

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

29th April 2025

Proposition No. P.2025/52

Committee for the Environment & Infrastructure
&
Committee for Home Affairs

Amendment to the Road Traffic (Construction and Use of
Motor Vehicles) Ordinance, 2002

AMENDMENT

Proposed by: L de Sausmarez

Seconded by: R Prow

To insert after Proposition 2 the following proposition:

“To agree to amend the Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 2002 in order to –

- (a) provide for an additional offence under the Ordinance of driving a motor vehicle on a public highway, the exhaust system of which does not comply with the decibel limit specified as established by means of a stationary test, and
- (b) confer on the Committee *for the* Environment & Infrastructure power by regulation to specify all those matters that are necessary for the purpose of enforcing and giving effect to the offence including –
 - (i) the applicable decibel limit,
 - (ii) the class or category of vehicle to which any decibel limit is to apply (including the power to specify different decibel limits in relation to different classes or categories of vehicle), and
 - (iii) the testing method to be used for the purpose of establishing the decibel level, including the persons authorised to conduct tests, and

- (iv) police powers to enable or facilitate such testing, and
- (c) provide that any such regulations shall be laid before the States and be subject to the usual power to annul them.”.

Rule 4(1) Information

- a) The proposition contributes to the States’ objectives and policy plans by best organising future States’ business.
- b) In preparing the proposition, consultation has been undertaken with the two relevant Committees, Law Officers and the Police.
- c) The proposition has 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.
- e) Drafting advice has been sought from the States’ Greffier.

Explanatory Note

This amendment incorporates the contents of Amendment 1 into the original propositions so as to combine the advantages of both, and to avoid the disadvantage of narrowing the potential practical measures to most effectively tackle excess vehicle noise.

Amendment 1 seeks to delete Proposition 1 and Proposition 2 and replace them both with a new proposition stipulating a proposed change to the Road Traffic (Construction and Use of Motor Vehicles) Ordinance, 2002 to agree to the introduction of a decibel limit or limits. However, Proposition 2 already provides for this, as follows:

“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.”

Moreover, Proposition 2 includes the trial necessary to establish what any decibel limit or limits should be, and how they can most practically be enforced. Introducing decibel

limits into legislation is not straightforward, because the specific limits that exist in other jurisdictions typically relate to vehicles' manufacture and modification, rather than their use, which has different implications. This is why a trial is necessary: not to establish whether there is a problem with excessive vehicle noise, but to determine the practical, pragmatic mechanisms to make a decibel limit or limits realistic and enforceable. There isn't a standardised methodology so we don't know what will work best in the Guernsey context. The trial would also consider the role of periodic vehicle testing, and involve consultation with industry, again to determine what will work best at a practical level.

The trial proposed in Proposition 2 also encompasses consideration of any further measures that would help to tackle excess noise, which Amendment 1 does not. Such further measures could include, for example, clearer regulation relating to the dysfunction of emissions equipment and silencers, and the introduction of acoustic cameras (which would require some systems change) such as those that have been trialled in the UK. Amendment 1 is more narrowly focused just on the compliance of exhaust systems with decibel limits, so doesn't accommodate these other aspects.

What Amendment 1 does do, however, is put more detail around the specific legislative changes that may be required to enact Proposition 2 once the trial has been carried out, and for that reason the Committees are happy to include it as a substantive proposition in its own right. This amendment therefore seeks to add in the proposition proposed in Amendment 1, following (rather than instead of) Proposition 2, so that the advantages of both can be retained.

Proposition 1, meanwhile, seeks to align Guernsey's legislation on noise levels emitted by exhausts with the UK's and Jersey's, which would make it illegal to modify an exhaust system in a way that makes the vehicle noisier after it has been type approved (i.e. after it has been checked to meet environmental and safety standards). The UK and Jersey wording better achieves what the Guernsey legislation was originally intended to achieve, but because Guernsey's legislation is worded less specifically it is currently not as effective. This alignment, which is quick and easy in legislative terms to implement, has been proposed by the Committees as a first step.

A local business that specialises in such replacements has argued that this is inequitable, as it would be unlawful to replace a quiet exhaust with an alternative that is slightly less quiet, while still lawful to buy a vehicle with a very noisy exhaust in the first place. Both Committees note that if Proposition 1 were to be agreed, it may have a direct impact on this business. However, both Committees also note that the effect of the proposition introduced by Amendment 1 and included in this amendment could have exactly the same impact, because the provisions in (b)(ii) include the power to specify different

decibel limits in relation to different classes or categories of vehicle.

The reason the UK and Jersey legislation is written in this way is to guard against the cumulative noise pollution impact of road traffic. Studies show that modified exhausts are typically 8-9dB louder than the exhausts that they replace, so multiplied across numerous vehicles, this suggests that noise pollution from Guernsey traffic is likely to be generally louder than comparable traffic in comparable circumstances in the UK and Jersey.

By adding in the proposition proposed in Amendment 1 whilst retaining the original propositions, this amendment gives members full range of all the propositions to enable them to make a more informed decision as to which they would like to support, without that choice being narrowed ahead of general debate.