

# The Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 2019

THE STATES POLICY & RESOURCES COMMITTEE, in pursuance of the Resolution of the States of 14<sup>th</sup> December, 2018<sup>a</sup>, in exercise of the powers conferred on the States by section 7 of the Offences (Fixed Penalties) (Guernsey) Law, 2009<sup>b</sup> and all other powers enabling them in that behalf, and in exercise of the powers conferred on that Committee by Article 66A(1) of the Reform (Guernsey) Law, 1948<sup>c</sup>, hereby orders:-

## **Amendment of 1971 Ordinance.**

1. The Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 1971<sup>d</sup> ("**the 1971 Ordinance**") is amended as follows.

2. Immediately after section 1 of the 1971 Ordinance, insert –

### **"Plates for motor vehicles and trailers.**

1A. (1) Without prejudice to section 1, a person shall not use or cause or permit any other person to use on a public highway a motor vehicle or trailer registered on or after the coming into force of this Ordinance, if such

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<sup>a</sup> Article XVIII of Billet d'État No. XXVII of 2018.

<sup>b</sup> Order in Council No. XV of 2010. There are amendments not relevant to this enactment.

<sup>c</sup> Ordres en Conseil Vol. XIII, p. 288; amended by Order in Council No. XVII of 2015; there are other amendments not relevant to this Ordinance.

<sup>d</sup> Recueil d'Ordonnances Tome XVII, p. 324; amended by Tome XXIV, p. 354; Ordinance No. X of 2002.

vehicle or trailer is not equipped with a plate securely affixed to the vehicle or trailer containing the following particulars –

- (a) in the case of a motor vehicle –
  - (i) the name or the trade mark of the manufacturer,
  - (ii) on the chassis or, in the absence of a chassis, on the body, the manufacturer's production or serial number,
  - (iii) on the engine, the engine number if such a number is placed on it by the manufacturer,
- (b) in the case of a trailer, the information referred to in sub-paragraphs (i) and (ii)."

3. Section 5 of the 1971 Ordinance is repealed and the following sections are substituted –

**"Brakes of motor vehicles and trailers.**

5. A person shall not, without the permission in writing of the Committee, use or cause or permit any other person to use on a public highway a motor vehicle or trailer, or a combination of vehicles, which is not equipped with an efficient braking system –

- (a) which complies with such of sections 5A to 5D

as are applicable in the case of such motor vehicle, trailer or combination,

- (b) in respect of which every part of every braking system, and the means of operation thereof, fitted to such vehicle is maintained in good and efficient working order and properly adjusted to ensure such compliance.

**Brakes of motor vehicles other than motorcycles.**

5A. (1) Every motor vehicle other than a motorcycle shall have brakes which can be easily operated by the driver from a driving position, and such brakes must include –

- (a) a service brake capable of slowing down the vehicle and of stopping it safely, rapidly and effectively, whatever its conditions of loading and whatever the upward or downward gradient of the road on which it is moving,
- (b) a parking brake capable of holding the vehicle stationary, whatever its conditions of loading, on a noticeable upward or downward gradient, the operative surfaces of the brake being held in the braking position by a device whose action is purely mechanical,
- (c) a secondary (emergency) brake capable of slowing down and stopping the vehicle,

whatever its conditions of loading, within a reasonable distance, even in the event of failure of the service brake,

and such brakes may have parts in common provided that at least two of the devices are separately controlled.

- (2) In every motor vehicle other than a motorcycle –
  - (a) the service brake must act on all the wheels of the vehicle,
  - (b) without prejudice to paragraph (a) –
    - (i) in the case of such a vehicle registered before the coming into force of this Ordinance, the braking system thereof must have brakes acting on all the wheels of the vehicle which (as applied by one means of operation) have a total braking efficiency of not less than forty per centum, or which (as applied by a second independent means of operation) have a total braking efficiency of not less than fifteen per centum, and
    - (ii) in the case of such a vehicle registered after the coming into force of this

Ordinance, the braking system must have brakes acting on all the wheels of the vehicle which (as applied by one means of operation) have a total braking efficiency of not less than fifty per centum, or which (as applied by a second independent means of operation) have a total braking efficiency of not less than twenty-five per centum,

- (c) the secondary (emergency) brake and the parking brake must each be capable of acting on at least one wheel on each side of the vehicle's median longitudinal plane,
- (d) the service brake and the parking brake must act on braking surfaces permanently connected to the wheels through components of adequate strength,
- (e) a braking surface must not be capable of being disconnected from the wheels unless such disconnection –
  - (i) is momentary,
  - (ii) in respect of the parking brake, can be effected only by the action of the driver, and

- (iii) in respect of the service or secondary (emergency) brake, braking remains possible with the efficiency described in subsection (1),
- (f) vehicle equipment which contributes to the braking of the vehicle must be so designed and constructed that the efficacy of the service brake is ensured notwithstanding prolonged and repeated use,
- (g) the service braking action must be properly distributed and synchronised among the various axles of the vehicle.

