



## Magistrate's Court of Jersey Sentencing Guidelines

### Part 1: Motoring Offences

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## Sentencing Guidelines

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|          |                         |  |
|----------|-------------------------|--|
| <b>1</b> | <b>Careless driving</b> | Road Traffic (Jersey) Law 1956, Art 25 |
|----------|-------------------------|--|

Maximum: Level 3 fine (£10,000)

May endorse and may disqualify. Must order retest if disqualified (Art 35 RTL)

| <b>A. Identify the appropriate starting point</b><br>Starting points based on first time offender pleading guilty |  |                |                 |                        |
|---|--|----------------|-----------------|------------------------|
| Examples of nature of activity  |  | Starting point | Range           | Disqualify/<br>Endorse |
| A   | Driving at low speed, with loss of concentration or misjudgment  | £1,500         | £1,000 - £2,000 | Consider both          |
| B   | Loss of control due to speed, mishandling or insufficient attention to road conditions, or carelessly turning across on-coming traffic | £2,500         | £2,000 - £3,000 | 1-6 months<br>/Yes     |
| C   | Driving at speed / maneuvering causing a collision. Any driving bordering on the dangerous   | £4,000         | £3,000 - £5,000 | 6 – 12 months          |

| <b>B. Offence seriousness (culpability and harm)</b><br>Consider the effect of aggravating and mitigating factors<br>(other than those within examples above)<br>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. Excessive speed</li> <li>2. Carrying out other tasks while driving</li> <li>3. Carrying passengers or heavy load</li> <li>4. Tiredness</li> <li>5. Adverse weather</li> <li>6. Poor road conditions</li> <li>7. Defective vehicle</li> <li>8. LGV/HGV/PSV</li> <li>9. Causing a collision</li> </ol> | <ol style="list-style-type: none"> <li>1. Minor risk</li> <li>2. Sudden change in road or weather conditions</li> </ol> |

|   |  |
|---|--|
| <b>Factor indicating greater degree of harm</b> <ol style="list-style-type: none"> <li>1. Injury to others</li> <li>2. Damage to other vehicles or property</li> <li>3. High level of traffic or pedestrians in vicinity</li> <li>4. Location, e.g. near school when children are likely to be present</li> </ol> | <b>Factor indicating lesser degree of harm</b> <ol style="list-style-type: none"> <li>1. Gave assistance to injured person</li> <li>2. No collision</li> <li>3. No injury to others</li> </ol> |
|---|--|

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

Consider endorsement or disqualification - must order retest if disqualified

|          |   |   |
|----------|---|---|
| <b>2</b> | <b>Causing serious injury by careless driving</b> | Road Traffic (Jersey) Law 1956, Art 26A |
|----------|---|---|

Maximum: 2 years imprisonment and a fine

May disqualify. Must order retest if disqualified (Art 35 RTL)

| <b>A. Identify the appropriate starting point</b><br>Starting points based on first time offender pleading guilty |  |                |                   |                 |
|---|--|----------------|-------------------|-----------------|
| Examples of nature of activity  |  | Starting point | Range             | Disqualify      |
| A   | Driving at low speed, with loss of concentration or misjudgment  | £4,000         | £2,000 - 2 months | 6 - 12 months   |
| B   | Loss of control due to speed, mishandling or insufficient attention to road conditions, or carelessly turning across on-coming traffic | 4 months       | 3 – 6 months      | 12 - 24 months  |
| C   | Driving at speed / maneuvering causing a collision. Any driving bordering on the dangerous   | 9 months       | 6 – 12 months     | 24 – 36+ months |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>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. Excessive speed</li> <li>2. Carrying out other tasks while driving</li> <li>3. Carrying passengers or heavy load</li> <li>4. Tiredness</li> <li>5. Adverse weather</li> <li>6. Poor road conditions</li> <li>7. Defective vehicle</li> <li>8. LGV/HGV/PSV</li> </ol> | <p><b>Factor indicating lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Minor risk</li> <li>2. Sudden change in road or weather conditions</li> </ol> |

|  |  |
|--|--|
| <p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Seriousness/permanence of principal injury</li> <li>2. Injury to other persons</li> <li>3. Damage to other vehicles or property</li> <li>4. High level of traffic or pedestrians in vicinity</li> <li>5. Location, e.g. near school when children are likely to be present</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> |
|--|--|

## Sentencing Guidelines

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

Consider disqualification - must order retest if disqualified

|          |  |   |
|----------|--|---|
| <b>3</b> | <b>Causing death by careless driving</b> | Road Traffic (Jersey) Law 1956, Art 25A |
|----------|--|---|

Maximum: 5 years imprisonment and a fine

Must disqualify for 12 months plus. Must order retest (Art 35 RTL).

