Rules made under s.18A of the Port Act.

PORT (FIXED PENALTY) (PROCEDURE) RULES

(LN. 1982/072)

2. 9. 1982

Amending enactment	Relevant current provisions	Commencement date
None		

ARRANGEMENT OF RULES

Rule
1. Title
2. Form of notice under section 18A.
3. Copy to be sent to clerk of the magistrates' court.
4. Identification of notice.
5. The full amount of penalty to be accepted.
6. Payment to be refused if criminal proceedings are taken.
7. Issue of receipt.

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PORT (FIXED PENALTY) (PROCEDURE) RULES

Subsidiary 1982/072

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PORT (FIXED PENALTY) (PROCEDURE) RULES

Subsidiary 1982/072

Title.

1. These rules may be cited as the Port (Fixed Penalty) (Procedure)Rules.

Form of notice under section 18A.

2.(1) A notice under section 18A (3) of the Act offering the opportunity of the discharge of any liability to conviction of an offence to which that section applies by payment of a fixed penalty (hereinafter in these rules referred to as “a notice”) shall be in the form in the Schedule or in a form to the like effect.

(2) A notice, in specifying an alleged offence, shall contain a reference to the section of the Act or, as the case may be, the rule creating the offence.

Copy to be sent to clerk of the magistrates' court.

3. A copy of any notice given under section 18A shall, as soon as practicable, be forwarded by or on behalf of the person giving the notice to the clerk of the magistrates' court.

Identification of notice.

4.(1) The person paying a fixed penalty shall either forward with the remittance Part 2 of the relevant notice or identify the notice by specifying its serial number.

(2) If, owing to the failure of the person paying a fixed penalty to comply with the provisions of subrule (1), the clerk of the magistrates' court is unable to identify the relevant notice, the clerk shall, as soon as practicable, return the remittance to that person.

The full amount of penalty to be accepted.

5. If less than the full amount of a fixed penalty is tendered to the clerk of the magistrates' court in payment of the fixed penalty the clerk shall, as soon as practicable, return to the sender the amount tendered.

Payment to be refused if criminal proceedings are taken.

6. (1) Where criminal proceedings in respect of the act or omission constituting the offence specified in a notice are taken, notification thereof shall, as soon as possible, be given by or on behalf of the prosecutor to the clerk of the magistrates' court.

(2) The clerk shall not, after receiving such notification, accept payment of the fixed penalty to which the notice relates.

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PORT (FIXED PENALTY) (PROCEDURE) RULES

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Issue of receipt.

7. Subject to the preceding provisions of these rules the clerk of the magistrates' court shall, as soon as practicable after payment of a fixed penalty has been made to him –

(a) send to the payer a receipt for the payment ; and

(b) inform the Captain of the Port and the Commissioner of Police of the payment.

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PORT (FIXED PENALTY) (PROCEDURE) RULES

SCHEDULE.

Rule 2.

Serial No. (of notice).....

PORT ACT.

(Act 1960-16).

Section 18A.

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY.

PART I.

(Describe the vessel, vehicle, trailer, container, machinery, or other article or thing) ....., was seen on (insert name of road, quay, wharf or other area) ..... from ..... to ..... (at .....) on the ..... day of .....20...., in circumstances giving me reasonable cause to believe that an offence, particulars of which are given below, was being or had been
committed.

(here insert particulars of the offence alleged).

Signature: .....

Designation: .....

Date: .....

(Note : This notice must be signed by the Captain of the Port, a Police Officer, or an authorized member of the Port Department).

If before the expiration of seven days following the date of this notice, the sum of £..... (being the fixed penalty for the offence) is paid to the clerk of the magistrates' court, 277, Main Street, no proceeding for the offence will be taken, and any liability to conviction of the offence will be discharged. Cash should be sent by registered post ; cheques, postal orders or money orders should be made payable to the clerk of the magistrates' court.

A receipt for the payment will be given. Part payment will not be accepted by the clerk.

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The person paying the fixed penalty must forward with the remittance Part 2 of this notice or identify this notice by quoting its serial number.

If the fixed penalty is not paid, the offender is liable to be prosecuted.

PART 2.

Serial No. (of notice) .....

To the Clerk of the Magistrates' Court, 277, Main Street.

I enclose the sum of £..... as payment of the fixed penalty for the offence mentioned in Part I of this notice.

Name (in block capitals) .....

Address (in block capitals) .....

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