



Jersey

**MOTOR VEHICLE REGISTRATION (GENERAL
PROVISIONS) (AMENDMENT No. 19) (JERSEY)
ORDER 2013**

Arrangement

Article

1	Interpretation	3
2	Article 8 amended	3
3	Article 12 amended	3
4	Article 14 substituted	3
5	Article 22 substituted	4
6	Articles 24 to 26 substituted	4
7	Article 27 amended	5
8	Article 31 substituted	6
9	Schedule 4A inserted.....	6
10	Schedule 5 amended.....	6
11	Citation and commencement	6

SCHEDULE **7**

SCHEDULE 4A INSERTED IN PRINCIPAL ORDER	7
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MOTOR VEHICLE REGISTRATION (GENERAL PROVISIONS) (AMENDMENT No. 19) (JERSEY) ORDER 2013

Made

Coming into force

THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES, in pursuance of Articles 4, 7, and 16 of the Motor Vehicle Registration (Jersey) Law 1993, orders as follows –

1 Interpretation

In this Order “principal Order” means the Motor Vehicle Registration (General Provisions) (Jersey) Order 1993.

2 Article 8 amended

In Article 8 of the principal Order, including its heading, for the word “address” in each place where it occurs there are substituted the words “address or name”.

3 Article 12 amended

In Article 12(1) of the principal Order for the words “change of address of its owner, the owner, or in the case of” there are substituted the words “change of address or name of its owner, or has received an application under any of paragraphs 2(1), 3(2)(b), 4(1) and 4(2) of Schedule 4A, the owner, the other person mentioned in paragraph 4(2) of that Schedule, or in the case of”.

4 Article 14 substituted

For Article 14 of the principal Order there is substituted the following Article –

“14 Inspection of motor vehicle

- (1) This Article applies if the Inspector –
 - (a) receives –

- (i) an application for the registration of a motor vehicle under Article 5,
 - (ii) an application for the withdrawal of a registration mark from a registered motor vehicle under paragraph 2 of Schedule 4A,
 - (iii) an application for the assignment of a particular registration mark to a registered motor vehicle under paragraph 3 of Schedule 4A,
 - (iv) a registration document under Article 7, or a notification under Article 13, in respect of an alteration of a registered motor vehicle, or
 - (v) a notification under Article 11 in respect of an insurance write off of a registered motor vehicle;
- (b) considers inspection of a registered motor vehicle to be necessary in order to confirm a notification made under Article 13(a), (b) or (c); or
 - (c) has, at any time, any reason to believe that a registered motor vehicle –
 - (i) may have been broken up or destroyed, or otherwise no longer exists, or
 - (ii) may have been permanently removed from Jersey.
- (2) The Inspector may, on giving not less than 7 days notice in writing to the relevant person, require that person to produce the vehicle at a specified time and place for inspection.
 - (3) The relevant person for the purpose of paragraph (2) is –
 - (a) the person recorded in the register as the owner of the vehicle; or
 - (b) if paragraph (1)(a)(i) applies, the person applying for registration of the vehicle.”.

5 Article 22 substituted

For Article 22 of the principal Order there is substituted the following Article –

“22 Withdrawal and assignment of particular registration marks

Schedule 4A has effect in relation to the withdrawal of registration marks and to the assignment of particular registration marks.”.

6 Articles 24 to 26 substituted

For Articles 24 to 26 there are substituted the following Articles –

“24 Application for trade licence

For the purposes of Articles 8(2) and 8(6) of the Law –

- (a) the form prescribed for an application for the issue or renewal of a trade licence is the form in Schedule 6 completed by the insertion of the particulars required for its proper completion and signed by the person applying for the issue or renewal; and
- (b) the fee prescribed for such an application is £31.30.

