

STATES OF ALDERNEY

ORDINANCE OF THE STATES

Made 5th June 1974
Coming into force 5th June 1974

THE TRAFFIC OFFENCES (FIXED PENALTIES)
(ALDERNEY) ORDINANCE, 1974

THE STATES, in pursuance of their Resolution of the fifth day of June, nineteen hundred and seventy-four, hereby order:-

Application.

1. The provisions of this Ordinance shall apply to any traffic offence set out in the First Schedule to this Ordinance.

Punishment without prosecution of certain offences.

2(1) Where Her Majesty's Procureur has reason to believe that a scheduled offence has been committed in respect of a motor vehicle a notice in writing in the form set out in the Second Schedule to this Ordinance, with such variations as circumstances may require, offering the registered owner or the person liable for the scheduled offence the opportunity of the discharge of any liability to conviction of that offence by payment of a fixed penalty under this Ordinance; and no person shall then be liable to be convicted of that offence if the fixed penalty is paid in accordance with the provisions of this Ordinance before the expiration of the seven days following the date of the notice.

(2) In any case where there is reason to believe that a scheduled offence has been committed in respect of a motor vehicle by some person other than the registered owner thereof, Her Majesty's Procureur may cause a notice to be served upon that person.

(3) Where a person is served with a notice, proceedings shall not be taken against any person for the scheduled offence specified in the notice until the expiration of the seven days following the date of the notice.

(4) Payment of a fixed penalty shall be made to the States Treasurer and sums paid by way of fixed penalty for a scheduled offence shall be treated as if they were fines imposed on conviction for that offence by the Court of Alderney.

(5) A notice shall specify the offence alleged and shall contain such particulars of the scheduled offence as are necessary for giving reasonable information of the alleged offence and shall state also the period during which the fixed penalty may be paid, the amount of the fixed penalty and that it may be paid to the States Treasurer.

(6) The fixed penalty for a scheduled offence shall be the sum specified in respect of that offence in the second column of the First Schedule to this Ordinance.

(7) A notice shall not relate to more than one scheduled offence.

(8) In any proceedings for a scheduled offence in respect of which a notice has been served no reference shall be made after the conviction of the accused to the service of the notice or to the payment or non-payment of a fixed penalty thereunder unless in the course of the proceedings or in some document which is before the Court in connection with the proceedings reference has been made by or on behalf of the accused to the service of such notice or, as the case may be, to such payment or non-payment.

Payment of fixed penalty.

3(1) The person paying a fixed penalty shall pay the full amount specified in the relevant notice to the States Treasurer within the period specified in the notice and shall, at the time of making the payment, either produce Part 2 of the notice or identify the notice by reference to its serial number.

(2) Where payment of a fixed penalty is tendered to the States Treasurer and any of the provisions of the last preceding subsection is not complied with, the States Treasurer shall, as soon as practicable, return the amount tendered to the person tendering such payment.

(3) Subject to the foregoing provisions of this section, the States Treasurer shall, as soon as practicable after the payment of a fixed penalty –

- (a) provide the person making the payment with a receipt for the amount thereof on which receipt shall be endorsed the serial number of the relevant notice; and
- (b) inform the Chief Officer of Police of the payment.

Service of notices.

4. Any notice served for the purposes of this Ordinance shall be validly served:-

- (a) on any person, if delivered to him, left or sent by post addressed to him, at his usual or last known place of abode;
- (b) on any firm, if delivered to any partner of the firm, or left at, or sent by post to, the principal or last known place of business of the firm;
- (c) on any body corporate, if left at, or sent by post to, its registered office if situate in the Island of Alderney or, if its registered office is not so situate, its principal or last known principal place of business in the Island.

Interpretation.

