

ROYAL COURT
(Samedi Division)

5th December, 1994

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Before: The Bailiff and Jurats
Vibert and Rumfitt.

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

Stephen James Hendry

-v-

The Attorney General

Appeal against a total sentence of 2 months' Youth Detention, with a fine of £200 or 1 week's Youth Detention in default of payment, consecutive, and 15 months' disqualification from driving, passed on 27th October, 1994, following guilty pleas to:

- 1 charge of theft, on which charge a sentence of 2 months' Youth Detention was imposed; and
- 1 charge of driving a motor vehicle after consuming so much alcohol that the proportion of it in his breath exceeded the prescribed limit, contrary to Article 16A (1) of the Road Traffic (Jersey) Law, 1956, as amended, on which charge a fine of £200 or 1 week's Youth Detention in default of payment, consecutive, with 15 months' disqualification from driving was imposed.

Appeal allowed; sentence quashed; case remitted to the Magistrate's Court to be considered with other offences on 14th December, 1994.

Advocate S.E. Fitz for the Appellant
J.G.P.Wheeler, Esq., Crown Advocate

JUDGMENT

5 THE BAILIFF: This case is really on all fours with the appeal we have just heard, Ashford (5th December, 1994) Jersey Unreported, and we are going to quash the sentence and remit the case to the Magistrate's Court to be considered with other offences on 14th December, 1994.

10 There is the additional point in this case, which did not feature in the Ashford case, and that is that it does not appear

to us that the requirements of Article 7, nor indeed of Article 4 of the Criminal Justice (Young Offenders) (Jersey) Law 1994 have been properly observed, and that in itself might well have been an additional ground for referring the case back. However, we do not have to consider that point, because we are referring the case back on the principle set out in de Moulpied, (14th November, 1994) Jersey Unreported. We stress and repeat that it is important in the Magistrate's Court that, in cases of this nature, all the offences should be dealt with together.

Having said that, the Court is perfectly satisfied about what you did and for which you were sentenced; the fact that we have quashed your sentence does not mean that we are condoning what you did. You are going back to the Magistrate's Court, where you will be dealt with because the Law has not been properly observed, and for no other reason.

Authorities

Criminal Justice (Young Offenders) (Jersey) Law 1994:
Articles 4(2), 7.

5 Ashford-v-A.G. (5th December, 1994) Jersey Unreported.

de Mouilpied-v-A.G. (14th November, 1994) Jersey Unreported.