

PROJET DE LOI

ENTITLED

The Uniform Scale of Fines (Alderney) Law, 1989 *

[CONSOLIDATED TEXT]

NOTE

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* Ordres en Conseil Vol. XXXI, p. 306; as amended by the Building and Development Control (Alderney) Law, 2002 (No. XII of 2003); the Government of Alderney Law, 2004 (No. III of 2005, Ordres en Conseil Vol. XLV, p. 26); the Uniform Scale of Fines (Alderney) Ordinance, 2001 (Alderney Ordinance No. II of 2001); the Uniform Scale of Fines (Alderney) (Amendment) Ordinance, 2007 (Alderney Ordinance No. III of 2007).

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ARRANGEMENT OF SECTIONS

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3. Continuing penalties.
4. Interpretation.
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SCHEDULE Appropriate levels on the Alderney uniform scale for particular penalty provisions.

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The Uniform Scale of Fines (Alderney) Law, 1989

THE STATES, in pursuance of their Resolution of the 6th day of July 1988, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Alderney.

The Alderney uniform scale of fines.

1. (1) There shall be a scale of fines for offences under Alderney legislation, which shall be known as "**the Alderney uniform scale**".

(2) The Alderney uniform scale at the commencement of this section is shown in the following table:

[TABLE

<i>Level on the scale</i>	<i>Amount of fine</i>
1	£500
2	£1,000
3	£2,000
4	£5,000
5	£10,000

]

(3) The States may from time to time by Ordinance vary any of the sums specified in subsection (2) of this section:

PROVIDED THAT the amount of the fine corresponding to each level on the Alderney uniform scale shall at no time exceed the amount of the fine corresponding to that level on the uniform scale established by section 1 of the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989^a.

(4) A penalty provision which refers to a specified level on the Alderney uniform scale shall be construed as referring to that level on the uniform scale for which this section provides, as that uniform scale has effect from time to time by virtue either of subsection (2) of this section or of an Ordinance made under subsection (3) of this section.

NOTE

In section 1, the Table in subsection (2) was substituted by the Uniform Scale of Fines (Alderney) (Amendment) Ordinance, 2007, section 1, with effect from 21st March, 2007, subject to the transitional provisions in section 2 of the 2007 Ordinance.¹

Fines under existing penalty provisions.

2. (1) This section applies to every penalty provision of –
- (a) a Law applicable only in Alderney and registered on the Records of the Island of Guernsey before the commencement of section 1 of this Law, and
 - (b) an Ordinance of the States of Alderney approved before the commencement of section 1 of this Law, and
 - (c) an Alderney statutory instrument made before the

^a Ordre en Conseil No. V of 1989.

commencement of section 1 of this Law,

whether or not that provision is in force on the date of the commencement of section 1 of this Law.

(2) Subject to section 3 of this Law, in every penalty provision to which this section applies for any reference (however framed or worded) to a fine or a maximum fine of £1,000 or less there is substituted a reference to a fine, or as the case may be to a maximum fine, of the appropriate level on the Alderney uniform scale.

(3) Subject to subsection (4) of this section, the appropriate level on the Alderney uniform scale for the purposes of subsection (2) of this section is –

- (a) if the fine or the maximum fine concerned was on the day before the commencement of section 1 of this Law an amount specified in the table in section 1(2) of this Law, the level on the Alderney uniform scale which corresponds in that table to that amount,
- (b) if the fine or the maximum fine concerned was on that day a fine of an amount less than £1,000 which is not an amount specified in that table, the level on the Alderney uniform scale next above the amount of that fine.

(4) In the case of a penalty provision which provides (in whatever terms) for a maximum fine in respect of a subsequent offence which is higher than a maximum fine which may be imposed in respect of a first offence, if the application of subsection (3) of this section would make the maximum fine in respect of a first offence equal to the maximum fine in respect of a subsequent offence, then,

notwithstanding that subsection, the appropriate level on the Alderney uniform scale in respect of a subsequent offence is the level next above that in respect of a first offence.

(5) Notwithstanding subsections (3) and (4) of this section, the appropriate level on the Alderney uniform scale in the case of the maximum fine which may be imposed under a penalty provision mentioned in column 1 of the Schedule to this Law (which Schedule also broadly describes, in column 2, the offence to which each such penalty provision relates and specifies, in column 3, the amount of the maximum fine on the day before the commencement of section 1 of this Law) is the level on the uniform scale specified in relation to that penalty provision in column 4 of that Schedule.

