

PROJET DE LOI

ENTITLED

The Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 *

[CONSOLIDATED TEXT]

NOTE

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* Ordres en Conseil Vol. XXXI, p. 278; as amended by the Magistrate's Court (Guernsey) Law, 2008 (No. XVIII of 2009); the Income Support (Guernsey) Law, 2017 (No. IV of 2018); the Uniform Scale of Fines (Bailiwick of Guernsey) (Amendment) Ordinance, 1991 (Recueil d'Ordonnances Tome XXV, p. 344); the Uniform Scale of Fines (Bailiwick of Guernsey) (Amendment) Ordinance, 1998 (No. XXII of 1998); the Uniform Scale of Fines (Bailiwick of Guernsey) (Amendment) Ordinance, 2006 (No. XXIX of 2006); the Prison (Guernsey) Ordinance, 2013 (No. XXIX of 2013).

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ARRANGEMENT OF SECTIONS

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THE STATES, in pursuance of their Resolution of the 9th day of December 1987, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

The uniform scale of fines.

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

(2) The 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	£500
2	£1,000
3	£2,000
4	£5,000
5	£10,000

]

(3) The States of Guernsey may from time to time by Ordinance

vary any of the sums specified in subsection (2) of this section.

(4) A penalty provision which refers to a specified level on the uniform scale shall be construed as referring to that level on the uniform scale for which this section from time to time provides.

NOTE

In section 1, the Table in subsection (2) was substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) (Amendment) Ordinance, 2006, section 1, with effect from 26th July, 2006, subject to the transitional provisions in section 2 of the 2006 Ordinance.¹

Fines under existing penalty provisions.

2. (1) This section applies to every penalty provision of –
- (a) a Law applicable in, 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 Guernsey approved before the commencement of section 1 of this Law, and
 - (c) a Guernsey 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 uniform scale.

(3) Subject to subsections (4) and (5) of this section, the appropriate level on the 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 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 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 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 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 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 Guernsey statutory instrument, a reference to a fine of the appropriate level on the 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.

Interpretation.

4. (1) In this Law –

"Committee" means any body established by the States of Guernsey by whatever name called,

"Guernsey statutory instrument" means any order, regulations, rules or scheme made by a Committee under a power conferred by any Law or by any Ordinance,

"penalty provision" means –

- (a) any provision (however framed or worded) of a Law applicable in Guernsey, of an Ordinance of the States of Guernsey, or of a Guernsey 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 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 Guernsey 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 uniform scale.

(2) It is hereby declared for the avoidance of doubt that –

- (a) the power of the Royal Court to impose a fine under section 201 of the Income Tax (Guernsey) Law, 1975^a is not a "penalty provision" for the purposes of this Law, but
- (b) the power of a court to impose a fine under section 2(2) of the Criminal Justice (Suspended Sentence Supervision Orders) (Bailiwick of Guernsey) Law, 1984^b is a "penalty provision" for the purposes of this Law.

(3) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of this Law throughout the Bailiwick.

NOTE

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- a** Ordres en Conseil Vol. XXV, p. 124.
 - b** Ordre en Conseil No. XX of 1984.
 - c** Ordres en Conseil Vol. XIII, p. 355.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

Amendments to Magistrate's Court Law.

5. ...

NOTE

Section 5 was repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(e), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.

Citation.

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

Commencement.

7. (1) This Law shall come into force on such day as the States of Guernsey may by Ordinance appoint.

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

NOTE

The Law was brought into force on 1st July, 1989 by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Commencement) Ordinance, 1989, section 1.

