

STATES OF JERSEY



DRAFT ROAD TRAFFIC AND VEHICLES (VIENNA CONVENTION – MISCELLANEOUS AMENDMENTS) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 26th September 2018
by the Minister for Infrastructure**

STATES GREFFE



Jersey

DRAFT ROAD TRAFFIC AND VEHICLES (VIENNA CONVENTION – MISCELLANEOUS AMENDMENTS) (JERSEY) REGULATIONS 201-

REPORT

1. Summary

When the UK decided to leave the European Union, Jersey implemented a comprehensive programme of work to address the implications for the Island. This work, overseen by the Brexit Ministerial Group, has sought to determine both the extent of these implications and how they can be addressed.

The Regulation amendments proposed in this report address the road transport related issues. Brexit is being negotiated by the UK government and it remains unclear how road traffic matters will be dealt with once it leaves the EU. The Island therefore needs to ensure that appropriate arrangements are in place to enable Jersey motorists and their vehicles to circulate freely within the EU following Brexit. The UK has already ratified the United Nations' Vienna Convention on Road Traffic 1968 to avoid similar problems with the free circulation of vehicles.

To ensure that Jersey is not unduly disadvantaged, it is imperative that steps are taken, as a contingency measure, to request the UK to extend its ratification of the Vienna Convention to Jersey. The Vienna Convention is an international agreement, ratified by 75 countries, which standardises road traffic rules among the contracting parties.

There are 4 issues that need to be addressed to enable the UK to request the Convention to be extended to Jersey by the United Nations –

- Seatbelts: The need to extend the requirement for the compulsory use of seatbelts to commercial goods vehicles over 3.5 tonnes.
- International Driving Permits: The need to adopt the format for International Driving Permits laid out by the Convention so that drivers can obtain these when travelling to Europe.
- Registration of Trailers: The need to implement a scheme for the registration of those Jersey commercial and domestic trailers travelling internationally; unlike most of mainland Europe, Jersey does not currently mandate the registration of trailers.
- Technical Requirements and Inspection of Vehicles: The need to implement a regime of Periodic Technical Inspections (“PTI”); this is the main requirement and it is clear that, in order to comply, Jersey’s legislation will have to incorporate the periodic inspection of all Jersey registered vehicles, regardless of whether they travel internationally.

All the above areas will need to be addressed and be in domestic legislation before the UK will agree to extend its ratification of the Convention to Jersey.

The implications of the Convention applying to Jersey vary in significance. Extending the compulsory use of seatbelts to vehicles above 3.5 tonnes has limited impact and it could be argued is something that should be done in any case. This can be achieved by the Minister making an amending Order, and is therefore not included in the proposed Regulation amendments.

If required, the new format of the International Driving Permit will need to be obtained from Parish Halls before travelling to Europe, as is the current situation when driving in some other countries.

The mandatory registration of some large commercial trailers will only affect a small number of operators, who will need to register any trailer travelling to Europe with Driver and Vehicle Standards and display a registration plate. Owners of non-commercial trailers, such as horse-boxes and caravans, will have the option of registering voluntarily if comfort is required regarding guaranteed rights to travel in Europe.

Implementing a Periodic Technical Inspection regime appropriate to Jersey has significant implications and has been subject to considerable investigation, including discussions with the UK Department for Transport. Building on the existing regime of vehicle inspections, the outcome will be that all classes of vehicles will be subject to periodic inspection, with cars older than 5 years being inspected every 3 years, and motorcycles older than 3 years being inspected every 2 years. The logistical challenges of this, including establishing a vehicle test centre, mean that a phased approach to implementation will be required; commercial vehicles, minibuses, mopeds and light motorcycles (e.g. scooters) will be inspected from 2019, with all other vehicles subject to inspection by 2021.

All the proposed Regulation amendments (plus that on seatbelts) must be enacted if Jersey is to guarantee the rights of motorists travelling to Europe and internationally. It is therefore important that the proposals set out below are regarded as a package of measures which must be implemented together, or not at all.

2. Introduction

This report provides a comprehensive overview of the reasons for, and the implications of, becoming a signatory to the United Nations' Vienna Convention on Road Traffic 1968. It also proposes specific changes to existing legislation which will ensure the Island can comply with its terms.

3. Background

In the UK's EU Referendum on 23rd June 2016, the UK voted to end the country's membership of the European Union. As a result, on 29th March 2017, the UK announced it would formally invoke Article 50 of the Lisbon Treaty, which provides for 2 years for the UK and EU to negotiate withdrawal. This 2-year period ends on 29th March 2019.

In response to the challenges presented by Brexit and the risk that no satisfactory withdrawal agreement is reached, the Jersey Government has implemented a comprehensive programme of work, which includes working closely with the UK Government and the other Crown Dependencies, overseen by the Brexit Ministerial

Group. This work is organised into 6 key work-streams, each with links to UK government departments and a supporting programme of legislation requirements.

One of these work-streams relates to Transport, with one objective being –

‘To secure the rights of Jersey motorists and vehicles to freely circulate within the EU, without hindrance following Brexit’.

Even if the UK government can agree a transition period until the end of 2020, it remains unclear how road traffic arrangements will be dealt with during this time. In the absence of such clarity, Jersey needs to ensure that appropriate arrangements are in place to enable Jersey motorists and their vehicles to circulate freely within the EU.

It is understood that the UK still hopes to negotiate a multi-lateral vehicle movement agreement with the EU to continue to enjoy similar rights to those currently provided by the EU Common Transport Policy. However, at the time of writing, this appears to be increasingly unlikely. If Jersey is not party to such an agreement, or cannot satisfy required standards, the Island may not have access to free vehicle and driver movement outside of Jersey, in particular in Europe.

Should Jersey find itself without access to any agreements about free movement, either as a result of Brexit negotiations or this aspect being excluded from any transitional arrangements, Jersey will need to fall back on one of the United Nations Conventions which have historically been used to enable road travel between countries.

The UK ratification of the 1949 Geneva Convention on Road Traffic extends to the Channel Islands. However, since the inception of the Vienna Convention on Road Traffic 1968, many of the EU Countries have now adopted this Convention, whose requirements supersede those of Geneva.

On 28th March 2018, the UK ratified the Vienna Convention as contingency against a hard Brexit, in order to safeguard the rights of UK motorists and vehicles to circulate in EU countries post-Brexit. The UK Department for Transport (“DfT”) has advised that: *“the 1968 Convention ratification is a Brexit contingency plan, ensuring that people with UK driving licences can continue to drive throughout the EU using International Driving Permits (IDPs) and vehicles can circulate”*.

The UK Government, via the DfT, has asked whether Jersey, as a contingency to Brexit, would wish the UK to extend its ratification of the Vienna Convention to Jersey. For ratification to be extended to Jersey, it will be necessary to demonstrate to the UK that the Island has the necessary domestic legislation in place to satisfy the Articles of the Convention and has implemented its requirements.

It is therefore regarded as imperative to seek to have this Convention applied to Jersey so, like the UK, the free movement of vehicles can be guaranteed post-Brexit.

4. The policy position

Officers received initial authority to start this work when the Minister for Infrastructure approved the preparation of law drafting instructions for changes to Road Traffic legislation to enable the extension of the UK ratification of the Vienna Convention to Jersey (*see* Ministerial Decision MD-T-2018-0028, signed on 4th April 2018).

Since then, as part of its oversight of the Brexit work programme, the Brexit Ministerial Group (“BMG”) has been fully appraised of the work being undertaken. On 28th June 2018, the BMG considered the main policy options available, and concluded that it should continue preparations to comply with the Convention to

safeguard the rights of Jersey's businesses and private motorists to circulate internationally post-Brexit, subject to Ministerial and States' approval.

BMG therefore agreed –

- That Jersey should accept the offer from the UK to extend ratification of the Vienna Convention on Road Traffic 1968 to Jersey.
- To progress work to give effect to the Articles of the Vienna Convention in domestic legislation and implement its requirements.
- With particular respect to Periodic Technical Inspections, to adopt a phased and evidence-led approach that is proportionate to local road safety needs and satisfies the requirements of the Convention.

The BMG also established a specific Political Steering Group to oversee the detail of this work. This group first met on 9th July 2018 and has met regularly since. After considering the work undertaken and advice provided, it unanimously supported the approach to seek compliance with the Vienna Convention.

Officers have briefed the Environment, Housing and Infrastructure Scrutiny Panel, and this Panel will be undertaking a review of these draft Regulations. It is anticipated that the outcome of this review will be published before the proposed Regulation changes are debated, which is currently scheduled for 20th November 2018. The impact of the Regulation changes will be subject to further Scrutiny review.

5. What is the Vienna Convention on Road Traffic 1968?

The Vienna Convention on Road Traffic 1968 was introduced by the United Nations to build upon earlier Conventions that enable international road travel.

It is an international agreement which covers road traffic safety regulations and establishes principles to govern traffic laws. It increases road safety by standardising the uniform traffic rules among the contracting parties. Those countries that have ratified the Convention can enjoy free movement of motor vehicles between them.

Many EU Countries have now adopted this Convention and it has been signed and ratified by 75 countries.

In Summary, the Convention covers the following key areas –

- Rules of the road: This includes general provisions for driving on the roads, such as signage, driver competence and behaviour, speeds, driving at night, etc.
- Conditions for the admission of motor vehicles and trailers to international traffic: This includes requirements for registration, technical standards and Periodic Technical Inspections.
- Drivers of motor vehicles: This includes requirements for driving permits, including suspension and endorsement.
- Admission of cycles and mopeds: This includes the conditions for the admission of cycles and mopeds to international traffic.

For the purpose of the Convention, the term “vehicle” includes all motor vehicles, trailers, motorcycles and light motorcycles.

6. The United Kingdom's position on the Vienna Convention

Whilst the UK already complies with many of the requirements of the Convention, the compliance matrix in the **Appendix** to this report identifies that its ratification is subject to a number of declarations and reservations. As none of these have a material effect on Jersey's position, it is the intention to request the same declarations and reservations as part of the extension of ratification.

To ensure compliance, the UK has had to take steps to introduce the registration of trailers, which is one of the requirements of the Vienna Convention. To avoid unregistered trailers being turned away at the borders of other countries that have ratified the 1968 Convention, a trailer registration scheme is being implemented through the Haulage Permits and Trailer Registration Act 2018. This is the only new legislation required by the UK relating to compliance with the Convention.

7. What does complying with the Vienna Convention mean to Jersey?

Whilst the law in Jersey is broadly aligned with the terms of the Convention, there are areas where Jersey does not currently comply. A benchmarking exercise to review existing Jersey legislation and the requirements imposed under the Convention was undertaken, and a summary of current compliance can be found in the table at the **Appendix** to this report.

