

Island of  Guernsey

Ordinance of the States **XX**

1983

Made 28th July, 1983.
Came into Operation ... 27th July, 1983.

**The Public Transport Licensing
Ordinance, 1983**

THE STATES, in pursuance of their Resolution of the twenty-seventh day of January, nineteen hundred and eighty-three, and in exercise of the powers conferred upon them by section one and section three of the Public Transport Licensing (Guernsey) Law, 1964(a), and of all other powers enabling them in that behalf, hereby order:—

PART I

CONSTITUTION AND PROCEEDINGS OF
THE AUTHORITY

1. There shall be established and constituted in accordance with the succeeding provisions of this Part of this Ordinance a committee styled, in pursuance of the provisions of section one of the prin-

Establishment of the Authority.

(a) Ordres en Conseil Vol. XIX, p. 205.

cial Law, the Passenger Transport Licensing Authority (hereinafter referred to as "the Authority") which shall exercise the powers and perform the functions conferred or imposed upon it by the provisions of this Ordinance.

Constitution
of the
Authority.

2. (1) The Authority shall consist of:—

- (a) a President who shall be a member of the States having a seat therein; and
- (b) four other members (hereinafter referred to as "ordinary members") at least two of whom shall be members of the States;

which President and ordinary members shall be elected by the States.

(2) The term of office of the person first elected as President of the Authority in pursuance of the provisions of the last preceding subsection shall expire on the thirtieth day of April, nineteen hundred and eighty-six, and thereafter the term of office of the said President for the time being shall expire on the thirtieth day of April on which he completes a period of three years of office or, if his period of office does not expire on such a day, on the thirtieth day of April next following the date on which he completes such a period.

(3) The Authority shall elect annually a Vice-President of the Authority from among the ordinary members and the person so elected shall, if he continues so long to be an ordinary member, hold office as Vice-President of the Authority for a period of one year commencing on the first day of May next following the date of such election save that the person first elected as aforesaid as Vice-President of the Authority shall, if he continues so long to be an ordinary member, hold office from the date of election until the thirtieth day of April, nineteen hundred and eighty-four.

(4) On the death or retirement otherwise than by effluxion of time of the person holding the office of Vice-President of the Authority, the Authority shall elect one of the ordinary members to fill the office so vacated for the remainder of the term then current.

(5) One ordinary member of the Authority shall retire from office on the thirtieth day of April, nineteen hundred and eighty-four, and thereafter one ordinary member shall retire on the thirtieth day of April terminating each succeeding period of one year.

(6) The ordinary member to retire in accordance with the provisions of the last preceding subsection shall be the ordinary member who has held office longest since he was last elected by the States save that when more than one ordinary member was elected on the same date the order of their retirement shall be determined by agreement or, failing such agreement, by lot.

3. (1) Each member of the Authority, other than the member presiding at a meeting thereof, shall have one vote and the person so presiding shall in the case of an equality of votes have a casting vote. Meetings
of the
Authority.

(2) A decision of a majority of the members of the Authority present and voting at a meeting shall be a decision of the Authority.

(3) The quorum for a meeting of the Authority shall be three members and, subject to the preceding provisions of this section, the Authority shall regulate its own procedure.

(4) Meetings of the Authority for the purposes of determining the maximum fares which may be charged in pursuance of the provisions of section forty-nine of this Ordinance for the hire of a motor

vehicle in respect of which there is in force a taxi licence and for determining the itinerary, the fare table and time table to be specified in a road service licence in pursuance of the provisions of section twenty-seven of this Ordinance shall be held in public, and not less than two clear days prior notification of the date on which, and the time and place at which, the meeting is to be held and of the matters to be considered thereat, shall be given by the Authority by means of a notice published in "La Gazette Officielle".

(5) Members of the public shall be entitled to address any meeting of the Authority held in accordance with the provisions of the last preceding subsection.

(6) Notwithstanding the provisions of the last two preceding subsections, the Authority may exclude members of the public from a meeting while matters relating to time tables or stopping places on the itinerary of a road service are determined and, if at any meeting there be no business other than the consideration of any such matter, the Authority shall not be required to comply with the provisions of subsection (4) of this section.

Police
Committee
to be heard
on road
service
licence
applications.

4. The Authority shall, before deciding whether or not to grant a road service licence in pursuance of the provisions of section twenty-two of this Ordinance or on any matter affecting any such licence, hear the opinion of the Committee thereon, which opinion shall be stated verbally to the Authority by a person duly appointed to represent the Committee in that behalf.

5. (1) Any person having in his possession or power any book, account, balance sheet, receipt or other document relating to the operation of a road service shall, on the receipt of a notice in that behalf signed by the President or Vice-President of the Authority, produce such book, account, balance sheet, receipt or other document as shall be specified in the notice for examination by the Authority for the purposes of the exercise of its powers under this Ordinance.

Production of books, accounts, etc., to, and examination of persons on oath by, the Authority.

(2) The Authority may examine on oath any person concerned with the operation of any road service as respects any matter concerned with such operation.

(3) For the purposes of the last preceding subsection the President or Vice-President of the Authority may administer the oath.

(4) If any person refuses to produce to the Authority any book, account, balance sheet, receipt, or other document under the provisions of subsection (1) of this section or refuses to answer any question put to him by or on behalf of the Authority under the provisions of subsection (2) of this section, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

PART II

GRANT AND RENEWAL OF PUBLIC SERVICE VEHICLE LICENCES AND ROAD SERVICE LICENCES, ETC.

6. Subject to the provisions of this Ordinance, a person shall not cause or permit a motor vehicle to be used as a public service vehicle on a public highway unless he holds a licence granted in accordance with the provisions of section nine of this

Prohibition on use of public service vehicle without a licence.

