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1/12

15th December, 1986

Her Majesty's Attorney General -v- Catherine Martland

DEPUTY BAILIFF: The policy of this Court has been made absolutely clear. Where there is a second conviction for an Article 16 offence there will be a custodial sentence unless there are exceptional circumstances. There were no exceptional circumstances in this case. The Court has also said that even with a first offence, where the blood alcohol level is very high, there should be a custodial sentence unless there are exceptional circumstances, and in this case the blood alcohol count was 282. Either the appellant lied about the amount of drink consumed or she had a substantial residue from previous drinking. There were no exceptional circumstances, indeed, she had not long had her licence back after her previous disqualification. Whilst she was considered satisfactory, or suitable for Community Service she failed to keep her first appointment for assessment, and reported an hour late on the second occasion. The sentence imposed is shown to be virtually the minimum tariff sentence and in all the circumstances we cannot fault the Assistant Magistrate's decision, and we dismiss the appeal.

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