

ORDINANCE OF THE CHIEF PLEAS OF SARK

ENTITLED

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

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from the Greffier, La Chasse Marette, Sark, GY10 1SF.

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* Sark Ordinance No. 29. As amended by the Uniform Scale of Fines (Sark) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 320); the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1972 (Sark Ordinance No. 36); the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1976 (Sark Ordinance No. 46); the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1977 (Sark Ordinance No. 47); the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1978 (Sark Ordinance No. 48); the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1980 (Sark Ordinance No. 64); the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1983 (Sark Ordinance No. 69); the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2002 (Sark Ordinance No. 127C); the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2008 (Sark Ordinance No. 172); the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2010 (Sark Ordinance No. 189); the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2012 (Sark Ordinance No. 216); the Sark Machinery of Government (Transfer of Functions) Ordinance, 2018 (Sark Ordinance No. VIII of 2018).

ORDINANCE OF THE CHIEF PLEAS OF SARK

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

ARRANGEMENT OF SECTIONS

1. Restriction on driving horse-drawn vehicles.
2. Licences to drive horse-drawn vehicles.
- 2A. Amount of licence tax.
3. Prohibition on carriage of excess passengers.
4. Restrictions on horse-drawn vehicles at La Maseline Harbour.
5. ...
6. Dangerous and reckless driving.
7. Careless driving.
8. Keep left rule, obstruction and parking.
9. Importuning for hire.
10. Drivers remain with vehicles at La Maseline and Creux Harbours.
11. Crossing La Coupée.
12. Drivers to be clean, etc.
13. Lamps to be fitted to front of horse-drawn vehicles and parking lights.
14. Brakes, etc.
15. Inspection.
16. Appeals.
- 16A. Power to make regulations.
17. Offences.
18. Interpretation.
19. Repeals.
20. Citation and commencement.

FIRST SCHEDULE

SECOND SCHEDULE Ordinances repealed.

(Approved by Chief Pleas on the 24th June, 1968.)

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 Reform (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: –

Restriction on driving horse-drawn vehicles.

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.

Licences to drive 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 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.

[(5) The Constable may at any time revoke or suspend a horse-drawn vehicle driving licence if in the opinion of the Constable the holder thereof is not, by reason of his conduct, a fit and proper person to hold such a licence.

(6) The Constable may, from time to time, vary any conditions attached to a horse-drawn vehicle driving licence.]

NOTE

In section 2, subsection (5) and subsection (6) were inserted by the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1977, section 1(a), with effect from 1st February, 1977.

[Amount of licence tax.]

2A. (1) There shall be chargeable in respect of the grant or renewal of a horse-drawn vehicle driving licence under the provisions of subsection (1) or subsection (3) of the last preceding section, as the case may be, the tax specified in subsection (3) or subsection (4) of this section, as the case may be.

(2) The tax chargeable under the provisions of the last preceding subsection shall be paid to the Constable upon the grant or renewal of the horse-drawn vehicle driving licence under the provisions of subsection (1) or subsection (3) of the last preceding section, as the case may be.

(3) Subject to the provisions of the next succeeding subsection, the tax chargeable under the provisions of this section in respect of the grant or renewal of a horse-drawn vehicle driving licence shall be such amount not exceeding [£20] as may, from time to time, be prescribed by Resolution of the Chief Pleas.

(4) In the case where an application for the grant of a horse-drawn vehicle driving licence is made on or after the first day of July in any year the tax chargeable under the provisions of this section in respect of such grant shall be such amount not exceeding [£10] as may, from time to time, be prescribed by Resolution of the Chief Pleas.]

NOTES

Section 2A was inserted by the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1983, section 1(a), with effect from 19th January, 1983.

In section 2A, the figures and symbols in subsection (3) and subsection (4) were substituted by the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2010, respectively section 2(a) and section 2(b), with effect from 1st January, 2011.¹

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 subsection (1) or subsection (2) 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 three years may not be counted as a passenger and every two children who appear to the said person to be over the age of three years but under the age of six years may be counted as being equivalent to one passenger so however that the total number of passengers over the age of three years carried in a horse-drawn vehicle at any one time shall not exceed by more than one the number of passengers that vehicle is permitted to carry under the provisions of the said subsection (1) or the said subsection (2), as the case may be.]

