

PROJET DE LOI

ENTITLED

The Road Traffic (Horse-Drawn Vehicles) (Sark) Law, 1969

*

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. 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.

* Ordres en Conseil Vol. XXII, p. 112; as amended by the Road Traffic (Horse-Drawn Vehicles) (Temporary Provisions and Amendment) (Sark) Law, 1980 (Ordres en Conseil Vol. XXVII, p. 254); the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Law, 1983 (Ordres en Conseil Vol. XXVIII, p. 328); the Uniform Scale of Fines (Sark) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 320); the Reform (Sark) Law, 2008 (No. V of 2008); the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2002 (Sark Ordinance No. 127C); the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2010 (Sark Ordinance No. 189); the Sark Machinery of Government (Transfer of Functions) Ordinance, 2018 (Sark Ordinance No. VIII of 2018). See also the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Law, 1983 (*supra*).

Consolidated text

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ARRANGEMENT OF SECTIONS

1. Licensing of horse-drawn vehicles.
2. Fee for horse-drawn vehicle licence.
3. Period of validity and renewal of horse-drawn vehicle licences.
4. Conditions of issue and renewal.
5. Test certificates.
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SCHEDULE

The Road Traffic (Horse-Drawn Vehicles) (Sark) Law, 1969

THE CHIEF PLEAS OF SARK, in pursuance of their Resolutions of the twenty-first day of April, nineteen hundred and sixty-five, the thirteenth day of April, nineteen hundred and sixty-six, and the fourth day of October, nineteen hundred and sixty-seven, 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.

Licensing of horse-drawn vehicles.

1. (1) A person shall not drive or attempt to drive a horse-drawn vehicle on or along any of the public roads unless that horse-drawn vehicle is for the time being licensed in accordance with the succeeding provisions of this Law.

(2) Any person who desires to obtain a licence for a horse-drawn vehicle in pursuance of the provisions of this Law (hereinafter referred to as "**a horse-drawn vehicle licence**") shall make application in that behalf to the Constable and shall furnish to the Constable such particulars with regard to that horse-drawn vehicle as the Constable may, from time to time, require.

(3) Subject to the provisions of sections four, five and six of this Law, on an application being made to him in pursuance of the provisions of the last preceding subsection and upon payment by the applicant of the fee prescribed in the next succeeding section, the Constable shall issue to the applicant a horse-drawn vehicle licence in such form and subject to such conditions as he may deem it necessary or expedient to impose.

Fee for horse-drawn vehicle licence.

2. [(1)] The fee payable for a horse-drawn vehicle licence issued in pursuance of the provisions of subsection (3) of the last preceding section in respect of any of the categories of horse-drawn vehicles set out in the left hand column of the Schedule to this Law shall be the fee specified in relation to that category of horse-

drawn vehicle in the right hand column of that Schedule.

[(2) The Chief Pleas may, from time to time, by Ordinance vary all or any of the fees specified in the right hand column of the Schedule to this Law payable in respect of all or any of the categories of horse-drawn vehicles set out in the left hand column of that Schedule.]

[(3) Any sums received by way of fees for horse-drawn vehicle licences shall accrue to Chief Pleas and shall be applied towards expenditure for public purposes.]

NOTES

In section 2,

subsection (1) was renumbered, and subsection (2) was inserted, by the Road Traffic (Horse-Drawn Vehicles) (Temporary Provisions and Amendment) (Sark) Law, 1980, section 5(a), with effect from 19th January, 1981;

subsection (3) was inserted by the Reform (Sark) Law, 2008, section 66(1), Schedule 1, with effect from 1st September, 2008.

The following Ordinances have been made under section 2:

Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2002;

Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2010.

Period of validity and renewal of horse-drawn vehicle licences.

3. (1) A horse-drawn vehicle licence issued in pursuance of the provisions of section one of this Law shall be valid until the thirty-first day of March next following the date of such issue and thereafter, upon being renewed in pursuance of the provisions of the next succeeding subsection, shall be valid during the period commencing on the first day of April in any year and ending on the thirty-first day of March in the year next following, both dates inclusive.

(2) Subject to the provisions of sections four, five and six of this Law, a horse-drawn vehicle licence issued in pursuance of the provisions of section one of this Law shall be renewed by the Constable upon an application being made to him in that behalf on or before the thirty-first day of March in any year and upon payment by the applicant of the fee specified in the right hand column of the Schedule to this Law in relation to the category of horse-drawn vehicle set out in the left hand column of that Schedule to which the application relates.

Conditions of issue and renewal.

4. A horse-drawn vehicle licence issued or renewed in pursuance of the provisions of this Law –

- (a) shall be issued or renewed, as the case may be, only in respect of the horse-drawn vehicle specified in the application for the issue or the renewal of the licence,
- (b) shall not be transferred otherwise than by an endorsement thereon by the Constable.

Test certificates.

5. (1) The Constable shall not issue or renew a horse-drawn vehicle licence in pursuance of the provisions of this Law unless there is produced to him a certificate (hereinafter referred to as a "**test certificate**") given and signed by a person (hereinafter referred to as a "**Vehicle Inspector**") approved in that behalf by the Chief Pleas [Douzaine] (hereinafter referred to as "**the Committee**") and stating that, after examining the horse-drawn vehicle to which the test certificate relates on a date not earlier than two months before the date on which application for the issue or renewal of a horse-drawn vehicle licence in respect of that horse-drawn vehicle is made, the Vehicle Inspector is of the opinion that the horse-drawn vehicle is roadworthy.

