

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Motor Vehicles (Sark) Law, 1956.

(Registered on the Records of the Island of Guernsey
on the 22nd day of December, 1956.)



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ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 22nd day of December, 1956, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :— Arthur Falla, William Robert Freake Clark, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., and Claude Fortescue Nason, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 29th day of November, 1956, ratifying a *Projet de Loi* of the Chief Pleas of the Island of Sark entitled “The Motor Vehicles (Sark) Law, 1956”,—the Court, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty’s Greffier to the Seneschal of Sark for registration on the records of that Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace,

The 29th day of November, 1956.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

MR. SECRETARY BIRCH

MR. BROOKE

MR. WATKINSON

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 2nd day of November, 1956, in the words following, viz.:—

“YOUR MAJESTY, having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee the humble Petition of Sibyl Mary Hathaway, Dame de Sercq, William Baker, Esquire, Seneschal, and Philip Guille, Esquire, Prévôt of the Island of Sark, setting forth:—

‘1. That the Chief Pleas of Sark at a meeting held on the 13th day of August, 1956, approved a Bill or “Projet de Loi” entitled “The Motor Vehicles (Sark) Law, 1956.” 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the said Bill or “Projet de Loi” of the Chief Pleas of Sark and to order that the same shall have the force of law in the said Island of Sark.’

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition, and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Sark.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Bailiwick of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers, for the time being in the said Bailiwick, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. AGNEW.

**Projet de Loi referred to in the foregoing
Order in Council.**

PROJET DE LOI

ENTITLED

The Motor Vehicles (Sark) Law, 1956.

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 17th day of November, 1953, 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.

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

(2) Tractors of such size or power as may from time to time be prescribed shall not be licensed under the provisions of this Law.

(3) A person who desires to obtain a licence for a tractor (hereinafter referred to as "a tractor licence") under the provisions of this Law shall apply to the Constable in that behalf and shall furnish to the Constable such particulars with regard to that tractor as the Constable may require.

(4) On an application being made to him under the provisions of the last preceding subsection and, subject to the provisions of subsection (3) of section two of this Law, upon payment by the applicant of the appropriate tax chargeable under section two of this Law, the Constable shall issue to the applicant a tractor licence in respect of the tractor concerned in such form as the Constable may direct and containing such conditions as the Constable may direct.

(5) The Constable shall not issue a tractor licence under the provisions of this Law unless there is produced to him a certificate of insurance indicating that on the date when the tractor 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 tractor by the applicant or by other persons to be covered by the said policy in respect of the use by them of that tractor.

(6) A tractor 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 and shall be renewable within the fifteen days next following the date of expiry;
- (b) shall be issued only in respect of the tractor specified in the application for the licence;
- (c) shall not be transferred except by an endorsement thereon by the Constable.

2.—(1) Subject to the provisions of this Law:—

- (a) there shall be charged in respect of tractors licensed under the provisions of this Law the tax provided for by subsection (2) or subsection (4) of this section; and
- (b) the tax so chargeable in respect of any tractor shall be paid to the Constable, upon a tractor licence being issued or renewed by the Constable.

(2) Subject to the provisions of the next succeeding subsection tax chargeable in respect of a tractor shall be three pounds.

(3) Tax shall not be chargeable under the provisions of this section in respect of tractors of such size or power as does not exceed such size or power as may from time to time be prescribed.

(4) In the case where an application for a tractor licence is made on or after the first day of July in any year the tax chargeable under this section shall be the sum of one pound and ten shillings.

3.—(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, a tractor on or along any public road unless there is in force in relation to the user of that tractor 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 tractor on a public road:

Provided that such a policy shall not be required to cover—

- (i) liability in respect of the death arising out of and in the course of his employment of a person in the employ of a person insured by the policy or of bodily injury sustained by such person arising out of and in the course of his employment; or

(ii) except in the case of a tractor on which passengers are carried by reason of or in pursuance of a contract of employment, liability in respect of the death of or bodily injury to persons being carried on or getting on to or alighting from the tractor at the time of the occurrence of the event out of which the claims arise; or

(iii) any contractual liability.

(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.

(4) For the purposes of this section the expression "tractor" shall include a tractor to which there is attached a trailer or other vehicle.

4. A person when driving or attempting to drive, or when in charge of, a tractor 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 tractor.

5. A person who—

(a) contravenes any of the provisions of this Law; or

(b) in making an application for a tractor licence in accordance with the provisions of this Law furnishes any information which is false in a material particular; or

- (c) fails to comply with any conditions attached to the grant of a tractor licence which is held by him;

shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds 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 a tractor licence under the provisions of this Law or from holding or obtaining a tractor licence for such period as the court may think fit.

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

“policy of insurance” includes a cover note;

“prescribe” means prescribe by Ordinance of the Chief Pleas;

“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 re-enacted, amended, extended or applied by or under any subsequent 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.

7. This Law shall come into force on the 1st day of January, 1957.

JAMES E. LE PAGE,

Her Majesty's Greffier.