

## **THE ROAD TRAFFIC (FEES AND CHARGES) (GUERNSEY) LAW, 2017**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Road Traffic (Fees and Charges) (Guernsey) Law, 2017", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

### **EXPLANATORY MEMORANDUM**

The Law makes provision enabling the charging of fees for various road traffic permits and licences. Section 2 amends the enabling powers in the Public Transport (Guernsey) Law 1984 so as to allow charges to be made for an application for a licence under the Public Transport Ordinance 1986 whether or not the application is successful.

Section 3 enables the States, by regulations, to make provision for the charging of fees for applications for permits under three Ordinances relating respectively to (a) the use of a flashing light on a vehicle notwithstanding the general prohibition, (b) the driving of a vehicle in a prohibited or one-way street and (c) the use of a vehicle which would otherwise be in contravention of the Construction and Use requirements as to maximum width, length or weight.



# PROJET DE LOI

ENTITLED

## **The Road Traffic (Fees and Charges) (Guernsey) Law, 2017**

**THE STATES**, in pursuance of their Resolution of the 28<sup>th</sup> June, 2013<sup>a</sup>, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

### **Amendment to 1984 Law.**

1. The Public Transport (Guernsey) Law, 1984<sup>b</sup> is amended as follows.
2. For section 3(1)(h), substitute -  
  
"(h) the charging, levying and securing the payment of fees in relation to any licence under the provisions of any such Ordinance, including (without limitation) any fee payable -  
  
(i) upon the issue, renewal or variation (including the variation of any conditions) of any such licence, or  
  
(ii) upon application for any such issue, renewal or variation,

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<sup>a</sup> Article VI of Billet d'État No. XII of 2013.

<sup>b</sup> Ordres en Conseil Vol. XXVIII, p. 423.

and, without prejudice to the generality of the foregoing, such an Ordinance may make provision for a waiver or reduction of charges at the discretion of the Committee ,".

**Charges payable for permits.**

3. (1) The States may, from time to time, by regulations make such provision as they deem necessary or expedient for the charging, levying and securing the payment of fees which may be charged upon an application for, or the issue of -

- (a) exemption under section 26(3) of the Lighting of Vehicles and Skips Ordinance, 1988<sup>c</sup> from the requirements of section 7 of that Ordinance,
- (b) any permission under section 3 of the Prohibited and One-Way Streets Ordinance, 1989<sup>d</sup>, and
- (c) any permission under section 10 of the Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 2002<sup>e</sup>.

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<sup>c</sup> Recueil d'Ordonnances Tome XXIV, p. 356; amended by Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XXV, p. 11; Tome XXVI, p. 90; Ordinance No. XXXIII of 2003; No. IX of 2016.

<sup>d</sup> Recueil d'Ordonnances Tome XXV, p. 83; amended by Tome XXVI, p. 90; Ordinance No. IX of 2016. There are other amendments not relevant to this provision.

<sup>e</sup> Ordinance No. X of 2002; amended by No. XXXIII of 2003; No. IX of 2016.

(2) Without prejudice to the generality of subsection (1), regulations under this section may make provision for a waiver or reduction of charges at the discretion of the Committee.

**General provisions as to regulations.**

4. (1) Any regulations made under this Law -

- (a) may be amended or repealed by subsequent regulations hereunder, and
- (b) may contain consequential, incidental, supplementary and transitional provisions.

(2) Any power to make regulations under this Law may be exercised -

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases, and
- (b) so as to make, as respects the cases in relation to which it is exercised -
  - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
  - (ii) the same provision for all cases, or different

provision for different cases or classes of cases,  
or different provision for the same case or class  
of case for different purposes,

- (iii) any such provision either unconditionally or  
subject to any prescribed conditions.

(3) Any regulations made under this Law must be laid as soon as practicable before a meeting of the States; and if, at that or their next meeting, the States resolve to annul the regulations, they shall cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

#### **Interpretation.**

5. (1) In this Law -

"**enactment**" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

"**Committee**" means the States Committee for the Environment and Infrastructure,

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance.

(2) Any reference in this Law to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification),

extended or applied.

**Citation.**

6. This Law may be cited as the Road Traffic (Fees and Charges) (Guernsey) Law, 2017.

**Commencement.**

7. This Law shall come into force on the date of its registration on the records of the Island of Guernsey.