



Jersey

# **MOTOR TRAFFIC (JERSEY) LAW 1935**

## **Official Consolidated Version**

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# MOTOR TRAFFIC (JERSEY) LAW 1935

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Jersey

## MOTOR TRAFFIC (JERSEY) LAW 1935<sup>1</sup>

A **LAW** to provide for the regulation of public service vehicles<sup>2</sup>

Commencement [[see endnotes](#)]

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### PART 1

#### INTERPRETATION<sup>3</sup>

#### 1 Interpretation<sup>4</sup>

(1) In this Law, unless the context otherwise requires –

“badge” means a badge issued under Article 29 that authorizes a person to drive a public service vehicle;

“cab” means a motor vehicle being used to provide a cab service;

“cab service” means a service that consists of the carriage by motor vehicles of passengers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole at a fixed rate or for an agreed sum;

“certificate of fitness” means a certificate issued under Article 8(2);

“char-à-banc” means a motor vehicle being used to provide a char-à-banc service;

“char-à-banc service” means a service that consists of the carriage by motor vehicles of passengers for hire or reward at separate fares, for a journey or circuit, from one or more points of departure specified in advance to one or more common destinations so specified, and not stopping to take up or set down passengers except in the neighbourhood of the points of departure and of the common destination;

“contravene” includes fail to comply;

“documents” includes accounts, deeds, writings and information recorded in any form, whether or not legible to the naked eye;

“fare” includes a sum payable in respect of a season ticket or any type of multiple journey ticket;

“function” includes power, authority and duty;

“hire vehicle” means a motor vehicle designed to carry no more than 8 people that is let on hire on terms that provide for the vehicle to be driven by the hirer or by another person specified in the hire agreement;

“Inspector” means the Inspector of Motor Traffic appointed under Article 2;

“Minister” means the Minister for Infrastructure;

“modify” includes add to, amend, alter, replace, revoke and delete;

“motor vehicle” means a mechanically propelled vehicle (and any trailer attached to the vehicle) intended or adapted for use on a road;

“omnibus” means a motor vehicle being used to provide an omnibus service;

“omnibus service” means a service that consists of the carriage by motor vehicles of passengers for hire or reward at separate fares, stage by stage, and stopping to pick up or set down passengers along the line of route;

“omnibus service licence” means a licence granted under Article 19 that authorizes a person to provide an omnibus service;

“Police Officer” means a member of the Honorary Police or a member of the States of Jersey Police Force;

“public service vehicle” means a motor vehicle used to carry passengers for hire or reward but does not include a hire vehicle;

“public service vehicle licence” means a licence granted under Article 9 authorizing a person to use a motor vehicle as a cab, char-à-banc or omnibus;

“road” means a public road, any other road to which the public has access, a public place and a sea beach;

“this Law” includes Regulations and Orders made under this Law;

“Traffic Officer” means the Inspector, the Deputy Inspector of Motor Traffic or a Traffic Officer appointed under Article 2.<sup>5</sup>

(2) If –

- (a) a motor vehicle designed to carry 8 people or less is not being used in the course of a business of carrying passengers; but
- (b) contributions are received by the carrier for the journey concerned,

the vehicle shall not be taken for the purposes of this Law as being used to carry passengers for hire or reward if the total of the contributions received does not involve an element of profit.

## PART 2

### ADMINISTRATION<sup>6</sup>

#### 2 Appointment of Traffic Officers<sup>7</sup>

- (1) There shall be appointed an Inspector of Motor Traffic, a Deputy Inspector of Motor Traffic and such Traffic Officers (all of whom shall be States’ employees within the meaning of Article 2 of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#)) as may be necessary to exercise the powers conferred and perform the duties

imposed on them respectively by or under this Law or any other enactment and to perform such other duties relating to road traffic as the Minister may from time to time impose on them.<sup>8</sup>

- (2) In the event of the absence from duty of the Inspector of Motor Traffic either by reason of illness or for any other cause, or in the event of a vacancy in the office of Inspector of Motor Traffic, the duties imposed and the powers conferred on the Inspector of Motor Traffic shall be exercised by the Deputy Inspector of Motor Traffic.<sup>9</sup>

### **3 Traffic Officers to take oath<sup>10</sup>**

The Inspector and Traffic Officers appointed under this Law shall, on appointment, take oath before the Royal Court well and faithfully to discharge the duties of their respective offices.

### **4 Traffic Officers to report offences<sup>11</sup>**

It shall be the duty of the Inspector or of every Traffic Officer whenever it shall come to the Inspector's or Traffic Officer's knowledge that any criminal or other offence has been committed in violation of this Law, or of any other Law or Regulation concerning the user of any road, to give immediate information thereof to a member of the Honorary Police of the parish in which such criminal or other offence was committed or a member of the States of Jersey Police Force.<sup>12</sup>

## **PART 3**

### **REGULATION OF PUBLIC SERVICE VEHICLES<sup>13</sup>**

### **5 Classification of public service vehicles**

- (1) For the purposes of this Law public service vehicles shall be divided into 3 classes, namely –
- (a) those used to provide an omnibus service;
  - (b) those used to provide a char-à-banc service; and
  - (c) those used to provide a cab service.
- (2) If a person is carried in a motor vehicle for a journey or circuit in consideration of a separate payment made by the person, whether to the owner of the vehicle or to any other person, the vehicle in which the person is carried shall be taken to be a vehicle carrying passengers for hire or reward at separate fares, whether the payment is solely in respect of the journey or circuit or not.

### **6 Requirement for public service vehicle licence<sup>14</sup>**

- (1) A person must not cause or permit a motor vehicle to be used on a road as an omnibus, a char-à-banc or a cab unless –
- (a) the person is the holder of a public service vehicle licence for the vehicle that authorizes the vehicle to be used for that purpose; and

- (b) the vehicle is being used and operated in accordance with the conditions set out in the licence.
- (2) A person who causes or permits a motor vehicle to be used or operated as a public service vehicle in contravention of this Article shall be guilty of an offence and is liable to a fine of level 3 on the standard scale.<sup>15</sup>

## **7 Minister may make Orders as to condition of public service vehicles**

- (1) The Minister may by Order prescribe conditions as to fitness to be fulfilled by public service vehicles and the equipment to be carried by them to qualify for a certificate of fitness.
- (2) Different conditions may be prescribed in respect of –
  - (a) different classes and descriptions of public service vehicles; and
  - (b) the same class or description of public service vehicles in different circumstances.

