

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**THE ROAD TRAFFIC (GUERNSEY) (AMENDMENT) ORDINANCE, 2025**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Road Traffic (Guernsey) (Amendment) Ordinance, 2025" and to direct that the same shall have effect as an Ordinance of the States.

**EXPLANATORY MEMORANDUM**

This Ordinance amends the Road Traffic (Guernsey) Ordinance, 2019 ("the principal Ordinance"). It replaces the offence in section 10 of the principal Ordinance with an offence of driving dangerously and clarifies the meaning of driving dangerously. It also amends section 11 of the principal Ordinance to clarify the meaning of driving without due care and attention, and driving without reasonable consideration for others.



# **The Road Traffic (Guernsey) (Amendment) Ordinance, 2025**

## ARRANGEMENT OF SECTIONS

1. Amendment of Ordinance of 2019.
2. Amendment of section 10 of the principal Ordinance.
3. Insertion of new section 10A in the principal Ordinance.
4. Amendment of section 11 of the principal Ordinance.
5. Transitional
6. Extent.
7. Citation.
8. Commencement.

# **The Road Traffic (Guernsey) (Amendment) Ordinance, 2025**

THE STATES, in pursuance of their Resolution of the 21<sup>st</sup> February, 2024<sup>a</sup> and all powers enabling them in that behalf, hereby order:-

## **Amendment of Ordinance of 2019.**

1. The Road Traffic (Guernsey) Ordinance, 2019<sup>b</sup> ("the principal Ordinance") is amended as follows.

## **Amendment of section 10 of the principal Ordinance.**

2. In section 10 of the principal Ordinance, for subsection (1), substitute the following subsection –

"(1) A person is guilty of an offence if the person drives a vehicle or animal dangerously on a public highway."

## **Insertion of new section 10A in the principal Ordinance.**

3. Immediately after section 10 of the principal Ordinance, insert the following section –

### **"Meaning of driving dangerously.**

10A. (1) For the purposes of section 10(1), a person is to be regarded as driving dangerously if (and only if) either condition 1 or 2 is satisfied.

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<sup>a</sup> Article VII of Billet d'État No. II of 2024.

<sup>b</sup> Ordinance No. IX of 2019.

(2) Condition 1 is satisfied if -

- (a) the way that the person drives falls far below what would be expected of a competent and careful driver, and
- (b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.

(3) Condition 2 is satisfied if it would be obvious to a competent and careful driver that driving the vehicle or animal in its current state would be dangerous.

(4) In subsections (2) and (3), "**dangerous**" refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of those subsections what would be expected of, or obvious to, a competent and careful driver in any case where a person ("**the accused**") is charged with an offence under section 10(1), regard is to be had not only to the circumstances of which the accused could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(5) In determining for the purposes of subsection (3) the state of a vehicle or animal, regard may be had to anything attached to or carried on or in it and to the manner in which it is attached or carried."

**Amendment of section 11 of the principal Ordinance.**

4. In section 11 of the principal Ordinance, after subsection (1), insert the following subsections –

"(2) For the purpose of subsection (1), a person is to be regarded as driving without due care and attention if (and only if) the way the person drives falls below what would be expected of a competent and careful driver.

(3) In determining what would be expected of a competent and careful driver in any case where a person is charged with an offence under subsection (1), regard is to be had not only to the circumstances of which the person could be expected to be aware but also to any circumstances shown to have been within the knowledge of the person.

(4) For the purpose of subsection (1), a person ("D") is to be regarded as driving without reasonable consideration for other persons if (and only if) those persons are inconvenienced by D's driving."

**Transitional**

5. None of the amendments made to the principal Ordinance by this Ordinance applies in respect of driving which takes place before the commencement of this Ordinance.

**Extent.**

6. This Ordinance has effect in the Islands of Guernsey, Herm and Jethou.

**Citation.**

7. This Ordinance may be cited as the Road Traffic (Guernsey) (Amendment) Ordinance, 2025.

**Commencement.**

8. This Ordinance shall come into force on the day appointed by Order of the Committee for Home Affairs; and different dates may be appointed for different provisions and for different purposes.