Ordinance (hereinafter referred to as a "public service vehicle licence") for the use of that motor vehicle as a public service vehicle.

Prohibition
on operation
of a road
service
without a
licence.

7. Subject to the provisions of this Ordinance, a person shall not operate or attempt to operate a road service unless he holds a licence granted in accordance with the provisions of section twenty-two of this Ordinance (hereinafter referred to as "a road service licence") for the operation of that road service and, in particular, a person shall not operate or attempt to operate:—

- (a) a public omnibus service unless he holds a public omnibus service licence granted in accordance with the provisions of section twenty-two of this Ordinance for the operation of the said service;
- (b) a public excursion service unless he holds a public excursion service licence granted in accordance with the provisions of section twenty-two of this Ordinance for the operation of the said service;
- (c) a private hire omnibus service unless he holds a private hire omnibus service licence granted in accordance with the provisions of section twenty-two of this Ordinance for the operation of the said service;
- (d) a private hire motor car service unless he holds a private hire motor car service licence granted in accordance with the provisions of section twenty-two of this Ordinance for the operation of the said service;
- (e) a taxi service unless he holds a taxi service licence granted in accordance with the provisions of section twenty-two of this Ordinance for the operation of the said service.

8. (1) A person desirous of obtaining a public service vehicle licence shall make application in that behalf to the Committee and such application shall be in such form and shall be accompanied by such information as the Committee may, from time to time, require.

Application for public service vehicle licences.

(2) Upon receipt of an application under the provisions of the last preceding subsection, or at any time thereafter, the Committee may require an applicant to supply the Committee with such information, in addition to any information supplied in accordance with the provisions of the last preceding subsection, as the Committee may require.

9. Upon receipt of an application under the provisions of the last preceding section the Committee may either:—

Grant or refusal of public service vehicle licences.

(a) grant to the applicant—

(i) a public service vehicle licence; or

(ii) a public service vehicle licence subject to such conditions as the Committee shall deem necessary or expedient to impose; or

(b) refuse to grant to the applicant a public service vehicle licence.

10. The Committee shall not at any time grant any number of public service vehicle licences to any applicant therefor in excess of any limit placed for the time being by the Authority under the provisions of section twenty-eight of this Ordinance on the number of public service vehicle licences which may for the time being be granted by the Committee in pursuance of the provisions of the last preceding section to that applicant.

Restriction on grant of public service vehicle licences.

Categories
of public
service
vehicle
licences.

11. A public service vehicle licence granted by the Committee in pursuance of the provisions of section nine of this Ordinance may be a licence of any of the categories set out in Part I of the First Schedule to this Ordinance.

Conditions
to be
complied
with before
grant
of public
service
vehicle
licences.

12. (1) Subject to the provisions of the next succeeding subsection, the Committee shall not grant a public service vehicle licence unless:—

(a) the motor vehicle in respect of which the licence is being applied for—

(i) is for the time being licensed in accordance with the provisions of Article 3 of the Law entitled “Loi relative aux Automobiles” registered on the eleventh day of December, nineteen hundred and twenty-six^(b),

(ii) is owned by the person making the application for the licence, and

(iii) is fitted with a right-hand drive; and

(b) the person making the application for the licence has been granted a road service licence which is for the time being in force for the operation of a road service for which the motor vehicle in respect of which the licence is being applied for may be used in accordance with the terms and conditions of that licence.

(2) The provisions of sub-paragraph (ii) of paragraph (a) of subsection (1) of this section shall not apply in relation to a motor vehicle in respect of

(b) Ordres en Conseil Vol. VIII, p. 56.

which a public service vehicle licence is being applied for by any person and which is not owned by that person if the Committee is satisfied that such motor vehicle is required for use as a public service vehicle in place of a motor vehicle owned by that person which is undergoing repair and in respect of which there is for the time being in force a public service vehicle licence:

Provided that—

- (a) a public service vehicle licence granted to any person in respect of a motor vehicle which is not owned by that person shall be valid only for such period as shall be specified in the licence, which period shall not be more than sixty days and shall not in any case extend beyond the thirty-first day of December next following the date of such grant;
- (b) the Committee shall suspend during the period specified as aforesaid the public service vehicle licence in respect of the motor vehicle which is undergoing repair as aforesaid to the intent that such licence shall be of no effect during that period.

13. (1) Unless suspended or revoked under any of the provisions of this Ordinance, a public service vehicle licence granted in pursuance of the provisions of section nine of this Ordinance shall be valid until the thirty-first day of December next following the date of such grant and thereafter, upon being renewed in pursuance of the provisions of section fifteen of this Ordinance, shall be valid during the period commencing on the first day of January in any year and ending on the thirty-first day of December in that year, both dates inclusive:

Period of validity of public service vehicle licences.

Provided that the provisions of this subsection shall not apply in relation to a public service vehicle licence to which the provisions of paragraph (a) of the proviso to subsection (2) of the last preceding section apply.

(2) A public service vehicle licence shall cease to be valid if there ceases to be in force in relation to the user of the motor vehicle in respect of which the licence is in force, a policy of insurance in compliance with the provisions of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936(c).

Fees for
public
service
vehicle
licences.

14. (1) Subject to the provisions of this section, there shall be paid in advance to the States Treasurer in respect of the grant or renewal of every public service vehicle licence under this Ordinance an annual fee of five pounds.

(2) There shall be paid in advance to the States Treasurer in respect of the grant of a public service vehicle licence to which the provisions of paragraph (a) of the proviso to subsection (2) of section twelve of this Ordinance apply a fee in the sum of two pounds.

