



Jersey

MOTOR VEHICLE REGISTRATION (GENERAL PROVISIONS) (AMENDMENT No. 23) (JERSEY) ORDER 2022

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Made

28th February 2022

Coming into force

7th March 2022

THE MINISTER FOR INFRASTRUCTURE makes this Order under Articles 7 and 16 of the [Motor Vehicle Registration \(Jersey\) Law 1993](#) –

1 Interpretation

This Order amends the [Motor Vehicle Registration \(General Provisions\) \(Jersey\) Order 1993](#).

2 Article 13 (verification of particulars) substituted

For Article 13 there is substituted –

“13 Verification of particulars and cancellation following non-response

- (1) In this Article –
 - (a) “initial notice” means a notice given by the Inspector under paragraph (2);
 - (b) “recorded registered owner” means the person recorded in the register as the owner of a registered motor vehicle.
- (2) The Inspector may, by written notice to a recorded registered owner at the most recent address notified by the owner to the Inspector, require the owner within 14 days after the date of the notice to notify the Inspector in writing as to any or all of the following matters in respect of a vehicle of which the person is recorded as the owner –
 - (a) whether the vehicle is still in existence;
 - (b) whether the vehicle is permanently removed from Jersey;
 - (c) whether any alteration has been made to the vehicle or to its use which renders any of the particulars contained in the registration document last issued in respect of the vehicle no longer applicable;

- (d) whether there has been a change of ownership of the vehicle from that recorded in the registration document last issued in respect of the vehicle;
 - (e) the present address of the recorded registered owner.
- (3) If, 14 days after the initial notice, the Inspector has not received any of the information specified in that notice, the Inspector may make such further investigation or inquiry, if any, that the Inspector considers appropriate for the purpose of obtaining that information.
- (4) If the Inspector has not received any of the information specified in the initial notice by such time that the Inspector considers reasonable, but in any event no earlier than the date that is 3 months following the date of the initial notice, the Inspector must publish in the Jersey Gazette and, if the Inspector considers appropriate, a newspaper which is circulating in Jersey, a further notice in accordance with paragraph (5).
- (5) The further notice must –
- (a) specify the make, model number and registration mark of the vehicle referred to in the initial notice;
 - (b) require the recorded registered owner of the vehicle to contact the Inspector within one month of the date of the further notice; and
 - (c) state that if the Inspector is not contacted by the recorded registered owner of the vehicle within the period specified in the further notice, the registration of the vehicle may be cancelled.
- (6) The Inspector may assume that the vehicle referred to in the initial notice has been permanently removed from Jersey, broken up or destroyed if –
- (a) 12 months or more have elapsed since the date of the initial notice; and
 - (b) the Inspector has not received any of the information (from any source) specified in the initial notice.
- (7) If the Inspector makes an assumption under paragraph (6), the Inspector must, unless exceptional circumstances apply, cancel the registration of the vehicle referred to in the initial notice and make an entry to that effect on the register.”.

3 Article 15 (amendment of the register) substituted

For Article 15 there is substituted –

“15 Amendment of the register

- (1) Subject to paragraphs (6), (7) and (8), this Article applies where it appears to the Inspector that –
 - (a) any particulars that have been entered in the register are, or may be, incorrect or incomplete; or

- (b) by error, an entry has been, or may have been, made in or omitted from the register.
- (2) Where this Article applies, the Inspector must, by written notice to the person recorded in the register as the owner of the registered motor vehicle concerned at the most recent address notified by that person to the Inspector, serve notice on that person –
 - (a) specifying the particulars or entry in question; and
 - (b) requiring the person, within a period of 14 days after the date of the notice, to produce to the Inspector evidence of the relevant facts.
- (3) After the production to the Inspector by or on behalf of the person served of evidence or upon the expiration of the period of 14 days after the service of the notice, whichever occurs first, and after making any further investigation or inquiry which the Inspector considers necessary or desirable, the Inspector must –
 - (a) determine whether to amend the register and, if so, the nature of the amendment; and
 - (b) serve a further notice on the person previously served, informing that person of the Inspector’s determination.
- (4) If the Inspector determines to amend the register, the Inspector must –
 - (a) amend it; and
 - (b) issue to the person recorded in the register, as amended, as the owner of the motor vehicle, a registration document in respect of the motor vehicle reflecting that amendment.
- (5) If the Inspector has reason to believe that the motor vehicle, or a share in it, may have been sold or otherwise transferred to another person, the Inspector may, in addition to serving notice on the person recorded in the register as the owner, serve notice on that other person as if paragraphs (2) and (3) applied to that other person in the same manner as the person recorded in the register as the owner.
- (6) This Article does not apply at any time when the Inspector is taking, or may take, action under any of paragraphs (3) to (7) of Article 13.
- (7) If at any time, following an initial notice under Article 13, the Inspector receives any information specified in that notice and it appears to the Inspector that any of the circumstances in paragraph (1)(a) or (b) of this Article apply, the Inspector may –
 - (a) take such steps as the Inspector considers necessary or desirable for the purpose of determining whether to amend the register; and
 - (b) comply with the requirements of paragraphs (2) to (5) to the extent the Inspector thinks appropriate.
- (8) Notwithstanding anything to the contrary in this Article, where any particulars entered in the register contain a clerical error of such a nature that, in the opinion of the Inspector, the owner of the motor vehicle concerned or any other person will not be prejudiced by its correction, the Inspector may, without giving notice, summarily correct the error.”.

