

JERSEY / JUDGMENT

White v AG [2001] JRC 114 (21 May 2001)

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JUDGMENT

THE DEPUTY BAILIFF: 1. This is an appeal by Michael Anthony White against his conviction in the Magistrate's Court on 19th March 2001, on one charge of having, on 21st December 2000, acted in contravention of Article 30 (1)(a) of the Road Traffic (Jersey) Law 1956, by causing his Volvo car to remain at rest in Don Street, St. Helier, in such a position as to cause an unnecessary obstruction. The sole evidence for the prosecution was from a parking control officer, a Mr Aubignac. It is clear that what attracted Mr Aubignac's attention was that, in a one way traffic zone in Don Street, the appellant's car was parked facing in the wrong direction. It follows that he must have driven against the flow of traffic for a short distance in order to get to that position. However, he was not charged with disobeying a one-way traffic sign; he was charged with parking in a way such as to cause an unnecessary obstruction. As to this, the evidence of the parking control officer was that the car was parked in a parking bay and indeed displayed a paycard. On the face of it, therefore, the parking was entirely lawful. When asked by the Relief Magistrate what the obstruction was, the witness said that the obstruction might arise when the appellant left the parking bay. He would have to turn the vehicle round in the middle of the road in order to drive off in the correct direction and might, at that time, obstruct any traffic that was coming along. This was clearly not evidence which supported the charge. The unnecessary obstruction must arise out of the parking, not out of any driving, either to, or from the parking spot. In any event, there was no evidence that any obstruction of this road did, in fact, take place when he left. 2. So, what reason did the Relief Magistrate give for convicting the appellant? He said this: "Now why I am going to hold against you, is because you were occupying a parking space (I think it was actually an unloading bay, but clearly it was a parking place) for some twelve minutes and the purpose was to look at a piece of equipment. Now, in my opinion, at that time, it was unreasonable use of the parking bay, too long and that's the reason for my convicting you." Shortly after that he said: "In fact, there was no obstruction, in fact, there had been no obstruction, because we heard no evidence that your car had, in fact...but nevertheless, you left your vehicle and during the time that you were away, some twelve minutes, somebody else might have wanted to use it, but the fact that your vehicle was there prevented its being used." 3. We have to say that we do not think that parking a vehicle in a designated parking place during hours designated for that purpose can possibly amount to unnecessary obstruction. Furthermore, the motive and the purpose for the parking is irrelevant. We note that this was the view which has also been taken in England in relation to comparable legislation in that jurisdiction. See the case

of W. R. Anderson (Motors) Ltd-v- Hargreaves

(1962) 1 All ER 129. 4. The evidence from the traffic warden was not as clear as it might have been, but in essence, the evidence seemed to be that the appellant parked for some twelve minutes in a designated parking bay, having put up a paycard . Although the Magistrate appears to have referred to it being an unloading bay, that evidence did not emerge from evidence given by the witness. The only factor which distinguished what this appellant did from what thousands of people who park similarly in St. Helier every day do, is that he was facing the wrong way. Whilst, as we have said, that suggests that he may have committed some other offence, the direction in which a car is parked cannot affect whether it is, or is not causing an unnecessary obstruction. In our judgment there was no evidence before the Relief Magistrate upon which he could properly convict and we note that counsel for the Attorney General has conceded that he cannot seek to uphold the conviction. We accordingly allow the appeal and we grant Mr. White his reasonable costs. Authorities W. R Anderson (Motors) Ltd-v- Hargreaves

(1962) 1 All ER 129. Page Last Updated: 02 Nov 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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