

ROYAL COURT  
(Samedi Division)

227.

14th November, 1994

Before: The Deputy Bailiff, and  
Jurats Gruchy and Herbert.

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Police Court Appeal  
(The Relief Magistrate  
T.A. Dorey, Esq.)

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Stuart Mark Peter Hannaford

- v -

The Attorney General

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Appeal against a sentence of 6 months' imprisonment, passed on 16th September, 1994, following breach of a 3 year probation order with 240 hours of community service, imposed on 2nd June, 1994, by the Magistrate, with a warning that any breach would attract a 6 month prison sentence, following guilty pleas to:

- 1 count of grave and criminal assault, on which count the Court, on 2nd June, 1994, imposed the 3 year probation order with 240 hours community service;
- 1 count of contravening Article 27 of the Firearms (Jersey) Law, 1956, on which count the Court, on 2nd June, 1994, imposed a concurrent 3 year binding over order; and
- 1 count of theft, on which count the Court, on 2nd June, 1994, imposed a concurrent 3 year binding over order.

Appeal allowed; sentence quashed; case remitted to the Magistrate's Court.

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Advocate A.D. Robinson on behalf of the  
Attorney General.  
Advocate R.G. Morris for the Appellant.

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JUDGMENT

5 THE DEPUTY BAILIFF: One thing troubled the Court on reading through  
the transcript of this appeal: it was that on 1st June, 1994, the  
10 Criminal Justice (Young Offenders) (Jersey) Law, 1994, came into  
force. That Law prohibits a sentence of imprisonment being passed  
on a person under the age of 21. In circumstances where a prison  
sentence would otherwise have been imposed the Court must impose a  
sentence of Youth Detention. I do not know whether Mr. Robinson  
for the Crown has any observations on this but it seems to me on  
the face of it that the Court has omitted to have regard to the  
15 Young Offenders' Law and has imposed a sentence which is *ultra*  
*vires* in that a sentence of imprisonment has been imposed. The  
provisions of the Law also impose a duty on the Magistrate to  
inform the young offender why the Court is imposing a sentence of  
youth custody, which appears equally to have been overlooked.

[The Court heard submissions from counsel].

20 The Court will - in the light of the failure of the Police  
Court to have regard to the provisions of the Criminal Justice  
(Young Offenders) (Jersey) Law, 1994, which, as I have said, came  
into force on 1st June this year - allow the appeal; quash the  
sentence which was imposed upon Hannaford of six months'  
imprisonment; and remit the matter to the Police Court, so that it  
25 may be examined afresh and a sentence passed, pursuant to the  
provisions of the Young Offenders' Law. Mr. Morris you shall have  
your legal aid costs.

No authorities.