



Jersey

# **ROAD TRAFFIC (REMOVAL OF VEHICLES) (JERSEY) ORDER 1963**

## **Official Consolidated Version**

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## ROAD TRAFFIC (REMOVAL OF VEHICLES) (JERSEY) ORDER 1963

### Contents

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#### Article

|               |   |          |
|---------------|---|----------|
| <b>PART 1</b> |   | <b>5</b> |
|               | REMOVAL OF VEHICLES FROM ROADS          | 5        |
| 1             | 5                                       |          |
| 2             | 6                                       |          |
| 3             | 6                                       |          |
| 4             | 6                                       |          |
| 5             | 6                                       |          |
| 6             | 6                                       |          |
| <b>PART 2</b> |   | <b>7</b> |
|               | DISPOSAL OF VEHICLES ABANDONED ON ROADS | 7        |
| 7             | 7                                       |          |
| 8             | 7                                       |          |
| 9             | 7                                       |          |
| 10            | 7                                       |          |
| 11            | 8                                       |          |
| 12            | 8                                       |          |
| 13            | 8                                       |          |
| 14            | 8                                       |          |
| 15            | 8                                       |          |
| 16            | 8                                       |          |
| <b>PART 3</b> |   | <b>9</b> |
|               | GENERAL                                 | 9        |
| 17            | 9                                       |          |
| 18            | 9                                       |          |
| 19            | 9                                       |          |

---

|                 |           |
|-----------------|-----------|
| <b>SCHEDULE</b> | <b>10</b> |
| <b>ENDNOTES</b> | <b>11</b> |

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|                                      |    |
|--------------------------------------|----|
| Table of Legislation History .....   | 11 |
| Table of Renumbered Provisions ..... | 11 |
| Table of Endnote References .....    | 11 |



Jersey

## ROAD TRAFFIC (REMOVAL OF VEHICLES) (JERSEY) ORDER 1963

THE HOME AFFAIRS COMMITTEE, in pursuance of Articles 56 and 84 of the [Road Traffic \(Jersey\) Law 1956](#), orders as follows –

Commencement [[see endnotes](#)]

### PART 1

#### REMOVAL OF VEHICLES FROM ROADS

#### 1

- (1) This Article applies to a vehicle which –
  - (a) has broken down, or been permitted to remain at rest, on a road in such a position or in such condition or in such circumstances as to be likely to cause danger or obstruction to other persons using the road;
  - (b) has been permitted to remain at rest on a road in contravention of any relevant statutory prohibition or restriction; or
  - (c) is on any land under the administration of any public or parochial authority and is not authorized to be on such land.
- (2) An authorized officer may require the owner, driver or other person in control or in charge of any vehicle to which this Article applies to move it or cause it to be moved, and any such requirement may include a requirement that the vehicle shall not be moved to any such road or to any such position on a road as may be specified.
- (3) Any person who fails to comply as soon as practicable with any requirement given under this Article shall be guilty of an offence and liable to a fine not exceeding £20.
- (4) For the purpose of paragraph (1)(b), a vehicle which has broken down and has remained at rest for any period in any position on a road shall be

treated as if it had been permitted to remain at rest in that position throughout that period.

**2**

Where a vehicle –

- (a) is a vehicle to which Article 1 applies;
- (b) having broken down on a road, appears to have been abandoned; or
- (c) has been permitted to remain at rest on a road in such a position or in such condition or in such circumstances as to appear to have been abandoned,

an authorized officer may remove the vehicle or arrange for it to be removed from that road or may move it or arrange for it to be moved to another position on that or another road.

**3**

Any person removing or moving a vehicle under this Order may do so by towing or driving the vehicle or in such other manner as he or she may think necessary and may take such measures in relation to the vehicle as he or she may think necessary to enable him or her to remove or move it as aforesaid.

