

# Island of Guernsey

## Ordinance of the States **V** 1989

Made ... .. 26th April, 1989.  
Coming into Operation ... 1st May, 1989.

### **The Traffic Offences (Fixed Penalties) Ordinance, 1989**

THE STATES, in pursuance of their Resolution of the 16th day of March 1988, and on the representations of the Island Police Committee, hereby order:—

1. This Ordinance applies to the offences specified in column 1, and broadly described in column 2, of Schedule 1 to this Ordinance, except for offences committed by causing or permitting the use of a vehicle by another person in a particular manner or in particular circumstances; and offences to which this Ordinance applies are referred to in it as “fixed penalty offences”.

2. (1) For the purposes of this Ordinance a “fixed penalty notice” is a notice in the form set out in Schedule 2 to this Ordinance, with such variations as the circumstances may require, offering the opportunity of the discharge of any liability to conviction of the offence to which it relates by payment of a

fixed penalty in accordance with this Ordinance; and a fixed penalty notice may be contained within a cover bearing the words "fixed penalty notice" and instructions for its extraction.

(2) If an authorised police officer finds a person on any occasion and has reason to believe that, on that occasion, that person is committing or has committed any fixed penalty offence, he may issue a fixed penalty notice in respect of that offence by giving it to that person.

(3) If an authorised police officer finds a motor vehicle on any occasion and has reason to believe that, on that occasion, any fixed penalty offence is being or has been committed in respect of that motor vehicle, he may issue a fixed penalty notice in respect of that offence by affixing it to that motor vehicle.

(4) A fixed penalty notice shall not relate to more than one offence.

(5) A fixed penalty notice shall—

- (a) give sufficient particulars of the circumstances alleged to constitute the offence to which it relates to provide reasonable information about the alleged offence;
- (b) bear a number and the date of its issue;
- (c) specify:
  - (i) the amount of the fixed penalty (being the amount specified in relation to the offence concerned in column 3 of Schedule 1 to this Ordinance); and
  - (ii) the manner in which, and the place (being any of the places for the time

being prescribed by an order made under section 5(1) of this Ordinance) at which, the fixed penalty may be paid to the States Treasurer; and

- (d) state that the fixed penalty may be paid within the 7 days following the date of issue of the notice.

3. (1) If, after the expiration of the 7 days following the issue of a fixed penalty notice in relation to an offence committed in respect of a motor vehicle, the amount of the fixed penalty specified in it has not been paid in accordance with this Ordinance, the Chief Officer may serve a notice under this section (a "notice to owner") on the person appearing to him to be the owner of that motor vehicle. Notice to owner.

(2) A notice to owner may be in any form from time to time determined by the Chief Officer, but shall contain:

- (a) the particulars which were contained in the fixed penalty notice concerned pursuant to paragraphs (a), (b) and (c) of section 2(5) of this Ordinance; and
- (b) a request to the person on whom the notice to owner is served either—
- (i) to ensure that the amount of the fixed penalty is paid in accordance with this Ordinance; or
  - (ii) to furnish the Chief Officer with a true statement, signed by that person and in such form (if any) as may be specified in the notice, to the effect that, at the time of the alleged offence, either he was not the owner of the vehicle or

it was in the possession of another person without his consent,  
 within 14 days of the date of the notice;  
 and

- (c) a statement of the consequences of failing to comply with that request.
- (3) Those consequences are that—
  - (a) proceedings in respect of the offence referred to in the fixed penalty notice concerned may be brought against the person on whom the notice to owner was served; and
  - (b) for the purposes of those proceedings it shall be conclusively presumed (even if that person is not an individual) that he was in charge of the vehicle at the time of the alleged offence and, accordingly, that acts or omissions of the person in charge of the vehicle at that time were his acts or omissions.

**Suspending  
 effect of  
 notices.**

4. Proceedings shall not be taken against any person for an offence in respect of which a fixed penalty notice has been issued in accordance with section 2 of this Ordinance—

- (a) during the 7 days following the date of issue of the notice; or
- (b) if the amount of the fixed penalty is paid in accordance with this Ordinance within those 7 days; or
- (c) during the 14 days following the date of any notice to owner served in respect of that offence; or
- (d) if the amount of the fixed penalty is paid in accordance with this Ordinance within those 14 days.

5. (1) A fixed penalty is paid in accordance with this Ordinance only if— Payment of fixed penalty.

- (a) the full amount of the fixed penalty specified in the fixed penalty notice is paid to the States Treasurer within the period specified in that notice or in a notice to owner served in respect of it; and
- (b) the payment is made at such place, and in such manner, as the Island Police Committee may prescribe by an order made under this subsection; and
- (c) the fixed penalty notice to which the payment relates is produced, or identified by reference to its number, at the time when the payment is made.