**Braking of trailers.**

**5B.** (1) Every trailer the maximum gross weight of which exceeds 750 kilograms must be equipped with a braking system in good and efficient working order which must include –

- (a) a service brake capable of slowing down the trailer and of stopping it safely, rapidly and effectively, whatever its conditions of loading and whatever the upward or downward gradient of the road on which it is moving, and
- (b) a parking brake capable of holding the trailer stationary, whatever its conditions of loading,

on a noticeable upward or downward gradient,  
the operative surfaces of the brake being held in  
the braking position by a device whose action is  
purely mechanical,

provided that subsection (b) does not apply to a trailer which cannot be uncoupled from the drawing vehicle without the use of tools if the requirements in section 5C(3) are satisfied for the combination of vehicles.

(2) The braking system of a trailer to which subsection (1) applies must comply with the following –

- (a) the service brake must act on all the wheels of the trailer,
- (b) the braking action must be properly distributed and synchronised among the various axles of the trailer,
- (c) subject to subsection (3), the service brake must be capable of being brought into action by the service brake control of the motor vehicle drawing the trailer,
- (d) the service brake and the parking brake must act on braking surfaces permanently connected to the wheels through components of adequate strength,

- (e) subject to subsection (4), the braking devices must be such that the trailer is stopped automatically if the coupling device breaks while the trailer is in motion.

(3) In the case of a trailer the maximum gross weight of which does not exceed 3,500 kilograms, subsection (2)(c) shall not apply if the brakes of the trailer automatically come into operation on the overrun of the trailer.

(4) Subsection (2)(e) shall not apply to a trailer –

- (a) with only one axle or with two axles less than one metre apart,
- (b) the maximum gross weight of which does not exceed 1,500 kilograms, and
- (c) which is not a semi-trailer,

if it is fitted, in addition to the coupling device, with a secondary attachment.

**Braking of combinations of vehicles.**

5C. (1) Without prejudice to sections 5A and 5B relating to motor vehicles and trailers as separate vehicles, the following provisions apply to combinations of such vehicles –

- (a) the braking devices on each of the component vehicles must be compatible,



- (b) the service braking action must be properly distributed and synchronised between the various axles of the combination.

(2) When a trailer is being drawn, in the event of a failure of any part (other than a fixed member or a brake shoe anchor pin) of the braking system with which the drawing vehicle is equipped or of any part (other than as aforesaid) of the braking system with which the trailer is equipped, the brakes shall still be capable of being applied to at least two wheels of the trailer or, in the case of a two-wheeled trailer, to one wheel.

(3) When the trailer is stationary –

- (a) the brakes of that system can also be applied to at least two wheels of the trailer and released by a person standing on the ground by a means of operation fitted to the trailer,
- (b) the braking force of that system can, when applied in the manner indicated in paragraph (a) or section 5B(2)(c), at all times be maintained in operation by direct mechanical action without the intervention of any hydraulic, electric or pneumatic device, and
- (c) such braking force, when so applied and so maintained in operation by direct mechanical action, is capable of holding the trailer

stationary on a gradient of at least 1 in 6.25 without the assistance of stored energy:

Provided that –

- (i) the provisions of subsection (2) shall not apply in the case of a trailer if the brakes of the trailer automatically come into operation on the overrun of the trailer,
- (ii) the provisions of this subsection shall not apply–
  - (aa) to an agricultural trailer the laden weight of which does not exceed 4006 kilograms when such trailer is being drawn by an agricultural tractor,
  - (bb) to a motor vehicle which has broken down when such vehicle is being drawn by a motor vehicle in consequence of the breakdown.

**Braking of motorcycles.**

5D. (1) Every motorcycle shall be equipped with two brakes, one of which acts at least on the rear wheel or wheels and the other at least on the front wheel or wheels.

(2) In the case of a motorcycle registered before the

coming into force of this Ordinance, the braking system thereof must have brakes acting on both the wheels of the motorcycle which (as applied as a combination) have a total braking efficiency of not less than forty per centum, or which (as applied as a single means of operation) have a total braking efficiency of not less than fifteen per centum.

(3) In the case of a motorcycle registered after the coming into force of this Ordinance, the braking system must have brakes acting on both the wheels of the motorcycle which (as applied as a combination) have a total braking efficiency of not less than fifty per centum, or which (as applied as a single means of operation) have a total braking efficiency of not less than twenty-five per centum.