(3) Where the Committee is satisfied that a motor vehicle in respect of which a public service vehicle licence is being applied for is intended to replace permanently another motor vehicle in respect of which there is for the time being in force a public service vehicle licence, there shall be paid in advance to the States Treasurer in respect of the grant of a public service vehicle licence in respect of such first mentioned motor vehicle a fee of five pounds.

(c) Ordres en Conseil Vol. X, p. 388.

15. A public service vehicle licence granted in pursuance of the provisions of section nine of this Ordinance, not being a public service vehicle to which the provisions of paragraph (a) of the proviso to subsection (2) of section twelve of this Ordinance apply, may be renewed for any year upon the payment to the States Treasurer on or before the thirty-first day of December next preceding, of the annual fee appropriate set out in the last preceding section.

Renewal
of public
service
vehicle
licences.

16. (1) Notwithstanding the provisions of section thirteen of this Ordinance, a public service vehicle licence shall cease to be valid—

Cessation
of validity
of public
service
vehicle
licences.

- (a) when the person who is the holder of that public service vehicle licence ceases to be the owner of the motor vehicle in respect of which it was granted, or
- (b) when the person who is the holder of that public service vehicle licence ceases to be the holder of a road service licence in respect of the road service for the operation of which the public service vehicle to which that public service vehicle licence relates is used:

Provided that the Committee may, upon application being made to it in that behalf, in its discretion, transfer such public service vehicle licence to the new owner of the motor vehicle.

(2) A public service vehicle licence transferred in accordance with the provisions of the last preceding subsection shall be valid until the thirty-first day of December next following the date of such transfer.

(3) The person to whom a licence is transferred in pursuance of the provisions of subsection (1) of this section shall upon such transfer pay to the States Treasurer a transfer fee of one pound.

Issue and
display of
plates.

17. (1) The Committee shall, on the grant of a public service vehicle licence in pursuance of the provisions of section nine of this Ordinance, or on the transfer of such a licence in pursuance of the provisions of the last preceding section, issue to the owner of the motor vehicle in respect of which the licence is granted a plate, in such form as the Committee may from time to time determine, for the purpose of identifying such vehicle as a motor vehicle in respect of which there is in force a public service vehicle licence and such owner shall cause such plate to be displayed at all times on such vehicle, in such place and in such manner as the Committee shall direct.

(2) The owner of a motor vehicle in respect of which there is in force a public service vehicle licence shall, as soon as may be after the licence cease to be valid or is transferred in pursuance of the provisions of the last preceding section, return to the Committee the plate issued to him in pursuance of the provisions of the last preceding subsection.

(3) The owner of a motor vehicle in respect of which there is in force a public service vehicle licence shall, on receipt of the plate issued to him in pursuance of the provisions of subsection (1) of this section, pay to the Committee the sum of fifty new pence which sum shall be refunded to him upon the return of the plate in a condition satisfactory to the Committee.

18. (1) The Committee may at any time revoke, suspend or vary a public service vehicle licence and shall do so if in the opinion of the Committee the terms and conditions of the licence are not being complied with or the owner of the motor vehicle in respect of which the public service vehicle licence was granted is not, by reason of his conduct, a fit and proper person to hold such a licence.

Revocation,
suspension,
etc. of
public
service
vehicle
licences.

(2) The power vested in the Committee under the provisions of the last preceding subsection to vary a public service vehicle licence shall include power to vary any conditions attached to any such licence.

19. (1) A public service vehicle licence granted in pursuance of the provisions of section nine of this Ordinance shall specify the maximum number of passengers which may be carried seated in the motor vehicle in respect of which it is granted and, in the case of a public service omnibus licence, the maximum number of passengers which may be carried standing in the motor vehicle in respect of which it is granted.

Maximum
number of
passengers
to be
carried.

(2) The number of passengers specified in pursuance of the provisions of the last preceding subsection shall—

(a) in the case of a motor vehicle in respect of which there is in force a public service omnibus licence or a private hire omnibus licence, be nine or more;

(b) in any other case, be less than nine.

(3) The number of passengers which a public service vehicle is permitted to carry may be increased to the extent that any child who appears to the

person in charge of that vehicle to be under the age of five years may not be counted as a passenger and every three children who appear to the said person to be over the age of five years but under the age of fourteen years may be counted as being equivalent to two passengers.

Production of books, accounts, etc., to, and examination of persons on oath by, the Committee.

20. (1) Any person having in his possession or power any book, account, balance sheet, receipt or other document relating to the use of a public service vehicle shall, on the receipt of a notice signed by the President or Vice-President of the Committee, produce such book, account, balance sheet, receipt or other document as shall be specified in the notice for examination by the Committee for the purposes of the exercise of its powers under this Ordinance.

(2) The Committee may examine on oath any person concerned with the use of any public service vehicle as respects any matter concerned with such use.

(3) For the purposes of the last preceding subsection the President or Vice-President of the Committee may administer the oath.

(4) If any person refuses to produce to the Committee any book, account, balance sheet, receipt or other document under the provisions of subsection (1) of this section or refuses to answer any question put to him by or on behalf of the Committee under the provisions of subsection (2) of this section, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

21. (1) A person desirous of obtaining a road service licence shall make application in that behalf to the Authority and such application shall be in such form and shall be accompanied by such information as the Authority may, from time to time, require.

Application
for road
service
licences.

(2) Upon receipt of an application under the provisions of the last preceding subsection, or at any time thereafter, the Authority may require an applicant to supply the Authority with such information, in addition to any information supplied in accordance with the provisions of the last preceding subsection, as the Authority may require.

22. Upon receipt of an application under the provisions of the last preceding section the Authority may either:—

Grant or
refusal of
road
service
licences.

(a) grant to the applicant—

(i) a road service licence;

(ii) a road service licence subject to such conditions as the Authority shall deem necessary or expedient to impose; or

(b) refuse to grant to the applicant a road service licence.