SCHEDULE

Section 2(5)

PART I
LAWS

(1) Penalty provision	(2) Broad description of offence	(3) Existing maximum fine	(4) Appropriate level on uniform scale
Explosives (Guernsey) Law, 1905 ^e :			
Titre XXI	(i) Entering factory, warehouse etc., without permission	£5	Level 1
	(ii) Acts liable to cause fire or explosion, in or near factory, warehouse etc,	£50	Level 3
Titre XXVIII	(i) Offences "de premier chef": First offence	£50	Level 3
	Subsequent offences	£100	Level 4
	(ii) Offences "de second chef": First offence	£20	Level 2
	Subsequent offences	£50	Level 3
	(iii) Offences "de troisième chef": First offence	£10	Level 1
	Subsequent offences	£20	Level 2
Loi pour la Prévention de la Fraude dans le Vente d'Engrais et de Nourriture pour Bétail et Volaille :			
Article 11	Failing to furnish required invoice; furnishing false invoice or description; selling for use in cattle or		

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	poultry feed any substance which is harmful or contains a worthless additive, without disclosing that fact:		
	First offence	£20	Level 2
	Subsequent offences	£50	Level 3
Article 13	Fraudulent alteration of substances	£50	Level 3
Article 14	Obstructing official analyst	£10	Level 2
Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes ^g :			
Article 5	Offences under Titre I	£25	Level 2
Article 7(1)	Wilfully ill-treating etc. child or young person in offender's custody or care	£100	Level 5
Article 7(5)	Wilfully ill-treating etc. child or young person in offender's custody or care if offender interested in payment due on death of child or young person	£200	Level 5
Article 9	Permitting child or young person to beg etc. in public place	£25	Level 3
Article 10	Exposing child in offender's custody or care to risk of burning	£10	Level 3
Article 11	Allowing child or young person in offender's custody or care to frequent house of prostitution	£25	Level 4
Article 40	Taking articles in pawn from person under 16	£10	Level 3
Article 42(3)	Failing to fulfil obligation in relation to children at entertainments etc.:		

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	First offence		
	Subsequent offences	£50	Level 3
		£100	Level 4
Article 49(1)	Employing children in contravention of Law:		
	First offence		
	Subsequent offences	40/-	Level 2
		£5	Level 3
Article 49(3)	Person under 16 contravening provisions as to street trading:		
	First offence		
	Subsequent offences (if not a child)	20/-	Level 1
		£5	Level 2
Article 52(4)	Causing young person to take part in dangerous exhibition or performance whereby life or limb endangered etc.		
		£10	Level 3
Loi ayant rapport aux Mariages Célébrés dans les Îles de Guernesey, d'Auregny et de Serk ^h :			
Article 7	Failing to transmit copy of registration of marriage to Registrar-General within 48 hours		
		£50	Level 2
Article 38	Refusal or omission to register marriage; negligent loss, destruction etc. of register or certified copy		
		£50	Level 2
Article 41	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
Loi relative aux Huiles ou Essences Minérales, ou autres substances de la même nature ⁱ :			

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Article 1	Unlawful importation of inflammable oils	£10	Level 3
Article 2(1)	Keeping inflammable oils without licence	£50	Level 4
Règlement Général (1)	Obstruction	£10	Level 2
Règlement Général (2)	Failing to obey inspector	£10	Level 2
Règlement Général (3)	Other infractions of Law	£10	Level 2
Loi ayant rapport à l'Emploi de Femmes, de Jeunes Personnes et d'Enfants ^j :			
Article II(b)	(i) ship's master employing child on ship in contravention of Law: First offence Subsequent offences	40/- £5	Level 2 Level 3
Article II(c)	(ii) Parent producing etc. false document or making false representation as to child's age	40/-	Level 2
Article II(d)	Failure to keep or produce register	£10	Level 2
Article II(e)	Failure by master of ship to keep or produce register	£10	Level 2
Article II(e)	Employing woman in contravention of Law	£10	Level 3
Loi pour empêcher l'usage illicite d'Automobiles ^k :			
Section 3	Tampering with vehicle etc.: First offence Subsequent offences	£20	Level 2

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		£50	Level 3
Loi relative a l'Enregistrement des Naissances et Décès dans le Bailliage de l'Île de Guernesey ^l ;			
Article 14	Burying or disposing of corpse without permit		
		£50	Level 3
Article 15	Keeping corpse more than 6 days without permission		
		£10	Level 2
Industrial Disputes and Conditions of Employment Law, 1947 ^m ;			
Article 8(c)(i)	Wrongful disclosure	£50	Level 2
Tourist (Guernsey) Law, 1948 ⁿ ;			
Section 15(d)	Obstruction:		
	First offence		
	Second offence	£10	Level 1
	Third and subsequent offences	£50	Level 2
		£100	Level 3
Building (Guernsey) Law, 1956 ^o ;			
Section 5(a)	Contravening regulations	£100	Level 3
section 5(c)	Supplying false information etc.	£50	Level 2
Intoxicating Liquor (Prohibition Orders) (Guernsey) Law, 1960 ^p ;			
Section 12(1)	Contravening prohibition order etc.	£20	Level 2
Island Development (Guernsey) Law, 1966 ^q ;			
Section 36(2) as amended	Failing to comply with notice to remove moveable structure or to plant		

