



# **THE MAGISTRATE'S COURT**

## **SENTENCING GUIDELINES**

### **PART 1B**

#### **OTHER ROAD TRAFFIC OFFENCES**

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## Construction and Use/Lighting

Road Traffic (Jersey) Law 1956, Art 77

Maximum: Level 3 fine (£10,000)

May disqualify or endorse in certain cases, but not for a first lighting offence. See Schedule 1, Parts D2 and D3.

### Offence seriousness (culpability and harm)

#### A. Identify the appropriate starting point

##### Starting points based on first time offender pleading guilty

Examples of nature of activity		Starting point	Range	Disqualify/Endorse
A	Minor lighting or mechanical defect	£200	£100 - £300	Consider
B	More serious lighting or mechanical defect	£500	£300 - £1,000	Consider
C	Defect causing danger	£1,000	£750 - £2,000	Consider

### Offence seriousness (culpability and harm)

#### B. Consider the effect of aggravating and mitigating factors

The following may be particularly relevant but these lists are not exhaustive

<p><b>Factor indicating higher culpability</b></p> <ol style="list-style-type: none"> <li>1. Multiple defects</li> <li>2. Heavy load or passengers actually being carried</li> <li>3. Commercial advantage gained</li> <li>4. Risk of accident/Accident caused</li> <li>5. Driving at night with defective lighting</li> </ol> <p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Injury or risk of injury to other road users</li> </ol>	<p><b>Factor indicating lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Short distance driven</li> <li>2. Vehicle now repaired/scrapped</li> </ol> <p><b>Factor indicating lesser degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Gave assistance to injured person</li> </ol>
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Form a preliminary view of the appropriate sentence,  
then consider offender mitigation

Consider endorsement/disqualification (See Schedule 1 Part D)

## Notes

1. Each offence should be identified in a detailed DVS report. The more serious offences relate to load, steering, brakes, bodywork and tyres.
2. Where both an employer and an employee have been charged, the guideline sentence for the employee may be reduced by as much as half, unless there is evidence of the employee having specific responsibility.
3. In all cases the totality of fines must be considered, taking an overall view of the seriousness of the case.

Road Traffic (Jersey) Law 1956, Art 18

## Driving licence, forgery etc.

Maximum: 2 years and a fine – Art 18(1)

Level 3 fine (£10,000) – Art 18(2)

May not endorse or disqualify.

### Offence seriousness (culpability and harm)

#### A. Identify the appropriate starting point

Starting points based on first time offender pleading guilty

Examples of nature of activity		Starting point	Range
A	Makes a false statement to obtain a licence – Art 18(2)	£1,000	£500 - £2,000
B	Makes, forges, alters with intent to deceive – Art 18(1)	2 month	£1,000 – 6 months

### Offence seriousness (culpability and harm)

#### B. Consider the effect of aggravating and mitigating factors

The following may be particularly relevant but these lists are not exhaustive

Factor indicating higher culpability	Factor indicating lower culpability
<ol style="list-style-type: none"><li>1. Commercial benefit</li><li>2. Lent to/used by disqualified driver</li><li>3. Used as form of identification</li></ol>	<ol style="list-style-type: none"><li>1. The information in question was not relevant to obtaining a licence</li></ol>
	<b>Factor indicating lesser degree of harm</b> <ol style="list-style-type: none"><li>1. Did not actually drive</li></ol>

Form a preliminary view of the appropriate sentence,  
then consider offender mitigation

## Drive whilst disqualified

Road Traffic (Jersey) Law 1956, Art 15(4)(b)

Maximum: 12 months and Level 3 fine (£10,000).

May endorse and may disqualify. No power to order the test to be retaken though such an order may already be in existence.

### A. Identify the appropriate starting point

#### Starting points based on first time offender pleading guilty

Examples of nature of activity	Starting point	Range	Disqualify/Endorse
A Driving without a provisional licence/supervising driver but after the primary period of disqualification	2 months	1 – 3 months	Additional 1 - 6 months
B Driving during the primary period of disqualification	4 months	3 – 5 months	Additional 12 months plus

### B. Consider the effect of aggravating and mitigating factors

The following may be particularly relevant but these lists are not exhaustive

Factor indicating higher culpability	Factor indicating lower culpability
<ol style="list-style-type: none"> <li>1. Never passed test</li> <li>2. Planned long-term evasion</li> <li>3. Vehicle obtained during ban</li> <li>4. Driving for remuneration</li> </ol>	<ol style="list-style-type: none"> <li>1. Genuine reason why unaware of continuing ban</li> <li>2. Genuine emergency established</li> </ol>
Factor indicating greater degree of harm	
<ol style="list-style-type: none"> <li>1. Distance driven</li> <li>2. Evidence of associated bad driving</li> <li>3. Offender caused accident</li> </ol>	

Consider personal mitigation

Consider endorsement and disqualification

## Notes

1. An offender convicted of this offence will always have at least one relevant previous conviction, for the offence that resulted in disqualification. The starting points and ranges take this into account; any other previous convictions should be considered in the usual way.
2. This offence will almost always also involve a charge of using without insurance and that has been factored into the above penalties, however always cross check the insurance guideline for impact of aggravating/mitigating factors and relevant convictions.