(2) An order made under subsection (1) of this section—

- (a) may make different provision for different cases and circumstances;
- (b) may be varied, or revoked and replaced, by a subsequent order so made;
- (c) shall be laid before a meeting of the States as soon as possible after it is made; and if at that meeting or their next meeting the States resolve that the order be annulled it shall cease to have effect, but without prejudice to anything done under it or to the making of a new order.

(3) If any requirement of subsection (1) of this section is not complied with by a person tendering payment of a fixed penalty to the States Treasurer, he shall return the amount tendered, as soon as possible, to that person.

(4) When a fixed penalty is paid in accordance with this Ordinance—

(a) the States Treasurer shall, as soon as possible:

- (i) provide to the person making the payment a receipt bearing the number of the fixed penalty notice concerned; and
- (ii) inform the Chief Officer of the payment; and

(b) the amount paid shall be treated as a fine imposed on a conviction by the Magistrate's Court.

**Offences  
and  
penalties.**

6. (1) A fixed penalty notice affixed to a motor vehicle under section 2(3) of this Ordinance shall not be removed or interfered with except by or under the authority of the driver or person in charge of the vehicle or the person liable for the offence in question; and any person contravening this subsection is guilty of an offence and liable, on conviction, to a fine not exceeding £100.

(2) A person who, in response to a notice to owner, makes a statement which he knows to be false or misleading in a material particular, or recklessly makes a statement which is false or misleading in a material particular, is guilty of an offence and liable, on conviction, to a fine not exceeding £500.

**Interpreta-  
tion.**

7. In this Ordinance, unless the context otherwise requires,—

“authorised police officer” means a police officer who is authorised by, or under the authority of, Her Majesty's Procureur or Her Majesty's Comptroller to issue fixed penalty notices;

“Chief Officer” means the Chief Officer of Police of the Island of Guernsey and includes anybody authorised by him for the purposes of this Ordinance;

“fixed penalty notice” has the meaning given in section 2(1);

“fixed penalty offence” has the meaning given in section 1;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

“notice to owner” has the meaning given in section 3(1);

“owner”, in relation to a motor vehicle registered in Guernsey under the Ordinance entitled “Ordonnance supplémentaire à l’Ordonnance ayant rapport au Trafic Véhiculaire en cette Ile” made permanent on 18th January 1932(a), means the person named as its owner in the registration book issued in respect of it, under section 7(1) of that Ordinance;

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

“States Treasurer” includes any person authorised by the States Treasurer to carry out his functions under this Ordinance;

and a reference to any enactment is a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment.

8. (1) A notice to owner is validly served—

**Service.**

(a) if the fixed penalty notice concerned relates to a vehicle registered in Guernsey, if it bears the name and address of the vehicle’s owner and is delivered to him, or is sent by registered post or by recorded delivery service to him at that address;

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(a) Recueil d’Ordonnances Tome VI, p. 89.

- (b) in any other case, if addressed to the person appearing to the Chief Officer to be the owner of the vehicle concerned and delivered to him, or left at, or sent by registered post or by recorded delivery service to,—
- (i) in the case of an individual, his usual or last known place of abode;
  - (ii) in the case of a firm, its principal or last known principal place of business;
  - (iii) in the case of a body corporate, its registered office, or, if its registered office is not in Guernsey, its principal or last known principal place of business in Guernsey.

**Repeals and savings.**

9. (1) The enactments mentioned in the left-hand column of Schedule 3 to this Ordinance are repealed to the extent set out in the right-hand column of that Schedule.

(2) Notwithstanding subsection (1) of this section—

- (a) the provisions repealed by that subsection shall continue to have effect in respect of any offence for which a notice under section 2 of the Traffic Offences (Fixed Penalties) Ordinance, 1975(b) has been issued before this Ordinance comes into force;
- (b) any authorisation of a police officer for the purposes of any of those provisions shall continue to have effect as an authorisation given for the purposes of this Ordinance.

