

2.9 Deputy S. Power of St. Brelade of the Minister for Transport and Technical Services regarding defective vehicles:

Can the Minister outline what options, if any, are available to garage or forecourt operators when an obviously defective vehicle pulls up for fuel or attention and the operator or the proprietor strongly advises the owner or the driver of the vehicle to have it repaired immediately and not drive off that forecourt until it has been made safe? This was related to a specific incident very recently.

Connétable M.K. Jackson of St. Brelade (The Minister for Transport and Technical Services):

May I ask my Assistant Minister, Deputy Lewis, who has responsibility for D.V.S. (Driver and Vehicle Standards) to answer this question? Thank you.

Deputy K.C. Lewis (Assistant Minister for Transport and Technical Services - rapporteur):

I thank Deputy Power for this very timely reminder. Options for forecourt attendants: if the attendant has reasonable knowledge of vehicle maintenance and spots an obvious defect, it seems reasonable he or she mentions a defect to the driver. The reaction from the driver may determine what action the attendant takes next. If the driver appears to have been unaware of the defect and welcomes the advice it may be reasonable to suggest the vehicle was parked up and the defect attended to, or offer to call a breakdown truck or someone else to remove the vehicle to a place where repairs can be made. If the driver does not welcome the advice and drives off in a vehicle with a serious defect that compromises the safety of the driver and/or other road users, as with any other suspected crime, the attendant's main option is to contact the police with details of the registration number of the vehicle, the make, the colour of the vehicle, details of the defects and which direction the vehicle headed off in. For other defects the attendant can contact the police or he or she could contact the traffic office at D.V.S. with the same details. If reported to D.V.S. a traffic officer will write to the registered owner and ask the owner to bring the vehicle to D.V.S. for inspection.

2.9.1 Deputy S. Power:

I thank the Assistant Minister for his answer. Unfortunately, the garage proprietor did exactly that. He notified the lady driver of the car that there was brake fluid leaking from the front near side calliper and warned her not to drive the vehicle. She decided to drive the vehicle off the forecourt and the garage proprietor has asked me to ask this question because he felt frustrated that he could do nothing. Does a garage proprietor have any options such as removing ignition keys?

Deputy K.C. Lewis:

In this case the garage proprietor has the same rights and/or duty as any other member of the public and that is to inform the police. The D.V.S. as such does not have any powers to deal with insurance, wearing of seatbelts, mobile phone or drink driving offences, but I would recommend they phone the police immediately.

The Deputy Bailiff:

Are there any other questions? Then we go on to the first of question 11. Deputy Southern will ask a question of the Minister for Treasury and Resources, to be answered by the Assistant Minister.