

# The Road Traffic (Trailer Registration) 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 upon the States by sections 2 and 28A of the Motor Taxation and Licensing (Guernsey) Law, 1987<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:-

## **Registration of trailers.**

1. (1) The Committee may by regulations make provision for a scheme for the compulsory or voluntary registration of trailers of a prescribed description, which scheme must be compatible with the requirements of the Vienna Convention.

(2) The regulations may (without limitation) –

(a) prescribe the description of trailers to which the requirement to register applies, by reference to any factor including the physical characteristics of the trailer, the circumstances of its use or intended use, the

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

<sup>b</sup> Ordres en Conseil Vol. XXX, p. 341; amended by Ordres en Conseil Vol. XXXI, p. 278; Vol. XXXIII, p. 127; Vol. XXXVI, p. 256; Order in Council No. IX of 2000; No. XIX of 2007; Recueil d'Ordonnances Tome XXVI, p. 90; Ordinance No. XXXIII of 2003; No. IX of 2016; and No. XIII of 2016.

<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.

description of motor vehicle by which it is drawn, or the description, residence or place of business of its keeper or user,

- (b) prescribe the description of trailers which are exempted from the requirement to register,
- (c) facilitate the registration of trailers of a prescribed description, to which the requirement to register does not apply, or which are exempted from the requirement to register, at the instance of the keeper of such trailer,
- (d) make provision for the removal of a registration at the instance of the keeper of a trailer which –
  - (i) has been registered in accordance with regulations under paragraph (c), or
  - (ii) was required to be registered in accordance with regulations under paragraph (a) but is no longer required to be so registered,
- (e) apply to the registration of trailers, with such modifications as the Committee consider necessary or expedient, the provisions of the Ordonnance supplémentaire à l'Ordonnance ayant rapport au Trafic

Véhiculaire en cette Île, 1932<sup>d</sup>, or any other enactment concerning the registration of motor vehicles,

- (f) make such other provision for the implementation, maintenance and enforcement of such a scheme as the Committee considers necessary or expedient.

**Amendment of 1987 Law.**

2. The Motor Taxation and Licensing (Guernsey) Law, 1987 ("**the Law**") is hereby amended as follows.

3. In the Arrangement of Sections –

- (a) in the entry relating to section 2, after "motor vehicles" insert "and trailers",
- (b) in the entry relating to section 2C, insert at the end "and trailers",
- (c) immediately after the entry relating to section 3, insert "4. Prohibition against the use of trailers not registered on certain journeys.",
- (d) in the entry relating to section 18, after "motor vehicles"

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<sup>d</sup> Recueil d'Ordonnances Tome VI, p. 89; amended by Ordres en Conseil Vol. XXII, p. 558; Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XV, pp. 219 and 370; Tome XVI, pp. 14 and 503; Tome XIX, p. 285; Tome XX, p. 445; Tome XXI, p. 190; Tome XXVI, p. 90; Tome XXVII, p. 401; Ordinance No. XXXIII of 2003; Nos. I, XI and XII of 2007; No. IX of 2016; G.S.I. No. 10 of 2013.

insert "and trailers".

4. In section 2 of the Law –

- (a) in the heading, after "motor vehicles" insert "and trailers",
- (b) in the introductory paragraph, after "motor vehicles" in the first place where it appears, insert "and trailers",
- (c) in subsection (1), after "motor vehicles" in each place where it appears insert "and trailers",
- (d) immediately after subsection (1) insert the following –  
  
"(1A) without prejudice to subsection (1), provision for the compulsory or voluntary registration of trailers,"
- (e) in subsection (3), after " vehicle" in each place where it appears insert "or trailer",
- (f) in subsections (4) and (5), after "motor vehicles" insert "or registered trailers".

5. In section 2A of the Law –

- (a) in paragraphs (e), (f) and (m), after "motor vehicles" insert "or trailers",

- (b) in paragraph (j), after "motor vehicle" insert "or trailer",
- (c) for paragraph (k) substitute –  
"(k) the definition of the expressions "motor vehicle" or "trailer", or of any class or use of motor vehicle or trailer, for the purposes of this Law,".

6. In section 2C of the Law –

- (a) for the heading substitute "**Inspection of motor vehicles and trailers.**",
- (b) in subsections (1) and (2), after "vehicle" in each place where it appears insert "or trailer",
- (c) in subsection (1), immediately after "such time and place as the Committee may require" insert ", for the purpose of ensuring that it –
  - (a) complies with any applicable requirements relating to the construction and use of motor vehicles and trailers, and
  - (b) without prejudice to paragraph (a), that in the opinion of the Committee its condition is not such that its use on a public highway would involve a danger of injury to any person",

- (d) in subsection (2), immediately after "subsection (1)" insert "or the Committee is not satisfied as to any of the matters set out in subsection (1)(a) and (b)".

7. In section 2D of the Law, in paragraphs (a) and (b), after "motor vehicle" insert "or trailer".

8. Immediately after section 3 of the Law, insert the following –

**"Prohibition against the use of trailers not registered on certain journeys.**

4. (1) A person shall not use, or cause or permit to be used, a trailer of a prescribed description on a public highway on a journey which will involve entering a country, outside the British Islands, that is a party to the Vienna Convention unless such trailer is registered under this Law or unless such trailer is exempted from the requirement to register by virtue of any Ordinance or regulations made under this Law.

(2) It shall be a defence in any proceedings under subsection (1) for the defendant to prove that he or she reasonably believed –

(a) that at the time of the alleged offence, the trailer –

(i) was registered, or

(ii) was of a description such that the trailer did not require to be registered, or

(b) that the journey on which the trailer was used –

- (i) would not involve leaving the British Islands, or
- (ii) would not involve entering any country which was a party to the Vienna Convention."

9. In section 14 of the Law, after "motor vehicles" insert "or trailers".

10. In section 14A of the Law, after "vehicle" in both places where it appears insert "or trailer".

11. In section 18 of the Law –

- (a) in the heading, after "motor vehicles" insert "and trailers",
- (b) after "vehicle", in each place where it appears, insert "or trailer".

12. In sections 19 and 21 of the Law, after "motor vehicle" in each place where it appears insert "or trailer".

13. In section 26 of the Law –

- (a) in the definitions of "**class**", "**owner**", "**registered**", "**registered address**", "**registration document**", "**registered keeper**", and "**registration mark**", after

"vehicle", in each place where it appears, insert "or trailer",

(b) in the definition of "**motor vehicle**", after "for use on a public highway and" insert ", for the purposes of the provisions of this Law relating to driving licences,"

(c) immediately after the definition of "**traffic offence**" insert the following –

""**trailer**" means anything on wheels which is intended or adapted to be drawn by a motor vehicle,"

(d) immediately after the definition of "**use**" insert the following –

""**Vienna Convention**" means the Convention on Road Traffic, done at Vienna on 8th November, 1968.".

### Interpretation.

14. (1) In this Ordinance -

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

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

"**trailer**" means anything on wheels which is intended or adapted to

be drawn by a motor vehicle,

"**Vienna Convention**" means the Convention on Road Traffic, done at Vienna on 8th November 1968.

**Extent.**

15. This Ordinance has effect in the island of Guernsey.

**Citation.**

16. This Ordinance may be cited as the Road Traffic (Trailer Registration) Ordinance, 2019.

**Commencement.**

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