| <b>A. Identify the appropriate starting point</b><br>Starting points based on first time offender pleading guilty |  |                       |                                   |                   |
|---|--|-----------------------|-----------------------------------|-------------------|
| <b>Examples of nature of activity</b>   |  | <b>Starting point</b> | <b>Range</b>                      | <b>Disqualify</b> |
| A   | Driving at low speed, with loss of concentration or misjudgment  | £6,000                | £4,000 – 5 months                 | 12 – 24 months    |
| B   | Loss of control due to speed, mishandling or insufficient attention to road conditions, or carelessly turning across on-coming traffic | 9 months              | 6 months –<br>Send to Royal Court | 24 – 36+ months   |
| C   | Driving at speed / maneuvering causing a collision. Any driving bordering on the dangerous   | Send to Royal Court   |                                   |                   |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>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. Excessive speed</li> <li>2. Carrying out other tasks while driving</li> <li>3. Carrying passengers or heavy load</li> <li>4. Tiredness</li> <li>5. Adverse weather</li> <li>6. Poor road conditions</li> <li>7. Defective vehicle</li> <li>8. LGV/HGV/PSV</li> </ol> | <p><b>Factor indicating lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Minor risk</li> <li>2. Sudden change in road or weather conditions</li> </ol> |

|  |  |
|--|--|
| <p><b>Factors indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Injury to persons other than the deceased</li> <li>2. Damage to other vehicles or property</li> <li>3. High level of traffic or pedestrians in vicinity</li> <li>4. Location, e.g. near school when children are likely to be present</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> |
|--|--|

## Sentencing Guidelines

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

Must disqualify and order retest



|          |  |   |
|----------|--|---|
| <b>4</b> | <b>Causing serious injury by careless driving (Drink or Drugs)</b> | Road Traffic (Jersey) Law 1956, Art 26B |
|----------|--|---|

Maximum: 4 years imprisonment and/or a fine

Must disqualify for 2 years plus. 3 years for second/subsequent offence within 10 years.

Must order retest (Art 35 RTL).

This offence is generally too serious for the Magistrate's Court and should be sent to the Royal Court.

|          |   |  |
|----------|---|--|
| <b>5</b> | <b>Causing death by careless driving (Drink or Drugs)</b> | Road Traffic (Jersey) Law 1956, Art 26 |
|----------|---|--|

Maximum: 10 years imprisonment and/or a fine

Must endorse and must disqualify for 2 years plus. 3 years for second/subsequent offence within 10 years.

Must order retest (Art 35 RTL).

This offence is generally too serious for the Magistrate's Court and should be sent to the Royal Court.

|          |                          |  |
|----------|--------------------------|--|
| <b>6</b> | <b>Dangerous driving</b> | Road Traffic (Jersey) Law 1956, Art 22 |
|----------|--------------------------|--|

Maximum: 2 years imprisonment and/or a fine

Must endorse and must disqualify minimum 12 months. Must order retest (Art 35).

| <b>A. Identify the appropriate starting point</b><br>Starting points based on first time offender pleading guilty |  |                |                 |                |
|---|--|----------------|-----------------|----------------|
| Examples of nature of activity  |  | Starting point | Range           | Disqualify     |
| A   | Momentary incident of dangerous driving  | £4,000         | £3,000 - £5,000 | 12 -18 months  |
| B   | Incident(s) involving excessive speed, showing off or significant risk to others, especially on busy roads or in a built-up area | 4 months       | 2 – 6 months    | 18 – 24 months |
| C   | Prolonged bad driving or driving that involves deliberate disregard for the safety of others                                     | 9 months       | 6 – 12 months   | 24 – 36 months |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>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. Disregarding warnings of others</li> <li>2. Evidence of alcohol or drugs</li> <li>3. Carrying out other tasks while driving</li> <li>4. Carrying passengers or heavy load</li> <li>5. Tiredness</li> <li>6. Aggressive driving, such as driving much too close to vehicle in front, racing, inappropriate attempts to overtake, or cutting in after overtaking</li> <li>7. Driving when knowingly suffering from a medical condition which significantly impairs the offender’s driving skills</li> <li>8. Driving a poorly maintained or dangerously loaded vehicle, especially where motivated by commercial concerns</li> <li>9. Lengthy episode</li> <li>10. Disqualified driver</li> <li>11. Avoiding arrest</li> </ol> | <p><b>Factor indicating lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Genuine emergency</li> <li>2. Speed not excessive</li> </ol> |

|  |   |
|--|---|
| 12. LGV/HGV/PSV  |   |
| <p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Injury to other persons</li> <li>2. Damage to other vehicles or property</li> <li>3. High level of traffic or pedestrians in vicinity</li> <li>4. Location, e.g. near school when children are likely to be present</li> <li>5. Caused collision</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> <li>2. No collision</li> <li>3. No injury</li> </ol> |

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

Must disqualify and order retest

|          |  |   |
|----------|--|---|
| <b>7</b> | <b>Causing serious injury by dangerous driving</b> | Road Traffic (Jersey) Law 1956, Art 23A |
|----------|--|---|

Maximum: 5 years imprisonment and a fine

Must disqualify minimum 2 years. Must order retest (Art 35 RTL).

