

(Made on the 16th December, 1949.)

(No.
XLIX—
1949)

The Passenger Transport Ordinance, 1949.

THE STATES, under and by virtue of the powers conferred on them by the Passenger Transport Licensing Authority (Guernsey) Law, 1949, hereby order as follows:—

Repeals.

1. The enactments set out in the first column of the Schedule to this Ordinance are hereby repealed to the extent indicated in the second column of that Schedule.

Definitions.

2.—(1) In this Ordinance:

- (a) the expression “public vehicle” shall have the same meaning as that expression has in the Passenger Transport Licensing Authority (Guernsey) Law, 1949;
- (b) the expression “the Authority” means the Passenger Transport Licensing Authority set up under the provisions of the Passenger Transport Licensing Authority (Guernsey) Law, 1949; and
- (c) references to “owner” shall be deemed to be references to the person in whose

name a public vehicle is registered and the expression "ownership" shall be construed accordingly.

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(2) Subject to the provisions of section 5 of the said Law of 1949, no vehicle shall be used or caused to be used as a public vehicle save in accordance with the conditions of a licence issued by the Authority.

Use of public vehicles.

(3) Subject to the provisions of the said section 5, a public omnibus service or excursion car service shall not be operated save in accordance with the conditions of a road service licence issued by the Authority.

Operation of omnibus service, etc.

(4) The Authority is authorised to issue licences for public vehicles and road service licences and to regulate at its discretion and, whenever it shall deem necessary, to insert in such licences, the conditions respectively governing the same. Such conditions shall, *inter alia*, prescribe:—

Licences.

(a) in the case of a licence for a public vehicle, the number of inside passengers and of outside passengers authorised to be carried in or on such vehicle; and

(b) in the case of a road service licence,

(i) the itinerary of the service;

(ii) the time table of the hours of departure from any terminal or intermediate points;

(iii) the minimum service which shall be performed as a condition of the grant or continuation of the licence; and

(iv) the maximum tariff of fares.

(5) The Authority may refuse to grant a licence for a public vehicle if in their opinion the requirements of the public are sufficiently met by the number of vehicles already licenced; and may:

Refusal to grant public vehicle licence, etc.

- (a) from time to time vary the conditions of such a licence; and
- (b) revoke or suspend a licence in respect of a vehicle which in their opinion is badly equipped or unsuitable for the carriage of passengers, or has been used otherwise than in accordance with any of the conditions of the licence, or if, having regard to the conduct of the licensee, it appears to the Authority that he is not a fit person to hold such a licence.

Refusal to grant road service licence, etc.

(6) The Authority may refuse to grant a road service licence and shall refuse an application therefor if, in their opinion, the route applied for is already adequately served or is unsuitable for a public service; and the Authority may :

- (a) from time to time vary the conditions of such a licence, and
- (b) revoke, or, from time to time, suspend the licence on the ground that any of the conditions of the licence has not been complied with.

Application for licence.

(7) An application for a licence under sub-section (2) or sub-section (3) of this section shall be made in writing to the Authority and shall contain such particulars as the Authority shall require. An applicant for a licence who knowingly or negligently makes any false statement in relation to an application made under this sub-section shall be guilty of an offence.

Information to be displayed in vehicles.

(8) There shall be carried in such manner and position as the Authority shall direct, for the information of passengers :—

- (a) in the case of an omnibus, a notice stating the maximum number of standing and of seated passengers permitted

to be carried at any one time, copies of the time-table and the fare table;

- (b) in the case of an excursion car, a notice stating the maximum number of passengers permitted to be carried;
- (c) in the case of any other vehicle plying for public hire, a notice stating the maximum number of passengers permitted to be carried at any one time and the fare table.

(9) If any person uses a vehicle or causes or permits it to be used in contravention of any of the provisions of this section, or wilfully or negligently fails to comply with any of the conditions attached to a licence granted to him under this section, he shall be guilty of an offence. Offences.

(10) (a) The person to whom a licence for a public vehicle is granted shall pay to the States on the grant thereof and on every renewal thereof an amount representing two shillings per head in respect of the number of passengers which under such licence the vehicle is authorised to carry: Licence fee.

