

Jersey Law 21/1957

MOTOR VEHICLE DUTY (JERSEY) LAW, 1957

*(Reprinted with amendments made to and including the 18th September,
1965)*

ARRANGEMENT OF ARTICLES.

Art.

1. Definitions
2. Charge, levy and amount of duty
3. Exemptions from duty
4. Issue and exhibition of licences
5. Replacement and transfer of licences
6. Trade licences
7. Surrender of licences
8. Alteration or change of use of vehicle
9. Recovery of under-payments and over-payments of duty
10. Penalty for using vehicles without licence
11. Registration
12. Registration marks
13. Penalties for not fixing or for obscuring marks and signs
14. Registration of non-dutiable vehicles
15. Penalty for forgery, etc
16. Burden of proof in certain proceedings
17. Application of fines
- 17A. Regulations
18. Orders
19. Computation of weight, horsepower and cylinder capacity of vehicles
20. Consequential amendments, repeal and transitional

Jersey Law 21/1957 *Motor Vehicle Duty (Jersey) Law, 1957*

provisions

21. Short title and commencement

SCHEDULE

Article substituted for Article 35 of the “Loi (1914) sur la
Voirie”, as amended

Article substituted for Article 36 of the “Loi (1914) sur la
Voirie”, as amended

Jersey Law 21/1957 Motor Vehicle Duty (Jersey) Law, 1957

MOTOR VEHICLE DUTY (JERSEY) LAW, 1957.

A LAW to revise the Law with regard to the taxation of Motor Vehicles, sanctioned by Order of Her Majesty in Council of the

23rd day of AUGUST, 1957.

(Registered on the 21st day of September, 1957).

STATES OF JERSEY.

The 4th day of April, 1957.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law : -

ARTICLE 1

DEFINITIONS

In this Law, unless the context otherwise requires –

“the Committee” means the Finance Committee ;

* * * * *

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

¹ Amendment of 18th September, 1965.

Jersey Law 21/1957 *Motor Vehicle Duty (Jersey) Law, 1957*

“prescribed” means prescribed by order made by the Committee under this Law ;

“public road” means a road which is repairable at the expense of the States or any parish ;

“road construction machinery” means a machine or contrivance suitable for use for the construction or repair of roads ;

“road construction vehicle” means a vehicle constructed or adapted for use for the conveyance of road construction machinery built in as part of the vehicle or otherwise permanently attached thereto, and not constructed or adapted for the conveyance of any other load except articles and material used for the purpose of the road construction machinery ;

“trade licence” has the meaning assigned thereto by Article 6 of this Law.

ARTICLE 2

CHARGE, LEVY AND AMOUNT OF DUTY

- [(1) Subject to the provisions of this Law –
- (a) there shall be charged in respect of mechanically propelled vehicles used on public roads in the Island such duties as the States shall by Regulations provide ; and
 - (b) the duty so chargeable in respect of any mechanically propelled vehicle shall be paid in each calendar year on a licence to be taken out by the owner of the vehicle.]²

² Amendment of 18th September, 1965.

Jersey Law 21/1957 Motor Vehicle Duty (Jersey) Law, 1957

(2) The duties chargeable [by virtue of this Law]² shall be levied by the Treasurer of the States and shall be paid into the General Revenues of the States.

(3) Where a licence is taken out on or after the first day of February in any calendar year and –

- (a) the vehicle in respect of which the licence is taken out has not been used on a public road in that year in such circumstances as to require duty [chargeable by virtue of this Law]² to be paid, the duty shall be reduced by one twelfth for every complete month which has elapsed before the vehicle was first used as aforesaid ;
- (b) the vehicle in respect of which the licence is taken out has been used as aforesaid, the duty shall be increased by two pounds.

(4) A licence for any calendar year, if not previously surrendered, shall be deemed to remain in force until such date in the next ensuing calendar year (being not later than the fourteenth day of February) as a new licence is taken out in respect of the same vehicle :

Provided that this paragraph shall not exempt any person from the payment of the additional duty provided by sub-paragraph (b) of paragraph (3) of this Article.

(5)–(8) ** * * * *³

ARTICLE 3

EXEMPTIONS FROM DUTY

No duty shall be chargeable [by virtue of this Law]³ in respect of any of the following mechanically propelled vehicles, that is to say –

³ Amendment of 18th September, 1965.