| <b>A. Identify the appropriate starting point</b><br>Starting points based on first time offender pleading guilty |  |                       |                                |                   |
|---|--|-----------------------|--------------------------------|-------------------|
| <b>Examples of nature of activity</b>   |  | <b>Starting point</b> | <b>Range</b>                   | <b>Disqualify</b> |
| A   | Momentary incident of dangerous driving  | 6 months              | 4 – 12 months                  | 24 months         |
| B   | Incident(s) involving excessive speed, showing off or significant risk to others, especially on busy roads or in built-up area | Send to Royal Court   | 9 months – Send to Royal Court | 36+ months        |
| C   | Prolonged bad driving or driving that involves deliberate disregard for the safety of others                                   | Send to Royal Court   |                                |                   |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>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. Disregarding warnings of others</li> <li>2. Evidence of alcohol or drugs</li> <li>3. Carrying out other tasks while driving</li> <li>4. Carrying passengers or heavy load</li> <li>5. Tiredness</li> <li>6. Aggressive driving, such as driving much too close to vehicle in front, racing, inappropriate attempts to overtake, or cutting in after overtaking</li> <li>7. Driving when knowingly suffering from a medical condition which significantly impairs the offender’s driving skills</li> <li>8. Driving a poorly maintained or dangerously loaded vehicle, especially where motivated by commercial concerns</li> <li>9. Lengthy episode</li> <li>10. Disqualified driver</li> <li>11. Avoiding arrest</li> </ol> | <p><b>Factor indicating lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Genuine emergency</li> <li>2. Speed not excessive</li> </ol> |

|  |  |
|--|--|
| 12. LGV/HGV/PSV  |  |
| <p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Seriousness/permanence of principal injury</li> <li>2. Injury to other persons</li> <li>3. Damage to other vehicles or property</li> <li>4. High level of traffic or pedestrians in vicinity</li> <li>5. Location, e.g. near school when children are likely to be present</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> |

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

Must disqualify and order retest

|          |   |  |
|----------|---|--|
| <b>8</b> | <b>Causing death by dangerous driving</b> | Road Traffic (Jersey) Law 1956, Art 23 |
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Maximum: 10 years imprisonment and/or a fine

Must disqualify minimum 2 years. Must order retest (Art 35 of RTL).

This offence is generally too serious for the Magistrate's Court and should be sent to the Royal Court.

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| <b>9</b> | <b>Construction, equipment and use</b> | Road Traffic (Jersey) Law 1956, Art 77 |
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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.

| <b>A. Identify the appropriate starting point</b><br>Starting points based on first time offender pleading guilty |  |                |                 |                        |
|---|--|----------------|-----------------|------------------------|
|   | Examples of nature of activity                           | Starting point | Range           | Disqualify/<br>Endorse |
| A   | Single lighting or mechanical defect                     | £500           | £200 - £750     | Consider               |
| B   | Defect causing danger or multiple defects causing danger | £2,000         | £1,000 - £7,000 | Consider               |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>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 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 lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Short distance driven</li> <li>2. Vehicle now repaired</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 lesser degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Gave assistance to injured person</li> </ol>                  |

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

Consider endorsement / disqualification (See Schedule 1 Part D)





|           |                                    |  |
|-----------|------------------------------------|--|
| <b>11</b> | <b>Driving whilst disqualified</b> | Road Traffic (Jersey) Law 1956, Art 15(4)(b) |
|-----------|------------------------------------|--|

Maximum: 12 months imprisonment 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.

| <b>A. Identify the appropriate starting point</b><br>Starting points based on first time offender pleading guilty |   |                       |              |  |
|---|---|-----------------------|--------------|--|
| <b>Examples of nature of activity</b>   |   | <b>Starting point</b> | <b>Range</b> | <b>Disqualify/ Endorse</b>                         |
| A   | Driving whilst subject to a disqualification. | 6 months              | 3-8 months   | Additional 6-12 months disqualification / Consider |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>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. Never passed test</li> <li>2. Planned long-term evasion</li> <li>3. Vehicle obtained during disqualification</li> <li>4. Driving for remuneration</li> </ol> <p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Distance driven</li> <li>2. Evidence of poor driving</li> <li>3. Offender caused accident</li> </ol> | <p><b>Factor indicating lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Genuine emergency established</li> </ol> |

Consider personal mitigation

Consider endorsement and disqualification

|           |  |  |
|-----------|--|--|
| <b>12</b> | <b>Driving whilst unfit through drink or drugs</b> | Road Traffic (Jersey) Law 1956, Art 27 |
|-----------|--|--|

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

Mandatory disqualification for a minimum period of 12 months, and must order retest (Art 35 RTL). Must disqualify for at least 3 years if offender has committed a relevant offence in preceding 10 years. Where special reasons are found not to disqualify, then endorsement may be ordered.

