

Island of  Guernsey

Ordinance of the States **III**

1986

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The Public Transport Ordinance, 1986

ARRANGEMENTS OF SECTIONS

Section

PART I

PROCEEDINGS OF THE AUTHORITY

1. Meetings of the Authority which are required to be held in public.
2. Police Committee to be heard on road service licence applications.
3. Production of books, accounts, etc., to, and examination of persons on oath by, the Authority.

PART II

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

4. Prohibition on use of public service vehicle without a licence.
5. Prohibition on operation of a road service without a licence.

Section

6. Application for public service vehicle licences.
7. Grant or refusal of public service vehicle licences.
8. Restriction on grant of public service vehicle licences.
9. Categories of public service vehicle licences.
10. Conditions to be complied with before grant of public service vehicle licences.
11. Period of validity of public service vehicle licences.
12. Fees for public service vehicle licences.
13. Renewal of public service vehicle licences.
14. Cessation of validity of public service vehicle licences.
15. Issue and display of plates.
16. Revocation, suspension, etc., of public service vehicle licences.
17. Maximum number of passengers to be carried.
18. Production of books, accounts, etc., to, and examination of persons on oath by, the Committee.
19. Application for road service licences.
20. Grant or refusal of road service licences.
21. Factors to be taken into account on an application for a road service licence.
22. Categories of road service licences.
23. Temporary road service licences.
24. Revocation, suspension, etc., of road service licences.
25. Journeys, itinerary, fare table and time table to be specified.
26. Limitation on number of public service vehicle licences.

Section

PART III

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

27. Road services to be operated only by licensed vehicles.
28. Purposes for which omnibuses may be used.
29. Purposes for which taxis may be used.
30. Prohibition on using taxi ranks.
31. Prohibition on using omnibus termini.
32. General conditions as to use of private hire omnibuses.
33. Designated stopping places.
34. General conditions as to use of public service omnibuses.
35. General conditions as to use of taxis.
36. Taximeters to be used for taxi service.
37. Requirements as to use of taxis.
38. General conditions as to use of private hire motor cars.
39. Provision of fire extinguishers and braking lights on public service vehicles.
40. Reporting of defects in public service vehicles.
41. Reporting of alterations to public service vehicles.
42. Examination of public service vehicles.
43. Prohibition on spitting in public service vehicles.
44. Prohibition on smoking by drivers in public service vehicles.
45. Control of filling with petrol of public service vehicles.
46. Carriage of animals in public service vehicles.
47. Sitting and standing in public service vehicles.

Section

PART IV

MISCELLANEOUS, APPEALS, PENALTIES,
INTERPRETATION AND COMMENCEMENT

48. Determination of taxi fares.
49. Charging of excess fares.
50. Prohibition on the carriage of excess passengers.
51. Notice of refusal to grant licences, notice of conditions, etc.
52. Service of notices.
53. Appeals.
54. Penalties.
55. Offences by bodies corporate.
56. Savings.
57. Interpretation.
58. Repeal.
59. Citation.
60. Commencement.

SCHEDULES

FIRST SCHEDULE—

PART I CATEGORIES OF PUBLIC SERVICE
VEHICLE LICENCES

PART II CATEGORIES OF ROAD SERVICE
LICENCES

SECOND SCHEDULE—
FORM OF NOTICE

The Public Transport Ordinance, 1986

THE STATES, in pursuance of their Resolutions of the 27th day of January, 1983, and the 26th day of September, 1985, and in exercise of the powers conferred upon them by sections 3 and 5 of the Public Transport (Guernsey) Law, 1984(a), hereby order:—

PART I

PROCEEDINGS OF THE AUTHORITY

1. (1) Meetings of the Authority for the purposes of determining the maximum fares which may be charged in pursuance of the provisions of section 48 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 25 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".

Meetings of the Authority which are required to be held in public.

(2) 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.

(a) No. XI of 1984.

(3) 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 (1) of this section.

Police Committee to be heard on road service licence applications.

2. The Authority shall, before deciding whether or not to grant a road service licence in pursuance of the provisions of section 20 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.

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

3. (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.

(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 shall 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 properly 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.

4. 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 7 of this Ordinance (hereinafter referred to as a "public service vehicle licence") for the use of that motor vehicle as a public service vehicle.

Prohibition
on use of
public
service
vehicle
without a
licence.

5. 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 20 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:—

Prohibition
on operation
of a road
service
without a
licence.

- (a) a public omnibus service unless he holds a public omnibus service licence granted in accordance with the provisions of section 20 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 20 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 20 of this Ordinance for the operation of the said service or unless he holds a public service omnibus service licence granted in accordance with the provisions of section 20 of this Ordinance and operates the said service in accordance with the provisions of section 28 of this Ordinance;
- (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 20 of this Ordinance for the operation of the said service or unless he holds a taxi service licence granted in accordance with the provisions of section 20 of this Ordinance and operates the said service in accordance with the provisions of section 29 of this Ordinance;
- (e) a taxi service unless he holds a taxi service licence granted in accordance with the provisions of section 20 of this Ordinance for the operation of the said service.

