

Island of  Guernsey

Ordinance of the States **IV**

**1986**

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Made ... .. 29th January, 1986.  
Coming into Operation ... 30th January, 1986.

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**The Road Traffic (Permits to Drive  
Public Service Vehicles) Ordinance, 1986**

ARRANGEMENTS OF SECTIONS

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## **The Road Traffic (Permits to Drive Public Service Vehicles) 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:—

1. (1) A person shall not drive a public service vehicle on or along any public highway unless he holds a permit granted in accordance with the provisions of section 3 of this Ordinance (hereinafter referred as a "permit") authorising him to drive such vehicle: Prohibition on driving a public service vehicle without a permit.

Provided that the provisions of this subsection shall not apply to a person who, for the sole purpose of test-driving a public service vehicle in the course of its maintenance or repair, drives that vehicle on a public highway, if that person 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.

(2) A person shall not employ any other person to drive a public service vehicle on or along any public highway unless the aforesaid other person is the holder of a permit authorising him to drive such vehicle.

2. (1) A person desirous of obtaining a permit 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 a permit.

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(a) No. XI of 1984.

(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.

Grant or  
refusal of  
permit.

3. (1) Upon receipt of an application under the provisions of the last preceding section the Committee may either:—

(a) grant to the applicant—

(i) a permit; or

(ii) a permit subject to such conditions as the Committee shall deem necessary or expedient to impose; or

(b) refuse to grant the permit.

(2) A permit may be restricted to the driving of such category or categories of public service vehicles as may be specified in the permit.

Conditions  
to be  
complied  
with before  
grant of a  
permit.

4. (1) A permit shall not be granted by the Committee to a person under the age of twenty years.

(2) Subject to compliance with the requirements of the last preceding subsection, a permit shall not be granted unless the Committee is satisfied that the applicant is a fit and proper person to hold a permit.

(3) For the purposes of the last preceding subsection—

- (a) the Committee may require the applicant to be examined—
- (i) as to his ability to drive a public service vehicle of the category or categories specified in the application;
  - (ii) as to his knowledge of the Island;
  - (iii) as to his present or last employment;
  - (iv) as to his character; and
  - (v) as to his health; and
- (b) the Committee may require the applicant to produce—
- (i) evidence that he fulfils the requirements of subsection (1) of this section as to his age;
  - (ii) evidence that he can read and write;
  - (iii) a certificate from his present or last employer giving particulars of that employment or last employment or a sufficient reason for failure to supply such a certificate;
  - (iv) a certificate of character signed by two householders or ratepayers who have known the applicant personally for the past three years;
  - (v) evidence that he has not at any time since he attained the age of five years had an epileptic attack; and

- (vi) a medical certificate that he is not suffering from any disease or physical disability likely to interfere with the efficient discharge of his duties as a driver or to cause the driving by him of a public service vehicle to be a source of danger to the public.

(4) Where pursuant to the provisions of subsections (3)(a)(i) and (3) (a)(ii) of this section the Committee requires an applicant to be examined as to his ability to drive a public service vehicle of the category or categories specified in his application and as to his knowledge of the Island, the applicant shall pay in advance to the Treasurer of the States a fee of five pounds in respect of such examination.

Period of  
validity of  
permits.

5. Unless suspended or revoked under any of the provisions of this Ordinance, a permit shall be valid—

- (a) in the case of an applicant under the age of sixty years, until the 31st day of December of the fourth year next following the date of the grant of such permit or until the 31st day of December of the year during which the applicant attains the age of sixty years, whichever date occurs first, and thereafter, and subject to the provisions of the next succeeding paragraph in the case of an applicant who has attained the age of sixty years or over, upon being renewed in pursuance of the provisions of the next succeeding section, shall be valid during the period commencing on the 1st day of January in any year and ending on the 31st day of December of the fourth year next following the date of the renewal of such

permit or until the 31st day of December of the year during which the applicant attains the age of sixty years, whichever date occurs first, both dates inclusive;

- (b) in the case of an applicant who has attained the age of sixty years or over, until the 31st day of December next following the date of the grant of such permit and thereafter, upon being renewed in pursuance of the provision of the next succeeding section, shall be valid during the period commencing on the 1st day of January in any year and ending on the 31st day of December of that year, both dates inclusive.