10. This Ordinance may be cited as the **Traffic Citation Offences (Fixed Penalties) Ordinance, 1988.**

11. This Ordinance shall come into force on **1st May 1989.** **Commencement.**



(1) Offence	(2) Broad description of offence	(3) Amount of fixed penalty
Offences against Regulations "P"2, "P"3 and "S"2 of the Ordinance entitled "Ordonnance ayant rapport au Trafic Véhiculaire en cette Ile (Le 9 fevrier 1935)"(g)	Vehicle carrying pointed mascot etc. likely to cause injury. Using motor vehicle without mudguards. Riding bicycle without two independent brakes.	£10.00
Offences against section 2 of the Ordinance entitled "Ordonnance relative au Trafic Véhiculaire en cette Ile (Le 26 fevrier 1938)"(h)	Effects falling from vehicle onto public highway.	£10.00
Contraventions of orders made in relation to parking under section 11(1) of the Airport Ordinance, 1950(f)	Parking at the Airport.	£10.00
Offences against section 3(e) of the Ordinance entitled "The Foreshore (Riding and Driving) Ordinance, 1951"(g)	Riding or driving on the foreshore outside permitted times.	£10.00
Offences against section 5(1) of the Motor Vehicles (Miscellaneous Provisions) Ordinance, 1962(k)	Exhibiting an 'L' plate except in permitted circumstances.	£10.00

(g) Recueil d'Ordonnances Tome VIII, p. 164; Ordinance No. XV of 1988.  
(h) Recueil d'Ordonnances Tome VIII, p. 207; Tome XXI, p. 190.  
(i) Recueil d'Ordonnances Tome X, p. 87.  
(j) Recueil d'Ordonnances Tome X, p. 157; Ordinance No. IX of 1986.  
(k) Recueil d'Ordonnances Tome XIII, p. 87.

(1) Offence	(2) Broad description of offence	(3) Amount of fixed penalty
Offences against section 7 of the Road Traffic (Parking Places) Ordinance, 1963 <sup>(l)</sup>	Offences in relation to vehicles in disc parking places and approved parking places.	£10.00
Offences against section 1 or 3(1)(a) of the Motor Vehicles and Pedal Bicycles (Warning Apparatus) Ordinance, 1966 <sup>(m)</sup>	Riding or driving on a public highway a motor vehicle or pedal cycle not fitted with warning apparatus. Sounding warning apparatus of a motor vehicle whilst stationary on a public highway.	£10.00
Offences against the Prohibited and One-Way Streets Ordinance, 1970 <sup>(n)</sup>	Driving or riding without a permit on a prohibited street or in the wrong direction on a one-way street.	£10.00
Offences against section 1 of the Road Traffic (Motor Vehicles at Roadside by Night) Ordinance, 1974 <sup>(o)</sup>	Parking at night facing oncoming traffic.	£10.00
Offences against section 1 of the Road Traffic (Lower Vauvert) (Clearway) Ordinance, 1984 <sup>(p)</sup>	Waiting on Lower Vauvert outside permitted times.	£10.00

(l) Recueil d'Ordonnances Tome XIII, p. 292; Tome XXI, p. 525; Tome XXII, p. 49; Ordinance No. XV of 1988.

(m) Recueil d'Ordonnances Tome XIV, p. 319; Ordinance No. IX of 1986.

(n) Recueil d'Ordonnances Tome XVI, pp. 221, 335, 339, 449, 482 and 500; Tome XVII, pp. 173 and 281; Tome XVIII, pp. 38 and 122; Tome XIX, pp. 33, 101, 229, 343 and 360; Tome XX, pp. 128, 242 and 369; Tome XXI, pp. 5, 58, 81, 149, 269 and 468; Tome XXII, pp. 160, 189 and 546; Ordinnances Nos. IX and XXXVII of 1984; No. XIX of 1985, Nos. IX, XVII and XXV of 1986; Nos. XXX and XXXV of 1987; No. XV of 1988.

(o) Recueil d'Ordonnances Tome XIX, p. 231.

(p) Ordinance No. XII of 1984; No. IX of 1986.

(1) Offence	(2) Broad description of offence	(3) Amount of fixed penalty
Offences against section 1 of the Road Traffic (Bordage) (Clearway) Ordinance, 1984 <sup>(g)</sup>	Waiting on part of the Bordage outside permitted hours	£10.00
Offences against section 1 of the Road Traffic (Fountain Street) (Clearway) Ordinance, 1984 <sup>(r)</sup>	Waiting on Fountain Street outside permitted hours.	£10.00
Offences against section 1 of the Vehicle Noise etc. Ordinance, 1986 <sup>(s)</sup>	Using a motor vehicle on a public highway in such manner or circumstances as to cause excessive noise.	£10.00
Offences against section 11(1) or 11(2) of the Traffic Signs and Traffic Light Signals Ordinance, 1988 <sup>(t)</sup>	Contravening, or failing to comply with, an order or direction given by a traffic sign or traffic light signal erected, placed or marked under that Ordinance.	£10.00
Offences against section 27(1) or 27(2) of the Lighting of Vehicles and Skips Ordinance, 1988 <sup>(u)</sup>	Using a vehicle on a public highway at night or in poor visibility conditions without every lamp required by, or carrying a lamp or showing a light in contravention of, the Ordinance.	£10.00

(g) Ordinance No. XXIV of 1984; No. IX of 1986.

