

PROJET DE LOI

ENTITLED

The Unlawful User of Motor Vehicles (Alderney) Law, 1959

*

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

* Ordres en Conseil Vol. XX, p. 39; as amended by the Theft (Bailiwick of Guernsey) Law, 1983 (Ordres en Conseil Vol. XXVIII, p. 5); the Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306). See also the Criminal Justice (Bailiwick of Guernsey) Law, 1979 (Ordres en Conseil Vol. XXVII, p. 172); the Police Force (Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207).

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ARRANGEMENT OF SECTIONS

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3. Tampering with motor vehicle, etc.
4. Power of arrest.
5. Taking hold, etc. of moving motor vehicle.

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THE STATES, in pursuance of their Resolution of the ninth day of September, nineteen hundred and fifty-eight, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Alderney.

Definitions.

1. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"motor vehicle" means any mechanically propelled vehicle intended or adapted for use on a public highway,

"officer of police" means a member of the salaried police force of the Island of Guernsey and a member of any police force which may be established by the States of Alderney,

"owner", in relation to a motor vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the motor vehicle under that agreement,

"public highway" includes any place to which the public has access,

"the Royal Court" means the Royal Court of the Island of Guernsey sitting as a Full Court,

"trailer" means any vehicle drawn by a motor vehicle.

(2) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Law as it applies to the interpretation of an enactment in force in the Island of Guernsey.

NOTE

In accordance with the provisions of the Police Force (Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

Unlawful user of motor vehicles.

2. ...

NOTE

Section 2 was repealed by the Theft (Bailiwick of Guernsey) Law, 1983, section 41(2), Schedule, with effect from 1st July, 1984, subject to the transitional provisions in section 43 of the 1983 Law.

Tampering with motor vehicle, etc.

3. If, while a motor vehicle is on a public highway, any person, otherwise than with lawful authority or reasonable cause, gets on to the vehicle or tampers therewith or with the brake or other part of its mechanism, he shall be liable, on conviction, to a fine not exceeding [level 1 on the uniform scale] and, in the case of a second or subsequent conviction, to a fine not exceeding [level 2 on

the uniform scale] or to imprisonment with or without hard labour for a term not exceeding three months.

NOTES

In section 3, the words and figures in the first and second pairs of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, respectively section 2(2) and section 2(4), with effect from 1st July, 1989.

In accordance with the provisions of the Criminal Justice (Bailiwick of Guernsey) Law, 1979, section 2(2), with effect from 21st January, 1980, and subject to the provisions of section 2(3) of that Law, no person shall be sentenced by a Court to imprisonment with hard labour and accordingly the power conferred under this section shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before that date.

Power of arrest.

4. Any officer of police may arrest any person reasonably suspected by him of having committed or of attempting to commit an offence under [...] section three of this Law.

NOTE

In section 4, the words omitted in square brackets were repealed by the Theft (Bailiwick of Guernsey) Law, 1983, section 41(2), Schedule, with effect from 1st July, 1984.

Taking hold, etc. of moving motor vehicle.

5. If any person, otherwise than with lawful authority or reasonable cause, takes or retains hold of or gets on to a motor vehicle or trailer while in motion on any public highway for the purpose of being drawn or carried he shall be liable, on conviction, to a fine not exceeding [level 1 on the uniform scale] and, in

the case of a second or subsequent conviction, to a fine not exceeding [level 2 on the uniform scale].

NOTES

In section 5, the words and figures in the first and second pairs of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, respectively section 2(2) and section 2(4), with effect from 1st July, 1989.

The Law received Royal Sanction on 19th January, 1959 and was registered on the Records of the Island of Guernsey and came into force on 10th February, 1959.
