85/24

25th March, 1985.

Geoffrey Woods

DEPUTY BAILIFF: ... second conviction or not, having made his decision before the bringing into force of the community service order, we cannot say whether the Full Court would or would not agree that a community service order was a substitute for prison in those circumstances and until a case arises in which the Full Court considers that matter, we can't pronounce ourselves. We are bound, of course, by the Full Court in a matter of that sort to have regard to its ruling and we cannot say, therefore, on that basis that a prison sentence is wrong in principle for a second offence. What we have to ask ourselves is whether it was wrong in principle in these particular circumstances and whether it was inconsistent of the Magistrate to impose a prison sentence. We have examined the cases shown to us by you, Mr Le Cornu, and by Miss Nicolle and we are satisfied that the magistrates are endeavouring to reach consistency in respect of sentencing; we do not find that there is an inconsistency in this case such as to entitle us to interfere. Accordingly, we cannot find that the sentence is either wrong in principle or manifestly excessive and the appeal is dismissed.