

ORDINANCE
OF THE STATES OF ALDERNEY

ENTITLED

The Hired Motor Vehicles (Alderney) Ordinance, 1972 *

[CONSOLIDATED TEXT]

NOTE

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* Alderney Ordinance No. II of 1972; as amended by the Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306); the Fees (Alderney) Law, 2011 (No. XX of 2012); the Hired Motor Vehicles (Alderney) (Amendment) Ordinance, 1972 (Alderney Ordinance No. IV of 1972); the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Alderney Ordinance No. II of 1997); the Hired Motor Vehicles (Alderney) (Amendment) Ordinance, 2011 (Alderney Ordinance No. V of 2011). See also the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); the Fees (Alderney) Law, 2011 (No. XX of 2012); the Fees (Alderney) Ordinance, 2018 (Alderney Ordinance No. XVII of 2018).

**ORDINANCE
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ARRANGEMENT OF SECTIONS

1. Interpretation.
2. Certain hired motor vehicles to be registered and to carry "H" plates.
3. Period of validity of registration.
4. Renewal of registration.
5. Restrictions on the exhibition of "H" plates on motor vehicles.
6. Examination of motor vehicles.
7. Revocation and suspension of registration of motor vehicles.
8. Appeals.
9. Citation.
10. Commencement.

SCHEDULE Diagram of distinguishing mark to be exhibited on hired motor vehicles.

(Made on 19th July, 1972.)

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 [General Services 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 respect of whom that motor vehicle is, for the time being, registered under the Motor Taxation and Licensing (Guernsey) Law, 1987,]

["**police officer**" means a member of the salaried police force of the Island of Guernsey, a member of any police force which may be established by the States of Alderney and, within the limits of his jurisdiction, a special constable appointed by the Court of Alderney under section 47 of the Government of Alderney Law, 2004,]

"**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.

NOTES

In section 1,

the words in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part II, paragraph 13, with effect from 2nd April, 1997;

the definitions of the expressions "owner" and "police officer" in subsection (1) were substituted by the Hired Motor Vehicles (Alderney) (Amendment) Ordinance, 2011, respectively section 1(2)(a) and section

1(2)(b), with effect from 16th March, 2011.

The functions of the Public Works Committee under this Ordinance were transferred to the General Services Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part II, paragraph 13, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.

In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

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 registered under the Motor Taxation and Licensing (Guernsey) Law, 1987 or, if the motor vehicle was first registered or licensed in accordance with the law of a country or territory outside Alderney or Guernsey, the date, if known, on which it was first so registered or licensed,]

(b) the registration number allotted to the motor vehicle when it was first [registered or licensed as set out in paragraph (a)],

- (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[, subject to subsection (3A),] 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.

[(3A) The Committee shall not be required to cause a motor vehicle to be inspected before registering it, where, as at the date of the receipt of the application by the Committee, no more than 12 months have elapsed since the date on which the vehicle was registered or licensed for the first time anywhere in the world, whether such first registration or licensing was –

- (a) in Alderney or Guernsey under the Motor Taxation and Licensing (Guernsey) Law, 1987, or
- (b) in another country or territory under the law of that country or territory.]

[(4) There shall be payable to the States of Alderney in respect of both –

- (a) an application under the provisions of subsection (2),
and

- (b) an inspection required to be carried out under the provisions of subsection (3),

of this section, such fee for such application and for such inspection as the States of Alderney may prescribe in accordance with the Fees (Alderney) Law, 2011.]

(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 [level 1 on the Alderney uniform scale].

(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 [level 1 on the Alderney uniform scale].

(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 [level 1 on the Alderney uniform scale].

(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.

NOTES

In section 2,

paragraph (a) of subsection (2), the words in square brackets in paragraph (b) thereof, the words in square brackets in subsection (3), and subsection (3A) were, respectively, substituted, substituted, inserted and inserted by the Hired Motor Vehicles (Alderney) (Amendment) Ordinance, 2011, section 1(3)(a)(i), section 1(3)(a)(ii), section 1(3)(b) and section 1(3)(c), with effect from 16th March, 2011;

subsection (4) was substituted by the Fees (Alderney) Law, 2011, section 2, Schedule, Part I, paragraph 5, with effect from 1st January, 2019;

the words and figures in square brackets in subsection (7), subsection (8) and subsection (9) were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

In accordance with the provisions of the Fees (Alderney) Law, 2011, section 3, Schedule, Part II, paragraph 7, with effect from 1st January, 2019, the fees referred to in subsection (4) of this section may be prescribed in accordance with that Law.