## Drive whilst unfit through drink or drugs

Road Traffic (Jersey) Law 1956, Art 27

Maximum: 12 months and Level 3 fine (£10,000)

Must endorse and disqualify for at least 12 months and must order retest

Must disqualify for at least 3 years if offender has been convicted of a relevant offence in preceding 10 years and must order retest

**If there is a delay in sentencing after conviction, consider interim disqualification**

Note: the final column below provides guidance regarding the length of disqualification that may be appropriate in cases to which the 3 year minimum applies. The period to be imposed in any individual case will depend on an assessment of all the relevant circumstances, including the length of time since the earlier ban was imposed and the gravity of the current offence.

### Offence seriousness (culpability and harm)

#### A. Identify the appropriate starting point

#### Starting points based on first time offender pleading guilty

Examples of nature of activity	Starting point	Range	Disqualification	Disqualification if 2nd offence in 10 years
A Evidence of moderate level of impairment and no aggravating factors	£1,200	£800 - £1,600	12 – 18 months	36 + months
B Evidence of moderate level of impairment and presence of one or more aggravating factors listed below	£2,000	£1,600 - £2,400	18 – 24 months	36 + months
C Evidence of high level of impairment and no aggravating factors	4 months	2 – 6 months	24 – 30 months	42 + months
D Evidence of high level of impairment and presence of one or more aggravating factors listed below	7 months	6 – 8 months	30 + months	42 + months

Offence seriousness (culpability and harm)

B. Consider the effect of aggravating and mitigating factors

(other than those within examples above)

The following may be particularly relevant but these lists are not exhaustive

**Factor indicating higher culpability**

1. LGV, HGV, PSV etc.
2. Poor road or weather conditions
3. Carrying passengers
4. Driving for hire or reward
5. Evidence of unacceptable standard of driving
6. High likelihood of driving (In Charge)

**Factor indicating greater degree of harm**

1. Involved in accident
2. Location e.g. near school
3. High level of traffic or pedestrians in the vicinity

**Factor indicating lower culpability**

1. Genuine emergency established \*
2. Very short distance driven \*
3. Low likelihood of driving (In Charge)

\* even where not amounting to special reasons

**Factor indicating lesser degree of harm**

1. Gave assistance to injured person

Form a preliminary view of the appropriate sentence,  
then consider offender mitigation

Must disqualify and must order retest

## Drive without a licence/Employ an unlicensed driver

Road Traffic (Jersey) Law 1956, Art 4

Maximum: Level 3 fine (£10,000)

May endorse and may disqualify.

### Offence seriousness (culpability and harm)

#### A. Identify the appropriate starting point

##### Starting points based on first time offender pleading guilty

Examples of nature of activity	Starting point	Range	Disqualify/Endorse
Lapsed full Jersey licence	£300	£200 - £500	No/No
Equivalent non-Jersey held	£500	£400 - £700	Consider
No licence held	£800	£600 - £1,500	Consider

### Offence seriousness (culpability and harm)

#### B. Consider the effect of aggravating and mitigating factors

(other than those within examples above)

The following may be particularly relevant but these lists are not exhaustive

##### Factor indicating higher culpability

1. Never taken test
2. Planned long-term evasion
3. Driving for remuneration
4. If employment charge, employer made no proper enquiry
5. LGV/HGV/PSV

##### Factor indicating greater degree of harm

1. Distance driven
2. Evidence of associated bad driving
3. Offender caused accident

##### Factor indicating lower culpability

1. Genuine emergency established
2. Lawful driving experience elsewhere

##### Factor indicating lesser degree of harm

1. Gave assistance to injured person

Form a preliminary view of the appropriate sentence,  
then consider offender mitigation

Consider endorsement and disqualification

## Excess alcohol

Road Traffic (Jersey) Law 1956, Art 28(1)(a)

Maximum: 6 months and Level 3 fine (£10,000)

Must disqualify for at least 12 months and must order retest

Must disqualify for at least 3 years if offender has been convicted of a relevant offence in preceding 10 years and must order retest

### If there is to be a delay in sentencing after conviction, consider interim disqualification

Note: the final column below provides guidance regarding the length of disqualification that may be appropriate in cases to which the 3 year minimum applies. The period to be imposed in any individual case will depend on an assessment of all the relevant circumstances, including the length of time since the earlier ban was imposed and the gravity of the current offence.

