

4th November, 1985.

POLICE COURT APPEALS.

A.G. -v- Peter Frank Sharp.

DEPUTY BAILIFF: The appeal is dismissed. The Magistrate had ample evidence to show and indeed the advocate has not disputed that the appellant was going too fast for the conditions; he had ample evidence to show that the appellant was going, almost certainly, at a speed of more than 40 miles per hour. It may be that the Magistrate exaggerated a little when he said that the appellant was going a lot more than 40 miles per hour. Nonetheless, what we think is the important factor is that the Magistrate was entitled to take the view that the appellant was going at a speed which was a lot greater than was the safe speed in the conditions obtaining on that occasion and we think that that was the main factor which the Magistrate had to take into account in deciding the length of disqualification and having regard for the fact that the appellant had on four previous occasions, been convicted of speeding - that is to say, of going too fast - then here was a fifth occasion on which the appellant was going too fast. Certainly, the Magistrate is entitled to take the view that he was exceeding the speed limit even though he may not have been going a lot faster than 40 but here was a fifth occasion when the appellant was going too fast and since that was the fifth occasion, we think the Magistrate was entitled, having seen that the appellant had already been disqualified on one previous occasion and we think, frankly, the appellant was fortunate to have been disqualified on only one of the previous occasions. We think this was a case where the Magistrate was entitled to say that this is the fifth time that he has been going too fast and now there must be a fairly substantial period of disqualification and we cannot find that 6 months is excessive in all the circumstances.