



Jersey

## **ROAD TRAFFIC (No. 65) (JERSEY) REGULATIONS 2021**

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## ROAD TRAFFIC (No. 65) (JERSEY) REGULATIONS 2021

*Made**23rd March 2021**Coming into force**in accordance with Regulation 7*

**THE STATES** make these Regulations under the Order in Council of 26th December 1851<sup>1</sup> and Article 92 of the Road Traffic (Jersey) Law 1956<sup>2</sup> –

### 1 Interpretation

In these Regulations, a reference to an Article is a reference to the Road Traffic (Jersey) Law 1956<sup>3</sup>.

### 2 Article 1 (interpretation) amended

In Article 1(1) after “licensing authority” there is inserted –

“ “medical condition” means any illness, disease, disability or other physical or mental disorder;”.

### 3 Article 4 (licensing of drivers) amended

In Article 4 –

(a) in paragraph (2)(b)(i) after “test” there is inserted “(unless the application is for a licence following the surrender of a domestic driving permit under Article 8)”;

(b) in paragraph (4) after “paragraphs (5) and (6)” there is inserted “and Article 9(10)(b)”;

(c) for paragraph (5) there is substituted –

“(5) Where the applicant’s age, on the date at which the licence to drive a prescribed category of vehicle is to be granted, will exceed 45 but not 66 years, subject to Article 9(10)(b), the licence remains in force for whichever of the following periods ends earlier –

(a) a period of –

(i) 10 years, in the case of a licence granted before the day on which the Road Traffic (No. 65) (Jersey) Regulations 2021<sup>4</sup> come into force, or

- (ii) 5 years, in the case of a licence granted on or after that day;
  - (b) the period ending on the 66th anniversary of the applicant's date of birth.”;
- (d) in paragraph (8)(b) after the words “in the prescribed manner” there is inserted “and within the prescribed period”;
- (e) after paragraph (8) there is inserted –
  - “(8A) Paragraph (8B) applies where –
    - (a) a licence holder applies to renew his or her licence (“the current licence”) without any addition to the classes or descriptions of motor vehicles which the licence holder is authorised by the current licence to drive;
    - (b) the licence application is made before the expiry of the current licence but not within the prescribed period under paragraph (8)(b); and
    - (c) the licence is granted before the expiry of the period for which the current licence would have remained in force had it not been surrendered.
  - (8B) The licence granted is in force for the period applicable in the licence holder's case under paragraph (4), (5) or (6) for a period commencing on the date the licence is granted.”.

#### **4 Article 9 (physical fitness to drive – before grant of licence) substituted**

For Article 9 there is substituted –

##### **“9 Physical fitness to drive – before grant of licence or following grant of a provisional licence**

- (1) An applicant for the grant of a licence must make a declaration, in a form approved by the Minister, as to the applicant's physical fitness to drive a motor vehicle.
- (2) The declaration must require the applicant to state whether the applicant is suffering from, or has at any time or during any specified period suffered from, a relevant medical condition.
- (3) A medical condition in respect of an application for a licence is a relevant medical condition for the purposes of this Article if –
  - (a) it is prescribed for the purpose of this paragraph; or
  - (b) it is a medical condition that is likely to cause the driving by the applicant, of any motor vehicle that the applicant would be authorised by the licence to drive, to be a source of danger to the public.
- (4) If it appears from the applicant's declaration or from any other information, including an examination or assessment under paragraph (6), that the applicant suffers from a relevant medical condition, the parochial authority must, subject to paragraph (5), refuse to grant the licence.

