
FIXED PENALTY (AMENDMENT OF SCHEDULES) ORDER 2013

The Administrator makes the following Order in exercise of the powers under section 9(2) of the Fixed Penalty Ordinance 2010.

Short title

1. This Order may be cited as the Fixed Penalty (Amendment of Schedules) Order 2013.

Commencement

2. This Order comes into force on 1 April 2013.

Interpretation

3. In this Ordinance the “principal Ordinance” means the Fixed Penalty Ordinance 2010(a).

Amendment to Schedule 1 to the principal Ordinance

4. Schedule 1(b) to the principal Ordinance is amended in accordance with Schedule 1 to this Ordinance.

Amendment to Schedule 2 to the principal Ordinance

5. Schedule 2 to the principal Ordinance is amended in accordance with Schedule 2 to this Ordinance.

SCHEDULE 1

Article 4

AMENDMENTS TO SCHEDULE 1 TO THE PRINCIPAL ORDINANCE

After serial 141 insert—

“82.	Smoking in a public service motor vehicle.	€85	Health (Control of Smoking) Ordinance 2013(c)	Section 11(1)
83.	Smoking in a private motor vehicle with a passenger under 16.	€85	Health (Control of Smoking) Ordinance 2013	Section 12(1)
84.	Failure to erect a sign prohibiting smoking in a public service motor vehicle.	€85	Health (Control of Smoking) Ordinance 2013	Section 13 (offence relating to public service motor vehicle only).”.

AMENDMENTS TO SCHEDULE 2 TO THE PRINCIPAL ORDINANCE

1. Serial numbers 7 to 12 are repealed and substituted with the following—

“7.	(i) Digging, extracting, heaping, loading or removing stones, shingle, sand, gravel or any other material from the seashore without a licence. (ii) Failure to comply with conditions in a licence to dig, heap, extract, load or remove stones, shingle, sand, gravel or any other material from the seashore.	€85	Seashore Protection Ordinance 2013(d)	Section 4(1), (4) and (5)
8.	Dumping rubble, refuse or oil on the seashore or in the sea.	€85	Seashore Protection Ordinance 2013	Section 5(1) and (2)
9.	(i) Driving on the seashore. (ii) Failure to comply with conditions in a public instrument which permits driving on a specified area of the seashore.	€85	Seashore Protection Ordinance 2013	Section 6(1), (4) and (6)
10.	(i) Parking on the seashore. (ii) Failure to comply with conditions in a public instrument which permits parking on a specified area of the seashore.	€85	Seashore Protection Ordinance 2013	Section 7(1), (4) and (6)
11.	(i) Erecting or placing a temporary or moveable structure on the seashore without a licence. (ii) Failure to comply with conditions in a licence to erect such a structure.	€85	Seashore Protection Ordinance 2013	Section 8 (1), (5) and (6)
12.	(i) Organising an event on the seashore or land abutting the seashore without a licence. (ii) Failure to comply with conditions in a licence.	€85	Seashore Protection Ordinance 2013	Section 10(1), (5) and (6)
12A.	(i) Bringing an animal onto the seashore. (ii) Washing an animal in the sea.	€85	Seashore Protection Ordinance 2013	Section 12(1), (2) and (4).”.

2. Serial numbers 41 to 44 are repealed and substituted with the following—

“41.	Supply of tobacco products to a person under 18.	€85	Health (Control of Smoking) Ordinance 2013	Section 4(1)
42.	(i) Distribution of free tobacco products or products designed to imitate tobacco products. (ii) Supplying marketing or promoting tobacco for oral use, tobacco which does not meet specified requirements, or imitation tobacco products.	€85	Health (Control of Smoking) Ordinance 2013	Section 5(1)

43.	Advertising, sponsoring or distance selling of tobacco products.	€85	Health (Control of Smoking) Ordinance 2013	Section 6(1), and (4)
44.	(i) Supplying or offering for sale tobacco products without prescribed health warning. (ii) Placing the health warning on tobacco products at any time other than the time of production and packaging.	€85	Health (Control of Smoking) Ordinance 2013	Section 8(1) and (2)
44A.	(i) Offering tobacco products for sale in a vending machine (ii) Possessing or controlling a vending machine used, designed or adapted for sale of tobacco products. (iii) Installing or permitting the installation of a vending machine used, designed or adapted for sale of tobacco products. (iv) Facilitating the operation of a vending machine used, designed or adapted for the sale of tobacco products. (v) Importing or manufacturing a vending machine designed or adapted for the sale of tobacco products.	€85	Health (Control of Smoking) Ordinance 2013	Section 9(1)
44B.	(i) Smoking in public premises. (ii) Failure to take reasonable measures by a person controlling a public place to prevent a person smoking.	€85	Health (Control of Smoking) Ordinance 2013	Section 10(1) and (2)
44C.	Failure to erect a sign prohibiting smoking in public premises.	€85	Health (Control of Smoking) Ordinance 2013	Section 13 (offence relating to public premises only)
44D.	(i) Failure by an employer to have a workplace smoking policy. (ii) Failure by an employer to erect signs stating where smoking is permitted or prohibited.	€85	Health (Control of Smoking) Ordinance 2013	Section 14(1), (3) and (5)
44E.	Supplying or offering for sale tobacco products which exceed prescribed limits of tar, nicotine etc. content.	€85	Health (Control of Smoking) Ordinance 2013	Section 15
44F.	Supplying or offering for sale tobacco products with comparative labelling.	€85	Health (Control of Smoking) Ordinance 2013	Section 16(1)

