

ORDER IN COUNCIL

VII
1989

ratifying a Projet de Loi

ENTITLED

The Uniform Scale of Fines (Sark) Law, 1989

(Registered on the Records of the Island of Guernsey
on the 2nd day of May, 1989.)



1989

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 2nd day of May, 1989 before Graham Martyn Dorey, Esquire, Deputy Bailiff; present: Harry Wilson Bisson, James de Sausmarez Carey, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley and Kenneth John Rowe, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 7th day of February, 1989, approving and ratifying a *Projet de Loi* of the Chief Pleas of Sark entitled "The Uniform Scale of Fines (Sark) Law, 1989", THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered:—

1. That the said Order in Council be registered on the records of this Island.
2. That an extract of this present Act together with a copy of the said Order in Council be sent by Her Majesty's Greffier to the Seneschal of Sark for registration on the records of that Island; of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 7th day of February 1989

PRESENT

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 3rd day of January 1989 in the words following, viz.:—

“Your Majesty having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee a humble Petition of John Michael Beaumont, Seigneur of Sark, Lawrence Philip de Carteret, Seneschal, and Alfred William John Adams, Prevôt, of the Island of Sark, setting forth:—

‘1. That, in pursuance of their Resolution of the 20th day of January 1988 the Chief Pleas of the Island of Sark at a Meeting held on the 2nd of August 1988 approved a Bill or “Projet de Loi” entitled “The Uniform Scale of Fines (Sark) Law, 1989”. 2. That the said Bill or “Projet de Loi” as set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the Chief Pleas of Sark entitled “The Uniform Scale of Fines (Sark) Law, 1989”, and to order that the same shall have force of law in the Island of Sark.’

“The Lords of the Committee, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the *Projet de Loi* annexed thereto into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said *Projet de Loi*.”

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said *Projet de Loi*, and to order, and it is hereby ordered, that the same shall have the force of Law within the Island of Sark.

AND HER MAJESTY doth hereby further direct that this Order, and the said *Projet de Loi* (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Bailiwick of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Bailiwick, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

G. I. de Deney.

Projet de Loi referred to in the foregoing
Order in Council

PROJET DE LOI

ENTITLED

The UniformScale of Fines (Sark) Law, 1989

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 20th day of January 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 Sark.

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

The Sark
uniform
scale of
fines.

(2) The Sark 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	£50
2	£100
3	£200
4	£500
5	£1,000

(3) The Chief Pleas of Sark 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 Sark 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 Sark 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.

Fines under
existing
penalty
provisions.

2. (1) This section applies to every penalty provision of—

- (a) a Law applicable only in Sark 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 Chief Pleas of Sark approved before the commencement of section 1 of this Law; and
- (c) a Sark statutory instrument made before the 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 Sark uniform scale.

(3) Subject to subsection (4) of this section, the appropriate level on the Sark 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 Sark 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 Sark 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 the 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 Sark uniform scale in respect of a subsequent offence is the level next above that in respect of a first offence.

(5) Where the effect of this section is to substitute for a reference to a fine of a specified amount, in any Ordinance or Sark statutory instrument, a reference to a fine of the appropriate level on the Sark uniform scale, that substitution does not in any way limit any power of the Chief Pleas 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.

Interpreta-
tion.

4. (1) In this Law—

“Committee” means any body established by the Chief Pleas of Sark, by whatever name called;

“penalty provision” means:

(a) any provision (however framed or worded) of a Law applicable only in Sark, of an Ordinance of the Chief Pleas of Sark or of a Sark 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 Sark 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 a Sark 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 maximum fine of a specified amount in pounds sterling or by reference to a specified level on the Sark uniform scale;

“Sark statutory instrument” means any order, regulations, rules or scheme made by a Committee under a power conferred by any Law or by any Ordinance.

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

5. In section 23(3) of the Reform (Sark) Law, 1951(c)— Amend-
ments to
Reform.

(a) for “£200” there is substituted “level 3 on the Sark uniform scale provided for by section 1 of the Uniform Scale of Fines (Sark) Law, 1989 or as from time to time varied by an Ordinance under subsection (3) of that section”;

(b) for “the sum of £400” there is substituted “twice the amount of level 3 on the Sark uniform scale provided for by section 1 of the Uniform Scale of Fines (Sark) Law, 1989 or as from time to time varied by an Ordinance under subsection (3) of that section”.

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

7. (1) This Law shall come into force on such day as the Chief Pleas of Sark may by Ordinance appoint. Commence-
ment and
application.

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

K. H. TOUGH,

Her Majesty's Greffier.

(b) Ordres en Conseil Vol. XIII, p. 355.

(c) Ordres en Conseil Vol. XV, p. 215; section 23(3) was substituted by the Court of the Seneschal (Increase of Jurisdiction and Transfer of Prisoners) Law, 1971 (Vol. XXIII, p. 200) and amended by the Court of the Seneschal (Increase of Jurisdiction and Transfer of Prisoners) (Amendment) Law, 1985 (No. V of 1985).