

STATES OF JERSEY



DRAFT ROAD TRAFFIC AND VEHICLES (VIENNA CONVENTION – MISCELLANEOUS AMENDMENTS) (JERSEY) REGULATIONS 201- (P.109/2018): COMMENTS

**Presented to the States on 19th November 2018
by the Environment, Housing and Infrastructure Scrutiny Panel**

STATES GREFFE

COMMENTS

Introduction

1. On 26th September 2018, [P.109/2018](#) – Draft Road Traffic and Vehicles (Vienna Convention – Miscellaneous Amendments) (Jersey) Regulations 201- was lodged in the States Assembly by the Minister for Infrastructure.
2. Whilst it is clear to the Panel that an evidence-led analysis has, in part, informed the basis of the Proposition, crucial detail such as the fees, and who will deliver the testing, is still unknown at this stage.
3. The Panel is aware that tight deadlines to meet Brexit have led to this position, however, without this information, it does make it difficult to sufficiently scrutinise what is being proposed. The Panel had less than 8 weeks to review the Proposition, which was not ideal and is the reason the Panel is submitting a Comments paper, instead of a full Scrutiny Report.
4. The lack of crucial information, such as the fees and who will provide the testing, appeared to be a shared cause of frustration, as this was highlighted in a few of the submissions received by the Panel.
5. Prior to the lodging of the Proposition and subsequently, the Panel met with the Minister and his Officers, and held a Public Hearing to discuss the proposals and to address some concerns. The Panel also raised questions via written correspondence to the Minister, of which the responses are appended to these Comments (*see Appendix 1*). The Panel also held a further Public Hearing with the Jersey Motor Trades Federation.
6. Furthermore, and as part of the evidence-gathering process, the Panel issued a ‘Call for Evidence’ to the general public and issued requests for written submissions to 39 businesses within the motor industry.
7. The Panel received a total of 20 submissions to the Review.
8. Requests for written submissions were also issued to 3 international car hire companies, although a response was not received.
9. In addition, the Panel raised questions via written correspondence to the UK Department for Transport (*see Appendix 2*).

Ratification of the Vienna Convention on Road Traffic

10. As part of the Panel’s Terms of Reference for the Review, it wished to explore whether contracting to the United Nations Vienna Convention on Road Traffic is the best solution for Jersey in order to guarantee the free circulation of vehicles in Europe post-Brexit, or whether there were suitable alternative options.

11. During the Public Hearing with the Jersey Motor Trades Federation, the Panel asked whether they thought Jersey should comply with international standards on road safety by contracting to the Vienna Convention. The response was as follows –

President, Jersey Motor Trades Federation:

Yes. I do not see any other way of letting us have free movement in Europe because what I have read, and what we have had presented to us, there is no other alternative. What a lot of garages and what a lot of people are saying is: why do we not just test the cars that leave the Island? That is the question I get day in, day out, whether they are motor traders or whether they are just people in the street. They do not realise that joining up to the Convention says the jurisdiction has to have testing. I think if that was communicated to them they then would understand ...¹

12. The Panel also received further submissions which commented as to why testing could not just apply only to vehicles which travelled to Europe, as opposed to all vehicles. When asked this in a written question, the Minister for Infrastructure explained why this would not be possible –

To conform and be able to contract the Convention, the applying jurisdiction must have the articles of Vienna in domestic legislation, have implemented mandatory testing and have an earnest intent to comply in inspecting all vehicles as “far as possible”. Being bound as a signatory the UK is unable to work against the principles of the Convention. Thus, the UK must satisfy itself that this is the case before requesting the Convention’s extension to any dependent territories.

