

Judgment 36/2007

Hannah Lord – Royal Court (Criminal Appeal No 13 of 2007) – 1 October 2007

Criminal appeal from the Magistrate’s Court – cycling through traffic lights - offence which could have been dealt with by way of a Fixed Penalty Notice – appeal allowed and offence dismissed under the Probation of Offenders Law

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 1st day of October, 2007 before Richard John Collas, Esquire, Deputy Bailiff, present: David Charles Lowe, OBE, Derek Martin Le Page, Stephen Edward Francis Le Poidevin and Keith Bichard, OBE, Esquires, Reverend Peter Gerald Lane, Michael Henry De La Mare, Esquire, Susan Mowbray, David Osmond Le Conte and John Ferguson, Esquires, Jurats.

No.13 of 2007

In the action of THE LAW OFFICERS OF THE CROWN against HANNAH LORD (“the Appellant”) to pursue the appeal of which the said Lord gave notice against the sentence imposed by the Magistrate’s Court on the 21st day of August, 2007 in the terms attached hereto;

THE COURT, having heard the Appellant in person and Advocate C. Dunford for the Crown ALLOWED the appeal and dismissed the conviction under the Probation of Offenders’ Law.

S M SIMMONDS
Her Majesty’s Deputy Greffier

In the Royal Court of Guernsey

On Appeal from the Magistrate's Court

Law Officers of the Crown

-v-

Hannah LORD

Before Richard John Collas, Deputy Bailiff

**Jurats: Lowe, Le Page, Le Poidevin, Bichard, Lane, De La Mare, Mowbray,
Le Conte, Ferguson**

Appeal Against Sentence Heard 1st October 2007

Appellant in person

Advocate for the Respondent: C G Dunford

1. Miss Lord we have carefully considered your Appeal. Your main grievance here is that this is a matter which could have been dealt with by way of a Fixed Penalty Notice, although the Police chose not to do so and instead brought the matter before the Court. Had it been dealt with in that way, you would not have had a conviction recorded against you.
2. We have heard an explanation from Advocate Dunford which seemed to us to be entirely unsatisfactory as to why the Police did not deal with it by way of a Fixed Penalty Notice and in those circumstances, we allow this Appeal in that we dismiss the offence under the Probation of Offenders' Law which means that you will have no conviction recorded against you.
3. We would ask Advocate Dunford to notify the Police of this decision so as to draw it to their attention. The purpose of the Fixed Penalty Ordinance and the powers contained therein was to try to ensure that matters of a minor nature did not need to become before the Court unless there was a good reason for bringing them before the court and we would hope that the Police will observe the spirit of that in the future.
4. So your Appeal is allowed.