

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Invalid Carriages (Sark) Law, 1967.

(Registered on the Records of the Island of Guernsey
on the 7th day of November, 1967.)



1967.

XII

1967

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 7th day of November, 1967, before Dr. Francis Coningsby, Lieutenant-Bailiff; present:—Bertram Guy Blampied, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad, Albert Victor Dorey, Esquires, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., and Jean Le Pelley, Esquire, Jurats.

The Lieutenant-Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 10th day of October, 1967, ratifying a *Projet de Loi* of the Chief Pleas of the Island of Sark entitled "The Invalid Carriages (Sark) Law, 1967", 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 Balmoral

The 10th day of October 1967

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT
LORD SHACKLETON
SIR ELWYN JONES
MR STOTT

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 29th day of September 1967, 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, D.B.E., Dame de Sercq, William Baker, Esquire, M.B.E., Seneschal, and Philip Guille, Esquire, Prévôt of the Island of Sark, setting forth:—

‘1. That, in pursuance of their Resolution of the 5th day of October 1966, the Chief Pleas of the Island of Sark, at a meeting held on the 12th day of June 1967, approved a Bill or “Projet de Loi” entitled “The Invalid Carriages (Sark) Law, 1967.” 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 Chief Pleas of Sark entitled “The Invalid Carriages (Sark)

Law, 1967" and to order that the same shall have the force of Law in the 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.

N. E. Leigh.

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

PROJET DE LOI

ENTITLED

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.

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 sub-section 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.

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.

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 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 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.

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:— Interpretation

“the Committee” means the Committee appointed by the Chief Pleas for the purposes of this Law;

“invalid carriage” means an electrically propelled vehicle the weight of which unladen and excluding the weight of the traction batteries does not exceed six hundredweights 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;

“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.

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

R. H. VIDELO,

Her Majesty's Greffier.