Jersey Law 21/1957 *Motor Vehicle Duty (Jersey) Law, 1957*

- (a) vehicles owned by any department of Her Majesty's Government, by the States or by any parish while they are being used in the public service ;
- (b) ambulances ;
- (c) road rollers ;
- (d) vehicles used on tram lines ;
- (e) vehicles used for no purpose other than the haulage of lifeboats and the conveyance of the necessary gear of the lifeboats which are being hauled ;
- (f) vehicles, the weight unladen of which does not exceed five hundredweight, and which are specifically designed and constructed, and not merely adapted, for the use of persons suffering from some physical defect or disability and are used solely by such persons;
- (g) road construction vehicles used for no purpose other than the construction or repair of roads at the public expense ;
- (h) public service vehicles, within the meaning of the Motor Traffic (Jersey) Law, 1935, while they are being used in connexion with the examination of the vehicle for the purposes of Article 13 of the said Law.⁴

ARTICLE 4

ISSUE AND EXHIBITION OF LICENCES

(1) Every person applying for a licence under this Law shall make such declaration and furnish such particulars with respect to the mechanically propelled vehicle for which the licence is to be taken out or otherwise as may be prescribed ; and if any person in connexion with an application for such a licence makes a declaration which to his

⁴ Tome 1957–1960, page 90.

Jersey Law 21/1957 Motor Vehicle Duty (Jersey) Law, 1957

knowledge is false or in any material respect misleading, he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

(2) Subject to the provisions of this Law relating to trade licences –

- (a) every licence issued under this Law shall be issued in respect of the vehicle specified in the application for the licence and shall not entitle the person to whom it is issued to use any other vehicle; and
- (b) the Treasurer of the States shall not be required to issue any licence for which application is made unless he is satisfied that the licence applied for is the appropriate licence for the vehicle specified in the application.

(3) Subject as may be prescribed, every licence issued under this Law in respect of a mechanically propelled vehicle shall be fixed to and exhibited on the vehicle in the prescribed manner.

ARTICLE 5

REPLACEMENT AND TRANSFER OF LICENCES

(1) The Committee may by order provide for the issue of new licences in the place of licences which may be lost, destroyed or defaced and for the fee (not exceeding [one pound]⁵) to be paid on the issue of a new licence.

[(2) The Committee may by order provide for the manner in which any licence issued under this Law in respect of a mechanically propelled vehicle may be transferred and for the fee (not exceeding one pound) to be paid on any such transfer.]⁵

⁵ Amendment of 27th February, 1963.

ARTICLE 6

TRADE LICENCES

(1) If any person being a motor trader makes to the Treasurer of the States in the prescribed manner an application to take out a licence under this Article in respect of all mechanically propelled vehicles used by him (in this Law referred to as a “trade licence”), in lieu of taking out a licence in respect of each mechanically propelled vehicle owned by him, the Treasurer of the States may, subject to the prescribed conditions, issue to him a trade licence on payment of duty [at such rate or rates as the States shall by Regulations provide]⁶ :

Provided that the holder of a trade licence shall not be entitled by virtue of that licence –

- (a) to use more than one vehicle at any one time, except in the case of a vehicle drawing a trailer and used for a prescribed purpose ; or
- (b) to use any vehicle for any purpose other than such purposes as may be prescribed.

(2) Nothing in this Article shall operate to prevent a person entitled to take out a trade licence from holding two or more such licences.

(3) If any person is aggrieved by the refusal of the Treasurer of the States to issue a trade licence, he may appeal to the Committee and the Committee shall, on any such appeal, give such directions in the matter as it thinks just, and the Treasurer of the States shall comply with such directions.

(4) In this Article, the expression “motor trader” means a manufacturer or repairer of, or dealer in, mechanically propelled vehicles.

⁶ Amendment of 18th September, 1965.

