

Island of  Guernsey

Ordinance of the States **IX**
1962

Made 4th April, 1962.
Coming into Operation .. 1st May, 1962.

**The Motor Vehicles (Miscellaneous
Provisions) Ordinance, 1962**

THE STATES, in pursuance of their Resolution of the fifth day of July, nineteen hundred and sixty-one, and in exercise of the powers now vested in them under the provisions of paragraph (a) of Article eight of the Law entitled "Loi Supplémentaire relative aux Automobiles (Autorisations à Conduire), 1939" and of all other powers thereunto them enabling, hereby order:—

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

Interpreta-
tion.

"helmet" means a helmet or head-dress which in its shape, construction and other qualities complies with such requirements as the Island

Police Committee may from time to time by order prescribe;

“hired motor vehicle” means a motor vehicle which is the subject of an agreement to let on hire, not being a hire-purchase agreement, that is to say, not being an agreement for the bailment of a motor vehicle under which the bailee may buy the motor vehicle or under which the property in the vehicle will or may pass to the bailee;

“hirer”, in relation to a hired motor vehicle, means the person to whom the motor vehicle is let on hire;

“motor cycle” includes a motor cycle combination, and an autocycle, bicycle or tricycle which is being used as or is adapted for use as a mechanically propelled vehicle;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on a public highway;

“owner”, in relation to any motor vehicle, means the person in whose name the motor vehicle is licensed in pursuance of the Law entitled “Loi relative aux Automobiles” registered on the eleventh day of December, nineteen hundred and twenty-six, as amended;

“provisional driving licence” has the same meaning as the expression “autorisation provisionnelle” has in the Law entitled “Loi Supplémentaire relative aux Automobiles (Autorisations à Conduire), 1939”, as amended;

“public highway” includes any road, street, lane or public place;

“public vehicle” has the meaning assigned to it by section six of the Passenger Transport Licensing Authority (Guernsey) Law, 1949.

2. (1) A person under seventeen years of age shall not, while driving a motor cycle on a public highway, permit any other person to be carried on that motor cycle.

Motor cyclists under seventeen years of age prohibited from carrying pillion passengers.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding five pounds, or in the case of a second or subsequent conviction, to a fine not exceeding ten pounds.

3. (1) A person shall, while driving a motor cycle on a public highway, wear a helmet securely fitted so as to afford to that person protection from injury in the event of accident.

Protective helmets to be worn by persons driving motor cycles

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding five pounds, or in the case of a second or subsequent conviction, to a fine not exceeding ten pounds.

4. A provisional driving licence of any category shall not be granted to any person who has previously held two or more provisional driving licences of that category unless there shall have elapsed not less than three months since the expiration of the period of validity of the last previous provisional driving licence held by him.

Restriction on the grant of provisional driving licences.

5. (1) A person shall not drive on a public highway a motor vehicle on which there is exhibited any mark indicating or intended to indicate that that motor vehicle is being driven by the holder of a provisional driving licence unless—

Restriction on the exhibition of 'L' plates on motor vehicles.

(a) that person is the holder of a provisional driving licence; or

- (b) the holder of a provisional driving licence is being carried in or on that motor vehicle for the purposes of learning to drive that motor vehicle; or
- (c) that motor vehicle is principally used for the purpose of teaching holders of provisional driving licences to drive motor vehicles and such mark is exhibited on that motor vehicle on a board displaying an advertisement, approved by the Chief Officer of Police, to the effect that that motor vehicle is being so used.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding five pounds, or in the case of a second or subsequent conviction, to a fine not exceeding ten pounds.

'H' plates to be exhibited on hired motor vehicles of certain descriptions.

6. (1) 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) 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.

(3) Subject to the provisions of the next succeeding subsection, in any case where the provisions of the last preceding subsection 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;
- (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 two pounds.

(4) A person shall not be convicted of an offence under this section 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.

(5) Where an 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.

Restrictions on the exhibition of 'H' plates on motor vehicles.

7. (1) A person shall not drive on a public highway a motor vehicle on which there is exhibited a distinguishing mark in the form set out in the Schedule to this Ordinance unless that motor vehicle is a hired motor vehicle to which the provisions of the last preceding section apply.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding two pounds.

Citation and commencement.

8. (1) This Ordinance may be cited as the Motor Vehicles (Miscellaneous Provisions) Ordinance, 1962.

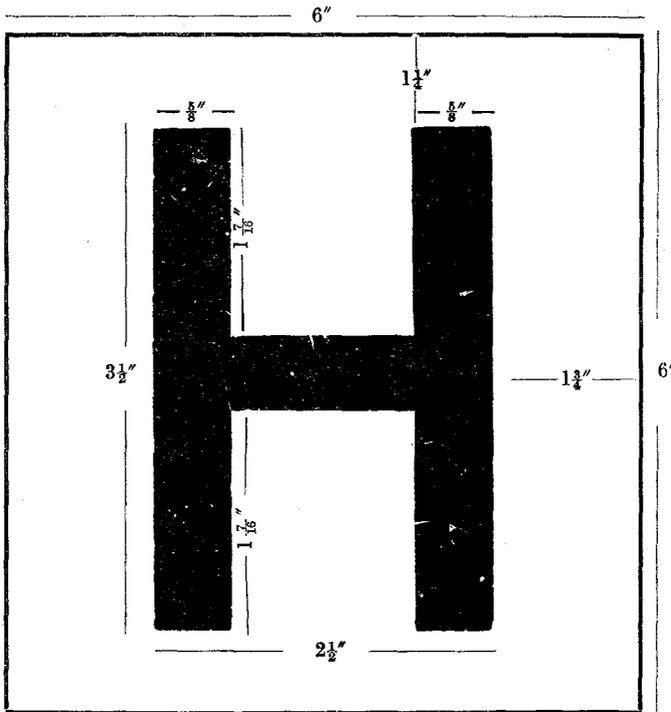
(2) This Ordinance shall come into force on the first day of May, nineteen hundred and sixty-two.

SCHEDULE

Section six

Diagram of distinguishing mark to be exhibited
on hired motor vehicles.

Black letter on yellow ground.



The corners of the yellow ground may be rounded off.

R. H. VIDELO,

Her Majesty's Greffier.