## **8 Certificates of fitness**

- (1) A person may, on payment of the fee prescribed by the Minister by Order, submit a vehicle for examination by the Inspector.
- (2) If, after examination, the Inspector is satisfied that a vehicle complies with the requirements of any relevant Order made under Article 7, the Inspector shall issue in respect of the vehicle a certificate to the effect that the vehicle is suitable for use as an omnibus, a char-à-banc or a cab, as the case may be.
- (3) A certificate of fitness shall, unless previously revoked, continue in force for such period, not being less than 6 months or more than 12 months, as shall be specified in it.
- (4) The Minister may at any time revoke a certificate of fitness if it appears to the Minister that the vehicle is for any reason unsuitable for use as a public service vehicle.
- (5) The Inspector may suspend a certificate of fitness in respect of a public service vehicle if it appears to the Inspector that the vehicle does not comply with a requirement of a relevant Order made under Article 7 or is for any other reason unsuitable for use as a public service vehicle.
- (6) If the Inspector suspends a certificate of fitness under paragraph (5) the Inspector shall as soon as practicable give notice of the suspension to the holder of the certificate and shall, within 48 hours, make a report in writing to the Minister.
- (7) The suspension shall continue in force until it is removed by the Minister.

## **9 Grant of public service vehicle licences<sup>16</sup>**

- (1) The Minister shall on payment of the fee prescribed by the Minister by Order grant a public service vehicle licence in respect of a vehicle if the Minister is satisfied –
  - (a) that the applicant is the owner of the vehicle;

- (b) that the applicant is a fit and proper person to operate the public service to be provided by the vehicle;
  - (c) that an appropriate certificate of fitness is in force in respect of the vehicle; and
  - (d) that the grant of the licence would not be contrary to paragraph (6).
- (2) The Minister may grant a public service vehicle licence unconditionally or subject to conditions, which shall be set out in the licence.
- (3) The conditions shall be such, as in the Minister's opinion, are necessary or desirable to ensure the proper operation of the vehicle and the public service to be provided by the vehicle.
- (4) Without prejudice to the generality of paragraph (3), the conditions may relate to –
  - (a) the number of passengers that may be carried in the vehicle or in any part of it;
  - (b) who may or may not operate the vehicle;
  - (c) the manner in which and the times during which the public service to be provided by the vehicle is to be operated;
  - (d) in the case of a public service vehicle licence granted in respect of a cab, the use of stands established by a Minister in accordance with Article 37 for use by cabs.<sup>17</sup>
- (5) Unless sooner revoked a public service vehicle licence continues in force for one year from the date of its grant but may be extended by the Inspector by up to 72 hours if the Inspector is satisfied that there is an adequate reason for doing so.
- (6) The Minister may, in respect of a class of public service vehicles, determine that public service vehicle licences shall not be granted in excess of such number the Minister considers desirable.<sup>18</sup>
- (7) A person may appeal to the Royal Court against a decision made by the Minister –
  - (a) not to grant the person a public service vehicle licence on the grounds that the person is not a fit and proper person to operate the public service to be provided by the vehicle; or
  - (b) as to a condition subject to which a public service vehicle licence has been granted to the person.
- (8) Notice of the appeal must be lodged with the Royal Court within 29 days of notice of the refusal being given or of the grant of the licence, as the case may be, or within such further period as the Court may allow if it considers it desirable to do so in the interests of justice.
- (9) In determining an appeal under this Article, the Royal Court is not restricted to a consideration of questions of law or to the facts contained in an application, or other information, before the Minister.
- (10) When it determines an appeal the Royal Court may –
  - (a) confirm the decision of the Minister; or
  - (b) substitute for that decision any decision the Minister could have made.<sup>19</sup>
- (11) The Royal Court may make such orders as it thinks appropriate, including ancillary orders and orders as to costs.



**10 Suspension or revocation of public service vehicle licences<sup>20</sup>**

- (1) The Minister may revoke a public service vehicle licence or suspend its validity, either for a specified period or for an indefinite period, if it appears to the Minister –
  - (a) that its holder is no longer a fit and proper person to operate the public service provided by the vehicle having regard to the holder's conduct, whether in respect of the provision of that public service or otherwise, the manner in which the vehicle has been used or operated or the manner in which the public service has been provided (or has failed to be provided); or
  - (b) that the vehicle to which the licence relates has been used or operated in contravention of a condition set out in the licence.
- (2) The validity of a public service vehicle licence granted in respect of a vehicle is suspended during any period a certificate of fitness is not in force in respect of the vehicle.
- (3) The holder of a public service vehicle licence may appeal to the Royal Court against a decision by the Minister to revoke the licence or suspend its validity.
- (4) Notice of the appeal must be lodged with the Royal Court within 29 days of notice of the revocation or suspension being given to the holder of the licence or within such further period as the Court may allow if it considers it desirable to do so in the interests of justice.
- (5) When it determines an appeal the Royal Court may –
  - (a) annul or confirm the decision of the Minister; or
  - (b) substitute for that decision any decision the Minister could have made.
- (6) The Royal Court may make such orders as it thinks appropriate, including ancillary orders and orders as to costs.

**11 Power to stop and enter public service vehicles**

- (1) A Police or Traffic Officer may at any time enter and inspect a public service vehicle and for that purpose may require a public service vehicle to be stopped.
- (2) A Police or Traffic Officer may at any time that is reasonable having regard to the circumstances of the case, enter premises on which the Officer has reason to believe that a public service vehicle is kept.
- (3) A person who –
  - (a) obstructs a Police or Traffic Officer when attempting to enter a public service vehicle or premises in accordance with this Article; or
  - (b) when required so to do in accordance with this Article, fails to stop a public service vehicle,shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

**12 Obligation to report damage to public service vehicles**

- (1) The holder of a public service vehicle licence must as soon as practicable report to the Minister –

- (a) any failure of or damage to the vehicle in respect of which the licence was granted that may affect the safety of its passengers or of persons using the road, or that affects its appearance; or
  - (b) any alteration to the vehicle other than the replacement of parts.
- (2) A person who fails to comply with a provision of paragraph (1) shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.

### **13 Minister to issue licence plate**

- (1) The Minister must on the first issue of a public service vehicle licence in respect of a motor vehicle issue to the holder of the licence a plate (which shall remain the Minister's property) that bears a distinguishing mark.
- (2) The holder of the licence must display the plate on the vehicle, free from obstruction, in a conspicuous position approved by the Inspector.
- (3) The holder or former holder of the licence must return the plate to the Minister if the licence is suspended or revoked, or expires and is not renewed.
- (4) The Minister must return the plate, in the case of the suspension of a licence, if the suspension is lifted.
- (5) The holder of the licence must notify the Minister as soon as practicable if the plate is lost or defaced and the Minister must issue a replacement on payment of any fee prescribed by the Minister by Order.
- (6) If, during the currency of a public service vehicle licence, its holder ceases to be the owner of the vehicle to which the licence relates, the holder must forthwith notify the Minister and return the licence.
- (7) In paragraph (6) "owner", in relation to a vehicle that is the subject of a hire-purchase agreement, means the person in possession of the vehicle under that agreement.
- (8) A person who contravenes a provision of this Article shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

## **PART 4**

### **OMNIBUS SERVICE LICENCES**

**A14** <sup>21</sup>

### **14 Duties of Minister**

- (1) The first duty of the Minister when making a decision under this Part is to ensure that sufficient omnibus services are provided to satisfy all current and prospective demands for them insofar as it is reasonably practical to do so.
- (2) In furtherance of that duty, the Minister shall perform his or her functions under this Part in a manner that is best calculated –

- (a) to protect and further both the short and long-term interests of the users of omnibus services, and to do so, wherever the Minister considers it appropriate, by promoting competition among the providers of those services;
  - (b) to promote efficiency, economy and effectiveness in the provision of omnibus services;
  - (c) to further the economic interests of Jersey;
  - (d) to impose a minimum of restrictions on the providers of omnibus services.
- (3) In performing his or her functions under this Part, the Minister must have regard to the need to ensure that those providing omnibus services have sufficient financial and other resources to provide those services.

