

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

**COMMITTEE *FOR THE* ENVIRONMENT & INFRASTRUCTURE AND
COMMITTEE *FOR* HOME AFFAIRS**

AMENDMENT TO THE ROAD TRAFFIC (CONSTRUCTION AND USE OF MOTOR VEHICLES)
ORDINANCE, 2002

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled “Amendment to the Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 2002”, dated 17th March 2025, they are of the opinion:-

1. To agree to amend section 9(G) of the Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 2002 as described in section 5 this Policy Letter.
2. To direct that the introduction of a decibel limit or limits (along with any further measures that may prove effective in tackling excessive vehicular noise) is considered by the Committee *for* Home Affairs and the Committee *for the* Environment & Infrastructure, informed by a data-collection trial, as set out in section 6 of the policy letter.
3. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

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The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

17th March 2025

Dear Sir

1 Executive Summary

- 1.1 The purpose of this policy letter is to introduce provisions that will assist in addressing the nuisance caused by noisy vehicles. The Committee *for the* Environment & Infrastructure and the Committee *for* Home Affairs (“the Committees”) understand that there has long been a great deal of frustration locally regarding excessive vehicle noise. Given the shared responsibilities in respect of road traffic matters, the Committees have worked jointly in order to bring forward proposals to tackle this issue.
- 1.2 Support from the Assembly is being sought to amend the Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 2002¹ (“the 2002 Ordinance”). The proposal is to amend the existing provision in relation to vehicle exhaust systems so that not only must every exhaust system and silencer be maintained in good and efficient working order, but also the exhaust system of a vehicle must not be altered after the date of manufacture so as to increase the noise made by the escape of exhaust gases. This would mean that it would be sufficient to prove an increase in noise as a result of the alteration for the purpose of the offence, rather than having to prove that the noise is “excessive” as is currently the case. (One of the challenges with the existing legislation is that it does not provide a definition of “excessive noise”, meaning that it is a difficult offence to successfully prosecute.)

¹ [The Road Traffic \(Construction and Use of Motor Vehicles\) Ordinance, 2002](#)

- 1.3 Whilst the Committees concluded that the introduction of this provision would provide the most effective and immediate means by which to tackle the problem of noisy vehicles, it was nevertheless considered that there was value in conducting a trial to gather data in relation to noise emissions to assist in establishing whether the introduction of further remedies – specifically involving decibel limits - is also practicable.

2. Background

- 2.1 The issue of noisy vehicles has been raised politically and publicly over a number of years and there is support for addressing the matter of excessive noise pollution emitted by vehicles acknowledging its detrimental effects on the community and environment.
- 2.2 The majority of modern vehicles are constructed to a standard whereby excessive noise is not a concern; however, owners undertaking modifications or failing to properly maintain their vehicle can result in excessive noise levels being emitted by those vehicles.
- 2.3 In developing these proposals consideration has been given to how Guernsey's legislation differs to that of neighbouring jurisdictions.

3. Current Guernsey Position in Relation to Exhaust Systems

- 3.1 In Guernsey it is already an offence under section 9G(2) and 13 of the 2002 Ordinance to fail to equip a vehicle powered by an internal combustion engine with an exhaust silencer maintained in good and efficient working order. Furthermore, under section 9G(1) and 13 of the 2002 Ordinance, every motor vehicle must be so constructed and maintained so as not to give rise to excessive noise.
- 3.2 The penalty for the contravention of this offence is a fine not exceeding level 3 on the uniform scale, as set out in section 13(1) of the 2002 Ordinance. The phrase "excessive noise" has no definition, meaning the test is subjective. This creates a practical challenge in successfully prosecuting the offence.

4. United Kingdom and Jersey Position in Relation to Exhaust Systems

United Kingdom (UK)

- 4.1 Although the UK has similar provisions, they are not identical. Section 54(2) of the UK's Road Vehicles (Construction and Use) Regulations 1986, provides that:

"Every exhaust system and silencer shall be maintained in good and efficient working order and shall not after the date of manufacture be

altered so as to increase the noise made by the escape of exhaust gases."

