

Memorandum for Executive Council

SUBJECT

Criminal Justice (Fixed Penalties) Bill 2019

Memorandum by the Chairman of the Social and Community
Development Committee

ADVICE SOUGHT

- 1. Executive Council is asked to consider and advise:**
- (a) whether the attached Fixed Penalty Notice Policy (Annex A) should be approved;**
 - (b) whether the attached Criminal Justice (Fixed Penalties) Bill 2019 (Annex B) should be approved; and**
 - (c) whether the Social and Community Development Committee should commence public consultation on the policy and draft Bill.**

**BACKGROUND &
CONSIDERATIONS**

- 2. Executive Council is asked to consider the attached policy and the Criminal Justice (Fixed Penalties) Bill 2019. The Bill will introduce the basis for a Fixed Penalty Notice (FPN) system to St Helena. It will enable Regulations to be introduced to allocate suitable offences for FPNs.
- 3. The establishment of a FPN system would present an alternative disposal for certain offences on St Helena. A person accused of a relevant offence would have the opportunity to discharge criminal liability for the offence by paying a fine without having to be tried and convicted by a Court.
- 4. The use of fixed penalty notices will:
 - (a) Allow the diversion of minor offending from the court system;
 - (b) Allow for a relevant offence not to be recorded as a criminal conviction against an individual;
 - (c) Allow for the commencement of enforcement of matters such as illegal parking and littering.
- 5. The Bill will allow for Regulations including those that:
 - (a) Allocate suitable offences for which FPNs can be used.
 - (b) Detail the conditions for the impositions of FPNs for a specified offence.

FINANCIAL IMPLICATIONS	(c) Detail the Amount of an FPN for a specified offence. 6. There will be some cost involved in setting up and administering an FPN system. However, it is considered there will be a financial benefit from the revenue from FPNs and court savings.
ECONOMIC IMPLICATIONS	7. Whilst this is a procedural change, all offences will not be recorded and as such people will be better able to find work.
CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES PUBLIC / SOCIAL IMPACT	8. N/A 9. The introduction of the system is expected to lessen the caseload of the Court and thereby reduce the pressure on present resources. The introduction of this legislation is expected to reduce the recording of matters in a person's criminal record. The use of FPNs can allow for the commencement of enforcement in currently unaddressed matters such as illegal parking and littering.
ENVIRONMENTAL IMPACT	10. This change will allow policies on parking charge schemes and litter fines to be developed for agreement by elected members without the implication that anyone in breach of these policies would result in having a court order.
PREVIOUS CONSULTATION / COMMITTEE INPUT	11. Both the policy informing the Bill and the Bill have been reviewed and approved by the Social Community Development Committee on 7 November 2019.
PUBLIC REACTION	12. It is anticipated that as an alternative to prosecution the FPN system will be welcomed by the public. The public may express some concern over FPNs being used for road traffic matters.
PUBLICITY	13. It is proposed that this matter should be covered in the media briefing following the meeting. If ExCo agrees for the Policy and Draft Bill to be published for public consultation, this will be carried out via the normal process using all available channels.

**SUPPORT TO
STRATEGIC
OBJECTIVES**

14. This paper supports the National Goal “Altogether Wealthier” by presenting an alternative way of dealing with offences and thereby removing a perceived obstacle to personal development and potential employment.

**LINK TO
SUSTAINABLE
ECONOMIC
DEVELOPMENT
PLAN GOALS**

15. This paper supports SEDP Goal 8 Develop, Maintain and Attract a Skilled Workforce.

**OPEN /CLOSED
AGENDA ITEM**

Open

AAG

Corporate Support
Corporate Services
14 November 2019