25 Issue of trade licence and requirement for trade licence plates

For the purposes of Articles 8(2), 8(2A)(b) and 8(6) of the Law –

- (a) the Inspector shall not issue or renew the trade licence unless he or she is satisfied that the person applying for the issue or renewal is a bona fide motor trader;
- (b) the trade licence issued or renewed shall be in the form in Schedule 7 completed by the insertion of the particulars required for its proper completion and signed by or on behalf of the Inspector; and
- (c) the trade licence plates that the motor trader is required to obtain shall consist of 2 plates conforming with any specifications that the Minister may from time to time direct, including one plate fitted with 2 holders, each holder having a transparent cover and being suitable for the display of, respectively –
 - (i) the receipt for the fee paid on the issue or renewal of the trade licence, and
 - (ii) an insurance disc issued under the Motor Traffic (Third-Party Insurance) (Jersey) Law 1948.

26 Preservation and surrender of trade licence plates

- (1) After a motor trader has obtained trade licence plates under Article 8(2A)(b) of the Law, the motor trader shall not cause or permit the plates to be altered in any way.
- (2) When a trade licence ceases to be in force, the motor trader shall within 7 days surrender to the Inspector the trade licence plates obtained in respect of that licence.
- (3) The display, under Article 27 of this Order, of a receipt and insurance disc, is not to be treated as an alteration for the purpose of paragraph (1).”.

7 Article 27 amended

In Article 27(a)(i) and (ii) for the words “trade licence plates supplied with the trade licence” there are substituted the words “trade licence plates obtained under Article 8(2A)(b) of the Law”.

8 Article 31 substituted

“31 Replacement of trade licences

- (1) If a trade licence has been lost, stolen, destroyed, mutilated, accidentally defaced or become illegible, the holder of the trade licence may apply to the Inspector for the issue of a duplicate licence and upon the Inspector being satisfied as to the loss, theft, destruction, mutilation, defacement or illegibility and, except in the case of loss, theft or destruction, on the surrender of the licence, the Inspector shall issue a duplicate licence upon payment of a fee of £7.00.
- (2) Where a duplicate trade licence has been issued in replacement of an original licence and the original licence is found or recovered, the original shall forthwith be delivered to the Inspector.
- (3) If a trade licence plate has been lost, stolen, destroyed, mutilated, accidentally defaced or become illegible, the holder of the trade licence shall obtain a duplicate plate.”.

9 Schedule 4A inserted

After Schedule 4 to the principal Order there is inserted the new Schedule 4A contained in the Schedule to this Order.

10 Schedule 5 amended

In Part 2 of Schedule 5 to the principal Order, paragraph 4(2) is deleted.

11 Citation and commencement

This Order may be cited as the Motor Vehicle Registration (General Provisions) (Amendment No. 19) (Jersey) Order 2013 and comes into force on the commencement of the Motor Vehicle Registration (Amendment No. 4) (Jersey) Law 2013.

Signed.....

Date.....

Minister for Transport and Technical Services

SCHEDULE

(Article 9)

SCHEDULE 4A INSERTED IN PRINCIPAL ORDER

“SCHEDULE 4A

(Article 22)

**WITHDRAWAL OF REGISTRATION MARKS AND ASSIGNMENT OF
PARTICULAR REGISTRATION MARKS**

1 Interpretation

In this Schedule –

‘mark-right’ has the meaning given by paragraph 3(1);

‘published form’ in relation to an application, means the form for making that application, published by the Inspector in a manner appearing likely to the Inspector to bring it to the attention of the public.

2 Withdrawal of registration mark at request of owner

- (1) An owner of a registered motor vehicle, who wishes to change the registration mark assigned to that vehicle, may apply, on the published form duly completed, for the registration mark to be withdrawn.
- (2) Sub-paragraph (3) applies if the Inspector receives –
 - (a) an application under sub-paragraph (1) in respect of a registered motor vehicle;
 - (b) a fee of £81.25;
 - (c) the vehicle’s current registration document; and
 - (d) any other evidence that the Inspector may reasonably require in relation to the registration of the vehicle and the person’s compliance with this Order.
- (3) The Inspector shall withdraw the registration mark assigned to that vehicle and shall assign to that vehicle another registration mark, being –
 - (a) the particular registration mark applied for under paragraph 3, if that paragraph so requires; or
 - (b) if that paragraph does not so require, a registration mark determined by the Inspector under Article 5A(4) of the Law.
- (4) On assigning a registration mark under sub-paragraph (3), the Inspector shall amend the register and the registration document accordingly.