(6) Where the effect of this section is to substitute for a reference to a fine of a specified amount, in any Ordinance or Alderney statutory instrument, a reference to a fine of the appropriate level on the Alderney uniform scale, that substitution does not in any way limit any power of the States or of a Committee to amend or vary that Ordinance or statutory instrument.

Continuing penalties.

3. This Law does not affect so much of any penalty provision as (in whatever words) makes a person liable to a fine or maximum fine for each period of a specified length during which a continuing offence is continued.

Interpretation.

4. (1) In this Law –

"**Alderney statutory instrument**" means any order, regulations, rules or scheme made by a Committee under a power conferred by any Law or by any Ordinance,

"Committee" means any body established by the States, by whatever name called,

"penalty provision" means –

- (a) any provision (however framed or worded) of a Law applicable only in Alderney, of an Ordinance of the States of Alderney, or of an Alderney statutory instrument, which provides that a person shall be liable on conviction of an offence to a fine or a maximum fine of a specified amount in pounds sterling or by reference to a specified level on the Alderney uniform scale, and
- (b) any provision (however framed or worded) of any such Law or Ordinance which confers power, by means of an Ordinance or an Alderney statutory instrument, to make a person liable on conviction of an offence (whether or not created by the Ordinance or instrument) to a fine or a maximum fine of a specified amount in pounds sterling or by reference to a specified level on the Alderney uniform scale,

"the States" means the States of Alderney.

(2) The Interpretation (Guernsey) Law, 1948^b applies to the interpretation of this Law as it applies to the interpretation of a Guernsey enactment.

NOTE

^b Ordres en Conseil Vol. XIII, p. 355.

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.

Amendments to Government of Alderney Law.

5. ...

NOTE

Section 5 (and not, as shown, incorrectly, in the printed version of the 2004 Law, "The Government of Alderney (Amendment) Law, 1989") was repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, Part I, paragraph 3, with effect from 1st May, 2005, subject to the savings and transitional provisions in section 63(2) and section 64 of the 2004 Law.

Citation.

6. This Law may be cited as the Uniform Scale of Fines (Alderney) Law, 1989.

Commencement and application.

7. (1) This Law shall come into force on such day as the States may by Ordinance appoint.

(2) This Law shall apply only in relation to offences committed after it comes into force.

NOTE

The Law was brought into force on 1st October, 1989 by the Uniform Scale of Fines (Alderney) Law, 1989 (Commencement) Ordinance, 1989, section 1.

SCHEDULE

Section 2(5)

APPROPRIATE LEVELS ON THE ALDERNEY UNIFORM SCALE FOR
PARTICULAR PENALTY PROVISIONS

(1)	(2)	(3)	(4)
Penalty provision	Broad description of offence	Existing maximum fine	Appropriate level on Alderney uniform scale
Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée (Alderney) ^d :			
Article XVII	Company failing to notify situation or change of registered office	£2	Level 1
Article XVIII	(i) Company failing to write name on registered office	£5	Level 2
	(ii) Company failing to write name on documents etc.	£2	Level 1
	(iii) Director, officer etc. using seal without name of company	£5	Level 2
Article XX	Company failing to comply with general meeting provisions	£5	Level 2
Article XXXVI	Director, officer etc. failing to co-operate with inspector	£10	Level 3
Loi pour la Suppression des Maisons de Jeu, des Paris et des Poules (Alderney) ^e :			
Article 1	Running a betting establishment:		
	First offence	£5	Level 2
	Subsequent offences	£50	Level 3

Article 2	Occupier etc. permitting use of premises for betting:		
	First offence	£5	Level 2
	Subsequent offences	£50	Level 3
Article 3	Taking bets in public place:		
	First offence	£5	Level 2
	Subsequent offences	£50	Level 3
Loi relative aux Explosifs (Alderney) ^f :			
Titre XXI	(i) Entering factory, warehouse etc., without permission	£5	Level 1
	(ii) Acts liable to cause fire or explosion, in or near factory, warehouse etc.	£50	Level 3
Titre XXVIII	(i) Offences "du premier chef":		
	First offence	£50	Level 3
	Subsequent offences	£100	Level 4
	(ii) Offences "de second chef":		
	First offence	£20	Level 2
	Subsequent offences	£50	Level 3
	(iii) Offences "de troisième chef":		
	First offence	£10	Level 1
	Subsequent offences	£20	Level 2
Loi relative à l'acquisition de Propriété Immobilière en cette Île par des Étrangers, ou par des Sociétés Étrangères (Alderney) ^g :			
Article 5	(i) Foreign company failing to register name and address of "gérant"	£20	Level 2
	(ii) Foreign company failing to register change in name of address of "gérant"	£5	Level 1