**If there is a delay in sentencing after conviction impose an interim disqualification unless special reasons are raised**

The full range of sentencing options is open to the court from £1,000 fine to 8 months in custody, based on a guilty plea with no previous relevant convictions.

The starting point will be determined on the level of impairment.

Where there is a high level of impairment or a second relevant offence within 10-year period there is a presumption towards custody.

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 an earlier ban was imposed and the gravity of the current offence.

|  |  |
|--|--|
| <p><b>Consider the effect of aggravating and mitigating factors</b><br/>(other than those within examples above)<br/>The following may be particularly relevant, but these lists are not exhaustive</p>  |  |
| <p><b>Factor indicating higher culpability</b></p> <ol style="list-style-type: none"> <li>1. LGV, HGV, PSV etc.</li> <li>2. Poor road or weather conditions</li> <li>3. Carrying passengers</li> <li>4. Driving for hire or reward</li> <li>5. Evidence of unacceptable standard of driving</li> <li>6. High likelihood of driving (In Charge)</li> <li>7. Evidence of multiple illegal drugs use</li> </ol> | <p><b>Factor indicating lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Genuine emergency established*</li> <li>2. Very short distance driven*</li> <li>3. Low likelihood of driving (In Charge)</li> </ol> <p>* even where not amounting to special reasons</p> |
| <p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Involved in accident</li> <li>2. Location e.g. near school</li> <li>3. High level of traffic or pedestrians in the vicinity</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>   |

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

|           |  |                                       |
|-----------|--|---------------------------------------|
| <b>13</b> | <b>Driving without a licence;<br/>employing an unlicensed driver</b> | Road Traffic (Jersey) Law 1956, Art 4 |
|-----------|--|---------------------------------------|

Maximum: Level 3 fine (£10,000)

May endorse and may disqualify.

| <b>A. Identify the appropriate starting point</b><br>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 licence held  | £500           | £400 - £700   | Consider               |
| Never held a full licence.<br>Driving a category of vehicle for which licence not held                            | £2,000         | £800 - £3,000 | Disqualify 6-12 months |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>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. Employer, especially if no proper enquiry made</li> <li>2. Never passed a test for category of vehicle being driven</li> <li>3. Planned long-term evasion</li> <li>4. Driving for remuneration</li> <li>5. LGV/HGV/PSV</li> </ol> | <p><b>Factor indicating lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Genuine emergency established</li> <li>2. Lawful driving experience elsewhere</li> </ol> |
| <p><b>Factor indicating greater degree of harm</b></p> <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>  | <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>   |

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

|           |   |  |
|-----------|---|--|
| <b>14</b> | <b>Driving or being in charge with excess alcohol</b> | Road Traffic (Jersey) Law 1956, Art 28(1)(a) |
|-----------|---|--|

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

Must disqualify for at least 12 months. Must disqualify for at least 3 years if offender has been convicted of a relevant offence in preceding 10 years.

Whilst the Court will consider custody in cases of band C and above, there is a presumption towards custody in the event of a second relevant offence within 10 year period.

Must order retest (Art 35 RTL).

| <b>A. Identify the appropriate starting point</b>            |              |            |            |                |                 |                |                                  |
|--|--------------|------------|------------|----------------|-----------------|----------------|----------------------------------|
| Starting points based on first time offender pleading guilty |              |            |            |                |                 |                |                                  |
| Disqualify/Endorse   |              |            |            | Starting point | Range           | Disqual.       | Disqual. 2nd offence in 10 years |
|  | Breath (mcg) | Blood (ml) | Urine (ml) |                |                 |                |                                  |
| A  | 36 - 49      | 81 – 114   | 108 – 152  | £1,500         | £1,000 - £2,000 | 12 – 15 months | 36 months                        |
| B  | 50 – 69      | 115 – 160  | 153 – 213  | £2,500         | £2,000 - £3,000 | 15 – 18 months | 36 + months                      |
| C  | 70 – 86      | 161 – 199  | 214 – 266  | 3 months       | 1 – 4 months    | 18 – 24 months | 42 + months                      |
| D  | 87 - 104     | 200 – 241  | 267 – 320  | 5 months       | 4 – 6 months    | 24 – 36 months | 48 + months                      |
| E  | 105 +        | 242 +      | 321 +      | 7 months       | 6 – 8 months    | 36+ months     | 54 + months                      |

|   |   |
|---|---|
| <p><b>B. Consider the effect of aggravating and mitigating factors</b><br/>                 (other than those within examples above)<br/>                 The following may be particularly relevant, but these lists are not exhaustive</p>  |   |
| <p><b>Factors indicating higher culpability</b></p> <ol style="list-style-type: none"> <li>1. LGV, HGV, PSV etc.</li> <li>2. Poor road or weather conditions</li> <li>3. Carrying passengers, especially if children</li> <li>4. Driving for hire or reward</li> <li>5. Evidence of unacceptable standard of driving</li> <li>6. Second or subsequent relevant conviction</li> <li>7. High likelihood of driving (In Charge)</li> </ol> | <p><b>Factors indicating lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Genuine emergency established *</li> <li>2. Very short distance driven *</li> <li>3. Low likelihood of driving (In Charge)</li> </ol> <p>* even where not amounting to special reasons</p> |
| <p><b>Factors indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Involved in accident</li> <li>2. Location, e.g. near school</li> <li>3. High level of traffic or pedestrians in the vicinity</li> </ol>   | <p><b>Factors indicating lesser degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Gave assistance to injured person</li> </ol>   |

