

ORDER IN COUNCIL

XXV

Ratifying a Projet de Loi entitled

1949

“ The Passenger Transport Licensing Authority (Guernsey) Law, 1949 ”.

(Registered on the Records of the Island of Guernsey on
the 15th day of October, 1949.)



PRINTED BY THE
GUERNSEY STAR AND GAZETTE LTD.,
BORDAGE STREET.

1949.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 15th day of October, 1949, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present: Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., Sir John Leale, James Frederick Carey, Arthur Falla, Pierre de Putron, Quertier Le Pelley, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freaake Clark, Walter John Gavey and Ernest Franics Lainé, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 29th day of September, 1949, ratifying a *Projet de Loi* entitled "The Passenger Transport Licensing Authority (Guernsey) Law, 1949", — the Court, after the reading of the said Order in Council and after having heard His Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 29th day of September, 1949.

Present,

The King's Most Excellent Majesty.

LORD PRESIDENT
MR. GRIFFITHS
MR. STRACHEY
MR. WILSON
SIR LIONEL LEACH.

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 9th day of August, 1949, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 28th day of January, 1949, the States of Deliberation at a meeting held on the 22nd day of June, 1949, approved a Bill or “Projet de Loi” entitled “The Passenger Transport Licensing Authority (Guernsey) Law, 1949” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 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 Bill or “Projet de Loi” of the States of Guernsey entitled “The Passenger Transport Licensing Authority (Guernsey) Law, 1949,” and to order and direct that the same shall have force of Law in the Island of Guernsey.’

“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.”

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of His 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 Guernsey.

AND HIS 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 Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. Leadbitter.

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

PROJET DE LOI

ENTITLED

The Passenger Transport Licensing Authority (Guernsey) Law, 1949.

THE STATES, in pursuance of their Resolution of the 28th day of January, 1949, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council shall have force of law in this Island.

1. (1) There shall be established an authority styled the Passenger Transport Licensing Authority(hereafter in this Law referred to as "the Authority"), consisting of such persons as the States shall elect thereto.

Constitution,
proceedings
and
meetings
of the
Authority.

(2) The constitution of the Authority shall be such as the States may from time to time by Resolution determine or may so have determined prior to the commencement of this Law.

(3) Meetings of the Authority for the purpose of considering and determining questions relating to maximum fares, routes or termini shall be held in public, and not less than two clear days prior notification of the date, time and place on and at which a meeting is to be held, and of the matters to be considered thereat, shall be given in La Gazette Officielle. When considering any question relating to omnibus time-tables or stopping-places the Authority may exclude the public from that meeting during such consideration, and if at any meeting there be no business other than consideration of such questions, the Authority shall not be bound in respect of that meeting to give the notification hereinbefore specified.

2. (1) It shall be the duty of the Authority generally to control the use of public vehicles.

Duty of
the
Authority.

(2) Such books and documents shall be kept in relation to any public vehicle or public vehicle service as the Authority may from time to time require.

(3) The States may make such Ordinances as may be requisite for the carrying out by the Authority of its duties under this Law.

Authority to
hear views
of Police
Committee.

3. On hearing any application in connection with a road service licence, the Authority shall hear the opinion of the Island Police Committee in respect thereof, which opinion shall be stated verbally to the Authority by a person appointed to represent that Committee, and no such hearing shall be concluded by the Authority until such statement has been heard.

Powers of
Authority
to require
information.

4. (1) It shall be the duty of any person having in his custody or power books or documents relating to the operation of a public vehicle or a public vehicle service to produce them or any of them to the Authority when required in writing so to do.

(2) The Authority may examine on oath any person concerned with such operation as aforesaid in relation to such operation, and may administer an oath accordingly.

(3) If a person refuses to produce to the Authority any book or document which it is his duty under this section so to produce, or refuses to answer any question which is put to him hereunder by the Authority, the Authority may certify the refusal under the hand of a member of the Authority to the Royal Court, and the Court may thereupon inquire into the case, and after hearing any witnesses who may be produced against or on behalf of the alleged offender and after hearing any statement which may be offered in defence, punish the offender in like manner as if he had been guilty of contempt of the Court.

Saving for
current
licences.

5. Nothing in this Law shall affect the validity of existing licences in respect of public vehicles or public vehicle service, but conditions attached to any such

licence shall be enforceable by the Authority in like manner as if they were conditions imposed by the Authority under the provisions of an Ordinance made in pursuance of this Law, and the provisions of any such Ordinance in relation to renewal, revocation, suspension and modification shall be applicable to such licences and to any conditions thereto attached.

6. In this Law, the expression "public vehicle" Definition. shall mean a vehicle used or intended to be used on the roads for the carriage of fare-paying passengers.

JAMES E. LE PAGE,

H.M. Greffier.