**4**

Where an authorized officer removes or makes arrangements for the removal of a vehicle from a road under this Order, he or she shall make such arrangements as may be reasonably necessary for the custody of the vehicle.

**5**

Any expenses reasonably incurred in the execution of any powers conferred by this Order shall be recoverable as a civil debt from the owner of the vehicle.

**6<sup>1</sup>**

Without prejudice to Article 5, where, pursuant to Article 4, a vehicle is taken into custody, custody of it shall be retained until the owner has paid any expenses referred to in Article 5.

**PART 2****DISPOSAL OF VEHICLES ABANDONED ON ROADS****7**

Any public or parochial authority (in this Part referred to as the “authority”) may, as respects a vehicle which has been, or could at any time be, removed from a road by an authorized officer in pursuance of this Order, if it appears to have been abandoned, sell or otherwise dispose of the vehicle:

Provided that the power of disposal conferred by this Article shall not be exercisable in the case of a vehicle unless there have been taken by the authority such of the following steps as are applicable to the vehicle and there has elapsed a period of 6 weeks beginning with the taking of the first of those steps.

**8**

- (1) Subject to the provisions of Article 13, where a vehicle carries a registration mark issued under the [Motor Vehicle Registration \(Jersey\) Law 1993](#), the authority shall ascertain from the records of the Treasurer of the States the name and address of the person who it appears is the owner of that vehicle and shall send a notice to that person stating that it is the intention of the authority to sell or otherwise dispose of the vehicle (which shall be sufficiently described in the notice) on or after a specified date (which shall not be less than 2 weeks from the date of the notice and in any event not earlier than 6 weeks from the date of the first step taken by the authority under this Part) unless it is in the meantime removed by or on behalf of that person from such place as is specified in the said notice or from such other place as may be subsequently notified in writing to that person.<sup>2</sup>
- (2) Where the authority acts under this Article the first step for the purposes of this Article and of Article 7 shall be the sending of the notice mentioned in this Article.

**9**

If any person to whom a notice is sent in accordance with Article 8 informs the authority of the name and address of some other person who he or she alleges may be the owner of the vehicle, a notice stating the particulars contained in the said Article 8 shall be sent to that other person and to any further person who the authority may, in consequence of the sending of the notice to the said other person, be led to believe may be the owner of the vehicle.

**10**

Subject to the provisions of Article 13, where a vehicle does not carry a registration mark issued under the [Motor Vehicle Registration \(Jersey\) Law 1993](#), the first step to be taken by the authority shall be the insertion of a notice in the Jersey Gazette seeking information as to the name and address of the person who it is considered may be the owner of the vehicle.<sup>3</sup>

**11**

If, after the steps prescribed by Article 8, 9 and 10 have been taken, the vehicle is not claimed, the authority shall make such further enquiries (if any) as it considers reasonable as to who may be the owner of the vehicle and the address of that person.

**12**

Where, by virtue of Articles 10 and 11, the authority is informed of the name and address of a person, who it is considered may be the owner of the vehicle, Articles 8 and 9 as respects the sending of notices shall apply in relation to that person at that address as they apply in relation to the person mentioned in Article 8.

**13**

Nothing in the foregoing provisions of this Part shall require the authority to take any such step as is therein mentioned for the purpose of enquiring who is the owner of a vehicle to which Article 7 applies, if they have found a person who satisfies it that he or she is in fact the owner of that vehicle and it has sent him or her at his or her address a notice containing the particulars specified in Article 8, and the sending of the notice shall be treated as the first step for the purposes of that Article and of Article 7.

**14**

On the sale of a vehicle by the authority, the authority shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by it in connection with the disposal thereof.

**15**

In the event of any costs incurred by the authority in connection with the disposal of a vehicle not being satisfied by virtue of Article 14, the authority may recover the costs so far as not satisfied as a civil debt from the person who was the last owner of the vehicle before it was removed from a road either in pursuance of this Order or after it has been disposed of by virtue of the power of disposal conferred by Article 7, if that person was sent a notice stating the particulars mentioned in Article 8.

