

ORDINANCES LAID BEFORE THE STATES

THE MOTOR VEHICLES (INTERNATIONAL CIRCULATION) (AMENDMENT) ORDINANCE, 2019

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Motor Vehicles (International Circulation) (Amendment) Ordinance, 2019", made by the Policy & Resources Committee on the 15th January, 2019, is laid before the States.

EXPLANATORY MEMORANDUM

On 14th December, 2018 the States resolved (inter alia) that legislative measures necessary to demonstrate compliance with the requirements of the UN Convention on Road Traffic ("the Vienna Convention") should be adopted in order to facilitate extension of that Convention to Guernsey with effect from 29th March, 2019 or as soon as possible thereafter. This Ordinance is one of eight Ordinances which have been prepared pursuant to the Resolution of 14th December.

Article 41 of the Vienna Convention provides for the recognition by contracting parties of International Driving Permits (IDPs) which are compliant with the provisions of Annex 7 of the Convention.

This Ordinance –

1. amends the Motor Vehicles (International Circulation) Ordinance, 1974 so as to empower the Committee to issue IDPs in the Vienna form to Bailiwick-resident drivers. It also makes minor changes to the 1974 Ordinance so as to remove references to British Forces driving licences, which are no longer issued, and to update the wording so that it is consistent with the corresponding UK statutory instrument,
2. inserts the necessary enabling powers into the Motor Taxation and Licensing (Guernsey) Law, 1987.

The Ordinance was approved by the Legislation Review Panel on the 7th January, 2019 and made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948. It will come into force on a date to be appointed by Regulations of the Committee for the Environment & Infrastructure. Under the proviso to the said Article 66A(1), the States of Deliberation have the power to annul the Ordinance.

THE SEAT BELTS (AMENDMENT) ORDINANCE, 2019

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Seat Belts (Amendment) Ordinance, 2019", made by the Policy & Resources Committee on the 15th January, 2019, is laid before the States.

EXPLANATORY MEMORANDUM

On 14th December, 2018 the States resolved (inter alia) that legislative measures necessary to demonstrate compliance with the requirements of the UN Convention on Road Traffic ("the Vienna Convention") should be adopted in order to facilitate extension of that Convention to Guernsey with effect from 29th March, 2019 or as soon as possible thereafter. This Ordinance is one of eight Ordinances which have been prepared pursuant to the Resolution of 14th December.

This Ordinance amends the Seat Belts Ordinance, 1988, for compliance with the Vienna Convention, so as to require seat belts to be fitted to all forward-facing seats in vehicles first registered, or manufactured, before 1st April 1987, and for passengers to be required to wear seat belts in all such forward-facing passenger seats. The present exemptions, and the present prohibition on passengers sitting in seats in which seat belts should be fitted but are not, will be extended accordingly.

In addition to the compliance requirements of the Vienna Convention, the requirements for the wearing of seat belts by children under the age of 14 are clarified.

The Ordinance was approved by the Legislation Review Panel on the 7th January and made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948. It will come into force on a date to be appointed by Regulations of the Committee for Home Affairs. Under the proviso to Article 66A(1), the States of Deliberation have the power to annul the Ordinance.

THE ROAD TRAFFIC (TRAILER REGISTRATION) ORDINANCE, 2019

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Road Traffic (Trailer Registration) Ordinance, 2019", made by the Policy & Resources Committee on the 15th January, 2019, is laid before the States.

EXPLANATORY MEMORANDUM

On 14th December, 2018 the States resolved (inter alia) that legislative measures necessary to demonstrate compliance with the requirements of the UN Convention on Road Traffic ("the Vienna Convention") should be adopted in order to facilitate extension of that Convention to Guernsey with effect from 29th March, 2019 or as soon as possible thereafter. This Ordinance is one of eight Ordinances which have been prepared pursuant to the Resolution of 14th December.

Article 35 of the Vienna Convention requires the separate registration of every trailer exceeding 750 kg which is intended to be driven in international traffic. For compliance purposes, it is proposed to introduce mandatory registration for commercial trailers over 750 kg and non-commercial trailers over 3,500 kg, and voluntary registration for non-commercial trailers over 750g.

This Ordinance enables a scheme for the registration of trailers to be established by regulations of the Committee.

The Ordinance was approved by the Legislation Review Panel on the 7th January, 2019 and made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948. It will come into force on a date to be appointed by Regulations of the Committee for the Environment & Infrastructure. Under the proviso to the said Article 66A(1), the States of Deliberation have the power to annul the Ordinance.