3 Assignment of a particular registration mark under a mark-right

- (1) This paragraph applies if the Inspector grants, under paragraph 4 or 5, to a person a right (a 'mark-right') to the assignment of a particular registration mark.
- (2) The Inspector shall assign that registration mark to a motor vehicle if the person to whom the mark-right was granted, within 6 months of the grant –
 - (a) applies, as the owner of that vehicle, to the Inspector –
 - (i) to register, under Article 4 of the Law, the vehicle, or
 - (ii) if the vehicle is registered, to withdraw, under paragraph 2, the registration mark for the time being assigned to it;
 - (b) applies on the published form, duly completed, for the assignment to that vehicle of that registration mark; and
 - (c) surrenders to the Inspector the mark-right document in respect of that mark-right, and provides to the Inspector any further evidence the Inspector may reasonably require as to the registration of the vehicle and the person's compliance with this Order.
- (3) A mark-right expires –
 - (a) when the registration mark is assigned under sub-paragraph (2); or
 - (b) 6 months after it was granted, if the person to whom it was granted has not by that time met the requirements of all of clauses (a) to (c) of that sub-paragraph.

4 Grant of mark-right for registration mark that ceases to be assigned to a vehicle

- (1) Paragraph (2) applies if –
 - (a) the owner of a registered motor vehicle notifies the Inspector under Article 5(1)(c) of the Law, and the Inspector cancels the registration under paragraph (5)(b) of that Article; or
 - (b) the Inspector withdraws the registration mark assigned to a vehicle, on the application of the owner under paragraph 2 of this Schedule.
- (2) The Inspector shall grant a mark-right in respect of the registration mark that, immediately before the cancellation or withdrawal, was the mark assigned to the vehicle –
 - (a) to the owner, if the owner applies to the Inspector, on the published form, duly completed and accompanied by a fee of £81.25, for the grant of the mark-right to the owner; or
 - (b) to a person other than the owner, if the owner and that other person apply jointly to the Inspector, on the published form, duly completed and accompanied by a fee of £91.25, for the grant of the mark-right to that other person.

- (3) The form published for the purpose of sub-paragraph (2)(b) shall include –
- (a) a part for the owner of the vehicle to complete to indicate that the owner consents to the grant of the mark-right to the other person, and understands the consequences of doing so; and
 - (b) another part for the other person to complete to indicate that that other 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.
- (4) If more than one relevant application is made at the same time (whether by one person or more than one person, and whether in respect of one vehicle or more than one vehicle), a person making any of the applications may, by duly completing a part included for that purpose in the published application form, make that application conditional on the grant or simultaneous putting into effect of any other of those applications.
- (5) If, by virtue of the granting of relevant applications that are made conditional under sub-paragraph (4), the registration marks assigned to 2 or more vehicles are exchanged simultaneously between those vehicles, the fees charged for the relevant applications shall be limited to £81.25 in total per vehicle.
- (6) For the purpose of sub-paragraphs (4) and (5) a relevant application is an application –
- (a) under paragraph 2(1), for the withdrawal of a registration mark;
 - (b) under paragraph 3(2)(b), for the assignment of a registration mark under a mark-right; or
 - (c) under sub-paragraph (2) of this paragraph, for the grant of a mark-right.
- (7) If the owner of 2 motor vehicles, one of which is registered and the other not, applies –
- (a) under paragraph 2 for the registration mark to be withdrawn from the registered vehicle and a new registration mark to be assigned to it under sub-paragraph (3)(b) of that paragraph;
 - (b) under this paragraph for the grant of a mark-right in respect of the withdrawn registration mark;
 - (c) under Article 5 for the registration of the unregistered vehicle; and
 - (d) under paragraph 3 for the assignment of the registration mark under the mark-right to the vehicle that is being registered,
- the Inspector shall, if all the applications are granted and are put into effect simultaneously, waive the fee under paragraph 2, and offset the fee under Article 5 against the fee under this paragraph.

