



Jersey

## **ROAD TRAFFIC (PERIODIC TECHNICAL INSPECTIONS – GENERAL PROVISIONS) (JERSEY) ORDER 2018**

### **Arrangement**

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## **ROAD TRAFFIC (PERIODIC TECHNICAL INSPECTIONS – GENERAL PROVISIONS) (JERSEY) ORDER 2018**

*Made*

*10th December 2018*

*Coming into force*

*1st February 2019*

**THE MINISTER FOR INFRASTRUCTURE** makes this Order under Articles 78A and 84 of the Road Traffic (Jersey) Law 1956<sup>1</sup> –

### **1 Interpretation**

In this Order –

“Construction and Use Order” means the Motor Vehicles (Construction and Use) (Jersey) Order 1998<sup>2</sup>;

“examiner” means a person designated as such under Article 3(1);

“first use” of a vehicle, means the date on which it was first used, within the meaning given by the Construction and Use Order;

“inspection” means an inspection under Article 78A of the Law;

“Law” means the Road Traffic (Jersey) Law 1956<sup>3</sup>;

“relevant anniversary” has the meaning given by Article 2(1).

### **2 Application of inspection scheme**

(1) The “relevant anniversaries” of a motor vehicle are –

(a) if the vehicle is a minibus, every anniversary of its first use;

(b) if the vehicle is a motor cycle or moped, every odd-numbered anniversary of its first use, other than the first such anniversary; and

(c) if the vehicle is any other motor vehicle, the date that is 5 years after its first use, and every third anniversary of that date.

(2) The inspection scheme –

(a) applies, subject to paragraph (4) and Article 4, to a motor vehicle on and after its first relevant anniversary; but

- (b) ceases to apply to that motor vehicle on and from the date that is 40 years after its first use.
- (3) The prior interval period, for the purpose of Article 78A(3)(b) of the Law, starts 2 months before the most recent prior relevant anniversary of the motor vehicle.
- (4) In determining which is the first of a motor vehicle’s relevant anniversaries for the purpose of paragraph (2)(a), a relevant anniversary is to be disregarded if –
  - (a) in the case of a minibus, light motor cycle or moped, it falls before 30th March 2019; or
  - (b) in any other case, it falls before 30th March 2021.
- (5) Paragraph (4), and the reference to it in paragraph (2)(a), cease to have effect on 30th March 2024.

### **3 Operation of inspection scheme**

- (1) Articles 120(2), (5) and (6) of the Construction and Use Order apply in relation to the designation of examiners, and to certificates of satisfaction, under this Order, as they apply in relation to the designation of examiners, and to certificates of compliance, under that Order.
- (2) Article 120(4) of the Construction and Use Order applies in relation to the functions of examiners under this Order, as it applies in relation to the functions of examiners under that Order, and the instructions issued under that Article as so applied (the “inspection instructions”) must include instructions as to the locations at which inspections must be carried out and the equipment that must be used for an inspection, being locations and equipment provided by the Minister.
- (3) An examiner carrying out an inspection must inspect the vehicle for compliance with the Construction and Use Order, in accordance with the inspection instructions.
- (4) Paragraph (5) applies if –
  - (a) a vehicle is found on an inspection to comply with the Construction and Use Order, in accordance with the inspection instructions; and
  - (b) any fee has been paid, in relation to that inspection, under an Order under Article 78A(5)(e) of the Law.
- (5) If this paragraph applies, the examiner must –
  - (a) issue a certificate of satisfaction that –
    - (i) certifies that the vehicle did so comply,
    - (ii) specifies the date on which the inspection was concluded, and
    - (iii) is otherwise in such form, and contains such information, as the Minister may from time to time specify by a general notice to examiners, published on a website maintained by the States of Jersey;
  - (b) give that certificate to the Inspector of Motor Traffic; and