## **15 Requirement for an omnibus service licence**

- (1) A person shall not provide an omnibus service except in accordance with the terms of an omnibus service licence that authorizes the person to provide the service.
- (2) A person shall not provide all or any part of an omnibus service except in accordance with the conditions contained in the licence that authorizes the provision of the service.
- (3) A person shall not use a motor vehicle to provide an omnibus service unless a public service vehicle licence that authorizes the vehicle to be used for that purpose is in force in respect of the vehicle.
- (4) A person shall not use a motor vehicle to provide an omnibus service in contravention of a condition contained in the public service vehicle licence in force in respect of the vehicle.
- (5) A person shall not offer to provide, or hold out as being able and willing to provide an omnibus service which if provided would be a contravention of paragraph (1).
- (6) A person who contravenes paragraph (1), (2), (3), (4), or (5) shall be guilty of an offence and liable to imprisonment for a term not exceeding 12 months or to a fine, or both.

## **16 Civil enforcement of requirement for omnibus service licence**

- (1) The Minister may bring civil proceedings, for an injunction or other appropriate relief, to compel compliance with Article 15.
- (2) The Royal Court may grant an injunction to restrain a contravention or threatened contravention of Article 15.

## **17 Suspension of requirement**

- (1) The Minister may by Order suspend in whole or in part the operation of Article 15 if the Minister considers it to be in the public interest to do so.
- (2) The suspension may be made on terms and subject to any conditions the Minister considers appropriate.
- (3) The suspension has effect on and from the day specified in the Order, being a day not earlier than the making of the Order.

- (4) The suspension has effect for 12 months unless a shorter period is specified in the Order when it has effect for that shorter period.
- (5) The power under paragraph (1) is not exercisable more than once in respect of any set of circumstances, except to revoke or amend the Order.
- (6) The Minister has no power to amend the Order to extend the period of suspension to more than 12 months.

## **18 Exemption from requirements**

- (1) The Minister may, by written notice, exempt a person from compliance with Article 15(1).
- (2) The exemption may be in respect of –
  - (a) a public service motor vehicle specified in the notice when used in the circumstances also so specified; or
  - (b) a particular journey or series of journeys specified in the notice to be made by a public service vehicle.

## **19 Grant of omnibus service licences**

- (1) The Minister may, on the application of any person, grant the person an omnibus service licence to permit the person to provide the omnibus service specified in the licence.
- (2) Instead of accepting or seeking an application under paragraph (1), the Minister may invite tenders by public auction for the grant of an omnibus service licence to provide a specified omnibus service.
- (3) The Minister shall determine the terms and conditions of an auction mentioned in paragraph (2) and may publish details of such an auction in Jersey or elsewhere.
- (4) The Minister may refuse to grant an omnibus service licence on an application made under paragraph (1) if the Minister considers that to do so would be consistent with his or her duties under this Part.
- (5) In addition the Minister may refuse such an application if–
  - (a) any reasonable application fee determined by the Minister has not been paid;
  - (b) any information that the Minister requires to determine the application has not been provided; or
  - (c) any other requirement as, in the opinion of the Minister, is appropriate (including, if the Minister so requires, satisfying a third person with respect to any matter) has not been met in respect of the application.
- (6) An omnibus service licence shall be in writing.
- (7) The Minister may grant an omnibus service licence unconditionally or subject to conditions, which shall be set out in the licence.
- (8) The Minister may grant an omnibus service licence for any period, which shall be specified in the licence.

- (9) The amount required to be paid to the Minister under paragraph (5)(a) shall be fixed at a level necessary to enable the Minister to recover its cost in considering the application.

## **20 Omnibus service licence conditions**

- (1) The conditions that the Minister may grant an omnibus service licence subject to shall be such, as in the Minister's opinion are necessary or desirable to fulfil his or her duties under this Part.
- (2) Those conditions shall include (but are not limited to) conditions relating to, or imposing requirements for, any one or more of the following –
- (a) the manner in which the service authorized by the licence is to be provided;
  - (b) the provision, as part of the service authorized by the licence, of a social or cross-subsidized service;
  - (c) the standard of performance to be achieved in providing the service authorized by the licence;
  - (d) the establishment and operation of a procedure for receiving and resolving complaints against the licensee by users of the service authorized by the licence;
  - (e) the terms and conditions to be included in the contract between the licensee and the users of the service authorized by the licence;
  - (f) the payment to the Minister or to any other public body of an amount or amounts for the use of facilities to be used by the licensee to provide the service authorized by the licence;
  - (g) the provision to the Minister of documents, accounts, estimates, returns or other information relating to the provision of the service authorized by the licence;
  - (h) the prevention or reduction of anti-competitive behaviour;
  - (i) the approval by the Minister of the public service vehicle or vehicles to be used to provide the service authorized by the licence.
- (3) In addition the conditions contained in an omnibus service licence may require the licensee to do all or any of the following –
- (a) not to do, not to continue to do or not to cease to do anything under the licence without the consent of the Minister;
  - (b) to refer for determination by the Minister any specified question, or any specified class of questions;
  - (c) to act on such a determination.
- (4) Further conditions contained in an omnibus service licence may relate to, or impose requirements about –
- (a) competition in relation to the provision of omnibus services;
  - (b) the facilities to be used to provide the service authorized by the licence;
  - (c) any numbering scheme to be used in respect of the provision of the service authorized by the licence;

- (d) the routes to be provided with an omnibus or the routes to be used when providing such a service;
- (e) interconnection among the providers of omnibus services;
- (f) the provision of omnibus services for or on behalf of other persons, whether or not those persons are authorized by an omnibus service licence to provide those services;
- (g) the co-location and sharing of, and access to, facilities to be used by providers of omnibus services.

## **21 Subsidy may be paid for provision of service**

- (1) This Article applies if the Minister has satisfied himself or herself –
  - (a) that it is in the public interest that a particular omnibus service should be provided;
  - (b) that nobody is prepared to provide the service unless a subsidy is paid for the provision of the service; and
  - (c) that to pay a subsidy to ensure that the service is provided would not be inconsistent with the Minister's duties under this Part.
- (2) Where this Article applies the Minister may include in the licence to provide the service a condition that the Minister shall pay, from money available to him or her for the purpose, a subsidy for the provision of the service.
- (3) The licence shall specify the amount to be paid or the manner in which that amount may be calculated, the time or times when it is payable and the service in respect of which it is payable.
- (4) An amount due and payable by the Minister by virtue of this Article is a debt due to the licensee.
- (5) In this Article a reference to an omnibus service includes –
  - (a) any part or element of such a service; or
  - (b) a series of such services.
- (6) A condition referred to in paragraph (2) is a condition contained in an omnibus service licence for the purpose of Articles 22 and 24.