23. The Authority shall, in considering whether or not to grant an application for a licence under the provisions of the last preceding section, take into account as important factors:—

Factors to
be taken
into account
on an
application
for a road
service
licence.

(a) whether the requirements of the public are sufficiently met by the number of road service licences of the category being applied for which are already in force;

- (b) whether the operation or the itinerary in respect of which the licence is being applied for is already adequately served by virtue of a road service licence of the same category;
- (c) the suitability of the operation or the itinerary for the road service in respect of which the licence is being applied for.

Categories of road service licences.

24. A road service licence granted by the Authority in pursuance of the provisions of section twenty-two of this Ordinance may be a licence of any of the categories set out in Part II of the First Schedule to this Ordinance.

Temporary road service licences.

25. (1) Notwithstanding the provisions of subsection (4) of section two of this Ordinance, the Authority may, at a meeting which need not be held in public, grant a road service licence in pursuance of the provisions of section twenty-two of this Ordinance for such period as may be specified therein (hereinafter referred to as "a temporary road service licence") :—

- (a) in order to ascertain the best method of regulating road services in this Island;
- (b) in order to enable a road service to be provided for temporary circumstances;
- (c) in order to enable a road service to be provided for a special occasion;
- (d) for such other temporary reasons or purposes as the Authority may, from time to time, consider sufficient.

(2) The terms of any temporary road service licence having effect under the provisions of this Ordinance shall be published by the Authority on at least one occasion in "La Gazette Officielle" prior to the date of the coming into effect thereof.

(3) A temporary road service licence, having effect under the provisions of this Ordinance, shall not be granted by the Authority for any period in excess of six months.

26. (1) The Authority may at any time revoke, suspend or vary a road service licence and shall do so if in the opinion of the Authority the terms and conditions of the licence are not being complied with.

Revocation,
Suspension,
etc., of road
service
licences.

(2) The power vested in the Authority under the provisions of the last preceding subsection to vary a road service licence shall include a power to vary any conditions attached to any such licence.

27. A road service licence granted in pursuance of the provisions of section twenty-two of this Ordinance shall specify:—

Journeys,
itinerary,
fare table
and time
table to be
specified.

- (a) the manner in which the journeys on which or the itinerary over which, the road service to which the licence relates, shall be operated;
- (b) in the case of a road service licence in respect of a public omnibus service or a public excursion service, the maximum fare which may be charged for each journey for each category of passenger conveyed (hereinafter referred to as "the fare table"); and

(c) in the case of a road service licence in respect of a public omnibus service—

(i) the times of departure from the termini and such intermediary points on the itinerary as the Authority shall determine (hereinafter referred to as “the time table”), and

(ii) the minimum service which shall be operated.

Limitation
on number
of public
service
vehicle
licences.

28. (1) The Authority may, from time to time, place a limit generally on the number of public service vehicle licences which may be granted by the Committee in pursuance of the provisions of section nine of this Ordinance if the Authority is satisfied that it is necessary or desirable so to do and the Authority may, from time to time, place different such limits in respect of the different categories of public service vehicle licences set out in Part I of the First Schedule to this Ordinance.

(2) Notwithstanding the generality of the provisions of the last foregoing subsection, the Authority may, from time to time, place a limit generally or in respect of any of the different categories of public service vehicle licences set out in Part I of the First Schedule to this Ordinance on the number of public service vehicle licences which may for the time being be granted by the Committee in pursuance of the provisions of section nine of this Ordinance to any applicant for such a licence.

PART III

GENERAL CONDITIONS OF THE EXERCISE
OF PUBLIC SERVICE VEHICLE LICENCES
AND ROAD SERVICE LICENCES

29. A person who is the holder of a public service omnibus licence shall not cause or permit the motor vehicle in respect of which he holds that licence to be used as a public service vehicle otherwise than to operate a public omnibus service or a public excursion service, as the case may be, save that that person may cause or permit that motor vehicle to be used as if there was in force in respect thereof a private hire omnibus licence if, when it is so used, there is displayed in a prominent position on the front thereof so as to be clearly legible at a reasonable distance therefrom, a sign bearing the word "PRIVATE".

Purposes for which omnibuses may be used.

30. A person who is the holder of a road service licence shall not operate the public omnibus service, the public excursion service, the private hire omnibus service, the private hire motor car service or the taxi service, as the case may be, to which the licence relates otherwise than by means of a motor vehicle in respect of which there is in force a public service omnibus licence, a private hire omnibus licence, a private hire motor car licence or a taxi licence, as the case may be.

Road services to be operated only by licensed vehicles.

31. A person, being in charge of a motor vehicle in respect of which there is in force a public service vehicle licence other than a taxi licence, shall not cause or permit that vehicle to be offered for use by standing on a rank approved by the Committee as a taxi rank (hereinafter referred to as "an approved taxi rank") or by plying for hire on the public highway.

Prohibition on using taxi ranks.

Prohibition
on using
omnibus
termini.

32. A person, being in charge of a motor vehicle in respect of which there is in force a public service vehicle licence other than a public service omnibus licence, shall not cause or permit that vehicle to be offered for use by standing on a terminus approved by the Committee as an omnibus terminus (hereinafter referred to as "an approved omnibus terminus").

Provision
of fire
ex-
tinguishers
and
braking
lights.

33. (1) A person who is the holder of a public service vehicle licence shall not cause or permit the motor vehicle in respect of which he holds that licence to be used as a public service vehicle unless—

- (a) there is fitted in a prominent position on the inside of the vehicle a fire extinguisher of a pattern approved by the Committee, and
- (b) there is fitted at the rear of the vehicle a lamp so controlled mechanically that when the speed of the vehicle is reduced by reason of the application of the brake there is shown a red light clearly visible at a reasonable distance to the driver of a following vehicle.

and such fire extinguisher and such lamp are in good working order.