44G.	(i) Obstructing an authorised officer. (ii) Failure to supply a sample to an authorised officer.	€85	Health (Control of Smoking) Ordinance 2013	Section 18(1).”.
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3. Serial numbers 119 to 127 are repealed and substituted with the following—

“119.	Exceeding the maximum number of game which may be hunted or possessed in regulations made under section 17(1)(a).	€170 for each game which exceeds the prescribed number	Game and Wild Birds Ordinance 2008(e)	Section 17(1)(a) and (3)
120.	Exceeding the number of hunting dogs that a holder of a game licence may train in regulations made under section 17(1)(f).	€100	Game and Wild Birds Ordinance 2008	Section 17(1)(f) and (3)
121.	Training hunting dogs other than in prescribed areas, or at other than prescribed times and periods in those areas, as prescribed in regulations made under section 17(1)(g).	€300	Game and Wild Birds Ordinance 2008	Section 17(1)(g) and (3)
122.	Training or allowing breeds of dogs used in dogs races to roam in areas reserved for the training of hunting dogs in regulations made under section 17(1)(h).	€500	Game and Wild Birds Ordinance 2008	Section 17(1)(h) and (3)
123.	Roaming or exercise of a dog in an area where it is prohibited in regulations made under section 17(1)(i) between sunset and sunrise unless accompanied by owner and controlled by a leash.	€500	Game and Wild Birds Ordinance 2008	Section 17(1)(i) and (3)
124.	Roaming or exercise of a hunting dog within a game reserve unless area has been designated a training area in regulations made under section 17(1)(j).	€300	Game and Wild Birds Ordinance 2008	Section 17(1)(j) and (3)
125.	Exceeding the number of dogs which may accompany a shepherd or animal breeder prescribed in regulations made under section 17(1)(k).	€100	Game and Wild Birds Ordinance 2008	Section 17(1)(k) and (3)
126.	(i) Failure to transport a hunting dog in a cage in the required manner. (ii) Failure to transport a breed of dog other than a hunting dog in a cage on an unpaved road.	€100	Game and Wild Birds Ordinance 2008	Section 17A(f)
127.	Failure to carry or produce a game licence.	€50	Game and Wild Birds Ordinance 2008	Section 20
127A.	Failure to wear hunting orange while hunting.	€50	Game and Wild Birds Ordinance 2008	Section 22

127B.	(i) Display of live game which has been captured. (ii) Display of dead game from motorised transport.	€85	Game and Wild Birds Ordinance 2008	Section 23(1)(a) and (c) and (2)
127C.	Disposing of spent cartridges or other waste while hunting.	€50 plus €1 for every cartridge disposed of unlawfully	Game and Wild Birds Ordinance 2008	Section 24(1) and (3)(g)
127D.	Failure to retain part of caught game's plumage until reaching the final destination at the end of the hunt.	€85	Game and Wild Birds Ordinance 2008	Section 25
127E.	Using without a licence the items specified in section 26(1)(d) (models of game and wild birds, appliance which omit imitation sounds etc.).	€500	Game and Wild Birds Ordinance 2008	Sections 26(1)(d) and 26(3).
127F.	Possession (without a licence) of items specified in section 26(1)(d).	€350	Game and Wild Birds Ordinance 2008	Section 27(1) and (3)(h)
127G.	Failure to kill game immediately.	€150	Game and Wild Birds Ordinance 2008	Section 26(2A)(i) and (3)
127H.	Failure to display licence to deal in game in conspicuous place.	€40	Game and Wild Birds Ordinance 2008	Section 36(1) and (4)
127I.	Failure to display taxidermist's licence in a prominent place.	€40	Game and Wild Birds Ordinance 2008	Section 42(4)(a) and (9).".

Dated this 28th day of March 2013.

By the Administrator's Command,

J. S. Wright,

Chief Officer,

Sovereign Base Areas.

(SBA/AG/2/AM/263/1)

Notes

- (a) Ordinance 25/10.
- (b) Schedule 1 was amended by P.I. 7/12 and 34/12.
- (c) Ordinance 6/13.
- (d) Ordinance 10/13.
- (e) Ordinance 21/08; section 17 was amended by Ordinance 8/13.
- (f) Section 17A was inserted by Ordinance 8/13.
- (g) Section 24 was amended by Ordinance 8/13.
- (h) Section 26 was amended by Ordinance 8/13.
- (i) Subsection (2A) was inserted by Ordinance 8/13.

EXPLANATORY NOTE

(This note is not part of the Order)

1. This explanatory note relates to the Fixed Penalty (Amendment of Schedules) Order 2013 (the “Order”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Order. It does not form part of the Order.
2. This Order amends Schedules 1 and 2 to the Fixed Penalty Ordinance 2010 (the “Ordinance”). The Schedules specify offences which may be disposed of by way of a fixed penalty notice. Offences specified in Schedule 1 fall solely within the jurisdiction of the SBA Police. Offences specified in Schedule 2 fall within the jurisdiction of the SBA Police, Area Officers and investigating officers (appointed under section 4 of the Criminal Procedure Ordinance).
3. The Ordinance provides that the power to dispose of a matter by fixed penalty applies to the offences referred to in the final 2 columns of each Schedule. The description of the offence in the 2nd column of each Schedule is a summary and is not intended to limit the application of a fixed penalty.
4. The Order specifies that offences in the Game and Wild Birds Ordinance 2008 (as amended), the Health (Control of Smoking) Ordinance 2013 and the Seashore Protection Ordinance 2013 may be disposed of by way of the issue and acceptance a fixed penalty notice.