Loi relative aux Certificats de Décès et aux Enterrements (Alderney)^h :			
Article 5	Burying or disposing of body without relevant permission	£30	Level 3
Article 6	Keeping a body for more than 6 days without relevant permission	£10	Level 2
[Article 7]	Failure to make prescribed report of still-born child	£1	Level 1
Loi ayant rapport aux Mariages célébrés dans l'île d'Auregnyⁱ :			
Article 5	Failure by authorised person to fulfil duties under Article 5	£10	Level 1
Article 6	Officiating minister etc. failing to send certified copy of registration to Registrar or Registrar failing to send the same to Registrar-General in Guernsey: for second and subsequent failure	£50	Level 2
Article 32	Refusal or omission to register marriage, negligent loss, destruction etc. of register or certified copy	£50	Level 2
Article 35	Registrar granting licence or certificate out of time or without certificate of publication of banns or which is forbidden; or solemnising etc. a forbidden marriage	£100	Level 4
Alderney Water Supply Law, 1954^j :			
Section 34 as amended	Damaging reservoirs, fittings etc.	£200	Level 4
Section 38(3) as amended	Unlawfully supplying water etc.	£50	Level 3
Tourist (Alderney) Law, 1956^k :			

Section 11(1)	Wilful false statement etc.	£25	Level 3
Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964 ¹ :			
Section 17	Misconduct by person appointed to have custody of-illegitimate child	£25	Level 3
[...]	[...]	[...]	[...]

NOTES

In the Schedule, the words omitted in square brackets in column (1), column (2), column (3) and column (4) were repealed by the Building and Development Control (Alderney) Law, 2002, section 77(1), Schedule, paragraph 7, with effect from 1st August, 2003.

The Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée (Alderney), 1894 has since been repealed by the Companies (Alderney) Law, 1994, section 170, with effect from 3rd May, 1995, subject to the savings and transitional provisions in section 169 of, and Schedule 2 to, the 1994 Law.

The Loi pour la Suppression des Maisons de Jeu, des Paris et des Poules (Alderney), 1904 has since been repealed by the Gambling (Alderney) Law, 1975, section 14, with effect from 22nd May, 1975. The Gambling (Alderney) Law, 1975 has since been repealed by the Gambling (Alderney) Law, 1999, section 21, with effect from 1st May, 2000.

The Loi relative à l'acquisition de Propriété Immobilière en cette Île par des Étrangers, ou par des Sociétés Étrangères (Alderney), 1906 has since been repealed by the Acquisition of Immovable Property by Aliens (Brexit) (Repeal) (Alderney) Regulations, 2020, regulation 1, with effect from 11 p.m. on 31st December, 2020.

The Loi ayant rapport aux Mariages célébrés dans l'île d'Auregny, 1923 has since been repealed by the Marriage (Bailiwick of Guernsey) Law, 2020, section 67, Schedule, with effect from 1st March, 2021.

In the printed version of this Schedule, the word and figure in square brackets shown, incorrectly, as "Article 7" should read "Article 8".

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- 1** The Table in subsection (2) was previously substituted by the Uniform Scale of Fines (Alderney) Ordinance, 2001, section 1, with effect from 7th March, 2001.
- d** Ordres en Conseil Vol. II, p. 451.
- e** Ordres en Conseil Vol. III, p. 362.
- f** Ordres en Conseil Vol. IV, p. 57.
- g** Ordres en Conseil Vol. IV, p. 106.
- h** Ordres en Conseil Vol. IV, p. 328.
- i** Ordres en Conseil Vol. VII, p. 121.
- j** Ordres en Conseil Vol. XVI, p. 129: sections 34 and 38(3) were amended by the States Water Supply (Amendment) (Alderney) Law, 1973 (Vol. XXIV, p. 59).
- k** Ordres en Conseil Vol. XVII, p. 29.
- l** Ordres en Conseil Vol. XIX, p. 241.