

STATES OF ALDERNEY
ORDINANCE OF THE STATES

Made 19th July, 1972
Coming into force 1st January, 1973

THE HIRED MOTOR VEHICLES (ALDERNEY) ORDINANCE,
1972

THE STATES, in pursuance of their Resolution of the ninth day of December, nineteen hundred and seventy, hereby order:-

Interpretation.

1.(1) In this Ordinance, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:-

"the Committee" means the States Public Works Committee;

"the Court" means the Court of Alderney;

"hired motor vehicle" means a motor vehicle 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 in the vehicle will or may pass to the bailee;

"hirer", in relation to a hired motor vehicle, means the person to whom the motor vehicle is let on hire;

"motor cycle" includes a motor cycle combination, and an auto-cycle, bicycle or tricycle which is being used as or is adapted for use as a mechanically propelled vehicle;

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

"owner", in relation to any motor vehicle, means the person in whose name the motor vehicle is licensed in pursuance of the Law entitled "Loi relative aux Automobiles" registered on the eleventh day of December, nineteen hundred and twenty-six, as extended to Alderney by the Alderney (Application of Legislation) Ordinance, 1948;

"police officer" means a member of the salaried police force of the Island of Guernsey;

"public highway" includes any road, street, lane, way or place which is public or to which the public have access;

"public vehicle" means 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.

(2) Any reference in this Ordinance to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Ordinance.

Certain hired motor vehicles to be registered and to carry "H" plates.

2.(1) An owner of a motor vehicle shall not use or cause or permit that motor vehicle to be used as a hired motor vehicle unless that motor vehicle is for the time being registered by the Committee in accordance with the provisions of subsection (3) of this section.

(2) An owner of a motor vehicle desirous of registering that motor vehicle in accordance with the provisions of the next succeeding subsection shall make application in writing in that behalf to the Committee and such application shall contain the following particulars, that is to say –

- (a) the date on which the motor vehicle was first licensed in accordance with the provisions of the Law entitled "Loi relative aux Automobiles" registered on the eleventh day of December, nineteen hundred and twenty-six, as extended to Alderney by the Alderney (Application of Legislation) Ordinance, 1948, or, if the motor vehicle was first licensed in accordance with the law of a country outside Alderney, the date, if known, on which it was first so licensed;
- (b) the registration number allotted to the motor vehicle when it was first licensed in accordance with the provisions of the said Law;
- (c) the year of manufacture of the motor vehicle;
- (d) the seating capacity of the motor vehicle.

(3) Upon the receipt of an application under the provisions of the last preceding subsection, the Committee shall cause the motor vehicle to be inspected and if the Committee is satisfied that the motor vehicle is in a good condition, the Committee shall register the motor vehicle for use as a hired motor vehicle by entering in a register kept solely for the purpose such particulars relating to that motor vehicle as the Committee may deem necessary and shall issue to the owner thereof a disc in such form and containing such particulars as the Committee shall from time to time determine.

(4) There shall be payable to the Committee in respect of every application under the provisions of subsection (2) of this section for the inspection of a motor vehicle such fee not exceeding ten pounds as may from time to time be determined by the Committee and subject

as aforesaid the Committee may determine different fees for the inspection of different categories of motor vehicles.

(5) There shall be exhibited in a conspicuous manner on the windscreen of every hired motor vehicle other than a motor cycle and, in the case of a motor cycle, in a conspicuous position on the near side of the vehicle in front of the driving seat the disc issued in respect of that hired motor vehicle in pursuance of the provisions of subsection (3) of this section.

(6) There shall be exhibited in a conspicuous manner on the front and on the back of every hired motor vehicle a distinguishing mark in the form set out in the Schedule to this Ordinance.

(7) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

(8) Any person who, in an application to the Committee under the provisions of subsection (2) of this section, knowingly or recklessly makes any statement or furnishes any information which is false in any material particular shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds.

(9) Subject to the provisions of the next succeeding subsection, in any case where the provisions of subsection (5) or subsection (6) of this section are not complied with in respect of a hired motor vehicle while it is being driven on a public highway –

- (a) the person driving that motor vehicle;
- (b) if the person driving that motor vehicle is not the hirer thereof, the hirer of that motor vehicle; and
- (c) the person who is the owner of that motor vehicle;

shall each be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

(10) A person shall not be convicted of an offence under the last preceding subsection if –

- (a) being the driver he proves to the satisfaction of the Court that he did not know, and had no reason to believe, that the motor vehicle was a hired motor vehicle; and
- (b) being the owner he proves to the satisfaction of the Court that he had used all due diligence to secure compliance with the provisions of this section and that the offence was due to the act or default of some other person who committed it without his consent, connivance or wilful default.