ARTICLE 7

REPAYMENT OF DUTY

The States may by Regulations provide for the repayment, to such person, to such extent, in such circumstances and in respect of such vehicles as may be specified in the Regulations, of the duty paid on a licence taken out on a vehicle.⁷

ARTICLE 8

ALTERATION OR CHANGE OF USE OF VEHICLE

(1) Subject to the provisions of this Article, where a licence has been taken out in respect of a mechanically propelled vehicle at any rate of duty * * * *⁸ and the vehicle is at any time while the licence is in force used in such a condition or for such a purpose that a higher rate of duty is applicable * * * *⁸, duty at that higher rate shall become chargeable in respect of the licence for the vehicle, and the licence may be exchanged for a new licence, for the period beginning with the date on which the higher rate of duty becomes chargeable and expiring at the end of the period for which the original licence was issued, on payment of the difference between –

- (a) the amount payable * * * *⁸ on a licence taken out for the said period at the previous rate of duty; and
- (b) the amount payable * * * *⁹ on a licence taken out for the said period at the higher rate of duty.

(2) Where a licence has been taken out in respect of a mechanically propelled vehicle, and by virtue of such user as aforesaid a higher rate of duty becomes chargeable and duty at the higher rate was not paid before the vehicle was so used, the person so using the vehicle shall be liable to a fine not exceeding ten pounds.

⁷ Amendment of 27th April, 1961.

⁸ Amendment of 18th September, 1965.

⁹ Amendment of 18th September, 1965.

ARTICLE 9

**RECOVERY OF UNDER-PAYMENTS AND OVER-PAYMENTS
OF DUTY**

(1) Where the amount of the duty which has been paid on a licence in respect of a mechanically propelled vehicle is less than the amount payable on the licence appropriate to that vehicle, proceedings for the recovery of the amount of the deficiency may be instituted by the Treasurer of the States, either in term or in vacation, at any time before the expiration of the year next following that for which the licence was taken out.

(2) No proceedings shall be brought for enforcing any repayment of duty to which a person may be entitled in respect of any over-payment of duty made on a licence taken out by him in respect of a mechanically propelled vehicle unless the proceedings are brought before the expiration of the year next following that for which the licence was taken out.

ARTICLE 10

PENALTY FOR USING VEHICLES WITHOUT LICENCE

(1) If any person uses on a public road any mechanically propelled vehicle for which a licence under this Law is not in force, not being a vehicle exempted from duty under Article 3 of this Law, or if any person who is the holder of a trade licence or trade licences issued under this Law uses on a public road at any one time a greater number of vehicles than he is authorized to use by virtue of that licence or those licences, he shall be liable to whichever is the greater of the following penalties, namely –

- (a) a fine of ten pounds ; or
- (b) a fine equal to three times the amount of the duty chargeable in respect of the vehicle or vehicles.

(2) Where it is alleged that a mechanically propelled vehicle has been used in contravention of the foregoing provisions of this Article –

- (a) the owner of the vehicle shall give such information as he may be required by or on behalf of the Constable of a parish or a Centenier to give as to the identity of the driver and of any person using the vehicle and, if he fails to do so, he shall be guilty of an offence under this paragraph, unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who was driving or using the vehicle ; and
- (b) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of the driver or of the person using the vehicle, and, if he fails to do so, he shall be guilty of an offence under this paragraph.

(3) A person guilty of an offence under paragraph (2) of this Article shall be liable to a fine not exceeding twenty pounds.

ARTICLE 11

REGISTRATION

(1) On the first issue of a licence under this Law for a mechanically propelled vehicle, the Treasurer of the States shall register the vehicle in the prescribed manner without any further application in that behalf by the person taking out the licence and shall assign to the vehicle a registration mark.

(2) The Committee may by order make provision with respect to the registration of mechanically propelled vehicles and, in particular, but without prejudice to the generality of the foregoing –

- (a) for making any particulars contained in the register available for use by the prescribed persons ; and

Jersey Law 21/1957 *Motor Vehicle Duty (Jersey) Law, 1957*

- (b) requiring any person to whom any mechanically propelled vehicle is sold or disposed of to furnish the prescribed particulars in the prescribed manner ; and
- (c) providing for the issue of registration books in respect of the registration of any mechanically propelled vehicle, and for the surrender and production, and the inspection by the prescribed persons, of any books so issued ; and
- (d) providing for the issue of new registration books in the place of any such books which may be lost, destroyed or defaced, and for the fee (not exceeding [one pound]¹⁰) to be paid on the issue of a new registration book.

(3) If any person required by virtue of this Law to furnish particulars in connexion with a change of the registration of any vehicle furnishes any particulars which to his knowledge are false, or in any material respect misleading, he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

ARTICLE 12

REGISTRATION MARKS

(1) The registration mark assigned to a mechanically propelled vehicle in accordance with Article 11 of this Law shall be fixed on the vehicle, or on any other vehicle drawn by that vehicle, or on both, in the prescribed manner.

