

ROYAL COURT

23rd November, 1987

Before The Bailiff, assisted by Jurats Coutanche and Bonn

Her Majesty's Attorney General

-v-

F.Zonta

Advocate S.C. Nicolle for the Crown
Appellant representing himself.

Appeal from Police Court against conviction and sentence of fines totalling £40 and £10 costs imposed for 2 parking infractions.

THE BAILIFF: Stand up please. We have to dismiss your appeal against conviction because you did break the law. As regards the fines we see from the law that the maximum amount that you can be fined is twenty pounds and we think as a matter of principle that the Magistrate erred in imposing the maximum amount when in fact you have had no offences for five years. We think there has to be an exercise of discretion; it is not a fixed penalty and if it is desired to have a fixed penalty for parking then the law should say so, but it does not say so, it says "maximum amount" and therefore in assessing a fine there has to be an assessment of what proportion of the maximum amount, if indeed the maximum amount at all, should be paid. We therefore substitute a fine of £15 for each of the offences.