## **22 Modification of licence conditions**

- (1) The Minister may, of his or her own motion or on the application of any person, modify a condition contained in an omnibus service licence.
- (2) The Minister may refuse to modify a condition on such ground as he or she sees fit.
- (3) The power to modify a condition includes the power to insert a new condition or amend or delete an existing condition but any new condition, or condition as amended may only be a condition that could have been contained in the licence when it was granted.

**23 Direction to comply with licence conditions**

- (1) This Article applies if, in the opinion of the Minister, a licensee is in contravention of a condition contained in an omnibus service licence.
- (2) The Minister shall give a direction to the licensee to take steps, or specified steps, to ensure compliance with the condition unless he or she is satisfied that –
  - (a) the Minister's duties under this Part preclude giving the direction;
  - (b) the contravention is trivial; or
  - (c) the licensee is taking steps to comply with the condition and to remedy any effect of the contravention.
- (3) A direction must specify –
  - (a) the licence to which it relates; and
  - (b) the condition contravened.
- (4) A direction –
  - (a) shall require the licensee to act or not to act, according to the nature of the condition and the contravention, in a manner specified in the direction;
  - (b) may require the licensee to take steps, or specified steps, to remedy the effects of the contravention; and
  - (c) may be modified at any time by the Minister giving a new direction in accordance with this Article.
- (5) The Minister may bring civil proceedings, for an injunction or other appropriate relief, to compel compliance with a direction given under this Article.
- (6) The Minister may revoke the licence if a person fails to comply with a direction given under this Article.

**24 Notice and consultation**

- (1) This Article applies to a decision by the Minister on whether or not –
  - (a) to grant an application made under Article 19(1) for an omnibus service licence;
  - (b) to revoke an omnibus service licence; or
  - (c) to modify a condition contained in an omnibus service licence.<sup>22</sup>
- (2) The Minister must give notice before making a decision to which this Article applies.
- (3) The notice must specify –
  - (a) the matter in respect of which the decision is required;
  - (b) why the decision is required;
  - (c) the date when the decision would take effect;
  - (d) the place where any document relating to the proposed decision may be inspected; and
  - (e) the period during which written representations or objections in respect of the proposed decision may be made.

- (4) If the proposed decision is whether or not to grant an omnibus service licence the document referred to in paragraph (3)(d) must include a copy of the proposed licence.
- (5) If the proposed decision is whether or not to modify a condition of an omnibus service licence the document referred to in paragraph (3)(d) must include a copy of the condition before modification and a copy in draft form of the condition as modified.
- (6) Any person may make representations or objections to the Minister about the proposed decision during the period specified in the notice.
- (7) The Minister must consider any representations or objections so made before making its decision.
- (8) When the Minister has made his or her decision the Minister must give a further notice.
- (9) That notice must –
  - (a) refer to the matters contained in the previous notice;
  - (b) contain a summary of the representations and objections received;
  - (c) contain details of the Minister's responses to them sufficient in content to enable them to be understood and the reasons for them to be known;
  - (d) if the full text of the responses is not contained in the notice, specify the place where a document setting them out may be inspected; and
  - (e) state when the decision is to have effect.
- (10) A notice given under this Article shall be given by the Minister in such manner as he or she is satisfied best brings the notice to the attention of those affected by the decision and may for that purpose be given by notice published in the Jersey Gazette.

## 25 Appeals

- (1) Any person may appeal to the Royal Court against a decision made by the Minister to which Article 24 applies, whether or not the decision has taken effect.
- (2) Notice of the appeal must be lodged with the Royal Court within 29 days of notice being given in accordance with Article 24(8) or within such further period as the Court may allow if it considers it desirable to do so in the interests of justice.
- (3) In determining an appeal under this Article, the Royal Court is not restricted to a consideration of questions of law or to the facts contained in an application, or other information, before the Minister.
- (4) When it determines an appeal the Royal Court may –
  - (a) confirm the decision of the Minister; or
  - (b) substitute for that decision any decision the Minister could have made.
- (5) The Royal Court may make such orders as it thinks appropriate, including ancillary orders and orders as to costs.
- (6) If notice of an appeal is lodged with the Court in accordance with this Article against a decision that has not taken effect the decision shall not take effect (if at all) until after the date when the appeal has been finally disposed of unless a later date was



specified by the Minister in the notice given in accordance with Article 24(8) when it shall take effect on that later date.

## **26 Power to require information**

- (1) The Minister may take the action referred to in this Article –
  - (a) to investigate an alleged offence under this Part; or
  - (b) in the exercise of a function under this Part.
- (2) The Minister may, by notice in writing, require a person to produce to the Minister, or to a person appointed by the Minister, a document specified or described in the notice that is in the custody, or under the control, of that person.
- (3) The notice may specify the time, manner and form in which the document is to be produced.
- (4) The Minister may, by notice in writing, require a person carrying on a business to furnish to the Minister, and have verified, an estimate, return or other information specified or described in the notice.
- (5) The notice may specify the time, manner and form in which the estimate, return or information is to be furnished and verified.
- (6) The Minister may –
  - (a) keep a document produced under paragraph (2) for a reasonable time; and
  - (b) take copies of the document.
- (7) A person cannot be compelled for a purpose referred to in paragraph (1) –
  - (a) to produce a document that the person cannot be compelled to produce in proceedings before the Royal Court; or
  - (b) to give information that the person cannot be compelled to give in evidence in proceedings before the Royal Court.
- (8) A person who refuses or, without reasonable excuse, fails to comply with the requirements of a notice under paragraph (2) or (4) shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.
- (9) A person who intentionally alters, suppresses or destroys a document that is the subject of a notice under paragraph (2) or (4) shall be guilty of an offence and liable to imprisonment for a term not exceeding 5 years or to a fine, or both.
- (10) If a person fails to comply with the requirements of a notice under paragraph (2) or (4) the Royal Court may, on application by the Minister, make an order requiring compliance, and the order may provide that the costs of, and incidental to, the application shall be paid by the person who failed to comply with the notice.

## **27 Register**

- (1) The Minister shall keep a register in which the Minister shall enter details of –
  - (a) each omnibus licence he or she grants;
  - (b) any modification of the conditions of any such licence;
  - (c) any direction he or she gives under Article 23.

- (2) The register shall be open for inspection by the public during usual office hours.

