

Island of  Guernsey

Ordinance of the States **XIX**

**1975**

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Made ... .. 4th June, 1975.  
Coming into Operation ... 16th June, 1975.

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**The Traffic Offences (Fixed Penalties)  
Ordinance, 1975**

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## **The Traffic Offences (Fixed Penalties) Ordinance, 1975**

THE STATES, in pursuance of their Resolution of the thirtieth day of April, nineteen hundred and seventy-five, hereby order:—

Applica-  
tion.

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 an authorised police officer finds a person on any occasion and has reason to believe that on that occasion he is committing or has committed a scheduled offence, the authorised police officer may give such person a notice in writing in the form set out in the Second Schedule to this Ordinance, with such variations as the circumstances may require, offering 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) Where an authorised police officer finds a motor vehicle on any occasion and has reason to believe that on that occasion there is being or has been committed in respect of such vehicle a scheduled offence, he may proceed under this section as if he had found a person reasonably believed by him to be committing the offence, and for that purpose a notice affixed to such vehicle shall be deemed to be given to the person liable for that offence.

(3) Where a person is given a notice under the provisions of this section in respect of a scheduled offence, proceedings shall not be taken against any

person for that offence before 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 Magistrate's Court.

(5) A notice shall specify the offence alleged together with such particulars thereof as are necessary for giving reasonable notice of the allegation 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.

3. (1) Where, in accordance with the provisions of subsection (2) of section two of this Ordinance, a notice has been affixed to a motor vehicle, a person other than the driver or the person in charge of the vehicle, the person liable for the offence specified

Penalty for removing or interfering with notice affixed to motor vehicle.

in the notice or a person acting by or under the authority of any of the persons aforesaid shall not remove or interfere with such notice.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding five pounds or, in the case of a second or subsequent offence, to a fine not exceeding ten pounds.

Payment of  
fixed  
penalty.

4. (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 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 shown the serial number of the relevant notice; and

(b) inform the Chief Officer of Police of the payment.

Interpreta-  
tion.

5. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“authorised police officer” means a police officer who is authorised by, or under the authority of, Her Majesty’s Procureur to issue notices under this Ordinance;

“Chief Officer of Police” means the Chief Officer of the salaried police force of the Island of Guernsey;

“Her Majesty’s Procureur” includes Her Majesty’s Comptroller;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on a public highway and includes a trailer;

“notice” means a notice under section two of this Ordinance;

“police officer” means a member of the salaried police force of the Island of Guernsey and, within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey;

“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;

“trailer” means a vehicle designed or adapted to be drawn by a motor vehicle.

(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.

Repeal and  
saving.

6. The Traffic Offences (Fixed Penalties) Ordinance, 1972(a) is hereby repealed:

Provided that the provisions of the said Ordinance shall continue to have effect in respect of any offence in respect of which a notice under section two thereof has been issued before the coming into force of this Ordinance.

Citation and  
commence-  
ment.

7. This Ordinance may be cited as the Traffic Offences (Fixed Penalties) Ordinance, 1975, and shall come into force on the sixteenth day of June, nineteen hundred and seventy-five.

## SCHEDULES

## FIRST SCHEDULE

Sections one and two

## Traffic offences and fixed penalties

| Traffic offences to which<br>this Ordinance applies  | Fixed<br>penalty |
|--|------------------|
| 1. Offences against section four, five, eight-<br>teen, nineteen or twenty of the Ordinance<br>entitled "Ordonnance supplémentaire a l'Ordonnance ayant rapport<br>au Trafic Véhiculaire en cette Ile",<br>made permanent on the eighteenth day<br>of January, 1932( <i>b</i> ) ... .. | £2.00            |
| 2. Offences punishable under section four<br>or five of the Vehicular Traffic (Traffic<br>Signs) Ordinance, 1961( <i>c</i> ) ... ..  | £2.00            |
| 3. Offences punishable under section five<br>of the Road Traffic (Parking and<br>Temporary Regulations) Ordinance,<br>1962( <i>d</i> ) ... ..  | £2.00            |
| 4. Offences punishable under section<br>seven of the Road Traffic (Parking<br>Places) Ordinance, 1963( <i>e</i> ) ... ..   | £2.00            |
| 5. Offences punishable under section ten<br>of the Vehicular Traffic (Lighting)<br>Ordinance, 1963( <i>f</i> ) ... ..  | £2.00            |

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- (*b*) Recueil d'Ordonnances, Tome VI, p. 89;  
Tome XV, pp. 219 and 370.  
(*c*) Recueil d'Ordonnances, Tome XIII, p. 17;  
Tome XVII, p. 128.  
(*d*) Recueil d'Ordonnances, Tome XIII, p. 213;  
Tome XVI, p. 449.  
(*e*) Recueil d'Ordonnances, Tome XIII, p. 292.  
(*f*) Recueil d'Ordonnances, Tome XIII, p. 306.

6. Offences punishable under section one of the Road Traffic (South Esplanade) (Clearway) Ordinance, 1968(g) ... .. £2.00
7. Offences punishable under section two of the Road Traffic (Fountain Street) (Clearway) Ordinance, 1970(h) ... .. £2.00

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(g) Recueil d'Ordonnances, Tome XV, pp. 277 and 376.

(h) Recueil d'Ordonnances, Tome XVI, p. 336.

SECOND SCHEDULE Section two

Serial No. (of Notice) .....

Note: It is an offence for anyone, other than the person liable for the undermentioned offence or the driver or the person in charge of the undermentioned vehicle or any person authorised by any such person, to remove or interfere with this notice.

THE TRAFFIC OFFENCES (FIXED PENALTIES) ORDINANCE, 1975

NOTICE OF OPPORTUNITY TO PAY  
FIXED PENALTY

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 reason-  
able 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, North Esplanade, Saint Peter Port, Guernsey, 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 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.

R. H. VIDELO,  
Her Majesty's Greffier.