6. (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.

7. 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.

8. 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 26 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.

9. A public service vehicle licence granted by the Committee in pursuance of the provisions of section 7 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.

10. (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 11th day of December, 1926(b);
 - (ii) is owned by the person making the application for the licence; and
 - (iii) is fitted with a right-hand drive; and
 - (iv) is of a type as may, from time to time, be approved by the Committee after consultation with the Authority for use as a public service vehicle in the operation of a road service licence of the category in respect of which the licence is being applied for; 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:

Provided that the provisions of sub-paragraph (ii) of paragraph (a) of this subsection shall not apply in relation to a motor vehicle in respect of 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.

(2) A public service vehicle licence granted to any person in respect of a motor vehicle, whether that motor vehicle is owned by that person or not, 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 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 31st day of December next following the date of such grant; and 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.

11. (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 7 of this Ordinance shall be valid Period of validity of public service vehicle licences.

until the 31st day of December next following the date of such grant and thereafter, upon being renewed in pursuance of the provisions of section 13 of this Ordinance, shall be valid during the period commencing on the 1st day of January in any year and ending on the 31st day of December in that year, both dates inclusive:

Provided that the provisions of this subsection shall not apply in relation to a public service vehicle licence to which the provisions of 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.

12. (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 ten 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 section 10(2) 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.

13. (1) A public service vehicle licence granted in pursuance of the provisions of section 7 of this Ordinance, not being a public service vehicle licence to which the provisions of section 10(2) of this Ordinance apply, may be renewed for any year upon the payment to the States Treasurer on or before the 31st day of December next preceding, of the annual fee appropriate set out in the last preceding section.

Renewal of public service vehicle licences.

(2) The provisions of this Ordinance with respect to an application for a public service vehicle licence under section 6 of this Ordinance, to the grant or refusal of such licence under section 7 of this Ordinance and to the conditions to be complied with before the grant of such licence under section 10 of this Ordinance shall apply to an application for the renewal of a public service vehicle licence under the provisions of the last preceding subsection.

14. (1) Notwithstanding the provisions of section 11 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 31st 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.

15. (1) The Committee shall, on the grant of a public service vehicle licence in pursuance of the provisions of section 7 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

ceases 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.

16. (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.

17. (1) A public service vehicle licence granted in pursuance of the provisions of section 7 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, be nine or more;

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

(c) 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.

18. (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 shall 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 properly 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.

19. (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.

20. 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.

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

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

- (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;
- (d) whether the motor vehicle or motor vehicles, as the case may be, which it is proposed to use for the operation of the road service in respect of which the licence is being applied for is or are of a type or types approved for that purpose in accordance with the provisions of section 10(1)(a)(iv) of this Ordinance.

Categories of road service licences.

22. A road service licence granted by the Authority in pursuance of the provisions of section 20 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.

23. (1) Notwithstanding the provisions of section 1(1) 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 20 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.

24. (1) The Authority may at any time revoke, suspend or vary a road service licence and shall do 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.

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

25. A road service licence granted in pursuance of the provisions of section 20 of this Ordinance shall specify:—

- (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.

26. (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 7 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 7 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

27. 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.

Provided—

- (a) that a person who is the holder of a public omnibus service licence may operate a private hire omnibus service by means of a motor vehicle in respect of which there is in force a public service 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"; and

(b) that a person who is the holder of a taxi service licence may operate a private hire motor car service by means of a motor vehicle in respect of which there is in force a taxi licence provided that, when it is so used, there need not be displayed on the vehicle the sign bearing the word "TAXI" which is required to be displayed in accordance with the provisions of section 35(a)(iii) when the vehicle is used to operate a taxi service.

Purposes for which omnibuses may be used.

28. 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 taxis may be used.

29. 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 otherwise than to operate a taxi service 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 motor car licence provided that, when it is so used, there need not be displayed on the vehicle the sign bearing the word "TAXI" which is required to be displayed in accordance with the provisions of section 35(a)(iii) when the vehicle is used to operate a taxi service.

30. 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.

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 public service omnibus licence, shall not, without the permission in writing of the Committee after consultation with the Authority, 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").

Prohibition
on using
omnibus
termini.

32. 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
omnibuses.

33. (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.

Designated
stopping
places.

(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.

General
conditions
as to use of
public
service
omnibuses.

34. (1) A person who is the holder of a public service omnibus licence shall not, without the permission of the Committee after consultation with the Authority, 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 48 of this Ordinance;

(b) the taximeter required to be fitted to the of 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 indicate visually the maximum fare which may be charged, as determined for the time being by the Authority in pursuance of the provisions of section 48 of this Ordinance for the hire of the vehicle for taxi service for any journey:

Provided that the requirements of paragraph (a)(iii) of this section shall not apply when the vehicle is used in accordance with the provisions of section 29 of this Ordinance to operate a private hire motor car service.