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

Must disqualify and must order retest

|           |                                    |  |
|-----------|------------------------------------|--|
| <b>15</b> | <b>Failure to give information</b> | Road Traffic (Jersey) Law 1956, Art 86 |
|-----------|------------------------------------|--|

Maximum: Level 3 fine (£10,000)

May not disqualify or endorse.

| <b>A. Identify the appropriate starting point</b><br>Starting points based on first time offender pleading guilty |  |                |                 |
|---|--|----------------|-----------------|
| Examples of nature of activity  |  | Starting point | Range           |
| A   | A86(1) (a) Owner withholds information/<br>A86(1)(b) person withholds information. | £4,000         | £2,000 - £6,000 |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>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 alleged offence</li> <li>The urgency of obtaining the information</li> </ol>         | <p><b>Factors indicating lower culpability</b></p>  |
| <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> |

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

|           |  |   |
|-----------|--|---|
| <b>16</b> | <b>Failure to provide a roadside breath specimen</b> | Road Traffic (Jersey) Law 1956, Art 29(4) |
|-----------|--|---|

Maximum: Level 2 fine (£1,000)

May endorse or disqualify.

| <b>A. Identify the appropriate starting point</b><br>Starting points based on first time offender pleading guilty |   |                |             |                        |
|---|---|----------------|-------------|------------------------|
|   | Examples of nature of activity                    | Starting point | Range       | Disqualify/<br>Endorse |
| A   | Defendant refused test or failed to complete test | £500           | £400 - £600 | Consider               |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>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 disqualification or endorsement

|           |   |   |
|-----------|---|---|
| <b>17</b> | <b>Failure to provide specimen for analysis</b> | Road Traffic (Jersey) Law 1956, Art 30(7) |
|-----------|---|---|

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

May endorse and must disqualify for at least 12 months. Must disqualify for at least 3 years if offender has been convicted of a relevant offence in preceding 10 years.

There is a presumption towards custody in the event of a second relevant offence within 10 year period.

Must order retest (Art 35 RTL).

| <b>A. Identify the appropriate starting point</b><br>Starting points based on first time offender pleading guilty |                                      |                |              |            |                                  |
|---|--------------------------------------|----------------|--------------|------------|----------------------------------|
|   | Examples of nature of activity       | Starting point | Range        | Disqual.   | Disqual. 2nd offence in 10 years |
| A   | Defendant failed to provide specimen | 7 months       | 5 - 9 months | 36+ months | 54 + months                      |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>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. 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 lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Genuine but unsuccessful attempt to provide specimen</li> <li>2. Person who has not been driving or not been drinking</li> </ol> |
| <p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Involved in an accident</li> </ol>  | <p><b>Factor indicating lesser degree of harm</b></p>  |

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

Must disqualify and must order retest



|           |   |  |
|-----------|---|--|
| <b>18</b> | <b>Failure to stop / report an accident</b> | Road Traffic (Jersey) Law 1956, Art 52 |
|-----------|---|--|

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

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

| <b>A. Identify the appropriate starting point</b><br>Starting points based on first time offender pleading guilty |  |                       |               |  |
|---|--|-----------------------|---------------|--|
| <b>Examples of nature of activity</b>   |  | <b>Starting point</b> | <b>Range</b>  | <b>Disqualify/ Endorse</b>                                       |
| A   | Minor damage/no injury or stopped at scene but failed to exchange particulars or report.   | £750                  | £500 - £1,000 | No/Consider  |
| B   | Failed to stop at scene, or serious damage/more than minor injury, or evidence of bad driving, or evidence of drink or drugs, or evasion of test e.g. time of night/location | 3 months              | 2 – 4 months  | 12 months plus (up to and including drink-drive level)/ Consider |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>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. 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> | <p><b>Factor indicating lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Believed identity known</li> <li>2. Genuine fear of retribution</li> <li>3. Reported shortly afterwards</li> </ol> |

Consider personal mitigation

Consider endorsement and disqualification

|           |   |  |
|-----------|---|--|
| <b>19</b> | <b>Failure to stop for an officer and give name and address</b> | Road Traffic (Jersey) Law 1956, Art 51 |
|-----------|---|--|

Maximum: Level 3 fine (£10,000)