- 4.2 A scenario can be posed in order to illustrate the difference between Guernsey and the UK. Should an individual purchase a suitably constructed vehicle, but then alter the exhaust system with an after-market part and that part generates greater noise than the original, the police/prosecution would have different points to prove in the respective jurisdictions namely:
- a. In Guernsey, currently it would not be sufficient to show that the new exhaust is noisier. The police/prosecution would have to additionally demonstrate that the exhaust is "giving rise to excessive noise". The individual could seek to argue that, whilst it is noisier, the noise is still acceptable and not excessive.
 - b. In the UK, the police/prosecution would simply have to prove that the noise has "increased". The individual would not be able to argue that the increase in noise is still acceptable, because the elements of the offence are simply that the exhaust system a) was altered, and b) as a result became noisier.

Jersey

- 4.3 Jersey have enacted a provision identical to section 54(2) of the UK Regulations under Article 59(2) of the Motor Vehicles (Construction and Use) (Jersey) Order 1998² ("the 1998 Order").
- 4.4 Jersey statistics indicate that within a 5-year period there were 110 successful prosecutions under Article 59(2).³ These statistics demonstrate that this offence works in a comparable jurisdiction and is why the Committees are proposing an amendment to the 2002 Ordinance in order to mirror these provisions locally.
- 4.5 It should be accepted that to achieve results comparable with Jersey our police would need to be as well-resourced as in Jersey (e.g. adequate number of traffic officers for an island this size).

5. Proposed Amendment to the 2002 Ordinance

- 5.1 The Committees propose that the existing offence under section 9(G) of the 2002 Ordinance is amended so that altering an exhaust system after the date of manufacture so as to increase the noise made by the escape of exhaust gases is an offence. This would align the local legislation with that of both the UK and Jersey and enable prosecutions without having to prove that the vehicle failed a

² [Motor Vehicles \(Construction and Use\) \(Jersey\) Order 1998 \(Articles 59 to 66\)](#)

³ States of Jersey - [Excessive noise from motor vehicles \(FOI\)](#)

subjective "excessive noise" test.

- 5.2 The benefit of this approach is that the change could be immediate once the amendment is in force. Further, there is evidence that the provision is proving effective in tackling vehicle noise in a comparative jurisdiction.
- 5.3 Best practice from the UK and Jersey will inform how to practically enforce the new exhaust offence. Evidence may include for example initial observations from an officer prior to stopping a vehicle and photographic evidence of any alterations to the exhaust system. For difficult cases, someone with expert knowledge of vehicles (such as a police vehicle examiner) may need to comment on how alterations to an exhaust system would have an impact on the noise it emits. Manufacturer's documentation could be informative regarding the maximum noise level that the original exhaust system would be expected to emit (there are already strict regulations in European Community Law regarding noise limits at the point of construction). A court is already entitled under existing legal principles to draw reasonable inferences from the evidence. Easier cases would be where it is immediately obvious that the silencer has been removed or the exhaust system has been poorly maintained, in which case officer observations supported by photographs or body-worn video might be sufficient to prove the offence.
- 5.4 The new exhaust offence should be phrased so that the offence is actually using the vehicle on a public highway in the circumstances described. That avoids any argument about retrospective effect, because the offender is not being punished for the act of altering the exhaust system prior the commencement of this new provision, rather they are being punished for circulating a vehicle after the commencement of this new provision, in circumstances where the exhaust system has been altered (whenever that was). This avoids a defence argument, which would be very difficult to rebut, that a defendant is not guilty of the offence because they carried out the alterations prior the commencement of this new offence. In practical terms, this means that a motorist who has already altered their vehicle exhaust system so as to make their vehicle louder prior the commencement date will need to reinstate their vehicle exhaust system so that it emits the same level of noise as was originally the case, and should not use the vehicle on a public road until they have done so. A commencement date could be delayed so as to give existing motorists adequate time to make such reinstatements.
- 5.5 Reasonable defences should be considered as part of the drafting so that, for example, a motorist whose vehicle is damaged in an accident is able to get to a nearby garage to get the exhaust system fixed, and will not be penalised for taking that sensible course of action on a public road, notwithstanding that the exhaust system is no longer "in a good and efficient working order" for the purpose of the offence.

