

Judgment 38/2005

**Colin Andrew Le Page – Royal Court –
5 July, 2005**

Criminal appeal from the Magistrates Court – sentence – driving with unsecured load and defective tyres – disqualifications varied so as to be concurrent rather than consecutive.

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 5th day of July, 2005 before Geoffrey Robert Rowland, Esquire, Bailiff; present:- David Charles Lowe, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith Bichard, O.B.E., Esquires, The Reverend Peter Gerald Lane, Michael Henry de la Mare, Michael John Tanguy, Esquires and Susan Mowbray, Jurats.

In the action of THE LAW OFFICERS OF THE CROWN against COLIN ANDREW LE PAGE (“the Appellant”) to pursue the appeal of which the said Le Page gave notice against sentence imposed upon him by the Magistrate’s Court on the 14th day of June 2005;

THE COURT having heard Advocate J.A.S. White, Counsel for the Appellant and Advocate P. Robey for the Crown thereon, DISMISSED the Appeal in respect of the First Charge and ALLOWED the Appeal in respect of the driving disqualification on the Second and Third charges and substituted therefor disqualifications from holding or obtaining a driving licence in all categories for a period of one month on each charge, such disqualifications to run concurrently with each other and with the disqualification for a period of one month which had been imposed on the First Charge.

S. M. SIMMONDS
Her Majesty’s Deputy Greffier

OFFICIAL TRANSCRIPT

smon/LePageRC5.7.05Sentencing

TUESDAY 5TH JULY 2005

IN THE ROYAL COURT

Before

Geoffrey Robert Rowland, Esquire

Bailiff

THE LAW OFFICERS OF THE CROWN

- v -

C. A. LE PAGE

The Bailiff's sentencing remarks

- THE BAILIFF: The Court has given the most anxious and careful consideration to this appeal this afternoon. It has given very careful consideration firstly to cases where someone drives a vehicle in this Island with a load that is unsecured, and, particularly, in a case like this when it was not apparently secured at all. When items come off the back of a vehicle they can do unfortunate damage to property and on occasions people; and perhaps it is a matter of good fortune that thus far persons have not been injured and that nobody was injured in this case.
2. Moving on to the matter of tyres which are defective, again, this Court deplors cases where drivers of vehicles do not routinely inspect their tyres. It is possible to make a simple error and not to observe closely a minor defect, but here the defects were such that they can be described as quite appalling.
 3. This Court would say for the future that in the Magistrates Court and in this Royal Court, on appeal, that it is going to be the case in many instances that the Magistrate will hold that one should say a consecutive sentence if you have a defective load and you have defective tyres, there is no excuse for having two defective tyres, it may well be that the Magistrate will be imposing a consecutive sentence for each of two defective tyres. This Court takes a similar view and will take a similar view.
 4. However, this Court is conscious that in the past there have not been disqualifications, certainly not routinely, for these type of offences.
 5. In all of the circumstances therefore the Court has resolved to dispose of the appeal in this way:
 6. For driving with an unsecured load, that is the first charge, the appeal is dismissed. Therefore the 1 month disqualification remains in force. However, and perhaps it is a matter of good fortune to Mr. Le Page, the Court has resolved that the disqualifications imposed on the second and third charges should be 1 month each but they should be concurrent.

7. The total effect therefore is that Mr. Le Page, the Appellant, is disqualified for 1 month of which he has about another week to go to serve out his total disqualification. To that extent the appeal this afternoon succeeds.
8. The Court is grateful to you, Miss White, and to Mr. Robey for their assistance in this matter.

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I, Suzanne Margaret O'Neill, hereby certify the foregoing to be a correct and complete extract, prepared to the best of my skill and ability from the tape-recording of the proceedings in this case.

..... Suzanne M. O'Neill
Wednesday 6th July 2005