

27th October 1967

Draft
Ordinance of the Chief Pleas
entitled
The Road Traffic (Tractors and Invalid Carriages)
(Sark) Ordinance, 1967.

THE CHIEF PLEAS OF SARK, in pursuance of the provisions of subsection (1) of section eight of the Reform (Sark) Law, 1951, and in pursuance of their Resolution of the fifth day of October, nineteen hundred and sixty-six, and of all other powers enabling them in that behalf, hereby order:-

PART I

Restrictions on use of vehicles and licences
to drive tractors and invalid carriages

Restrictions
on use of
vehicles.

1. Subject to the provisions of this Ordinance, a person shall not drive or attempt to drive a vehicle other than –
- (a) An invalid carriage; or
 - (b) A tractor of such size and power as may from time to time be prescribed;

on or along any of the public roads.

Licences
to drive
tractors.

2. (1) Subject to the provisions of subsection (6) of this section, a person shall not drive or attempt to drive a tractor on or along any of the public roads unless he holds a licence granted under the provisions of the next succeeding subsection and a person shall not employ any person to drive a tractor on or along any of the public roads unless the person so employed holds such a licence.

(2) Subject to the provisions of subsection (5) 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 tractor on the public roads (hereinafter referred to as “a tractor driving licence”) subject to such conditions as he may deem necessary or expedient to impose.

(3) Unless the holder thereof is disqualified under the provisions of section eighteen of this Ordinance, a tractor 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.

(4) Subject to the provisions of the next succeeding subsection, a tractor driving licence granted under the provisions of subsection (2) 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.

(5) The Constable shall not grant or renew a tractor driving licence:-

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

(6) For the purpose of enabling an applicant for the grant of a tractor driving licence to learn to drive a tractor with a view to passing such test of competency to drive or test of fitness to drive as the Constable may require, the Constable may, if so requested by him, grant him a provisional licence to drive a tractor on the public roads (hereinafter referred to as “a provisional tractor driving licence”) which licence shall remain in force for a period of three months.

(7) A provisional tractor driving licence granted in pursuance of the provisions of the last preceding subsection shall be in such form as the Constable may determine and shall be subject to such conditions as he may deem necessary or expedient.

Licences to drive invalid carriages.

3. (1) Subject to the provisions of subsection (6) of this section, a person shall not drive or attempt to drive an invalid carriage on or along

any of the public roads unless he holds a licence granted under the provisions of the next succeeding subsection.

(2) Subject to the provisions of subsection (5) of this section, the Committee, on application being made to it in that behalf, may grant to the applicant therefor a licence to drive an invalid carriage on the public roads (hereinafter referred to as “an invalid carriage driving licence”) subject to such conditions as the Committee may deem necessary or expedient to impose.

(3) Unless the holder thereof is disqualified under the provisions of section eighteen of this Ordinance, an invalid carriage 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.

(4) Subject to the provisions of the next succeeding subsection, an invalid carriage driving licence granted under the provisions of subsection (2) of this section may be renewed for any year by the Committee upon an application being made to it in that behalf on or before the thirty-first day of December of the year next preceding.

(5) The Committee shall not grant or renew an invalid carriage driving licence unless:-

(a) the applicant therefor was examined by the Island Medical Officer within the twenty-eight days next preceding the date of the making of the application for such grant or renewal and produces a certificate signed by the said Medical Officer certifying –

(i) that the applicant was so examined, the date of such examination and that the applicant is suffering from some physical defect or disability and specifying the nature and extend of that defect or disability;

(ii) that, in his opinion, the physical defect or disability of the applicant is not such as would, of itself, prevent him from exercising complete control over an invalid carriage; and

(b) the Committee is satisfied that it is necessary or desirable in the interest of the applicant or for his well being that he should be permitted to use an invalid carriage; and

(c) the applicant satisfies the Committee that he is ordinarily resident in this Island.

(6) For the purpose of enabling an applicant for the grant of an invalid carriage driving licence to learn to drive an invalid carriage with a view to passing such test of competency to drive or test of fitness to drive as the Committee may require, the Committee may, if so requested by him, grant him a provisional licence to drive an invalid carriage on the public roads (hereinafter referred to as “a provisional invalid carriage driving licence”) which licence shall remain in force for a period of three months.

(7) A provisional invalid carriage driving licence granted in pursuance of the provisions of the last preceding subsection shall be in such form as the Committee may determine and shall be subject to such conditions as it may deem necessary or expedient.

PART II

Driving offences, restrictions on driving, miscellaneous traffic provisions and inspection of vehicles

Dangerous and reckless driving.

4. A person shall not drive a tractor or an invalid carriage 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, conditions 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.

5. A person shall not drive a tractor or an invalid carriage on or along any of the public roads without due care and attention or without reasonable consideration for other persons using the road.

Speed limits.

6. (1) Subject to the provisions of subsection (2) of this section a person shall not drive a tractor or an invalid carriage on or along any of the public roads at a speed exceeding ten miles per hour.