6 Decibel Testing Trial

- 6.1 In addition to reforms proposed in section 5, the Committees propose to undertake a decibel-testing trial. The purpose of this trial is to gather data on vehicle noise emissions to inform whether further remedies - specifically a decibel limit or limits – are necessary, and if so, what measures would be proportionate and deliverable.
- 6.2 A trial would need to identify the process, resource requirements and necessary equipment to meet evidential standards to successfully deliver any additional provisions in relation to an objective (decibel) test.
- 6.3 Regard would be given to international best practice with respect to decibel limits, for example as set out in UNECE Regulation No. 51 (External Noise of Motor Vehicles) and UNECE Regulation No. 41 (Noise Emissions of Motorcycles). By way of example, most passenger cars in the EU are limited to 72dB, with a planned reduction to 70dB; limits for motorcycles vary depending on engine size (with some exemptions), where engines less than 50cc are limited to 76dB, 50-125cc engines are limited to 77dB, and engines over 125cc are limited to 80dB; and HGVs and buses are limited to 78-80dB, depending on their weight and type. It is proposed that the decibel reading device should be a Class 1 Sound Level Meter, suitable for legal or regulatory use, which complies with IEC 61672-1 (the international standard for sound level meters).
- 6.4 The trial data could be collected via the use of handheld noise devices. It would be necessary to record environmental conditions and the type of vehicle being tested (for example whether it is a low powered motorcycle or a heavy goods vehicle). This data will help inform whether identification of a single decibel limit would be adequate or whether a tiered system for different types of vehicle would be more appropriate.
- 6.5 In principle, the Police may be well placed to support this trial and it is proposed that further discussion takes place with Bailiwick Law Enforcement to establish the feasibility of this. Additional resources may be needed in order to ensure that the trial delivers the necessary data to support further policy development.
- 6.6 It is posed that consideration could be given to a trial being delivered in tandem with police investigations into contraventions of the new offence proposed in proposition 1. It would not be unreasonable to assume that this would also assist in establishing whether the exhaust offence is proving effective on its own in tackling noisy vehicles on the Island and therefore whether additional provisions (specifically decibel limits) are necessary.
- 6.7 The trial should be undertaken by a project group with the requisite technical

skills to co-ordinate the process and ensure any recommendations to further provisions are justified and proportionate. Police Officers could contribute to the trial in terms of using roadside equipment when they ordinarily interact with motorists. However, specialist officers will be needed to define a scientific trial on noise impact, proposed limits, testing environments, type approval issues.

- 6.8 It should be acknowledged that, as the data collecting trial is not an investigation into an existing offence, some data sets may only be possible to collect with the co-operation of drivers. For example, once a motorist has been stopped on suspicion of having contravened the exhaust offence, an officer could further request (rather than demand) that a motorist revs (increases their engine speed) their engine whilst stationary so that the officer can take an audio measurement using a device placed a specific, measured distance from the exhaust. This in turn will inform whether the noisiest vehicles on island are already being captured by the exhaust offence.
- 6.9 As part of the trial analysis consideration would need to be given to the potential conflict that may arise from prosecuting someone for the exhaust offence, even though the resulting noise still falls under a new prescribed decibel limit of what amounts to excessive noise under another crime. Consideration would need to be given to whether this may result in either of the new provisions being less effective.

7 Consultation with Head of Law Enforcement

- 7.1 The Head of Law Enforcement acknowledges the noise and nuisance caused by poorly maintained or modified vehicles and he is supportive of the introduction of provisions which mirror the UK and Jersey in relation to “increased noise” as a means of tackling noisy vehicles, subject to a proper assessment of the impact, resourcing, public expectations, and end to end process.
- 7.2 The Committees will continue discussions with the Head of Law Enforcement and the appropriate States Officers to ensure that the trial can be undertaken in a way that does not negatively impact on the delivery of frontline policing or transport related priorities.

8. Compliance with Rule 4

- 8.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 8.2 In accordance with Rule 4(1):

- a) The propositions contribute to the States' objectives and policy plans of the Government Work Plan to "keep the island safe and secure" by enhancing measures to address excessive noise pollution.
- b) In preparing the propositions, consultation has been undertaken with Guernsey Police.
- c) The propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- d) There are no financial implications to the States of carrying the proposal into effect.

8.3 In accordance with Rule 4(2):

- a) The propositions relate to the Committees' respective purposes to advise the States and to develop and implement policies on matters relating to its purpose, including traffic and transport and to develop and implement policies on matters relating to its purpose, including law enforcement, including policing and customs.
- b) The propositions have the unanimous support of the Committees.

Yours faithfully

Committee *for the* Environment & Infrastructure

H L de Sausmarez
President

A Gabriel
Vice-President

A Cameron
S Fairclough
A Matthews

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