

The Public Transport (Amendment) Ordinance, 1995

THE STATES, in pursuance of their Resolutions of the 25th day of January, 1995¹ and in exercise of the powers conferred on them by sections 3 and 6 of the Public Transport (Guernsey) Law, 1984², hereby order:-

Amendments to Public Transport Ordinance

1. (1) In the Public Transport Ordinance, 1986³:

(a) for section 1 and its marginal note substitute:

"Public meetings

1.(1) Whenever the Authority proposes to determine or vary:

- (a) the itinerary, fare table or time table to be specified in a public omnibus service licence or a public ring and ride service licence pursuant to section 25 of this Ordinance, or
- (b) the maximum fares for the hire of a vehicle in respect of which there is in force a taxi licence or a taxi-bus licence pursuant to section 48 of this Ordinance,

the Authority must first hold a meeting to elicit the views of the public; and the Authority must give at least two clear days' notice in "La Gazette Officielle" of the date, time and place of the meeting and of the matters to be discussed at it.

(2) Members of the public may address any meeting held in accordance with subsection (1) of this section.";

(b) immediately after section 19(2) insert -

¹ on Articles XVII and XVIII of Billet d'État No. II of 1995.

² Ordres en Conseil Vol. XXVIII, p.423.

³ Recueil d'Ordonnances, Tome XXIII, p.351; Tome XXIV, pp.103 and 265; Order in Council No. V of 1989; Ordinance No. LII of 1990; Ordinance No. VII of 1993.

"(3) The Authority may from time to time resolve, in respect of all or any category or description of public omnibus service licences, to consider only applications made in specified circumstances and/or on specified terms; and may in particular require by such a resolution that all applications to which it applies must -

- (a) be composite applications relating to a number of specified itineraries, fare tables and time tables;
- (b) guarantee the operation by the applicant, if the application is successful, of specified services in accordance with each of those itineraries, fare tables and time tables, and, if so specified in the resolution, in accordance with such a contract as is envisaged by section 19A.

(4) If the Authority passes a resolution under subsection (3) then the Authority -

- (a) must not consider any application which does not comply with the resolution;
- (b) must take such steps as appear to it to be appropriate to bring the resolution to the attention of potential applicants;
- (c) may from time to time vary the resolution, or may rescind it.";

(c) immediately after section 19 insert -

"Contracts with public omnibus service operators

19A.(1) The Authority may enter into and enforce contracts under which operators of public omnibus services, or applicants for road service licences, agree to operate specified road services in

accordance with specified terms and conditions (not being inconsistent with the requirements of this Ordinance and without prejudice to operators' liabilities under this Ordinance).

(2) Such contracts may (without prejudice to the generality of subsection (1) of this section) provide for payments to be made to public omnibus service operators in respect of the provision by them of guaranteed services, by the Authority out of moneys provided for the purpose by the States, and for circumstances in which the Authority may withhold or recoup such payments.";

(d) In section 20, between "may" and "either" insert ",subject to section 19(4)(a),";

(e) immediately after section 21(d) insert -

"(e) where the application is made in conjunction with a proposal to enter into such a contract as is envisaged by section 19A, the terms of the proposed contract and in particular the amount of the payments, if any, to be made by the Authority under it.";

(f) in section 23(1), for "at a meeting which need not be held in public" substitute "without first holding a meeting to elicit the views of the public";

(g) immediately after section 24(2) insert -

"(3) A road service licence for the operation of a public omnibus service in relation to which the Authority and the operator have entered into such a contract as is envisaged by section 19A shall cease to be valid on the termination, for whatever reason, of that contract.";

(h) immediately after section 53(1) insert -

"(1A) In the interests of clarity:

- (a) no appeal lies against a decision not to consider an application for a public omnibus service licence by virtue of section 19(4)(a);
- (b) a successful appeal under subsection (1) of this section cannot in any circumstances oblige the Authority to enter into such a contract as is envisaged by section 19A."

(2) In the Public Transport Ordinance, 1986:

(a) after section 10(1)(a)(iv), insert:

"(v) has been examined by a person appointed for that purpose by the Committee and such person has issued a certificate that such conditions as to fitness as may from time to time be prescribed by the Committee are fulfilled in respect of it; and";

(b) for section 42(6), substitute:

"(6) There shall be paid to the States Treasurer:-

- (a) in respect of an examination pursuant to subsection (1), the sum of £10;
- (b) where, upon such examination, the person who examined it is not satisfied that the provisions of this Ordinance are being complied with, the sum of £25 in respect of each subsequent examination; and
- (c) in respect of an examination pursuant to subsection (2), the sum of £5."

Citation

2. This Ordinance may be cited as the Public Transport (Amendment) Ordinance, 1995.