

PROJET DE LOI

ENTITLED

The Uniform Scale of Fines (Sark) Law, 1989 *

[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 the Greffier, La Chasse Murette, Sark, GY10 1SF.

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* Ordres en Conseil Vol. XXXI, p. 320; as amended by the Uniform Scale of Fines (Sark) (Amendment) Ordinance, 1992; the Uniform Scale of Fines (Sark) (Amendment) Ordinance, 2004; the Uniform Scale of Fines (Sark) (Amendment) Ordinance, 2006.

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ARRANGEMENT OF SECTIONS

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THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 20th day of January 1988, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Sark.

The Sark uniform scale of fines.

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

(2) The Sark uniform scale at the commencement of this section is shown in the following table –

[TABLE

Level on the scale	Amount of fine
1	£500
2	£1,000
3	£2,000
4	£5,000
5	£10,000

(3) The Chief Pleas of Sark may from time to time by Ordinance vary any of the sums specified in subsection (2) of this section:

PROVIDED THAT the amount of the fine corresponding to each level on the Sark uniform scale shall at no time exceed the amount of the fine corresponding to that level on the uniform scale established by section 1 of the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989^a.

(4) A penalty provision which refers to a specified level on the Sark uniform scale shall be construed as referring to that level on the uniform scale for which this section provides, as that uniform scale has effect from time to time by virtue either of subsection (2) of this section or of an Ordinance made under subsection (3) of this section.

NOTE

In section 1, the Table in subsection (2) was substituted by the Uniform Scale of Fines (Sark) (Amendment) Ordinance, 2006, section 1, with effect from 4th October, 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 only in Sark 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 Chief Pleas of Sark approved before the commencement of section 1 of this Law, and
 - (c) a Sark 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.

^a Ordre en Conseil No. V of 1989.

(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 Sark uniform scale.

(3) Subject to subsection (4) of this section, the appropriate level on the Sark 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 Sark 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 Sark 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 Sark uniform scale in respect of a subsequent offence is the level next above that in respect of a first offence.

(5) Where the effect of this section is to substitute for a reference to a fine of a specified amount, in any Ordinance or Sark statutory instrument, a reference to a fine of the appropriate level on the Sark uniform scale, that substitution does not in any way limit any power of the Chief Pleas 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 Chief Pleas of Sark, by whatever name called,

"penalty provision" means –

- (a) any provision (however framed or worded) of a Law applicable only in Sark, of an Ordinance of the Chief Pleas of Sark or of a Sark 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 Sark 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 a Sark 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 maximum fine of a specified amount in pounds sterling or by reference to a specified level on the Sark uniform scale,

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

(2) The Interpretation (Guernsey) Law, 1948^b applies to the interpretation of this Law as it applies to the interpretation of a Guernsey enactment.

Amendments to Reform Law.

5. In section 23(3) of the Reform (Sark) Law, 1951^c –
- (a) for "£200" there is substituted "level 3 on the Sark uniform scale provided for by section 1 of the Uniform Scale of Fines (Sark) Law, 1989 or as from time to time varied by an Ordinance under subsection (3) of that section",
 - (b) for "the sum of £400" there is substituted "twice the amount of level 3 on the Sark uniform scale provided for by section 1 of the Uniform Scale of Fines (Sark) Law, 1989 or as from time to time varied by an Ordinance under subsection (3) of that section".

NOTE

The Reform (Sark) Law, 1951 has since been repealed by the Reform (Sark) Law, 2008, section 66(2), Schedule 2, with effect from 1st September, 2008, subject to, first, the general savings and, second, the specific savings and transitional provisions in, respectively, section 66(3) and section 67 of the 2008 Law.

Citation.

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

Commencement and application.

^b Ordres en Conseil Vol. XIII, p. 355.

^c Ordres en Conseil Vol. XV, p. 215; section 23(3) was substituted by the Court of the Seneschal (Increase of Jurisdiction and Transfer of Prisoners) Law, 1971 (Vol. XXIII, p. 200) and amended by the Court of the Seneschal (Increase of Jurisdiction and Transfer of Prisoners) (Amendment) Law, 1985 (No. V of 1985).

7. (1) This Law shall come into force on such day as the Chief Pleas of Sark 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 November, 1989 by the Uniform Scale of Fines (Sark) Law, 1989 (Commencement) Ordinance, 1989, section 1.

¹ The Table was previously substituted by: the Uniform Scale of Fines (Sark) (Amendment) Ordinance, 1992, section 1, with effect from 1st May, 1992; and the Uniform Scale of Fines (Sark) (Amendment) Ordinance, 2004, section 1, with effect from 14th April, 2004.