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	trees	£250	Level 3
Children and Young Persons (Guernsey) Law, 1967 ^r :			
Section 9(2)	Taking away, inducing to run away, or harbouring, child committed to care	£20	Level 3
Section 11(11) as amended	Taking away, assisting or inducing to escape, or harbouring, child committed to place of safety or prison	£100	Level 4
section 13(2)	Taking away, assisting or inducing to run away or escape, or harbouring, person liable to be arrested under Children and Young Persons Act 1969	£100	Level 4
Section 23(5)	Publishing in contravention of section 23	£50	Level 3
[Income Support (Guernsey) Law, 1971] ^s :			
Section 23(2)	Failure to maintain	£50	Level 2
Section 24	False statement, failure to disclose or failure to comply with direction etc.	£100	Level 3
Hawkers and Non-Resident Traders (Guernsey) Law, 1980 ^t :			
Section 17(1)(a)	Contravening section 1 or 2 by doing anything required to be authorised by a Class 1 hawker's licence	£50	Level 2

PART II
ORDINANCES

(1) Penalty provision	(2) Broad description of offence	(3) Existing maximum fine	(4) Appropriate level on uniform scale
<p>Ordonnance relative à la Poudre-à-Canon, 1872^u :</p> <p>Article 1</p> <p>Article 2</p> <p>Article 8</p> <p>Article 9</p> <p>Ordonnance Provisoire Supplémentaire à l'Ordonnance relative à la Poudre à Canon^v :</p> <p>Ordonnance portant défense de vendre ou de donner aux Mineurs du tabac, des cigars, des cigarettes ou du papier à cigarettes^w :</p> <p>Article 3</p>	<p>Unlawful erection of powder magazine</p> <p>Unlawful possession of more than 21 lbs. of cannon powder</p> <p>Unlawfully moving powder</p> <p>Failure to take prescribed precautions when transporting powder:</p> <p style="padding-left: 40px;">Transporter</p> <p style="padding-left: 40px;">Owner of powder</p> <p>Keeping detonators in or within 30 feet of powder magazine</p> <p>Occupier keeping automatic cigarette machine in a place to which children</p>	<p>£50</p> <p>£10</p> <p>£10</p> <p>£2</p> <p>£10</p> <p>£20</p>	<p>Level 4</p> <p>Level 2</p> <p>Level 2</p> <p>Level 1</p> <p>Level 2</p> <p>Level 3</p>

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Ordonnance relative à la Vente de Tabac ^X ;		under 16 have free access:		
		First and second offences	£2	Level 2
		Subsequent offences	£5	Level 3
	Article 5	Possession of tobacco without licence with intent to sell:		
	First offence	£10	Level 2	
	Subsequent offences	£20	Level 3	
Article 8	Obstruction:			
	First offence	£10	Level 2	
	Subsequent offences	£20	Level 3	
Ordonnance relative à la Vente de Pain ^Y :		Refusal to weigh bread when required:		
		First offence	£10	Level 3
		Subsequent offences	£20	Level 2
	Article V			
Ordonnance relative aux Communes du Valle ^Z :		Indulging in games, entertainments etc. on commons without permission:		
		First offence	£1	Level 1
		Subsequent offences	£5	Level 2
	Article 15	Contravening Council regulations; molesting grazing animal; doing any of the following things without permission:		
		(1) driving vehicles off the roads or parking vehicles on commons so		