This review revealed 4 areas where domestic legislation requires amendment for Jersey to be able to ask for extension of the Convention (*references below are to Articles of the Convention*) –

- Article 7(5) – Seatbelts: The need to extend the requirement for the compulsory use of seatbelts to commercial vehicles over 3.5 tonnes.
- Articles 41.2 and 3 – International Driving Permits: The need to adopt the format for International Driving Permits laid out by the Convention.
- Article 35 – Registration of Trailers: The need to implement a scheme for the registration of those commercial and domestic trailers travelling to Europe; unlike most of mainland Europe, Jersey does not currently mandate the registration of trailers.
- Article 39 – Technical Requirements and Inspection of Vehicles: The need to implement a regime of Periodic Technical Inspections (“PTI”). This is the main requirement and it is clear that, in order to comply, Jersey's legislation will have to incorporate the periodic inspection of all Jersey registered vehicles, regardless of whether they travel internationally.

To comply with the Vienna Convention, all the above areas will need to be addressed, and will also need to be in domestic legislation before a request for the Convention to be extended can be made to the UK.

It is therefore important that the proposals for changes to Regulations set out below (plus that on seatbelts) are regarded as a package of measures which must be implemented together. To fail to implement any of the proposed Regulation changes would result in the UK being unable to extend the Convention to Jersey.

8. Discussions with the UK Department for Transport

Throughout the Brexit process, the Government of Jersey has been actively engaged in discussions with counterparts from the UK DfT on the proposed extension of the Vienna Convention. This has included attending roundtable meetings with other

Crown Dependencies, and DfT visiting Jersey and meeting with Growth, Housing and Environment (“GHE”) officers on 6th June 2018 to discuss Jersey’s proposals.

Whilst the UK’s ratification of Vienna does not include the Crown Dependencies, the UK is able to request that ratification be extended to these jurisdictions if it is satisfied that domestic legislation complies with it and has been implemented. The Foreign and Commonwealth Office (“FCO”) would then be asked to lodge notification with the UN Secretary-General, with the Convention becoming applicable 30 days after such notification.

It is therefore anticipated that to meet the Brexit deadline of 29th March 2019 –

- The required legislation will need to be in place by **3rd December 2018** to allow the request to be submitted to DfT.
- DfT will require until **22nd January 2019** to submit the request to the FCO.
- The FCO will require until **25th February 2019** to submit the request to the United Nations in order for the UN to extend ratification to Jersey by 29th March 2019.

Any request for an extension to the Vienna Convention must be on the basis that the DfT is satisfied that appropriate arrangements are in place to meet its terms. Early engagement with DfT established –

- Proposed arrangements would be looked at from the perspective of compliance with the requirements of the Convention, not as a replication of standards and systems in the UK.
- As a minimum, DfT expected compliant legislation to be in place and in force at the time of requesting the extension.
- DfT were willing to consider and discuss with Crown Dependencies their proposals for compliance, particularly regarding inspection regimes, in advance of proposals formally being put forward.
- Whilst DfT considered that there may be some advantage to aligning the approach of the Crown Dependencies, notwithstanding different starting points, it was agreed that compliance did not require an identical approach across the jurisdictions.

DfT visited the Island on 6th June 2018 to receive a presentation setting out the Island’s proposals for complying with the Vienna Convention. The proposed strategy for the Convention ratification being extended to Jersey, including legal changes, timescales and the proposals for an appropriate PTI regime for Jersey, was generally well received.

The principal area of discussion was around the subject of PTIs, with Jersey setting out proposals it regarded as proportionate, taking into consideration Jersey’s unique road traffic characteristics. The evidence-led approach taken in determining the proposed PTI regime and its phased implementation was also presented.

As a result of the meeting, a comprehensive report setting out the proposed approach along with supporting evidence was submitted to DfT for review by its technical team. On 22nd August 2018, the DfT formally responded to confirm that the PTI proposals would form an acceptable basis on which to extend the Vienna Convention to the Island. These are the proposals set out in this Report to be implemented through the proposed amendments contained in the Proposition.

9. The position of the other Crown Dependencies

The Isle of Man is not, at the time of writing, planning to request the extension of the Vienna Convention, as the Island has a bilateral agreement with its closest EU nation, i.e. Eire. In addition, the majority of its commercial traffic is with the UK. However, the Island continues to monitor and review Jersey and Guernsey's progress in implementing Vienna.

Guernsey's approach is aligned with that of Jersey, though it is understood that Guernsey will require a longer period of implementation, due to it undertaking fewer existing categories of inspections than Jersey, its lack of inspection infrastructure, and having significantly more legislation to introduce to achieve compliance.

10. Overview of requirements for Regulations

The sections below identify the legislative changes required in order to comply with the Convention. In summary, the following changes are proposed –

- Seatbelts: to be implemented by an amendment to the [Motor Vehicles \(Wearing of Seat Belts by Adults\) \(Jersey\) Order 2009](#).
- International Driving Permits: to be implemented by an amendment to the [Motor Vehicles \(International Circulation\) \(Jersey\) Regulations 1958](#) to enable IDPs to be issued in the format prescribed by the Vienna Convention.
- Registration of Trailers: to be implemented by Regulations amending the [Road Traffic \(Jersey\) Law 1956](#) for the purpose of establishing a scheme for the registration of certain road trailers which are to be used in international traffic and for connected purposes. An Order will be required to set out the details of a trailer registration scheme to comply with the Vienna Convention.
- Technical Requirements and Inspection of Vehicles: to be implemented by Regulations amending the [Road Traffic \(Jersey\) Law 1956](#) to provide the enabling powers for a PTI regime to be established. An Order will be required to set out the details of an inspection regime to comply with the Vienna Convention.

11. Wearing of seatbelts in large and medium-sized goods vehicles

11.1 Introduction

To comply with the Vienna Convention, Jersey needs to make it compulsory for the drivers of, and passengers in, medium and large goods vehicles to wear seatbelts.

11.2 Issue to be addressed

The definition of “motor vehicles” within the Convention includes medium and large goods vehicles.

The [Motor Vehicles \(Wearing of Seat Belts by Adults\) \(Jersey\) Order 2009](#) makes it compulsory for persons of 14 years of age or older, (children under 14 are already required to wear seatbelts/child restraints in all vehicles) who are drivers and passengers in a small passenger vehicle, a small goods vehicle, or a minibus, to wear a seatbelt.

The current Order therefore does not require drivers of large and medium-sized goods vehicles to wear seatbelts, which does not comply with the Vienna Convention.

The [Road Traffic \(Jersey\) Law 1956](#) defines large goods vehicles as above 7.5 tonnes and medium-sized goods vehicles as between 3.5 tonnes and 7.5 tonnes.

11.3 Changes to the Order

The Minister would therefore amend the Motor Vehicles (Wearing of Seat Belts by Adults) (Jersey) Order 2009 so that it applies, subject to the same exemptions listed in the Order, to all medium and large goods vehicles, in addition to the types of vehicles which are currently listed.

As this can be amended by the Minister, it therefore does not form part of the proposed amendments in the Proposition set out below.

11.4 Implications

From the date on which the Order takes effect, it will be compulsory for drivers of, and passengers in, large and medium-sized goods vehicles to wear seatbelts.

This will not apply to large passenger-carrying vehicles, which are mainly buses and chars-a-banc, because neither type of vehicle in Jersey is commonly fitted with passenger seatbelts, and public bus passengers would be exempt anyway.

As stated above, all current exemptions will be maintained, including those for delivery drivers and taxi-cab drivers.

GHE will be carrying out a publicity campaign to make drivers of, and passengers in, large and medium-sized goods vehicles aware of the change in the law to require wearing of seatbelts in such vehicles. The Order can take effect immediately.

12. **Requirement for International Driving Permits**

12.1 Introduction

To comply with the Vienna Convention, Jersey drivers would need to obtain an International Driving Permit (“IDP”) when travelling to Europe, and this must be in the format specified in the Convention.

12.2 Issue to be addressed

Article 41.2 of the Vienna Convention requires Convention States to recognise IDPs which conform to the provisions of Annex 7 in the Convention.

The Vienna Convention supersedes the 1926 Paris Convention on Motor Traffic and the 1949 Geneva Conventions on Road Traffic, which both apply to the UK and Jersey. The existing Paris and Geneva Conventions do not provide a satisfactory basis to safeguard the rights of Jersey vehicles and motorists to circulate across continental Europe.

All of the EU Member States are now signatories to the Vienna Convention and have ratified it, or are in the process of ratification, with the exception of Spain and Eire. Therefore, a Vienna-compliant IDP would be required when driving within the EU, post-Brexit.

The [Motor Vehicles \(International Circulation\) \(Jersey\) Regulations 1958](#) currently prescribe forms of IDP which are compatible with both the 1926 Paris Convention relative to motor traffic and the 1949 Geneva Convention on Road Traffic.

Post-Brexit, it may therefore be necessary for Jersey drivers to obtain a 1968 Vienna Convention compliant IDP, in order to continue to be able to drive in Convention member States.

12.3 Changes to Regulations

The [Motor Vehicles \(International Circulation\) \(Jersey\) Regulations 1958](#), made under Article 1 of the [Motor Vehicles \(International Circulation\) \(Jersey\) Law 1953](#), will require amendment to specify the Vienna Convention form of IDP.

The amendments in Part 1 of the Proposition will enable the reciprocal recognition in Jersey of IDPs issued by other Vienna Convention States, through including specific reference to the Vienna Convention, the new form of Permit, specifying periods of validity (3 years) and the fees that need to be paid to obtain an IDP (which will be £10 as with current forms of IDP).

12.4 Implications

The policy objective is to ensure that drivers holding Jersey driving licences and who wish to drive in 1968 Convention member States can continue to do so after the United Kingdom leaves the European Union.

Should Jersey need to rely on the Vienna Convention to secure the rights of motorists to circulate internationally, those wishing to drive in Europe will be required to obtain the new form of IDP before travelling.

As with the existing permits, the Minister for Infrastructure will delegate to the Connétables the function of issuing the new form of permit and the charging of the requisite fee. The new IDP would therefore be obtained from Parish Halls as with existing permits. It will be valid for whichever is the longer of 3 years from issue or the expiry date of the holder's Jersey licence.

With an estimated 7,000 cars traveling to France per annum, plus those drivers hiring vehicles for leisure or business, should the new form of IDP be required for all European travel, there will be a significant increase in the number of permits which have to be issued. The GHE will be working closely with the Parishes to ensure that this demand can be met.

If the new permit is required for European travel, the GHE will carry out a publicity campaign raising awareness of the need for Jersey licensed drivers to apply for an IDP before leaving the Island.

13. The requirement for the registration of trailers

13.1 Introduction

To comply with the requirements of the Vienna Convention, it will be necessary to introduce a new regime for the compulsory registration of certain large trailers, which are towed by motor vehicles, when circulating in international traffic.

