



*See No. 36 for amendments*

## Ordinance of the Chief Pleas

ENTITLED

### **The Road Traffic (Horse-Drawn Vehicles) (Sark) Ordinance, 1968**

THE CHIEF PLEAS OF SARK, in pursuance of the provisions of subsection (1) of section eight of the Réform (Sark) Law, 1951, and in pursuance of their Resolutions of the twenty-first day of April, nineteen hundred and sixty-five, the thirteenth day of April, nineteen hundred and sixty-six, and the fourth day of October, nineteen hundred and sixty-seven, and of all other powers enabling them in that behalf, hereby order:—

1. A person shall not drive or attempt to drive a horse-drawn vehicle on or along any of the public roads unless he holds a licence granted under the provisions of the next succeeding section and a person shall not employ any person to drive a horse-drawn vehicle on or along any of the public roads unless the person so employed holds such a licence.

*Restriction on driving horse-drawn vehicles.*

2. (1) Subject to the provisions of subsection (4) of this section, the Constable, on application being made to him in that behalf, may grant to the applicant therefor a licence to drive a horse-drawn vehicle on the public roads (hereinafter referred to as "a

*Licences to drive horse-drawn vehicles.*

horse-drawn vehicle driving licence") subject to such conditions as he may deem necessary or expedient to impose.

(2) Unless the holder thereof is disqualified under the provisions of section seventeen of this Ordinance, a horse-drawn vehicle driving licence granted under the provisions of the last preceding subsection 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 the next succeeding subsection, 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, next following, both dates inclusive.

(3) Subject to the provisions of the next succeeding subsection, a horse-drawn vehicle driving licence granted in pursuance of the provisions of subsection (1) of this section may be renewed for any year by the Constable upon an application being made to him in that behalf on or before the thirty-first day of December of the year next preceding.

(4) The Constable shall not grant or renew a horse-drawn vehicle driving licence:—

- (a) unless the applicant therefor is aged sixteen years or more;
- (b) if the Constable has reasonable grounds for believing that the applicant therefor is not a fit and proper person to drive a horse-drawn vehicle.

**Prohibition  
on carriage  
of excess  
passengers.**

3. (1) A person, being in charge of a horse-drawn vehicle of any of the categories set out in the left hand column of the First Schedule to this Ordinance, shall not cause or permit any passenger to be carried

in that vehicle on or along any of the public roads, other than the Harbour Hill, at any one time in excess of the maximum number of passengers specified in relation to that category of vehicle in the right hand column of the said Schedule.

(2) A person, being in charge of a horse-drawn vehicle of any of the categories set out in the left hand column of the First Schedule to this Ordinance, shall not cause or permit any passenger in excess of four to be carried in that vehicle at any one time on the Harbour Hill.

(3) A passenger in a horse-drawn vehicle 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 two preceding subsections are complied with.

(4) The number of passengers which a horse-drawn vehicle is permitted to carry under the provisions of this section 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 said age of five years but under the age of fourteen years may be counted as being equivalent to two passengers.

4. A person shall not, on any weekday during the period commencing on the first day of April and ending on the thirtieth day of September in any year, drive or attempt to drive a horse-drawn vehicle on or along, or allow any horse-drawn vehicle to remain on, the jetty of La Maseline Harbour, between the hours of four-thirty o'clock in the afternoon and the time thereafter on that day at which

Restrictions  
on horse-  
drawn  
vehicles at  
La Maseline  
Harbour.

the regular passenger-boat sails for Guernsey save that a person appointed in writing in that behalf by the Constable or the Vingtenier may permit such number of horse-drawn vehicles as he may deem it convenient on any particular occasion to remain at the South end of the said jetty if they are there before four-thirty o'clock in the afternoon of that day.

Restriction on use of horse-drawn vehicles on Sundays.

5. Notwithstanding any provision in any Ordinance to the contrary, it shall be lawful to drive a horse-drawn vehicle on or along any of the public roads on a Sunday and to carry passengers in such vehicle for any of the following purposes—

- (a) the conveyance of passengers who are arriving in or leaving the Island from or to any of the harbours;
- (b) the conveyance of any person who is on an official visit to the Island;
- (c) the conveyance of persons to Church if the person in charge has first obtained the permission in writing in that behalf of the Constable or Vingtenier.

Dangerous and reckless driving.

6. A person shall not drive a horse-drawn vehicle on or along any of the public roads recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road.

Careless driving.

7. A person shall not drive a horse-drawn vehicle on or along any of the public roads without due care and attention or without reasonable consideration for other persons using the road.

8. (1) A person being in charge of a horse-drawn vehicle on any of the public roads shall, when meeting any other vehicle or horse or other animal proceeding in the opposite direction or when being overtaken by any other vehicle or horse or other animal, keep to the left-hand or near side of the road.

Keep left rule, obstruction and parking.

(2) A person being in charge of a horse-drawn vehicle on any of the public roads shall not obstruct or impede the free passage of the road.