**16**

After deducting the sum recoverable by virtue of Article 14, the balance (if any) of the proceeds of the sale shall be payable within a period of one year from the date of the sale to any person to whom, but for such sale, the vehicle would have belonged and, in so far as any such balance is not claimed within the said period, it shall be credited to the States or applied for the benefit of the parochial authority as the case may be.<sup>4</sup>



**PART 3****GENERAL****17**

- (1) In this Order –

“authorized officer” means a police officer and, in relation to a vehicle which is on any land under the administration of any public or parochial authority, includes a duly authorized officer of that authority;

“Law” means the [Road Traffic \(Jersey\) Law 1956](#);

“owner”, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement;

“relevant statutory prohibition or restriction” means a prohibition or restriction contained in, or having effect under, any of the enactments mentioned in the Schedule to this Order;

“road” includes any land under the administration of any public or parochial authority.

- (2) References in this Order to the removal of a vehicle from a road shall be construed as references to the removal of that vehicle from that road to a place which is not on that or any other road.
- (3) References in this Order to removing, moving, making arrangements for the safe custody of or to selling or otherwise disposing of a vehicle respectively include references to removing, moving, making arrangements for the safe custody of or to selling or otherwise disposing of any load carried by the vehicle.

**18**

Where under this Order, a notice is required to be, or may be, sent to a person, the notice shall be sent by registered post or by the recorded delivery service.

**19**

This Order may be cited as the Road Traffic (Removal of Vehicles) (Jersey) Order 1963.

**SCHEDULE**

(Article 17)

**AERODROMES (ADMINISTRATION) (JERSEY) LAW 1952**

Article 4.

**ROAD TRAFFIC (JERSEY) LAW 1956**

Article 40

Article 59

Article 62

Article 68

Article 72

Article 73

Article 74

Article 92.

**ROYAL COURT ROAD (JERSEY) LAW 1958**

Article 2.

**HARBOURS (ADMINISTRATION) (JERSEY) LAW 1961**

Article 4.

## ENDNOTES

### Table of Legislation History

| Legislation  | Year and No                      | Commencement    |
|--|----------------------------------|-----------------|
| Road Traffic (Removal of Vehicles) (Jersey) Order 1963                   | R&O.4459                         | 5 June 1963     |
| Road Traffic (Removal of Vehicles) (Amendment) (Jersey) Order 1989       | R&O.7893                         | 16 March 1989   |
| Road Traffic (Removal of Vehicles) (Amendment No. 2) (Jersey) Order 1993 | R&O.8636                         | 1 January 1994  |
| Public Finances (Consequential Amendments) (Jersey) Regulations 2005     | <a href="#">R&amp;O.126/2005</a> | 9 December 2005 |

### Table of Renumbered Provisions

| Original | Current                                  |
|----------|--|
| Part I   | Part 1                                   |
| 5A       | 6  |
| Part II  | Part 2                                   |
| 6        | 7  |
| 7        | 8  |
| 8        | 9  |
| 9        | 10                                       |
| 10       | 11                                       |
| 11       | 12                                       |
| 12       | 13                                       |
| 13       | 14                                       |
| 14       | 15                                       |
| 15       | 16                                       |
| 16       | 17                                       |
| (4)      | spent, omitted from this revised edition |
| 17       | 18                                       |
| 18       | spent, omitted from this revised edition |

### Table of Endnote References

|                           |                                    |
|---------------------------|------------------------------------|
| <sup>1</sup> Article 6    | <i>inserted by R&amp;O.7893</i>    |
| <sup>2</sup> Article 8(1) | <i>amended by R&amp;O.8636</i>     |
| <sup>3</sup> Article 10   | <i>amended by R&amp;O.8636</i>     |
| <sup>4</sup> Article 16   | <i>amended by R&amp;O.126/2005</i> |