5.(1) In this Ordinance, unless the context otherwise requires -

"Chief Officer of Police" means the Chief Officer of the salaried police force in the Island of Guernsey;

"Her Majesty's Procureur" means Her Majesty's Procureur in the Island of Guernsey and includes Her Majesty's Comptroller in the Island of Guernsey;

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on a public highway and includes a trailer drawn thereby;

"notice" means a notice under section two of this Ordinance;

"registered owner" means the person entered in the register maintained under section twenty-four of the Ordinance entitled "Ordonnance supplementaire a l'Ordonnance ayant rapport au Trafic Vehiculaire en cette Ile", made permanent on the eighteenth day of January, nineteen hundred and thirty-two (a), as extended to Alderney by the provisions of section two of the Alderney (Application of Legislation) Law, 1948 (b);

"Scheduled offence" means a traffic offence set out in the First Schedule to this Ordinance;

"traffic offence" means an offence against an enactment relating to the construction, circulation or use of vehicles on highways, not being an offence punishable with imprisonment.

- (2) Any reference in this Ordinance to any other enactment shall be construed as a reference to that enactment as repealed and replaced, amended or extended or applied by any other enactment, including this Ordinance.

Citation and Commencement

6. This Ordinance may be cited as the Traffic Offences (Fixed Penalties) (Alderney) Ordinance, 1974, and shall come into force on the fifth day of June, nineteen hundred and seventy-four.

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- (a) Recueil d'Ordonnances Tome VI, p.89
 - (b) Ordres en Conseil Vol. XIII, p.448
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SCHEDULES

FIRST SCHEDULE Sections one and two

Traffic offences and fixed penalties

<u>Traffic Offences to which this Ordinance applies</u>	<u>Fixed penalty</u>
1. Offences against section four, five, eighteen nineteen or twenty of the Ordinance entitled "Ordonnance supplementaire a l'Ordonnance ayant rapport au Trafic Vehiculaire en cette Ile", made permanent on the eighteenth day of January, 1932.	£2.00
2. Offences against regulation two, three, four, twelve or fourteen of the Traffic Regulations, 1974.	£2.00

SECOND SCHEDULE Section Two

*Serial No. (of Notice)

**THE TRAFFIC OFFENCES (FIXED PENALTIES) (ALDERNEY)
ORDINANCE, 1974
NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY**

To: A.B. of (insert address)

PART I

Motor vehicle, registration number was seen in (insert name of road) (from to) (at) on the day of ,19..... in circumstances giving reasonable cause to believe that an offence, particulars of which are given below, was being or had been committed.

(Here specify the offence alleged and insert particulars necessary for giving reasonable information thereof)

Date:

Her Majesty's Procureur

If, before the end of seven days from the above date, the sum of £ (being the fixed penalty for the offence) is paid in full to the States Treasurer at the States Office, New Street, Alderney, no proceedings will be taken for the offence and any liability to conviction of the offence will be discharged.

A receipt for payment will be given. Part payment will not be accepted by the States Treasurer.

The person paying the fixed penalty must produce or send Part 2 of this notice with the remittance, or identify this notice by quoting its serial number.

If the fixed penalty is not paid, the offender is liable to be prosecuted.

NOTE (to be deleted if not applicable)

1. This notice is addressed to you as the registered owner of the motor vehicle specified above. If to your knowledge the motor vehicle was in the charge of some other person at the time of the alleged offence, you are requested to give this notice to that person and, in order to avoid an officer being sent to your residence to interview you, it would be appreciated if you would inform the officer in charge of the Police Station of the name and address of that other person.
2. Where this notice is given by the registered owner of the specified motor vehicle to some other person in accordance with the provisions of the preceding paragraph, that person may avail himself of the opportunity to pay the fixed penalty as though the notice had been addressed to him.

PART II

"Serial No. (of Notice)

To: The States Treasurer,
States Office,
New Street,
Alderney.

I enclose the sum of £ as payment of the fixed penalty for the
the offence specified in Part I of this notice.

Name: (in block capitals)

Address: (in block capitals)