**" in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement.

Penalty for taking or driving away [or being carried in] motor vehicle without consent or lawful authority. Accused not liable to conviction when Court is satisfied that he had reasonable belief that he had lawful authority. When not guilty of stealing, but guilty of an offence under this section.

2. (1) ...

...

(2) ...

NOTE

Section 2 was repealed by the Theft (Bailiwick of Guernsey) Law, 1983, section 41(2), Schedule, with effect from 1st July, 1984, subject to the transitional provisions in section 43 of the 1983 Law.¹

Penalty for tampering with a motor vehicle [...].

3. If while a motor vehicle is on a road or on [or in any place whatsoever] any person otherwise than with lawful authority or reasonable cause gets on to the vehicle or tampers therewith or with the brake or other part of its mechanism, he shall be liable, on summary conviction in the case of the first offence to a fine not exceeding [level 2 on the uniform scale], and in the case of a second or subsequent offence, to a fine not exceeding [level 3 on the uniform scale], or to imprisonment [...] for a term not exceeding three months.

NOTES

In section 3,

the words omitted in square brackets in the marginal note thereto were repealed by the Unlawful User of Vehicles (Amendment) (Guernsey) Law, 1970, section 1(b)(iii), with effect from 2nd June, 1970;

the words in the first pair of square brackets were substituted, and the words omitted in the fourth pair of square brackets were repealed, by the Unlawful User of Vehicles (Amendment) (Guernsey) Law, 1970, respectively section 1(b)(i) and section 1(b)(ii), with effect from 2nd June, 1970;

the words and figures in the second and third pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(5), Schedule, Part I, with effect from 1st July, 1989.

Arrest of person suspected of an offence under this section.

4. Any police constable may arrest any person reasonably suspected by him of having committed or of attempting to commit an offence under [...] section 3 of this Law.

NOTE

In section 4, the words and figure omitted in square brackets were repealed by the Theft (Bailiwick of Guernsey) Law, 1983, section 41(2), Schedule, with effect from 1st July, 1984, subject to the transitional provisions in section 43 of the 1983 Law.

Taking hold of or getting on to a motor vehicle.

5. If any person otherwise than with lawful authority or reasonable cause takes or retains hold of or gets on to a motor vehicle or trailer while in motion on any road, for the purpose of being drawn or carried, he shall be liable, in the case of a first conviction, to a fine not exceeding [level 1 on the uniform scale] and in the case of a second or subsequent conviction to a fine not exceeding [level 2 on the uniform scale].

NOTE

In section 5, the words and figures in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, respectively section 2(2) and section 2(4), with effect from 1st July, 1989.

[Attempts.]

6. (1) Every person who attempts to commit an offence punishable under this Law shall be guilty of an offence and liable, on conviction, to such term of imprisonment or fine or to such term of imprisonment and fine as the Court may deem just:

Provided that as respects any attempt to commit an offence the Court may not impose any punishment exceeding that which the Court might have imposed if the offence had been completed.

(2) If on the trial of any person charged with any offence under this Law it appears to the Court upon the evidence that the person so charged did not complete the offence charged but that he was guilty of an attempt to commit the same the Court may find him not guilty of the offence charged but guilty of the attempt to commit the same and he shall thereupon be liable to be punished accordingly.]

NOTE

Section 6 was inserted by the Unlawful User of Vehicles (Amendment) (Guernsey) Law, 1970, section 1(c), with effect from 2nd June, 1970.

Title of Law.

[7.] This Law may be cited as the Unlawful User of Vehicles Law, 1930.

NOTES

Section 7 was renumbered by the Unlawful User of Vehicles (Amendment) (Guernsey) Law, 1970, section 1(d), with effect from 2nd June, 1970.

The Law received Royal Sanction on 12th February, 1931 and was registered on the Records of the Island of Guernsey and came into force on 7th March, 1931.

In the printed version of this enactment, the Law is styled the "Loi pour empêcher l'usage illicite d'Automobiles, 1930".

In accordance with the provisions of the Unlawful User of Vehicles (Amendment) (Guernsey) Law, 1970, section 2(2), with effect from 2nd June, 1970, this Law, when cited together with the 1970 Law, may be cited as the Unlawful User of Vehicles (Guernsey) Laws, 1930 and 1970.

¹ Prior to this repeal, subsection (1) of section 2, and the marginal note thereto, were amended by the Unlawful User of Vehicles (Amendment) (Guernsey) Law, 1970, section 1(a), with effect from 2nd June, 1970.