

ORDER IN COUNCIL

XI
1984

ratifying a Projet de Loi

ENTITLED

The Public Transport (Guernsey) Law, 1984

(Registered on the Records of the Island of Guernsey
on the 15th day of May, 1984.)



1984.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 15th day of May, 1984 before Sir Charles Frossard, Kt., Bailiff; present:—Albert Richard McCartney Straw, Donald Pescott Plummer, Esquires, Sydney Haydn Heard, Esquire, M.B.E., Brian Ernest Herbert Joy, Esquire, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, John Christopher Bulstrode, Geoffrey Ernest Le Page and Stanley Walter John Jehan, Esquires, Jurats.

The Bailiff having this day placed before the Court an order of Her Majesty in Council dated the 11th day of April, 1984, ratifying a *Projet de Loi* of the States of Guernsey entitled “The Public Transport (Guernsey) Law, 1984”, the Court, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller 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 Windsor Castle

The 11th day of April 1984

PRESENT,

The Queen's Most Excellent Majesty in Council

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 14th day of March 1984 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 the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 27th day of January 1983, the States of Deliberation at a meeting held on the 7th day of December 1983 approved a Bill or “Projet de Loi” entitled “The Public Transport (Guernsey) Law, 1984”, 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 Public Transport (Guernsey) Law, 1984”, and to order 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 ”.

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 Guernsey.

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 Island of Guernsey, the Bailiff and Jurats, and all other Her 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.

N. E. Leigh.

PROJET DE LOI

ENTITLED

The Public Transport (Guernsey) Law, 1984

THE STATES, in pursuance of their Resolution of the twenty-seventh day of January, nineteen hundred and eighty-three, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

1. (1) There shall be established by the States by Resolution a committee which shall be styled the Passenger Transport Licensing Authority (hereinafter referred to as "the Authority").

**Establish-
ment and
constitution
of Authority.**

(2) The constitution of the Authority shall be such as shall, from time to time, be prescribed by the States by Resolution.

(3) The States may by Resolution provide that the President and members of the Passenger Transport Licensing Authority established and constituted under and by virtue of the Public Transport Licensing (Guernsey) Law, 1964, as amended^(a) and in office immediately before the date on which this Law comes into force shall, on that date, take office as the first President and members of the Authority subject to such conditions as the States may by such Resolution provide.

(a) Ordres en Conseil Vol. XIX, p. 205.

General duty
of Authority.

2. It shall be the general duty of the Authority, in addition to, and in the exercise of, such powers and such functions as may be conferred or imposed upon it under or by virtue of any Ordinance made under the provisions of the next succeeding section, to be responsible for ensuring that, so far as is practicable, there are at all times available in this Island sufficient, efficient and safe systems of public transport to meet the requirements for the time being of the public.

Control over
public
transport
by States.

3. (1) The States may, from time to time, by Ordinance make such provision as they deem necessary or expedient for promoting, furthering, maintaining or safeguarding economically viable systems of public transport and for regulating or prohibiting the use, including the driving, of motor vehicles as public vehicles and the operation of road services and, without prejudice to the generality of the foregoing, they may, from time to time, by Ordinance, in particular, make provision for all or any of the following matters:—

- (a) the licensing of motor vehicles for use as public vehicles;
- (b) the examination, including the medical examination, and licensing of persons to drive public vehicles;
- (c) determining the requirements and qualifications in respect of age, physical fitness, character, local knowledge, skill and otherwise to be required from persons applying to be licensed to drive public vehicles;
- (d) the licensing of persons to operate road services;
- (e) prescribing the conditions subject to which public vehicles may be used and road services may be operated;

- (f) prescribing the conditions subject to which passengers may be carried in, or on, public vehicles;
- (g) fixing the maximum number of licences which may be granted for the use of public vehicles or the operation of road services either generally or in relation to any particular category of such licences;
- (h) the charging, levying and securing the payment of fees for the issue and renewal of any licence granted or renewed under the provisions of any such Ordinance;
- (i) fixing or controlling the fares which may be charged for the carriage of passengers, including the handling and carriage of baggage in, and the charges which may be made for the hire of, public vehicles;
- (j) enabling any person aggrieved by any decision to refuse to grant him any licence under any of the provisions of any such Ordinance or to grant him any such licence subject to conditions to appeal from any such decision to the Royal Court sitting as a Full Court the decision of which shall be final;
- (k) the production of books, accounts, balance sheets, receipts and other documents relating to the use of public vehicles and the operation of road services or in connection with an application for the grant of any licence under the provisions of any such Ordinance;

- (l) the entry into, and the inspection of, any premises for any purpose connected with the exercise of any power conferred by the provisions of any such Ordinance or for the purposes of ascertaining whether there is or has been any contravention of, or any failure to comply with, the provisions of any such Ordinance or any licence granted thereunder;
- (m) the stopping of, entry upon, and inspection and examination of, any public vehicle for any purpose connected with the exercise of any power conferred by the provisions of any such Ordinances or for the purposes of ascertaining whether there is or has been any contravention of, or failure to comply with, the provisions of any such Ordinance or any licence granted thereunder;
- (n) the administration of the oath to persons concerned with the use of public vehicles and the operation of road services and the examination of such persons on oath;
- (o) requiring any person to ensure that there is in force in relation to the user of any public vehicle by that person or any other person a policy of insurance in respect of any liability in any amount which may be incurred by that person or that other person in respect of the death of, or bodily injury to, any passenger in or on any such public vehicle caused by or arising out of the use of that public vehicle;

- (p) such incidental and supplementary matters for which the States deem it necessary or expedient for the purposes of any such Ordinance to provide.

(2) An Ordinance made under the provisions of the last preceding subsection may make different provisions for different classes of public vehicles and for different classes of road services and may make different provisions for different categories of public vehicles and road services within those classes.

4. Any licence granted under or by virtue of the Public Transport Licensing (Guernsey) Law, 1964, and valid immediately before the date on which this Law comes into force shall be deemed to have effect as though it were a licence granted under or by virtue of this Law and any conditions attached thereto were conditions attached under or by virtue of this Law. Saving.

5. The States may, from time to time, by Ordinance prescribe the penalties which shall be incurred by any person guilty of an offence under any Ordinance made under any of the provisions of this Law and different penalties may be so prescribed for different such offences. Penalties.

6. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance. Variation and repeal of Ordinances.

7. In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:— Interpretation.

“hired motor vehicle” means a motor vehicle, other than a motor vehicle constructed and used for the conveyance of goods, which is the subject of an agreement to let on hire, not being a hire-purchase agreement, that is to say, not being an agreement for the bailment of a motor vehicle under which the bailee may buy the motor vehicle or under which the property therein will or may pass to the bailee;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on a public highway;

“public highway” includes any road, street, lane or other public place;

“public vehicle” means a motor vehicle which is—

(a) a hired motor vehicle, or

(b) a motor vehicle which is used for the carriage of passengers for hire or reward and which is offered for use either by standing or plying for hire or which is so offered in any other way whatsoever;

“road service” means any service for the carriage of passengers or passengers and baggage for hire or reward in a motor vehicle.

Repeal.

8. The Public Transport Licensing (Guernsey) Law, 1964, is hereby repealed.

9. This Law may be cited as the Public Transport Citation.
(Guernsey) Law, 1984.

10. This Law shall come into force on such date Commence-
as the States may by Ordinance appoint. ment.

D. J. ROBILLIARD,
Her Majesty's Deputy Greffier.