13.2 Issue to be addressed

Articles 35 and 36 of the Vienna Convention require every motor vehicle in international traffic, and every trailer, other than a light trailer, coupled to a motor vehicle to be registered.

The Convention allows contracting parties to deny entry to unregistered trailers with a gross weight of more than 750 kg. Unregistered trailers could therefore be subject to potential enforcement action whilst travelling abroad.

This registration would therefore only be necessary for trailers travelling to Europe from Jersey and not to those circulating locally or in the United Kingdom.

To enable the UK to extend its ratification of the 1968 Convention to Jersey, a registration scheme is required which is closely aligned to the trailer registration arrangements included within the UK's proposed Haulage Permits and Trailer Registration Bill.

Like the UK scheme, it is proposed to require the mandatory registration of commercial trailers over 750 kg. and non-commercial trailers over 3,500 kg. that enter a foreign country that has ratified the 1968 Convention. Mandatory registration will therefore only apply to commercial trailers (in practice almost exclusively HGV trailers) and the largest non-commercial trailers that enter international traffic. It is the intention to keep the mandatory registration as light touch as possible.

These categories have been selected for mandatory registration because they are the most likely to be subject to scrutiny by foreign enforcement authorities; DfT have reported that all previous foreign enforcement activity against unregistered UK trailers has been against these categories of trailer.

Other trailers that are eligible for registration, such as caravans and horse-trailers weighing more than 750 kg. do not have to register, but owners may do so if they wish to completely avoid any risk of enforcement abroad. Therefore, to protect and guarantee Islanders' rights to travel in Europe with private-use trailers, like the UK scheme, there will be the option of voluntary registration for all non-commercial trailers over 750 kg.

13.3 Regulations and Order required

Regulations are required to amend the [Road Traffic \(Jersey\) Law 1956](#) for the purpose of establishing a scheme for the registration of certain road trailers which are to be used in international traffic and for connected purposes.

The draft Regulations set out in Part 3 of the Proposition below, insert suitable enabling provisions for the Minister for Infrastructure to establish, by Order, a trailer registration scheme, compatible with the provisions of the 1968 Convention, to ensure that trailers can be registered before entering international traffic. Mandatory registration will apply only to large commercial trailers and the largest non-commercial trailers that enter international traffic. Owners of smaller, common non-commercial trailers can voluntarily register if they so wish.

The Minister will make an Order to create the registration scheme, including prescribing the types of trailers to be registered, the form of registration and documents, placing registration marks on trailers, exemptions from registration, charging fees for registration, creating offences for non-compliance, allowing for records to be held and powers to inspect trailers and documents.

13.4 Implications

The policy objective is to ensure that Jersey drivers will continue to be able to drive in all EU countries when towing commercial trailers post-Brexit. Should the Island become a signatory to the Vienna Convention, a consequence is that unregistered trailers could be turned away at the borders of other countries which have ratified the 1968 Convention. Therefore, for operational reasons, a trailer registration scheme is required.

The proposals will impact commercial trailers above 750 kg. and non-commercial trailers above 3,500 kg. wishing to travel to Europe. It also covers non-commercial trailers over 3,500 kg., which are very rare. Registration will not be required for trailers circulating locally or in the United Kingdom.

From the date the Regulations and Order come into force, in simple terms, all such trailers will need to be registered with Driver and Vehicle Standards before travelling, and will be required to display a registration mark whilst in Europe. This will involve DVS inspecting the trailer and issuing necessary registration documents. Registration will not be time-limited, and a registration fee will be applied which will be the same as for the registration of cars, i.e. £29.

Non-commercial trailers below 3,500 kg., including caravans and horse-boxes will have the option of registering voluntarily if owners would like the comfort of guaranteed rights to European travel.

It is anticipated that the mandatory requirement to register trailers will fall upon a small number of commercial operators. Currently, DVS issue permits to 6 local hauliers under the umbrella of the UK/EU permit system.

The GHE has engaged with affected commercial operators to make them aware of the scheme, and are working on putting in place arrangements to ensure that trailers can be registered prior to the Brexit date of 29th March 2019.

14. The requirement for Periodic Technical Inspections (“PTI”)

14.1 Introduction

By far the most significant implication of compliance with the Vienna Convention is the requirement to undertake the periodic inspection of all Jersey registered vehicles.

Whilst the Island currently inspects a number of classes of motor vehicles, it does not undertake the periodic inspection of vehicles with more than 8 seats, cars or motorbikes. Domestic legislation does not therefore satisfy Article 39.2(a) and 3 of the Convention, which provides –

- “2. Domestic legislation shall require periodic technical inspections of:**
- (a) Motor vehicles used for the carriage of persons and having more than eight seats in addition to the driver’s seat;**
 - (b) Motor vehicles used for the carriage of goods whose permissible maximum mass exceeds 3,500 kg. and trailers designed to be coupled to such vehicles.**
- 3. Domestic legislation shall, as far as possible, extend the provision of paragraph 2 to the other categories of vehicles.”**

Legally, it is clear that domestic legislation would have to incorporate the PTI of all Jersey registered vehicles, regardless of whether they travel internationally.

Furthermore, the UK DfT has confirmed that, in order for the Vienna Convention to be extended to Jersey, it would need to be satisfied that the Island’s legislation meets the Articles of the Convention relating to PTI and has implemented its requirements.

14.2 Jersey's current vehicle inspection regime

Jersey already undertakes the periodic inspection of public service and oversized vehicles, and has recently implemented a regime for the annual inspection of commercial vehicles, which began in 2018.

In addition, DVS, together with the States of Jersey Police Force, carry out co-ordinated road-checks in the Island. Vehicles are inspected at the site and, if defects are confirmed, a defects notice is issued requiring repairs to be made, or in the case of serious defects, the vehicle will be impounded. In addition, Parishes, through the Honorary Police, undertake regular roadside spot-checks on vehicle lighting and insurance matters.

Between 2009 and 2017, on average –

- 25 roadside inspections took place per annum.
- c. 11,700 vehicles were inspected per annum.
- c. 244 vehicles per annum (c. 2%) required re-inspection as a result of defects.

It should be noted, however, that current Jersey law requires all vehicles to be roadworthy, and clear criteria exist within the [Motor Vehicles \(Construction and Use\) \(Jersey\) Order 1998](#) and the [Road Traffic \(Lighting\) \(Jersey\) Order 1998](#), made under the [Road Traffic \(Jersey\) Law 1956](#), setting out what this means. Therefore, all Jersey vehicle owners already have a legal responsibility to ensure their vehicles are safe to be on the road.

Jersey's inspection regime as of May 2018 is set out below –

Category	Vehicles	Inspection Regime
Public Service Vehicles	Buses, coaches, taxi-cabs, limousines, hearses	Annually
Commercial Vehicles	Over 7.5 tonnes Over 3.5 tonnes	Annually Annually (from May 2019)
Oversized vehicles (P30)	Any	Annually
Technical Roadside Inspections and Registration Checks	All traffic	30 roadside checks per annum

14.3 Establishing a Vienna-compliant PTI Regime for Jersey

Consideration has been given as to what basis a Jersey regime of Periodic Technical Inspections (PTIs) to meet the Convention requirements should be introduced.

Three broad options were considered by the Brexit Ministerial Group –

- Adopt UK MOT approach, an inspection on vehicles' third anniversary and then every year thereafter.
- Adopt the EU minimum PTI requirements, an inspection on vehicles' fourth anniversary and then every second year after.

- Adopt a phased and evidence-led approach that is proportionate to the Island's road safety needs and satisfies the requirements of the Convention.

The BMG agreed that any inspection regime adopted must take into consideration Jersey's unique road traffic characteristics. Vehicles in Jersey generally travel fewer miles at lower speeds than those in the UK and on the continent, so arrangements should be proportionate and not simply follow those adopted other countries.

With this in mind, an evidence-led approach has been taken in seeking to determine proposals, which has included gathering and analysing information on road collisions, inspection information and vehicle registration information. This, along with information on the Island's likely logistical ability to inspect vehicles, has led to the proposals outlined in this report.

All this information was included within the comprehensive report submitted to the UK DfT (see above) which, in summary, included –

- Examining average mileage against other jurisdictions – Jersey vehicles, on average, travel c. 3,800 miles per annum, with UK vehicles averaging c. 7,900 – to establish comparable periods of inspection.
- Considering the number of registered vehicles in the Island and considering how many would need to be inspected under different scenarios; for example, adopting the UK approach of inspections every year would involve inspecting c. 105,000 vehicles per annum, plus any re-inspections required.
- Considering the Island's capacity to undertake inspections based on limitations on space and skills that exist in the Island, it is thought that Jersey could develop the capability to inspect in the order of c. 40,000 vehicles per annum.
- Considering statistics on collisions, which suggests that there is an increasing trend for motorcycles and mopeds to be involved in accidents at 3 years, and with motor vehicles this trend is increasing at 5 to 6 years.

14.4 The proposed PTI Regime

Periods of inspection

Having considered the evidence set out above, it is proposed to implement the following inspection regime –

Category	Vehicles	Regime
Public Service Vehicles	Buses, coaches, taxi-cabs, limousines, hearses	Annually
Commercial Vehicles	Over 7.5 tonnes Over 3.5 tonnes	Annually Annually
Exempt Licensed Vehicles (P30)	Any	Annually
Over 10 seat Vehicles	Minibuses	Annually

Category	Vehicles	Regime
Powered 2 wheels	Motorcycles, mopeds and light motorcycles (e.g. scooters)	First inspection 3 years , then every 2 years
Other categories	Cars	First inspection 5 years , then every 3 years
Technical Inspections and Registration	Any traffic	30 roadside checks annually – Technical Inspections and Registration

Exemptions

In summary, the following vehicle exemptions are proposed –

- Motor vehicles/cars less than 5 years old.
- Motorbikes (including under 125 cc.) less than 3 years old.
- Vehicles over 40 years old from the date of first registration.
- Vehicles provided for emergency services and MOD purposes, maintained by an approved workshop.
- Track-laying vehicles.
- Agricultural tractors.
- Works trucks.
- Pedestrian controlled vehicles.
- Invalid carriages.
- Street-cleaning vehicles.
- Vehicles temporarily in Jersey displaying non-Jersey registration that have been in the Island for less than 12 months.
- Vehicles proceeding to Port for export from Jersey.
- Vehicles constructed and adapted for the sole purpose of spreading material on roads to deal with ice and snow.
- Vehicles that have been notified to DVS as having been taken off the road (e.g. for restoration).
- Vehicles already inspected under different legislation –
 - Commercial vehicles over 3,500 kg.;
 - Licensed Public Service vehicles;
 - P30 plated vehicles.
- Vehicles being driven to and from inspection/examination.
- In the case of a failed inspection, vehicles being taken for repair or to be broken up.
- Where a vehicle is imported to Jersey, a vehicle being driven to the home of the owner.
- Where the vehicle has been detained or seized by Police or Customs.