## PART 5

### AUTHORITY TO DRIVE PUBLIC SERVICE VEHICLES

#### 28 Authority to drive public service vehicles

- (1) A person must not –
- (a) drive a public service vehicle on a road unless the person is the holder of a badge that authorizes the person to drive public service vehicles of the type being driven; or
  - (b) employ a person to drive a public service vehicle on a road unless the person is the holder of a badge that authorizes the person to drive public service vehicles of the type the person is employed to drive.
- (2) A person who contravenes a provision of paragraph (1) shall be guilty of an offence and is liable to a fine not exceeding level 3 on the standard scale.
- (3) Paragraph (1) does not apply to a person who drives or employs a person to drive a public service vehicle to test it, or to deliver it for or following maintenance or repair.
- (4) Paragraph (1) does not apply to a person who drives a public service vehicle to be instructed in its use or to undergo a prescribed test under the [Road Traffic \(Jersey\) Law 1956](#).
- (5) Paragraph (1) does not apply to a Police Officer or a person acting under the direction of a Police Officer who drives a public service vehicle to remove it from a road or to move it to another position on that road or another road pursuant to Article 2 of the [Road Traffic \(Removal of Vehicles\) \(Jersey\) Order 1963](#).
- (6) Paragraph (1) does not apply to a Police or Traffic Officer who drives a public service vehicle in the course of inspecting it pursuant to Article 11 of this Law or Article 117 of the [Motor Vehicles \(Construction and Use\) \(Jersey\) Order 1998](#).
- (7) Paragraph (1) does not apply to –
- (a) a Police or Traffic Officer;
  - (b) a member of the States of Jersey Fire and Rescue Service or States of Jersey Ambulance Service; or
  - (c) a person acting under the direction of a Police Officer, who drives a public service vehicle in an emergency.
- (8) Paragraph (1) does not apply to the driver of a vehicle recovery vehicle who drives a public service vehicle in the course of recovering the vehicle.

#### 29 Issue of badge to drive public service vehicles

- (1) An application for a badge to drive a public service vehicle must –
- (a) be made to the Inspector on a form provided or approved for the purpose by the Inspector;

- (b) specify the type of public service vehicle in respect of which the application is made; and
  - (c) be accompanied by any fee prescribed by the Minister by Order.
- (2) The Inspector shall not issue a badge to drive a public service vehicle of the specified type unless the applicant has satisfied the Inspector that the applicant –
  - (a) has attained the age of 21 years;
  - (b) is fit (both as to health and as to character) to drive public service vehicles of the specified type;
  - (c) is capable of safely driving public service vehicles of the specified type; and
  - (d) has an adequate knowledge of Jersey.
- (3) A badge to drive a public service vehicle shall be in a form approved by the Inspector and shall specify the type of public service vehicle its holder is authorized to drive.
- (4) A badge issued by the Inspector remains the property of the Minister.

### **30 Revocation or suspension of authority given by a badge<sup>23</sup>**

- (1) The Minister may, by written notice served on the holder of a badge, revoke or suspend, either for a specified period or for an indefinite period, the authority the badge gives the person to drive a public service vehicle if the Minister is satisfied that, by reason of the person's conduct, or a physical or mental disability, the person is, either permanently or for the time being, not a fit person to drive a public service vehicle of the type specified on the badge.
- (2) If the Minister revokes or suspends the authority given by a badge the holder of the badge must return the badge to the Minister as soon as practicable.
- (3) A person who fails to comply with paragraph (2) shall be guilty of an offence and is liable to a fine not exceeding level 3 on the standard scale.
- (4) The holder of a badge may appeal to the Royal Court against a decision by the Minister to revoke or suspend the authority given by the badge.
- (5) Notice of the appeal must be lodged with the Royal Court within 29 days of notice of the revocation or suspension being given to the holder of the badge or within such further period as the Court may allow if it considers it desirable to do so in the interests of justice.
- (6) When it determines an appeal the Royal Court may –
  - (a) annul or confirm the decision of the Minister; or
  - (b) substitute for that decision any decision the Minister could have made.
- (7) The Royal Court may make such orders as it thinks appropriate, including ancillary orders and orders as to costs.
- (8) The Minister must return the badge if the Royal Court annuls the decision of the Minister.
- (9) It must also return the badge at the end of any period of suspension of the authority given by the badge.

- (10) The revocation of the authority given by a badge does not prejudice the right of the former holder of the badge to apply at any time for a badge in respect of any type of public service vehicle.

### **31 Badge to be worn**

- (1) The holder of a badge must wear the badge in a conspicuous position so that it is easily legible when driving a public service vehicle.
- (2) The holder of a badge must report any loss or destruction of the badge to the Inspector as soon as practicable.
- (3) A person who contravenes a provision of this Article shall be guilty of an offence and is liable to a fine not exceeding level 3 on the standard scale.

### **32 Duration of authority given by badge**

A badge authorizes its holder to drive public service vehicles of the type specified on the badge for one year from the date of its issue.

### **33 Appeal against refusal to issue badge<sup>24</sup>**

- (1) If the Inspector refuses to issue a badge the applicant may, within 29 days of being informed of the refusal, apply to the Minister for an order requiring the Inspector to issue the badge requested.
- (2) If the Minister refuses to give an order under paragraph (1) the person requesting the order may apply to the Royal Court for an order requiring the Inspector to issue the badge requested.
- (3) Notice of the application must be lodged with the Royal Court within 29 days of notice of the refusal by the Minister being given to the person or within such further period as the Court may allow if it considers it desirable to do so in the interests of justice.
- (4) When it determines an application the Royal Court may –
  - (a) confirm the decision of the Minister not to require the Inspector to issue the badge; or
  - (b) order the Inspector to issue the badge.
- (5) The Royal Court may make such orders as it thinks appropriate, including ancillary orders and orders as to costs.
- (6) The Inspector shall comply with an order given under paragraph (1) or (4)(b).

## **PART 6**

### **MISCELLANEOUS – PUBLIC SERVICE VEHICLES**

### **34 Fatigue**

- (1) The Minister may by Order prescribe the periods of time during which –

- (a) a person may drive a public service vehicle; or
  - (b) an employer may require or permit an employee to drive a public service vehicle.
- (2) Different periods may be prescribed with respect to different types of public service vehicles.

### **35 Licences or badges to be produced**

- (1) The holder of a public service vehicle licence, an omnibus service licence or a badge shall produce the licence or badge for examination on being required to do so by a Police or Traffic Officer.
- (2) Paragraph (1) shall be taken to have been complied with if within 24 hours after the production of the licence or badge was required it is produced to a Police or Traffic Officer at a place notified to the holder of the licence or badge at the time its production was required.
- (3) A person who fails to comply with paragraph (1) shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.