Offence seriousness (culpability and harm)							
A. Identify the appropriate starting point							
Starting points based on first time offender pleading guilty							
Level of alcohol				Starting point	Range	Disqualification	Disqual. 2nd offence in 10 years
	Breath (mcg)	Blood (ml)	Urine (ml)				
A	36 - 49	81 – 114	110 – 152	£1,200	£800 - £1,600	12 – 15 months	36 + months
B	50 – 69	115 – 160	153 – 213	£2,000	£1,600 - £2,400	15 – 18 months	36 + months
C	70 – 86	161 – 199	214 – 266	3 months	1 – 4 months	18 – 24 months	36 + months
D	87 - 104	200 – 241	267 – 320	5 months	4 – 6 months	24 – 30 months	42 + months
E	105 +	242 +	321 +	7 months	6 – 8 months	30+ months	48 + months

Offence seriousness (culpability and harm)

B. Consider the effect of aggravating and mitigating factors

The following may be particularly relevant but these lists are not exhaustive

**Factors indicating higher culpability**

1. LGV, HGV, PSV etc.
2. Poor road or weather conditions
3. Carrying passengers, especially if children
4. Driving for hire or reward
5. Evidence of unacceptable standard of driving
6. Second or subsequent relevant conviction
7. High likelihood of driving (In Charge)

**Factors indicating greater degree of harm**

1. Involved in accident
2. Location, e.g. near school
3. High level of traffic or pedestrians in the vicinity

**Factors indicating lower culpability**

1. Genuine emergency established \*
  2. Very short distance driven \*
  3. Low likelihood of driving (In Charge)
- \* even where not amounting to special reasons

**Factors indicating lesser degree of harm**

1. Gave assistance to injured person

Form a preliminary view of the appropriate sentence,  
then consider offender mitigation

Must disqualify and must order retest

**Fail to give information to identify person in charge of vehicle**

Road Traffic (Jersey) Law 1956, Art 86

Maximum: Level 3 fine (£10,000)

May not disqualify or endorse

**Offence seriousness (culpability and harm)**

**A. Identify the appropriate starting point**

Starting points based on first time offender pleading guilty

Examples of nature of activity		Starting point	Range
A	Owner/person not present at time of offence	£1,000	£750 - £1,250
B	Owner/person present at time of offence	£2,000	£1,500 - £2,500

**Offence seriousness (culpability and harm)**

**B. Consider the effect of aggravating and mitigating factors**

The following may be particularly relevant but these lists are not exhaustive

<p><b>Factor indicating higher culpability</b></p> <ol style="list-style-type: none"> <li>Seriousness of the underlying offence</li> <li>The urgency of obtaining the information</li> </ol> <p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>Accident with damage and/or injury</li> </ol>	<p><b>Factor indicating lesser degree of harm</b></p> <ol style="list-style-type: none"> <li>Gave assistance to injured person</li> </ol>
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Form a preliminary view of the appropriate sentence, then consider offender mitigation

Road Traffic (Jersey) Law 1956, Art 29(4)

## Fail to provide roadside specimen

Maximum: Level 2 fine (£1,000)

May endorse or disqualify.

### Offence seriousness (culpability and harm)

#### A. Identify the appropriate starting point

#### Starting points based on first time offender pleading guilty

Examples of nature of activity		Starting point	Range	Disqualify/Endorse
A	Defendant refused test when had honestly held but unreasonable excuse	£300	£200 - £400	Only in exceptional circumstances
B	Deliberate refusal or deliberate failure	£500	£400 - £600	Consider

### Offence seriousness (culpability and harm)

#### B. Consider the effect of aggravating and mitigating factors

(other than those within examples above)

The following may be particularly relevant but these lists are not exhaustive

Factor indicating higher culpability	Factor indicating lower culpability
<ol style="list-style-type: none"><li>1. Obvious state of intoxication</li><li>2. LGV, HGV, PSV etc.</li><li>3. Driving for hire or reward</li></ol>	<ol style="list-style-type: none"><li>1. Genuine but unsuccessful attempt to provide specimen</li></ol>

Form a preliminary view of the appropriate sentence,  
then consider offender mitigation

Consider endorsement and disqualification

## Fail to provide specimen for analysis

Road Traffic (Jersey) Law 1956, Art 30 (7)

Maximum: 6 months and Level 3 fine (£10,000)

Must disqualify for at least 12 months and must order retest

Must disqualify for at least 3 years if offender has been convicted of a relevant offence in preceding 10 years and must order retest

### If there is a delay in sentencing after conviction, consider interim disqualification

Note: the final column below provides guidance regarding the length of disqualification that may be appropriate in cases to which the 3 year minimum applies. The period to be imposed in any individual case will depend on an assessment of all the relevant circumstances, including the length of time since the earlier ban was imposed and the gravity of the current offence.