6. (1) A permit may be renewed in any year by the Committee for the period specified in the last preceding section upon an application being made to it in that behalf on or before the date of expiry of the aforesaid permit. Renewal of permits.

(2) The provisions of this Ordinance with respect to an application for a permit under section 2 of this Ordinance, to the grant or refusal of a permit under section 3 of this Ordinance and to the conditions to be complied with before the grant of a permit under section 4 of this Ordinance shall apply to an application for the renewal of a permit under the provisions of the last preceding subsection.

7. There shall be paid in advance to the Treasurer of the States in respect of the grant or renewal of a permit under this Ordinance the fee set out in relation thereto in the Schedule to this Ordinance: Fees for permits.

Provided that where by reason of the age of an applicant for a permit—

- (a) a permit is granted in accordance with the provisions of section 5(a) of this Ordinance to expire on the 31st day of December of the first, second or third year next following the date of the grant of such permit; or
- (b) a permit is renewed in accordance with the provisions of section 5(b) of this Ordinance to expire on the 31st day of December of the year of the renewal of such permit;

the fee payable shall be calculated at the rate of £1.25 per annum in respect of the grant or renewal of such permit, as the case may be.

Provision of information relating to disabilities.

8. If at any time during the period of validity of his permit, a permit holder becomes aware that he is suffering from a relevant disability he shall forthwith notify the Committee in writing of the nature and extent of his disability.

Revocation, suspension, etc. of permits.

9. (1) The Committee may at any time revoke, suspend or vary a permit and shall do so if in the opinion of the Committee the holder of the permit is not, by reason of his conduct or health, a fit and proper person to hold such a permit.

(2) The power vested in the Committee under the provisions of the last preceding subsection to vary a permit shall include power to vary any conditions attached to any such permit.

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

10. Where the Committee refuses to grant a permit to any person or grants such a permit subject to conditions or revokes or suspends or varies such a permit, 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 permit or the holder of the permit, as the case may be.

11. Any notice which may be served for the purposes of this Ordinance shall be validly served 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. Service of notices.

12. (1) Any person aggrieved by any decision of the Committee under any of the provisions 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 section 10 of this Ordinance, appeal to the Royal Court sitting as a Full Court on the grounds that the decision of the Committee was ultra vires or an unreasonable exercise of its powers. Appeals.

(2) An appeal under the last preceding subsection shall be instituted by way of summons served on the President of the Committee 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.

13. Any person who contravenes or fails to comply with any of the provisions of this Ordinance or any conditions attached to any permit granted hereunder or who, in connection with any application for the grant of a permit 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. Offences.

Offences by  
bodies  
corporate.

14. 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 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.

Interpreta-  
tion.

15. (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 Committee” means the Island Police Committee;

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

“permit” has the meaning assigned to it by section 1 of this Ordinance and includes such a permit renewed under the provisions of section 6 of this Ordinance;

“the principal Law” means the Public Transport (Guernsey) Law, 1984(c);

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

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

(c) No. XI of 1984.

“public service vehicle” has the meaning assigned to it by section 57 of the Public Transport Ordinance, 1986(d);

“relevant disability” are the diseases and disabilities specified in paragraphs (a), (b), (c), (d), (e) and (f), of section 2 of the Motor Vehicle (Driving Licences) Ordinance, 1963(e);

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.

16. Paragraph 14 of Article IX of the Ordinance entitled “Ordonnance relative au Trafic Véhiculaire en cette Ile” of the 2nd day of March, 1929(f) and the Road Traffic (Permits to Drive Public Service Vehicles) (Amendment) Ordinance, 1976(g), are hereby repealed. Repeals

17. This Ordinance may be cited as the Road Traffic (Permits to Drive Public Service Vehicles) Ordinance, 1986. Citation.

18. This Ordinance shall come into force on the 30th day of January, 1986. Commence-  
ment.

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(d) No. of 1986.

(e) Recueil d'Ordonnances Tome XIII, p. 301.

(f) Recueil d'Ordonnances Tome VIII, p. 184.

(g) Recueil d'Ordonnances Tome XX, p. 243.

## SCHEDULE

Section 7

*Fees payable in respect of the grant or renewal of a permit*

Grant of permit ... .. £5

Renewal of permit ... .. £5

K. H. TOUGH,  
Her Majesty's Greffier.

Copies may be purchased from  
Her Majesty's Greffier, Royal Court House, Guernsey.

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