THE ROAD TRAFFIC (MOTOR VEHICLES AND TRAILERS) (PERIODIC TECHNICAL INSPECTIONS) ORDINANCE, 2019

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Road Traffic (Motor Vehicles and Trailers) (Periodic Technical Inspections) Ordinance, 2019", made by the Policy & Resources Committee on the 15th January, 2019, is laid before the States.

EXPLANATORY MEMORANDUM

On 14th December, 2018 the States resolved (inter alia) that legislative measures necessary to demonstrate compliance with the requirements of the UN Convention on Road Traffic ("the Vienna Convention") should be adopted in order to facilitate extension of that Convention to Guernsey with effect from 29th March, 2019 or as soon as possible thereafter. This Ordinance is one of eight Ordinances which have been prepared pursuant to the Resolution of 14th December.

The Vienna Convention requires the periodic technical inspection of all passenger-carrying vehicles with more than eight seats in addition to the driver's seat; motor vehicles used for the carriage of goods whose permissible maximum mass exceeds 3,500kg, and trailers designed to be coupled to such vehicles; and (so far as possible) all other categories of vehicle. In practice, the U.K. Department for Transport has advised, for the purposes of compliance, this means that all vehicles in domestic traffic must be tested and agreement has been reached as to a phased introduction (between 2019 and 2025) of schemes, at an appropriate level for Guernsey driving conditions, for the inspection of different categories of vehicle.

This Ordinance empowers the Committee to make regulations for the phased introduction, as agreed, of periodic testing of the different categories of vehicles.

The Ordinance was approved by the Legislation Review Panel on the 7th January, 2019 and made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948. It will come into force on a date to be appointed by Regulations of the Committee for the Environment & Infrastructure. Under the proviso to the said Article 66A(1), the States of Deliberation have the power to annul the Ordinance.

THE ROAD TRAFFIC (CONSTRUCTION AND USE OF MOTOR VEHICLES) (AMENDMENT) ORDINANCE, 2019

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 2019", made by the Policy & Resources Committee on the 15th January, 2019, is laid before the States.

EXPLANATORY MEMORANDUM

On 14th December, 2018 the States resolved (inter alia) that legislative measures necessary to demonstrate compliance with the requirements of the UN Convention on Road Traffic ("the Vienna Convention") should be adopted in order to facilitate extension of that Convention to Guernsey with effect from 29th March, 2019 or as soon as possible thereafter. This Ordinance is one of eight Ordinances which have been prepared pursuant to the Resolution of 14th December.

This Ordinance amends the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1971 and the Road Traffic (Construction and Use of Motor Vehicles Ordinance, 2002, for compliance with the Vienna Convention.

The Ordinance -

1. requires vehicles to carry identification marks as prescribed,
2. amends the requirements relating to brakes on vehicles and trailers,
3. inserts further provisions relating to technical requirements of the Convention, including enhanced requirements for: the safe carriage of loads; steering mechanisms; windscreens and wipers; mirrors; excessive emission of gases, smells and noise; anti-theft devices; and speedometers.

The Ordinance was approved by the Legislation Review Panel on the 7th January, 2019 and made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948. It will come into force on a date to be appointed by Regulations of the Committee for the Environment & Infrastructure. Under the proviso to the said Article 66A(1), the States of Deliberation have the power to annul the Ordinance.

THE ROAD TRAFFIC (GUERNSEY) ORDINANCE, 2019

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Road Traffic (Guernsey) Ordinance, 2019", made by the Policy & Resources Committee on the 15th January, 2019, is laid before the States.

EXPLANATORY MEMORANDUM

On 14th December, 2018 the States resolved (inter alia) that legislative measures necessary to demonstrate compliance with the requirements of the UN Convention on Road Traffic ("the Vienna Convention") should be adopted in order to facilitate extension of that Convention to Guernsey with effect from 29th March, 2019 or as soon as possible thereafter. This Ordinance is one of eight Ordinances which have been prepared pursuant to the Resolution of 14th December.

This Ordinance seeks to achieve compliance with those requirements of the Vienna Convention relating to the "rules of the road".

The Ordinance –

1. gives statutory authority to the issue of a Highway Code for Guernsey, which can be achieved by incorporation of the UK Highway Code together with a supplement for matters peculiar to Guernsey,
2. repeals the *Ordonnance relative au Trafic Véhiculaire en cette île of 29th March 1929*, re-enacting the provisions which are still relevant with modifications where appropriate,
3. incorporates certain requirements of the Vienna Convention which are considered suitable for inclusion in an Ordinance rather than reliance on the Highway Code.

