

STATES OF JERSEY



WHEEL CLAMPING: INTRODUCTION OF LEGISLATION

**Lodged au Greffe on 28th July 2009
by Deputy P.V.F. Le Claire of St. Helier**

STATES GREFFE

PROPOSITION

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

to request the Minister for Transport and Technical Services, in consultation with the Minister for Home Affairs, to bring forward for approval legislation to make the practice of wheel clamping illegal unless specifically authorized by law.

DEPUTY P.V.F. LE CLAIRE OF ST. HELIER

REPORT

Wheel clamping in Jersey is a particularly controversial issue. There has been no challenge in Court to establish the *vires* or otherwise of the activity of wheel clamping. It has featured quite extensively recently in the U.K. and it has been on the radar in Jersey now for some time.

I am bringing this proposition because I believe that there should be the right to ticket vehicles parked illegally in Jersey, on private land, but no right for wheel clamping. Some agents of landlords hand out no paperwork and show no record to the taxman or the States to show what they are doing. There is also no licensing or badging system in place for agents and therefore no quality of service or system to complain against.

The practice of wheel clamping though has both arguments for and against, and there needs to be clarity in this for people to know their rights in both trespass terms and defence terms.

I have been approached by people who have had to pay extraordinary sums of money to agents of landlords for the release of their vehicle under circumstances that beggar belief.

Sometimes this has involved agents sitting in wait of the unsuspecting motorist, who have, for whatever reason, left their vehicle in an area of privately-owned land, before they are clamped. In one case this was when the motorist was a pensioner and was just attempting to pick someone up from an adjacent property.

Whilst I accept that there are issues in relation to difficulties of people parking inconsiderately on private land, these can often be managed by signage and a note placed upon the windshield. There does not need to be any action in most cases.

I do not believe that the majority of people who park on private land for any period do so maliciously, and are often very keen to park and move as soon as they are able.

Following on from consultation by Home Affairs which began on 31st July 2008, the issue has rumbled on unclearly.

Having spoken recently to the Minister for Home Affairs, he has indicated support of my proposition which he believes belongs, probably, given the issues, within the domain of Transport and Technical Services to resolve by the introduction of legislation.

I have at my disposal several supporting arguments and documentation which I shall circulate prior to debate, but I will leave this out of the report for now as I do not wish to test the patience of the reader.

Financial and manpower implications

There will be a financial and manpower implication if the States agree to this proposition, but there is no clear indication as yet as to whether or not this is the wish of the States at this time and therefore I will leave this to the sponsoring Ministers to outline in any report that they wish to table. I would imagine though that the legislation would be the cost, and the manpower would be the cost of doing that.