

YOUTH APPEAL COURT

8

15th January, 1996

Before: The Deputy Bailiff and Mr. A. Le Maistre,  
Mrs. C. Jeune, Mrs. R. Smith

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H

-v-

The Attorney General

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Appeal against conviction by the Youth Court on 26th July, 1995, following guilty pleas to:

2 counts of driving a motor cycle, unsupervised, whilst the holder of a provisional licence only, contrary to Article 6(2) of the Road Traffic (Jersey) Law, 1956, as amended.

Appeal allowed; conviction quashed.

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Advocate J.C. Gollop for the appellant  
J.G.P. Wheeler, Esq., Crown Advocate

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JUDGMENT

**THE DEPUTY BAILIFF:** On 26th July, the appellant pleaded guilty before the Youth Court to two charges of contravening Article 6(2) of the Road Traffic (Jersey) Law, 1956, as amended. He was not represented, he pleaded guilty, as I have said, and was duly sentenced to comply with a Binding Over Order to be of good behaviour for a period of 18 months concurrent on each charge.

The appeal is remarkable in that the appellant was wrongly charged. The offence for which he was properly arrested was the offence of carrying a passenger on a motor cycle while he was only the holder of a provisional licence. He was charged with an offence of riding a motor cycle on a road while not under the supervision of a qualified licence holder.

H through Advocate Gollop, now applies for leave to appeal out of time and we accept. It is not opposed by the Crown.

There is one potential difficulty, Article 14(1) of the Police Court Miscellaneous Provisions (Jersey) Law 1949, allows an appeal against conviction where the appellant has pleaded not

guilty. We are encouraged to be able to follow the case of Bish (18th May, 1992) Jersey Unreported, where the Court said this:

*"The conclusion which we draw from these cases is that the Court will look at any case to see if it has jurisdiction where either the accused did not appreciate the nature of the offence or there were any other ground entitling the Court to do so. It is not necessary for us to consider the approach in the Court of Appeal because the statute in that case is different."*

In our view, of course, there are other grounds which entitle the Court to found jurisdiction. There are exceptional grounds, in this case and we have no hesitation, in the circumstances of this unfortunate matter, in quashing the conviction.

Authorities

Bish (18th May, 1992) Jersey Unreported.