- (5) The parochial authority must not refuse to grant a licence under paragraph (4) on account of any relevant medical condition which is prescribed for the purpose of this paragraph if the applicant satisfies such requirements as may be prescribed with a view to authorising the grant of a licence to a person in whose case the medical condition is appropriately controlled.
- (6) Where it appears to a parochial authority that a person who is an applicant for a licence or a person to whom a provisional licence has been granted, has or may have a relevant medical condition either from the declaration or other information, it may require the person to undergo, at the person's own expense either or both of the following –
  - (a) a medical examination by a registered medical practitioner designated by the parochial authority;
  - (b) a practical driving assessment by a person designated by the parochial authority for the purpose of determining whether the person can drive without being a source of danger to the public each type of motor vehicle the person would be, or is, authorised to drive by the provisional licence.
- (7) A parochial authority must exercise its powers under paragraph (6) only for the purpose of determining either or both of the following –
  - (a) whether the person undergoing the examination or assessment has a relevant medical condition;
  - (b) whether any prescribed requirements under paragraph (5) are met.
- (8) In the case of an applicant who is granted a provisional licence under Article 11 and in respect of whom an examination or assessment is required under paragraph (6), the parochial authority may –
  - (a) grant the provisional licence subject to such conditions as it thinks appropriate for that assessment, including limiting vehicles that may be driven to vehicles of a particular construction or design; and
  - (b) subject to paragraph (9), vary, substitute or delete such conditions as it thinks appropriate following that assessment.
- (9) A parochial authority must revoke a provisional licence if it is satisfied following an examination or assessment under paragraph (6) that the licence holder has a relevant medical condition which would require the parochial authority to refuse the licence if the licence holder were an applicant for that licence.
- (10) If a parochial authority grants a licence, other than a provisional licence, to an applicant with a relevant medical condition it may, having regard to the nature of that condition, do any of the following –
  - (a) impose such conditions as it thinks appropriate on the licence including –
    - (i) limiting vehicles that may be driven to vehicles of a particular construction or design, and

- (ii) requiring such further medical examination or practical driving assessment to be undertaken at the licence holder's expense as the parochial authority may determine at such intervals that the parochial authority may determine;
  - (b) limit the period of time for which the licence is to be in force to such period as the parochial authority thinks appropriate so that the licence expires earlier than it otherwise would under Article 4(4), (5) or (6) as the case may be.
- (11) A person may appeal to the Royal Court after giving the parochial authority notice of the person's intention to do so if the person aggrieved by any of the following –
  - (a) the refusal or grant of a licence by virtue of a medical condition;
  - (b) the imposition of any condition or limitation imposed on a licence under paragraph (8) or (10).
- (12) On appeal the Court may make any order it considers appropriate.”.

## **5 Article 10 (physical fitness to drive – after grant of licence) substituted**

For Article 10 there is substituted –

### **“10 Physical fitness to drive – after grant of licence**

- (1) For the purpose of this Article a licence holder has a relevant medical condition if –
  - (a) it is a medical condition prescribed for the purpose of this Article; or
  - (b) it is a medical condition that is likely to cause the holder's driving of any motor vehicle that the holder's licence authorises the holder to drive, to be a source of danger to the public.
- (2) A licence holder must as soon as reasonably practicable notify the licence holder's parochial authority in writing if the licence holder becomes aware –
  - (a) of suffering from a relevant medical condition that the licence holder has not previously disclosed to the parochial authority; or
  - (b) that a relevant medical condition that the licence holder is suffering from, or has at any time suffered from, and that the licence holder has previously disclosed to the parochial authority, has become more acute or reoccurred.
- (3) Paragraph (2) does not apply where –
  - (a) the relevant medical condition is not one the licence holder has previously suffered from; and
  - (b) there are reasonable grounds for believing that the duration of the medical condition will not extend beyond the period of