- Where motor traders (e.g. garages) need to undertake a road-test as part of making repairs.

Apart from the proposed periods of inspections for cars and motorbikes (see below), the above varies from the current UK MOT exemptions in the following areas –

- Treatment of emergency services and MOD vehicles.
- Jersey is proposing to inspect motorbikes below 125 cc. (e.g. mopeds and scooters). Local experience with this class of vehicle suggests that it is an area where inspections will show benefits to road safety and the environment.

14.5 PTI Regimes in other jurisdictions

As part of developing the proposals for PTI, GHE has also researched approaches to car inspections in a number of European countries. The proposed regime can be compared to others in the table below –

Country	Age at 1st inspection	Age at subsequent inspections
United Kingdom	3	4, 5, 6, 7, 8, 9, 10
Germany	3	5, 7, 9, 11, 13
Eire	4	6, 8, 10, 11, 12, 13
France	4	6, 8, 10, 12, 14, 16
Hungary	4	7, 9, 11, 13
Monaco	4	7, 10, 13, 16
Andorra	5	7, 9, 10, 11, 12, 13
Jersey	5	8, 11, 14, 17, 20

PTI regimes (cars) in other European countries

14.6 A phased approach to implementation

The rationale for a phased approach

A review of the legal requirements and discussions with the UK DfT have made it clear that, to comply with the Vienna Convention, domestic legislation must be in place and an inspection regime commenced.

The Convention does not specifically require every vehicle travelling off-Island to be inspected; it is sufficient for the purposes of the Convention that the vehicle is registered in a Vienna signatory jurisdiction and a PTI regime is in place.

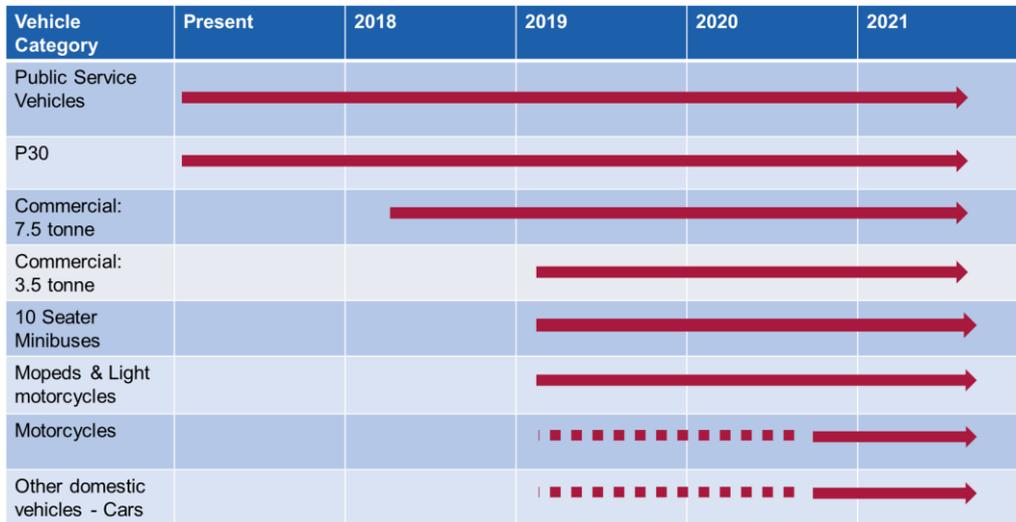
For Jersey to implement PTIs for all vehicles there are a number of significant and practical challenges to be faced. These include, but are not limited to, logistics, facilities and resources, as well as the limited time to ensure compliance (by March 2019). Therefore, it is considered that a phased approach to implementation of a full PTI regime is the only viable option once domestic legislation is enacted.

The proposed approach to phasing

The approach to a phased implementation of PTIs is one that builds the inspection regime over a period of time, and leads to the inspection of all vehicles within a reasonable timescale taking into account the Island’s particular constraints. The anticipated timescale is set out below.

In conjunction with existing inspections of public service, commercial and oversized vehicles, the proposed phasing includes –

- Continuing the implementation of inspections for commercial vehicles, which began in 2018 and will extend to 3.5 tonne vehicles in 2019.
- Beginning inspection of 10-seater minibuses in 2019.
- Beginning inspection of mopeds and light motorcycles in 2019.
- Beginning inspection of other domestic vehicles (cars) and motorcycles at the end of 2020/early 2021, subject to new inspection facilities being available.



A phased approach to implementation

14.7 Delivering Periodic Technical Inspections

It has been identified that the proposed PTI regime would result in c. 40,745 cars and motorcycles being inspected per annum (6,975 motorcycles and mopeds, 27,850 cars and 5,920 re-inspections (c. 17%)).

Jersey currently has only one inspection facility, which comprises 2 test lanes located at the Driver and Vehicle Standards Department. Currently, all commercial, Public Service Vehicles and oversized vehicles, plus newly registered vehicles are inspected at DVS. However, there is insufficient spare capacity to accommodate inspection of the required quantity of vehicles under the proposed PTI regime.

In the short term, to deliver the early phase of the above approach, the current facility at DVS will be used to inspect all commercial vehicles, mopeds, light motorcycles and 10-seat minibuses. DVS is in the process of making arrangements to accommodate the additional inspections within the existing facility at La Collette.

Once the legislation is in place, arrangements will need to be implemented to provide a permanent solution which will enable all required inspections to be undertaken. This will require considerable work to undertake options appraisal, identify a proposed solution, including business case, and implement the agreed solution. This work will be subject to States of Jersey procurement processes.

This is likely to include the creation of a new inspection facility, which will need to be funded, planned, constructed and commissioned in advance of the delivery of the final inspection regime. It is currently anticipated that this process alone would take a minimum of 2 years from planning approval to becoming operational.

The arrangements for the permanent inspection of all vehicles on a larger scale therefore needs to be the subject of further work by the GHE to decide on the most appropriate delivery method. The following options may need to be considered –

- A dispersed model, similar to the UK, with many licensed facilities.
- A single licensed operator, similar to National Car Test in Eire.
- A Government-owned facility franchised to private sector.
- Government owned and operated facility, similar to Northern Ireland.

In developing the options, early consideration will need to be given to the following –

- Initial discussions with the industry have identified that there is generally a reluctance from local garages to undertake inspections, largely due to the investment required, small size of many local garages, and lack of available land for larger operations.
- There are currently no private facilities in the Island for the inspection of non-commercial vehicles, and only 3 inspection facilities for commercial vehicles, namely: DVS, Jersey Fleet Management (DfI) and Huelin Vehicle Repairs.
- An inspection centre approach may need to be taken, most likely a single centre due to the lack of available land for multiple centres and the short travel distances making a single facility viable. To accommodate the volume of inspections required, this is likely to require either 6 single ramp test lanes or 4 double ramp test lanes.
- There is the possibility that the centre may have to be government-run initially.
- The Island will face a significant issue in staffing the required inspection facility. Within a limited job market, finding people with the required skills to resource any new facility will be a challenge; not least because the requirement for these skills will be in direct competition with the local motor industry.

14.8 Regulations and Order required

Regulations

Regulations are required to amend the Road Traffic (Jersey) Law 1956 for the purposes of enabling the Minister for Infrastructure to establish a scheme of Periodic Technical Inspections of motor vehicles.

Part 2 of the Proposition below proposes that a new Article 78A is inserted into the above Law to provide the enabling powers to establish the inspection regime. This will make it illegal to use a vehicle on the road if it has not been inspected within the prescribed period for a vehicle of that type, and identifies the level of penalty for the offence for non-compliance.

The Regulations enable the Minister by Order to make provision for a PTI scheme that requires inspections of vehicles to existing standards and is compliant with the Vienna Convention. It identifies that this Order should make provision for –

- The vehicles it applies to, including exemptions.
- The dates on which vehicles need to be inspected, including the periods between inspections.
- The designation of examiners.
- The issuing of certificates.
- The charging of fees for inspections.
- Appeals processes.

Order

The Minister will make an Order which sets out the PTI scheme, including –

- The specification of the classes of vehicles which should be submitted for inspection, with the detailed technical requirements for inspection for each class being determined by the Inspector of Motor Traffic, having been approved by the Minister for Infrastructure.
- The requirement for all classes of vehicles to be submitted for inspection, and the dates on which particular classes of vehicles are required to be inspected.
- The exemptions from inspection that will be applied (see above).
- Provision for an application process and the payment and level of fees, with the detail of the application process to be determined by the Inspector of Motor Traffic.
- The timing of applications, including the minimum and maximum periods an application should be made, with the notification of the time and place of the inspection to be determined by the Inspector of Motor Traffic.
- Provision for the re-inspection of vehicles which do not pass, including fees.
- The issue of pass/fail certificates, including the information to be included on each. The format of such certificates to be determined by the Inspector of Motor Traffic.
- The timescales for the removal of vehicles from the test centre.
- Provision for an appeal against a refusal to issue a pass certificate within a set period of the original inspection and associated provisions for re-inspection and (if required) repayment of fees.
- Issuing of duplicate test certificates.
- Suspension or revocation of test certificates.

14.9 Implications

The policy objective is to introduce an inspection scheme which will meet the requirements of Article 39 of the Vienna Convention, thereby ensuring that Jersey drivers will continue to be able to drive in all EU countries post-Brexit. At the same time, the inspection regime should be appropriate to the circumstances and limited resources of the Island.

Should the implementation of a periodic inspection be required as a result of Brexit, this will have the most significant implications for the Island in achieving compliance with the Convention.

In summary, the PTI regime will ultimately require all vehicle owners to submit their vehicles for inspection within the parameters of the scheme, i.e. cars every 3 years and motorcycles every 2 years. A fee will be required for inspection (which is likely to be £40 – £60 for motor cars and less for motorcycles) and, should the vehicle fail the inspection, remedial work and a re-inspection will be required.

An increase in the scrappage of vehicles is anticipated as a result of inspections being implemented. Based on historic roadside inspection records, approximately 1% of vehicles stopped and inspected by DVS are scrapped. Analysis of current scrappage capability in the Island indicates that spare capacity exists to accommodate a significant increase in scrappage, should this occur during the early years of the inspection regime.

Whilst the inspection of commercial vehicles is in place, the early phases of the inspection regime will require the inspection of mopeds and 10-seater minibuses, which will begin in 2019. Many minibuses are owned by voluntary/charitable organisations and schools, which will place a new onus on these organisations to have such vehicles inspected.

To begin with, it is anticipated that these vehicles will be inspected at the existing DVS facility at La Collette. However, these new inspection arrangements will require temporary vehicle-testing equipment, staff to be allocated to these inspections, and modifications to the vehicle registration system to enable the process to be administered effectively.