(2) In examining a horse-drawn vehicle for the purposes of giving a test certificate in respect of that vehicle a Vehicle Inspector shall have particular regard to –

- (a) the efficiency and safety of the wheels and shafts thereof,
- (b) the efficiency of all the brakes fitted thereto,
- (c) the condition of any tyres fitted to the wheels thereof,
- (d) the condition and safety of the frame thereof.

(3) A test certificate given by a Vehicle Inspector in respect of a horse-drawn vehicle shall contain the following particulars –

- (a) the name and address of the owner of the vehicle,
- (b) the number assigned to the vehicle by the Vehicle Inspector for the purposes of identification,
- (c) the date on which the vehicle was examined for the purpose of giving the test certificate,

and such further particulars as the Constable may, from time to time, require.

(4) The Vehicle Inspector shall, on giving a test certificate in respect of a horse-drawn vehicle, mark on or attach to that vehicle, in such manner as the Committee may from time to time direct, the number assigned to it by him in pursuance of the provisions of paragraph (b) of the last preceding subsection.

(5) The cost of examining a horse-drawn vehicle, the marking thereon or the attaching thereto of a number and the giving of a test certificate in pursuance of the provisions of this section shall be borne [by the person who is for the time being the owner of the horse-drawn vehicle concerned and the said cost shall be recoverable from the said owner as a civil debt due to the Chief Pleas].

NOTES

In section 5,

the word in square brackets in subsection (5) was substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2018, section 2(1), Schedule 1, with effect from 1st January, 2019;

the words in square brackets in subsection (5) were substituted by the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Law, 1983, section 1, with effect from 13th December, 1983.

The functions, rights and liabilities of the Sark Road Traffic Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the Sark Douzaine and its Chairman by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2018, section 1(1), Schedule 1, with effect from 1st January, 2019, subject to the savings and transitional provisions in section 3 of the 2018 Ordinance.

Certificate of insurance to be produced.

6. The Constable shall not issue or renew a horse-drawn vehicle licence in pursuance of the provisions of this Law unless there is produced to him a certificate of insurance indicating that on the date on which the licence comes into operation or the renewal becomes effective, as the case may be, there will be in force a policy of insurance complying with the requirements of this Law in relation to the user of the horse-drawn vehicle by the applicant or by other persons to be covered by the said policy in respect of the use by them of that horse-drawn vehicle.

Insurance of horse-drawn vehicles.

7. (1) Subject to the provisions of this section, a person shall not

drive or attempt to drive, or cause or permit any other person to drive or attempt to drive, a horse-drawn vehicle on or along any of the public roads unless there is in force in relation to the user of that vehicle 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 (hereinafter referred to as "**the Guernsey Law of 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 horse-drawn vehicle:

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) 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 Guernsey Law of 1936, and containing such particulars of any conditions subject to which the policy is issued and such other particulars as may be so prescribed.

Driving under the influence of drink or drugs.

8. A person when driving or attempting to drive, or when in charge of, a horse-drawn vehicle on any of the public roads 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 horse-drawn vehicle.

Offences.

9. A person who –

- (a) contravenes any of the provisions of this Law, or
- (b) in connection with any application for the issue or renewal of a horse-drawn vehicle licence in pursuance of the provisions of this Law, knowingly makes any false statement or recklessly makes any statement which is false in a material particular, or
- (c) fails to comply with any conditions attached to any horse-drawn vehicle licence, or
- (d) without the permission of the Constable, erases or removes the number marked on or attached to a horse-drawn vehicle in pursuance of the provisions of subsection (4) of section five of this Law,

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 a horse-drawn vehicle licence under the provisions of this Law or from holding or obtaining a horse-drawn vehicle licence for such period as the court may think fit.

NOTE

In section 9, 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.

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

"horse-drawn vehicle" includes a vehicle drawn by a pony, a donkey or a mule,

"policy of insurance" includes a cover note,

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

(2) Except so far as the context otherwise requires, any reference in this Law to any other enactment shall be construed as a reference to that enactment as amended, repealed and re-enacted, 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.

NOTE

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

Citation.

11. This Law may be cited as the Road Traffic (Horse-Drawn Vehicles) (Sark) Law, 1969.

NOTE

In accordance with the provisions of the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Law, 1983, section 2(2), with effect from 13th December, 1983, this Law, when cited together with the amending Laws (the Road Traffic (Horse-Drawn Vehicles) (Temporary Provisions and Amendment) (Sark) Law, 1980 and the 1983 Law), may be cited as the "Road Traffic (Horse-Drawn Vehicles) (Sark) Laws, 1969 to 1983".¹

Commencement.

12. 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 1st April, 1970 by the Road Traffic (Horse-Drawn Vehicles) (Commencement) Ordinance, 1970, section 1.

[SCHEDULE

Sections two and three

Categories of horse-drawn vehicles	Amounts of annual fee
Two-wheeler	£7.50
Victoria, commonly known as a low carriage	£15.00
Wagonette, commonly known as a high carriage	£20.00
Van	£30.00

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NOTE

The Schedule was substituted by the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2010, section 1, with effect from 1st January, 2011.²

¹ Previously, collective title provision was included in the Road Traffic (Horse-Drawn Vehicles) (Temporary Provisions and Amendment) (Sark) Law, 1980, section 6(3).

² The Schedule was previously substituted by the Road Traffic (Horse-Drawn Vehicles) (Temporary Provisions and Amendment) (Sark) Law, 1980, section 5(b), Schedule, with effect from 19th January, 1981; the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2002, section 1, with effect from 16th January, 2002.