

ROYAL COURT

21st October, 1991

153.

Before: The Bailiff, and
Jurats Myles and Le Boutillier

Attorney General

- v -

Antonio De Freitas

Police Court appeal against sentence of
disqualification from driving imposed
for an infraction of Article 2 of the
Motor Traffic (Third Party Insurance)
(Jersey) Law, 1948, (as amended).

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

JUDGMENT

BAILIFF: It is undesirable where persons are unrepresented and particularly where they are foreigners and cannot speak the English language, even though there is an interpreter present, that a conviction of this nature should be recorded without

giving the appellant full and sufficient time to put forward his explanation of such matters as he thinks are necessary. Having regard to the fact that the driver himself appears to have had a sentence somewhat different from the appellant, we think the appeal should be allowed. Therefore we accordingly allow this appeal and the sentence of disqualification is quashed, with legal aid costs.

Authorities

Wilkinson's Road Traffic Offences, Vol. 1: p.128.

Thomas: Principles of Sentencing (2nd Ed.) pp. 64 & 65.

A.G. -v- Marie (26th October, 1988) Jersey Unreported.