(2) Nothing in the last preceding subsection shall require the carrying of a separate lamp if there is carried in one or more units a lamp which satisfies the requirements of that subsection.

General
conditions
as to use
of public
service
vehicles.

34. (1) A person who is the holder of a public service omnibus licence shall not cause or permit the motor vehicle in respect of which he holds that licence to be used as a public service vehicle unless:—

- (a) at or near the rear thereof is a door (hereinafter referred to as the "emergency door") opening outwards, easily accessible to the passengers inside the vehicle and so fastened as to be easily opened in case of need from both the inside and the outside of the vehicle;
- (b) the position of the emergency door and the manner of opening that door is indicated in clear and legible letters placed in a prominent position on, or as near as may be to, the said door both on the inside and on the outside of the vehicle;
- (c) there is fitted on or near each door of the vehicle, other than the emergency door or any door used or intended for use solely by the driver thereof, a grab handle to assist passengers in boarding or alighting from the vehicle;
- (d) the doorways of the vehicle, other than the emergency door and any doorway used or intended for use solely by the driver thereof, are eighteen or more inches in width or, in the case where the door does not open to the full extent of any such doorway, the space for the entry into or alighting therefrom of passengers is eighteen or more inches in width;
- (e) the vehicle is fitted at the front and rear with illuminated direction indicators of such type and in such manner as may, from time to time, be approved by the Committee;

- (f) there is displayed on the vehicle in such place and in such form as the Committee may, from time to time, determine, a notice stating the maximum number of passengers which the said licence permits to be carried seated and to be carried standing at any one time; and
- (g) there is carried on the vehicle in the case of a vehicle which is for the time being used to operate a public omnibus service and available on demand for the information of any passenger therein a copy of the fare table and, if the vehicle is being used to operate a public omnibus service, the time table for the itinerary over which the vehicle is operating.

(2) The provisions of paragraph (a) and paragraph (b) of the last preceding subsection shall not apply in the case of any such vehicle where the doorway for the entry into and alighting therefrom of passengers is at the rear thereof.

General
conditions
as to use
of taxis.

35. A person who is the holder of a taxi licence shall not cause or permit the motor vehicle in respect of which he holds that licence to be used as a public service vehicle unless:—

- (a) the vehicle—
 - (i) has four doors;
 - (ii) is fitted with a taximeter of such pattern, in such place and in such manner as may, from time to time, be approved by the Committee;

- (iii) has displayed thereon in a prominent position so as to be clearly legible at a reasonable distance from the front of the vehicle a sign bearing the word "TAXI" and, during the hours of darkness, such sign is illuminated when the vehicle is available for hire;
- (iv) has displayed therein in such position and in such manner as may, from time to time, be approved by the Committee a notice supplied by the Committee stating the maximum number of passengers which the said licence permits to be carried therein at any one time and the maximum fares which may be charged for the hire of the vehicle as determined by the Authority in pursuance of the provisions of section forty-nine of this Ordinance;
- (b) the taximeter required to be fitted to the vehicle in accordance with the provisions of sub-paragraph (ii) of the last preceding paragraph has been adjusted and sealed by or on behalf of the Committee in such manner as to record mechanically the maximum fare which may be charged, as determined for the time being by the Authority in pursuance of the provisions of section forty-nine of this Ordinance for the hire of the vehicle for any journey.

36. A person, being in charge of a motor vehicle in respect of which there is in force a taxi licence, shall, immediately upon the vehicle being hired, set in motion the taximeter fitted thereto in accordance with the provisions of the last preceding sec-

Taximeters
to be used.

tion and shall, immediately upon the vehicle ceasing to be hired by that person, stop the taximeter.

General conditions as to use of private hire omnibuses.

37. A person who is the holder of a private hire omnibus licence shall not cause or permit the motor vehicle in respect of which he holds such licence to be used as a public service vehicle unless there is displayed therein in such position and in such manner as may, from time to time, be approved by the Committee a notice supplied by the Committee stating the maximum number of passengers which the said licence permits to be carried at any one time.

General conditions as to use of private hire motor cars.

38. (1) A person who is the holder of a private hire motor car licence shall not cause or permit the motor vehicle in respect of which he holds that licence to be used as a public service vehicle unless:—

(a) there is displayed therein in such position and in such manner as may, from time to time, be approved by the Committee a notice supplied by the Committee stating the maximum number of passengers which the said licence permits to be carried at any one time; and

(b) such vehicle has four doors.

(2) A person who is the holder of a private hire motor car licence shall not:—

(a) fit or cause or permit to be fitted to the motor vehicle in respect of which he holds that licence a taximeter of any description; and

(b) cause or permit such vehicle—

(i) to carry any sign conveying or intended to convey to the public that the vehicle is available for hire, other than a label of a size not exceeding five inches in length by three inches in breadth containing the name and address and telephone number of the owner of such vehicle and affixed to the windscreen of such vehicle in such position as may, from time to time, be approved by the Committee;

(ii) to be hired or made available for hire to any person otherwise than in response to a written order delivered to, a telephone order given to a person at, or a personal call at, the address contained in the label referred to in the last preceding sub-paragraph.

(3) A person, being in charge of a motor vehicle in respect of which there is in force a private hire motor car licence, shall not cause or permit that vehicle to be parked on a public highway whilst a label is displayed on that vehicle in accordance with the provisions of sub-paragraph (i) of paragraph (b) of the last preceding subsection:

Provided that the provisions of this subsection shall not apply when that vehicle is on hire to a passenger.