“As far as possible” means what is possible now (and is regarded as such by the other signatories to the Convention), not when those words were first used in the Convention, and the reality is that the periodic inspection of cars and motorcycles that are on the roads every day is not a difficult proposition for modern countries (it is a requirement throughout the EU) and accords with commonly accepted internationally road safety standards.²

13. The Panel wrote to the UK Department for Transport (“DfT”), in order to ascertain the UK’s position on contracting to Vienna, as well as what it would mean for Jersey motorists if we do not contract to Vienna. The questions and responses have been appended to this Comments paper (*see Appendix 2*).
14. Jersey currently relies on the Geneva Convention (1949) in order for motorists to be able to circulate across most of Europe. However, there are countries who do not recognise Geneva, as they have only ever contracted to Vienna, such as: Croatia, Estonia, Germany, Latvia and Lithuania. As further highlighted in the DfT’s response, the UK’s exit from the European Union would bring the guaranteed loss of licence and vehicle recognition in those countries. The UK, therefore, has taken the decision to ratify the Vienna Convention in order to be

¹ [Public hearing with the Jersey Motor Trades Federation, October 2018, p.3](#)

² Response to Written Question, Minister for Infrastructure, October 2018 (*see Appendix 1*)

able to issue Vienna compliant International Driving Permits (“IDPs”) to motorists who wish to travel to these countries.³

15. The Panel heard evidence explaining that countries which are already part of the European Union are already required under an agreement for the EU Common Transport Area to test vehicles to a much higher level than prescribed under Vienna, and therefore do not necessarily need to be a signatory to the Vienna Convention.⁴
16. Furthermore, as the UK has been part of the EU Common Transport Area, holding a Jersey licence has become an accepted means of allowing Jersey motorists to drive throughout the EU. However, once the UK leaves the EU at the end of March 2019, it is anticipated that there will be further scrutiny on the differentiation between ‘GB’ and ‘GBJ’ vehicles, and whilst the GB vehicles will be Vienna-compliant, without signing up to Vienna, Jersey vehicles will not.⁵
17. As further set out in P.109/2018, under Vienna there would also be the requirement for Jersey to have Vienna-compliant IDPs.⁶ If Jersey does not, it would also cause potential issues with Jersey motorists being able to hire a car in Europe post-Brexit, and therefore the issue does not simply apply to just those who take their own vehicle abroad.
18. Furthermore, the DfT explained that if licence recognition is not achieved in Brexit negotiations, in countries that do not recognise the Geneva Convention, Jersey motorists could be seen as driving without a licence. This could mean fines, vehicle impounding and potentially invalidation of motor insurance.⁷
19. Due to a lack of statistical data, it is unknown precisely how many Jersey motorists travel to the small number of European countries who do not recognise the Geneva Convention, and therefore it is not possible for the Panel to assess the scale of the impact this might have for Jersey motorists who might wish to hire and/or drive a vehicle in these countries.

Improving road safety

20. Whilst it is evident that Brexit has been the catalyst for these proposals, aside from the benefits of Jersey motorists being able to circulate across all of Europe post-Brexit, the Panel heard of other potential benefits to the Island, mainly improvements to road safety and environmental benefits.
21. As part of the Panel’s public consultation, the majority of submissions which commented on whether vehicle testing would improve road safety, said they thought it would. Only a small minority of submissions commented that they did not think testing would improve road safety.⁸

³ Response to Written Questions, UK DfT, November 2018 (*see* Appendix 2)

⁴ [Public Hearing with the Minister for Infrastructure, October 2018, p.30](#)

⁵ Response to Written Questions, Minister for Infrastructure, October 2018 (*see* Appendix 1)

⁶ [P.109/2018, p. 10-11](#)

⁷ Response to Written Questions, UK DfT, November 2018, (*see* Appendix 2)

⁸ [Vehicle Road Worthiness Testing Scrutiny Review - Submissions](#)

22. In response to written questions from the Panel, the Minister for Infrastructure commented –

*There is no single measure that will on its own improve Jersey's road safety issues, rather there is a range of measures that will each contribute to marginal improvements, but as a whole can significantly improve road safety. Road worthiness testing is one of these.*⁹

23. In order to understand fully what these other measures are, the Panel questioned the Minister further during the Public Hearing, and the following was noted –