5 Grant of mark-right in relation to unassigned registration mark selected by Inspector

- (1) The Inspector may select a registration mark for the purpose of making arrangements to grant a mark-right in respect of that registration mark.
- (2) The registration mark selected shall be one that –
 - (a) is not for the time being assigned to any motor vehicle;
 - (b) is determined in accordance with Article 20(1)(b) and (c); and
 - (c) is not to be assigned to a vehicle that is to be used exclusively as a hire vehicle.
- (3) The Inspector may make arrangements to grant the selected mark-right –
 - (a) by private sale to a person willing to buy it at a price agreed with the Inspector;
 - (b) by seeking tenders from a group of persons or from the public;
 - (c) by auction; or
 - (d) by any other means appearing to the Inspector to be efficient in raising funds through the arrangements and to be proportionate in formality to the amount likely to be raised.
- (4) The Inspector, having made arrangements to grant a mark-right under sub-paragraph (3), shall grant that mark-right to a person if –
 - (a) the Inspector agrees, under those arrangements, with the person to grant that mark-right to that person on payment by that person of an amount agreed under those arrangements (whether agreed by acceptance of a published price, by successful tender, by successful bid at auction or by any other means);
 - (b) the person pays, under those arrangements, that agreed amount; and
 - (c) the person signs a document (by any means, including electronic communication, that may be permitted or required under the arrangements) to acknowledge that the person has been informed of such effects of this Order or the Law on that right as may be specified in that document by the Inspector.
- (5) The Minister may issue a direction or guidance to the Inspector as to any aspect of the means by which arrangements are to be made under this paragraph in respect of any description of mark-right.
- (6) If the Minister issues a direction or guidance –
 - (a) the Minister shall send it in writing to the Inspector and publish it in a manner appearing to the Minister likely to bring it to the attention of the public; and
 - (b) the Inspector shall act in accordance with the direction, or take account of the guidance.

6 Certification of mark-right by mark-right document

- (1) If the Inspector grants, under paragraph 4 or 5, a mark-right to a person, the Inspector shall issue to the person a document (a 'mark-right document') certifying –
 - (a) that the person (whose name and address are specified in the document) has the mark-right in respect of the registration mark specified in the document;
 - (b) that the person –
 - (i) has complied with paragraph 4, if the mark-right was granted under that paragraph, or
 - (ii) has paid the agreed amount, as specified in the document, if the mark-right was granted under paragraph 5; and
 - (c) that the mark-right was granted on the date specified in the document and accordingly will be extinguished on the date 6 months after that date if not exercised before then.
- (2) The Inspector may correct, cancel or replace a mark-right document in the equivalent circumstances (including as to payment of fees) in which the Inspector may correct, cancel or replace a registration document.

7 Delegation by Inspector

- (1) The Inspector may delegate, in writing and subject to any condition or restriction specified, to another person any function under this Schedule in relation to any one or more of –
 - (a) the determination of a registration mark for assignment to a vehicle;
 - (b) the assignment of a registration mark to a vehicle; or
 - (c) the making of arrangements under paragraph 5(3)(b) or (c) to grant a selected mark-right; and
 - (d) the grant under paragraph 5(4) of a mark-right under arrangements made under paragraph 5(3)(b) or (c) (including making an agreement under paragraph 5(4)(a), taking payment under paragraph 5(4)(b), or providing a document under paragraph 5(4)(c)).
- (2) If a function falling within sub-paragraph (1)(c) or (d) is delegated to a person who is not a States' employee (within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005), the Inspector may, with the consent of the Minister, agree with that person a scheme by which the person –
 - (a) may be paid from funds raised in performing the function, whether by commission or otherwise; or
 - (b) may pay the Inspector in advance for the right to keep some or all of the funds raised.