39. A person, being in charge of a motor vehicle in respect of which there is in force a taxi licence, shall not:—

Require-
ments as
to use of
taxis.

(a) while that vehicle is standing on an approved taxi rank refuse an offer of hire save that he may refuse—

- (i) such an offer if he has good reason to believe that the fare will not be paid,
 - (ii) such an offer if it is for a period of a duration of more than one hour,
 - (iii) to carry as a passenger any person whose condition or conduct is objectionable or if likely to become objectionable;
- (b) refuse to carry the maximum number of passengers which the said licence permits to be carried;
 - (c) refuse to carry the luggage of the passengers in the vehicle unless the total weight of all such luggage exceeds one hundred pounds, or, by reason of the size or nature of such luggage or any part thereof it cannot reasonably be carried in or on the vehicle;
 - (d) importune any person to hire the vehicle;
 - (e) leave the vehicle unattended by him on an approved taxi rank for any period in excess of fifteen minutes:

Provided that he may leave the vehicle unattended on such rank for any period in excess of fifteen minutes when the vehicle is parked in accordance with the provisions of any order made under section one of the Road Traffic (Parking Places) Ordinance, 1963(d), regulating the parking of any such vehicle for purposes other than standing or plying for hire.

40. A person who is the holder of a public service vehicle licence shall not cause or permit the motor vehicle in respect of which he holds that licence to be used if by reason of some defect or other happening to the vehicle the safety of any person who may be carried therein or of any other person may be impaired and he shall as soon as may be report the matter to the Committee:

Reporting of defects in public service vehicles.

Provided that the provisions of this section shall not apply in the case of a defect or other happening rectifiable by minor repairs or adjustments.

41. A person who is the holder of a public service vehicle licence shall as soon as may be after any alteration has been made to the structure or fixed equipment of the motor vehicle in respect of which he holds that licence, send in writing full details of such alteration to the Committee:

Reporting of alterations to public service vehicles.

Provided that the provisions of this section shall not apply in the case of any alteration by way of the replacement of any part.

42. (1) A police officer or an examiner may at any time examine any public service vehicle including any equipment attached thereto for the purposes of ensuring that the provisions of this Ordinance are being complied with and for that purpose may require any such vehicle to be stopped.

Examination of public service vehicles.

(2) A police officer or an examiner may at any time test, adjust and seal a taximeter fitted to a motor vehicle in accordance with the provisions of sub-paragraph (ii) of paragraph (a) of section thirty-five of this Ordinance so that it records mechanically

the maximum fare which may be charged, as determined for the time being by the Authority in pursuance of this Ordinance, for the hire of the vehicle for any journey.

(3) For the purposes of subsection (1) of this section the power to examine any public service vehicle shall include a power to enter any such vehicle.

(4) As soon as may be after the examination of a public service vehicle in pursuance of the provisions of subsection (1) of this section the person who examined it shall, if he considers that the vehicle is unfit for the carriage of passengers by reason of some defect therein or that it may become unfit for such purpose unless such defect is remedied, report the fact in writing to:—

- (a) in the case of an examination by a police officer, the Chief Officer of Police;
- (b) in any other case, the Committee.

(5) The Chief Officer of Police shall, on receipt of a report in accordance with the provisions of the last preceding subsection, or as soon as may be thereafter, send a copy of the report to the Authority:

Provided that the provisions of this subsection shall not prejudice the taking of any other action by the Chief Officer of Police.

Designated
stopping
places.

43. (1) A person, being in charge of a motor vehicle in respect of which there is in force a public service omnibus licence, shall not stop such vehicle for the purpose of putting down or taking

up passengers except at such stopping places as shall from time to time be designated by the Authority in that behalf by means of signs erected, placed or marked on or near the public highway by or on behalf of the Authority.

(2) The Authority shall give at least seven days' notice by means of a notice published in "La Gazette Officielle" of any change in the places designated as stopping places as aforesaid:

Provided that such notice shall not be required in the case of a change of limited duration necessary because of road works or other special circumstances.

44. (1) A person shall not while he is in a motor vehicle in respect of which there is in force a public service vehicle licence spit in, on or from that vehicle. Prohibition on spitting.

(2) A person who contravenes the provisions of the last preceding subsection shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty-five pounds.

(3) A person who is the holder of a public service omnibus licence shall cause to be displayed at all times in a prominent place in that part of the motor vehicle in respect of which he holds that licence set aside for the carriage of passengers a notice, in clear and legible letters of not less than one and one half inches in height, in the terms set out in the Second Schedule to this Ordinance.

(4) A person who fails to comply with the provisions of the last preceding subsection shall be guilty of an offence and liable, on conviction, to a fine not exceeding five pounds.

Smoking by
drivers
prohibited.

45. A person, being in charge of a motor vehicle in respect of which there is in force a public service vehicle licence, shall not smoke in such vehicle during a journey when passengers are being conveyed.

Control of
filling with
petrol.

46. A person shall not pour petrol into or remove petrol from a motor vehicle in respect of which there is in force a public service vehicle licence whilst there is a passenger inside such vehicle.

Carriage of
animals.

47. A person shall not take any animal in a motor vehicle in respect of which there is in force a public service vehicle licence without the consent of the person in charge thereof or retain any animal therein after being requested by such person in charge to remove it therefrom, or, in the case where such person in charge has consented to the animal being taken in or retained in such vehicle, place such animal elsewhere than as directed by such person in charge.

Sitting and
standing in
vehicles.

48. A person while travelling in a motor vehicle in respect of which there is in force a public service vehicle licence shall not:—

- (a) use or occupy a seat on the right hand side of the person in charge of such vehicle;
or
- (b) stand in such vehicle except at the rear of the seat provided for the person in charge.

