



ST HELENA

REVISED EDITION OF THE LAWS 2017

CRIME AND CRIMINAL PROCEDURE

CRIMINAL JUSTICE (FIXED PENALTIES) ORDINANCE 2020¹

Ordinance 9 of 2020

In force 15 April 2020

Subsidiary Legislation:

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Legal Notice 19 of 2025; in force 1 October 2025

CRIMINAL JUSTICE (FIXED PENALTIES) ORDINANCE 2020

AN ORDINANCE to make provision for fixed penalties to be issued in respect of certain offences; and for matters connected therewith or incidental thereto.

Short title

1. This Ordinance may be cited as the Criminal Justice (Fixed Penalties) Ordinance, 2020.

Interpretation

2. In this Ordinance, unless the context otherwise indicates—
- “**fixed penalty notice**” means a notice issued and served in the prescribed manner by an officer to a person considered by the officer to have committed a prescribed offence which gives the person the opportunity to discharge any liability to conviction for the offence to which the notice relates by paying a prescribed penalty;
- “**motor vehicle**” has the same meaning as that given to this term in the Road Traffic Ordinance, 1985;
- “**officer**” means a police officer as defined in the Interpretation Ordinance 1968 or a person appointed, in the manner prescribed, by the Governor to issue or serve a fixed penalty notice; and
- “**prescribed offence**” means an offence prescribed in Regulations under section 9(a).

Evidential Test

3. The evidential test for the prosecution of an offence must be met before a fixed

¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 15 April 2020.

penalty notice may be issued.

Service of notification and payment of penalty

4. (1) An officer who has reason to believe that a person has committed a prescribed offence for which a fixed penalty notice may be issued, must cause notification of the offence to be served on the person in accordance with subsection (2).

(2) The notification served under subsection (1) must be in the prescribed form and must require the person upon whom the notification is served to either accept or refuse to accept a fixed penalty notice in relation to the offence of which the person is accused.

(3) Notification under subsection (1) is considered to be served on the person named in the fixed penalty notice who is accused of having committed the offence contained therein if the notification is—

- (a)* handed to the person by an officer;
- (b)* delivered to the person by registered post;
- (c)* left by an officer at the last known address of the person; or
- (d)* placed securely on a motor vehicle involved in the commission of a prescribed offence for which provision is made under the Road Traffic Ordinance, 1985.

(4) A person served with notification of a fixed penalty notice may be eligible to pay a reduced amount as prescribed if payment of the penalty in the fixed penalty notice is made within a time prescribed.

Action that may be taken on service of notification of a fixed penalty notice

5. A person who is served with notification of a fixed penalty notice may within the period prescribed by Regulations—

- (a)* accept the fixed penalty notice in the manner prescribed and pay the penalty specified in the fixed penalty notice; or
- (b)* deny the offence by returning the notification of the fixed penalty notice in the manner prescribed.

Contents of fixed penalty notice

6. A fixed penalty notice must be in the form prescribed and must—

- (a)* specify the alleged offence (and give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about the offence);
- (b)* specify the amount of the penalty and the period for payment thereof;
- (c)* contain an option for a person served with a fixed penalty notice to pay a reduced amount before a specified date in the fixed penalty notice that is earlier than the date specified pursuant to paragraph *(b)*;
- (d)* state the consequences of not paying the penalty before the end of the period mentioned in the notice;
- (e)* specify the person to whom and the address at which payment may be made;
- (f)* state that the person named in the fixed penalty notice has a right to deny the offence of which the person is accused, be tried for the offence and explain how that right may be exercised.

Effect of fixed penalty notice and payment

7. (1) Proceedings for an offence in respect of which a fixed penalty notice is issued may not be commenced before the end of the period specified in the fixed penalty notice for

payment of the penalty stated in the fixed penalty notice.

(2) If the penalty specified in the fixed penalty notice is paid before the end of the period stated in the fixed penalty notice, no proceedings for the offence may be commenced.

Withdrawal of fixed penalty notice

8. (1) Notwithstanding any provision contained in this Ordinance if the Director of Police, any police officer of the rank of Inspector or above or person appointed by the Governor, considers that a fixed penalty notice should not have been issued or served, the fixed penalty notice may be withdrawn by the Director of Police, the police officer of the rank of Inspector or above or person appointed by the Governor, as the case may be.

(2) If a fixed penalty notice is withdrawn in accordance with subsection (1) any amount which has been paid by way of penalty in pursuance of the fixed penalty notice must be refunded.

(3) If a fixed penalty notice is withdrawn pursuant to this section the Director of Police or police officer of the rank of Inspector or above withdrawing the fixed penalty notice must cause notice of the withdrawal to be served on the person who was served with the fixed penalty notice.

(4) For the purpose of subsection (1) “person appointed by the Governor” means a person who is the chief officer of a department of Government who the Governor may appoint, by Order, to issue or withdraw a fixed penalty notice for a prescribed offence.

Regulations

9. The Governor in Council may make regulations necessary or convenient for the purposes of this Ordinance and, without prejudice to the generality of this provision, may specifically prescribe—

- (a) the offences in respect of which fixed penalty notices may be issued;
 - (b) the form of the notification for a fixed penalty notice;
 - (c) the form of a fixed penalty notice issued under this Ordinance;
 - (d) the amount of the penalty for purposes of this Ordinance;
 - (e) who must be appointed and the manner in which a person must be appointed to be an officer for the purpose of this Ordinance; and
 - (f) generally for carrying into effect the provisions of this Ordinance.
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CRIMINAL JUSTICE (FIXED PENALTIES) ORDINANCE 2020

CRIMINAL JUSTICE (FIXED PENALTIES) REGULATIONS 2025

In exercise of the powers conferred by section 9 of the Criminal Justice (Fixed Penalties) Ordinance, 2020, the Governor on the advice of the Executive Council makes the following Regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Criminal Justice (Fixed Penalties) Regulations, 2025.

