

ROYAL COURT
(Samedi Division)

158.

29th July, 1994

Before: The Deputy Bailiff, and
Jurats Le Ruez and Herbert

The Attorney General

- v -

Zac Christopher Oeillet

- 3 counts of using a motor vehicle uninsured against third party risks, contrary to Article 2(1) of the Motor Traffic (Third Party Insurance) (Jersey) Law, 1948 (counts 3, 4, 5 of the indictment);
- 1 count of driving a motor vehicle without due care and attention, contrary to Article 15 of the Road Traffic (Jersey) Law, 1956 (count 6); and
- 1 count of using a defective vehicle, contrary to Article 53 of the Motor Vehicles (Construction & Use) (Jersey) Order, 1956, as amended (count 7).

(The accused had pleaded not guilty to counts 1 & 2 of the indictment and had been acquitted at an Assize Trial on 5th July, 1994).

AGE: 20 yrs 5 mths.

PLEA: Guilty.

DETAILS OF OFFENCE:

Between May and August, 1993, drove different vehicles without third party insurance. The third occasion was after he had been interviewed re the other two. One of the vehicles was so defective that it should not have been on the road. On one occasion he hit another car. Tried to cover his insurance offence by producing someone else's insurance. Totality of insurance offenders very serious [see Article 4 of Young Offenders' Law].

DETAILS OF MITIGATION:

Came within the provisions of the Criminal Justice (Young Offenders) (Jersey) Law, 1994, thus could only be sentenced to youth detention if totality so serious that non-custodial cannot be justified. Favourable, not to say stary-eyed, probation report.

PREVIOUS CONVICTIONS: Some, including motoring.

CONCLUSIONS:

- Counts 3 & 4: 1 year's probation, conditional upon attending OBG; 1 year's disqualification from driving (concurrent).
Count 5: 1 year's probation, conditional upon attending OBG; 18 months' disqualification from driving (concurrent).
Count 6: £75 fine or 3 weeks' detention in Young Offenders' Centre in default of payment.
Count 7: £25 fine or 1 week's detention in Young Offenders' Centre in default of payment (consecutive).

SENTENCE AND OBSERVATIONS OF THE COURT:

Conclusions granted. Prosecution, defence and Court in turn all warned Oeillet that breach would place him at risk of Youth Detention.

The Solicitor General.
Advocate D.F. Le Quesne for the accused.

JUDGMENT

5 THE DEPUTY BAILIFF: You have heard that which the Solicitor General has said and that which your counsel has said on your behalf. You have behaved in an immature and irresponsible way. You have risked damage and hurt to other members of the public by driving continuously without having third party insurance. You knew perfectly well that you needed third party insurance, the Court has no doubt about that, and yet you continued to drive without it.

10 The Court is going to grant the conclusions but it wishes to emphasise that which the Solicitor General has said. The Court expects you to co-operate fully with the Probation Service and expects you to behave yourself during the term of the Probation Order and if you do not do that and you come back before this
15 Court for a breach of the Order then you can expect something much more serious being done. The Court hopes that you understand that and the Court hopes that you will take the opportunity which is now going to be given to you.

20 The Court sentences you formally on counts 3, 4 and 5 to be placed on probation for one year, conditionally upon your being of good behaviour during that time and living and working as directed by your Probation Officer and subject to the further condition
25 that you attend the Offending Behaviour Group. On each of counts 3 and 4 you will be disqualified for holding a driving licence for a period of one year and on count 5, you will be disqualified for

5 a period of 18 months in each case concurrent. On count 6, you will be fined the sum of £75, or, in default, three weeks' detention at the Young Offenders' Centre. On count 7, you will be fined £25, or, in default, one week's detention at the Young Offenders' Centre, consecutive, making a total fine of £100, or, in default, four weeks' detention at the Young Offenders' Centre.

No Authorities.