

PROJET DE LOI

ENTITLED

The Public Transport (Guernsey) Law, 1984 *

[CONSOLIDATED TEXT]

NOTE

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* Ordres en Conseil Vol. XXVIII, p. 423l; as amended by the Road Traffic (Fees and Charges) (Guernsey) Law, 2017 (No. XI of 2017). See also the Resolution of the States of Guernsey of 28th October, 1987, on Article XXXV of Billet d'État No. XIX of 1987; the Island Traffic Committee (Transfer of Functions) (No. 2) Ordinance, 1992 (Recueil d'Ordonnances Tome XXVI, p. 90); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

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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.

Establishment and constitution of Authority.

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**").

(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.

NOTE

^a Ordres en Conseil Vol. XIX, p. 205.

In accordance with their Resolution of 28th October, 1987, on Article XXXV of Billet d'État No. XIX of 1987, the States directed that the Committee established as the Passenger Transport Licensing Authority ("the Authority") under section 1(1) of the Public Transport (Guernsey) Law, 1984 shall be the Island Traffic Committee; the functions of the Island Traffic Committee under this Law were transferred to the States Traffic Committee by the Island Traffic Committee (Transfer of Functions) (No. 2) Ordinance, 1992, section 1, Schedule 1, paragraph 16, with effect from 29th July, 1992, subject to the savings in section 2 of the 1992 Ordinance; the functions, rights and liabilities of the States Traffic Committee and of its President arising under or by virtue of this Law were transferred to and vested in, respectively, the Environment Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 29, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 4(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.¹

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 in relation to any licence under the provisions of any such Ordinance, including (without limitation) any fee payable –

- (i) upon the issue, renewal or variation (including the variation of any conditions) of any such licence, or
- (ii) upon application for any such issue, renewal or variation,

and, without prejudice to the generality of the foregoing, such an Ordinance may make provision for a waiver or reduction of charges at the discretion of the Committee,]

- (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.

NOTES

In section 3, paragraph (h) of subsection (1) was substituted by the Road Traffic (Fees and Charges) (Guernsey) Law, 2017, section 2, with effect from 13th November, 2017.

The following Ordinances have been made under section 3:

*Public Transport Ordinance, 1986;
Road Traffic (Permits to Drive Public Service Vehicles) Ordinance, 1986;
Public Transport (Amendment) Ordinance, 1987;
Public Transport (Amendment) Ordinance, 1988;
Road Traffic (Permits to Drive Public Service Vehicles) (Amendment) Ordinance, 1988;
Driving Tests (Increase of Fees) Ordinance, 1992;
Public Transport (Amendment) Ordinance, 1993;
Public Transport (Amendment) Ordinance, 1995;
Driving Tests and Driving Licences (Increase of Fees) Ordinance, 2000;
Public Transport (Amendment) Ordinance, 2001;
Public Transport (Amendment) (No. 2) Ordinance, 2001;
Public Transport (Amendment) Ordinance, 2008;
Public Transport (Amendment) Ordinance, 2016;
Public Transport (Amendment) Ordinance, 2017;
Road Traffic (Motor Vehicles and Trailers) (Periodic Technical Inspections) Ordinance, 2019;
Public Transport (Amendment) Ordinance, 2020.*

Saving.

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.

Penalties.

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.

NOTE

The following Ordinances have been made under section 5:

*Public Transport Ordinance, 1986;
Road Traffic (Permits to Drive Public Service Vehicles) Ordinance,
1986;
Public Transport (Amendment) Ordinance, 1993.*

Variation and repeal of Ordinances.

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.

NOTE

The following Ordinances have been made under section 6:

*Public Transport (Amendment) Ordinance, 1995;
Public Transport (Amendment) Ordinance, 2001;
Public Transport (Amendment) (No. 2) Ordinance, 2001;
Public Transport (Amendment) Ordinance, 2008;
Public Transport (Amendment) Ordinance, 2016;
Road Traffic (Motor Vehicles and Trailers) (Periodic Technical
Inspections) Ordinance, 2019;
Public Transport (Amendment) Ordinance, 2020.*

Interpretation.

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

"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.

Citation.

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

Commencement.

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

NOTE

The Law was brought into force on 30th January, 1986 by the Public Transport (Guernsey) Law, 1984 (Commencement) Ordinance, 1986, section 1.

¹ Previously, in accordance with their Resolution of 12th March, 1987, on Article XVIII of Billet d'État No. IV of 1987, the States had resolved to "approve in principle the transfer of the mandate and powers of the States Passenger Transport Licensing Authority to the Island Traffic Committee".