### **36 Notice given of certain events**

- (1) This Article applies if notice has been given to the Minister of –
  - (a) the death of;
  - (b) the appointment of a delegate in relation to; or
  - (c) the appointment of a General Attorney (Procureur-Général) by,a person who is the holder of a public service vehicle licence or an omnibus service licence.<sup>25</sup>
- (2) If an application for a new licence is made within 14 days of the death or appointment, then –
  - (a) the executor or other legal representative;
  - (b) the delegate; or
  - (c) the General Attorney,as the case may be, of the holder of the licence shall be taken to be the holder of the licence as from the date of the death or appointment. for such period as is necessary to enable the application to be dealt with.<sup>26</sup>
- (3) That period shall not extend beyond the date on which the licence would have expired if its holder had not died or if no appointment had been made, and shall terminate immediately upon the grant or refusal of the new application.
- (4) <sup>27</sup>

### **37 Provisions in respect of public service vehicles generally<sup>28</sup>**

- (1) The Minister may by Order make provisions –
  - (a) as to the conduct of passengers in public service vehicles; and

- (b) as to the conduct of the holders of badges when driving or in charge of public service vehicles.
- (2) Any Minister may establish stands for public service vehicles of any class or description on property under his or her administration.
- (3) The Minister may, with the approval of the Connétable of the parish, establish stands for public service vehicles of any class or description on property under the administration of the parish.
- (4) The Minister may publish for the guidance of owners and drivers of public service vehicles codes of conduct relating to the operation of public service vehicles.
- (5) It shall not be an offence for a person to fail to comply with a provision of a code of conduct but any non-compliance shall be taken into account by the Minister when considering the possible revocation, suspension or renewal of a public service vehicle licence or a badge.

### **38 Minister to ensure adequate cab service<sup>29</sup>**

- (1) It is the duty of the Minister to prescribe by Order such matters as it is necessary or convenient to prescribe to ensure that, insofar as it is practicable to do so, there is an adequate, efficient and reasonably priced cab service available throughout Jersey at all times.
- (2) The Minister may, in particular, prescribe –
  - (a) the fares and charges payable for the hire of cabs;
  - (b) the design and type of vehicles that may or may not be used as cabs;
  - (c) the manner in which drivers of cabs must or must not be dressed;
  - (d) the equipment that must be provided in cabs, including communication equipment and meters, and the manner in which the equipment or meters must or must not be operated;
  - (e) the signs, advertisements and other material that must or must not, or may be displayed on or in cabs and the manner in which it must or must not, or may be displayed;
  - (f) the places where and the manner in which cabs may or may not wait or ply for hire;
  - (g) the cabs that may or may not use any particular stand established by a Minister in accordance with Article 37 for use by cabs, and the manner and conditions of that use.
- (3) An Order made under paragraph (1) may provide for a matter specified in the Order to be determined by the Minister or by a person appointed by the Minister.

### **39 Contract for conveyance in public service vehicles**

A contract for the conveyance of a passenger in a public service vehicle is void in so far as it –

- (a) purports to negate or restrict the liability of a person in respect of a claim that may be made against that person in respect of the death of, or bodily injury to the passenger while being carried in, entering or alighting from the vehicle; or

- (b) purports to impose a condition with respect to the enforcement of any such liability.

## **PART 7**

### **GENERAL PROVISIONS**

#### **40 False information and misuse of licence**

- (1) A person who knowingly or recklessly provides a person entitled to information under this Law with information that is false or misleading in a material particular shall be guilty of an offence if the information is provided –
  - (a) in purported compliance with a requirement imposed under this Law; or
  - (b) in connection with an application under this Law.
- (2) A person shall be guilty of an offence if, with intent to deceive, the person –
  - (a) forges or alters or uses or lends to or allows to be used by any other person a licence under this Law or a badge; or
  - (b) makes or has in the person's possession a document or item so closely resembling such a licence or badge as to be calculated to deceive.
- (3) A person who is guilty of an offence under paragraph (1) or (2) shall be liable to imprisonment for a term not exceeding 5 years or a fine, or both.

#### **41 General provisions as to offences**

- (1) If an offence under this Law committed by a limited liability partnership or body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –
  - (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or
  - (b) any person purporting to act in any such capacity,the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (2) Where the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.
- (3) A person who aids, abets, counsels or procures the commission of an offence under this Law shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.
- (4) An offence may be committed under this Law whether or not the act or omission that constitutes the offence, or is an ingredient of the offence, causes any interruption to, or prevention of, the provision of an omnibus service.

## 42 Limit on disclosure in general

- (1) A person shall not disclose information with respect to a person or business during the lifetime of that person or so long as that business continues, without the consent of that person or the person for the time being carrying on that business, if the information –
  - (a) has been obtained under this Law; and
  - (b) relates to the private affairs of the person or to the business.
- (2) A person who discloses information in contravention of this Article shall be guilty of an offence and liable to imprisonment for a term not exceeding 2 years or to a fine, or both.
- (3) Paragraph (1) shall not apply to the disclosure of information –
  - (a) to facilitate the performance by the Minister of his or her functions under this Law;
  - (b) to enable the holder of an omnibus service licence to run an omnibus service in compliance with the licence;
  - (c) in connection with the investigation of a criminal offence or for the purposes of criminal proceedings, or generally in the interests of the prevention or detection of crime, whether in Jersey or elsewhere;
  - (d) for the purposes of civil proceedings arising under this Law;
  - (e) to comply with a direction of the Court;
  - (f) to enable or assist the Jersey Financial Services Commission or the Chief Minister to exercise a power relating to companies or financial services of any kind, being a power conferred by an enactment;
  - (g) to enable or assist an inspector appointed under the [Companies \(Jersey\) Law 1991](#) to carry out the inspector's functions;
  - (h) to enable or assist the Viscount to carry out the Viscount's functions under the [Bankruptcy \(Désastre\) \(Jersey\) Law 1990](#);
  - (i) to facilitate the carrying out by any person of the person's functions under the [Health and Safety at Work \(Jersey\) Law 1989](#); or
  - (j) for such other purposes as the States may by Regulations prescribe.<sup>30</sup>
- (4) The States may, by Regulations, modify paragraph (3)(a) – (i).

## 43 Entry and search of premises

- (1) If, on application made by a Police Officer supported by information on oath, the Bailiff, a Jurat or a Magistrate is satisfied that there are reasonable grounds for believing that an offence under Article 6 or 15 has been, or is being, committed and that there is evidence of the commission of the offence to be found on premises specified in the application the Bailiff, Jurat or Magistrate may issue a warrant authorizing a Police Officer to enter and search the premises within one month of the date of the issue of the warrant.
- (2) The warrant may, but need not, authorize the Officer to use such force as is reasonably necessary to make that entry.



- (3) A Police Officer who enters premises by authority under this Article –
  - (a) may, if so authorized by a warrant under this Article, use such force as is reasonably necessary to make that entry;
  - (b) may take with the Officer such other persons as may be necessary;
  - (c) shall, if a person on the premises so requires, show proof of the Officer's authority as such an Officer and show the warrant authorizing the entry; and
  - (d) on leaving unoccupied premises so entered, shall leave them as effectively secured against trespassers as the Officer found them.
- (4) A person who obstructs a Police Officer in the execution of a warrant issued under this Article commits an offence and is liable to a term of imprisonment not exceeding 6 months or a fine not exceeding level 3 on the standard scale, or both.