Director, Transport, Growth, Housing and Environment:

*... Where we are in terms of road safety, you have to do all of these different things. You have to look at the engineering of the road, you have to look at enforcement, you have to look at education, and you have to look at the quality of the vehicles circulating; you cannot not do any one of them. There is not one single big win among them. The effects are cumulative by trying to address all of those points.*¹⁰

24. The Panel also heard evidence suggesting that whilst only 2% of road traffic accidents are caused by defective vehicles, the poor condition of the vehicle often makes the consequences of these accidents much worse than they would have been if the vehicle hadn't been defective.¹¹
25. The Panel accepts that roadworthiness testing in isolation is not likely to lead to significant improvements in road safety, but could nonetheless, play its own part in the wider effort to improve road safety.

Environmental benefits

26. The Panel heard in a number of submissions¹² from the motor industry that vehicle testing would help reduce vehicle emissions, bringing additional benefits to the environment.
27. The Panel also heard in the Public Hearing with the Minister for Infrastructure that testing would help contribute to reducing emissions and improving air quality –

Group Director – Regulation, Growth Housing and Environment:

I think the answer is it will certainly help. If we have engines and cars running more efficiently, then it will help air quality in Jersey. The biggest issue we have, if we do have an issue of air quality, is around vehicle emissions. That is where most of our air quality problems are seen. We do not have many industrial premises that create point source pollution but it is mainly vehicle pollution. We see that in certain bits

⁹ Response to Written Questions, Minister for Infrastructure, October 2018 (see Appendix 1)

¹⁰ [Public hearing with the Minister for Infrastructure, October 2018, p. 28](#)

¹¹ [Public hearing with the Jersey Motor Trades Federation, October 2018, p. 4](#)

¹² [Vehicle Roadworthiness Testing Scrutiny Review - Submissions](#)

*of the road network and the diffusion tubes we have around town pick that up.*¹³

28. The Panel considers it plausible that as there is currently no vehicle emission testing in Jersey, the introduction of testing would, to some degree, contribute towards a reduction in vehicle emissions for the benefit of the environment and the Island's air quality.

The frequency and fees charged for testing

29. Submissions to the Panel which commented on the frequency of testing were mixed; some felt that the proposed frequencies for cars and motorbikes were fair and proportionate to Jersey, but some members of the motor industry commented that testing should be more frequent in order to stay on top of vehicle faults.¹⁴
30. P.109/2018 is not absolute on the fees to be charged for tests, although the Minister has provided an indication that fees are likely to be in the region of between £40–60.¹⁵ When asked for their opinion on whether this was a reasonable price range for tests, the responses from the motor industry indicated that this was a reasonable price range.¹⁶
31. A further point which was raised in submissions was the cost of re-tests. In the Public Hearing, the Jersey Motor Trades Federation commented that free re-testing was generally the norm in the UK, if presented within a certain timeframe.¹⁷
32. By contrast, in the Public Hearing with the Minister for Infrastructure, it was stated that re-tests were anticipated to be charged at full cost.

- | |
|---|
| 33. The cost of retests is something the Panel considers should be factored in as part of the procurement process, to determine what option will provide the best value for money for the public. |
|---|

The motor industry: capacity, resource, and desire to carry out testing

34. On page 19 of P.109/2018 it states –

*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.*¹⁸

35. Following further investigation, it is clear to the Panel that this is not the case. The Panel has found in several submissions¹⁹ to the Review that there is a

¹³ [Public hearing with the Minister for Infrastructure, October 2018, p.19](#)

¹⁴ [Vehicle Road Worthiness Testing Scrutiny Review - Submissions](#)

¹⁵ [P.109/2018, p.21](#)

¹⁶ [Vehicle Road Worthiness Testing Scrutiny Review - Submissions](#)

¹⁷ [Public Hearing with the Jersey Motor Trades Federation, October 2018, p. 20](#)

¹⁸ [P.109/2018, p.19](#)

¹⁹ [Vehicle Road Worthiness Testing Scrutiny Review - Submissions](#)

significant amount of desire and in some cases, capacity, within the motor industry to carry out testing.