Offence seriousness (culpability and harm)					
A. Identify the appropriate starting point					
Starting points based on first time offender pleading guilty					
Examples of nature of activity		Starting point	Range	Disqualification	Disqual. 2nd offence in 10 years
A	Defendant refused test when had honestly held but unreasonable excuse	£1,200	£800 - £1,600	12 - 18 months	36 + months
B	Deliberate refusal or deliberate failure	3 months	1 - 4 months	18 – 24 months	36 + months
C	Deliberate refusal or deliberate failure where evidence of moderate level of impairment	5 months	4 – 6 months	24 – 30 months	36 + months
D	Deliberate refusal or deliberate failure where evidence of high level of impairment	7 months	6 – 8 months	30 + months	42 + months

Offence seriousness (culpability and harm)					
B. Consider the effect of aggravating and mitigating factors (other than those within examples above)					
The following may be particularly relevant but these lists are not exhaustive					

<p><b>Factor indicating higher culpability</b></p> <ol style="list-style-type: none"> <li>1. Evidence of unacceptable standard of driving</li> <li>2. LGV, HGV, PSV etc.</li> <li>3. Obvious state of intoxication</li> <li>4. Driving for hire or reward</li> </ol> <p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Involved in accident</li> </ol>	<p><b>Factor indicating lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Genuine but unsuccessful attempt to provide specimen</li> <li>2. Misplaced sense of outrage of person who has not been driving or not been drinking</li> </ol> <p><b>Factor indicating lesser degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Gave assistance to injured person</li> </ol>
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Form a preliminary view of the appropriate sentence,  
then consider offender mitigation

Must disqualify and must order retest

**Note**

1. Where one reading is available this **may** be relevant as a guide to the level of consumption.

Road Traffic (Jersey) Law 1956, Art 52

## Fail to stop/report road accident

Maximum: 6 months and/or a fine

May endorse and may disqualify. No power to order a retest.

### A. Identify the appropriate starting point

#### Starting points based on first time offender pleading guilty

Examples of nature of activity		Starting point	Range	Disqualify/Endorse
A	Minor damage/no injury or stopped at scene but failed to exchange particulars or report	£750	£500 - £1,000	No/Consider
B	Moderate damage/minor injury or failed to stop and failed to report	£1,500	£1,000 – 1 month	1 – 12 months
C	Serious damage/more than minor injury and/or evidence of bad driving/evidence of drink or drugs/evasion of test, e.g. time of night/location	3 months	2 – 4 months	12 months plus (up to and including drink-drive level)

### B. Consider the effect of aggravating and mitigating factors

(other than those within examples above)

The following may be particularly relevant but these lists are not exhaustive

Factor indicating higher culpability	Factor indicating lower culpability
<ol style="list-style-type: none"> <li>1. Knowledge/suspicion that personal injury caused (where not an element of the offence)</li> <li>2. Leaving injured party at scene</li> <li>3. Giving false details or vehicle not registered correctly</li> <li>4. Extent of any damage to vehicle or to 3<sup>rd</sup> party property</li> </ol>	<ol style="list-style-type: none"> <li>1. Believed identity known</li> <li>2. Genuine fear of retribution</li> <li>3. Subsequently reported</li> </ol>

Consider personal mitigation

## Consider endorsement and disqualification

### **Note**

1. Statutory defence in Article 52(2). A person shall not be convicted of an offence under this Article if he or she proves to the satisfaction of the court that his or her failure to comply with the provisions thereof was not with the intent of avoiding any civil or criminal liability arising out of the accident.

Fail to stop for officer/give name and address

Road Traffic (Jersey) Law 1956, Art 51

Maximum: Level 3 fine (£10,000)

May not disqualify or endorse

Offence seriousness (culpability and harm)

A. Identify the appropriate starting point

Starting points based on first time offender pleading guilty

Examples of nature of activity		Starting point	Range
A	Fail to stop when required by a police or traffic officer – Art 51(1)	£1,500	£500 - £2,000
B	Refuse to give information – Art 51(2)	£1,200	£800 - £1,600
C	Give false information - Art 51(2)	£1,600	£1,200 - £2,000

Offence seriousness (culpability and harm)

B. Consider the effect of aggravating and mitigating factors

The following may be particularly relevant but these lists are not exhaustive



## Insurance, driving without

Motor Traffic (Third Party Insurance) (Jersey) Law 1948, Art 2(1)

Maximum: 18 months and/or Level 3 fine (£10,000)

May endorse or disqualify. No power to order a retest.

### Offence seriousness (culpability and harm)

#### A. Identify the appropriate starting point

Starting points based on first time offender pleading guilty

Examples of nature of activity		Starting point	Range	Disqualify/Endorse
A	Technical offence, e.g. where a vehicle is left on the road or in a public car park but not driven	£250	£200 - £300	No
B	Negligent as to whether insured	£2,000	£1,500 - £2,500	Consider/Yes
C	Highly negligent as to whether insured or deliberately driving whilst uninsured	2 months	£2,500 – 6 months	3 – 6 months

#### B. Consider the effect of aggravating and mitigating factors

(other than those within examples above)