(4) The brakes of a motorcycle must be capable of slowing down the motorcycle and of stopping it safely, rapidly and effectively, whatever its conditions of loading and whatever the upward or downward gradient of the road on which it is moving."

4. In section 6(1) of the 1971 Ordinance –

(a) immediately after the definition of "**braking efficiency**", insert –

""**combination of vehicles**" means coupled vehicles which travel on the public highway as a unit,"

(b) immediately after the definition of "**gross weight**", insert –

""**maximum gross weight**", in relation to a motor vehicle or trailer, means the weight of such vehicle or trailer laden with the heaviest load which it is constructed or adapted to carry,

"**motorcycle**" means any two-wheeled motor vehicle, with or without a side-car,

"**motor vehicle**" means a mechanically propelled vehicle intended or adapted for use on a public highway,

"**parking brake**" means the device used to hold the vehicle stationary in the driver's absence or, in the case of trailers, when the trailer is uncoupled,"

(c) immediately after the definition of "**registered**", insert –

""**secondary (emergency) brake**" means the device designed to slow down and stop the vehicle in the event of failure of the service brake,

"**semi-trailer**" means any trailer designed to be coupled to a motor vehicle in such a way that part of it rests on the motor vehicle and that a substantial part of its mass and of the mass of its load is borne by the motor vehicle,

"**service brake**" means the device normally used to slow down and stop the vehicle,"

(d) in the definition of "**trailer**", insert at the end "and

includes a semi-trailer,".

5. Immediately after section 6(1), insert –

"(1A) References in this Ordinance to the coming into force of this Ordinance mean 24th November 1971."

**Amendment of 2002 Ordinance.**

6. The Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 2002<sup>e</sup> ("**the 2002 Ordinance**") is amended as follows.

7. In section 8 of the 2002 Ordinance –

(a) the text is numbered as subsection (1),

(b) for paragraph (b), substitute –

"(b) the load carried by the vehicle is so secured or is in such a position that –

(i) any danger or damage is or is likely to be caused to any person in or on the vehicle or on a public highway or to property by reason of the load or any part or accessory thereof falling from the vehicle or by reason of any other movement of

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

the load or any part or accessory thereof  
in relation to the vehicle,

- (ii) the view of the driver of the vehicle is or  
is likely to be obstructed,
- (iii) the stability or driving of the vehicle is or  
is likely to be impaired,
- (iv) there is a likelihood of causing noise,  
raising dust or creating any other  
avoidable nuisance,
- (v) there is a likelihood of masking any  
lamps (including, without limitation, any  
stop lamps or direction-indicators), any  
reflectors, registration numbers and  
distinguishing signs, or any hand signals  
which the driver might be required to  
make,
- (vi) any accessories (including, without  
limitation, any cables, chains and sheets)  
used to protect the load are not drawn  
tightly around the load and firmly  
fastened, or that the requirements of  
subparagraphs (i) to (v) are not satisfied  
in relation to such accessories,

(bb) a load which projects beyond the front, rear or sides of the vehicle is not marked, during daylight hours, in accordance with the following requirements –

(i) such load must be clearly marked in all cases where the projection of such load might not be noticed by the drivers of other vehicles,

(ii) without prejudice to subparagraph (i), a load projecting more than one metre beyond the front or rear of the vehicle must always be marked,"

(c) immediately after subsection (1), insert –

"(2) In this section –

(a) "**direction-indicator**" means a lamp intended to be used to indicate to road-users affected by a vehicle's movements that the driver intends to change direction,

(b) "**stop lamp**" means a lamp designed to indicate to other road-users that a brake of a vehicle is being applied."

8. In section 9(b) of the 2002 Ordinance, for "section 5(2)" substitute

"section 5B".

9. Immediately after section 9 of the 2002 Ordinance, insert the following –

**"Miscellaneous requirements.**

9A. A person shall not, except under the authority of and in accordance with the permission in writing of the Committee, use or cause or permit any other person to use on a public highway a motor vehicle if, at any time, it does not comply with the provisions of sections 9B to 9I of this Ordinance.

**Construction and equipment of vehicles to reduce danger.**

9B. (1) Every motor vehicle and trailer must be so constructed and equipped as to reduce the danger to persons travelling in the vehicle or trailer and to other road-users in the event of a collision.

(2) Without prejudice to the generality of subsection (1), no motor vehicle or trailer shall have any internal or external ornament or other object which has unnecessary projections or ridges.

**Steering.**

9C. (1) Every motor vehicle must be equipped with a strong steering mechanism which will allow the driver to change the direction of the vehicle easily, quickly and effectively.

(2) Such steering mechanism must be maintained in a good and efficient working order and be properly adjusted.



