

# STATES OF JERSEY



## **DRAFT MOTOR VEHICLES (REMOVAL FROM PRIVATE LAND) (JERSEY) REGULATIONS 201- (P.43/2019): COMMENTS**

---

**Presented to the States on 17th May 2019  
by the Education and Home Affairs Scrutiny Panel**

---

**STATES GREFFE**

## COMMENTS

1. [P.43/2019](#) – Draft Motor Vehicles (Removal from Private Land) (Jersey) Regulations 201- (hereafter “the draft Regulations”) have been lodged by the Minister for Home Affairs in order to give effect to the Motor Vehicles (Removal from Private Land) (Jersey) Law 2019 ([L.1/2019](#)) (hereafter “the primary Law”), which was adopted by the States on 20th November 2018<sup>1</sup>, sanctioned by Her Majesty in Council on 13th February 2019, and registered in the Royal Court on 22nd February 2019.
2. The draft Regulations would give effect to the primary Law and ban the use of vehicle immobilization devices (i.e. wheel clamps), set out the processes for removal of a vehicle from private land where signage is displayed, where it is not displayed, and finalise the procedures necessary to enforce these processes.
3. As Members will recall, the Education and Home Affairs Scrutiny Panel (hereafter “the Panel”) presented [comments](#) to the States in respect of the primary Law prior to it being debated in the States Assembly. Within these comments, the Panel gave its support to the primary Law, on the condition that 3 areas were addressed within the draft Regulations once they were lodged *au Greffe*. These areas were as follows –
  - ❖ Definition of abandonment – the Panel recommended that clear reference should be made in the draft Regulations in respect of the procedure to follow in order to declare a vehicle abandoned.
  - ❖ Definition of contact – the Panel recommended that in the event a person was ‘served’ notification about the need to remove their vehicle from private land, it should be delivered by registered letter in order to record receipt of the notice. This would also ensure that the requisite 3-week timeframe for serving notice was adhered to.
  - ❖ Charges incurred – the Panel’s final recommendation was that references should be made in the draft Regulations to the charges that could be incurred by landowners and vehicle-owners for the removal of a vehicle from private land. It was also recommended that any charges should be subject to the ‘cost recovery’ principle.
4. The Panel received a [briefing](#) on the draft Regulations on Monday 1st April from a Policy Officer from the Department for Strategic Policy, Performance and Population. During this briefing, the Officer outlined the scope of the draft Regulations, and discussed the Panel’s concerns as raised in its previous comments.
5. The Panel is satisfied that the points it raised initially have been factored into the draft Regulations appropriately. The process for confirming a vehicle as abandoned is clear and sets out the steps that can be taken by a landowner, and also sets a clear time period in which it is to be rectified. It is noted that the draft Regulations provide for 3 means of defining a vehicle as abandoned, which include –

---

<sup>1</sup> [Vote for Draft Motor Vehicles \(Removal from Private Land\) \(Jersey\) Law 201-](#)

- ❖ Where the vehicle was registered to an individual it would need to be reported to the Parish, who would in turn issue a notice for the vehicle to be removed within 3 weeks. If it was not removed, the draft Regulations would require the vehicle to be advertised for a further 3-week period in the Jersey Gazette. If, after this additional 3-week period the vehicle had still not been removed, the landowner would be required to pay for the costs of removal; however, this would be recoverable through the Petty Debts Court. The Panel is pleased to note that contact with the registered owner of a vehicle will be done via registered post.
  - ❖ If a vehicle is reported and the Parish is unable to identify the owner of the vehicle, then it would be advertised for a 3-week period within the Jersey Gazette, after which it would be disposed of.
  - ❖ If, in the event that a vehicle had no identifying aspects at all (i.e. J plate and chassis numbers had been removed), the landowner could present this information to the Parish, who would in turn define the vehicle as permanently abandoned and remove it immediately.
6. In relation to the Panel's concern about the costs that could be charged by vehicle removal operators under the draft Regulations, the Panel notes that no upper limit has been placed on this. It is accepted that the resources required to remove a vehicle from a driveway would be considerably less than for a vehicle that may require removal from more challenging situations and terrain. The Panel is pleased that the Minister for Home Affairs is required to maintain a register of removal companies that could operate under the draft Regulations, and notes that they would only be able to charge an amount that would meet the costs of the vehicle removal.
  7. It is worth noting that, should a vehicle be sold by a company once it had been removed (this could only be done after the vehicle had been kept for a further year after removal), then that company would only be eligible to claim the costs of recovery, and any further profit would be returned to the States Treasury and Exchequer.
  8. One final point of consideration is that Jersey will be one of the first jurisdictions to adopt legislation that seeks to deal with the removal of vehicles from private land. The Panel was informed that the draft Regulations will be reviewed throughout their implementation if they are adopted by the States Assembly. The Panel will continue to review the implementation of the draft Regulations should they be adopted, and will question the Minister for Home Affairs further on any developments.
  9. The Panel is therefore satisfied that the draft Regulations are appropriate and will be supporting them.