May not disqualify or endorse

| <b>A. Identify the appropriate starting point</b><br>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) | £2,500         | £1,000 - £4,000 |
| B   | Refuse to give information – Art 51(2)                                | £1,500         | £1,000 - £3,000 |
| C   | Give false information - Art 51(2)                                    | £2,500         | £1,000 - £4,000 |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>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. Seriousness of the underlying offence</li> <li>2. Gave false name and/or address</li> <li>3. Intention to avoid liability</li> <li>4. Officer in full uniform and clearly visible</li> </ol> | <p><b>Factor indicating lower culpability</b></p>  |
| <p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Accident with damage and/or injury</li> <li>2. People put at risk at the time of moving off</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> |

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

**Note**

Statutory defence re Article 51(1)

"... a person shall not be convicted of an offence under this paragraph if he or she proves to the satisfaction of the court that he or she had no reason to believe that the person requiring him or her to stop the vehicle was a Police or Traffic Officer."

|           |                                  |  |
|-----------|----------------------------------|--|
| <b>20</b> | <b>Driving without insurance</b> | Motor Traffic (Third Party Insurance)<br>(Jersey) Law 1948, Art 2(1) |
|-----------|----------------------------------|--|

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

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

| <b>A. Identify the appropriate starting point</b><br>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 | £350           | £200 - £500   | No                   |
| B   | Negligent as to whether insured  | £2,500         | £500 - £4,000 | Consider/Yes         |
| C   | Highly negligent as to whether insured or deliberately driving whilst uninsured                    | 3 months       | 1 – 6 months* | 3 – 12 months        |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>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. 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 insurance</li> <li>8. Never passed test</li> </ol> | <p><b>Factor indicating lower culpability</b></p> <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><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Involved in accident</li> <li>2. Accident resulting in injury</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>  |

Consider endorsement and disqualification

**Note**

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

\*Companies deemed to fall within band C will be dealt with by financial penalty within the range of £3,500 - £6,000.

|           |   |  |
|-----------|---|--|
| <b>21</b> | <b>Failure to display an insurance disc</b> | Motor Traffic (Third Party Insurance)<br>(Jersey) Law 1948, Art 16 |
|-----------|---|--|

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

May not disqualify or endorse

| <b>A. Identify the appropriate starting point</b><br>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 | £300           | £100 - £400 |
| B   | Continuing failure after warning                        | £500           | £400 - £600 |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>The following may be particularly relevant, but these lists are not exhaustive |   |
|---|---|
| <b>Factor indicating higher culpability</b><br>1. Passage of time since renewal   | <b>Factor indicating lower culpability</b><br>1. Insurance company had failed to send new WID in time |

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

|           |  |   |
|-----------|--|---|
| <b>22</b> | <b>Failure to produce an insurance certificate</b> | Motor Traffic (Third Party Insurance) (Jersey) Law 1948, Art 15 |
|-----------|--|---|

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

May not disqualify or endorse

| <b>A. Identify the appropriate starting point</b><br>Starting points based on first time offender pleading guilty |  |                     |
|---|--|---------------------|
| Examples of nature of activity  | Starting point                               | Range               |
| A   | Driver or owner fails to produce certificate | £350<br>£100 - £500 |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>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. Vehicle being driven for hire or reward</li> <li>2. Vehicle carrying passengers</li> </ol>           | <p><b>Factor indicating lower culpability</b></p> <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

|           |  |   |
|-----------|--|---|
| <b>23</b> | <b>Falsification and wrongful use of insurance certificates or discs</b> | Motor Traffic (Third Party Insurance) (Jersey) Law 1948, Art 18 |
|-----------|--|---|

Maximum: Art 18(1): 2 years imprisonment and/or a fine  
 Art 18(2) and (3): 6 months imprisonment and/or a fine

May not disqualify or endorse

| <b>A. Identify the appropriate starting point</b><br>Starting points based on first time offender pleading guilty |   |                       |                   |
|---|---|-----------------------|-------------------|
| <b>Examples of nature of activity</b>   |   | <b>Starting point</b> | <b>Range</b>      |
| A   | Makes a false statement to obtain insurance certificate or disc - Art 18(2)                     | 2 months              | £1,000 – 4 months |
| B   | Issues certificate or disc knowing it has a false particular - Art 18(3)                        | 2 months              | £1,000 – 4 months |
| C   | With intent to deceive, makes, alters, uses, lends or allows, a certificate or disc - Art 18(1) | 4 months              | £2,000 – 8 months |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>The following may be particularly relevant, but these lists are not exhaustive                      |   |
|--|---|
| <b>Factor indicating higher culpability</b> <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> | <b>Factor indicating lower culpability</b> <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> <ol style="list-style-type: none"> <li>1. Accident with damage and/or injury</li> </ol>  |   |

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

|           |  |  |
|-----------|--|--|
| <b>24</b> | <b>Holding a telephone whilst driving when vehicle in motion</b> | Road Traffic (Jersey) Law 1956, Art 50 |
|-----------|--|--|

Maximum: Level 2 fine (£1,000)

