

ORDER IN COUNCIL

VI
1989

ratifying a Projet de Loi

ENTITLED

The Uniform Scale of Fines (Alderney) 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 States of Alderney entitled "The Uniform Scale of Fines (Alderney) 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 Clerk of the Court of Alderney 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 Jon Kay-Mouat, Esquire, President of the States of Alderney, setting forth:

‘That at a meeting of the States of Alderney held on the 6th day of July 1988 the States adopted a Resolution that a *Projet de Loi* entitled “The Uniform Scale of Fines (Alderney) Law, 1989” be approved: That at the meeting of the States aforesaid Your Humble Petitioner was authorised to present to Your Majesty in Council a Petition that the said *Projet de Loi* be sanctioned: That the said *Projet de Loi* is 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 *Projet de Loi* entitled “The Uniform Scale of Fines (Alderney) Law, 1989” and order that the same shall have force of Law within the Island of Alderney.’

“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 Alderney.

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 Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being, of the said Island of Guernsey, and also the Jurats of the said Island of Alderney, 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 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.

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

The
Alderney
uniform
scale of fines.

(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	£50
2	£100
3	£200
4	£500
5	£1,000

(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.

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 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.

(a) Ordre en Conseil No. of 1988.

(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.

Interpreta-
tion.

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.

5. (1) In section 13(1) of the Government of Alderney Law, 1987(c), for “£500” there is substituted “level 4 on the Alderney uniform scale provided for by section 1 of the Uniform Scale of Fines (Alderney) Law, 1989, or as from time to time varied by an Ordinance under subsection (3) of that section”. Amend-
ments to
Government
of Alderney
Law.

(2) In section 13(2) of the Government of Alderney Law, 1987, for “£1,000” there is substituted “level 5 on the Alderney uniform scale provided for by section 1 of the Uniform Scale of Fines (Alderney) 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 of Fines (Alderney) Law, 1989. Citation.

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

(c) Ordre en Conseil No. IV of 1987.

Commence-
ment 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.

Schedule

Section 2(5)

Appropriate levels on the Alderney uniform scale for particular penalty provisions

(1) Penalty provision	(2) Broad description of offence	(3) Existing maximum fine	(4) Appropriate level on Alderney uniform scale
<p>Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée (Alderney)(d):</p> <p>Article XVII</p> <p>Article XVIII</p> <p>Article XX</p> <p>Article XXXVI</p>	<p>Company failing to notify situation or change of registered office</p> <p>(i) Company failing to write name on registered office</p> <p>(ii) Company failing to write name on documents etc.</p> <p>(iii) Director, officer etc. using seal without name of company</p> <p>Company failing to comply with general meeting provisions.</p> <p>Director, officer etc. failing to co-operate with inspector</p>	<p>£2</p> <p>£5</p> <p>£2</p> <p>£5</p> <p>£5</p> <p>£10</p>	<p>Level 1</p> <p>Level 2</p> <p>Level 1</p> <p>Level 2</p> <p>Level 2</p> <p>Level 3</p>

(d) Ordres en Conseil Vol. II, p. 451.

(1) Penalty provision	(2) Broad description of offence	(3) Existing maximum fine	(4) Appropriate level on Alderney uniform scale
<p>Loi pour la Suppression des Maisons de Jeu, des Paris et des Poules (Alderney)(e):</p> <p>Article 1</p> <p>Article 2</p> <p>Article 3</p>	<p>Running a betting establishment: First offence Subsequent offences</p> <p>Occupier etc. permitting use of premises for betting: First offence Subsequent offences</p> <p>Taking bets in public place: First offence Subsequent offences</p>	<p>£5 £50</p> <p>£5 £50</p> <p>£5 £50</p>	<p>Level 2 Level 3</p> <p>Level 2 Level 3</p> <p>Level 2 Level 3</p>

(e) Ordres en Conseil Vol. III, p. 362.

