

ROYAL COURT
(Samedi Division) 187.

25th September, 1995

Before: The Deputy Bailiff, and
Jurats Blampied and Vibert

Police Court Appeal (The Magistrate)

Cavan Michael Allan James Vetier

- v -

The Attorney General

Appeal against sentence of £750 or 3 weeks' imprisonment in default of payment, with 3 months' disqualification from driving imposed on 27th June, 1995, following a guilty plea to:

1 count of dangerous driving, contravening Article 14 of the Road Traffic (Jersey) Law, 1956, as amended.

Appeal allowed; £500 fine substituted.

Advocate S. Slater for the Appellant.
S.C.K. Pallot, Esq., Crown Advocate.

JUDGMENT

THE DEPUTY BAILIFF: At 5.10 p.m. on the evening of Friday, 3rd March, 1995, when, in the words of the Centenier, "it was relatively dark", which presumably means that it was dusk, a line of about six vehicles were following a slow moving vehicle up Beaumont Hill towards the Airport. The road was very wet; there had been rain and hail for most of the day. The appellant was in a hurry; he pulled out to overtake. When he pulled out the road was clear but it was not far from the bend. There were double white lines on the road and the corner, of course, was blind. A car approached down the hill; there could have been a very nasty accident. However, the appellant's car managed to squeeze into the lane of slow moving cars and two drivers in that slow moving lane reported the incident. They were sufficiently disturbed by it to do that.

The appellant is a young man with no previous record and he was fined £750 and disqualified from driving for three months. We have no doubt that this was a disgraceful piece of driving. We were at first disturbed by a passage in the transcript. However, Crown Advocate Pallot interrupted our delivering judgment. If we may say so he did that at exactly the right time and quite rightly and pointed out that the matter is in fact clear and was clarified later in the transcript.

We retired again and we are satisfied that we were not correct in our original assumptions.

Despite all that, we feel that a fine of £750 with the three months' disqualification was excessive and we are therefore going to reduce the fine to £500. Mr. Slater, you shall have your legal aid costs.

Authorities

Thomas: "Principles of Sentencing" (2nd Ed'n): pp.190-1.

Blackstone's Criminal Practice (1995 Ed'n): pp.844-846.