Delivering the inspection of all cars and motorbikes will require new, permanent, inspection facilities, which it is anticipated will be used to inspect all classes of vehicles. As identified above, considerable work is required to consider the options for delivery, identify the most appropriate solution for Jersey, and secure funding to establish arrangements. Having achieved this, implementation is likely to require the identification of a site, followed by the planning, construction, commissioning and staffing of the new facility. In addition, new systems will be required to support the administration and management of the inspection regime.

Although initial views are that a single inspection centre approach may be the most appropriate way forward for Jersey, regardless of the mode of delivery, a new inspection centre will require skilled staff to inspect in the order of 40,000 vehicles per annum.

The implementation process will need to proceed hand-in-hand with publicity and a communications campaign to ensure that the Public is fully aware of the new responsibilities for vehicle inspections.

15. Financial and manpower implications

Whilst it is anticipated that the inspection regime will be self-funding, depending on the method of delivery, there will be up-front costs that will need to be funded as part of setting up the arrangements.

In the short term, the main funding requirement will be for providing temporary testing equipment and modifications to the vehicle registration system to incorporate the required functionality to administer inspections. It is currently estimated that this will cost c. £60,000, and funding has been prioritised for this within GHE's existing 2018 budget.

For the short term, the additional inspections can be accommodated within the existing manpower budget of DVS, and any additional revenue costs would be offset by income for the inspections.

In the longer term, to implement the full testing regime required by the Convention, additional vehicle examination facilities will be required. Assuming a single inspection centre approach, capital costs of c. £6 million (excluding land costs) could be required to build the centre and associated systems and equipment.

The source of funding for this will be dependent upon the results of the business case analysis and final procurement model; it is anticipated that these capital and revenue costs for vehicle inspections would be offset by income over time. The source of funding for this is to be established, but would form part of the Medium Term Financial Plan 3 (MTFP 3) and be subject to the States' ratification.

There will be also be additional manpower required to undertake the inspections which, depending on the model of delivery, may not involve States of Jersey employees.

APPENDIX TO REPORT

The Vienna Convention Compliance Matrix

The following matrix sets out the outcome of a benchmarking exercise to review existing Jersey legislation against the requirements imposed under the Convention. This provides a summary of current compliance, and identifies areas where action is required to achieve compliance with the Convention. This has been used as the basis for the proposals included within this report.

Compliance Matrix Vienna v Jersey

20/08/2018

Comparison of Articles under the 1968 Convention on Road Traffic and Jersey Legislation

Compliant – GREEN, Partially Compliant – AMBER, Non-compliant – RED, Reservations and Declarations by the UK – YELLOW.
GHE = Growth, Housing and Environment; LOD = Law Officers' Department; DIT = Department for Transport (UK)

*This is DVS's opinion on compliance based on the information provided

CHAPTER 1 – GENERAL PROVISIONS						
Article number	Heading	Brief description	Responsibility	Advice/ Current position	Relevant legislation or administrative powers	*Compliant, Partially Compliant, Non-compliant
1	Definitions	Outlines the definitions of relevant wording contained within the Articles.		Not required		N/A
2	Annexes to the convention	Gives a brief's summary to the Annexes		Not required		N/A
3	Obligations of the Contracting Parties	Summarises the expectations that each territory conforms to the provisions of the Convention and any exemptions to that expectation.		Not required		N/A
3(5)	Mopeds as Motorcycles	Contracting Parties which have declared in conformity with Article 54, paragraph 2, of this Convention that they treat mopeds as motorcycles, requiring the drivers of mopeds in international traffic to hold a driving permit.	GHE/ DIT/ External Relations	Jersey to declare in line with the UK	Jersey to lodge with DFT forwarding to UK FCO our declarations & Reservations	Declaration
4	Signs and Signals	Gives a summary of the how signs should be displayed.	GHE	Jersey has domestic legislation and all road signs and markings are displayed in accordance with this Order	Traffic Signs (Jersey) Order 1968	C

CHAPTER 2 – RULES OF THE ROAD						
Article number	Heading	Brief description	Responsibility	Advice/ Current position	Relevant legislation or administrative powers	* Compliant, Partially Compliant, Non-compliant
5	Status of Signs and Signals	Describes the road users' responsibilities to comply with road signs, light signals and road markings.	GHE	This Article is covered by the Highway Code as prescribed.	Highway Code Article 85, Road Traffic (Jersey) Law 1956	C
6	Instructions given by authorised officials	Deals with the signs and signals given by authorised persons when directing traffic.	GHE	This Article is covered by the Highway Code as prescribed.	Highway Code Article 85, Road Traffic (Jersey) Law 1956	C
7	General Rules	Outlines the expected general behaviour of motorists while on the road, i.e. that they do not act in a dangerous manner, that seat belts are worn and that they do not create a risk by obstructing traffic.	GHE	This Article is covered by the Highway Code as prescribed.	Highway Code Article 85, Road Traffic (Jersey) Law 1956	C
7(5)	Wearing of seat belts	The wearing of safety belts is compulsory for drivers and passengers of motor vehicles, occupying seats equipped with such belts, save where exceptions are granted by domestic legislation.	GHE / LDO	The Convention covers medium and large goods vehicles, but Jersey legislation does not. Minister will amend the Motor Vehicles (wearing of Seatbelts by Adults) (Jersey) Order 2009, to include medium and large goods vehicles.	Motor Vehicles (Wearing of Seat Belts by Adults) (Jersey) Order 2009	PC
8	Drivers	Confirms that every moving vehicle requires a driver and the requirement that every driver shall possess the necessary physical and mental ability and be in a fit physical and mental condition to drive. Every driver shall possess the skill and knowledge necessary for driving the vehicle.	GHE	Covered by current Jersey legislation.	Motor Vehicles (Driving Licences) (Jersey) Order 2003 Road Traffic (Jersey) Law 1956	C
9	Flocks and herds	Outlines the recommended domestic legislation for the movement of herds and flocks.	GHE		Highway Code	C

Article number	Heading	Brief description	Responsibility	Advice/ Current position	Relevant legislation or administrative powers	* Compliant, Partially Compliant, Non-compliant
10	Position on the carriageway	Deals with the direction of traffic and position of both vehicles and animals on the carriageway.	GHE	The Highway Code deals with many of the Articles. The Code includes the references to the relevant legislation prescribing that rule.	Highway Code Road Traffic (Jersey) Law 1956	C
11	Overtaking and movement of traffic	Outlines the general rules for overtaking, exiting the carriageway, turning whilst crossing the path of oncoming traffic and pedestrian crossings. The rules include provision for cycles, mopeds, motorcycles, vehicles which are not motor vehicles and vehicles in excess of 3.5 tons.	GHE	All of the matters are currently covered in test, either in theory or practical. Highway code deals with many of the Articles.	Highway Code	C
12	Passing of oncoming traffic	Summarises the position of vehicles on the carriageway to allow space for oncoming traffic to pass. It also concerns the provisions for passing vehicles on a hill or mountain road.	GHE	All of the matters are currently covered in test, either in theory or practical. Highway Code deals with many of the Articles.	Highway Code	C
13	Speed and distance between vehicles	Deals with the control in which a driver has over the vehicle in different circumstances. Driving too slowly without proper cause and keeping sufficient distance from other vehicles, in particular whilst overtaking.	GHE	All of the matters are currently covered in test, either in theory or practical.	Road Traffic (Jersey) Law 1956 Highway Code	C
14	General requirements governing manoeuvres	Concerns the safety of road users whilst conducting any manoeuvres, ensuring that the driver gives clear and sufficient warning.	GHE	All of the matters are currently covered in test, either in theory or practical. Highway Code deals with many of the Articles.	Highway Code	C
15	Special Regulations relating to regular public transport service vehicles	This outlines the facilitation of public transport service vehicles in built-up areas. It requires that the drivers of other vehicles slow down or stop to accommodate them.	GHE	The Highway Code in relation to buses, coaches and trams, which states: " Give priority to these vehicles when you can do so safely, especially when they signal to pull away from stops. Look out for people getting off a bus or tram and crossing a road."	Highway Code	C

Article number	Heading	Brief description	Responsibility	Advice/ Current position	Relevant legislation or administrative powers	*Compliant, Partially Compliant, Non-compliant
16	Change of direction	Details the correct position of the vehicle depending on the direction of the carriageway and number of lanes. This is subject to other provisions such as mopeds and cyclists.	GHE	All of the matters are currently covered in test, either in theory or practical.	Highway Code	C
17	Slowing down	Explains the circumstances under which the driver would be expected to use his brakes in order to slow the vehicle or avoid an incident.	GHE	All of the matters are currently covered in test, either in theory or practical.	Highway Code	C
18	Intersections and obligation to give way	Provides directions on how to exercise care when approaching an intersection and outlines at what point drivers must give way.	GHE	All of the matters are currently covered in test, either in theory or practical.	Highway Code	C
19	Level crossings	Gives direction on how to approach level crossings, with or without a gate or lights, and the provisions of when it is safe to enter a level crossing.	GHE	Although there are no such crossings in Jersey, it is covered in the Highway Code.	Highway Code	C
20	Rules applicable to pedestrians	Outlines whether pedestrian traffic in the carriageway is deemed dangerous. This Article also explains the proper use of pavements and side walks, when it is appropriate to walk on the carriageway, and finally the use of the carriageway when walking.	GHE	This Article is covered by the Highway Code.	Highway Code	C
20(6)(b)	Crossing the carriageway at a pedestrian crossing	Pedestrians shall not step onto the carriageway while the traffic light signal or the signal given by the authorized official indicates that vehicles may proceed along it.	GHE	A partial reservation to this Article will be submitted in line with the UK.	GHE/ External Relations	Reservation
21	Behaviour of drivers towards pedestrians	Details the incorrect actions for drivers approaching or passing over a pedestrian crossing.	GHE	All of the matters are currently covered in test, either in theory or practical.	Highway Code	C
22	Islands on the carriageway	Outlines how to pass an island according to the signage.	GHE	The Highway Code deals with many of the Articles.	Highway Code	C
23	Standing and parking	Summarises the provisions of where and how to park vehicles and/or animals in rural and built-up areas.	GHE	The Highway Code deals with many of the Articles.	Traffic Signs (Jersey) Order 1968 Highway Code	C

