

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

**Ordonnance dite  
"The Punishment of Infractions of Ordinances, etc.,  
Ordinance, 1943" \***

[CONSOLIDATED TEXT]

**NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Recueil d'Ordonnances Tome IX, p. 148. This Ordinance is applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Recueil d'Ordonnances Tome IX, p. 247). See also the Reform (Guernsey) Law, 1948 (Ordres en Conseil Vol. XIII, p. 288); the Magistrate's Court (Guernsey) Law, 1954 (Ordres en Conseil Vol. XVI, p. 103); the Criminal Justice (Bailiwick of Guernsey) Law, 1979 (Ordres en Conseil Vol. XXVII, p. 172); the Magistrate's Court (Guernsey) Law, 2008 (No. XVIII of 2009).

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ARRANGEMENT OF SECTIONS

1. Definitions.
2. Proceedings before the Magistrate.
3. Institution of Proceedings. Warning to attend Court. Section deemed to have had effect from August 31<sup>st</sup>, 1939.

*(Made on the 9th January, 1943.)*

**Ordonnance dite**  
**"The Punishment of Infractions of Ordinances, etc.,**  
**Ordinance, 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 Prémisses, 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 Île: –

**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 Plaids de décerner la Peine d'Emprisonnement et d'autoriser la visite de Prémisses" registered on the 23<sup>rd</sup> day of May, 1936,

"the Magistrate" means the Police Court Magistrate or Acting Police Court Magistrate.

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**NOTES**

*The Ordinance is applied to the Island of Herm by the Herm Laws Ordinance, 1948, Article 1, Schedule, Part III, with effect from 13th March, 1948.*

*In accordance with the provisions of the Reform (Guernsey) Law, 1948, Article 70(3), with effect from 1st January, 1950, this formerly Provisional Ordinance of the Royal Court became a Permanent Ordinance of the States.*

*In accordance with the provisions of the Reform (Guernsey) Law, 1948, Article 63, with effect from 17th January, 1949, the powers and functions of a legislative nature previously exercised by the Royal Court (save for the making, variation, modification and revocation of Rules of Procedure) were transferred to and vested in the States of Deliberation, and thenceforth any enactment conferring power on the Royal Court to exercise any such powers and functions by way of Ordinance shall be construed as having conferred the like power on the States of Deliberation or on the States Legislation Select Committee, as the case may be.*

*In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 1954, section 10(3) (as originally enacted), the expression "Police Court" in this section shall be deemed to refer to the Magistrate's Court, with effect from 17th January, 1955.*

*In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 1954, section 7(5), the reference in this section to an Acting Magistrate shall be construed as including a reference to an Assistant Magistrate, with effect from 1st February, 1997.*

*In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 2008, section 47(3), the references in this section to the "Magistrate" and to the "Acting Magistrate" shall be construed as references to, respectively, a Judge and a Deputy Judge of the Magistrate's Court within the meaning of the 2008 Law, with effect from 1st September, 2009.*

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**Proceedings before the Magistrate.**

2. Where the maximum penalty for any contravention of any enactment is a fine in excess of ten pounds or a term of imprisonment, whether with or 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.

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**NOTES**

*In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 2008, Part II, with effect from 1st September, 2009, the criminal jurisdiction of the Magistrate's Court is as set out therein.*

*In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 2008, section 47(3), with effect from 1st September, 2009, the reference in this section to the "Magistrate" shall be construed as a reference to a Judge of the Magistrate's Court within the meaning of the 2008 Law.*

*In accordance with the provisions of the Criminal Justice (Bailiwick of Guernsey) Law, 1979, section 2(2), with effect from 21st January, 1980, and subject to the provisions of section 2(3) of that Law, no person shall be sentenced by a Court to imprisonment with hard labour and accordingly the power conferred under this section shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before that date.*

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**Institution of Proceedings. Warning to attend Court. Section deemed to have had effect from August 31<sup>st</sup>, 1939.**

3. (1) Proceedings in respect of any contravention of any enactment may be instituted in the Police Court 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 preferred, upon being notified, whether verbally or otherwise, by a Police Officer of the nature of the charge 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 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.

(3) This section shall be deemed to have had effect as from and after the 31<sup>st</sup> 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.

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**NOTES**

*The Ordinance was made and, save for section 3 (deemed to have had effect as from and after the 31st day of August, 1939), came into operation on 9th January, 1943.*

*In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 1954, section 10(3) (as originally enacted), the expression "Police Court" in this section shall be deemed to refer to the Magistrate's Court, with effect from 17th January, 1955.*

*In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 2008, section 47(3), the references in this section to the "Magistrate" shall be construed as references to a Judge of the Magistrate's Court within the meaning of the 2008 Law, with effect from 1st September, 2009.*

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