4 Article 16 (cancellation and replacement of registration document) substituted

For Article 16 there is substituted –

“16 Cancellation and replacement of registration document

- (1) Subject to paragraphs (6) and (7), this Article applies where it appears to the Inspector that any particulars recorded in the registration document last issued in respect of a registered motor vehicle are, or may be, incorrect or incomplete.
- (2) Where this paragraph applies, the Inspector must, by written notice to the person recorded in the register as the owner of the registered motor vehicle concerned at the most recent address notified by the person to the Inspector, serve notice on that person –
 - (a) specifying the particulars in question, and
 - (b) requiring the person, within a period of 14 days after the date of the notice, to produce to the Inspector evidence of the relevant facts.
- (3) After the production to the Inspector by or on behalf of the person served of evidence or upon the expiration of the period of 14 days after the service of the notice, whichever occurs first, and after making any further investigation or inquiry which the Inspector considers necessary or desirable, the Inspector must –
 - (a) determine whether to cancel the registration document; and
 - (b) serve a further notice on the person previously served, informing that person of the Inspector’s determination.
- (4) If the Inspector determines to cancel the registration document, the Inspector must, if another person is recorded in the register as the owner of the motor vehicle, issue to that person a registration document in respect of the motor vehicle in place of the one cancelled.
- (5) If the Inspector has reason to believe that the motor vehicle, or a share in it, may have been sold or otherwise transferred to another person, the Inspector may, in addition to serving notice on the person recorded in the register as the owner, serve notice on that other person as if paragraphs (2) and (3) applied to that other person.
- (6) This Article does not apply at any time when the Inspector is taking, or may take, action under any of paragraphs (3) to (7) of Article 13.
- (7) If, at any time, following an initial notice under Article 13, the Inspector receives any information specified in that notice and it appears to the Inspector that the circumstances in paragraph (1) of this Article apply, the Inspector may take such steps as the Inspector considers necessary or desirable for the purpose of determining whether to cancel the registration document and may comply with the requirements of this Article to the extent that the Inspector thinks is appropriate.
- (8) Notwithstanding anything to the contrary in this Article, where any particulars contained in the registration document last issued in

respect of a motor vehicle include a clerical error of such a nature that, in the opinion of the Inspector, the owner of the motor vehicle concerned or any other person will not be prejudiced by its correction, the Inspector may, without giving notice, summarily cancel the registration document and issue a new registration document in its place.”.

5 Schedule 4A (withdrawal of registration marks and assignment of particular registration marks) amended

In Schedule 4A –

(a) in paragraph 4(1) for “Paragraph (2)” there is substituted “Sub-paragraph (2)”;

(b) after paragraph 4(1) there is inserted –

“(1A) Sub-paragraph (2A) applies if the Inspector cancels a registration under –

(a) Article 13(7) of this Order; or

(b) Article 5(4)(b) and (5)(b) of the Law.”;

(c) after paragraph 4(2) there is inserted –

“(2A) Provided at least 12 months have elapsed from the date of the cancellation of a registration referred to in paragraph (1A), the Inspector may grant a mark-right in respect of the registration mark assigned to the vehicle immediately before the cancellation to a person who applies on the published form, duly completed for the grant of the mark-right to that person.

(2B) The form published for the purpose of sub-paragraph (2A) must include a part for the person making the application referred to in paragraph (2A) to complete or indicate that the person understands the requirements of the Law and this Order for the exercise of the mark-right and understands that the mark-right is not transferable once granted.

(2C) For the avoidance of doubt, upon the grant under paragraph (2A) of a mark-right in respect of a registration mark to a person, any rights to that registration mark held by the person recorded in the register as the owner of the vehicle immediately before cancellation of the registration of that vehicle are extinguished.”;

(d) in paragraph 9(2)(b) after “paragraph 4(2)(b)” there is inserted “or (2A)”.

6 Citation and commencement

This Order may be cited as the Motor Vehicle Registration (General Provisions) (Amendment No. 23) (Jersey) Order 2022 and comes into force 7 days after the day it is made.

DEPUTY K.C. LEWIS OF ST. SAVIOUR

Minister for Infrastructure