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ROYAL COURT

28th August, 1991

117.

Before: The Bailiff, and
Jurats Gruchy and Le Ruez

The Attorney General

- v -

Karl Yves Kent

Police Court Appeal: Appeal against sentence of
£350 fine imposed in respect of an infraction of
Article 16 (as amended) of the Road Traffic
(Jersey) Law, 1956.

Advocate S.C.K. Pallot for the Crown;
Advocate C. Davies for the appellant.

JUDGMENT

BAILIFF: This is an appeal from the Magistrate's decision to
impose a fine of £350 in respect of an offence under Article 16
of the Road Traffic (Jersey) Law, 1956, (as amended). The
appellant rode a pedal cycle whilst clearly he was unfit to do

so and also whilst he was disqualified from driving a motor car. To his credit he did not drive a motor car but he chose another form of transport which carries with it, as Mr. Pallot has rightly pointed out, almost the same, if not identical, financial penalties as a motoring offence under Article 16 and that was only recently altered by the States. Therefore, the message is quite clear to the Courts that even a non-motoring offence under Article 16 is a serious matter and the penalties must reflect that seriousness accordingly.

Having said that, however, we are not satisfied that the doctor's report which indicated that the appellant was only moderately unfit was brought to the learned Magistrate's attention and under all the circumstances we are going to substitute a fine of £250 for that imposed. Legal aid costs.

No authorities.