(11) Where any offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director or officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(12) The provisions of this section shall apply only in relation to a hired motor vehicle which is a motor vehicle, not being a public vehicle of any of the following descriptions, that is to say –

- (a) a motor cycle;
- (b) a motor vehicle constructed or adapted solely for use and used for the carriage of passengers and their effects;
- (c) a motor vehicle constructed or adapted both for the carriage of passengers and for the carriage of goods or burden of any description and used principally for the carriage of passengers.

Period of validity of registration.

3. The registration of a motor vehicle under the provisions of this Ordinance shall be valid until the thirty-first day of December next following the date of such registration and thereafter, upon being renewed in pursuance of the provisions of the next succeeding section, shall be valid during the period commencing the first day of January in any year and ending on the thirty-first day of December in that year, both dates inclusive.

Renewal of registration.

4. The provisions of section two of this Ordinance shall apply to an application for the renewal of the registration of a motor vehicle as they apply to an application for the registration of a motor vehicle under the provisions of this Ordinance.

Restrictions on the exhibition of "H" plates on motor vehicles.

5.(1) A person shall not drive on a public highway a motor vehicle on which there is exhibited a distinguishing mark in the form set out in the Schedule to this Ordinance unless that motor vehicle is a hired motor vehicle which is for the time being registered under the provisions of this Ordinance.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

Examination of motor vehicles.

6.(1) A police officer may, at any time, examine any motor vehicle which is for the time being registered under the provisions of this Ordinance for the purpose of ensuring that the provisions of this Ordinance are being complied with and for that purpose may require any such motor vehicle to be stopped.

(2) For the purposes of subsection (1) of this section the power to examine a motor vehicle shall include a power to enter such motor vehicle.

(3) As soon as may be after the examination of a motor vehicle in pursuance of the provisions of subsection (1) of this section the police officer who examined it shall, if he considers that the motor vehicle is unfit to be used as a hire motor vehicle by reason of some defect therein or that it may become unfit for such use unless such defect is remedied, report the fact to the Committee.

(4) Any person who wilfully obstructs a police officer in the exercise of his powers under the provisions of subsections (1) or (2) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

Revocation and suspension of registration of motor vehicles.

7. The Committee may at any time revoke, or suspend for such period as it may deem expedient, the registration of a motor vehicle which is for the time being registered under the provisions of this Ordinance.

Appeals.

8.(1) Any person aggrieved by any decision of the Committee in pursuance of the provisions of subsection (3) of section two or section seven of this Ordinance may, within thirty days, appeal to the Court, on the grounds that the decision of the Committee was an unreasonable exercise of its powers:

PROVIDED THAT an appeal shall not lie against a decision of the Committee to suspend the registration of a motor vehicle in pursuance of the provisions of the said section seven for a period of less than thirty days.

(2) An appeal under subsection (1) of this section shall be instituted by way of summons served on the Chairman of the Committee to show cause why the decision appealed from should not be set aside or varied and such summons shall set out the material facts upon which the appellant relies.

(3) The decision of the Court on an appeal under subsection (1) of this section shall be final and conclusive.

Citation.

9. This Ordinance may be cited as the Hired Motor Vehicles (Alderney) Ordinance, 1972.

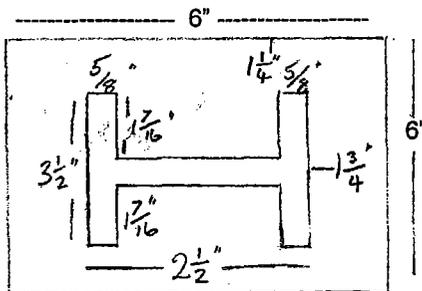
Commencement.

10. This Ordinance shall come into force on the 1st day of January, nineteen hundred and seventy three.

SCHEDULE

Section two

Diagram of distinguishing mark to be exhibited on
hired motor vehicles
Black letter on yellow ground



The corners of the yellow ground may be rounded off.