36. The Panel considers that there was not adequate consultation with the motor industry and that the Minister for Infrastructure and his Department should have consulted with them at a much earlier stage, certainly prior to the lodging of P.109/2018. Much of the discussion with the industry appears to have taken place after the Proposition was lodged. Whilst the Minister states in P.109/2018 that he/ his Department held ‘initial discussions’ with the Jersey Motor Trades Federation, their representation does not include much of the smaller independent garages. The Panel considers that instead of ‘initial discussions,’ the proposals would have been better informed by a full, industry-wide consultation.
37. The Panel heard evidence suggesting there is a discrepancy between the costs of equipment required for testing. The Jersey Motor Trades Federation anticipate this to be in the region of £25,000–35,000, whereas in a Hearing with the Minister for Infrastructure, the Panel were told it could be up to £100,000.²⁰
38. A significant concern raised by some members of the motor industry in a number of submissions to the Panel was that of staffing and a current lack of skills within the industry.²¹ This concern was also echoed in the Public Hearing with the Jersey Motor Trades Federation, who commented as follows –

Managing Director, Derek Warwick Honda:

... But the biggest issue and threat for us, as an industry, is staffing. As you have probably seen from the responses, a lot of them are already saying we cannot get enough technicians, as it is. So immediately if suddenly 6 or 8 further technicians are required for M.O.T. testing I believe that the Government needs to look at licences for those people. Because if the Government set up their own test station and took 6 to 8 technicians out of our already depleted pool of technicians, that would leave us, as a trade, in a position where we cannot fulfil our normal daily requirement for maintaining vehicles.²²

39. When questioned in the Public Hearing with the Minister for Infrastructure, the Panel was advised that, due to the phased approach to the introduction of testing for cars, this allowed a 2 year timeframe in which to “look at training schemes and bring them up to standard.”²³

| |
|--|
| 40. The Panel would recommend to the Minister for Infrastructure to prioritise further collaboration with Highlands College, to look at ways to encourage young people into the motor industry and bring through more apprentices. Furthermore, to explore the possibility of temporary flexibility with employment licensing, to bring in skilled workers whilst there is the current shortage of skills within the industry. |
|--|

²⁰ [Public Hearing with Jersey Motor Trades Federation, October 2018, p.5](#)

²¹ [Vehicle Road Worthiness Testing Scrutiny Review - Submissions](#)

²² [Public Hearing with the Jersey Motor Trades Federation, October 2018, p.9-10](#)

²³ [Public Hearing with the Minister for Infrastructure, October 2018, p.11](#)

States run facility vs. outsourced to motor industry

41. As noted previously, and evidenced in a number of submissions to the Review, there is clearly appetite within the motor industry to undertake vehicle testing. The Panel highlighted in its [Amendment](#) to P.109/2018 that the decision as to who carries out testing is likely to have considerable implications for the States of Jersey and the motor industry.
42. The Panel is aware that the decision as to who will undertake testing will be subject to the Treasury's procurement process, and would request to be kept abreast of the options that are presented.
43. The Panel believes that if testing were to be outsourced to the motor industry, there should be independent oversight from the States of Jersey, in order to suitably control the fees. The Panel is aware that a suitable franchise model might strike the right balance between a wholly States-run facility and outsourcing testing entirely to the motor industry, and that this would be worthy of further consideration as part of the procurement process.
44. Several submissions also highlighted that if vehicle testing were to be outsourced to the motor industry, then it could/should be incorporated into routine vehicle servicing, thus reducing the cost to the motorist.²⁴
45. The Panel would therefore also suggest that this possibility is included for consideration as part of the procurement process, and that the motor industry should be further consulted with on this.

