

ROYAL COURT

115.

19th August, 1991

Before: P.R. Le Cras, Esq., Commissioner, and
Jurats Le Ruez and Vibert

Attorney General

- v -

Nicholas Ian Cooke

Police Court Appeal: Appeal against
sentence of disqualification from
holding or obtaining a licence
for life.

Advocate S.C.K. Pallot for the Crown,
Advocate Miss D. Sowden for the appellant.

JUDGMENT

COMMISSIONER LE CRAS: Mr. Cooke, will you stand up, please. We wish to say at the outset that when the no doubt inevitable application is made in three years time for the return of the licence, the hands of the Magistrate who listens to that application cannot be bound by the remarks of the Magistrate who

imposed the original sentence. Turning to the sentence itself, given the circumstances (and included amongst those is the fact that this is a second offence and the necessity for you not only to start but to continue your rehabilitation - and in saying that we have no doubt that you are mindful of the likely consequences of a breach of the Probation Order) it is clear that a period of suspension beyond the statutory minimum is necessary. As is properly conceded by the Crown, life suspension is too long and taking into account the circumstances as put to us, we think that a suspension of seven years is the correct term. Legal aid costs.

Authorities

Thomas: Current Sentencing Practice p.p. 8028/3-8030/3.

Wilkinsons: Road Traffic Offences (14th Ed'n) p.p.1/864-6.

R. -v- Lee (1971) Crim. L.R. 177.

R. -v- Ward (1971) Crim. L.R. 665.

R. -v- McLaughlin [1978] RTR 452.