(2) A person shall not drive a tractor or an invalid carriage on or along any of the public roads leading from La Collenette to La Maseline Harbour and Creux Harbour or from La Collenette via the Avenue to La Vaurocque and leading from Le Clos du Vert via Le Manoir and St. Peter's Church to Clos-à-Jaon at a speed exceeding five miles per hour.

Restricted roads, restricted hours, one-way streets and Sunday driving.

7. (1) A person shall not on any day during the period commencing on the first day of April and ending on the thirtieth day of September, both dates inclusive, in any year, drive or attempt to drive a tractor on or along any of the public roads between La Collenette and La Maseline Harbour or Creux Harbour between ten forty-five and eleven-thirty o'clock in the forenoon.

(2) The period of the forenoon referred to in the last preceding subsection may, from time to time, be varied by the Chief Pleas by Resolution.

(3) A person shall not, otherwise than for agricultural purposes and with the consent in writing of the Constable or the Vingtenier, drive or attempt to drive a tractor on or along any of the public roads during the period commencing at ten o'clock in the evening on any day and ending at six o'clock in the forenoon of the day next following.

(4) A person shall not, during the period commencing on the first day of April and ending on the thirtieth day of September, both dates inclusive, in any year, drive or attempt to drive a tractor or an invalid carriage on or along the Avenue, between La Collenette and the Post Office letter box, otherwise than from East to West.

(5) 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 tractor on or along, or allow a tractor 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 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 numbers of tractors as he may deem it convenient on any particular occasion to remain at the North end of the said jetty if they are there before four-thirty o'clock in the afternoon of that day.

(6) A person shall not without the permission in writing of the Constable or the Vingtenier drive or attempt to drive a tractor on or along any of the public roads on a Sunday.

(7) Nothing in this section contained shall apply to a tractor hauling an ambulance or a fire appliance.

8. A person shall not so drive a tractor or an invalid carriage on or along any of the public roads as to wilfully or negligently damage any wall, railing or palisade, door, post or bar bordering that public road or any tree, shrub, plant or any moveable or immoveable property of others.

Keep left rule
and
obstruction.

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

(2) A person being in charge of a tractor or an invalid carriage on any of the public roads shall not obstruct or impede the free passage of the road.

Lamps to
be fitted to
front and
rear of
vehicles,
and parking
lights.

10. (1) A person shall not, during the hours of darkness, drive or attempt to drive a tractor or an invalid carriage on or along any of the public roads unless there are fitted in a conspicuous position to that tractor or invalid carriage 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 tractor or the invalid carriage, as the case may be.

(2) A person shall not, during the hours of darkness, park any tractor or invalid carriage unattended on any of the public roads unless there is fitted in a conspicuous position to that tractor or invalid carriage a lamp showing to the front a white light visible from a reasonable distance

ahead.

Brakes.

11. (1) A person shall not drive or attempt to drive a tractor on or along any of the public roads unless that tractor is fitted with an adequate braking system sufficient under the most adverse conditions to bring to rest within a reasonable distance the tractor and any object, trailer or machinery being or intended to be hauled by the tractor.

(2) A person shall not drive or attempt to drive an invalid carriage on or along any of the public roads unless the invalid carriage is fitted with an adequate braking system sufficient under the most adverse conditions to bring to rest within a reasonable distance the invalid carriage.

Examination
of tractor
by the
Constable.

12. (1) The Constable may at any time on any of the public roads and with or without technical assistance examine any tractor to ascertain whether in his opinion the tractor complies with the requirements of this Ordinance as to the lamps to be carried and the braking system to be fitted and whether the engine compression, the tyres and the trailer hitch attachment are efficient having due regard to the interests of public safety.

(2) Where after any examination as aforesaid of a tractor the Constable is satisfied that the lamps or braking system do not comply as aforesaid or that the engine compression or the tyres or the trailer hitch attachment are not as efficient as aforesaid, the Court may, without prejudice to the infliction of any penalty, on the application of the Constable suspend the tractor licence in respect thereof until such time as the lamps or braking system so comply or the engine compression, the tyres and the trailer hitch attachment are so efficient.

Examination
of invalid
carriages by
Constable.

13. (1) The Constable may at any time on any of the public roads and with or without technical assistance examine any invalid carriage to ascertain whether in his opinion the invalid carriage complies with the requirements of this Ordinance as to the lamps to be carried and the braking system to be fitted and whether the tyres are efficient having due regard to the interests of public safety.

(2) Where after any examination as aforesaid of an invalid carriage the Constable is satisfied that the lamps or braking system do not comply as aforesaid or that the tyres are not as efficient as aforesaid the

Court may, without prejudice to the infliction of any penalty, on the application of the Constable suspend the invalid carriage licence in respect thereof until such time as the lamps or braking system so comply or the tyres are so efficient.

PART III

Conveyance of passengers

Conveyance
of passengers
on tractors.