The following may be particularly relevant but these lists are not exhaustive

Factor indicating higher culpability	Factor indicating lower culpability
<ol style="list-style-type: none"> <li>1. Financial gain</li> <li>2. Gave false details</li> <li>3. Driving LGV, HGV, PSV etc.</li> <li>4. Carrying passengers</li> <li>5. Driving for hire or reward</li> <li>6. Evidence of sustained uninsured use</li> <li>7. Made no proper enquiry as to the existence of</li> </ol>	<ol style="list-style-type: none"> <li>1. Responsibility for providing insurance rests with another</li> <li>2. Genuine misunderstanding</li> <li>3. Recent failure to renew or failure to transfer vehicle details where insurance was in existence</li> </ol>

<p>insurance</p> <p>8. Never passed test</p> <p><b>Factor indicating greater degree of harm</b></p> <p>1. Involved in accident</p> <p>2. Accident resulting in injury</p>	<p><b>Factor indicating lesser degree of harm</b></p> <p>1. Gave assistance to injured person</p>
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Consider endorsement and disqualification

**Note**

A disqualification of more than 6 months may be appropriate where there is evidence of sustained uninsured use.

## Insurance, Fail to display WID

Motor Traffic (Third Party Insurance)  
(Jersey) Law 1948, Art 16

Maximum: Level 2 fine (£1,000) and 3 months

May not disqualify or endorse

### Offence seriousness (culpability and harm)

#### A. Identify the appropriate starting point

Starting points based on first time offender pleading guilty

Examples of nature of activity		Starting point	Range
A	Simple oversight in failing to place new WID in vehicle	£200	£100 - £300
B	Continuing failure after warning	£400	£300 - £500

### Offence seriousness (culpability and harm)

#### B. Consider the effect of aggravating and mitigating factors

The following may be particularly relevant but these lists are not exhaustive

Factor indicating higher culpability	Factor indicating lower culpability
1. Passage of time since renewal	1. Insurance company had failed to send new WID in time

Form a preliminary view of the appropriate sentence,  
then consider offender mitigation

## Insurance, fail to produce certificate

Motor Traffic (Third Party Insurance) (Jersey) Law 1948, Art 15

Maximum: Level 2 fine (£1,000) and 3 months

May not disqualify or endorse

### Offence seriousness (culpability and harm)

#### A. Identify the appropriate starting point

Starting points based on first time offender pleading guilty

Examples of nature of activity		Starting point	Range
A	Driver fails to produce certificate	£200	£100 - £300
B	Owner fails to give information	£350	£300 - £400

### Offence seriousness (culpability and harm)

#### B. Consider the effect of aggravating and mitigating factors

The following may be particularly relevant but these lists are not exhaustive

Factor indicating higher culpability	Factor indicating lower culpability
<ol style="list-style-type: none"><li>1. Vehicle being driven for hire or reward</li><li>2. Vehicle carrying passengers</li></ol>	<ol style="list-style-type: none"><li>1. Believed owner/driver (as the case may be) had already produced</li><li>2. Driver did not have access to insurance certificate</li></ol>

Form a preliminary view of the appropriate sentence, then consider offender mitigation

## Insurance, false Certificate or Windscreen Insurance Disc

Motor Traffic (Third Party Insurance) (Jersey) Law 1948, Art 18

Maximum: Fine and/or 2 years – Art 18(1)

Fine and/or 6 months - Art 18(2) and (3)

May not disqualify or endorse

### Offence seriousness (culpability and harm)

#### A. Identify the appropriate starting point

Starting points based on first time offender pleading guilty

Examples of nature of activity		Starting point	Range
A	Makes a false statement to obtain insurance certificate or disc - Art 18(2)	1 month	£1,000 – 6 months
B	Issues certificate or disc knowing it has a false particular - Art 18(3)	1 month	£2,000 – 6 months
C	With intent to deceive, makes, alters, uses, lends or allows, a certificate or disc - Art 18(1)	3 months	£2,000 – 6 months

### Offence seriousness (culpability and harm)

#### B. Consider the effect of aggravating and mitigating factors

The following may be particularly relevant but these lists are not exhaustive

Factor indicating higher culpability	Factor indicating lower culpability
<ol style="list-style-type: none"> <li>1. Engaged in insurance business</li> <li>2. Commercial benefit</li> <li>3. Cover invalidated</li> <li>4. Financial gain</li> </ol>	<ol style="list-style-type: none"> <li>1. The error did not invalidate cover</li> <li>2. The false statement was made without intent to deceive (Band A only)</li> </ol>

<b>Factor indicating greater degree of harm</b>  1. Accident with damage and/or injury	
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Form a preliminary view of the appropriate sentence,  
then consider offender mitigation

## Telephone, holding whilst driving when vehicle in motion

Road Traffic (Jersey) Law 1956, Art 50

Maximum: Level 2 fine (£1,000)

