

ROYAL COURT
(Samedi Division)

37.

9th March, 1990

Before: The Deputy Bailiff, and Jurats
Mrs. Myles and Orchard

The Attorney General

- v -

Jason Beard

Infractions under the Road Traffic
(St. Helier) (Jersey) Order, 1988
(38 counts); infractions under the
Road Traffic (Public Parking Place)
(Jersey) Order, 1985 (2 counts).

C.E. Whelan, Esq., Crown Advocate,
Advocate F.J. Benest for the accused.

JUDGMENT

DEPUTY BAILIFF: We maintain all that was said in the Kerrell case which has been cited to us. We are satisfied that in the matter of fines, Crown Advocate Whelan has applied the correct principles - and we are not going to disturb those bench marks. We have looked at the Kerrell papers and it is clear that there was a third category of

offences there that attracted a lesser sanction of £10 per offence. Kerrell had suffered a serious injury to his back. He could not walk any distance. He parked his vehicle each day outside his flat, went indoors and immediately telephoned a friend to remove it to a car park. Unfortunately, his friends sometimes let him down and if the friend delayed, a parking ticket was incurred. Facts of that kind do not apply here.

Thus the conclusions are granted insofar as fines are concerned and, Beard, you will be fined on counts 28 to 31 inclusive, £20 on each of those offences, or in default of payment, one week's imprisonment on each of those counts to be served consecutively. On counts 2, 4, 6, 7, 8, 9, 12, 16, 17, 21, 34 and 35, again, you will be fined the sum of £20 on each of those counts, or in default of payment, you will serve one week's imprisonment consecutively on each. On counts 1, 3, 5, 10, 11, 13, 14, 15, 18, 19, 20, 22-27 inclusive, 32, 33 and 36-40 inclusive, you will pay a fine of £15 on each of those counts, or in default of payment, you will serve three days' imprisonment consecutively; thus making a total of £680 in fines, or in default, 26 weeks and 2 days' imprisonment.

So far as costs are concerned, we are sorry that the Court's comments last time were virtually ignored by the Parochial authority. It is little short of scandalous that this man could park illegally virtually at will, for months on end without being traced and prosecuted. To mark our disapproval and having regard to the offender's means, we are going to halve the costs yet again. So Beard will pay costs of £250.

That gives a grand total of £930.

We order that he will pay at the rate of £20 per week, starting four weeks from today to give him time to find work. Unless he finds work and is able to pay £20 per week, he will have to go to prison and serve the default period.

Authorities

Attorney General -v- Kerrell (23 June, 1988) Jersey Unreported.

Thomas: "Principles of Sentencing" (2nd Edn.) p.p. 319, 320, 321.