May disqualify or endorse

| <b>A. Identify the appropriate starting point</b><br>Starting points based on first time offender pleading guilty |                                 |                |             |                     |
|---|---------------------------------|----------------|-------------|---------------------|
|   | Examples of nature of activity  | Starting point | Range       | Disqualify/ Endorse |
| A   | Holding a telephone and driving | £450           | £350 - £650 | Consider/ Yes       |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>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 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 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 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> |

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

Consider endorsement and disqualification

**Note**

There is a presumption in favour of disqualification where a previous warning has been given or where there is a previous conviction.



|           |   |  |
|-----------|---|--|
| <b>25</b> | <b>Failure to comply with the conditions of a provisional licence</b> | Road Traffic (Jersey) Law 1956, Art 11 |
|-----------|---|--|

Maximum: Level 2 fine (£1,000)

May disqualify or endorse

| <b>A. Identify the appropriate starting point</b><br>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 | 6 months           |
| C   | Not supervised by any licence holder       | £500           | £400 - £600 | 6 months           |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>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 poor driving</li> <li>2. Carrying passengers</li> <li>3. Distance driven</li> <li>4. Evidence of sustained unsupervised driving</li> </ol> | <p><b>Factor indicating lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Genuine emergency</li> </ol> |
| <p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Accident with damage and/or injury</li> </ol>  | <p><b>Factor indicating lesser degree of harm</b></p>  |

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

Consider endorsement and disqualification

|           |  |  |
|-----------|--|--|
| <b>26</b> | <b>False or misleading declarations / failure to notify change in registration documents</b> | Motor Vehicle Registration (Jersey) Law 1993<br>Art 11(1) (false declaration)<br>Art 11(2) (failure to notify) |
|-----------|--|--|

Maximum:

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

Art 11 (2) – Level 2 fine (£1,000)

| <b>A. Identify the appropriate starting point</b><br>Starting points based on first time offender pleading guilty |   |                       |                 |
|---|---|-----------------------|-----------------|
| <b>Examples of nature of activity</b>   |   | <b>Starting point</b> | <b>Range</b>    |
| 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)    | £600                  | £400 – 4 months |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>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. Modification to avoid detection</li> </ol>     | <p><b>Factor indicating lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Brief omission</li> </ol> |
| <p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Modification created danger</li> <li>2. Failure to notify impacted upon investigations into other offence</li> <li>3. Third party loss</li> </ol> | <p><b>Factor indicating lesser degree of harm</b></p>   |

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

|           |                                   |  |
|-----------|-----------------------------------|--|
| <b>27</b> | <b>Failure to wear a seatbelt</b> | Road Traffic (Jersey) Law 1956,<br>Art 41(3) (adult)<br>Art 42(2) (child under 14) |
|-----------|-----------------------------------|--|

Maximum: Level 2 fine (£1,000)

May not disqualify or endorse

**A. Identify the appropriate starting point**  
Starting points based on first time offender pleading guilty

| Examples of nature of activity | Starting point | Range       |
|--------------------------------|----------------|-------------|
| Adult                          | £200           | £100 - £400 |
| Child passenger                | £300           | £200 - £600 |

**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. Long distance driven</li> <li>2. High speed driving</li> </ol> | <p><b>Factor indicating lower culpability</b></p> <ol style="list-style-type: none"> <li>1. Short distance driven</li> </ol> |
| <p><b>Factor indicating greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Accident involved</li> </ol>                               |  |

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

|           |                 |  |
|-----------|-----------------|--|
| <b>28</b> | <b>Speeding</b> | Road Traffic (Jersey) Law 1956 Art 21<br><br>Road Traffic (Speed Limits) (Jersey) Order 2003<br>Art 2 (30 mph speed limit),<br>Art 3 (20 mph speed limit),<br>Art 4 (15 mph speed limit) |
|-----------|-----------------|--|

Maximum: Level 2 fine (£1,000)

May endorse or disqualify. May order retest on disqualification

| <b>A. Identify the appropriate starting point</b><br>Starting points based on first time offender pleading guilty |                            |             |                                   |
|---|----------------------------|-------------|-----------------------------------|
|   | Speed above limit (in mph) | Fine        |                                   |
| A   | 5 - 19                     | £100 - £300 | <b>Endorse</b>                    |
| B   | 20 and above               | £300 - £650 | <b>Disqualify up to 12 months</b> |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>The following may be particularly relevant, but these lists are not exhaustive   |   |
|---|---|
| <b>Factor indicating higher culpability</b> <ol style="list-style-type: none"> <li>1. Poor road or weather conditions</li> <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> </ol> | <b>Factor indicating lower culpability</b> <ol style="list-style-type: none"> <li>1. Genuine emergency established</li> </ol> |
| <b>Factor indicating greater degree of harm</b> <ol 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> </ol>  |   |

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

Consider endorsement and disqualification – may order retest

**Note**

Aggravating features might raise the starting point to B.

|           |                                       |   |
|-----------|---------------------------------------|---|
| <b>29</b> | <b>Tampering with a motor vehicle</b> | Road Traffic (Jersey) Law 1956, Art 54(2) |
|-----------|---------------------------------------|---|