May disqualify or endorse

### Offence seriousness (culpability and harm)

#### A. Identify the appropriate starting point

Starting points based on first time offender pleading guilty

Examples of nature of activity		Starting point	Range	Disqualify/Endorse
A	Taking call and driving a short distance to a safe place to stop	£200	£150 - £250	Consider
B	Taking a call and continuing driving or making a call/using any other function	£400	£300 - £500	Consider/Yes

### Offence seriousness (culpability and harm)

#### B. Consider the effect of aggravating and mitigating factors

(other than those within examples above)

The following may be particularly relevant but these lists are not exhaustive

<p><b>Factor indicating higher culpability</b></p> <ol style="list-style-type: none"> <li>1. Driving for hire or reward</li> <li>2. Carrying passengers</li> <li>3. HGV</li> <li>4. Built up area</li> </ol> <p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. High volume of traffic, including pedestrians</li> <li>2. Long distance driven</li> <li>3. Evidence of impact on driving</li> </ol>	<p><b>Factor indicating lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Urgent phone call, e.g. from child</li> </ol> <p><b>Factor indicating lesser degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Low volume of traffic</li> <li>2. Short distance driven</li> </ol>
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Form a preliminary view of the appropriate sentence,  
then consider offender mitigation

Consider endorsement and disqualification

## Notes

1. Disqualification may be appropriate in a case where there are aggravating factors, in which case a period of up to 3 months will be considered.
2. Disqualification of 1 - 6 months will follow if there is a history of similar offending.

Provisional licence, Drive other than in accordance with conditions

Road Traffic (Jersey) Law 1956, Art 11(2)

Maximum: Level 2 fine (£1,000)

May disqualify or endorse

Offence seriousness (culpability and harm)

A. Identify the appropriate starting point

Starting points based on first time offender pleading guilty

Examples of nature of activity	Starting point	Range	Disqualify/Endorse
A Not displaying "L" plates	£200	£100 - £300	No
B Not supervised by qualified licence holder	£400	£300 - £500	Consider
C Not supervised by any licence holder	£500	£400 - £600	6 months

Offence seriousness (culpability and harm)

B. Consider the effect of aggravating and mitigating factors

The following may be particularly relevant but these lists are not exhaustive

<p><b>Factor indicating higher culpability</b></p> <ol style="list-style-type: none"> <li>Evidence of poor driving</li> <li>Carrying passengers</li> <li>Considerable distance driven</li> <li>Evidence of sustained unsupervised driving</li> </ol> <p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>Accident with damage and/or injury</li> </ol>	<p><b>Factor indicating lower culpability</b></p> <ol style="list-style-type: none"> <li>Believed driving on private property</li> <li>Believed the accompanying person was suitably qualified</li> <li>Genuine emergency</li> </ol> <p><b>Factor indicating lesser degree of harm</b></p> <ol style="list-style-type: none"> <li>Gave assistance to injured person</li> </ol>
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Form a preliminary view of the appropriate sentence,  
then consider offender mitigation

Consider endorsement and disqualification

Registration document,  
False or misleading information  
Failure to notify change

Motor Vehicle Registration (Jersey) Law  
1993, Art 11(1) (false declaration) Art 11(2)  
(failure)

Maximum:

Art 11 (1) – Level 2 fine (£1,000) or 6 months

Art 11 (2) – Level 2 fine (£1,000)

Offence seriousness (culpability and harm)

A. Identify the appropriate starting point

Starting points based on first time offender pleading guilty

Examples of nature of activity		Starting point	Range
A	Failure to notify change of address - Art 11(2)	£250	£100 - £400
B	Failure to notify substantive change to vehicle – Art 11(2)	£300	£200 - £400
C	False or misleading statement made knowingly – Art 11(1)	£500	£400 – 2 months

Offence seriousness (culpability and harm)

B. Consider the effect of aggravating and mitigating factors

The following may be particularly relevant but these lists are not exhaustive

<p><b>Factor indicating higher culpability</b></p> <ol style="list-style-type: none"> <li>1. Information related to safety of vehicle</li> <li>2. Long time since change was notifiable</li> <li>3. Substantive change to particulars of vehicle</li> <li>4. Intention to hide the change</li> <li>5. Explicit false statement made</li> <li>6. Fails to respond to reminder from DVS</li> </ol> <p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Failure to notify contributed to dangerous condition of vehicle</li> <li>2. Failure to notify impacted upon investigations into other offence</li> <li>3. Third party loss</li> </ol>	<p><b>Factor indicating lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Brief omission</li> <li>2. Change came about as a result of difficult personal circumstances</li> </ol> <p><b>Factor indicating lesser degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Amendment notified as soon as apparent</li> </ol>
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Form a preliminary view of the appropriate sentence,  
then consider offender mitigation

## Seat belt, fail to wear

Road Traffic (Jersey) Law 1956, Art 41(3)  
(adult) Art 42(2) (child under 14)

Maximum: Level 1 fine (£200)

May not disqualify or endorse

### Offence seriousness (culpability and harm)

#### A. Identify the appropriate starting point

##### Starting points based on first time offender pleading guilty

Examples of nature of activity	Starting point	Range
Adult	£75	£50 - £100
Child passenger	£125	£100 - £150