14. (1) Subject to the provisions of subsection (3) of this section a person, being in charge of a tractor, shall not carry or attempt to carry any passenger on that tractor, except one person carried for the purpose of assisting in loading or unloading, on or along any of the public roads other than on the public roads between La Collenette and La Maseline Harbour or Creux Harbour in accordance with the provisions of the next succeeding subsection.

(2) A person, being in charge of a tractor, shall not carry or attempt to carry more than ten passengers on that tractor, being non-fare paying passengers, including a person carried for the purpose of assisting in loading or unloading, on or along any of the public roads between the crossroads at La Collenette and La Maseline Harbour or Creux Harbour.

(3) The provisions of subsection (1) of this section shall not apply to:-

- (a) a tractor hauling an ambulance or a fire appliance; or
- (b) a tractor carrying passengers for agricultural purposes if the consent of the Constable or the Vingtenier in that behalf is obtained in respect of each day on which the tractor is carrying such passengers.

(4) The number of passengers which a tractor is permitted to carry under the provisions of subsection (2) of this section may be increased to the extent that any child who appears to the person in charge of the tractor 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.

PART IV

Appeals

Appeals.

15. An appeal shall lie to the Court against a decision –
- (a) of the Constable to refuse to grant or renew a tractor 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; or
 - (b) of the Committee to refuse to grant or renew an invalid carriage driving licence or against any condition attached to the grant of such a licence on the grounds that the decision of the Committee was an unreasonable exercise of its powers; or
 - (c) of the Constable or the Vingtenier, as the case may be, to refuse to permit a person to drive a tractor on or along any public road on a Sunday in pursuance of the provisions of subsection (6) of section seven of this Ordinance on the grounds that the decision of the Constable or Vingtenier, as the case may be, was an unreasonable exercise of his powers.

PART V

Excepted tractors and tracked vehicles

Excepted tractors.

16. Nothing in this Ordinance shall apply in relation to any tractor which, when any of its gears are engaged, is not capable under any circumstances, whether loaded, hauling a load or otherwise of a speed exceeding four miles per hour.

Tracked vehicles.

17. Notwithstanding anything in this Ordinance contained a person shall not drive or attempt to drive a tractor which is a tracked vehicle on or along any of the public roads:

Provided that the provisions of this section shall not apply in the case of a tractor to which the last preceding section applies.

PART VI

General

Offences.

18. Any person who –
- (a) contravenes any of the provisions of this Ordinance; or

- (b) fails to comply with any condition attached to a tractor driving licence, an invalid carriage driving licence, a provisional tractor driving licence or a provisional invalid carriage driving licence; or
- (c) impedes or obstructs the Constable in the execution of his duties under this Ordinance; or
- (d) in connection with any application for the grant or renewal of a tractor driving licence or an invalid carriage driving licence, or in connection with any application for the grant of a provisional tractor driving licence or a provisional invalid carriage driving licence, 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 tractor driving licence, an invalid carriage driving licence, a provisional tractor driving licence or a provisional invalid carriage driving licence, as the case may be, for such period not exceeding twelve months as the Court may think fit.

Interpretation.

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

“agricultural purposes” includes all purposes directly connected with the use of land as arable, meadow or pasture land;

“animal” means a horse, pony, ass, mule, bovine animal, pig, goat or sheep;

“Committee” means the Committee appointed by the Chief Pleas for the purposes of the Invalid Carriages (Sark) Law, 1967;

“the Court” means the Court of the Seneschal;

“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;

“invalid carriage” means an electrically propelled vehicle the weight of which unladen and excluding the weight of the traction batteries does not exceed six hundredweights and which is specially designed and constructed, and not merely adapted for the use of a person suffering from some physical defect or disability and is used solely by such a person;

“invalid carriage licence” means a licence granted under the provisions of section one of the Invalid Carriages (Sark) Law, 1967;

“Island Medical Officer” means the person appointed as such by the Chief Pleas;

“prescribed” means prescribed, from time to time, by the Chief Pleas by Resolution;

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

“tractor” includes a tractor to which there is attached a trailer;

“tractor licence” means a licence granted under the provisions of section one of the Motor Vehicles (Sark) Law, 1956;

“vehicle” means a mechanically or electrically propelled vehicle intended or adapted for use on roads and includes any mechanically or electrically propelled machine.

(2) Except in so far as 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 re-enacted, extended or applied by or under any other enactment including this Ordinance.

(3) 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. 20. The Ordinances set out in the Schedule to this Ordinance are hereby repealed.

Citation and commencement 21. This Ordinance may be cited as the Road Traffic (Tractors

and Invalid Carriages) (Sark) Ordinance, 1967, and shall come into force on the 29th day of November, nineteen hundred and sixty-seven.

Section twenty.

SCHEDULE

Ordinances repealed

The Road Traffic (Sark) Ordinance, 1956.

The Road Traffic (Amendment) (Sark) Ordinance, 1959.

The Road Traffic (Prescribed Tractors) (No. 2) Ordinance, 1960.

The Road Traffic (Amendment) (Sark) Ordinance, 1962.

The Road Traffic (Amendment) (Sark) Ordinance, 1966.