

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
HOLDEN AT GEORGE TOWN, GRAND CAYMAN  
BEFORE THE HON. CHIEF JUSTICE, SIR JOHN SUMMERFIELD

Case No. 1415/85

Summary Court Appeal No. 12/86.

25-09-86

BETWEEN TONY ALLEN JAMES APPELLANT  
AND REGINA RESPONDENT

Charles Quin Esq. for appellant  
Brian Sharman Esq. for respondent

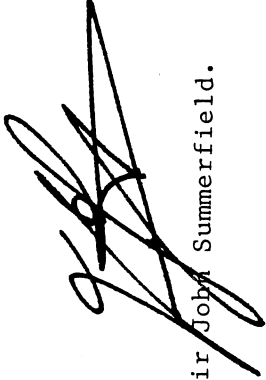
REASONS FOR DECISION

This appeal was against a conviction for an offence against section 66 of the Traffic Law. The particulars allege that the appellant "unlawfully drove (his vehicle, a Ford Van) along Gun Square Road, Bodden Town, without reasonable consideration for other persons". At the conclusion of the hearing the appeal was allowed on that charge. It was intimated that reasons would follow. These are those reasons.

Apparently revised reasons for judgment, dated 11th September 1986, state: "I accept the evidence given by the witnesses for the prosecution and found as a fact that the defendant ....drove without due care and attention.". The words "and drove without due care and attention" were not contained in the original record prepared, but nothing need turn on that in view of the decision on the more fundamental point apparent from the record.

In short the finding is at variance with the terms of the charge. It is not clear how this come about. The brief reasons for judgment do not deal with the point. However, the fact remains that the charge alleged

driving without reasonable consideration for other persons while the finding, without specifying any facts in support, was that the appellant drove without due care and attention. Both these related offences are set out in section 66 of the Traffic Law, but they remain different in substance. It is not out of place to observe that the conflicting facts in the evidence would require careful analysis and assessment to justify a finding under section 66. Clearly, in the circumstances, it would be unsafe to allow the conviction on this charge to stand and, accordingly, it was set aside.



Sir John Summerfield.

25th September 1986.