### Offence seriousness (culpability and harm)

#### B. Consider the effect of aggravating and mitigating factors

The following may be particularly relevant but these lists are not exhaustive

Factor indicating higher culpability	Factor indicating lower culpability
<ol style="list-style-type: none"><li>1. Long distance driven</li><li>2. High speed driving</li></ol>	<ol style="list-style-type: none"><li>1. Child has undone belt without adult knowing</li><li>2. Short distance driven</li></ol>
<b>Factor indicating greater degree of harm</b> <ol style="list-style-type: none"><li>1. Accident involving injury or risk of injury</li></ol>	

Form a preliminary view of the appropriate sentence,  
then consider offender mitigation

Road Traffic (Jersey) Law 1956 Art 21

Road Traffic (Speed Limits) (Jersey) Order 2003,  
Art 2 (30 mph), Art 3 (20 mph), Art 4 (15 mph)

## Speeding

Maximum: Level 2 fine (£1,000)

May endorse or disqualify. May order retest, as a stand alone Order or after a period of disqualification.

Offence seriousness (culpability and harm)				
A. Identify the appropriate starting point				
Starting points based on first time offender pleading guilty				
Speed above limit (in mph)	15 mph	20 mph	30 mph	40 mph
5	65	60	55	50
6	70	65	60	55
7	75	70	65	60
8	80	75	70	65
9	85	80	75	70
10	90	85	80	75
11	95	90	85	80
12	100	95	90	85
13	105	100	95	90
14	110	105	100	95
15	115	110	105	100
16	120	115	110	105
17	125	120	115	110
18	130	125	120	115

19	135	130	125	120
20	210	205	200	195
21	235	230	225	220
22	260	255	250	245
23	285	280	275	270
24	310	305	300	295
25	335	330	325	320
26	360	355	350	345
27	385	380	375	370
28	410	405	400	395
29	435	430	425	420
30	460	455	450	445
31	485	480	475	470
32	510	505	500	495
33	535	530	525	520
34	560	555	550	555
35	585	580	485	580
	<b>Consider endorsement</b>	<b>Endorse/consider disqualification for 1-2 months</b>		<b>Disqualify for 2-6 months</b>

<p>Offence seriousness (culpability and harm)</p> <p>B. Consider the effect of aggravating and mitigating factors</p> <p>The following may be particularly relevant but these lists are not exhaustive</p>	
<p><b>Factor indicating higher culpability</b></p> <p>1. Poor road or weather conditions</p>	<p><b>Factor indicating lower culpability</b></p> <p>1. Genuine emergency established</p>

<ul style="list-style-type: none"> <li>2. Physical nature of the road</li> <li>3. LGV, HGV, PSV etc.</li> <li>4. Towing caravan/trailer (NB 30 mph limit)</li> <li>5. Carrying passengers or heavy load</li> <li>6. Driving for hire or reward</li> <li>7. Evidence of unacceptable standard of driving over and above speed</li> </ul> <p><b>Factor indicating greater degree of harm</b></p> <ul style="list-style-type: none"> <li>1. Location e.g. near school</li> <li>2. High level of traffic or pedestrians, especially children or the elderly, in the vicinity</li> </ul>	
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Form a preliminary view of the appropriate sentence, then consider offender mitigation

Consider endorsement and disqualification – may order retest

**Note**

The scale up to 19 mph over the limit replicates that used at Parish Hall level. Other than for repeat offences there may be aggravating circumstances that lead to the case being sent to Court – these will be dealt with on a case by case basis.

## Tampering with a motor vehicle

Road Traffic (Jersey) Law 1956, Art 54(2)

Maximum: Level 3 fine (£10,000) - Article 54(1) re moving vehicle

Level 2 fine (£1,000) May disqualify or endorse – Article 54 (2)

### Offence seriousness (culpability and harm)

#### A. Identify the appropriate starting point

Starting points based on first time offender pleading guilty

Examples of nature of activity		Starting point	Range	Disqualify/Endorse
A	Tampering with any mechanism; no entry gained to vehicle; no damage caused	£300	£200 - £300	No
B	Entering vehicle, little or no damage caused	£400	£300 - £500	Consider
C	Tampering with or entering vehicle, with damage caused	£500	£400 - £600	Consider
D	Article 54(1) where danger caused	£1,500	£1,000 - £2,000	Not available

### Offence seriousness (culpability and harm)

#### B. Consider the effect of aggravating and mitigating factors

The following may be particularly relevant but these lists are not exhaustive

<b>Factor indicating higher culpability</b>	
1. Targeting vehicle in dark/isolated location	

<p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"><li>1. Emergency services vehicle</li><li>2. Disabled driver's vehicle</li><li>3. Renders vehicle unfit to be driven</li><li>4. Part of a series of incidents</li></ol>	
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Form a preliminary view of the appropriate sentence,  
then consider offender mitigation

