

# PORT OF DOVER POLICE

Our Ref      CL/CAH

3rd May 2011

Dear Sir

We write further to your Freedom of Information request, as below, and apologise for the delay in replying due to the numerous Bank Holidays.

"I see per a previous FoI request (to N Brun) that the DHB Bye-Laws are 'in the process of being updated' from the version you've published (Bye-laws 1953).

I see that the original 1953 bye-laws have been brought into line with regard to fines with the Criminal Justice Act 1967 (from 1<sup>st</sup> January 1968).

Can you confirm if any further updates have been made to the bye-laws to bring them into line with later versions of the Criminal Justice act, specifically around fines being based on a Standard Scale rather than a fixed maximum? And if so, please provide details."

We have had the Dover Harbour Board Solicitors working on your request and please find below their response to same:-

"As stated in the notice on the bye-laws, the maximum penalties under the bye-laws were increased by a general provision in the Criminal Justice Act 1967 to the levels mentioned in the notice (£50.00 for the bye-laws made under the 1847 Act and £100.00 for the bye-laws made under the Explosives Act 1975 or the Petroleum (Consolidation) Act 1928). The CJA 1967 operated not only on the power to impose penalties under those Acts but also on the existing penalties imposed by bye-laws which had already been made.

"Section 40 of the Criminal Justice Act 1982 increased the power to make fines in subordinate legislation (and converted the fines to references to the standard scale). However, unlike the CJA 1967, it did not operate directly on the fines which had already been imposed by bye-laws or other subordinate legislation.



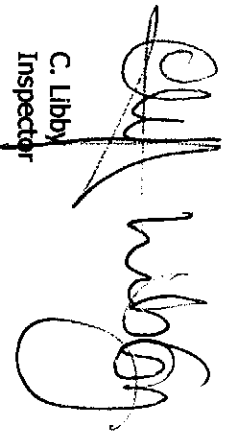
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"Any power of a Harbour Authority to impose penalties on summary conviction for contravention of bye-laws was increased to a power to impose a maximum fine at level 4 of the standard scale by virtue of s.57 of the Criminal Justice Act 1988. But, again, s.37 of the CJA 1988 did not operate directly on fines which had already been imposed by bye-laws.

"In summary we have not been able to find any general provision which has had the effect of increasing the level of the fines under the 1953 Bye-Laws which were set by the CJA 1967 as set out in the notice with the bye-laws or which converted them into levels in the standard scale. So the maximum fines have remained, and remain, at the levels in the notice until new bye-laws are made which increase the penalties."

I hope this answers your questions to your satisfaction, please could you acknowledge receipt of this email and confirm that your request has been complied with in order that I may close my file.

Yours sincerely



C. Libby  
Inspector