NOTE

In section 3, subsection (4) was substituted by the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1976, section 1, with effect from 13th October, 1976.

Restrictions on horse-drawn vehicles at La Maseline Harbour.

[4. Except as otherwise directed in an emergency by the Constable, a person being in charge of a horse-drawn vehicle shall not drive or attempt to drive that horse-drawn vehicle or cause or permit it to remain on the jetty at La Maseline Harbour otherwise than in compliance with such directions as may, from time to time, be prescribed by the [Douzaine] by [regulations].]

NOTES

Section 4 was substituted by the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1972, section 1(a), with effect from 5th April, 1972.

In section 4,

the word in the first pair of square brackets was substituted by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2018, section 2(1), Schedule 1, with effect from 1st January, 2019;

the word in the second pair of square brackets was substituted by the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2012, section 1(a), with effect from 18th April, 2012.

The functions, rights and liabilities of the Sark Road Traffic Committee and of its Chairman arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Sark Douzaine and its Chairman by the Sark Machinery of Government (Transfer of Functions) Ordinance, 2018, section 1(1), Schedule 1, with effect from 1st January, 2019, subject to the savings and transitional provisions in section 3 of the 2018 Ordinance.

Restriction on use of horse-drawn vehicles on Sundays.

5. ...

NOTE

Section 5 was repealed by the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2008, section 2, with effect from 20th May, 2008.²

Dangerous and reckless driving.

6. A person shall not drive a horse-drawn vehicles 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 reasonable 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.

Keep left rule, obstruction and parking.

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.

(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.

Importuning for hire.

9. [(1)] 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.

[(2) A person being in charge of a horse-drawn vehicle which is used for the carriage of passengers for hire or reward shall not, prior to nine o'clock in the forenoon on any day, be offered for such use either by standing or plying for hire.]

NOTE

In section 9, subsection (1) was renumbered and subsection (2) was inserted by the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1980, section 1, with effect from 1st October, 1980.

Drivers remain with vehicles at La Maseline and Creux Harbours.

10. [(1)] 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.

[(2) Subject to the provisions of the last preceding subsection, a person being in charge of a horse-drawn vehicle shall not, without reasonable cause, leave that vehicle unattended by anyone in effective control thereof for any period on any of the public roads.]

NOTE

In section 10, subsection (1) was renumbered and subsection (2) was inserted by the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1977, section 1(b), with effect from 1st February, 1977.

Crossing La Coupée.

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.

Drivers to be clean, etc.

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.

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 aforesaid 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.

Appeals.

16. An appeal shall lie to the Court of the Seneschal against a decision of the Constable to refuse to [grant, renew, revoke or suspend a horse-drawn vehicle driving licence or against any condition or the variation of 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.

NOTE

In section 16, the words in square brackets were substituted by the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1977, section 1(c), with effect from 1st February, 1977.

[Power to make regulations.

16A. The Committee may from time to time make regulations concerning the driving, use and parking on the public roads of horse-drawn vehicles.]

NOTE

Section 16A was inserted by the Road Traffic (Horse-Drawn Vehicles)

(Amendment) (Sark) Ordinance, 2012, section 1(b), with effect from 18th April, 2012.

Offences.

- 17.** Any person who –
- (a) contravenes any of the provisions of this Ordinance [or any [regulations] made thereunder or fails to comply with any direction given by the Constable], 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 [level 1 on the Sark uniform scale] 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.

NOTES

In section 17,

the words in square brackets in paragraph (a) were inserted by the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1972, section 1(b), with effect from 5th April, 1972;

the word in square brackets within the first pair of square brackets was substituted by the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2012, section 1(a), with effect from 18th April, 2012;

the words and figure in the second pair of square brackets were substituted by the Uniform Scale of Fines (Sark) Law, 1989, section 2(2), with effect from 1st July, 1989.

Interpretation.

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.

NOTES

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

Repeals.

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

Citation and commencement.

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

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

SECOND SCHEDULE
ORDINANCES REPEALED

Section nineteen

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.

¹ These figures and symbols were previously amended by the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 2002, section 2, with effect from 16th January, 2002.

² Prior to its repeal, section 5 was amended by the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1978, section 1, with effect from 29th March, 1978; the Road Traffic (Horse-Drawn Vehicles) (Amendment) (Sark) Ordinance, 1983, section 1(b), with effect from 19th January, 1983.