

# **BILLET D'ÉTAT No. XIII, 2007**

**25<sup>th</sup> April, 2007**

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	<i>Page</i>
Projet de Loi entitled “The Road Traffic (Parking Fees and Charges) (Enabling Provisions) (Guernsey) Law, 2007”	1
The Control of Intoxicating Liquor (Designated Public Places) Ordinance, 2007	9
The Social Security (Reciprocal Agreement with Ireland) Ordinance, 2007	15
 <i>Ordinance laid before the States</i>	
The Motorcycle Licence Plates (Guernsey and Alderney) Ordinance, 2007	17

# PROJET DE LOI

ENTITLED

## **The Road Traffic (Parking Fees and Charges) (Enabling Provisions) (Guernsey) Law, 2007**

**THE STATES**, in pursuance of their Resolutions of the 28<sup>th</sup> day of March, 2003<sup>a</sup> and the 31<sup>st</sup> day of March, 2006<sup>b</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.

### **General power to make Ordinances regulating parking in and upon any designated public place.**

1. The States may by Ordinance make such provision as they think fit regulating the parking of any vehicle in, or other object or thing upon, any designated public place.

### **Specific matters for which Ordinances may make provision.**

2. An Ordinance under section 1 may, without limitation, make provision in relation to the following matters -

- (a) the prohibition of the parking of any vehicle in, or other object or thing upon, any designated public place,

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<sup>a</sup> Resolutions 5, 6 and 7 on Article XXI of Billet d'État No. IV of 2003.

<sup>b</sup> Resolution 20 (as amended) on Article VIII of Billet d'État No. VII of 2006.

(b) exemption from any prohibition upon the parking of any vehicle in, or other object or thing upon, any designated public place, during such periods, and subject to such conditions, as may be specified, including, without limitation, conditions relating to -

(i) the payment of specified fees or charges, and

(ii) the display -

(A) in such manner and during such periods,

(B) within, or upon, such part of the vehicle, or other object or thing,

(C) of such evidence of the payment of such fees or charges including, without limitation, such document, disc, symbol or other thing,

as may be specified,

(c) the levying of fees or charges,

(d) liability for payment of fees or charges levied under this Law,

(e) exemption from liability for payment of fees or charges levied under this Law including, without

limitation, exemption for any specified category of -

- (i) vehicle,
- (ii) vehicle owner, or
- (ii) person in charge of a vehicle,

from liability for payment, upon such conditions as may be specified,

- (f) the suspension of any prohibition upon the parking of any vehicle in, or other object or thing upon, any designated public place -

- (i) during such period, and
- (ii) upon such conditions,

as may be specified,

- (g) action and measures that may be taken by any specified person, or court, to ensure compliance including, without limitation -

- (i) the immobilisation,
- (ii) the removal and detention, and
- (iii) the making of orders relating to -

(A) the forfeiture, and

(B) the destruction, or other disposal,

of any vehicle, or other object or thing, pending, in the case of immobilisation or removal or detention, payment of any fee, charge or penalty levied or payable in respect of the vehicle, or object or thing, under this Law,

(h) the penalties which may be imposed for breach of any Ordinance, and

(i) the courts and persons which, or who, may impose penalties for breach of any Ordinance, including, without limitation -

(i) police officers,

(ii) specified departments of the States, and

(iii) persons authorised by any specified department of the States.

**General provisions as to subordinate legislation.**

3. (1) An Ordinance under this Law -

(a) may be amended or repealed by a subsequent Ordinance hereunder, and

- (b) may contain such transitional, consequential, incidental, supplementary and savings provisions as the States think fit.

(2) Any power to make an Ordinance 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,

- (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) Without prejudice to the generality of the foregoing provisions of this Law, an Ordinance under this Law -

- (a) may make provision in relation to the creation, trial (summarily or on indictment) and punishment of offences and may (for the avoidance of doubt) specify penalties which may be imposed by the courts,
- (b) may empower the Department, any other department, and any other body, to make or issue orders, rules, regulations, codes or guidance, whether as to matters in respect of which an Ordinance can be made under this Law or otherwise,
- (c) may provide that no liability shall be incurred by any specified person or body in respect of anything done or omitted to be done in the discharge or purported discharge of any of their functions under the Ordinance unless the thing is done or omitted to be done in bad faith,
- (d) may make provision under the powers conferred by this Law notwithstanding the provisions of any enactment for the time being in force,
- (e) may repeal, replace, amend, extend, adapt, modify or disapply -
  - (i) any enactment (including, without limitation, this Law), but only to the extent that it has force of law in Guernsey, and

- (ii) any rule of custom or law, and
- (f) without prejudice to the generality of the foregoing, may make any such provision of any such extent as might be made by Projet de Loi, but may not provide that a person is to be guilty of an offence as a result of any retrospective effect of the Ordinance.