9. A person being in charge of a horse-drawn vehicle which is used for the carriage of passengers for hire or reward and which is being offered for use either by standing or plying for hire or which is being so offered in any other way whatsoever shall not importune any person to hire that vehicle.

Importuning for hire.

10. A person being in charge of a horse-drawn vehicle which is carrying passengers for hire or reward shall, while that vehicle is on the Jetty of La Maseline Harbour or Creux Harbour, remain with that horse-drawn vehicle so as to be in effective control thereof until the passengers have alighted.

Drivers to remain with vehicles at La Maseline and Creux Harbours.

11. A person being in charge of a horse-drawn vehicle shall not allow any passenger, other than a passenger who is incapacitated or is an invalid, to remain on that horse-drawn vehicle while it is crossing La Coupée.

Crossing La Coupée.

12. A person being in charge of a horse-drawn vehicle which is being used for the carriage of passengers for hire or reward or which is being offered for use either by standing or plying for hire or which is being so offered in any other way whatsoever, shall ensure that his person is clean and his clothes are clean, tidy and presentable.

Drivers to be clean, etc.

Lamps to be fitted to front of horse-drawn vehicles and parking lights.

13. (1) A person shall not, during the hours of darkness drive or attempt to drive a horse-drawn vehicle on or along any of the public roads unless there are fitted in a conspicuous position to that horse-drawn vehicle two lamps each showing to the front a white light visible from a reasonable distance ahead and one of which is placed on the right front and the other on the left front of the horse-drawn vehicle.

(2) A person shall not, during the hours of darkness, leave a horse-drawn vehicle unattended on any of the public roads unless there is fitted in a conspicuous position to that horse-drawn vehicle a lamp showing to the front a white light visible from a reasonable distance ahead.

Brakes, etc.

14. A person shall not drive or attempt to drive a horse-drawn vehicle on or along any of the public roads unless that vehicle is fitted with a braking system sufficient under the most adverse conditions to bring it to rest within a reasonable distance and the wheels, the shafts and the harness are in good order having due regard to the interests of public safety.

Inspection.

15. (1) The Constable may at any time on any of the public roads, with or without technical assistance, examine any horse-drawn vehicle to ascertain whether, in his opinion, the vehicle complies with the requirements of this Ordinance as to the braking system to be fitted and whether the wheels, the shafts and the harness are in good order having due regard to the interests of public safety.

(2) Where, after any examination as aforesaid of a horse-drawn vehicle, the Constable is satisfied that the braking system does not comply as afore-

said or that the wheels, shafts and harness are not in good order as aforesaid the Court may, without prejudice to the infliction of any penalty, on the application of the Constable order that the horse-drawn vehicle shall not be driven on or along any of the public roads until such time as the horse-drawn vehicle so complies or is so efficient.

16. An appeal shall lie to the Court of the Seneschal against a decision of the Constable to refuse to grant or renew a horse-drawn vehicle driving licence or against any condition attached to the grant of such licence on the grounds that the decision of the Constable was an unreasonable exercise of his powers. Appeals.

17. Any person who—

Offences.

- (a) contravenes any of the provisions of this Ordinance; or
- (b) impedes or obstructs the Constable, the Vingtenier or any person appointed by either of those persons to perform any duties under this Ordinance in the execution of his duties under this Ordinance; or
- (c) in connection with any application for the grant or renewal of a horse-drawn vehicle driving licence in pursuance of the provisions of section two of 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 fifty pounds and in addition to or in substitution for such punishment as aforesaid the Court may make an order disqualifying the offender from holding or obtaining a horse-drawn

vehicle driving licence for such period not exceeding twelve months as the Court may think fit.

Interpreta-  
tion.

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

“horse-drawn vehicle” includes a vehicle drawn by a pony, a donkey or a mule;

“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;

“public road” means any road, street, lane or place which is public or to which the public has right of access.

(2) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Ordinance as if the same were an enactment in force in the Island of Guernsey.

Repeals.

19. The Ordinances set out in the Second Schedule to this Ordinance are hereby repealed.

Citation and  
commence-  
ment.

20. This Ordinance may be cited as the Road Traffic (Horse-Drawn Vehicles) (Sark) Ordinance, 1968, and shall come into force on the first day of August, nineteen hundred and sixty-eight.

## FIRST SCHEDULE Section three

<i>Categories of horse-drawn vehicles</i>	<i>Maximum number of persons to be carried</i>
Victoria, commonly known as a low carriage	5 persons
Wagonette, commonly known as a high carriage	6 persons
Van	10 persons

## SECOND SCHEDULE

## Section nineteen

*Ordinances repealed*

The Ordinance entitled "Ordonnance relative aux Voitures Publiques" of the fourth day of April, eighteen hundred and ninety-nine.

The Ordinance of the 3rd October, 1899 concerning the use of carriages.

The Ordinance of the 30th September, 1925 concerning the use of carriages (commonly referred to as "Loi relative a la circulation de voitures la nuit").

The Ordinance of the 3rd October, 1900 concerning the use of carriages.

The Road Traffic (Driving of Horse-Drawn Vehicles on Sundays) (Sark) Ordinance, 1966.