

Supreme Court of the Falkland Islands
Review Case no. 1 of 1988

R. v. NEIL CLIFTON, MICHAEL JOHN CARLOS SACKETT

AND DARREL IAN MCGILL

(Criminal Cases nos. MC/CRIM/38, 39 & 40/88)

JUDGEMENT ON REVIEW

On the 15th June 1988 Neil Clifton, Michael Sackett and Darrel McGill appeared before the Summary Court jointly charged with an offence contrary to section 1(1) of the Criminal Damage Act 1971 in that "at Stanley on 15 or 16 May 1988, they did, without lawful excuse, damage the fabric of the building known as Coseley, the property of the Falkland Islands Government, intending to damage such property, or being reckless as to whether such property would be damaged." All three defendants pleaded guilty to the charge and they were each sentenced to 7 days' imprisonment. In addition the Court made an order under section 26 of the Licensing Ordinance (Cap.38) forbidding any licensed person to sell to any of the defendants any intoxicating liquor for a period of one year.

On the 16th June each of the defendants wrote to the acting Attorney General in identical terms protesting against the justices' prohibition order under s. 26. Their grounds of objecting are set out in their letters as follows:-


"I wish to protest against the punishment listed at (b) above (i.e. being placed on the "Black List" for one year), as I was not charged with any offence under the Licensing Ordinance. I consider that the justices did not act correctly in sentencing me under a law which was not relevant to the charge against me."

The acting Attorney General referred the matter to the Registrar of the Supreme Court in order that the record of the proceedings against the three defendants in the Summary Court might be sent to me for review.

Having perused the copy of the record of the proceedings sent to me and the letters of the defendants, I can see no reason for interfering with the order made by the Summary Court, which is accordingly confirmed.

The wide discretion conferred by section 26 of the Licensing Ordinance on a court is not restricted in its exercise to offences arising under the Licensing Ordinance, in my view, but to any offence arising from excessive drinking.

2nd August 1988


D.R. Davis
Chief Justice.