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- (c) give a copy of that certificate to either or both of –
    - (i) the registered owner, by sending it to the registered address or to an address for electronic communication provided by the registered owner, and
    - (ii) the person, if any, who collects the vehicle after the inspection but is not the registered owner.
  - (6) Articles 120(8) and (9) of the Construction and Use Order apply in respect of a refusal to issue a certificate of satisfaction under this Order as they apply in respect of a refusal to issue a certificate of compliance under that Order, and the examiner must provide to the Inspector of Motor Traffic a copy of any notification of refusal issued by the examiner under this paragraph.
  - (7) The Inspector of Motor Traffic must –
    - (a) establish and keep a record of –
      - (i) each inspection carried out,
      - (ii) each certificate of satisfaction issued,
      - (iii) each notification of refusal issued, and
      - (iv) any detail, relating to such an inspection, certificate or notification, of any description specified to the Inspector by the Minister; and
    - (b) ensure that the record is available to every Traffic Officer and to any police officer responsible for detecting or prosecuting offences under Article 78A(3) of the Law.
  - (8) The Inspector of Motor Traffic may keep the record under paragraph (7) in an information system (within the meaning of the Electronic Communications (Jersey) Law 2000<sup>4</sup>), including an information system in which a record is kept by any other person mentioned in paragraph (7)(b).
  - (9) Articles 118 and 119 of the Construction and Use Order apply following an inspection under this Order, as they apply following a test under Article 117 of that Order.
  - (10) For the purpose of paragraph (5)(c) –
    - (a) the “registered owner” of a vehicle is the person recorded in the register, under the Motor Vehicle Registration (Jersey) Law 1993<sup>5</sup>, as the owner of the vehicle; and
    - (b) the “registered address” of a registered owner is the address recorded for that registered owner in that register.

#### **4 Exemption from inspection scheme**

- (1) This Order does not apply to a motor vehicle if it is not registered under the Motor Vehicle Registration (Jersey) Law 1993.
- (2) This Order does not apply to a motor vehicle that is –
  - (a) a motor tractor;

- (b) a track laying vehicle;
  - (c) a pedestrian controlled vehicle;
  - (d) a mowing machine;
  - (e) an agricultural motor vehicle, within the meaning of the Construction and Use Order;
  - (f) a works truck, within the meaning of that Order;
  - (g) engineering plant, within the meaning of that Order; or
  - (h) a refuse vehicle that has a maximum speed not exceeding 20 mph, within the meaning of those terms in that Order.
- (3) This Order does not apply to a motor vehicle while –
- (a) the vehicle is used as a public service vehicle, within the meaning of the Motor Traffic (Jersey) Law 1935<sup>6</sup>;
  - (b) Article 120A of the Construction and Use Order applies to the vehicle, or would apply but for paragraph (8) of that Article;
  - (c) there is in force a licence under Article 78 of the Law in respect of the vehicle;
  - (d) the vehicle is owned by the States and maintained in accordance with an arrangement approved by the Minister, and –
    - (i) is used for the purposes of the States of Jersey Police Force or the States of Jersey Fire and Rescue Service, or
    - (ii) is a motor ambulance within the meaning of the Construction and Use Order; or
  - (e) the vehicle is owned by a Parish, is maintained in accordance with an arrangement approved by the Minister, and is used for the purposes of the Honorary Police.
- (4) The inspection scheme does not apply to a motor vehicle at any time at which, although it is registered under the Motor Vehicle Registration (Jersey) Law 1993 –
- (a) no more than 14 days have elapsed since its registration under Article 4(1)(g) of that Law; or
  - (b) it is being tested, by the holder of a trade licence under that Law, during the course of, or after completion of, repairs carried out to that vehicle by that licence holder with a view to its submission for an inspection.
- (5) The inspection scheme does not apply to a motor vehicle at any time at which it is being used by –
- (a) an officer, within the meaning of the Customs and Excise (Jersey) Law 1999<sup>7</sup>, in connection with its seizure, detention, removal or forfeiture under that Law;
  - (b) a police officer, in connection with its seizure or detention by that or any other police officer; or
  - (c) a Traffic Officer, in connection with its seizure or detention in the performance of any function of that officer.
- (6) The inspection scheme does not apply to a motor vehicle, in respect of which no certificate of satisfaction has been issued in the period starting

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2 months before its most recent prior relevant anniversary and ending on that anniversary, at any time at which –

- (a) it is being driven to an appointment for an inspection;
  - (b) it is being used by or under the direction of an examiner, for the purpose of an inspection; or
  - (c) following the issue of a notification of refusal under Article 3(6) in respect of an inspection of the vehicle, it is being –
    - (i) driven from the inspection to a place, other than a road, at which it is to be kept with a view to its submission for another inspection, or
    - (ii) towed to a place where it is to be broken up or destroyed.
- (7) Paragraph (6)(b) applies only for the purpose of Article 78A(3) of the Law, and not for the purpose of the application of Article 3 of this Order in relation to the inspection.

## **5 Citation and commencement**

This Order may be cited as the Road Traffic (Periodic Technical Inspections – General Provisions) (Jersey) Order 2018 and comes into force on 1st February 2019.

**DEPUTY K.C. LEWIS OF ST. SAVIOUR**

*Minister for Infrastructure*

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- 1 *chapter 25.550*
  - 2 *chapter 25.550.08*
  - 3 *chapter 25.550*
  - 4 *chapter 04.280*
  - 5 *chapter 25.350*
  - 6 *chapter 25.200*
  - 7 *chapter 24.660*