

PROJET DE LOI

ENTITLED

The Invalid Carriages (Sark) Law, 1967 *

[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 the Greffier, La Chasse Marette, Sark, GY10 1SF.

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* Ordres en Conseil Vol. XXI, p. 196; as amended by the Uniform Scale of Fines (Sark) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 320); the Invalid Carriages (Sark) (Amendment) Law, 2006 (No. IV of 2007). This Law was repealed by the Motor Vehicles (Sark) Law, 2013 (No. XV of 2013).

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ARRANGEMENT OF SECTIONS

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The Invalid Carriages (Sark) Law, 1967

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the fifth day of October, nineteen hundred and sixty-six, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of Law in this Island.

Section 1.

1. (1) A person shall not drive or attempt to drive an invalid carriage on or along any public road in this Island unless that invalid carriage has been licensed in accordance with the provisions of this Law.

(2) A person who desires to obtain a licence for an invalid carriage (hereinafter referred to as "**an invalid carriage licence**") under the provisions of this Law shall apply to the Committee in that behalf and shall furnish to the Committee such particulars with regard to that invalid carriage as the Committee may, from time to time, require.

(3) Subject to the provisions of the next succeeding subsection, on an application being made to it under the provisions of the last preceding subsection the Committee may issue to the applicant an invalid carriage licence in respect of the invalid carriage concerned in such form and containing such conditions as the Committee may direct.

(4) The Committee shall not issue an invalid carriage licence under the provisions of this Law unless there is produced to it a certificate of insurance indicating that on the date when the invalid carriage licence comes into operation there will be in force a policy of insurance complying with the requirements of this Law in relation to the user of the invalid carriage by the applicant or by other persons to be covered by the said policy in respect of the use by them of that invalid carriage.

(5) An invalid carriage licence issued under the provisions of this Law –

- (a) shall expire on the thirty-first day of December of the year in which it is issued,
- (b) shall be issued only in respect of the invalid carriage specified in the application for the licence,
- (c) shall not be transferred except by an endorsement thereon by the Committee.

[Driving licence fees.]

1A. (1) There shall be chargeable in respect of the issue or renewal of an invalid carriage licence issued under the provisions of this Law a licence fee calculated in accordance with this section.

(2) The fee chargeable under this section shall be such sum as the Committee shall prescribe, being a sum not greater than the sum prescribed for that purpose from time to time by Ordinance of the Chief Pleas.]

NOTE

Section 1A was inserted by the Invalid Carriages (Sark) (Amendment) Law, 2006, section 1(a), with effect from 19th February, 2007.

Section 2.

2. (1) Subject to the provisions of this section, it shall not be lawful for any person to drive or attempt to drive, or to cause or permit any other person to drive or attempt to drive, an invalid carriage on or along any public road unless there is in force in relation to the user of that invalid carriage by that person or that other person, as the case may be, such a policy of insurance in respect of third-party risks as complies with the requirements of this section.

(2) In order to comply with the requirements of this section, a policy of insurance shall be a policy which –

- (a) is issued by a person who is an authorised insurer within the meaning of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936,
- (b) insures such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death or bodily injury to any person caused by or arising out of the use of the invalid carriage on a public road.

(3) A policy of insurance shall be of no effect for the purposes of this section unless and until there is delivered by the insurer to the person by whom the policy is effected a certificate in the form prescribed under the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936, and containing such particulars of any conditions subject to which the policy is issued and such other particulars as may be so prescribed.

Section 3.

3. A person when driving or attempting to drive, or when in charge of, an invalid carriage on a public road shall not be under the influence of drink or of a drug to such an extent as to be incapable of having proper control of the invalid carriage.

Offences and Penalties.

4. A person who –

- (a) contravenes or fails to comply with any of the provisions of this Law, or
- (b) contravenes or fails to comply with any condition attached to an invalid carriage licence, or
- (c) in connection with an application for the issue of an invalid carriage licence in accordance with the provisions of this Law knowingly makes any false statement or recklessly makes any statement which is false in a material particular,

shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 1 on the Sark uniform scale] or to imprisonment for a term not exceeding six months or to both such fine and such term of imprisonment and in addition to or in substitution for any such punishment may be disqualified from holding or obtaining an invalid carriage licence under the provisions of this Law or from holding or obtaining an invalid carriage licence for such period as the court may think fit.

NOTE

In section 4, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Sark) Law, 1989, section 2(2), with effect from 1st July, 1989.

Interpretation.

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

"the Committee" means the Committee appointed by the Chief Pleas for the purposes of this Law,

[**"invalid carriage"** means –

- (a) an electrically propelled vehicle the weight of which unladen and excluding the weight of the traction batteries does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person, or
- (b) a bicycle or tricycle which –
 - (i) has a kerbside weight not exceeding –
 - (aa) in the case of a bicycle, 40 kilograms, and
 - (bb) in the case of a tricycle, 60 kilograms,
 - (ii) is fitted with pedals by means of which it is capable of being propelled, and

(iii) is fitted with no motor other than an electric motor which –

(aa) has a continuous rated output which, when installed in the vehicle with the nominal voltage supplied, does not exceed, in the case of a bicycle, 0.2 kilowatts, and in the case of a tricycle, 0.25 kilowatts, and

(bb) cannot propel the vehicle when it is travelling at more than 15 miles per hour,]

"policy of insurance" includes a cover note,

"public road" means any road, street, lane, way or place which is public or to which the public has right of access.

(2) Except so far as the context otherwise requires, any references in this Law to any other enactment shall be construed as references to that enactment as repealed and re-enacted, amended, extended or applied by or under any other enactment including this Law.

(3) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Law as if the same were an enactment in force in the Island of Guernsey.

NOTE

In section 5, the definition of the expression "invalid carriage" in subsection (1) was substituted by the Invalid Carriages (Sark) (Amendment) Law, 2006, section 1(b), with effect from 19th February, 2007.

Section 6.

6. This Law shall come into force on such date as the Chief Pleas may by Ordinance appoint.

NOTE

The Law was brought into force on 29th November, 1967 by the Invalid Carriages (Sark) Law, 1967 (Commencement) Ordinance, 1967, section 1.