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	<p>as to cause annoyance or obstruction;</p> <p>(2) behaving in such manner as to prevent or obstruct a game or entertainment;</p> <p>(3) taking turf or sand from commons;</p> <p>(4) depositing or erecting anything on commons:</p> <p style="padding-left: 40px;">First offence</p> <p style="padding-left: 40px;">Subsequent offences</p>	<p>£1</p> <p>£10</p>	<p>Level 2</p> <p>Level 3</p>
<p>Ordonnance ayant rapport aux Immeubles occupés par le Conseil des Eaux des États ^{aa} :</p>	<p>Trespassing on Water Board property:</p> <p style="padding-left: 40px;">First offence</p> <p style="padding-left: 40px;">Subsequent offences</p>	<p>£2</p> <p>£5</p>	<p>Level 2</p> <p>Level 3</p>
<p>Ordonnance pour la Protection des Pigeons as amended ^{ab} :</p>	<p>Unlawful killing, taking etc. of pigeons:</p>	<p>£250</p>	<p>Level 3</p>
<p>Ordonnance relative à la Santé Publique, 1936 ^{ac} :</p>	<p>Letting infected rooms etc.</p>	<p>£250</p>	<p>Level 3</p>
<p>Ordonnance relative aux Fosses d'Aisance (Puits-Perdus) et Latrines, 1940 as amended ^{ad} :</p>	<p>Emptying latrine etc. in contravention of Ordinance:</p> <p style="padding-left: 40px;">Subsequent offences</p>	<p>£250</p>	<p>Level 3</p>
<p>Clean Milk Ordinance, 1945 ^{ae} :</p> <p style="padding-left: 40px;">Article 1(1) as amended</p>	<p>Causing, or rendering likely, infection, contamination or fouling of milk etc.:</p> <p style="padding-left: 40px;">First offence</p>	<p>£250</p>	<p>Level 3</p>

Milk Control (Guernsey) Ordinance, 1958 ^{af} :			
Section 25(1) as amended	Offences under Law, other than section 4	£250	Level 3
Section 25(2) as amended	Offences under Ordinance	£250	Level 3
[...]	[...]	[...]	[...]
Public Transport Ordinance, 1986 ^{ah} :			
Section 54(1)	Making a false statement or generally contravening Ordinance etc.	£250	Level 3
Road Traffic (Permits to Drive Public Service Vehicles) Ordinance, 1986 ^{ai} :			
Section 13	Contravention etc. of Ordinance or permit condition; false statement	£250	Level 3

NOTES

In the Schedule,

the words in the first pair of square brackets were substituted by the Income Support (Guernsey) Law, 2017, section 1(2), Schedule 1, paragraph 1, with effect from 6th July, 2018;

the words omitted in square brackets were repealed by the Prison (Guernsey) Ordinance, 2013, section 59, Schedule 7, with effect from 4th November, 2013, subject to the transitional and savings provisions in section 60 of, and Schedule 8 to, the 2013 Ordinance.

The Loi pour la prévention de la fraude dans la vente d'engrais et de nourriture pour bétail et volaille, 1915 and the Ordonnance relative à la Vente de Pain have since been repealed by the European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016, section 92, Schedule 11, with effect from 3rd October, 2019.

The Loi ayant rapport aux Mariages Célébrés dans les Îles de Guernesey, d'Auregny et de Serk, 1919 has since been repealed by the Marriage (Bailiwick of Guernsey) Law, 2020, section 67, Schedule, with effect from 1st March, 2021.

The Industrial Disputes and Conditions of Employment Law, 1947 has since been repealed by the Industrial Disputes and Conditions of Employment (Guernsey) Law, 1993, section 19, with effect from 1st October, 1993.

The Building (Guernsey) Law, 1956 has since been repealed by the Land Planning and Development (Guernsey) Law, 2005, section 93, Schedule 3, Part I, paragraph 1, with effect from 6th April, 2009, subject to, first, the savings in section 93 of the 2005 Law and, second, the savings and transitional provisions in the Land Planning and Development (Guernsey) Law, 2005 (Savings and Transitional Provisions) Ordinance, 2007.

The Island Development (Guernsey) Law, 1966 has since been repealed by the Land Planning and Development (Guernsey) Law, 2005, section 93, Schedule 3, Part I, paragraph 2, with effect from 6th April, 2009, subject to, first, the savings in section 93 of the 2005 Law, second, the savings and transitional provisions in the Land Planning and Development (Guernsey) Law, 2005 (Savings and Transitional Provisions) Ordinance, 2007 and, third, the transitional provisions in section 19 of the Land Planning and Development (Plans) Ordinance, 2007.