Article number	Heading	Brief description	Responsibility	Advice/ Current position	Relevant legislation or administrative powers	*Compliant, Partially Compliant, Non-compliant
23(2)(a)	Standing and parking	A driver shall not stand or park his vehicle on a carriageway, save on the side appropriate, for him, to the direction of traffic.	GHE	A partial reservation to this Article will be submitted in line with the UK.		Reservation
24	Opening of doors	Outlines the dangers of opening vehicle doors to other road users.	GHE	Covered in Highway Code.	Highway Code	C
25	Motorways and similar roads	Details the use of vehicles on the motorway in relation to joining, leaving and using the carriageways. It also outlines the types of vehicles prohibited from using these roads.	GHE	Highway Code deals with many of the Articles. These matters are currently covered in the theory test.	Highway Code	C
25 bis	Special Regulations for tunnels indicated by special road signs	Outlines the guidelines for driving through tunnels.	GHE	A reservation to this Article will be submitted in line with the UK.	GHE/ External Relations	Reservation
26	Special rules application to processions and handicapped persons	Explains the rules for road users cutting across processions of people and handicapped people using motorised or self-propelled wheelchairs.	GHE	Covered in Highway Code	Highway Code	C
27	Special rules applicable to cyclists, moped drivers and motorcyclists	Relates to the rules around using a pushbike or motorbike on the carriageway which may endanger other road users. It also outlines the dangers of carrying passenger(s) and when cycle-paths should be used.	GHE	Covered in Highway Code	Highway Code Traffic Signs (Jersey) Order 1968	C
28	Audible and luminous warnings	Outlines the provisions concerning when and where audible and luminous warnings can be used and why.	GHE	Covered in Highway Code	Highway Code Motor Vehicles (Construction and Use) (Jersey) Order 1998	C
29	Rail-borne Vehicles	Gives guidance on giving way and passing rail-borne vehicles.	N/A	There are no such situations in Jersey.		C
30	Loading of vehicles	Details the rules around the permissible mass of vehicles, ensuring that vehicles are loaded correctly as not to endanger persons or cause damage to public or private property.	GHE	Jersey domestic legislation covers the loading of vehicles.	Highway Code Motor Vehicles (Construction and Use) (Jersey) Order 1998	C

Article number	Heading	Brief description	Responsibility	Advice/ Current position	Relevant legislation or administrative powers	*Compliant, Partially Compliant, Non-compliant
30.4	Securing and marking of loads	In relation to Article 30(4), the UK intends to make a partial reservation against this provision. The UK allows several exceptions to the rules contained in this section, including for straddle-carriers and agricultural vehicles.	GHE	Jersey legislation covers the marking of loads, but allows tolerances. The Vienna Convention is deemed to be overly prescriptive on the marking of loads. The UK legislation (as with Jersey legislation) has exemptions which are not in line with Vienna and would require significant legislative changes for us to comply. Jersey will go along with this reservation.	Motor Vehicles (Construction and Use) (Jersey) Order 1998 Road Traffic (Lighting) (Jersey) Order 1998	Reservation
30 bis	Carriage of passengers	Explains the dangers of carrying excess passengers to both driver and vehicle.	GHE	Our Article 106 of the Order complies.	Motor Vehicles (Construction and Use) (Jersey) Order 1998	C
31	Behaviour in case of accident	Outlines the requirements expected from members of the Public to maintain road safety in the event of an accident.	GHE	Covered by the theory and practical part of the driving test.	Highway Code	C
32	Rules of the use of lamps	Details the proper use of all lights on motor vehicles and other forms of transport. It also outlines the times at which and circumstances in which they should be used.	GHE	The requirements in this Article are covered by our domestic legislation and covered in the theory and practical part of the driving test.	Highway Code Road Traffic (Lighting) (Jersey) Order 1998	C
32(6), (8), (9), (10)	Daylight Running Lamps on Motorcycles	During the day, a motorcycle moving on the road shall display at least one passing lamp to the front and a red lamp to the rear. Domestic legislation may permit the use of daytime running lamps instead of passing lamps.	GHE	Jersey, in line with the UK, should lodge a partial reservation to this Article. If UK & Jersey don't, this would require the changing of legislation which in many cases has been deemed unnecessary. GHE is happy to go along with this reservation.	Road Traffic (Lighting) (Jersey) Order 1998	Reservation

Article number	Heading	Brief description	Responsibility	Advice/ Current position	Relevant legislation or administrative powers	* Compliant, Partially Compliant, Non-compliant
33	Rules of lighting of other vehicles than mentioned in Article 32 and of certain road users	Explains the provisions and requirements for displaying lights on handcarts, animal-drawn vehicles or groups of pedestrians. Explains the provisions for displaying lights on any vehicle.	GHE	This Article is covered by the Highway Code.	Highway Code	C
34	Exemptions	Outlines the provisions for emergency vehicles and constructions workers carrying out repair work on the road.	GHE	Highway Code deals with many of the Articles.	Highway Code	C
CHAPTER 3 – CONDITIONS FOR THE ADMISSION OF MOTOR VEHICLES AND TRAILERS TO INTERNATIONAL TRAFFIC						
35	Registration	Confirms that both motor vehicles and every trailer in international traffic should be registered and the driver shall carry a valid certificate of registration issued by a competent authority.	GHE/LDO	While all mechanically propelled vehicles are registered in Jersey and have a registration certificate issued, there is no registration of trailers. A change (via Regulations) is required to amend the Road Traffic (Jersey) Law 1956 to establish a scheme for the registration of certain trailers which are to be used in international traffic. Regulations will set out the compulsory registration of all commercial trailers above 750 kg. and non-commercial trailers above 3500 kg. It will also include for the voluntary registration of domestic trailers above 750 kg. An Order will set out the details of the registration regime. Jersey still considering UK final proposed scheme.	Motor Vehicle Registration (Jersey) Law 1993 Motor Vehicle Registration (General Provisions) (Jersey) Order 1993 Motor Vehicles (International Circulation) (Jersey) Regulations 1958	N/C

Article number	Heading	Brief description	Responsibility	Advice/ Current position	Relevant legislation or administrative powers	*Compliant, Partially Compliant, Non-compliant
36	Registration Number	Outlines the display of the registration number of various vehicles. Also refer to Annex 2 of the Convention.	GHE	All registered vehicles must display front and rear registration plates but as we do not register trailers, they must display the same registration number as the towing vehicle.	Motor Vehicle Registration (General Provisions) (Jersey) Order 1993	C
37	Distinguishing sign of the state of registration	This details the requirement for all international traffic (including trailers) to display the distinguishing sign of the state in which it was registered. See also Annex 3 of the Convention.	GHE	Vehicles travelling outside Jersey must either display a GBJ symbol on rear of vehicle (GBJ sticker) or on the front and rear number plates as prescribed by the Geneva Convention on Road Traffic 1949.		C
38	Identification Marks	Confirms that all international traffic and every trailer shall bear an identification mark specified in Annex 4 of the document.	GHE	Nothing in domestic legislation around makers' mark on vehicle but requirements around serial numbers on chassis/engine in Construction and Use Order.	Motor Vehicle (Construction and Use) (Jersey) Order 1998	C
39	Technical requirements and inspection of vehicles	Outlines the requirement that all motor vehicles and trailers require periodic technical assessment.	GHE	Currently large passenger-carrying vehicles (PSV) are inspected along with taxi-cabs. Our domestic legislation provides for all goods vehicles with a GVW >3,500 kg to be annually inspected. In addition, all vehicles issued with Exemption Licences (P30) are also subject to periodic inspections. Currently, cars, motorcycles and minibuses are not subject to technical inspections following first registration. Regulations to amend the Road Traffic (Jersey) Law 1956 will provide the enabling	Road Traffic (Jersey) Law 1956 Motor Vehicle (Construction and Use) (Jersey) Order 1998	P/C

Article number	Heading	Brief description	Responsibility	Advice/ Current position	Relevant legislation or administrative powers	* Compliant, Partially Compliant, Non-compliant
40	Transitional provision	Explains that all trailers in international traffic shall (for a period of 10 years) be entitled to the benefits of the Convention, even if they are not registered. Registration certificates will conform within 5 years from the date of its entry into force.	GHE	<p>powers for a Periodic Technical Inspection regime. An Order will set out the details of the inspection regime.</p> <p>Under the Vienna Convention the domestic legislation has to provide for periodic inspections of vehicles. Domestic legislation can however "where reasonable" exempt certain vehicles from this provision. The UK intend to maintain their current list of exemptions.</p> <p>N/A</p>		
CHAPTER 4 – DRIVERS OF MOTOR VEHICLES						
41.2	Driving permits	<p>Outlines the requirement and provisions for issuing a driving permit (this covers both domestic permit and international driving permit).</p> <p>Annex 7 covers the format of the International Driving Permit (IDP).</p>	GHE/LDO	<p>Article 41.2(a)(i) not compliant, as our current IDP permit meets 1949 Convention but not the format of the 1968 Convention.</p> <p>To comply with Article 41.2(a)(i), an amendment to the Motor Vehicles (International Circulation) (Jersey) Regulations 1958 will specify the form of the International Driving Permits prescribed in the Convention.</p>	Motor Vehicles (International Circulation) (Jersey) Regulations 1958	PC

Article number	Heading	Brief description	Responsibility	Advice/ Current position	Relevant legislation or administrative powers	* Compliant, Partially Compliant, Non-compliant
41.3	Driving permits	Duration on International Driving Permits (IDP)	GHE/LDO	Article 41.3 not compliant as currently the IDP is only valid for 12 months. To comply with Article 41.3, an amendment to the Motor Vehicles (International Circulation) (Jersey) Regulations 1958 will modify the duration of validity.	Motor Vehicles (International Circulation) (Jersey) Regulations 1958	PC
41	Drivers of passenger or goods vehicles temporarily in the UK	In relation to Article 41, the UK intends to reserve the right not to permit a person to drive a vehicle, other than one brought into and only temporarily in the UK, if – (i) the vehicle is used for the carriage of persons for hire or reward or for the carriage of goods; and (ii) the driver of such a vehicle would, by the domestic legislation of the UK, be required to have a special vocational licence.	GHE	“Special Vocational Licence”, a.k.a. Certificate of Professional Competence (CPC). Post-Brexit all non-UK registered, commercially operated, goods and large passenger vehicles driven by a non-UK licence holder entering the UK, can only do so as long as they have a recognised vocational qualification (CPC) and can only drive the commercial vehicle they entered the UK with, whilst in the UK. There is no benefit /requirement for Jersey to follow this reservation.		No need for reservation
42	Suspension of the validity of driving permits. This Article covers both domestic and international driving permits.	Details the reasons for which a licence (both domestic and international) may be withdrawn or suspended.	GHE	Jersey has domestic legislation.	Motor Vehicles (International Circulation) (Jersey) Regulations 1958	C

