

ROYAL COURT  
(Samedi Division) 77,

24th April, 1995

Before: The Deputy Bailiff and Jurats  
Blampied and Herbert

Police Court Appeal (the Assistant Magistrate)

David Philip Carrel

-v-

The Attorney General

Appeal against sentence of £100/2 weeks' imprisonment in default of payment imposed in the Police Court on 2nd March, 1995, following guilty plea to:

1 count of failing to notify change of ownership of a motor vehicle, contrary to Article 11(2) of the Motor Vehicle Registration (Jersey) Law, 1993.

Advocate B.H. Lacey for the Appellant  
Advocate A.D. Robinson on behalf of the Attorney General

JUDGMENT

THE DEPUTY BAILIFF: There are some unfortunate aspects to this case not the least of which is the incorrect addressing of the reminder and in a different name. But, as Mr. Robinson says that is something of a red herring because the learned Assistant Magistrate was clearly informed of all these facts by the Centenier when he introduced the case.

10 We must say, however, that the exchange between the Assistant Magistrate and a litigant appearing in person where, after fining Carrel £100, the latter's protest is met with the remark, and I quote:

15 "The maximum fine, if you want to argue, is £500 and I can go up if you want" is inappropriate and must have had the effect of deterring the litigant from saying anything further. What he might have said, and what the Assistant Magistrate should properly have enquired into, was, in our view, his ability to pay.

It seems to us that a family man in receipt of welfare of £140 per week could well have had his fine reduced if his circumstances had been properly investigated.

5 In the unusual and particular circumstances of this case we are therefore minded to reduced the fine to £30 or 4 days imprisonment in lieu.

10 You will have your legal aid costs, Miss Lacey.

**No Authorities**