

## FINES AND PENALTIES.

3 OF 1883.

*Repealed  
by Law 40/48*TO AMEND THE LAW RELATING TO THE ENFORCEMENT AND RECOVERY  
OF FINES AND PENALTIES.

ROBERT BIDDULPH.]

[March 14, 1883.]

1. The word "penalty" in this Law shall (except where otherwise specified) include any fine imposed under any Law in force in the Island, any forfeited recognizance, and any sum adjudged to be paid by any person (whether prosecutor or accused) by way of compensation, damages, costs or otherwise on the hearing or trial of any charge against a person accused of an offence under any such Law.

Definition.

2. Any penalty ordered to be paid may be ordered to be paid forthwith or at such subsequent time as the Court making the order may think fit, not being more than fourteen days after the making of the order, or not more than fourteen days after the service of notice of the order upon the person against whom it is made, if he is not present before the Court at the time when the order is made.

Penalty may be ordered to be paid forthwith or within 14 days.

3. Any Court by which any penalty is ordered to be paid may interrogate the person against whom it is made as to his means of payment, and if he is not present before the Court at the time when the order is made, may, if it shall think fit for that purpose, issue such process to compel his appearance as it may issue to compel the attendance of a witness.

Court may interrogate person against whom order made.

4. Every Court by whose order any penalty is ordered to be paid shall, subject and according to the restrictions and provisions in this Law contained, have power to enforce payment thereof, together with the costs incurred in enforcing payment, by sale of a sufficient part of the movable property of the person against whom the order is made and by ordering that he be imprisoned.

Penalties may be enforced by sale of movables or imprisonment.

5.—(1.) Where any penalty (other than a sum of money ordered to be paid by way of costs by a prosecutor or complainant) does not exceed the sum of five pounds, and the Court ordering it to be paid shall think fit to enforce payment by imprisonment only; or

In certain cases by imprisonment only.

Where it appears to the Court that the issuing of a warrant of sale would be ruinous to the person by whom any penalty is ordered to be paid and his family; or

In other cases by sale of movables and in default of sufficient movables, by imprisonment.

Where it appears to the Court that he has no movable property whereon to levy by sale;

then and in every such case the Court may, if it shall think proper, by its warrant commit the person against whom the order for payment is made to prison without issuing any warrant of sale.

(2.) In all other cases the Court shall issue its warrant or warrants for the levy and recovery of the penalty ordered to be paid, together with the costs of such levy, by the sale of a sufficient part of the movable property of the person ordered to pay the penalty, and, if sufficient property is not found whereon levy and recovery can be made, may by its warrant commit him to prison.

A warrant issued under this sub-section is hereinafter referred to as a warrant of sale.

Application of sum realised where property sold not sufficient to satisfy whole penalty.

6. Where property is found to satisfy part only of the sum or sums mentioned in any warrant or warrants issued under the provisions of this Law, together with the costs of execution, the money which shall actually be raised shall be applied as follows: viz., first in or towards payment of the costs of execution, and the surplus, if any, in or towards payment of any sum by any such warrant directed to be raised in satisfaction of the costs of the proceedings on which the warrant was issued, and the surplus, if any, after satisfying such costs, in or towards payment of any sum by any such warrant directed to be raised in satisfaction of any compensation or damages, and the surplus, if any, after making all the payments aforesaid, in satisfaction so far as the same will allow of the fine, penalty or forfeited recognizance mentioned in the warrant; and the Court before which the return to the warrant is made shall have power to order that the person adjudged to pay the penalty mentioned in the warrant be imprisoned in respect of any sum which may remain unsatisfied after execution of the warrant.

Notice of order imposing penalty to be given before issuing warrant. Notice of order, what sufficient and how served.

7. Where any order is made imposing any penalty and the person against whom it is made is not present before the Court at the time when it is made, he shall be served with notice of it before any warrant of sale or commitment shall issue against him.

8. Notice of any order for the payment of a penalty may be given by service on the person to be affected thereby, of a copy of the minute of the order; and service of such notice upon any person either by delivering the copy to him personally or by leaving it at his usual or last known place of abode, addressed to him, shall be deemed sufficient service on him for the purposes of this Law.

Court may order detention of person against

9. Where any Court issues any warrant of sale under this Law it may suffer the person, against whom the warrant is issued to go at large, or order him to be detained in custody until return is made to the warrant, unless he shall give sufficient security by recognizance or