8 Delay, refusal, withdrawal and appeal

- (1) The Inspector may delay the grant of a mark-right or the assignment of a registration mark under this Schedule until the Inspector has taken any action under any of Articles 12 to 18 in respect of the registration of the vehicle concerned.
- (2) The Inspector may refuse the grant or assignment –
 - (a) if the Inspector is not satisfied as to the result of action mentioned in sub-paragraph (1);
 - (b) if the Inspector is satisfied, after inviting and considering representations from the person applying for the grant or assignment, that it is proportionate to do so –
 - (i) in the case of a grant of a mark-right under paragraph 4, on the ground that the person would not have been entitled to that grant but for having contravened Article 5(1)(c) of the Law,
 - (ii) in the case of an assignment of a registration mark under a mark-right granted under paragraph 4, on the ground that the grant of that mark-right would have been refused under sub-clause (i) if the Inspector had known of that contravention before that grant, or
 - (iii) for other exceptional reasons related to the prevention of crime or to the protection of the reputation and integrity of Jersey in respect of its registration scheme.
- (3) The Inspector may withdraw from a vehicle a registration mark assigned under a mark-right, and assign another registration mark determined by the Inspector under Article 5A(1)(a)(i) or (ii) of the Law, if the Inspector is satisfied, after inviting and considering representations from the owner of the vehicle –
 - (a) that it is proportionate to do so on the ground that the mark would not have been assigned but for a contravention of a requirement of this Order or the Law by or on behalf of the owner; or
 - (b) if the Attorney-General consents to the withdrawal, that the mark-right was obtained through the use of money or property that –
 - (i) was or represented the proceeds of criminal conduct, within the meaning of the Proceeds of Crime (Jersey) Law 1999, or
 - (ii) could have been forfeited under Article 29 of the Misuse of Drugs (Jersey) Law 1978, Article 26 of the Terrorism (Jersey) Law 2002 or Article 9 of the Proceeds of Crime (Cash Seizure) (Jersey) Law 2008.
- (4) The Inspector shall, on exercising a power under sub-paragraph (2) or (3), give written notice (by post, electronic communication or otherwise) of the decision to exercise the power, including reasons, to the person whose application is refused or to the owner of the vehicle from which the mark-right is withdrawn.

- (5) A person notified under sub-paragraph (4) of the exercise of a power may, within 28 days of the giving of the notification, appeal to the Royal Court on the ground that the exercise of the power was unreasonable having regard to all the circumstances of the case.
- (6) Reasons given under sub-paragraph (4) need not include any reasons for the giving of the Attorney-General's consent under sub-paragraph (3)(b).

9 Mark-right not transferable

- (1) A mark-right is not transferable.
- (2) Sub-paragraph (1) is without prejudice –
 - (a) to any vesting of a mark-right in a person by operation of law; and
 - (b) to the grant of a mark-right to a person other than the owner under paragraph 4(2)(b).

10 Alteration of use to or from hire

- (1) On receipt by the Inspector of an application under Article 7 with respect to the alteration of the use of a vehicle to use exclusively as a hire vehicle, the Inspector shall re-assign the registration mark assigned to the vehicle so as to include the distinguishing mark referred to in Article 20(1)(a), amend the register accordingly and issue to the owner of the vehicle a registration document in respect of the vehicle recording its new registration mark.
- (2) On receipt by the Inspector of an application under Article 7 with respect to the alteration of the use of a vehicle from use exclusively as a hire vehicle, the Inspector shall re-assign the registration mark assigned to the vehicle so as to remove the distinguishing mark referred to in Article 20(1)(a), amend the register accordingly and issue to the owner of the vehicle a registration document in respect of the vehicle recording its new registration mark.”.