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 for taxi service, set in motion the taximeter fitted thereto in accordance with the provisions of the last preceding section and shall, immediately upon the vehicle ceasing to be so hired by that person, stop the taximeter.

Taximeters
to be used
for taxi
service.

37. 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 is 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 1 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.

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.

Provision of fire extinguishers and braking lights on public service vehicles.

39. (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 two lamps, each lamp at the opposite sides of the vehicle, 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 on each lamp clearly visible at a reasonable distance to the driver of a following vehicle;

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

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

Reporting of defects in public service vehicles.

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:

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) An officer of police 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) An officer of police 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 35 of this Ordinance so that it indicates visually 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 taxi service for any journey.

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

vehicle and where the officer of police or examiner is the holder of a driving licence currently in force authorising him to drive a motor vehicle of the category to which the public service vehicle belongs, such power shall include a power to test-drive that 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 an officer of police, the Chief Officer of Police;
- (b) in any other case, the Committee.

(5) The Committee or the Chief Officer of Police, as the case may be, 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.

**Prohibition
on spitting
in public
service
vehicles.**

43. (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.

(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.

44. 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.

Prohibition on smoking by drivers in public service vehicles.

45. 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.

Control of filling with petrol of public service vehicles.

46. 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.

Carriage of animals in public service vehicles.

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

Sitting and standing in public service vehicles.

- (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.**

48. The Authority may, from time to time, determine the maximum fares, for time and in addition for distance, 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.

**Charging of
excess fares.**

49. (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 35 of this Ordinance for the hire of the vehicle by that person for that journey.

(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.

**Prohibition
on the
carriage of
excess
passengers.**

50. (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.

(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.

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

Notice of refusal to grant licences, notice of conditions, etc.

(2) Where the Authority refuses to grant a road service licence to any person or grants such a licence subject to conditions or revokes or suspends or varies such a licence, notice in writing of such refusal, grant, revocation, suspension or variation setting out the reasons therefor and signed by the President or any other member of the Authority authorised in that behalf by 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.

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

Service of notices.

- (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.

Appeals.

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

- (a) of the Committee in pursuance of the provisions of sub-paragraph (ii) of paragraph (a) or paragraph (b) of section 7 or of section 16 of this Ordinance;
- (b) of the Authority in pursuance of the provisions of sub-paragraph (ii) of paragraph (a) or paragraph (b) of section 20 or of section 24 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 subsections (1) or (2) of section 51 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 ultra vires or 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.

54. (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. Penalties.

(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.

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 on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such Offences by
bodies
corporate.

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.

Savings.

56. Any public service vehicle licence or any road service licence granted under the provisions of the Public Transport Licensing Ordinance, 1983(e), 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.

Interpretation.

57. (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 Chief Officer of Police” means the Chief Officer of the Island Police Force;

“the Committee” means the Island Police Committee;

“driving licence” has the same meaning as the expression “authorisation à conduire” has in the Law entitled “Loi Supplémentaire relative aux Automobiles (Autorisation à Conduire) 1939”, registered on the 17th day of June, 1939,(f);

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

(e) No. XX of 1983.

(f) Ordres en Conseil Vol. XI, p. 299.

- “the fare table” has the meaning assigned to it by section 25 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;
- “officer of police” 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;
- “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 11th day of December, 1926(g), and the expressions “owned” and “ownership” shall be construed accordingly;
- “petrol” in relation to a public service vehicle, includes any other product for the propulsion of the vehicle or for the driving of any ancillary engine or equipment forming part of the vehicle;
- “the principal Law” means the Public Transport (Guernsey) Law, 1984(h);
- “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 7 of this Ordinance for the use of that vehicle to operate a private hire motor car service;

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

(h) No. XI of 1984.

“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 20 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 7 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 seven 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 20 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 20 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 provisions of section 7 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 20 of this Ordinance to operate a public omnibus service;
- “public service vehicle” means a public vehicle other than a hired motor vehicle;
- “public service vehicle licence” has the meaning assigned to it by section 4 of this Ordinance and includes such a licence renewed under the provisions of section 13 of this Ordinance;
- “road service licence” has the meaning assigned to it by section 5 of this Ordinance;
- “taxi licence” means public service vehicle licence granted in respect of a motor vehicle in pursuance of the provisions of section 7 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 20 of this Ordinance to operate a taxi service;

“the time table” has the meaning assigned to it by section 25 of this Ordinance;

and any other expressions have the same meanings as in the principal Law.

(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.

Repeal. 58. The Public Transport Licensing Ordinance, 1983⁽ⁱ⁾, is hereby repealed.

Citation. 59. This Ordinance may be cited as the Public Transport Ordinance, 1986.

Commencement. 60. This Ordinance shall come into force on the 30th day of January, 1986.

(i) No. XX of 1983.