**Interpretation.**

4. In this Law, unless the context excludes –

**"a department"** means any department, council or committee of the States, however styled,

**"the Department"** means the States Environment Department,

**"designated public place"** means a public place designated under any Ordinance or instrument under this Law,

**"enactment"** means any Law, Ordinance, Act of Parliament, Order in Council, regulation, order, rule of court or other legislative instrument having effect in Guernsey, and includes any provision of this Law and any provision or portion of a Law, Ordinance, Act of Parliament, Order in Council, regulation, order, rule of court or other legislative instrument,

**"instrument under this Law"** includes any order, rule, regulation, code or guidance made or issued under an Ordinance under this Law,

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



**"parking"** includes placing, storing, leaving and abandoning,

**"public highway"** includes any road, street, lane or place to which the public has access whether on foot or with animals or vehicles and whether on payment or otherwise,

**"public place"** includes a public highway and any premises, place or area to which the public have access, whether on payment or otherwise,

**"specified"** means specified by any Ordinance or instrument under this Law,

**"States"** means the States of Guernsey, and

**"vehicle"** includes a motor vehicle, a trailer (whether or not attached to a motor vehicle) and a bicycle.

**Citation.**

**5.** This Law may be cited as the Road Traffic (Parking Fees and Charges) (Enabling Provisions) (Guernsey) Law, 2007.

**Commencement.**

**6.** This Law shall come into force on the day appointed by Ordinance of the States; and different days may be appointed for different provisions.

**The Control of Intoxicating Liquor  
(Designated Public Places) Ordinance, 2007**

ARRANGEMENT OF SECTIONS

1. Alcohol consumption in designated public places.
2. Designated public places.
3. Places that are not designated public places.
4. Interpretation.
5. Extent.
6. Citation.
7. Commencement.

## **The Control of Intoxicating Liquor (Designated Public Places) Ordinance, 2007**

**THE STATES**, in pursuance of their Resolution of the 27<sup>th</sup> October, 2005<sup>a</sup>, and in exercise of the powers conferred on them by sections 1 and 3 of the Control of Intoxicating Liquor (Enabling Provisions) (Guernsey) Law, 2006 and all other powers enabling them in that behalf, hereby order:-

### **Alcohol consumption or possession in designated public places.**

1. (1) Any person who consumes intoxicating liquor or has intoxicating liquor in his possession (other than in a sealed container) in a designated public place commits an offence and is liable on summary conviction to a fine not exceeding level 1 on the uniform scale.

(2) Subsection (3) applies if a police officer reasonably believes that a person is, or has been, consuming intoxicating liquor in a designated public place or intends to consume intoxicating liquor in such a place.

(3) The police officer may require the person concerned to surrender anything in his possession which is, or which the police officer reasonably believes to be, intoxicating liquor or a container for such liquor (other than a sealed container).

(4) A police officer may dispose of anything surrendered to him under subsection (3) in such manner as he considers appropriate.

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<sup>a</sup> Article I of Billet d'État No. XVI of 2005.

(5) A person who fails without reasonable excuse to comply with a requirement imposed on him under subsection (3) commits an offence and is liable on summary conviction to a fine not exceeding level 1 on the uniform scale.

(6) A police officer who imposes a requirement on a person under subsection (3) shall inform the person concerned that failing without reasonable excuse to comply with the requirement is an offence.

(7) A police officer may arrest without warrant any person whom he reasonably believes to have committed an offence under this section.

**Designated public places.**

2. (1) A place is, subject to section 3, a designated public place if it is identified in an order made by the Home Department ("**the Department**") under subsection (2).

However, a place is only a designated public place during the hours and days specified under subsection (3).

(2) The Department may by order identify any public place if it is satisfied that -

(a) nuisance or annoyance to members of the public or a section of the public, or

(b) disorder,

has been or is likely to be associated with the consumption of intoxicating liquor in that place.

(3) An order under subsection (2) shall specify -

- (a) the hours of the day, and
- (b) the days of the year,

for which the order is to have effect in respect of any place.

**Places which are not designated public places.**

3. A place is not a designated public place or part of such a place if it is-

- (a) licensed premises within the meaning of the Liquor Licensing Ordinance, 2006<sup>b</sup>, other than premises to which a general off-licence relates,
- (b) a place within the curtilage of such licensed premises,
- (c) a place which may be used for the supply of intoxicating liquor or which could have been so used within the last twenty minutes by virtue of an occasional liquor permit within the meaning of the Liquor Licensing Ordinance, 2006, or
- (d) a place where facilities or activities relating to the sale or consumption of intoxicating liquor are for the time being permitted by virtue of an *al fresco* licence

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<sup>b</sup> Ordinance No. V of 2006.

granted under the Public Highways (Temporary Closure) Ordinance, 1999.

