

Island of  Guernsey

Ordinance of the States **IV**
1966

Made 23rd February, 1966.

Coming into Operation .. 2nd May, 1966.

The Motor Vehicles (Miscellaneous Provisions) (Amendment) Ordinance, 1966

THE STATES, in pursuance of their Resolution of the twenty-ninth day of July, nineteen hundred and sixty-four, hereby order:—

1. The Motor Vehicles (Miscellaneous Provisions) Ordinance, 1962^(a) (hereinafter referred to as “the principal Ordinance”) is hereby amended as follows:—

Amendment
to Ordin-
ance of
1962.

- (a) the definition of the expression “public vehicle” in section one thereof is hereby repealed and the following definition is hereby substituted therefor—

“public vehicle” means a motor vehicle which is used for the carriage of pas-

(a) Recueil d'Ordonnances Tome XIII, p. 87.

sengers for hire or reward and which is offered for use either by standing or plying for hire or which is so offered in any other way whatsoever.”;

- (b) section six thereof is hereby repealed and the following section is hereby substituted therefor—

“ Certain
hired
motor
vehicles
to be
registered
and to
carry “ H ”
plates.

6. (1) An owner of a motor vehicle shall not use or cause or permit that motor vehicle to be used as a hired motor vehicle unless that motor vehicle is for the time being registered by the States Board of Administration (hereafter in this section referred to as “the Board”) in accordance with the provisions of subsection (3) of this section.

(2) An owner of a motor vehicle desirous of registering that motor vehicle in accordance with the provisions of the next succeeding subsection shall make application in writing in that behalf to the Board and such application shall contain the following particulars, that is to say—

- (a) the date on which the motor vehicle was first licensed in accordance with the provisions of the Law entitled “Loi relative aux Automobiles” registered on the eleventh day of December, nineteen hundred and twenty-six, as amended(b), or, if the motor vehicle was first licensed in accordance with the

law of a country outside Guernsey, the date, if known, on which it was first so licensed;

- (b) the registration number allotted to the motor vehicle when it was first licensed in accordance with the provisions of the said Law.

(3) Upon the receipt of an application under the provisions of the last preceding subsection, the Board shall register the motor vehicle for use as a hired motor vehicle by entering in a register kept solely for the purpose such particulars relating to that motor vehicle as the Board may deem necessary and shall issue to the owner thereof a disc in such form and containing such particulars as the Board shall from time to time determine.

(4) There shall be exhibited in a conspicuous manner on the windscreen of every hired motor vehicle other than a motor cycle and, in the case of a motor cycle, in a conspicuous position on the near side of the vehicle in front of the driving seat the disc issued in respect of that hired motor vehicle in pursuance of the provisions of the last preceding subsection.

(5) There shall be exhibited in a conspicuous manner on the front and on the back of every hired motor vehicle a distinguishing mark in the form set out in the Schedule to this Ordinance.

(6) As soon as may be after the owner of a motor vehicle ceases to use that motor vehicle as a hired motor vehicle he shall, or as soon as may be after the death of such an owner his legal personal representative shall, inform the Board of the fact of such cessation or death, as the case may be, and shall return to the Board the disc issued in respect of such motor vehicle in accordance with the provisions of subsection (3) of this section and the Board shall cancel the registration of the hired motor vehicle by deleting the entry relating thereto in the register referred to in the said subsection (3): Provided that the provisions of this subsection shall not apply in the case of a motor vehicle ceasing to be a hired motor vehicle solely by reason of the fact that for the time being it is not the subject of an agreement to let on hire if it is the intention of the owner thereof that it should again, from time to time, be the subject of such agreement.

(7) Any person who contravenes the provisions of subsection (1) of this section or who fails to comply with the provisions of subsection (6) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding five pounds.

(8) Any person who, in an application to the Board under the provisions of subsection (2) of this section, knowingly or recklessly makes any statement

or furnishes any information which is false in any material particular shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds.

(9) Subject to the provisions of the next succeeding subsection, in any case where the provisions of subsection (4) or subsection (5) of this section are not complied with in respect of a hired motor vehicle while it is being driven on a public highway—

- (a) the person driving that motor vehicle;
- (b) if the person driving that motor vehicle is not the hirer thereof, the hirer of that motor vehicle; and
- (c) the person who is the owner of that motor vehicle;

shall each be guilty of an offence and liable, on conviction, to a fine not exceeding five pounds.

(10) A person shall not be convicted of an offence under the last preceding subsection if—

- (a) being the driver he proves to the satisfaction of the court that he did not know, and had no reason to believe, that the motor vehicle was a hired motor vehicle; or
- (b) being the owner he proves to the satisfaction of the court that he had used all due diligence to

secure compliance with the provisions of this section and that the offence was due to the act or default of some other person who committed it without his consent, connivance or wilful default.

(11) Where any offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director or officer of the body corporate, or any person purporting to act in any such 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.

(12) The provisions of this section shall apply only in relation to a hired motor vehicle which is a motor vehicle, not being a public vehicle, of any of the following descriptions, that is to say—

- (a) a motor cycle;
- (b) a motor vehicle constructed or adapted solely for use and used for the carriage of passengers and their effects;
- (c) a motor vehicle constructed or adapted both for the carriage of passengers and for the carriage of goods or burden of any description and used principally for the carriage of passengers.”.

2. This Ordinance may be cited as the Motor Vehicles (Miscellaneous Provisions) (Amendment) Ordinance, 1966, and this Ordinance and the principal Ordinance may be cited together as the Motor Vehicles (Miscellaneous Provisions) Ordinances, 1962 and 1966. Citation and collective title.

3. This Ordinance shall come into force on the second day of May, nineteen hundred and sixty-six. Commencement.

R. H. VIDELO,

Her Majesty's Greffier.