In accordance with the provisions of the Fees (Alderney) Ordinance, 2018, section 1, Schedule 1, Part I, with effect from 1st January, 2019, the fees payable hereunder are as set out therein.

Period of validity of registration.

[3. The registration of a motor vehicle under the provisions of this Ordinance shall –

- (a) be valid until the expiry of a period of twelve months starting from the date of the registration, and
- (b) thereafter be valid, on the renewal of the registration in accordance with section 4, from the date of such renewal until the expiry of a period of twelve months starting from the date of such renewal.]

NOTE

Section 3 was substituted by the Hired Motor Vehicles (Alderney) (Amendment) Ordinance, 2011, section 1(4), with effect from 16th March, 2011.

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 [level 1 on the Alderney uniform scale].

NOTE

In section 5, the words and figure in square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

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 [level 1 on the Alderney uniform scale].

NOTE

In section 6, the words and figure in square brackets in subsection (4) were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

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.

NOTE

In section 8, the word in square brackets in the proviso to subsection (1) was substituted by the Hired Motor Vehicles (Alderney) (Amendment) Ordinance, 1972, section 1, with effect from 1st January, 1973.

Citation.

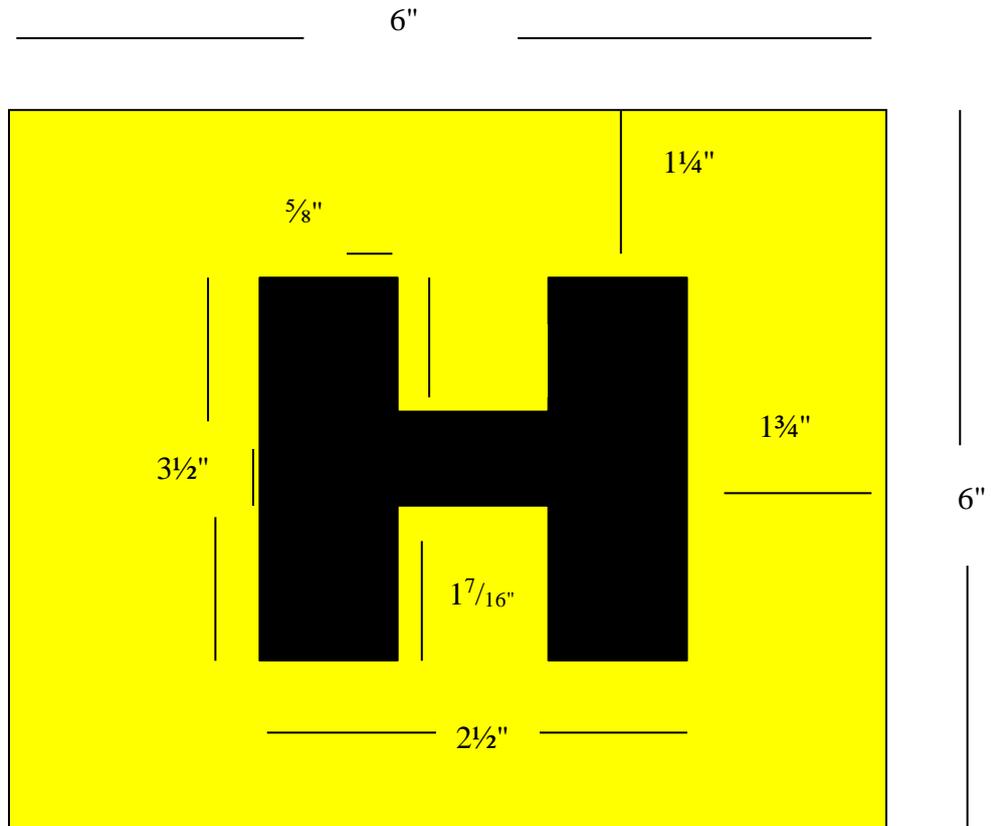
9. This Ordinance may be cited as the Hired Motor Vehicles (Alderney) Ordinance, 1972.

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.