Conclusion

46. Following a detailed investigation within the short and limited timescale available, the Panel is satisfied that no other option other than contracting to Vienna would *entirely* guarantee that Jersey motorists would be able to circulate across all of Europe post-Brexit.
47. That being said, it is largely unknown at this stage how various European countries will treat Jersey vehicles post-Brexit, and therefore it could be argued that taking a stance of 'wait and see' before contracting to Vienna would be the alternative option available to Jersey.
48. The Panel acknowledges that this might not be favourable, as it would potentially place Jersey motorists in a position of risk immediately following the UK's exit from the EU; causing undue hindrance when we have the opportunity presented to us now to safeguard motorists' interests in time for Brexit.
49. The Panel would point out that the extent of this potential hindrance and risk is not fully known, given that Jersey does not hold statistical data as to how many Jersey motorists specifically travel to Germany and the other European countries which only recognise the Vienna Convention.

²⁴ [Vehicle Road Worthiness Testing Scrutiny Review - Submissions](#)

50. Notwithstanding the fact that contracting to Vienna would guarantee that Jersey motorists would be able to circulate across all of Europe post-Brexit, there is also the further consideration that the requirement of Vienna to introduce vehicle testing would also play a part in improving road safety and reducing vehicle emissions, ultimately improving air quality. Whilst the scale of these effects are yet to be determined, the Panel does consider this would be a positive step forward for the Island to take.
51. These benefits, however, must also be balanced against any considerable increase in red tape and public expenditure, as well as any negative, unintended consequences that could arise. A key consideration is the issue raised of staffing within the motor industry, as well as ensuring that any future chosen procurement model enables a fair, level playing field across the industry.
52. Ultimately, the Panel believes the decision to accept this Proposition and contract to Vienna to be a mitigation of risk in case of a 'hard Brexit'. The alternative is that we wait to see what scale of impact Brexit might have, and make a decision at a future point in time.



Environment, Housing and Infrastructure Scrutiny Panel

Vehicle Road Worthiness Testing: Jersey and the Vienna Convention on Road Traffic Review

Minister for Infrastructure

Written Questions

1. *Given the numbers submitted by the department, would the Minister agree that the initial main funding would be covered by a £1.50 / vehicle cost whereas the £6m expenditure alluded to would involve broadly a £30 cost per vehicle based on a 5 year asset depreciation? These figures don't include property costs, so would the Minister agree the proposed £60 fee is unrealistic for a States run operation?*

No, the base cost model for a single inspection facility to deal with over 40,000 inspections per year are estimated as £6,438,416 with an annual revenue cost (including staff) of £1,603,900 pa. This includes the recovery of capital expenditure of £585,100 pa over the fifteen year period of the model and inspection equipment being depreciated over seven years. Additional to this, a ground rent is estimated at £75,900pa. This provides for an inspection fee of £46 for motor cars and £23 for motor cycles, based upon a cost recovery model. See answer to 8 for details of the procurement options appraisal.

2. *If Jersey statistics show that only a very small minority of road traffic collisions are caused by defective vehicles (2%):*

i) How do you propose introducing road worthiness tests will improve road safety?

A definition for a Road Traffic Collision is a 'rare, random, multi-factor event'. As only the most significant factor is normally recorded the contribution of a defective vehicles is only recorded for a small number of collisions. The effects of poor maintenance and condition which may not be identified by a police officer attending the scene as the main contribution are therefore not recorded but nonetheless are highly likely to be present. By prompting drivers to have regular inspections the occurrence of these defects is likely to reduce with a commensurate reduction in collision numbers.

There is no single measure that will on its own improve Jersey's road safety issues, rather there is a range of measures that will each contribute to marginal improvements, but as a whole can significantly improve road safety. Road worthiness testing is one of these.

ii) What evidence is there to suggest it will?