The Ordinance was approved by the Legislation Review Panel on the 7th January, 2019 and made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948. It will come into force on a date to be appointed by Regulations of the Committee for the Environment & Infrastructure. Under the proviso to the said Article 66A(1), the States of Deliberation have the power to annul the Ordinance.

THE LIGHTING OF VEHICLES AND SKIPS (AMENDMENT) ORDINANCE, 2019

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Lighting of Vehicles and Skips (Amendment) Ordinance, 2019", made by the Policy & Resources Committee on the 15th January, 2019, is laid before the States.

EXPLANATORY MEMORANDUM

On 14th December, 2018 the States resolved (inter alia) that legislative measures necessary to demonstrate compliance with the requirements of the UN Convention on Road Traffic ("the Vienna Convention") should be adopted in order to facilitate extension of that Convention to Guernsey with effect from 29th March, 2019 or as soon as possible thereafter. This Ordinance is one of eight Ordinances which have been prepared pursuant to the Resolution of 14th December.

This Ordinance amends the Lighting of Vehicles and Skips Ordinance, 1988 so as to make additional provision necessary for compliance with the Vienna Convention. The Ordinance –

1. adds daytime running lamps, width marker lamps and side lamps to the list of permitted lamps,
2. imposes enhanced conditions as to reversing lamps, direction-indicators, lighting and reflectors on long and wide vehicles and on trailers, for vehicles and trailers manufactured after commencement,
3. requires motor cycle side-cars to carry lighting,
4. imposes enhanced provision for vehicles first used after 1991 concerning the combinations of lamps which can or cannot be illuminated simultaneously.

The Ordinance was approved by the Legislation Review Panel on the 7th January, 2019 and made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948. It will come into force on a date to be appointed by Regulations of the Committee for the Environment & Infrastructure. Under the proviso to the said Article 66A(1), the States of Deliberation have the power to annul the Ordinance.

THE ROAD TRAFFIC (MISCELLANEOUS PROVISIONS) (GUERNSEY) ORDINANCE, 2019

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Road Traffic (Miscellaneous Provisions) (Guernsey) Ordinance, 2019", made by the Policy & Resources Committee on the 15th January, 2019, is laid before the States.

EXPLANATORY MEMORANDUM

On 14th December, 2018 the States resolved (inter alia) that legislative measures necessary to demonstrate compliance with the requirements of the UN Convention on Road Traffic ("the Vienna Convention") should be adopted in order to facilitate extension of that Convention to Guernsey with effect from 29th March, 2019 or as soon as possible thereafter. This Ordinance is one of eight Ordinances which have been prepared pursuant to the Resolution of 14th December.

This Ordinance makes amendments to three Ordinances for the purposes of compliance with the Vienna Convention.

The Ordinance –

1. inserts into the Vehicle Noise etc. Ordinance, 1986 a prohibition against using a vehicle in a manner which causes the excessive emission of smoke, vapour or oily substance, as well as noise (this was previously included in the *Ordonnance relative au Trafic Véhiculaire en cette Île* of 29th March 1929 which has been repealed),
2. amends the Road Traffic (Speed Limits and Trials) Ordinance, 1987 so as to clarify exemptions for emergency vehicles,
3. amends the Traffic Signs and Traffic Light Signals Ordinance, 1988 in relation to the placing of danger warning signs, precedence of traffic light signals over traffic signs indicating priority, precedence of temporary signs and signals over permanent signs, and clarification that generally a traffic sign should take precedence over any other regulation that might apply to a highway,
4. makes consequential amendments to the Offences (Fixed Penalties) (Guernsey) Law, 2009.

The Ordinance was approved by the Legislation Review Panel on the 7th January, 2019 and made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948. It will come into force on a date to be appointed by Regulations of the Committee for the Environment & Infrastructure. Under the proviso to the said Article 66A(1), the States of Deliberation have the power to annul the Ordinance.

**THE EUROPEAN UNION (BREXIT) (BAILIWICK OF GUERNSEY) LAW, 2018
(COMMENCEMENT) ORDINANCE, 2019**

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The European Union (Brexit) (Bailiwick of Guernsey) Law, 2018 (Commencement) Ordinance, 2019", made by the Policy & Resources Committee on the 12th February, 2019, is laid before the States.

EXPLANATORY MEMORANDUM

This Ordinance brings into force specified sections of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018 ("the Law") on 13th February, 2019. It brings the remaining provisions of the Law into force on "exit day" within the meaning of the Law: i.e. 11pm on 29th March, or such other day and time as the Policy & Resources Committee appoints by regulations.

