

21hb. Mac, 1973.

Kepada Semua:-

Yang Dipertua Khas/Yang Dipertua Kanan/Yang Dipertua,
Mahkamah Sesyen.

Mejisteret, Mahkamah Rendah.

CATEGORIES OF SENTENCES

REGISTRAR'S CIRCULAR NO: 1 OF 1973

I am directed by the Hon'ble the Chief Justice to append below for your information and guidance an article on the 'Categories of Sentences' on traffic cases which appeared in The Times dated 10th March, 1973. It reads:-

Categories of Sentences

Regina v Guilfoyle

"The Court of Appeal laid down guidelines for sentencing motorists guilty of causing death by dangerous driving.

LORD JUSTICE LAWTON, sitting with Lord Justice Scarman and Mr. Justice Eveleigh, said that some variations in penalties were inevitable, but there were limits to permissible variations. Cases fell into two broad categories: (1) those in which the accident had arisen through momentary inattention or misjudgment; and (2) those in which a person had driven in a manner which showed a selfish disregard for the safety of other road users, or a degree of recklessness. Cases where an accident had been caused or contributed to by a person's consumption of alcohol or drugs formed a subdivision of the second category.

Offenders, too, could be put into categories. A substantial number had good driving records; a fair number had records revealing a propensity to disregard speed restrictions or road signs, or to drive carelessly, and a few had records which showed that they had no regard whatsoever for either the traffic law or the rights and safety of other road users.

An offender convicted because of momentary inattention or misjudgment who had a good record should normally be fined and disqualified from driving for the minimum statutory period or a period not greatly exceeding it.

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If the driving record was indifferent, the period of disqualification should be longer - say two to four years - and if the record was bad, the offender should be kept off the road for a long time. Where a fatal accident had been caused through a selfish disregard for the safety of other road users or of passengers or by reckless driving, a custodial sentence with a long period of disqualification might well be appropriate - and if that time of driving was coupled with a bad record the period of disqualification should be such as would relieve the public of a potential danger for a very long period indeed.

His Lordship, applying these principles, reduced a sentence of four years' disqualification and a fine of £75 to one of 12 months and a fine of £50 in an appeal by John Guilfoyle, aged 19, of Wakefield, a driver with a good record, who had caused an accident by his momentary inattention. His Lordship said that it was in the public interest that the appellant should be required to take a driving test before regaining a full licence as an interruption of 12 months in his driving career would be substantial, and therefore an order to that effect should stand. In general, the longer the period of disqualification, the more important it was that there should be a driving test before the driver again has a full licence."



(MOKHTAR BIN HAJI SIDIN)
b.p. PENDAFTAR.

s.k.

Semua Penulong Kanan Pendaftar/Penulong Pendaftar, Mahkamah Tinggi.

Semua Setiausaha kepada Tuan Hakim.