The likelihood of a six year old vehicle being involved in a collision is noticeably higher than the likelihood of a four year old vehicle. With many car warranties running to five or six years there is a likelihood that vehicles getting towards five years have seen wear and tear and parts failure is more likely. Whilst many drivers will have their vehicle repaired when parts fail or wear out, there are some parts which may not be obvious to an untrained eye and there are some drivers who

may choose to drive a car which is not fit for the road. The introduction of Road Worthiness Inspections will assist the first group by providing a consistent inspection of the safety critical aspects of their vehicle and will encourage the second group to have repairs carried out.

From police records it can be shown in the last five years that there have been 20 'injury' road traffic accidents where condition has been explicitly recorded as a contributory factor, given the above this is likely to be a low estimate figure. It is estimated that preventing this could save the Island between £280,000 and £340,000 per year in community costs, as well as the angst and pain to families associated with such events.

During the October 2018 Traffic Focus Week, Officers from the States Police, Honorary Officers and staff from the Driver and Vehicle Standards Department checked 570 cars, trucks and vans, of which 124 vehicles were found to be defective, 12 were impounded and two were scrapped.

iii) If P109 is adopted, how do you propose to measure whether vehicle testing is improving road safety?

The leading indicators would be the number of vehicles found to be defective during random road checks by DVS and Police and the Road Worthiness Inspection failure rate – particularly vehicles scrapped.

The lagging indicator would be the likelihood of older vehicles being involved in a collision, supplemented by police 'contributory factors' data.

More widely, overall trends in 'Injury' and 'Killed or Serious Injury' road traffic collisions data provided by the Police may be informative in terms of the un-reported contributory effect.

3. *What other benefits (other than the reasons behind the proposal to contract to Vienna), if any, might there be to the island if Jersey were to introduce vehicle testing*

Road safety would apply to all road users in Jersey and the environment benefits would benefit all Islanders, particularly those that live, work or study in urban areas or adjacent to busy roads.

The damage caused by unnecessary air and noise pollution emanating from poorly maintained or illegally customised vehicles and motorcycles. These preventable nuisances have a negative impact on community health.

4. *We understand from previous briefings, that Vienna requires all vehicles to be tested and not just those which travel to Europe, however there is much public opinion that making testing mandatory for all vehicles is unnecessary and should only apply to vehicles which travel abroad. What do you say to this?*

The United Nations (UN) Vienna Convention on Road Traffic is an international treaty designed to facilitate international road traffic and to increase road safety by establishing standard traffic rules among the contracting parties.

To conform and be able to contract the Convention, the applying jurisdiction must have the articles of Vienna in domestic legislation, have implemented mandatory testing and have an earnest intent to comply in inspecting all vehicles as "far as possible". Being bound as a signatory the UK is unable to work against the principles of the Convention. Thus, the UK must satisfy itself that this is the case before requesting the Convention's extension to any dependent territories.

"As far as possible" means what is possible now (and is regarded as such by the other signatories to the Convention), not when those words were first used in the Convention, and the reality is that the

periodic inspection of cars and motorcycles that are on the roads every day is not a difficult proposition for modern countries (it is a requirement throughout the EU) and accords with commonly accepted internationally road safety standards.

It cannot be acceptable to the UN and the other signatories of the Convention for a jurisdiction to reserve on the matter of cars, other than as a transitional arrangement. This would set an unacceptable precedent, as future applying nations upon reviewing the reservations of the previous signatories could request the same, undermining both the intent and principles of the Convention to improve international road safety.

It should also be remembered that the intention of the convention is reciprocal to both ensure that vehicles travelling abroad are safe, and also visiting motorists and road users from other jurisdictions are not put at adverse risk, by say a local vehicle that is not road worthy.

In summary, to reserve against inspecting all cars would not be acceptable to the UK, as other contracting parties would see the ratification as not being proper (which will reflect on the UK as the lead contracting party).

5. Article 39 paragraph 3 of the Vienna Convention states that:

"Domestic legislation shall, as far as possible, extend the provision of paragraph 2 to the other categories of vehicles."