- (2) The Committee may by order –
 - (a) provide for the assignment of a general registration mark to a person holding a trade licence issued under this Law ; and
 - (b) prescribe the size, shape and character of the registration marks to be fixed on any vehicle, and the manner in which

¹⁰ Amendment of 27th February, 1963.

Jersey Law 21/1957 *Motor Vehicle Duty (Jersey) Law, 1957*

those marks are to be displayed and rendered easily distinguishable, whether by night or by day.

ARTICLE 13

**PENALTIES FOR NOT FIXING OR FOR OBSCURING MARKS
AND SIGNS**

(1) If any mark or sign to be fixed on a vehicle in accordance with Article 12 of this Law is not so fixed, the person driving the vehicle shall be guilty of an offence under this Article :

Provided that it shall be a defence for the person charged under this paragraph with failing to fix a mark, to prove that he had no reasonable opportunity of registering the vehicle under this Law and that the vehicle was being driven on a public road for the purpose of being so registered.

(2) If any mark or sign fixed on a vehicle as aforesaid is in any way obscured or rendered or allowed to become not easily distinguishable, the person driving the vehicle shall be guilty of an offence under this Article :

Provided that it shall be a defence for a person charged with such an offence to prove that he took all steps reasonably practicable to prevent the mark or sign being obscured or rendered not easily distinguishable.

(3) Any person guilty of an offence under this Article shall be liable –

- (a) in respect of the first offence, to a fine not exceeding ten pounds ;
- (b) in respect of a second or subsequent conviction, to a fine not exceeding twenty-five pounds.

ARTICLE 14

REGISTRATION OF NON-DUTIABLE VEHICLES

The Committee may by order –

- (a) extend any provisions as to registration, and provisions incidental to any such provisions, to any mechanically propelled vehicles in respect of which duty is not chargeable [by virtue of this Law]¹¹ (including vehicles belonging to the Crown) ; and
- (b) provide for the identification of any such vehicles.

ARTICLE 15

PENALTY FOR FORGERY, ETC

If any person forges, or fraudulently alters or uses, or fraudulently lends to or allows to be used by any other person –

- (a) any mark or sign to be fixed on a mechanically propelled vehicle in accordance with Article 12 of this Law ; or
- (b) any licence or registration book under this Law ;

he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

ARTICLE 16

BURDEN OF PROOF IN CERTAIN PROCEEDINGS

If in any proceedings under paragraph (1) of Article 4, paragraph (1) of Article 10 or paragraph (3) of Article 11 of this Law, any question arises –

¹¹ Amendment of 18th September, 1965.

Jersey Law 21/1957 *Motor Vehicle Duty (Jersey) Law, 1957*

- (a) as to the number of mechanically propelled vehicles used ;
or
- (b) as to the character or weight, horsepower, [cylinder capacity or dimensions]¹² of any mechanically propelled vehicle ; or
- (c) as to the purpose for which any mechanically propelled vehicle has been used ;

the burden of proof in respect of the matter in question shall lie in the defendant.

ARTICLE 17

APPLICATION OF FINES

With the exception of fines imposed in respect of offences under Article 15 of this Law, which fines shall be for the benefit of Her Majesty, all fines imposed in respect of offences under this Law or any order made thereunder shall be credited to the General Revenues of the States.

[ARTICLE 17A

REGULATIONS

Regulations made under this Law may provide for –

- (a) different rates of duty to be charged in respect of mechanically propelled vehicles of different types and when used for different purposes ;
- (b) the methods to be used for ascertaining the dimensions, unladen weight, or the unit of horsepower or cylinder capacity for the purpose of any rate of duty of any mechanically propelled vehicle.]¹³

¹² Amendment of 18th September, 1965.

¹³ Amendment of 18th September, 1965.

*Jersey Law 21/1957**Motor Vehicle Duty (Jersey) Law, 1957*

[ARTICLE 18]

ORDERS

(1) The Committee may by order make provision for the purpose of carrying this Law into effect and, in particular, but without prejudice to the generality of the foregoing, for prescribing any matter which is to be prescribed under this Law.

