

ROYAL COURT

3rd October, 1988

Before: The Deputy Bailiff and
Jurats Vint and Hamon

Her Majesty's Attorney General

- v -

Anna Elizabeth Gallichan

Appeal against sentence of disqualification
imposed in respect of infractions of Articles
15 and 27 (as amended) of the Road Traffic
(Jersey) Law, 1956.

Advocate S.C. Nicolle for the Crown
Advocate C.J. Scholefield for the appellant

JUDGMENT

DEPUTY BAILIFF: Having considered all that has been said, we are left with the feeling that had the appellant been represented and all the relevant factors put before the Magistrate, the disqualification would have been for a shorter period. Whilst we accept that schedules of previous decisions are of limited assistance, nevertheless it is important that consistency be achieved as far as possible in the Court below and the schedules do contain enough information to satisfy us that the disqualification in this case was out of line with other cases where only

these two offences were involved. The important matter here is that this young and inexperienced driver should be subjected to a further driving test. The appeal is allowed; the disqualification on both counts is set aside and a disqualification of two months on each charge concurrently is substituted. Mr Scholefield will have his legal aid costs.

Authorities cited:

Thomas - Principles of Sentencing, 2nd Edition, p.p. 73, 353, 354.

Kemp & Kemp The Quantum of Damages (Vol 2):-

Laker -v- Townsend Para 4-122(1)

Long v South Wales Electricity Board (Para 4-112)

Folder v Canadian Pacific Steam Ships Limited (Para 4-114)

McIsaac v Ross (Para 4-116)

Lee v Liverpool Corporation (Para 4-117)

Kertesz v Goodyear Tyre & Rubber Company (Great Britain)
Limited (Para 4-118)

Lloyd v British Airways Authority & Brocks Fireworks Limited (Para 4-122)

Deverew -v- National Coal Board (Para 4-126)

Woodhill -v- Eastern Electricity Board (Para 4-226)

Neal -v- Faulkner Engineering (Para 4-227)

Jenkins -v- Eagle International Freight Ltd and Keydril Ltd 1983 C.A.No U.B. 783;
January 26, 1983: Page 2019 (Para 2-017)