

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **The Control of Motor Vehicle Racing (Guernsey) Ordinance, 1948 \***

[CONSOLIDATED TEXT]

### NOTE

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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 Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Recueil d'Ordonnances Tome IX, p. 203; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Island Development (Guernsey) Law, 1966 (Consequential Amendments) Ordinance, 1968 (Recueil d'Ordonnances Tome XV, p. 342); the Control of Motor Vehicle Racing (Amendment) Ordinance, 1970 (Recueil d'Ordonnances Tome XVI, p. 395); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406). See also the Reform (Guernsey) Law, 1948 (Ordres en Conseil Vol. XIII, p. 288); the Control of Motor Vehicle Racing (Amendment) Ordinance, 1970 (*supra*).

**ORDINANCE  
OF THE STATES OF DELIBERATION**

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**The Control of Motor Vehicle Racing (Guernsey)  
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ARRANGEMENT OF SECTIONS

1. Licence required for certain motor vehicle races.
2. Powers of Royal Court. Grounds for refusing a licence, etc. Reports from Douzaine and Environment Department.
3. Notice of applications to be given in the Gazette Officielle.
4. Penalty for contravention of Ordinance.
5. Interpretation.
6. Citation.

(Made on the 13th March, 1948.)

## **The Control of Motor [Vehicle] Racing (Guernsey) Ordinance, 1948**

**THE COURT**, in view of the Resolution of the States of the 14<sup>th</sup> day of January, 1948, and having heard the Law Officers of the Crown thereon, hereby orders: –

### **Licence required for certain [motor vehicle] races.**

1. It shall not be lawful that any [motor vehicle] race be held or take place on this Island otherwise than on a public road thereof, unless the licence of the Royal Court shall previously have been obtained by a person who undertakes to the Court the control and organization of that race.

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### **NOTES**

*In section 1, and the marginal note thereto, the words in square brackets were substituted by the Control of Motor Vehicle Racing (Amendment) Ordinance, 1970, section 1(a), with effect from 30th June, 1970.*

*In accordance with the provisions of the Reform (Guernsey) Law, 1948, Article 70(3), with effect from 1st January, 1950, this formerly Provisional Ordinance of the Royal Court became a Permanent Ordinance of the States.*

*In accordance with the provisions of the Control of Motor Vehicle Racing (Amendment) Ordinance, 1970, section 1(c) (which inserts section 6 into this Ordinance), with effect from 30th June, 1970, this Ordinance may be cited as the Control of Motor Vehicle Racing (Guernsey) Ordinance, 1948.*

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### **Powers of Royal Court. Grounds for refusing a licence, etc. Reports from Douzaine and [Environment Department].**

2. (1) Subject to the provisions hereinafter in this section contained, the Royal Court may in their discretion grant or refuse any application for a licence, or may grant a licence for such period and subject to such conditions as the Court may think fit.

(2) The only grounds on which the Royal Court shall be entitled to refuse the grant of a licence, or which, if a licence be granted subject to

conditions, they shall take into consideration in the imposition of those conditions, shall be that the race might –

- (a) cause a nuisance to owners or occupiers of land near to the site on which the race is proposed to be held, or
- (b) not be in harmony with the natural surroundings of that site.

(3) In considering any application for a licence, the Royal Court shall have before them –

- (a) a report from the Douzaine of any Parish concerned as to the possibility of a nuisance being caused to owners or occupiers of land near to the site on which the race is proposed to be held, and
- (b) a report from the [Environment Department] as to how far the holding of the proposed race might not be in harmony with the natural surroundings of the site on which the race is proposed to be held.

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#### NOTES

*In section 2, and the marginal note thereto, the words in square brackets were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 19, with effect from 6th May, 2004.<sup>1</sup>*

*The functions, rights and liabilities of the Island Development Committee and of its President arising under or by virtue of this Law were transferred to and vested in, respectively, the Environment Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 19, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.*

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#### **Notice of applications to be given in the Gazette Officielle.**

3. The Royal Court shall not entertain any application under this Ordinance unless a notice shall have appeared in the Gazette Officielle not later than

fourteen days before such application is made, setting out the date and time when the application is to be made and the time when and place where it is sought that the race in question may be licensed to be held.

**Penalty for contravention of Ordinance.**

4. Any person who in contravention of the provisions of this Ordinance shall take part in any [motor vehicle] race shall be liable on conviction to a fine not exceeding [level 1 on the uniform scale], and any person who organizes such a race without a licence from the Royal Court, or who, having obtained such a licence, fails or neglects to observe any of the conditions (if any) attached thereto, shall be liable on conviction to a fine not exceeding [level 2 on the uniform scale] or to imprisonment [...] for a term not exceeding three months, or to both such fine and such imprisonment.

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**NOTES**

*In section 4,*

*the words in the first pair of square brackets were substituted, and the words omitted in the fourth pair of square brackets were repealed, by the Control of Motor Vehicle Racing (Amendment) Ordinance, 1970, section 1(b), with effect from 30th June, 1970;*

*the words and figures in the second and third pairs of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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**[Interpretation.]**

5. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them –

**"motor vehicle"** means a mechanically propelled vehicle,

**"motor vehicle race"** means any race in which any person driving or riding a motor vehicle shall compete against any other such person, or against time, and at which more than ten pensions are present.]

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**NOTE**

*Consolidated text*

*Section 5 was substituted by the Control of Motor Vehicle Racing (Amendment) Ordinance, 1970, section 1(c), with effect from 30th June, 1970.*

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**[Citation.]**

**6.** This Ordinance may be cited as the Control of Motor Vehicle Racing Ordinance, 1948.]

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**NOTES**

*Section 6 was inserted by the Control of Motor Vehicle Racing (Amendment) Ordinance, 1970, section 1(c), with effect from 30th June, 1970.*

*The Ordinance was made and came into operation on 13th March, 1948.*

*In accordance with the provisions of the Control of Motor Vehicle Racing (Amendment) Ordinance, 1970, section 3(2), with effect from 30th June, 1970, this Ordinance, when cited together with the 1970 Ordinance, may be cited as the Control of Motor Vehicle Racing Ordinances, 1948 and 1970.*

*In the printed version of this enactment, the Ordinance is styled as the "Control of Motor-Bicycle Racing (Guernsey) Ordinance, 1948".*

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<sup>1</sup> These words were previously substituted by the Island Development (Guernsey) Law, 1966 (Consequential Amendments) Ordinance, 1968, respectively section 1(b) and section 1(a), with effect from 24th April, 1968.