Consider endorsement and disqualification (Article 54(2))

## Traffic light/other road sign

Road Traffic (Jersey) Law 1956, Art 74(1)(a)  
(traffic light or controller) Art 74 (1)(b) (other sign)

Maximum: Level 2 fine (£1,000)

May disqualify or endorse

### Offence seriousness (culpability and harm)

#### A. Identify the appropriate starting point

##### Starting points based on first time offender pleading guilty

Examples of nature of activity		Starting point	Range	Disqualify/Endorse
A	Minor offences, e.g. where driver could have stopped but does not and passes well before other lights turn green	£250	£200 - £300	No/Consider
B	Cases involving no injury but some damage	£350	£300 - £400	Consider/Yes
C	Cases involving injury or substantial damage	£500	£400 - £600	Consider 1 – 6 months/Yes

### Offence seriousness (culpability and harm)

#### B. Consider the effect of aggravating and mitigating factors

(other than those within examples above)

The following may be particularly relevant but these lists are not exhaustive

<p><b>Factor indicating higher culpability</b></p> <ol style="list-style-type: none"> <li>1. Volume of traffic</li> <li>2. Road and weather conditions</li> <li>3. Speed of travel</li> <li>4. Driver could have stopped safely but chose not to</li> </ol> <p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Injury or risk of injury to other road users</li> <li>2. Evasive action needed by other road users</li> </ol>	<p><b>Factor indicating lesser degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Gave assistance to injured person</li> </ol>
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Form a preliminary view of the appropriate sentence, then consider offender mitigation

Consider endorsement and disqualification if Article 54(2)

**Note**

The Court will be alert to double-counting if, for example, there is also a careless/dangerous driving charge.

## Vehicle taking, without consent

Road Traffic (Jersey) Law 1956, Art 53

Maximum:

First offence – Fine or 6 months

Second offence – Fine and/or 3 years

May disqualify or endorse

### Offence seriousness (culpability and harm)

#### A. Identify the appropriate starting point

Starting points based on first time offender pleading guilty

Examples of nature of activity		Starting point	Range	Disqualify/Endorse
A	Exceeding authorised use of e.g. employer's or relative's vehicle; retention of hire car beyond return date	£500	£400 - £600	Consider/Likely
B	Exceeding authorised use with damage caused;  OR Stranger's vehicle involved but no damage caused	£1,200	£800 - £1,600	1 – 6 months
C	Taking vehicle from private premises;  OR Causing damage to stranger's vehicle	2 months	£2,000 – 3 months	3 – 9 months
D	Serious damage, e.g. vehicle written off or set alight	4 months	3 – 5 months	9 – 12+ months

### Offence seriousness (culpability and harm)

#### B. Consider the effect of aggravating and mitigating factors

(other than those within examples above)

The following may be particularly relevant but these lists are not exhaustive

<p><b>Factor indicating higher culpability</b></p> <ol style="list-style-type: none"> <li>1. Driver uninsured</li> <li>2. Driver unlicensed</li> <li>3. Evidence of bad driving/accident</li> </ol> <p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Vehicle damaged initially and/or later burnt</li> <li>2. Vehicle belonging to elderly/disabled person</li> <li>3. Emergency services vehicle</li> <li>4. Medium to large goods vehicle</li> <li>5. Passengers carried</li> </ol>	<p><b>Factor indicating lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Misunderstanding with owner</li> <li>2. Vehicle only driven on private property</li> <li>3. Only a passenger, not involved in initial taking</li> </ol> <p><b>Factor indicating lesser degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Offender voluntarily returned vehicle to owner</li> <li>2. Vehicle undamaged</li> </ol>
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Form a preliminary view of the appropriate sentence, then consider offender mitigation

Consider endorsement and disqualification

**Notes**

1. There are three different offences in this Article as follows:-
  - a) taking and driving away a vehicle without consent;
  - b) knowing that a vehicle has been so taken, driving it; and
  - c) knowing that a vehicle has been so taken, allowing oneself to be carried in it.

Offence (a) is committed by the person who removes the motor vehicle from the possession of another and (b) is committed by a person who then drives it without it returning to lawful possession. In both cases, an insurance offence will normally also be committed. They are of similar seriousness.

This offence will often also involve a charge of using without insurance. This has not been factored in to the above penalties, therefore always cross check the insurance guideline and make the necessary adjustments to reflect the totality of the offending.

Offence (c) varies in seriousness from a person who is a full participator in the original offence to a person who is walking along a road and is then offered a lift by a friend.

2. The most serious cases involve driving for a prolonged distance by a person with no previous driving experience and may also be accompanied by a dangerous driving charge. The value of the vehicle will also be relevant to the seriousness.

3. Offences not involving motor vehicles are obviously less serious and would normally be dealt with by a fine in a range from £400 to £1,000. Note, however, that a custodial sentence of up to 12 months is available.