(r) Ordinance No. XXVII of 1984; No. IX of 1986.

(s) Ordinance No. VI of 1986.

(t) Ordinance No. XV of 1988.

(u) Ordinance No. XXV of 1988.

(1) Offence	(2) Broad description of offence	(3) Amount of fixed penalty
Offences against section 50 of the Hours Ordinance, 1988 <sup>(v)</sup>	Contravening, or failing to comply with, an order or direction given by a traffic sign or traffic light signal erected, placed or marked under that Ordinance.	£10.00
Offences against section 2, 3, 4 or 5 of the Vehicular Traffic (Control of Parking on Certain States Land) Ordinance, 1988 <sup>(w)</sup>	Driving, riding or parking a vehicle on controlled land in contravention of the Ordinance.	£10.00

(v) Ordinance No. XXVII of 1988.

(w) Ordinance No. XL of 1988.

Form of fixed penalty notice

Island Police

No.

**FIXED PENALTY NOTICE**

Notice of Opportunity to Pay Fixed Penalty of £

Part 1

AT/  
FROM

hrs	min

TO

hrs	min

ON

d	d	m	m	y	y

REG NUM

--	--	--	--	--	--	--	--

Was seen at (place) .....

.....  
in circumstances giving reasonable cause to believe that an offence, particulars of which appear below, was being or had been committed.

Offence .....

.....

.....

ISSUED  
BY

Prefix	

Number			

Dept. Code	

THE TRAFFIC OFFENCES (FIXED PENALTIES)  
ORDINANCE, 1989

Her Majesty's Procureur

For details of how to pay please see Part 2

**Island Police**                      **No.**

**FIXED PENALTY NOTICE**

**Part 2—METHODS OF PAYMENT & RECEIPT**

The date the offence and the sum required for the payment of the fixed penalty are shown on Part 1 of this form. The serial number appears above.

The person paying this fixed penalty **MUST** send or produce Parts 1 and 2 together with the remittance, to the address below, or be able to identify this notice by the serial number, when making payment.

If before the end of seven days from the date of issue, the sum (being the fixed penalty for the offence), is paid **IN FULL** to the States Treasurer, no proceedings in the Magistrates Court will be taken against you for the offence, and any liability to conviction of the offence will be discharged.

If the fixed penalty is **NOT** paid within the seven day period the offender is liable to be prosecuted. Part payment will **not** be accepted. This form (Part 2) will form your receipt for payment if produced in person at the address below. Payment may be made in cash, by postal order, money order or by cheque which should be made payable to the States of Guernsey.

Cash should be sent by registered post.

Payments may be made in person or **POSTED** to

The States Treasurer,  
States Office,  
The Quay,  
St. Peter Port.

*Schedule 3*                      Section 9(1)  
*Enactments repealed*

Enactment	Extent of repeal
The Traffic Offences (Fixed Penalties) Ordinance, 1975(x)	The whole Ordinance.
The Traffic Offences (Fixed Penalties) (Amendment) Ordinance, 1981(y)	The whole Ordinance.
The Road Traffic (Lower Vauvert) (Clearway) Ordinance, 1984(p)	Section 3 and the reference to that section in section 2.
The Road Traffic (Bordage) (Clearway) Ordinance, 1984(q)	Section 3 and the reference to that section in section 2.
The Traffic Offences (Fixed Penalties) (Amendment) Ordinance, 1984(z)	The whole Ordinance.
The Road Traffic (Fountain Street) (Clearway) Ordinance, 1984(r)	Section 3 and the reference to that section in section 2.
The Traffic Signs and Traffic Light Signals Ordinance, 1988(t)	Paragraph 10 of Schedule 6, and the reference in Schedule 5 to the Traffic Offences (Fixed Penalties) Ordinance, 1975.
The Lighting of Vehicles and Skips Ordinance, 1988(u)	Section 28.
The Harbours Ordinance, 1988(v)	Section 59(3).
The Vehicular Traffic (Control of Parking on Certain States Land) Ordinance, 1988(w)	Section 9.

- (x) Recueil d'Ordonnances Tome XX, p. 120.  
(y) Recueil d'Ordonnances Tome XXII, p. 126.  
(z) Ordinance No. XXV of 1984.

K. H. TOUGH,  
Her Majesty's Greffier.