PROVIDED that in any case such amount shall not be less than ten shillings.

(b) Whenever a change shall occur in the ownership of a public vehicle, other than an omnibus, excursion car or a private hire vehicle, the licence previously granted in respect thereof shall cease to be valid, and it shall be at the discretion of the Authority to transfer or to refuse to transfer the licence to the new owner of that vehicle. The fee payable in respect of such transfer under this paragraph of this subsection shall be two shillings and sixpence.

(11) (a) Any member of the Island Police Force or any examiner authorised by the Authority shall at any time be entitled to enter and inspect any public vehicle, and for that purpose may require any public Examination
of vehicles.

vehicle to be stopped, and if any person obstructs any such member or examiner in the performance of his duty, or when so required fails to stop the vehicle, he shall be guilty of an offence.

Plates.

(b) The owner of a public vehicle shall cause to be affixed to that vehicle the plate supplied by the Authority and shall cause the same to remain, throughout the currency of the licence, affixed to that vehicle in such manner and at such place as the Authority shall direct. Upon delivery of such plate the owner shall deposit with the Authority the sum of ten shillings and that deposit shall not be refunded except upon the return in good condition of the plate.

Damage, etc. to be reported.

(c) It shall be the duty of the holder of a public vehicle licence on the happening to the vehicle in respect of which the licence was granted of any failure or damage of a nature calculated to affect the safety of the passengers or of persons using the road, as soon as may be to report the matter to the Authority:

PROVIDED that this paragraph shall not apply in the case of a happening rectifiable by minor repairs or adjustments.

(d) It shall be the duty of the holder of a public vehicle licence on any alteration otherwise than by way of replacement of parts being made in the structure or fixed equipment of the vehicle forthwith to give notice of the alteration to the Authority.

Expiry of licences.

(12) Every licence shall expire on the 31st day of December of each year.

Emergency door.

3.—(1) Every covered public omnibus or excursion car, the entrance of which is not at the rear, shall be provided to the satisfaction of the Authority with an emergency door opening outwards. This door may be used merely as an additional exit, but shall

be easily accessible to the passengers, not obstructed, and so fastened as to be readily opened in case of need both from the inside and the outside. The manner of opening this door shall be legibly indicated in a prominent place nearby on both the inside and the outside.

(2) A grab handle shall be fitted near each door (other than the emergency door) of a public omnibus or excursion car to assist passengers in mounting or alighting from the vehicle. Grab handle.

(3) No doorway of a public omnibus or excursion car shall be less than 18 inches in width and if the door does not open to the full extent of the doorway it must open to the extent of at least 18 inches. The door must remain closed when the vehicle is in motion. Doors.

4.—(1) An effective fire extinguisher of a pattern approved by the Authority shall be carried in a prominent place on every public vehicle. Fire extinguisher.

(2) Every public vehicle shall be equipped with a separate lamp of a pattern approved by the Authority, fitted with a red transparency and fixed at the rear of the vehicle in a position approved by the Authority and so controlled mechanically as automatically to show a red light providing at all times by day and night, when the vehicle is reducing speed by reason of the application of a brake, a clear indication to the driver or rider of a following vehicle of such reduction of speed. This lamp shall be additional to and distinct from any other red rear lamp required to be carried by any other enactment. Red rear lamp.

(3) No person shall use or occupy a seat on the right of a driver of a public vehicle fitted with a right hand drive, or on the left of the driver of a public vehicle fitted with a left hand drive when such vehicle is in motion. Seats near driver.

(4) A public vehicle licence shall not be granted in respect of a public vehicle fitted with a Left hand drive.