**View from vehicle.**

9D. (1) Every motor vehicle must be so designed and constructed that the driver can at all times have a full view of the public highway and traffic ahead, and to the right and left, of the motor vehicle.

(2) All glass or other transparent material fitted to a motor vehicle must be maintained in such condition that it does not obscure the vision of the driver while the vehicle is being driven on a public highway and must be such that in case of breakage, the risk of physical injury will be minimised.

(3) The transparent parts of the windscreen must be made of a substance such that –

- (a) its transparency does not deteriorate,
- (b) it does not cause any appreciable distortion of objects seen through the windscreen, and
- (c) in case of breakage, the driver will retain a clear view of the public highway.

(4) Every motor vehicle having a windscreen of such dimensions and shape that the driver cannot normally see the road ahead from the driving position except through the transparent part of the windscreen must be equipped with at least one windscreen wiper in good and efficient working order and in an appropriate position, the functioning of which does not require constant action by the driver.

(5) Every motor vehicle required to be equipped with at least one windscreen wiper must also be equipped with a windscreen washer in good and efficient working order.

**Mirrors.**

9E. (1) Every motor vehicle other than a motorcycle must be equipped with at least two rear-view mirrors, the number, dimensions and arrangement of which must, as far as practicable, enable the driver to see traffic to the rear, and at both sides, of the vehicle.

(2) The Committee may by regulations exempt from the requirements of subsection (1) such motor vehicles of a prescribed description as it thinks fit.

**Rear under-run and sideguards.**

9F. The Committee may, by regulations, provide that motor vehicles of a prescribed description must be equipped with such –

- (a) rear under-run protective device,
- (b) sideguard to give protection on the side of the vehicle,

as the Committee may prescribe.

**Control of emissions.**

9G. (1) Every motor vehicle must be so constructed and maintained so as not to give rise to –

(a) any danger of fire or explosion,

(b) excessive emission of noxious gases, opaque fumes, smells or noise.

(2) Without prejudice to subsection (1), every motor vehicle propelled by an internal combustion engine must be equipped with an exhaust silencer maintained in good and efficient working order.

(3) Every motor vehicle must be so constructed, so far as possible, so as not to give rise to excessive radio interference.

**Anti-theft device.**

9H. (1) Subject to subsection (2), every motor vehicle must be fitted with an anti-theft device by means of which one of the essential components of the vehicle can be put out of action or blocked when the vehicle is parked.

(2) The Committee may by regulations exempt from the requirements of subsection (1) such motor vehicles of a prescribed description as it thinks fit.

**Speedometer.**

9I. (1) Subject to subsection (2), every motor vehicle capable of exceeding 25 miles per hour on a level road must be fitted with a speedometer.

(2) The Committee may by regulations exempt from the requirements of subsection (1) such motor vehicles of a prescribed

description as it thinks fit."

10. Immediately after section 10 of the 2002 Ordinance, insert –

**Exemptions.**

10A. (1) The Committee may by regulations exempt from any statutory requirement as to the construction and use of prescribed motor vehicles or trailers (whether under this or any other enactment) in the circumstances described in paragraph 60 of Annex 5 to the Vienna Convention.

(2) In subsection (1), "**Vienna Convention**" means the Convention on Road Traffic done at Vienna on 8th November, 1968."

**Repeals.**

11. The following enactments are repealed –

- (a) Regulation "P"2 of the Ordonnance ayant rapport au Trafic Véhiculaire en cette Île (le 9 février 1935)<sup>f</sup>,
- (b) the Ordonnance ayant rapport au Trafic Véhiculaire en cette Île (le 2 avril 1938)<sup>g</sup>,
- (c) in the table in the Schedule to the Offences (Fixed Penalties) (Guernsey) Law, 2009 –

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<sup>f</sup> Recueil d'Ordonnances Tome VIII, p. 164; amended by Tome XXIV, p. 275.

<sup>g</sup> Recueil d'Ordonnances Tome VIII, p. 177; amended by Tome XVII, p. 324.

- (i) in the entry relating to the Ordonnance ayant rapport au Trafic Véhiculaire en cette Île (le 9 février 1935), the letter and number "P2," in the first column,
- (ii) in the second column of the said entry, the words "Vehicle carrying pointed mascot etc. likely to cause injury in the event of a collision ("P2)".

**Citation.**

12. This Ordinance may be cited as the Road Traffic (Construction and Use of Motor Vehicles) (Amendment) Ordinance, 2019.

**Commencement.**

13. This Ordinance shall come into force on the date appointed by Regulations of the Committee for the Environment & Infrastructure, and different dates may be appointed for different provisions and for different purposes.