- i) Please can you advise how you came to your conclusions that cars and motorcycles should fit within the definition of 'other vehicles' and;*
- ii) On what basis was the terminology 'as far as possible' interpreted?*

See response to Question 4 above.

6. What is the likely impact on the numbers of vehicles being scrapped?

- i) Do you expect this to increase by a significant amount?*
- ii) Will current infrastructure be able to cope with an increase in demand?*

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.

7. Please can you summarise your rationale for not simply relying on the Geneva Convention given that there are only a few European countries which are not party to Geneva (e.g. Germany and the Baltic States).

- i) In addition, how many Jersey vehicles travel to these countries each year?*

This was considered as the 'Do Nothing Option (Remain in Geneva)', but that this in common with the UK, Guernsey and Gibraltar was not considered a sensible contingency to safeguard drivers and vehicles rights, private and commercial, to travel freely in continental Europe post Brexit. This is referred to through pages 5 to 9 of the Proposal.

To expand on this, while the UK has been part of the EU Common Transport Area, holding a Jersey licence has become an accepted means of allowing us to drive throughout the EU for work or pleasure, without other documents. By the end of March the UK will have left the EU and the scrutiny will be there for GB vehicles and GBJ vehicles, particularly commercial, but GB vehicles will be Vienna-compliant.

While we are a signatory of the 1949 Geneva Convention, we have no legitimate rights to drive or hire cars in or through Germany, Switzerland, Croatia, Estonia, Latvia and Lithuania. The validity of Jersey licences and vehicle registrations would have no or very limited basis in law. This raises a worrying question around motor insurance, and would apply to both hire cars and privately driven vehicles. The exceptions being Germany and Switzerland, where it appears there are basic rights though the antiquated 1926 Paris agreement, providing the same basis on which Iraqi and Somalian vehicles could in theory drive in Europe (the only two countries that continue to rely upon this Convention).

France may be a Geneva Convention country but in respect of its dealings with all other countries with which it has a land border (apart from Andorra) the basis is now the Vienna Convention or EU law on common transport policy. The knowledge that we do not have periodic road worthiness inspections unlike the other jurisdictions will create a real risk of increased enforcement authority attention in France and risk hindrance to free travel. Similar circumstances resulted in the ongoing harassment of Jersey's commercial vehicles in France during the 1990s, before the UK joined the EU's Common Transport Area.

A rhetorical question, how would Jersey's police or DVS react if neighbouring country's vehicles, which were regular visitors to our roads, were known not to be subjected to the same regular safety inspections and standards as our own?

Jersey of course could just "take a chance", however, for an Island Government with a hard earned reputation as a modern jurisdiction of international standing, this would seem to be an extremely high risk strategy that surely cannot be acceptable.

Approximately 7,000 commercial and private vehicles travel directly to Europe from Jersey by ferry. However, this is not the full picture as there are also people who fly and then hire cars abroad on business or holiday, using their Jersey driving licence.

In terms of the countries that are not party to Geneva, there are recorded in the 2011 Census, 550 or more Jersey residents who originate from the countries without agreements who may need to be able to drive or hire a car to visit family or do business.

To ask how many Jersey vehicles travel to these countries each year does not paint the full picture as the number must also include those who may need to travel through these countries, particularly Germany and Switzerland, such the Island's 3,130 Polish residents or anyone driving to say Denmark, the Alps (non-French) or Italy etc. Again the question equally applies to Islanders wishing to hire cars in those countries.

Specific data on which countries Jersey residents travel to and by what mode is not held and cannot be inferred from the Census data. However, the Economist Magazine reported in 2017 that Latvia, Lithuania and Croatia were the fastest growing mainland European holiday destinations for British tourists.