Maximum: Article 54(1) moving vehicle: Level 3 fine (£10,000)  
 Article 54 (2) gets on to or tampers with stationery vehicle: Level 2 fine (£1,000)  
 Article 54(2) May disqualify or endorse

| <b>A. Identify the appropriate starting point</b><br>Starting points based on first time offender pleading guilty |   |                |                 |                        |
|---|---|----------------|-----------------|------------------------|
| Examples of nature of activity  |   | Starting point | Range           | Disqualify/<br>Endorse |
| A   | Tampers with any mechanism or gets onto the vehicle where no entry gained to vehicle and 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)   | £2,500         | £1,500 - £6,000 | Not available          |

| <b>B. Consider the effect of aggravating and mitigating factors</b><br>(other than those within examples above)<br>The following may be particularly relevant, but these lists are not exhaustive |  |
|---|--|
| <b>Factor indicating higher culpability</b><br>1. Vehicle in dark/isolated location   |  |
| <b>Factor indicating greater degree of harm</b><br>1. Emergency services vehicle<br>2. Disabled driver's vehicle<br>3. Renders vehicle unfit to be driven<br>4. Part of a series of incidents     |  |

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

Consider endorsement and disqualification (Article 54(2))

|           |                                      |   |
|-----------|--------------------------------------|---|
| <b>30</b> | <b>Neglect of traffic directions</b> | Road Traffic (Jersey) Law 1956<br>Art 74(1)(a) (traffic light or controller)<br>Art 74(1)(b) (other sign) |
|-----------|--------------------------------------|---|

Maximum: Level 2 fine (£1,000)

May disqualify or endorse

| <b>A. Identify the appropriate starting point</b>            |   |                |             |                      |
|--|---|----------------|-------------|----------------------|
| Starting points based on first time offender pleading guilty |   |                |             |                      |
| Examples of nature of activity                               |   | Starting point | Range       | Disqualify/ Endorse  |
| A  | Driving created no risk of injury or damage   | £250           | £200 - £300 | No/ Yes              |
| B  | Driving caused risk of injury and some damage | £350           | £300 - £400 | Consider/Yes         |
| C  | Driving caused injury or substantial damage   | £500           | £400 - £600 | Yes 1 – 6 months/Yes |

| <b>B. Consider the effect of aggravating and mitigating factors</b>  |   |
|--|---|
| (other than those within examples above)   |   |
| The following may be particularly relevant, but these lists are not exhaustive   |   |
| <b>Factor indicating higher culpability</b> <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> </ol> |   |
| <b>Factor indicating greater degree of harm</b> <ol style="list-style-type: none"> <li>1. Evasive action needed by other road users</li> </ol>   | <b>Factor indicating lesser degree of harm</b> <ol style="list-style-type: none"> <li>1. Gave assistance to injured person</li> </ol> |

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.

|           |  |  |
|-----------|--|--|
| <b>31</b> | <b>Taking a vehicle without owner’s consent or other authority</b> | Road Traffic (Jersey) Law 1956, Art 53 |
|-----------|--|--|

Maximum (motor vehicle):

First offence – 6 months imprisonment or a fine

Second offence – 3 years imprisonment and/or a fine

May disqualify or endorse.

| <b>A. Identify the appropriate starting point</b>            |   |                |                      |                           |
|--|---|----------------|----------------------|---------------------------|
| Starting points based on first time offender pleading guilty |   |                |                      |                           |
| Examples of nature of activity                               |   | Starting point | Range                | Disqualify/<br>Endorse    |
| A  | Exceeding authorised use e.g. employer’s or relative’s vehicle, without damage to vehicle | £1,000         | £500 -<br>£1,500     | Consider/Yes              |
| B  | Taking vehicle without any authorization with/without causing damage                      | 2 months       | £2,000 – 3<br>months | Disqualify 6-12<br>months |
| C  | Taking vehicle without any authorization and causing serious damage or injury             | 4 months       | 3 – 5 months         | Disqualify 12+<br>months  |

| <b>B. Consider the effect of aggravating and mitigating factors</b>  |   |
|--|---|
| (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> <li>4. Taking from private premises</li> <li>5. Causing damage to other vehicles or property</li> <li>6. Causing injury</li> <li>7. Distance driven</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 greater degree of harm</b></p> <ol style="list-style-type: none"> <li>1. Vehicle belonging to vulnerable person</li> <li>2. Emergency services vehicle</li> <li>3. Medium to large goods vehicle</li> <li>4. Passengers carried</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>   |

Form a preliminary view of the appropriate sentence,

then consider offender mitigation

Consider endorsement and disqualification

**Notes**

1. These offences will often also involve a charge of using without insurance. This has not been factored into the above penalties, therefore always cross check the insurance guideline and make the necessary adjustments to reflect the totality of the offending.
2. 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 on a second or subsequent conviction a custodial sentence of up to 12 months imprisonment is available.