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Smoking.	(5) The driver in charge of a public vehicle shall not smoke in or on such vehicle during a journey when it has passengers on board.
Animals.	(6) A person shall not bring any animal in or on any public vehicle without the consent of the driver or retain any animal in or on the vehicle after being requested by the driver to remove it, or place any animal elsewhere in or on the vehicle than as directed by the driver.
Use for private service.	(7) During such time as an omnibus or excursion car is being used for private service a board or attachment with the word "Private" painted or printed clearly and legibly thereon and easily seen from a reasonable distance in front of the vehicle shall be attached to some conspicuous part of the front of the vehicle. For the purpose of computing the number of passengers carried in such vehicle when used for private service, it shall be lawful to count every three children under the age of 14 years carried in such vehicle as the equivalent of two passengers.
Number of passengers.	5. The authorised number of persons, sitting or standing, which each public vehicle is licenced to carry shall not be exceeded, and passengers for whom no seats are provided shall stand at the rear of the driver's seat, and proceedings for a breach of this section may be instituted against the owner, driver, conductor or any of them, or against passengers who refuse to leave after being requested by the driver or conductor.
Petrol.	6. Petrol shall not be poured into or removed from the petrol tank of a public vehicle while there is a passenger inside such vehicle.
Stopping places.	7. An omnibus shall not stop to set down or take up a passenger except at such places as may from

time to time be authorised by the Authority. Seven days' notice shall be given by the Authority in the Official Gazette of any change in such places.

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8.—(1) It shall be an offence for any person when in or on a public vehicle to spit in or on that vehicle and any person guilty of such offence shall be liable upon conviction to a fine not exceeding two pounds. **Spitting.**

(2) It shall be the duty of the owner of every omnibus or excursion car at all times to display prominently in letters and figures of not less than one and a half inches in height in that part of the vehicle set apart for the conveyance of passengers the following notice:—

SPITTING PROHIBITED

Penalty £2

(3) If at any time when an omnibus or excursion car is in use the notice aforesaid is not so displayed, the owner of the vehicle shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten shillings.

9.—(1) The decisions of the Authority shall be by a majority of the members, and shall not be subject to review otherwise than under the provisions of this section. **Decisions of Authority.**

(2) (a) In any case in which the Authority has ordered the revocation or the suspension for a period exceeding thirty days of a licence, the holder thereof may within thirty days next following the date of such revocation or suspension, or within such longer period as the Royal Court may in any case specify, appeal to the Royal Court against the decision of the Authority. **Appeals.**

(b) In any other case, appeal shall lie to the Royal Court from the decision of the Authority

on one or more of the following grounds only, that is to say—

- (i) that the Authority has been mistaken on a point of law or of mixed law and fact;
- (ii) that the Authority has acted in a manner contrary to natural justice or has taken into consideration a matter not relevant, or has failed to consider a matter which is relevant, to the subject matter of their decision.

(c) In the case of an appeal to the Royal Court under this subsection, the Royal Court may in its discretion confirm, vary or quash an order or decision of the Authority, or give such directions to the Authority in regard thereto, as the Royal Court thinks proper.

(3) Out of term an appeal shall lie to the Royal Court, sitting as an Ordinary Court, which Court shall, in such case, have the same jurisdiction as the Royal Court has in respect of appeals made during term.

Penalty. 10. A person contravening or causing or knowingly permitting to be contravened any of the provisions of this Ordinance, or any condition imposed hereunder by the Authority, shall be guilty of an offence and, save in a case for which a special penalty is in this Ordinance provided, shall be liable on conviction to a fine not exceeding fifty pounds.

Commencement. 11. This Ordinance shall come into force on the 19th day of December, 1949.

SCHEDULE.

Section 1.

Enactment.

Extent of Repeal.

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| Ordonnance ayant rapport au Trafic Véhiculaire en cette Ile, of the 21st day of January, 1929, (as amended by Ordinance No. XXIV of 1945).
XXIV of 1945). | Articles B, C, E, H, M, N and O. |
| Ordonnance relative au Trafic Véhiculaire en cette Ile, of the 2nd day of March, 1929, (as amended by Ordinances No. XXXII of 1931, No. XV of 1934, No. XLVII of 1946 and No. VII of 1947). | Paragraphs 1 to 13 inclusive and paragraph 15 of Article IX.

Paragraphs (v) and (vi) of sub-section (c) of section 1 of Article X. |
| Ordonnance provisoire ayant rapport au Trafic Véhiculaire en cette Ile, of the 21st day of November, 1931. | The whole Ordinance. |
| Ordonnance provisoire ayant rapport au Trafic Véhiculaire en cette Ile, of the 30th day of October, 1937. | The whole Ordinance. |