8. *Have the department projected a phased approach over the next say 10 years and are they in a position to let the panel have this information, based on the 40,000 vehicles they allude to?*

The approach to a phased implementation of PTI's 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 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.

| Vehicle Category | Present | 2018 | 2019 | 2020 | 2021 |
|--------------------------------|---------|------|-----------|-----------|------|
| Public Service Vehicles | → | → | → | → | → |
| P30 | → | → | → | → | → |
| 7.5 te | | → | → | → | → |
| 3.5 te | | | → | → | → |
| 10 Seater Minibuses | | | → | → | → |
| Mopeds | | | → | → | → |
| Motorcycles etc. | | | - - - - - | - - - - - | → |
| Other domestic vehicles - Cars | | | - - - - - | - - - - - | → |

A phased approach to implementation

It has been identified that the proposed road worthiness inspection 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-inspection's (c. 17%)).

Jersey currently has only one inspection facility which comprises two 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 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 two 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 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 licenced facilities.
- A single licenced operator, similar to National Car Test in Eire.

- A Government-owned facility franchised to the private sector.
- Government owned and operated facility, similar to Northern Ireland.
- A Mixed model combining central facility with dispersed options, as is the case in some UK Counties.

Initial discussions with the industry indicated that there was 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.

However, more recent industry engagement now identifies that several garages would be interested in carrying out car inspections. It is as yet unclear to what extent they may wish to carry out these inspections.

Engagement with the motorcycle industry has also taken place. This also indicates that they are interested in undertaking motorcycle inspections as either individual garages or as a co-operative.

Further work on these possibilities are required as part of the Procurement Options Appraisal study.

To provide a sense scale, should a single inspection centre be required to accommodate the volume of inspections required for domestic cars, this is likely to require either six single ramp test lanes or four double ramp test lanes. See response to question 1 for estimated costs.

RESPONSE FROM UK DEPARTMENT FOR TRANSPORT TO WRITTEN QUESTIONS

November 2018

We understand that Jersey motorists would still be able to circulate in most European countries by relying on the Geneva Convention (1949), with the exception of Germany and the Baltic states. What was basis of the UK's decision not to rely on the Geneva Convention?

Our decision was based on the loss of guaranteed licence and vehicle registration in 5 EU Member States, specifically, Croatia, Estonia, Germany, Latvia and Lithuania when the UK leaves the EU. International Driving Permits (IDPs) are a contingency measure, which when held by a motorist alongside their licence, will guarantee the recognition of that licence when visiting and driving in EU Member States in the event of a deal not being agreed. IDPs issued under the earlier 1926 Paris Convention, and the 1949 Geneva Convention which the UK has also signed are not applicable, as the 5 countries listed are not Contracting Parties to those conventions.

Ratifying the 1968 Vienna Convention also offers the possibility of the photocard licence being accepted as an IDP, and offers a 3 year IDP booklet for 23 EU MS plus Switzerland and Norway. The 1949 format of IDP is only valid for 1 year.

Is the UK aware of whether there will be/or are likely to be tighter European border controls, post Brexit, to identify vehicles from countries that have not signed up to Vienna?

Jersey has its own distinguishing mark (GBJ) which is specified in the earlier 1926 Paris and 1949 Geneva Conventions, and is listed on the UN website⁽ⁱ⁾. The GB mark only applies to vehicles registered in Great Britain and Northern Ireland. As a result, Jersey registered vehicles are already identifiable when in International Traffic.

In addition, the legislation for the issue of IDPs in the UK, allows for an IDP to only be issued to a full UK licence holder, so a Jersey licence holder cannot obtain/use a 1968 IDP from the UK.

If licence recognition is not achieved in negotiations, and Jersey chooses not to join the UK's ratification of the 1968 Convention (and so cannot issue an IDP in this format), or if a licence holder chooses not to carry the correct IDP for their trip, there is the risk that their driving licence may not be recognised, and would be seen as invalid by the country they are driving in. This means they would effectively be driving unlicensed, and could be subject to the penalties that are in place in that country, for example a fine or having their vehicle impounded.

More widely, if their licence is not recognised, their motor insurance could also be invalidated.

(i) <http://www.unece.org/fileadmin/DAM/trans/conventn/Distsigns.pdf> – link to list of distinguishing marks