#### **44 Limitation of civil liability**

- (1) A person or body to whom this Article applies shall not be liable in damages for anything done or omitted in the discharge or purported discharge of a function under this Law unless it is shown that the act or omission was in bad faith.
- (2) This Article applies to –
  - (a) the States;
  - (b) the Minister;
  - (c)
  - (d) a person who is, or is acting as, an officer, employee or agent of either of the Minister or performing a duty or exercising a power on behalf of the Minister; and
  - (e) a Traffic Officer.
- (3) A person is not entitled to claim or to receive compensation in respect of a change in the value of a licence, badge, or approval, or of a right arising under this Law, being a change resulting from the modification of a licence condition, the revocation or suspension of a licence, badge or approval or otherwise resulting directly or indirectly from the exercise of a function under this Law.
- (4) Paragraph (3) is included for the avoidance of doubt and does not limit the operation of paragraph (1).

#### **45 Service of notices etc.**

- (1) A notice required by this Law or any licence granted under this Law to be given to the Minister shall not be regarded as so given until the notice is in fact received by the Minister.
- (2) A notice or other document required or authorized under this Law to be given to the Minister may be given by facsimile, other electronic transmission, or by any other means by which the Minister may obtain or recreate the notice or document in a form legible to the naked eye.

- (3) A notice, direction or other document required or authorized by or under this Law to be given to or served on a person other than the Minister may be given or served on the person in question –
- (a) by delivering it to the person;
  - (b) by leaving it at the person's proper address;
  - (c) by sending it by post to the person at that address; or
  - (d) by sending it to the person at that address by facsimile, other electronic transmission, or by any other means by which the person may obtain or recreate the notice, direction or document in a form legible to the naked eye.
- (4) Such a notice, direction or other document may –
- (a) be given to or served on a company incorporated in Jersey by being delivered to the company's registered office; or
  - (b) be given to or served on a partnership, company incorporated outside Jersey, or unincorporated association in the manner set out in paragraph (5).
- (5) That manner is –
- (a) by being given to or served (in any case) on a person who is a principal person in relation to the partnership, company incorporated outside Jersey, or unincorporated association, or on its secretary, clerk or other similar officer or a person who purports to act in any such capacity, by whatever name called, or (in the case of a partnership) on the person having the control or management of the partnership business; or
  - (b) by being delivered to the registered or administrative office of such a person.
- (6) For the purposes of this Article and of Article 7 of the [Interpretation \(Jersey\) Law 1954](#), the proper address of a person to or on whom a document is to be given or served by post shall be the person's last known address, except that –
- (a) in the case of a company (or person referred to in paragraph (5)(a) in relation to a company incorporated outside Jersey) – it shall be the address of the registered or principal office of the company in Jersey;
  - (b) in the case of a partnership (or person referred to in paragraph (5)(a), or who is a principal person, in relation to a partnership) – it shall be the address of the principal office of the partnership in Jersey.
- (7) If the person to or on whom a notice, direction or other document referred to in paragraph (3) is to be given or served has notified the Minister of an address within Jersey, other than the person's proper address within the meaning of paragraph (6), as the one at which the person or someone on the person's behalf will accept documents of the same description as that document, that address shall also be treated for the purposes of this Article and Article 7 of the [Interpretation \(Jersey\) Law 1954](#) as the person's proper address.
- (8) If the name or the address of an owner, lessee or occupier of premises on whom a notice, direction or other document referred to in paragraph (3) is to be served cannot after reasonable enquiry be ascertained it may be served by –
- (a) addressing it to the person on whom it is to be served by the description of "owner", "lessee" or "occupier" of the premises;
  - (b) specifying the premises on it; and

- (c) delivering it to some responsible person resident or appearing to be resident on the premises or, if there is no person to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

#### **46 Regulations and Orders**

- (1) The Minister may by Order make provision for the purpose of carrying this Law into effect and, in particular, for or with respect to any matter that may be prescribed under this Law by Order of the Minister.
- (2) The States may by Regulations make provision for the purpose of carrying this Law into effect and, in particular, for or with respect to any matter that may be prescribed under this Law by Regulations.
- (3) An Order or Regulations made under this Law may –
  - (a) make different provision in relation to different cases or circumstances;
  - (b) apply in respect of particular persons or particular cases or particular classes of persons or particular classes of cases, and define a class by reference to any circumstances whatsoever; or
  - (c) contain such transitional, consequential, incidental or supplementary provisions as appear to the Minister making the Order or the States, as the case may be, to be necessary or expedient for the purposes of the Order or Regulations.
- (4) Regulations and Orders made under this Law may create an offence punishable by a fine up to level 3 on the standard scale.<sup>31</sup>
- (5) <sup>32</sup>
- (6) The powers conferred on the States by the [Loi \(1851\) autorisant l'établissement des règlements sur la police des chemins](#), to make Regulations relating to the police of the public roads, include a power to amend any of the provisions of this Law.<sup>33</sup>

#### **47 Citation**

This Law may be cited as the Motor Traffic (Jersey) Law 1935.<sup>34</sup>

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	°Projet No (where applicable)
Motor Traffic (Jersey) Law 1935 (Tome includes amendments to 1949)	<a href="#">L.5/1935</a>	14 November 1935	
Motor Traffic (Amendment No. 4) (Jersey) Law 1949	<a href="#">L.17/1949</a>	17 October 1949	
Motor Traffic (Amendment No. 5) (Jersey) Law 1955	<a href="#">L.2/1955</a>	30 April 1955	
Motor Traffic (Amendment No. 6) (Jersey) Law 1957	<a href="#">L.13/1957</a>	1 January 1958	
Road Traffic (Miscellaneous Provisions) (Jersey) Law 1962	<a href="#">L.19/1962</a>	12 September 1962	
Motor Traffic (Amendment No. 7) (Jersey) Law 1964	<a href="#">L.18/1964</a>	16 October 1964	
Motor Traffic (Amendment No. 8) (Jersey) Law 1965	<a href="#">L.4/1965</a>	2 April 1965	
Motor Traffic (Amendment No. 9) (Jersey) Law 1971	<a href="#">L.13/1971</a>	23 July 1971	
Motor Traffic (Amendment No. 10) (Jersey) Law 1978	<a href="#">L.2/1978</a>	1 December 1978 ( <a href="#">R&amp;O.6584</a> )	
Motor Traffic (Amendment No. 11) (Jersey) Law 1979	<a href="#">L.12/1979</a>	1 July 1979 ( <a href="#">R&amp;O.6677</a> )	
Motor Traffic (Amendment No. 12) (Jersey) Law 1979	<a href="#">L.25/1979</a>	30 November 1979	
Motor Traffic (Amendment No. 13) (Jersey) Law 1980	<a href="#">L.6/1980</a>	2 May 1980	
Motor Traffic (Amendment No. 14) (Jersey) Law 1986	<a href="#">L.1/1986</a>	4 April 1986	
Motor Traffic (Jersey) Regulations 1988	<a href="#">R&amp;O.7818</a>	2 November 1988	
Motor Traffic (No. 2) (Jersey) Regulations 1991	<a href="#">R&amp;O.8200</a>	8 May 1991	
Motor Traffic (No. 3) (Jersey) Regulations 1992	<a href="#">R&amp;O.8341</a>	19 February 1992	
Motor Traffic (No. 4) (Jersey) Regulations 1994	<a href="#">R&amp;O.8654</a>	16 February 1994	
Motor Traffic (No. 5) (Jersey) Regulations 1994	<a href="#">R&amp;O.8721</a>	7 September 1994	
Motor Traffic (No. 6) (Jersey) Regulations 1996	<a href="#">R&amp;O.8989</a>	24 October 1996	

