

21st July, 1986

Her Majesty's Attorney General -v- Dylan Michael McLean

**Deputy Bailiff:** As was conceded, the offence of driving whilst disqualified is a serious one. It carries maximum penalties of a fine of four hundred pounds or imprisonment of twelve months, or both. The Legislature has provided specifically for disqualification for this offence, and the imposition of disqualification is certainly not wrong in principle, even where an 'estate' road is involved, since the appellant should have made enquiries. Sixteen months is an unusual term, the previous disqualification had not expired and it may be that the Assistant Magistrate thought that a total of eighteen months from the original date would be proper. However, it did not have that effect, because the sixteen months ran from the 10th June and not from the end of the two months previously imposed so that effectively the total was seventeen months and four days. The only question we have to ask ourselves is whether sixteen months is manifestly excessive for driving whilst disqualified restricted to estate roads under a mistake of law. This must be taken quite independently of the question of imprisonment or fine. We think it was excessive, having regard to the special circumstances of the offence. We allow the appeal and substitute a disqualification for holding or obtaining a licence for a period of twelve months. The appellant will have his costs.