The two main substantive provisions being brought into force on 13th February are section 5 (Power to disapply, amend etc. Preserved EU law and other provisions) and section 9 (Provision in respect of the withdrawal agreement). The Ordinance also brings into effect certain consequential amendments to other legislation.

The commencement of the remainder of the Law remains flexible since "exit day" is, as noted above, subject to amendment by regulations.

The Ordinance was approved by the Legislation Review Panel on the 4th February, 2019 and made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948. Under the proviso to the said Article 66A(1), the States of Deliberation have the power to annul the Ordinance.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

The States of Deliberation have the power to annul the Statutory Instruments detailed below.

No. 2 of 2019

THE MOTOR VEHICLES, LICENSING AND TRAFFIC (FEES) (GUERNSEY) REGULATIONS, 2019

In pursuance of sections 2A and 2B of the Motor Taxation and Licensing (Guernsey) Law, 1987, sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007 sections 4, 5, 8, 9, and 16 of the Registration Marks (Sale and Retention) Ordinance, 1997, and all other powers enabling it in that behalf, the Motor Vehicles, Licensing and Traffic (Fees) (Guernsey) Regulations, 2019, made by the Committee *for the Environment & Infrastructure* on 10th January, 2019, are laid before the States.

EXPLANATORY NOTE

These Regulations increase the fees payable with effect from the 1st March, 2019 in relation to –

- the issue and renewal of driving licences and of duplicate licences
- first and subsequent registration of motor vehicles and the issue of duplicate registration certificates and certificates of export
- the exchange and retention of registration marks.

The increases are generally based on the increase in RPIX since the last review.

These Regulations come into force on the 1st day of March, 2019.

No. 10 of 2019

THE MOTOR VEHICLES (INTERNATIONAL CIRCULATION) (GUERNSEY AND ALDERNEY) (BREXIT) REGULATIONS, 2019

In pursuance of sections 5 and 11 of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018, “Motor Vehicles (International Circulation) (Guernsey and Alderney) (Brexit) Regulations, 2019”, made by the Policy & Resources Committee on 22nd January 2019, are laid before the States.

EXPLANATORY NOTE

These Regulations are made in consequence of the withdrawal of the United Kingdom from the EU and the resulting necessity for International Driving Permits (IDPs) to be issued by the Committee for the Environment & Infrastructure ("the Committee") on behalf of Bailiwick residents who wish to drive in Europe.

The Committee issues domestic driving licences to Bailiwick residents under the Driving Licences (Guernsey) Ordinance, 1995, made under the Motor Taxation and Licensing (Guernsey) Law, 1987 ("the 1987 Law"). However, the Motor Vehicles (International Circulation) (Guernsey) Law, 1956 ("the 1956 Law"), and the Motor Vehicles ((International Circulation) (Alderney) Ordinance, 1961 ("the Alderney Ordinance"), made under the 1956 Law, were drafted at a time when Alderney was a separate jurisdiction for the purposes of driver licensing.

These Regulations regularise the legislative provision in this area by repealing the 1956 Law, the relevant provisions of which are being incorporated (by separate legislation) into the 1987 Law. The Alderney Ordinance will also be repealed (by regulations of the Alderney Policy and Finance Committee), and the equivalent Guernsey Ordinance, which will continue to have effect pursuant to regulation 2 of these Regulations, will henceforth apply to both Guernsey and Alderney. The effect of the repeal of the 1956 Law and the application of the Guernsey Ordinance to Alderney will be to clarify and give certainty to the power of the Committee to issue IDPs for Alderney residents as well as for Guernsey and Sark residents.

These Regulations will come into force on the same day as the Motor Vehicles (International Circulation) (Amendment) Ordinance, 2019 which inserts the new enabling powers (namely section 2(32A) and (32B)) into the 1987 Law.

No. 80 of 2018

**THE AVIATION SECURITY (BAILIWICK OF GUERNSEY) (AMENDMENT) DIRECTION,
2018**

In pursuance of section 169A, 169B and 169C of the Aviation (Bailiwick of Guernsey) Law, 2008 , by sections 12(1), 13(1), 13A(1), 14(1A), 17(1), 24A and 38(6) of the Aviation Security Act 1982 "The Aviation Security (Bailiwick of Guernsey) (Amendment) Direction, 2018", made by the Economic Development Committee on 23rd November 2018, is laid before the States.

EXPLANATORY NOTE

This Direction updates the Aviation Security (Bailiwick of Guernsey) Direction, 2012 to take account of changes in aviation security requirements.

This Direction came into force on 3rd December, 2018.

The full text of the statutory instruments and other legislation included in this document can be found at: www.guernseylegalresources.gg