

**Ordonnance dite**  
**“ THE PUNISHMENT OF INFRACTIONS OF**  
**ORDINANCES, ETC., ORDINANCE, 1943 ”.**  
**(Le 9 janvier 1943)**

LA COUR, tant en vertu des dispositions de la Loi précisant les pouvoirs de la Cour des Chefs Plaids de décerner la peine d’Emprisonnement et d’autoriser la visite de Prémises, enregistrée le 23 mai 1936 et des dispositions de l’Ordre en Conseil intitulé “ The Emergency Powers (Guernsey Defence) Order in Council, 1939 ” qu’en vertu de ses pouvoirs inhérents touchant les matières ci-après contenues, et ouïes les conclusions du Procureur Général, a ordonné et ordonne que les dispositions suivantes auront effet en cette Ile: —

Definitions

1.— In this Ordinance, the following expressions have the meanings hereinunder assigned to them respectively: —

“contravention” includes non-compliance;

“enactment” means —

(a) any Ordinance of the Royal Court whether heretofore or hereafter enacted;

(b) any Order made, or any direction given, or requirement imposed, whether heretofore or hereafter, under any such Ordinance or any such Order.

“Police Inspector” includes any Police Officer acting as, or deputising for, the Police Inspector.

“ the 1936 Law ” means the Law entitled “ Loi précisant les Pouvoirs de la Cour des Chefs Plaidés de décerner la Peine d’Emprisonnement et d’autoriser la visite de Prémisses ” registered on the 23rd day of May, 1936.

“ the Magistrate ” means the Police Court Magistrate or Acting Police Court Magistrate.

\*2.—Where the maximum penalty for any contra-<sup>Proceedings</sup>vention of any enactment is a fine in excess of Ten <sup>before the</sup>pounds or a term of imprisonment, whether with or <sup>Magistrate</sup>without hard labour, in excess of Two months, or such a fine and such a term of imprisonment cumulatively, proceedings may be instituted before the Magistrate for the punishment of any such contravention and, subject to the provisions of the 1936 Law, the Magistrate shall be competent to inflict upon any person convicted before him in respect thereof a fine not exceeding ONE HUNDRED POUNDS or a term of imprisonment, with or without hard labour, not exceeding SIX MONTHS, or both such fine and such imprisonment.

PROVIDED that nothing contained in this Section shall be construed as increasing any penalty imposed under any other enactment in respect of any such contravention.

3.—(1) Proceedings in respect of any contravention <sup>Institution of</sup>of any enactment may be instituted in the Police Court <sup>Proceedings</sup>by means of the tabling by the Police Inspector of a charge setting forth concise details of the Offence to which the charge relates and a reference to the enactment concerned.

(2) Every person against whom such a charge is <sup>Warning</sup>preferred, upon being notified, whether verbally or <sup>to attend</sup>otherwise, by a Police Officer of the nature of the charge <sup>Court</sup>and warned, not later than forty-eight hours before the time of the commencement of the sitting of the Police Court at which the charge is to be tabled, to attend that

\* See also the “ Loi étendant la Jurisdiction du Magistrat en Police Correctionnelle et pour le Recouvrement de Menues Dettes (1946) ”.

sitting at that time, shall attend accordingly and in the event of that person's non-attendance the Magistrate may direct that that person shall be brought before him, by force if necessary, at the next sitting of the Police Court or such other sitting thereof as the Magistrate may direct.

PROVIDED that nothing contained in this subsection shall invalidate a warning given later than forty-eight hours before the time of the commencement of the sitting of the Police Court to which the warning relates if the person warned to attend agrees to accept such later warning.

Section  
deemed to  
have had  
effect from  
August 31st,  
1939

(3) This Section shall be deemed to have had effect as from and after the 31st day of August, 1939, and all proceedings instituted after that date, whether or not the period elapsing between the warning given to attend a sitting of the Police Court and the commencement of that sitting was as prescribed in this Section, and every conviction recorded and punishment imposed in consequence of any such proceedings, shall be deemed to have been as valid and effectual as if they had been instituted, recorded and imposed under the provisions of this Ordinance.