Legislation	Year and No	Commencement	Project No (where applicable)
Subordinate Legislation (Amendment No. 2) (Jersey) Law 2001	<a href="#">L.2/2001</a>	23 February 2001	<a href="#">P.205/2000</a>
Motor Traffic (No. 7) (Jersey) Regulations 2001	<a href="#">R&amp;O.115/2001</a>	5 August 2001	<a href="#">P.105/2001</a>
Motor Traffic (No. 8) (Jersey) Regulations 2002	<a href="#">R&amp;O.30/2002</a>	27 April 2002	<a href="#">P.38/2002</a>
Motor Traffic (No. 9) (Jersey) Regulations 2002	<a href="#">R&amp;O.133/2002</a>	20 November 2002	<a href="#">P.155/2002</a>
Motor Traffic (No. 10) (Jersey) Regulations 2003	<a href="#">R&amp;O.36/2003</a>	6 May 2003	<a href="#">P.35/2003</a>
States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005	<a href="#">R&amp;O.47/2005</a>	9 December 2005	<a href="#">P.61/2005</a>
States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005	<a href="#">R&amp;O.133/2005</a>	9 December 2005	<a href="#">P.217/2005</a>
Employment of States of Jersey Employees (Consequential, Amendment, Repeal, Transitional and Savings Provisions) (Jersey) Regulations 2005	<a href="#">R&amp;O.155/2005</a>	9 December 2005	<a href="#">P.243/2005</a>
States of Jersey (Transfer of Functions No. 1) (Home Affairs to Transport and Technical Services) (Jersey) Regulations 2006	<a href="#">R&amp;O.41/2006</a>	1 May 2006	<a href="#">P.26/2006</a>
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	<a href="#">R&amp;O.158/2015</a>	1 January 2016	<a href="#">P.46/2015</a> (re-issue)
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	<a href="#">L.1/2016</a>	20 September 2016 ( <a href="#">R&amp;O.98/2016</a> )	<a href="#">P.87/2015</a>
Mental Health and Capacity (Consequential Amendment and Transitional Provision) (Jersey) Regulations 2018	<a href="#">R&amp;O.49/2018</a>	1 October 2018 ( <a href="#">R&amp;O.51/2018</a> )	<a href="#">P.48/2018</a>
Legislation (Jersey) Law 2021	<a href="#">L.8/2021</a>	28 September 2021 ( <a href="#">R&amp;O.112/2021</a> )	<a href="#">P.26/2021</a>

° Projects available at [statesassembly.gov.je](https://statesassembly.gov.je)

### Table of Renumbered Provisions

Original	Current
PART I	PART 1
1(3), (4), (5)	spent, omitted from this revised edition
2	repealed by <a href="#">R&amp;O.8721</a>

Original	Current
3	2
4	repealed by <a href="#">L.19/1962</a>
5	repealed by <a href="#">L.19/1962</a> ; former Article amended by <a href="#">R&amp;O.8718</a>
6	repealed by <a href="#">L.19/1962</a>
7	3
8	4
Part II	Part 2
Part III	Part 3
	apart from the current Articles 2, 3 and 4, the entire Law was replaced by <a href="#">R&amp;O.30/2002</a>

### Table of Endnote References

<sup>1</sup> *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005 and the States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government.*

*This Law has been further amended by the States of Jersey (Transfer of Functions No.1) (Home Affairs to Transport and Technical Services) (Jersey) Regulations 2006. The amendments give effect to the transfer of certain functions under this Law from the Minister for Home Affairs to the Minister for Transport and Technical Services.*

*Formerly, all references to “Public Services Committee” were changed to “Environment and Public Services Committee” by R&O.36/2003*

<sup>2</sup> Long Title

*substituted by R&O.133/2002*

<sup>3</sup> Part 1

*heading substituted by R&O.30/2002*

<sup>4</sup> Article 1

*substituted by R&O.30/2002*

<sup>5</sup> Article 1(1)

*amended by R&O.158/2015*

<sup>6</sup> Part 2

*heading substituted by R&O.30/2002*

<sup>7</sup> Article 2

*heading amended by R&O.30/2002*

<sup>8</sup> Article 2(1)

*amended by R&O.30/2002, R&O.155/2005*

<sup>9</sup> Article 2(2)

*substituted by L.19/1962*

<sup>10</sup> Article 3

*heading substituted by R&O.30/2002*

<sup>11</sup> Article 4

*heading substituted by R&O.30/2002*

<sup>12</sup> Article 4

*amended by R&O.30/2002*

<sup>13</sup> Part 3

*heading substituted by R&O.30/2002*

<sup>14</sup> Article 6

*substituted by R&O.133/2002*

<sup>15</sup> Article 6(2)

*amended by L.1/2016*

<sup>16</sup> Article 9

*substituted by R&O.133/2002*

<sup>17</sup> Article 9(4)

*revised on 11 December 2024 by Law Revision Board item [2024/5](#)*

<sup>18</sup> Article 9(6)

*amended by R&O.36/2003*

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- <sup>19</sup> Article 9(10) *correction published March 2007: substitute “Minister” for “Committee”*
- <sup>20</sup> Article 10 *substituted by R&O.133/2002*
- <sup>21</sup> Article A14 *revoked by R&O.41/2006*
- <sup>22</sup> Article 24(1) *substituted by R&O.133/2002*
- <sup>23</sup> Article 30 *substituted by R&O.133/2002*
- <sup>24</sup> Article 33 *substituted by R&O.133/2002*
- <sup>25</sup> Article 36(1) *amended by R&O.49/2018*
- <sup>26</sup> Article 36(2) *amended by R&O.49/2018*
- <sup>27</sup> Article 36(4) *revoked by R&O.41/2006*
- <sup>28</sup> Article 37 *substituted by R&O.133/2002*
- <sup>29</sup> Article 38 *substituted by R&O.36/2003*
- <sup>30</sup> Article 42(3) *amended by R&O.158/2015*
- <sup>31</sup> Article 46(4) *amended by L.1/2016*
- <sup>32</sup> Article 46(5) *deleted by L.8/2021*
- <sup>33</sup> Article 46(6) *revised on 18 June 2025 by Law Revision Board item [2025/3](#)*
- <sup>34</sup> *Articles 5 to 57 substituted by L.30/2002*