(2) These Regulations come into force on 1 October 2025.

Offences and penalties

2. (1) An offence for which a fixed penalty notice may be issued is specified in Schedule I.

(2) Schedule I may be amended by Order made by the Governor on the advice of the Executive Council.

Form of notice and offences

3. A fixed penalty notice must be issued in accordance with section 6 and in the form specified by the Director of Police and published by Notice in the Gazette.

Payment dates and early payment

4. (1) The penalty in respect of a fixed penalty notice is due to be paid within 60 days of the date of the fixed penalty notice.

(2) Payment of the penalty in respect of a fixed penalty notice before the expiration of 30 days after the date of the fixed penalty notice is satisfied by payment of 50 percent of the penalty specified in respect of the fixed penalty notice.

(3) If payment of a penalty in respect of a fixed penalty notice is not made on the date specified in sub-regulation (2) the penalty in respect of the fixed penalty notice must be paid in full and within the period specified in sub-regulation (1).

Place of payment

5. (1) Payment of a penalty specified in a fixed penalty notice may be made at the St Helena Post Office and at any branch of the Bank of St Helena during the period that the St Helena Post Office and any branch of the Bank of St Helena are open for business transactions.

(2) An additional location may be specified for payment of a penalty in a fixed penalty notice by Order made by the Governor on the advice of the Executive Council.

Criteria for the issue of a fixed penalty notice

6. (1) The Director of Police must cause any further criteria to be applied to the use of fixed penalty notices, after consultation with and approval from the Attorney General, to be published by Notice.

(2) Where a fixed penalty notice is issued in relation to a matter which does not fall under the responsibility of the Director of Police but which falls under the responsibility of any department of Government, the Director of the department of Government must, subject to subregulation (3), after consultation with the Director of Police, cause a Notice to be published in the Gazette specifying the criteria to be applied to the use of fixed penalty notices.

(3) A Notice specifying the criteria to be applied to the use of fixed penalty notices pursuant to sub-regulation (2) must be approved by the Attorney General prior to the publication of the Notice.

Officers to be appointed

7. A person specified in Schedule II must be appointed by Order made by the Governor to be an officer for the purpose of the Ordinance.

Revocation

8. The Criminal Justice (Fixed Penalties) Regulations 2022 are revoked.

SCHEDULE I

Offences and penalties

A fixed penalty notice may be issued in respect of an offence pursuant to—

- (a) section 3(1) of the Criminal Damage Ordinance, 1979 – penalty £100;
- (b) section 1(1) of the Theft Act, 1968 – penalty £100;
- (c) section 7(1) of the Public Order Ordinance, 1997 – penalty £100;
- (d) section 6(2) of the Summary Offences Ordinance, 1975 – penalty £100;
- (e) section 12(2) of the Summary Offences Ordinance, 1975 – penalty £50;
- (f) section 76(3) of the Environmental Protection Ordinance, 2016 – penalty £50; or
- (g) regulation 6 of the Local Traffic Regulations, 1985 – penalty £50.
- (h) section 71(1) of the Fisheries Ordinance, 2021 – penalty £200.
- (i) section 73(1) of the Fisheries Ordinance, 2021 – penalty £200.
- (j) section 20(1) of the Environmental Protection Ordinance, 2016 – penalty £200.
- (k) section 109(2) of the Environmental Protection Ordinance, 2016 – penalty £200.
- (l) section 109 (3) of the Environmental Protection Ordinance, 2016 – penalty £200.
- (m) section 71(3) of the Fisheries Ordinance, 2021 – penalty £100.
- (n) section 72(2) of the Fisheries Ordinance, 2021 – penalty £100.
- (o) section 72(4) of the Fisheries Ordinance, 2021 – penalty £100.
- (p) section 74(1) of the Fisheries Ordinance, 2021 – penalty £100.
- (q) section 75 of the Fisheries Ordinance, 2021 – penalty £100.
- (r) section 81(6) of the Environmental Protection Ordinance, 2016 – penalty £100.
- (s) section 4(1) of the Protection of Wrecks and Marine Archaeological Heritage Ordinance, 2014 – penalty £100.

SCHEDULE II
(section 9(e))

Officers to be appointed

- (a) The Chief Fisheries Officer (section 5(1) of the Fisheries Ordinance, 2021);
- (b) A Fisheries Protection Officer (section 5(2) of the Fisheries Ordinance 2021); and
- (c) The Chief Environmental Officer (section 7(1) of the Environmental Protection Ordinance, 2016).

Made by the Governor on the advice of the Executive Council this 3rd day of July 2025.

Nigel Phillips
CBE Governor

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Criminal Justice (Fixed Penalties) Regulations, 2025, specify the form in which a fixed penalty notice is to be issued, the manner in which a penalty is to be paid and the offences for which a fixed penalty notice may be issued. Regulation 8 revokes the Criminal Justice (Fixed Penalties) Regulations 2022, which were approved by the Executive Council, but have not yet been made. The 2022 Regulations have now been superseded by these Regulations and a revocation has been included for the avoidance of doubt.