PART IV

MISCELLANEOUS, APPEALS, PENALTIES, INTERPRETATION AND COMMENCEMENT

Determina-
tion of
taxi fares.

49. The Authority may, from time to time, determine the maximum fares, as well for time as distance and including the handling and carrying of baggage, which may be charged for the hire of a motor vehicle in respect of which there is in force a taxi licence.

50. (1) A person, being in charge of a motor vehicle in respect of which there is in force a taxi licence, shall not charge or attempt to charge a fare for the hire of that vehicle by a person for a journey in excess of the fare recorded on the taximeter fitted to the vehicle in accordance with the provisions of paragraph (a) of section thirty-five of this Ordinance for the hire of the vehicle by that person for that journey. Charging of excess fares.

(2) A person, being in charge of a motor vehicle in respect of which there is in force a public service omnibus licence, shall not charge or attempt to charge a person a fare for any journey in excess of the maximum fare specified in the fare table for that journey.

51. (1) A person, being in charge of a motor vehicle in respect of which there is in force a public service vehicle licence, shall not cause or permit any passengers to be carried in that vehicle at any one time in excess of the maximum number of passengers which the said licence permits to be carried at any one time. Prohibition on the carriage of excess passengers.

(2) A passenger in a motor vehicle in respect of which there is in force a public service vehicle licence shall leave that vehicle if requested so to do by the person in charge thereof for the purposes of ensuring that the provisions of the last preceding subsection are complied with.

52. (1) Where the Committee refuses to grant a public service vehicle licence to any person or grants such a licence subject to conditions or suspends or varies such a licence, notice in writing of such Notice of refusal to grant licences and notice of conditions.

refusal, grant, suspension or variation setting out the reasons therefor and signed by the President or any other member of the Committee authorised in that behalf by the Committee shall be served, as soon as may be, on the applicant for the licence or the holder of the licence, as the case may be.

(2) Where the Authority refuses to grant a road service licence to any person or grants such a licence subject to conditions or suspends or varies such a licence, notice in writing of such refusal, grant, suspension or variation setting out the reasons therefor and signed by the President of the Authority shall be served, as soon as may be, on the applicant for the licence or the holder of the licence, as the case may be.

Service of
notices.

53. Any notice which may be served for the purposes of this Ordinance shall be validly served:—

- (a) on any person, if delivered to him, left, or sent by registered post or recorded delivery service to him, at his usual or last known place of abode;
- (b) on any firm, if delivered to any partner of the firm or left at, or sent by registered post or recorded delivery service to, the principal or last known principal place of business of the firm;
- (c) on any body corporate, if left at, or sent by registered post or recorded delivery service to, its registered office if situate in this Island, or, if its registered office is not so situate, its principal or last known principal place of business in this Island.

54. (1) Any person aggrieved by any decision:— Appeals.

(a) of the Committee in pursuance of the provisions of sub-paragraph (ii) of paragraph (a) or paragraph (b) of section nine or of section eighteen of this Ordinance;

(b) of the Authority in pursuance of the provisions of sub-paragraph (ii) of paragraph (a) or paragraph (b) of section twenty-two or of section twenty-six of this Ordinance;

may, within the thirty days next succeeding the date of the service on him of a notice in pursuance of the provisions of subsection (1) or subsection (2) of section fifty-two of this Ordinance, as the case may be, appeal to the Royal Court sitting as a Full Court on the grounds that the decision of the Committee or the Authority, as the case may be, was an unreasonable exercise of its powers:

Provided that an appeal shall not lie against a decision of the Committee to suspend a public service vehicle licence for a period of less than thirty days.

(2) An appeal under the last preceding subsection shall be instituted by way of summons served on the President of the Committee or the Authority, as the case may be, 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.

55. Where an offence under this Ordinance which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence

Offences by
bodies
corporate.

on the part of, any director, manager, secretary or other similar officer of the body corporate, 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.

Penalties.

56. (1) Except where otherwise specifically provided in this Ordinance, any person who contravenes or fails to comply with any of the provisions of this Ordinance or any conditions attached to any public service vehicle licence or road service licence granted hereunder or who, in connection with any application for the grant of a public service vehicle licence or road service licence under this Ordinance, 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 two hundred and fifty pounds.

(2) Any person who obstructs any person in the exercise of his powers under this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds.

Savings.

57. Any public service vehicle licence or any road service licence granted under the provisions of the Public Transport Licensing Ordinance, 1966, and valid immediately before the coming into force of this Ordinance shall be deemed to have effect as though it were a public service vehicle licence or a road service licence, as the case may be, granted under the provisions of this Ordinance and any conditions attached thereto were conditions attached under the provisions of this Ordinance.

58. (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:— Interpretation.

the expressions “hired motor vehicle”, “motor vehicle”, “public highway” and “public vehicle” have the meanings respectively assigned to them in section four of the principal Law;

“the Chief Officer of Police” means the Chief Officer of the Island Police Force;

“the Committee” means the Island Police Committee;

“examiner” means a person appointed by the States Civil Service Board to examine public service vehicles on behalf of the Committee;

“the fare table” has the meaning assigned to it by section twenty-seven of this Ordinance;

“the hours of darkness” means the time between half an hour after sunset on any day and half an hour before sunrise on the day next following;

“owner” means, in relation to a motor vehicle, 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, and the expressions “owned” and “ownership” shall be construed accordingly;

“police officer” means a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey;

“the principal Law” means the Public Transport Licensing (Guernsey) Law, 1964;

“private hire motor car licence” means a public service vehicle licence granted in respect of a motor vehicle in pursuance of the provisions of section nine of this Ordinance for the use of that vehicle to operate a private hire motor car service;