(1) Penalty provision	(2) Broad description of offence	(3) Existing maximum fine	(4) Appropriate level on Alderney uniform scale
Loi relative aux Explosifs (Alderney)(f): Titre XXI	(i) Entering factory, warehouse etc., without permission (ii) Acts liable to cause fire or explosion, in or near factory, warehouse etc.	£5 £50	Level 1 Level 3
Titre XXVIII	(i) Offences "de premier chef": First offence Subsequent offences (ii) Offences "de second chef": First offence Subsequent offences (iii) Offences "de troisième chef": First offence Subsequent offences	£50 £100 £20 £50 £10 £20	Level 3 Level 4 Level 2 Level 3 Level 1 Level 2

(1) Penalty provision	(2) Broad description of offence	(3) Existing maximum fine	(4) Appropriate level on Alderney uniform scale
<p>Loi relative à l'acquisition de Propriété Immobilière en cette Ile par des Etrangers, ou par des Sociétés Etrangères, ou par des Sociétés Etrangères (Alderney)(g):</p> <p>Article 5</p>	<p>(i) Foreign company failing to register name and address of "gérant"</p> <p>(ii) Foreign company failing to register change in name of address of "gérant"</p>	<p>£20</p> <p>£5</p>	<p>Level 2</p> <p>Level 1</p>
<p>Loi relative aux Certificats de Décès et aux Enterrements (Alderney)(h):</p> <p>Article 5</p> <p>Article 6</p>	<p>Burying or disposing of body without relevant permission</p> <p>Keeping a body for more than 6 days without relevant permission</p>	<p>£30</p> <p>£10</p>	<p>Level 3</p> <p>Level 2</p>

(g) Ordres en Conseil Vol. IV, p. 106.

(h) Ordres en Conseil Vol. IV, p. 328.

(1) Penalty provision	(2) Broad description of offence	(3) Existing maximum fine	(4) Appropriate level on Alderney uniform scale
Article 7	Failure to make prescribed report of still-born child	£1	Level 1
<p>Loi ayant rapport aux Mariages célébrés dans l'île d'Aureigny(i):</p> <p>Article 5</p> <p>Article 6</p> <p>Article 32</p>	<p>Failure by authorised person to fulfil duties under Article 5</p> <p>Officiating minister etc. failing to send certified copy of registration to Registrar or Registrar failing to send the same to Registrar-General in Guernsey:</p> <p>for second and subsequent failure</p> <p>Refusal or omission to register marriage, negligent loss, destruction etc. of register or certified copy</p>	<p>£10</p> <p>£50</p> <p>£50</p>	<p>Level 1</p> <p>Level 2</p> <p>Level 2</p>

(i) Ordres en Conseil Vol. VII, p. 121.

(1) Penalty provision	(2) Broad description of offence	(3) Existing maximum fine	(4) Appropriate level on Alderney uniform scale
Loi ayant rapport aux Mariages célébrés dans l'île d'Aureigny <i>conid.</i> 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(<i>j</i>): Section 34 as amended Section 38(3) as amended	Damaging reservoirs, fittings etc. Unlawfully supplying water etc.	£200 £50	Level 4 Level 3
Tourist (Alderney) Law, 1956(<i>k</i>): Section 11(1)	Wilful false statement etc.	£25	Level 3

(*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.

(1) Penalty provision	(2) Broad description of offence	(3) Existing maximum fine	(4) Appropriate level on Alderney uniform scale
Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964(l): Section 17	Misconduct by person appointed to have custody of illegitimate child	£25	Level 3
Building and Development Control (Alderney) Law, 1975(m): Section 16(2) Section 17(4) Section 28(1) Section 28(2) Section 30 Section 32	Obstruction of cliff path Illegal importation of caravan etc. Demolition of wall etc. without permission Placing etc. sign without permission; or failure to comply with notice to cease work False statement Obstruction	£250 £50 £100 £50 £100 £50	Level 3 Level 3 Level 3 Level 3 Level 3 Level 3

(l) Ordres en Conseil Vol. XLX, p. 241.

(m) Ordres en Conseil Vol. XXV, p. 8; section 28(2) was substituted by the Building and Development Control (Amendment) (Alderney) Law, 1978 (Vol. XXVI, p. 560, and amended by the Building and Development Control (Amendment) (No. 2) (Alderney) Law, 1985 (Order in Council No. III of 1985).

K. H. TOUGH,

Her Majesty's Greffier.