

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,602 of 4th APRIL, 1991.

I ASSENT,

DEREK REFFELL,

GOVERNOR.

4th April, 1991.



GIBRALTAR

No. 4 of 1991.

AN ORDINANCE to amend the Criminal Procedure Ordinance.

Title and commencement.

1. This Ordinance may be cited as the Criminal Procedure (Amendment) Ordinance, 1991, and shall come into operation on such day as the Governor may appoint by notice in the Gazette and different days may be so appointed for different purposes.

Amendment to section 2.

2. Section 2 -of the Criminal Procedure Ordinance (hereinafter called "the principal Ordinance"), is -amended in subsection (1) by inserting -in the definition of "fine",. after the word "conviction" the following words-

"save that in section 179A "fine" means a pecuniary penalty".

Amendment to section 57B.

Criminal Procedure (Amendment). Ordinance, 1991.

3. Section 57B of the principal Ordinance is amended in subsection (6)-

- (a) in paragraph (a) by omitting the figure "£500" and substituting therefor the expression "level 3 on the standard scale";
- (b) in paragraph (b) by omitting the expression "of 2000" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 57D.

4. Section 57D of the principal Ordinance is amended in subsection (4)-

- (a) in paragraph (a) by omitting figure "£500" and substituting therefor the expression "level 3 on the standard scale";
- (b) in paragraph (b) by omitting the expression "of £2000" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 105.

5. Section 105 of the principal Ordinance is amended in subsection (6) by omitting the expression "of £400" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 126.

6. Section 126 of the principal Ordinance is amended in subsection (7) by omitting the expression "of £500" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 154.

7. Section 154 of the principal Ordinance is amended by omitting the figure "100" and substituting therefor the expression "level 3 on the standard scale".

Amendment to section 155.

8. Section 155 of the principal Ordinance is amended by omitting the Figure "£100" and substituting therefor the expression "level 3 on the standard scale".

Amendment to section 169.

Criminal Procedure (Amendment). Ordinance, 1991.

9. Section 169 of the principal Ordinance is amended in subsection (3) by omitting- the figure "£100" and substituting therefor the expression "level 3 on the standard scale".

New section 179A.

10. The principal Ordinance is amended by inserting after -section 179 a new-section 179A as follows-

"Standard scale of fines.

179A. (1) There shall be a standard scale of fines for offences which shall be known as "the standard scale".

(2) The scale shall be provided in Part I of schedule 6 to this Ordinance.

(3) If it appears to the governor that there has been a change in the value of money since the date on which that level was last determined, he may by order substitute for the sum or sums for the time being specified in schedule 6 such other sum or sums as appear to him justified by the change.

(4) Where any Provision (whether continued in an Ordinance passed before or this Ordinance) provides-

- (a) that a person convicted for an offence shall be liable on conviction to a fine or to a maximum fine by reference to a specified level on the standard scale; or
- (b) confers power by subsidiary legislation to-make a person liable on conviction of an offence (whether or not created by subordinate legislation) to a fine or a maximum fine by reference to a specified level on the standard scale,

it is to be construed as referring to the standard scale for which this section provides and to the levels specified in Part I to Schedule 6 from time to time."

Amendment to section 180.

11. Section 180 of the principal Ordinance is amended in the proviso to subsection (1) by omitting the words "twelve months" and substituting therefor the words "the period applicable to the case under Schedule 5".

Criminal Procedure (Amendment). Ordinance, 1991.

Repeal and replacement of section 183.

12. Section 183 together with the marginal note thereto is repealed and replaced by the following new section-

"Limit on fines.

183. (1) A child shall not be ordered to pay any fine of an amount greater than that provided for in Part 2 of Schedule 6 for any offence

(2) A young person shall not be ordered to pay any fine of an amount greater than that provided for in Part 3 of Schedule 6 for any offence."

Amendment to section 185.

13. Section 185 of the principal Ordinance is amended by inserting a new subsection '(4) as follows-

"(4) The Governor may by order omit, vary or amend any of the matters contained in Schedule 5."

Amendment to section 251.

14. Section 251 of the principal Ordinance is amended in subsection (2) by omitting the expression "of £50.'" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 259.

15. Section 259 of the principal Ordinance is amended in subsection (2) by omitting the expression of £50 and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 267.

16. Section 267 of the principal Ordinance is amended in subsection (2) by omitting the expression "of 50 and substituting therefor the expression "at level 3 on the standard scale".

New Schedule 6.

17. The principal Ordinance is further amended by inserting a new Schedule 6 in the following terms—

“SCHEDULE 6

Criminal Procedure (Amendment). Ordinance, 1991.

Section 179A

**PART I
STANDARD SCALE OF FINES FOR OFFENCES**

Level on the scale	Amount of fine £
1	100
2	200
3	500
4	2000
5	5000

PART II.

MAXIMUM FINE PAYABLE BY A CHILD

The maximum fine payable by a child shall be £100.

PART III.

MAXIMUM FINE PAYABLE BY A YOUNG PERSON.

The maximum fine payable by a young person shall be £200.

Consequential amendments.

18. The Interpretation and General Clauses Ordinance is amended-

- (a) in section 2 by inserting between the definition of "sign" and "statutory declaration" the following new definition-

"standard scale" means the standard scale of fines provided for by section 179A- and Schedule 6 of, the Criminal Procedure Ordinance and reference to a "level" on the standard scale is reference to the levels provided for in the left-hand column on the scale and the amounts corresponding thereto in the righthand column;"

Criminal Procedure (Amendment). Ordinance, 1991.

- (b) in section 23(b) by omitting the figure "£100" and substituting therefor the expression "level 3 on the standard scale".

Passed by the Gibraltar House of Assembly on the 26th day of March, 1991.

C. M. COOM,

Clerk to the Assembly.