Article number	Heading	Brief description	Responsibility	Advice/ Current position	Relevant legislation or administrative powers	*Compliant, Partially Compliant, Non-compliant
43	Transitional provisions	<p>Article 43.1 confirms that domestic permits must be in the format of the new Annex 6 (applicable from 29 March 2011), at the latest 5 years after the entry into force. Those domestic licences issued prior to the expiry of this period shall be recognised as long as they are valid.</p> <p>Article 43.2 confirms that international driving permits (IDPs) must be issued in accordance with the new provisions of Annex 7 (from 29 March 2011), at the latest 5 years after entry into force. As above, those issued in accordance with the previous format prior to the expiry of this period shall remain valid for their validity period.</p>	GHE		Motor Vehicles (International Circulation) (Jersey) Regulations 1958	C
CHAPTER 5 – CONDITIONS FOR THE ADMISSION OF CYCLES AND MOPEDS TO INTERNATIONAL TRAFFIC						
44	Cycle and moped	Outlines the features that should be incorporated into mopeds, cycles and motorbikes, i.e. brakes, reflectors and audible warning device.	GHE	Domestic legislation covers pedal cycles and electrically assisted pedal cycles.	Pedal Cycles (Jersey) Order 1998	C
CHAPTER 6 – FINAL PROVISIONS						
45		Confirms when the Convention will be open for signature and ratification. Also any action required as the result of ratification, i.e. that instruments of ratification shall be deposited with the UN. In addition, to notify the UN of the distinguishing sign selected for display in international traffic on vehicles registered by it.	GHE/DIT			
46		Explains when and how the Convention becomes applicable to all of the territories for international relations, i.e. 30 days after receipt of notification. Furthermore, it also details how to declare that the Convention shall cease to take effect.	GHE/DIT			
47		Outlines when the Convention should come into force, i.e. 12 months after date of deposit of the 15th instrument of ratification.	GHE/DIT			

Article number	Heading	Brief description	Responsibility	Advice/ Current position	Relevant legislation or administrative powers	*Compliant, Partially Compliant, Non-compliant
48		Confirms that, upon entry into force, this Convention supersedes any previous Conventions.	LOD/GHE			
49		Details when contracting parties may propose one or more amendments to the Convention, i.e. one year after it has been in force. It documents the procedure to make amendments and when those amendments will come into force (if agreed).	LOD/GHE			
50		Explains that any contracting party may denounce the Convention and how and when this would take place.	LOD/GHE/ DFT			
51		Confirms that the Conventions would cease to be in force if the number of contracting parties is less than 5 for any period of 12 consecutive months.	LOD/GHE/ DFT			
52		Explains how disputes between contracting parties, relating to the Convention, will be dealt with.	LOD/GHE/ DFT			
53		Confirms that nothing in this Convention would be construed as preventing a contracting party from taking such action compatible with the provision of the charter of the United Nations and limited to the exigencies of the situation, as it considers necessary to its external or internal security.	LOD/GHE			
54		Deals with reservations and declarations by any contracting party.	LOD/GHE/ DFT			
55		Relates to any updates and notifications and declarations made.	LOD			
56		Confirms that copies of the Convention which have been translated into Chinese, English, French, Russian and Spanish are equally authentic.	LOD			

Article number	Heading	Brief description	Responsibility	Advice/ Current position	Relevant legislation or administrative powers	* Compliant, Partially Compliant, Non-compliant
Annex 1	Exceptions to the obligation to admit motor vehicles and trailers in international traffic	Deals with vehicle weights and refusal of entry to vehicles where the permissible weight is in excess of that agreed by the country the vehicle is attempting to enter. It also confirms that there should be international agreements with contracting parties for entry into their country for vehicles whose mass and dimensions do not exceed the agreed weight.	GHE			
Annex 2	Registration number of motor vehicles and trailers in international traffic	Outlines in detail how a registration mark should be displayed, including what it should be composed of and the font in which it should be produced.	GHE			
Annex 3	Distinguishing sign of motor vehicle and trailers in international traffic	Describes in more detail what the disguising mark should be composed of, including the sizing of the letters.				
Annex 4	Identification marks of motor vehicles and trailers in international traffic	Confirms what the identification mark should include, depending on the type of vehicle.	GHE			
Annex 5	Technical Conditions concerning motor vehicles and trailers	Explains in detail the technical requirements for vehicles in force for international traffic, which includes braking, signalling, lamps, other requirements, exemptions and transitional provisions.	GHE		Motor Vehicles (Construction and Use) (Jersey) Order 1998	C
Annex 5	Paragraph 52: reversing device	Every motor vehicle shall be equipped with a reversing device controlled from the driving position.	GHE		Road Traffic (Jersey) Law 1956	C

Article number	Heading	Brief description	Responsibility	Advice/ Current position	Relevant legislation or administrative powers	*Compliant, Partially Compliant, Non-compliant
Annex 6	Domestic Driving Permit. Page 66 covers the new Annex applicable from 29 March 2011	Outlines in detail the form that the international driving licence should take and what information should be included in it.	GHE			
Annex 7	International Driving Permit. Pages 74 and 75 provide the new format applicable from 29 March 2011	Outlines the format of the international driver's permit (IDP) and all the information which should be included in this.	GHE			

Explanatory Note

These Regulations would amend the Motor Vehicles (International Circulation) (Jersey) Regulations 1958 and the Road Traffic (Jersey) Law 1956, to make provision to facilitate the extension to Jersey of the Convention on Road Traffic done at Vienna on 8th November 1968 (the “Vienna Convention”).

If enacted, the Regulations would make 3 sets of amendments as follows. *Part 1* makes provision for driving permits issued under the Vienna Convention to be used in international circulation. *Part 2* requires the Minister for Infrastructure (the “Minister”) to set up a scheme of periodic technical inspection of motor vehicles, compliant with the Vienna Convention. *Part 3* requires the Minister to make an Order providing for certain types of trailers drawn by motor vehicles to be registered, as motor vehicles are under the Motor Vehicle Registration (Jersey) Law 1993, if they are to go on journeys to countries that are parties to the Vienna Convention. It also enables the Order to provide for voluntary registration for other types of trailers going on those journeys.

Part 1 amends the Motor Vehicles (International Circulation) (Jersey) Regulations 1958, to make provision for driving permits issued under the Vienna Convention to be issued in Jersey for use in countries that are parties to the Vienna Convention, and to recognise such permits used in Jersey by persons from those countries. The permits issued in Jersey expire after 3 years (or sooner if the person’s Jersey driving licence expires before then). The fee for those permits is the same as for the other international driving permits (£10).

Part 2 amends the Road Traffic (Jersey) Law 1956 to require the Minister to ensure that the Motor Vehicles (Construction and Use) (Jersey) Order 1998 complies with the Vienna Convention, and to make an Order setting up a scheme of periodic technical inspection of motor vehicles to comply with the Vienna Convention. It is an offence, carrying a fine of up to level 2 on the standard scale (currently £1,000), to use a vehicle on a road (or for the owner to cause or permit it to be used), if it has not passed an inspection within the required prior “interval” period (see below). The Order must make provision for the descriptions of vehicle to which the scheme does and does not apply, and it can do so by reference to any relevant matter, including the age of the vehicle, any other inspection regime to which it is subject, and the purpose for which it is used (including being driven to or from an inspection). The Order must also provide for the dates from which the scheme starts to apply to the different descriptions of vehicle that are within its scope, allowing appropriate lengths of time for preparation (by the Minister and by vehicle owners) before inspections start to be required for each description of vehicle. It must provide for the frequency of inspections, and the prior interval periods in which inspections must be carried out, for each description of vehicle. It must set fees in relation to inspections, and must require certificates of satisfaction to be issued for vehicles that comply with construction and use requirements. It must also provide for examiners and appeals (by making fresh provision, or applying or modifying provision already made for other vehicles that must be inspected). The offences in relation to false certificates and statements under Article 79 of the Road Traffic (Jersey) Law 1956 also apply to certificates and statements in connection with this scheme.

Part 3 amends the Road Traffic (Jersey) Law 1956 to require certain trailers drawn by motor vehicles to be registered, under a scheme adapted from that for registration of motor vehicles, if they are used on journeys that involve entering other countries that

are parties to the Vienna Convention. It is an offence, carrying a fine of up to level 2 on the standard scale (currently £1,000), to use an unregistered trailer on a road in Jersey if it is required to be registered (but it is a defence to prove that the defendant reasonably believed that the facts about the trailer or the journey were such as would not constitute the offence). The Minister must make an Order setting out the modifications of the motor vehicle registration scheme, to apply it to trailers and ensure it complies with the Vienna Convention. That can include modifications of the motor vehicle registration scheme that are simpler or more appropriate for trailers, or that are similar to equivalent provision made in the United Kingdom. Exemptions must be provided for particular descriptions of trailers, which can be based on any relevant factor including the weight, size or other characteristics of the trailer, or the type of vehicle drawing the trailer, the use of the trailer, the residence of its owner, and the exemptions that exist for motor vehicles. Provision can also be made for voluntary registration of trailers that are exempted from compulsory registration, if they are to be used on journeys to countries that are parties to the Vienna Convention. Transitory provision must be made for the introduction of the trailer registration regime, to give a limited period during which registration applications can be made and processed while the relevant trailers can continue to be used on journeys abroad without yet having been registered. Any provision made under any of these powers or duties must be compatible with the Vienna Convention.

Part 4 gives the name by which these Regulations may be cited. It provides for the Regulations to come into force 14 days after they are made. At that point the Minister will have the power to take applications for the driving permits and to make the Orders about periodical technical inspection and about registration of trailers (each of which must include an introductory period before the offences apply – see notes above).



Jersey

DRAFT ROAD TRAFFIC AND VEHICLES (VIENNA CONVENTION – MISCELLANEOUS AMENDMENTS) (JERSEY) REGULATIONS 201-

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Jersey

DRAFT ROAD TRAFFIC AND VEHICLES (VIENNA CONVENTION – MISCELLANEOUS AMENDMENTS) (JERSEY) REGULATIONS 201-

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES make these Regulations under the Motor Vehicles (International Circulation) (Jersey) Law 1953¹, the Order in Council of 26th December 1851² and Article 92 of the Road Traffic (Jersey) Law 1956³ –

PART 1

MOTOR VEHICLES (INTERNATIONAL CIRCULATION) (JERSEY) REGULATIONS 1958 AMENDED – VIENNA CONVENTION FORMS

1 Motor Vehicles (International Circulation) (Jersey) Regulations 1958 amended

The Motor Vehicles (International Circulation) (Jersey) Regulations 1958⁴ are amended as provided by this Part.

2 Substitution of Regulation A1 (interpretation)

For Regulation A1 there is substituted –

“A1 Interpretation

(1) In these Regulations –

“Convention of 1926” means the International Convention relative to Motor Traffic, signed at Paris on 24th April 1926;

“Convention of 1949” means the Convention on Road Traffic, opened for signature at Geneva on 19th September 1949;

“Convention of 1968” means the Convention on Road Traffic, done at Vienna on 8th November 1968;

“form A” means the form headed “A” in Schedule 1;

“form B” means the form headed “B” in Schedule 1;
“Minister” means the Minister for Infrastructure;
“Vienna form” means a form complying with the requirements of Annex 7 to the Convention of 1968.

