

ROYAL COURT

1st July, 1988

Before: the Deputy Bailiff,  
assisted by  
Jurats Coutanche and Bonn

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Her Majesty's Attorney General

- v. -

GM

JW

and

AS

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Numerous offences under the Road Traffic (Jersey)  
Law, 1956, and associated counts, together  
with counts of larceny, receiving stolen property,  
aiding and assisting in larceny, breaking and entering  
and larceny and malicious damage. The accused were  
aged 17, 16 and 17 respectively

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H.M. Attorney General for the Crown  
Advocate B.I. Le Marquand for the accused

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JUDGMENT

DEPUTY BAILIFF: The Court agrees with the Attorney General that in these cases there must be a sentence which is seen by both the offenders and the public to be punishment. GM and JW have both been on probation and in that sense have had their opportunity which they have failed to take. Therefore we are going to sentence them to a period of detention. We also want to stress the seriousness of driving without insurance; too often it is looked upon as just another motoring offence, but when inexperienced youths like these go driving around, they put others at risk of serious injury without compensation. Furthermore, emphasis must be given to the distress caused. For example, one of the motorcycles was not just taken and driven away, but was stolen and its identity was concealed. In another incident, Mother's Day gifts were stolen; and worst of all, of course, was the invasion of the private house at St. Martin. One is easily able to appreciate the distress of Commander Kent, at his age, at losing what were undoubtedly prized possessions.

Therefore, in dealing with GM and JW, we are going to grant the conclusions. Indeed we think that three months is lenient and we gave consideration to imposing the maximum of six months. It is only because we take the remand period into account that we feel able, with some hesitation, to accept the lower period. Therefore, GM, on count 1 you are sentenced to three months' detention at the Young Offenders' Centre; on counts 2 to 12 inclusive and on counts 23 to 34 inclusive you are sentenced to three months' detention at the Young Offenders' Centre concurrent with each other and concurrent with count 1, making a total detention period of three months. The Probation Order and the Community Service Order are discharged.

JW, on count 13, you are sentenced to three months' detention at the Young Offenders' Centre; on counts 14 to 34 inclusive, you are sentenced to three months' detention at the Young Offenders' Centre to run concurrently with each other and with the sentence imposed in respect of count 13, making a total of three months' imprisonment. The present Probation Order will continue in force.

As far as AS is concerned, we feel that we must mark the fact that he was involved in only one offence. We cannot sentence on his past record, but only on the present indictment and there should be a distinction between his single offence and the multiple offences of the other two. Therefore, AS you are sentenced to two months' detention at the Young Offenders' Centre, to date from the 4th July.

LATER IN THE MORNING

Submission by Her Majesty's Attorney General to the effect that the Court has acted ultra-vires in sentencing AS . Reference to Article 19(2)(b) of the Children (Jersey) Law, 1969, which requires a period of detention at the Young Offenders' Centre of three months.

DEPUTY BAILIFF: AS , it appears that in attempting to be lenient to you, we did something that we should not have done because, for a reason which escapes me, a Young Offenders' Centre sentence has to be for a minimum of three months. We want to maintain the shorter sentence that we spoke of this morning and therefore we are going to sentence you instead of two months in the Young Offenders' Centre, to two months' imprisonment.  
✓

n.b. No authorities.