- 3 months beginning with the date on which the licence holder first became aware of suffering from it.
- (4) A person who fails to comply with paragraph (2) commits an offence and is liable to a fine of level 2 on the standard scale.
  - (5) Except where Article 9(6) applies in respect of a holder of a provisional licence and subject to paragraph (10), where a parochial authority in respect of a parish has reason to suspect (whether by virtue of a notice under paragraph (2) or otherwise) that a licence holder residing in the parish has or may have a relevant medical condition the parochial authority must serve a written notice in the prescribed form on licence holder.
  - (6) The notice must require the licence holder within 7 days of its service to undergo, at the licence holder's own expense either or both of the following –
    - (a) a medical examination by a registered medical practitioner designated by the parochial authority;
    - (b) a practical driving assessment by a person designated by the parochial authority for the purpose of determining whether the licence holder can drive without being a source of danger to the public each type of motor vehicle the licence holder is authorised to drive by the licence holder's licence.
  - (7) A parochial authority must exercise its powers under paragraph (6) only for the purpose of determining either or both of the following –
    - (a) whether the licence holder has a relevant medical condition;
    - (b) whether any prescribed requirements under Article 9(5) would be met if the person were an applicant for a licence.
  - (8) Subject to paragraph (9), where the parochial authority believes it is in the public interest to do so it may also suspend the validity of the licence until the results of the medical examination are known or the practical driving assessment has been made, as the case may be.
  - (9) A suspension under paragraph (8) does not prevent the licence holder from driving the vehicle to the extent that it is necessary to do so for the purpose of undergoing a practical driving assessment, including any preparation necessary for that assessment, but any such driving must be undertaken subject to such conditions as the parochial authority considers appropriate having regard to the licence holder's medical condition.
  - (10) Where a licence includes a condition under Article 9(10)(a)(ii) or paragraph (13)(b) of this Article, a notice under paragraph (5) is not required but paragraphs (8) and (9) and paragraphs (11) to (15) apply as if such notice had been given.
  - (11) Subject to paragraph (12), where a medical examination or driving assessment under this Article indicates that a person has a relevant medical condition the parochial authority must revoke the person's licence if the parochial authority would be required to refuse a licence under Article 9(4) if the person were an applicant for a licence.

- (12) If the medical examination or driving assessment referred to in paragraph (11) indicates that there are reasonable grounds for believing that the duration of the relevant medical condition is limited, the parochial authority must suspend the driving licence or continue its suspension until the parochial authority is satisfied that the person no longer has that condition.
- (13) A parochial authority may, following a medical examination or driving assessment of a licence holder and having regard to the nature of the licence holder's medical condition, impose such conditions it thinks appropriate on the licence including –
  - (a) limiting vehicles that may be driven to vehicles of a particular construction or design; and
  - (b) requiring such further medical examination or practical driving assessment to be undertaken at the licence holder's expense as the parochial authority may determine and at such intervals as the parochial authority may determine.
- (14) The parochial authority must revoke the licence of a person –
  - (a) upon whom it has served a notice under paragraph (5) if the person fails to undergo a medical examination or the practical driving assessment, as required, within 7 days of the service of the notice; or
  - (b) who is required to undergo a medical examination or the practical driving assessment under a condition of the licence under Article 9(10)(a)(ii) or paragraph (13)(b) of this Article and fails to do so.
- (15) The parochial authority may, if it has reasonable grounds to do so, extend the period of 7 days referred to in paragraph (14)(a).
- (16) A person may appeal to the Royal Court after giving the parochial authority notice of the person's intention to do so if the person aggrieved by any of the following –
  - (a) the revocation or suspension of a licence under this Article;
  - (b) a condition imposed on a licence under paragraph (13).
- (17) On appeal, the Court may make any order it considers appropriate.”.

## **6 Article 11 (provisional licences) amended**

In Article 11(1) “or 9” is deleted.

## **7 Citation and commencement**

These Regulations may be cited as the Road Traffic (No. 65) (Jersey) Regulations 2021 and come into force on a day to be specified by the Minister by Order.



## ENDNOTES

### Table of Endnote References

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<i>1</i>	<i>chapter 23.350</i>
<i>2</i>	<i>chapter 25.550</i>
<i>3</i>	<i>chapter 25.550</i>
<i>4</i>	<i>R&amp;O.37/2021</i>