- (2) A reference in these Regulations to any of the Conventions of 1926, 1949 and 1968 is to be read as a reference to that Convention as amended from time to time.”.

3 Amendment of Regulation 1 (documents for drivers and vehicles going abroad)

In Regulation 1 –

- (a) in paragraph (1), for “in each or either of the forms A and B in Schedule 1 to these Regulations” there is substituted “, in each or any of form A, form B and the Vienna form.”;
- (b) after paragraph (1) there is inserted –
- “(1A) The period of validity of a driving permit in the Vienna form, issued by the Minister, is until whichever is earlier of –
- (a) the date that is 3 years after the date of issue of the permit;
and
- (b) the date of expiry of the holder’s Jersey driving licence.”.

4 Amendment of Regulation 2 (visitors’ driving permits)

In Regulation 2(6) –

- (a) for the definition “Convention driving permit” there is substituted –
- “ “Convention driving permit” means a driving permit –
- (a) in the Vienna form, issued under the authority of a country, other than Jersey, that is a party to the Convention of 1968 (regardless of whether it is also a party to either or both of the Conventions of 1926 and 1949);
- (b) in form A, issued under the authority of a country, other than Jersey, that is a party to the Convention of 1949 but not to the Convention of 1968 (regardless of whether it is also a party to the Convention of 1926); or
- (c) in form B, issued under the authority of a country, other than Jersey, that is a party to the Convention of 1926 but not to either of the Conventions of 1949 and 1968;”;
- (b) the definitions “Convention of 1926” and “Convention of 1949” are deleted.

5 Amendment of Regulation 4 (exemption from registration, and documents for vehicles brought temporarily into Jersey)

In Regulation 4(1) the definitions “Convention of 1926”, “Convention of 1949” and “Convention of 1968” are deleted.

6 Amendment of Schedule 2 (fees chargeable for documents and identification marks)

In the table in paragraph 1 of Schedule 2, for “Driving permit in form A or B” there is substituted “Driving permit in form A, form B or the Vienna form”.

PART 2

ROAD TRAFFIC (JERSEY) LAW 1956 AMENDED – PERIODIC TECHNICAL INSPECTIONS

7 Amendment of Road Traffic (Jersey) Law 1956 – Periodic technical inspection

After Article 78 of the Road Traffic (Jersey) Law 1956⁵ there is inserted –

“78A Scheme for periodic technical inspection of motor vehicles

(1) In this Article –

“certificate of satisfaction” means a certificate issued under the Order under paragraph (5)(g);

“inspection scheme” means the scheme for which provision is made by the Order under paragraphs (4) to (6);

“prior interval period”, in relation to a vehicle, means the period determined under the Order under paragraph (5)(d) in relation to that vehicle;

“Vienna Convention” means the Convention on Road Traffic, done at Vienna on 8th November 1968, as amended from time to time.

(2) The Minister must exercise his or her power under Article 77 to make –

(a) such provision as appears to the Minister to provide appropriately for the safety of road users; and

(b) such provision as is, in the opinion of the Minister, necessary to comply with the requirements of the Vienna Convention.

(3) A person commits an offence, and is liable to a fine of level 2 on the standard scale, if –

(a) the person –

(i) uses on a road a vehicle to which the inspection scheme applies, or

- (ii) is the owner of such a vehicle and causes or permits it to be used on a road; and
 - (b) no certificate of satisfaction has been issued, during the prior interval period before the vehicle is so used, in respect of an inspection of that vehicle carried out during that period.
- (4) The Minister must by Order make provision for a scheme for the periodic technical inspection of motor vehicles for compliance with the provisions of the Order under Article 77 that apply to each such vehicle, being a scheme that, in the opinion of the Minister, complies with the requirements of the Vienna Convention.
- (5) The Order under paragraph (4) must include provision as to –
 - (a) the descriptions of motor vehicle to which the inspection scheme applies, which may be framed by reference to any matter appearing relevant to the Minister, including –
 - (i) the age of the vehicle or the date of its import or registration,
 - (ii) any other form of periodic technical inspection to which the vehicle is subject, and
 - (iii) the purpose for which the vehicle is used, including whether it is being driven to or from an inspection;
 - (b) the date from which inspections may first be carried out in relation to each such description of motor vehicle;
 - (c) the later date from which the inspection scheme first applies to each such description of motor vehicle, being a date that appears to the Minister to allow an appropriate period for preparation, by the Minister and by the owners of vehicles, for the application of the scheme to that description of motor vehicle;
 - (d) the frequency of inspection for each such description of motor vehicle, including the method of determination of the interval period for the purpose of paragraph (3)(b) in relation to that description of motor vehicle;
 - (e) the fees that are to be charged in relation to inspections;
 - (f) the designation of persons as examiners for the purpose of carrying out inspections;
 - (g) the issue of certificates of satisfaction for vehicles found on inspection to meet the requirements of the Order made under Article 77; and
 - (h) appeals against, or reviews of, a refusal of a certificate of satisfaction.
- (6) The Order under paragraph (4) may include –
 - (a) provision made by reference to, or by modification of, provision made under any of sub-paragraphs (j) to (p) of Article 77(1);

- (b) such transitional, transitory, saving, consequential, incidental or supplementary provision as appears to the Minister to be expedient for the purposes of the Order.
- (7) Article 79 applies in relation to a certificate of satisfaction as it applies in relation to a certificate of compliance issued under an Order under Article 77.”.

PART 3

ROAD TRAFFIC (JERSEY) LAW 1956 AMENDED – REGISTRATION OF TRAILERS

8 Amendment of Road Traffic (Jersey) Law 1956 – Registration of trailers

After Article 80 of the Road Traffic (Jersey) Law 1956⁶ there is inserted –

“80A Order with regard to registration of certain motor-drawn trailers

- (1) In this Article –
 - “motor-drawn trailer” means a vehicle that is drawn, or is intended or adapted to be drawn, by a motor vehicle;
 - “Vienna Convention” has the same meaning as in Article 78A.
- (2) Other expressions used in this Article, that are also used in the Motor Vehicle Registration (Jersey) Law 1993⁷, have the same meaning as in that Law.
- (3) A person commits an offence, and is liable to a fine of level 2 on the standard scale, if –
 - (a) the person uses on a road a motor-drawn trailer on a journey that will involve entering a country, outside the British Islands, that is a party to the Vienna Convention; and
 - (b) the motor-drawn trailer is not –
 - (i) registered under this Article, or
 - (ii) exempted from registration by the Order under paragraph (9).
- (4) In any proceedings for the offence under paragraph (3), it is a defence for the defendant to prove that he or she reasonably believed –
 - (a) that, at the time of the alleged offence, the motor-drawn trailer –
 - (i) was registered, or
 - (ii) fell within a particular description, if a trailer of that description would not be required to be registered; or
 - (b) that the journey on which the motor-drawn trailer was used –
 - (i) would not involve leaving the British Islands, or

- (ii) would involve leaving the British Islands, but would involve entering only a particular other country or countries, if none of those other countries was a party to the Vienna Convention.
- (5) The provisions listed in paragraph (6) (the “motor vehicle provisions”) apply in relation to registration of a trailer for the purpose of this Article as if those provisions were provisions of this Article, with the substitution of references to a motor-drawn trailer for references to a motor vehicle.
- (6) The motor vehicle provisions are –
 - (a) Parts 1 and 2 of the Motor Vehicle Registration (Jersey) Law 1993;
 - (b) Articles 11, 12(6) to (10), 13 to 15, 16(2) and 17 of that Law;
 - (c) the Schedule to that Law;
 - (d) Parts 1 to 3 of the Motor Vehicle Registration (General Provisions) (Jersey) Order 1993³;
 - (e) Schedules 1 to 5 of that Order.
- (7) The Minister must by Order modify the application of the motor vehicle provisions to any extent that the Minister considers necessary or expedient in order to remedy anything in those provisions that might, in the opinion of the Minister, otherwise render the provisions, when applied in relation to the registration of a trailer, incompatible with the requirements of the Vienna Convention.
- (8) The Minister may by Order further modify the application of the motor vehicle provisions to any extent that the Minister considers appropriate in order –
 - (a) to render any of those provisions more appropriate for trailers, or simpler in their application to trailers; or
 - (b) to make any provision similar to a provision of, or made under, Part 2 of the Haulage Permits and Trailer Registration Act 2018 of the United Kingdom.
- (9) The Minister must by Order provide for particular descriptions of motor-drawn trailer to be exempt from the requirement to register, for the purpose of paragraph (3)(b)(ii), and may do so by reference to any factor appearing relevant to the Minister, including –
 - (a) the weight or size or other characteristics of the motor-drawn trailer;
 - (b) the description of motor vehicle by which the motor-drawn trailer is drawn;
 - (c) the use, or intended use, of the motor-drawn trailer;
 - (d) the residence or establishment of the person using the motor-drawn trailer, or of its owner or any other person, in Jersey or elsewhere; and

- (e) any reason for which the motor-drawn trailer would not, if it was a motor vehicle, be required to be registered under the Motor Vehicle Registration (Jersey) Law 1993.
- (10) The Minister may by Order provide for the voluntary registration of a motor-drawn trailer that –
- (a) is exempted by the Order under paragraph (9) from the requirement for registration; and
 - (b) is intended to be used on a journey that will involve entering a country, outside the British Islands, that is a party to the Vienna Convention.
- (11) The Order under paragraph (9) must include transitory provision, until the end of a period appearing to the Minister to offer a reasonable opportunity for the introduction of registration under this Article, under which motor-drawn trailers –
- (a) are exempted during that period from the requirement to register, for the purpose of paragraph (3)(b)(ii); but
 - (b) may be registered in anticipation of becoming subject to that requirement at or after the end of that period.
- (12) Nothing in paragraph (7) or (8) is to be read as requiring a modification under that paragraph to be made in any particular form, whether by reference to a motor vehicle provision, by setting out a motor vehicle provision as modified, or otherwise.
- (13) An Order under this Article may include such other transitory, transitional, saving, consequential, incidental or supplementary provision as appears to the Minister to be expedient for the purposes of the Order.
- (14) Paragraphs (8) to (13) are subject to the restriction that no provision may be made under them that would, in the opinion of the Minister, be incompatible with the requirements of the Vienna Convention.”.

PART 4

CITATION AND COMMENCEMENT

9 Citation and commencement

These Regulations may be cited as the Road Traffic and Vehicles (Vienna Convention – Miscellaneous Amendments) (Jersey) Regulations 201-, and come into force 14 days after they are made.

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- 1 *chapter 25.400*
 - 2 *chapter 23.350*
 - 3 *chapter 25.550*
 - 4 *chapter 25.400.50*
 - 5 *chapter 25.550*
 - 6 *chapter 25.550*
 - 7 *chapter 25.350*
 - 8 *chapter 25.350.50*