(2) If any person acts in contravention of, or fails to comply with, the provisions of any order made under this Law he shall, for each offence, be liable to a fine not exceeding twenty pounds.

(3) The Subordinate Legislation (Jersey) Law, 1960,¹⁴ shall apply to orders made under this Law.¹⁵

ARTICLE 19

* * * * *

ARTICLE 20

**CONSEQUENTIAL AMENDMENTS, REPEAL AND
TRANSITIONAL PROVISIONS**

(1) For Articles 35 and 36 of the “Loi (1914) sur la Voirie”, as amended,¹⁶ there shall be substituted the Articles so numbered set out in the Schedule to this Law.

(2) * * * * *

(3) References in any enactment to motor vehicle tax shall be construed as references to [duty chargeable by virtue of this Law]¹⁷ and references to a motor vehicle tax receipt shall be construed as references to a licence under this Law.

¹⁴ Tome 1957–1960, page 519.

¹⁵ Amendment of 23rd June, 1964

¹⁶ Tomes IV–VI, pages 345 and 346.

¹⁷ Amendment of 18th September, 1965.

Jersey Law 21/1957 *Motor Vehicle Duty (Jersey) Law, 1957*

(4) * * * * *

ARTICLE 21

SHORT TITLE AND COMMENCEMENT

(1) This Law may be cited as the Motor Vehicle Duty (Jersey) Law, 1957.

(2) This Law shall come into force on the first day of January, nineteen hundred and fifty-eight.

*SCHEDULE***(Article 20(1))****ARTICLES SUBSTITUTED FOR ARTICLES 35 AND 36 OF THE “LOI (1914) SUR LA VOIRIE”, AS AMENDED****ARTICLE 35**

(1) Chaque année, tout propriétaire de vélocipède paiera au Connétable de la paroisse de sa résidence une contribution de deux chelins pour chaque vélocipède qu’il désire mettre en circulation sur les chemins publics.

(2) Dans cette Loi, le mot “vélocipède” signifie toute espèce de cycle, bicyclette, tricycle ou autre machine de transport semblable mue par la force humaine.

(3) L’acheteur d’un vélocipède pour lequel la contribution aura déjà été payée pour l’année courante sera exempt du paiement de ladite contribution pour ladite année.

(4) Sont affranchis du paiement d’une contribution en vertu de cet Article, les vélocipèdes appartenant aux départements du Gouvernement de Sa Majesté ou des Etats ou affectés exclusivement au service desdits départements.

ARTICLE 36

(1) Lors du paiement de la contribution mentionnée à l’Article 35 de cette Loi, le Connétable délivrera au propriétaire du vélocipède une carte portant une lettre initiale indiquant la paroisse et un numéro distinctif.

(2) Le propriétaire sera tenu de placer cette carte dans un cadre en métal d’un modèle approuvé par les Connétables, qui agiront de concert pour assurer l’uniformité dans toutes les paroisses à l’égard du modèle et du mode de pose dudit cadre, de la couleur des cartes et des dimensions des lettres initiales et des numéros, ainsi que pour déterminer

Jersey Law 21/1957 Motor Vehicle Duty (Jersey) Law, 1957

les lettres initiales que chaque paroisse devra adopter ; et les Connétables devront donner avis des détails utiles aux propriétaires de vélocipèdes.

(3) Les vélocipèdes affranchis du paiement d'une contribution en vertu de l'alinéa (4) de l'Article 35 de cette Loi devront être munis d'une plaque à l'arrière portant les lettres initiales et le numéro distinctif qui seront indiqués par le Trésorier des Etats.

(4) Sauf les exceptions mentionnées à l'alinéa (4) de l'Article 35 de cette Loi, toute personne qui fera circuler sur un chemin public un vélocipède pour lequel la contribution pour l'année courante n'aura pas été payée sera passible d'une amende n'excédant pas deux livres :

Etant entendu qu'une personne ne sera pas trouvée coupable d'une contravention de cet alinéa pendant le mois de janvier, si elle prouve à la satisfaction de la Cour que la contribution pour l'année précédente a été payée pour le vélocipède dont il s'agit.

(5) Toute personne qui fera circuler sur un chemin public un vélocipède qui ne porte pas à l'arrière en évidence pour un observateur la carte dans le cadre ou la plaque ci-dessus mentionnées sera passible d'une amende n'excédant pas une livre.