“private hire motor car service” means a road service for the carriage of passengers for hire or reward in a motor vehicle designed or adapted to carry not more than eight passengers in accordance with the terms of a single contract;

“private hire motor car service licence” means a road service licence granted in pursuance of the provisions of section twenty-two of this Ordinance to operate a private hire motor car service;

“private hire omnibus licence” means a public service vehicle licence granted in respect of a motor vehicle in pursuance of the provisions of section nine of this Ordinance for the use of that vehicle to operate a private hire omnibus service;

“private hire omnibus service” means a road service for the carriage of passengers for hire or reward in a motor vehicle designed or adapted to carry nine or more passengers in accordance with the terms of a single contract;

“private hire omnibus service licence” means a road service licence granted in pursuance of the provisions of section twenty-two of this Ordinance to operate a private hire omnibus service;

“public excursion service” means a road service for the carriage of passengers for hire or reward in a motor vehicle at separate fares on a journey or circuit commencing at one or more places and returning to those places respectively and as part of such service stopping along the journey or circuit but not to take up or set down passengers;

“public excursion service licence” means a road service licence granted in pursuance of section twenty-two of this Ordinance to operate a public excursion service;

“public omnibus service” means a road service for the carriage of passengers for hire or reward in a motor vehicle designed or adapted to carry nine or more passengers on a route between termini at separate fares, stage by stage, and stopping to pick up or set down passengers along the line of route;

“public service omnibus licence” means a public service vehicle licence granted in respect of a motor vehicle in pursuance of the provi-

sions of section nine of this Ordinance for the use of that vehicle to operate a public omnibus service or a public excursion service;

“public omnibus service licence” means a road service licence granted in pursuance of the provisions of section twenty-two of this Ordinance to operate a public omnibus service;

“public service vehicle” means a public vehicle other than a hired motor vehicle;

“road service” means any service for the carriage of passengers or passengers and baggage for hire or reward in a motor vehicle;

“road service licence” has the meaning assigned to it by section seven of this Ordinance;

“taxi licence” means a public service vehicle licence granted in respect of a motor vehicle in pursuance of the provisions of section nine of this Ordinance for the use of that vehicle to operate a taxi service;

“taxi service” means a service for the carriage of passengers for hire or reward in a motor vehicle designed or adapted to carry not more than eight passengers at a fare calculated by means of a taximeter installed in that vehicle;

“taxi service licence” means a road service licence granted in pursuance of section twenty-two of this Ordinance to operate a taxi service;

“the time table” has the meaning assigned to it by section twenty-seven of this Ordinance.

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

59. There is hereby inserted immediately after sub-paragraph (2) of paragraph 14 of Article IX of the Ordinance entitled "Ordonnance relative au Trafic Véhiculaire en cette Ile" of the second day of March, nineteen hundred and twenty-nine, as amended^(e) the following additional sub-paragraph numbered "(3)"—

Amend-
ment to
Ordinance
of 1929.

"(3) For the purposes of this paragraph the expression "public service vehicle" shall have the meaning assigned thereto by section fifty-eight of the Public Transport Licensing Ordinance, 1983."

60. The Ordinances set out in the left hand column of the Third Schedule to this Ordinance are hereby repealed to the extent set out in the right hand column of the said Schedule.

Repeals.

61. This Ordinance may be cited as the Public Transport Licensing Ordinance, 1983.

Citation.

62. This Ordinance shall come into force on the twenty-seventh day of July, nineteen hundred and eighty-three.

Commence-
ment.

(e) Recueil d'Ordonnances Tome VIII, pp. 184 and 193.

FIRST SCHEDULE Sections eleven
and twenty-four

PART I

CATEGORIES OF PUBLIC SERVICE VEHICLE
LICENCES

Public service omnibus licence.

Taxi licence.

Private hire omnibus licence.

Private hire motor car licence.

PART II

CATEGORIES OF ROAD SERVICE LICENCES

Public excursion service licence.

Private hire motor car service licence.

Private hire omnibus service licence.

Public omnibus service licence.

Taxi service licence.

SECOND SCHEDULE

Section
forty-four

Form of Notice

SPITTING PROHIBITED

THIRD SCHEDULE Section sixty

REPEALS

Ordinances repealed	Extent of repeal
The Public Transport Licensing Ordinance, 1966(<i>f</i>).	The whole Ordinance.
The Public Transport Licensing (Amendment) Ordinance, 1971(<i>g</i>).	The whole Ordinance.
The States Supervisor (Transfer of Functions) (No. 2) Ordinance, 1972(<i>h</i>).	The entries in left hand and right hand columns of the Schedule to the Public Transport Ordinance, 1966.
The Public Transport Licensing (Amendment) Ordinance, 1973(<i>i</i>).	The whole Ordinance.
The Public Transport Licensing (Amendment) (No. 2) Ordinance, 1973(<i>j</i>).	The whole Ordinance.
The Public Transport Licensing (Amendment) (No. 3) Ordinance, 1973(<i>k</i>).	The whole Ordinance.
The Public Transport Licensing (Amendment) Ordinance, 1974(<i>l</i>).	The whole Ordinance.

(*f*) Recueil d'Ordonnances Tome XIV, p. 280.

(*g*) Recueil d'Ordonnances Tome XVII, p. 266.

(*h*) Recueil d'Ordonnances Tome XVIII, p. 24.

(*i*) Recueil d'Ordonnances Tome XIX, p. 74.

(*j*) Recueil d'Ordonnances Tome XIX, p. 121.

(*k*) Recueil d'Ordonnances Tome XIX, p. 213.

(*l*) Recueil d'Ordonnances Tome XIX, p. 284.

K. H. TOUGH,
Her Majesty's Greffier.