

**ROYAL COURT**  
**(Samedi Division)**

13th September, 1993

117.

**Before: The Bailiff, and**  
**Jurats Hamon and Le Ruez**

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**Police Court Appeal:**

**Patrick John Paul McDermott**

- v -

**The Attorney General**

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Appeal against 3 months' disqualification ordered on 27th July, 1993, by the Magistrate, following a guilty plea to, *inter alia*, 1 count of contravening Article 2(1) (as amended) of the Motor Traffic (Third Party Insurance) (Jersey) Law, 1948, (charge 2 of the charge sheet).

The Appellant was also placed on probation for 1 year, with 45 hours of community service on charge 2, which is not appealed.

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**Advocate R.J. Renouf for the Appellant.**  
**Advocate Mrs. S.A. Pearmain, on behalf of the**  
**Attorney General.**

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**JUDGMENT**

**THE BAILIFF:** Mr. Renouf, it is quite true that the Magistrate did not ask your client to submit any matters to him in relation to a disqualification and of course it is always preferable that the Magistrate should do so if he is going to disqualify.

The case of Kollins (17th February, 1992) Jersey Unreported was slightly different. There the Magistrate was intending to

disqualify beyond the normal range - and we cannot think that three months was beyond the normal range in the present case.

We have the power under Article 17(3) of the Police Court (Miscellaneous Provisions) (Jersey) Law, 1949, either to affirm or reverse the decision, or to remit the matter to the Magistrates' Court. We do not think it is necessary to remit it; we are going to deal with it, which the above Article also gives us power to do.

Looking at the matter from the point of view of the protection of the public, people who drive whilst they are disqualified must be fully aware of the policy of the Courts of disqualifying them from driving.

Your client had a heavy duty goods vehicle licence for some years and must have known the risk he was taking in using his mobyette whilst uninsured. Under the circumstances we do not think that it would be unjust if we upheld the decision of the Magistrate by substituting our own order for it of three months disqualification after hearing what you had to say, Mr. Renouf, in mitigation. You shall have your legal aid costs.

**Authorities**

Kollins -v- A.G. (17th February, 1992) Jersey Unreported.

Police Court (Miscellaneous Provisions) (Jersey) Law, 1949:  
Article 17(3).