The Ordonnance relative à la Vente de Tabac has since been repealed, for the avoidance of doubt, by the Tobacco Products (Guernsey) Ordinance, 2014, section 52(d), with effect from 1st June, 2015, subject to the transitional provisions in section 54 of the 2014 Ordinance.

The Ordonnance pour la Protection des Pigeons has since been repealed by the Animal Welfare (Guernsey) Ordinance, 2012, section 83, Schedule 4, paragraph 1, with effect from 1st July, 2014.

The Clean Milk Ordinance has since been repealed by the European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016, section 92, Schedule 11, with effect from 3rd October, 2019.

The Milk (Control) (Guernsey) Ordinance, 1958 has since been repealed by the Milk (Control) (Guernsey) Ordinance, 2016, section 23, Schedule, with effect from 1st March, 2016, subject to the transitional provision in section 22 of the 2016 Law.

¹ Section 1 was previously amended by: the Uniform Scale of Fines (Bailiwick of Guernsey) (Amendment) Ordinance, 1991, section 1, with effect from 26th September, 1991; the Uniform Scale of Fines (Bailiwick of Guernsey) (Amendment)

Ordinance, 1998, section 1, with effect from 30th September, 1998.

- e** Ordres en Conseil Vol. III, p. 414.
- f** Ordres en Conseil Vol. V, p. 124.
- g** Ordres en Conseil Vol. V, p. 342.
- h** Ordres en Conseil Vol. VI, p. 57.
- i** Ordres en Conseil Vol. VII, p. 324.
- j** Ordres en Conseil Vol. VIII, p. 29.
- k** Ordres en Conseil Vol. IX, p. 8.
- l** Ordres en Conseil Vol. X, p. 20.
- m** Ordres en Conseil Vol. XIII, p. 1.
- n** Ordres en Conseil Vol. XIII, p. 329.
- o** Ordres en Conseil Vol. XVII, p. 56.
- p** Ordres en Conseil Vol. XVII, p. 247.
- q** Ordres en Conseil Vol. XX, p. 276; the existing maximum fine under section 36(2) was substituted by the Island Development (Amendment) (Guernsey) Law, 1981 (Vol. XXVII, p. 355).
- r** Ordres en Conseil Vol. XXI, p. 34; section 11(11) was substituted by the Children and Young Persons (Amendment) (Guernsey) Law, 1971 (Vol. XXIII, p. 3).
- s** Order in Council No. III of 1980.
- t** Ordres en Conseil Vol. XXVII, p. 218.
- u** Recueil d'Ordonnances Tome IV, p. 130.
- v** Recueil d'Ordonnances Tome V, p. 128.
- w** Recueil d'Ordonnances Tome V, p. 225.
- x** Recueil d'Ordonnances Tome V, p. 227.
- y** Recueil d'Ordonnances Tome VI, p. 140.
- z** Recueil d'Ordonnances Tome VIII, p. 33.
- aa** Recueil d'Ordonnances Tome VIII, p. 65.
- ab** Recueil d'Ordonnances Tome VIII, p. 301: the existing maximum fine was substituted by the Protection of Pigeons (Amendment) Ordinance, 1985 (No. XVI of 1985).
- ac** Recueil d'Ordonnances Tome VIII, p. 316: the existing maximum fine for offences under Article XI.4 was substituted by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986 (No. X of 1986).
- ad** Recueil d'Ordonnances Tome IX, p. 143: the existing maximum fine was substituted by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986 (No. X of 1986).

ae Recueil d'Ordonnances Tome IX, p. 156: the existing maximum fine was substituted by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986 (No. X of 1986).

af Recueil d'Ordonnances Tome XII, p. 23: the existing maximum fines were substituted by the Milk (Control) (Increase in Fines) (Guernsey) Ordinance, 1983 (Tome XXII, p. 453).

ah Ordinance No. III of 1986.

ai Ordinance No. IV of 1986.