

STATES OF JERSEY

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DRAFT ACT ANNULING THE MOTOR VEHICLES (CONSTRUCTION AND USE) (AMENDMENT No. 9) (JERSEY) ORDER 2007

Lodged au Greffe on 6th February 2008
by Deputy G.C.L. Baudains of St. Clement

STATES GREFFE



Jersey

DRAFT ACT ANNULLING THE MOTOR VEHICLES (CONSTRUCTION AND USE) (AMENDMENT No. 9) (JERSEY) ORDER 2007

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to adopt an Act annulling the Motor Vehicles (Construction and Use) (Amendment No. 9) (Jersey) Order 2007.

DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT

REPORT

The requirement for all heavy goods vehicles, medium goods vehicles of GLW over 3.5t and vehicles drawing trailers (among others) to display a '30' sticker came as a surprise to many people, myself included. This situation arose no doubt because the requirement was made by ministerial Order – and therefore not subject to States debate.

The Order was designed to complement the Draft Road Traffic (No. 58) (Jersey) Regulations 2007 (Projet 87/2007) debated on 26th September 2007 but, apart from two lines in the Report accompanying that Projet, the requirement to display a sticker was not mentioned at all – either during the Minister's opening speech, during his summing up – or even in response to my question when I directly asked the Minister whether Regulation 7 related to the carrying of a sign.

As the relevant Order, the 'Motor Vehicles (Construction and Use) (Amendment No. 9) (Jersey) Order 2007' was made on 4th October 2007 – very soon after the debate of 26th September – one can only conclude the Minister was keen not to advertise his intentions at the time.

Likewise, given the enormous number of people affected by this new requirement, I am far from satisfied with the public awareness exercise – such as it was. According to answers given to my written question of 15th January 2008, individual haulage firms and goods vehicle suppliers were invited to a meeting in November to hear of the changes – whilst motorists with trailers had to rely on detecting the relevant notice in the Jersey Gazette. On my suggestion that members of the public might be trapped by ignorance as a result of not understanding the Road Traffic (Jersey) Law 1956, the Minister asserted this was unlikely.

Given that I may be the only States member who can claim to have read all 122 Articles and 15 Schedules of the Law – even once employing a University to establish the meaning of one part relating to fuel tanks – I consider the Minister's response unhelpful. Furthermore, when pressed to justify the safety benefits of displaying a '30' disc by reference to previous accidents, the Minister asserted '*It is impossible to assess how many accidents could be directly related to the lack of a disc ...*'.

I do not believe the case for displaying of '30' discs has been made on safety grounds. What does seem likely, however, is that a number of motorists will become criminals for non-display of this now mandatory sign. A queue of motorists appearing before the Magistrate on technical offences is hardly compatible with the States avowed wish to 'roll back bureaucracy'. Curiously, too, it appears the sanction for non-display of this sign is, at £5,000, twice that for driving without Third Party Insurance.

Quite what benefit accrues from having a '30' sign on the back of a bus escapes me – but what about oversize vehicles, which now display both a '30' and a P30! What happens when affected vehicles are taken out of the Island? Will French authorities presume the vehicle is limited to 30 kilometres per hour? What will the UK authorities assume, when similar vehicles over there can travel much faster?

Already we see the difficulty some motorists are having in finding a suitable place to apply the sticker. Tipper lorries and dustcarts are just 2 examples. How long will such a sign remain on an agricultural trailer? The Minister assures me it applies to them as well.

Furthermore, in replacing Article 107 with the amended version of his Order, the Minister appears to have created a situation whereby the majority of trailers must now display both a '30' sign as well as a 10 inch x 7 inch plate displaying the letters 'LL'.

This is clearly unnecessary bureaucracy, the effect of which can only be to criminalise motorists on technical offences, and I believe the Minister would be better employed revising those parts of the Law that are patently out of date, such as Schedule 7, where Halon remains an approved fire extinguisher material.

There are no financial or manpower implications arising from this proposition.



Jersey

**DRAFT ACT ANNULLING THE MOTOR VEHICLES
(CONSTRUCTION AND USE) (AMENDMENT No. 9) (JERSEY)
ORDER 2007**

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of the Subordinate Legislation (Jersey) Law 1960^[1], as having effect by virtue of Article 84(2) of the Road Traffic (Jersey) Law 1956^[2], annulled the Motor Vehicles (Construction and Use) (Amendment No. 9) (Jersey) Order 2007^[3].

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- [1] *chapter 15.720*
- [2] *chapter 25.550*
- [3] *R&O.124/2007*