**Interpretation.**

4. (1) In this Ordinance -

"**Department**" means the Home Department,

"**designated public place**" has the meaning given by section 2,

"**intoxicating liquor**" has the meaning given by the Liquor Licensing Ordinance, 2006,

"**police officer**" means a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey,

"**public place**" means any place to which the public has access, whether on payment or otherwise,

"**uniform scale**" means the uniform scale of fines for the time being in force under the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989.

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

**Extent.**

5. This Ordinance has effect in the islands of Guernsey, Herm and

Jethou.

**Citation.**

6. This Ordinance may be cited as the Control of Intoxicating Liquor (Designated Public Places) Ordinance, 2007.

**Commencement.**

7. This Ordinance shall come into force on the day of registration of the Control of Intoxicating Liquor (Enabling Provisions) (Guernsey) Law, 2006.

## **The Social Security (Reciprocal Agreement with Ireland) Ordinance, 2007**

**THE STATES**, in exercise of the powers conferred on them by section 113 of the Social Insurance (Guernsey) Law, 1978, as amended<sup>a</sup>, and all other powers enabling them in that behalf, hereby order:-

### **Convention to have effect.**

1. (1) The Convention on Social Security between the United Kingdom of Great Britain and Northern Ireland and the government of Ireland, signed at Dublin on the 14<sup>th</sup> December, 2004<sup>b</sup> ("**the Convention**"), shall have full force and effect.

(2) The Social Insurance (Guernsey) Law, 1978, as amended, shall have effect subject to such modifications as may be required for the purpose of giving effect to the Convention.

### **Interpretation.**

2. (1) The Interpretation (Guernsey) Law, 1948<sup>c</sup> applies to the interpretation of this Ordinance throughout the islands of Guernsey, Alderney,

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<sup>a</sup> Ordres en Conseil Vol. XXVI, p. 292; Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; Vol. XXXII, p. 59; No. XII of 1993; Ordinance No. XIV of 1993 (Tome XXVI, p. 177); No. V of 1994; No's. VI and XIII of 1995; No. I of 1998; No. VI of 1999; No. X of 2000; No. IX of 2001; No. XXIII of 2002 (the Long-term Care Insurance (Guernsey) Law, 2002); No. XXIV of 2003; No. XI of 2004; and Ordinance No. XX of 2003.

<sup>b</sup> The Convention was presented to Parliament by Command of Her Majesty in July 2005 (Command Paper 6633).

<sup>c</sup> Ordres en Conseil Vol. XIII, p. 355.



Herm and Jethou.

(2) References in this Ordinance to an enactment are references thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

**Extent.**

3. This Ordinance extends to the islands of Guernsey, Alderney, Herm and Jethou.

**Citation.**

4. This Ordinance may be cited as the Social Security (Reciprocal Agreement with Ireland) Ordinance, 2007.

**Commencement.**

5. This Ordinance shall come into force on -

(a) the 25<sup>th</sup> April, 2007, or

(b) if later, the day that the Convention comes into force.

## **The Motorcycle Licence Plates (Guernsey and Alderney) Ordinance, 2007**

**THE STATES LEGISLATION SELECT COMMITTEE**, in exercise of the powers conferred on the States by article 18 of the Loi relative aux Automobiles, as amended<sup>a</sup> and all other powers enabling them in that behalf, and in exercise of the powers conferred on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948, as amended<sup>b</sup>, and in pursuance of the Resolution of the States of 31<sup>st</sup> March, 2006<sup>c</sup>, hereby orders:

### **Amendment of Traffic Véhiculaire Ordonnance of 1932.**

1. (1) The Ordonnance supplémentaire à l'Ordonnance ayant rapport au Trafic Véhiculaire en cette Ile, 1932<sup>d</sup> is amended as follows.

(2) In schedule 3 add the following proviso to Article (1) -

"Provided that in the case of a motorcycle within the meaning of the proviso to article 19(1) an identification mark consisting of more than four characters need not be arranged in a single line but may be arranged on two horizontal lines; and the other provisions of this Schedule shall have effect accordingly.".

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<sup>a</sup> Ordres en Conseil Vol. VIII, p. 56 (there are amendments not material to this Ordinance).

<sup>b</sup> Ordres en Conseil Vol. XIII, p. 288 (there are amendments not material to this Ordinance).

<sup>c</sup> Article VIII of Billet d'État No. VII of 2006.

<sup>d</sup> Recueil d'Ordonnances, Tome VI, p. 89, as amended by Recueil d'Ordonnances, Tome IX, p. 305.

**Extent**

2. This Ordinance has effect in the Islands of Guernsey and Alderney

**Citation and commencement.**

3. (1) This Ordinance may be cited as the Motorcycle Licence Plates (Guernsey and Alderney) Ordinance, 2007.

- (2) This Ordinance shall come into force on the 5<sup>th</sup> March, 2007.