

IN THE SUPREME COURT OF FIJI
Appellate Jurisdiction
CRIMINAL APPEAL NO. 30 OF 1981

Between:

CITY TRANSPORT LIMITED

APPELLANT

v.

PRINCIPAL LICENSING AUTHORITY

RESPONDENT

Mrs. A. Hoffman for the Appellant.

Mr. A. Gates for the Respondent.

J U D G M E N T

The appellant was on the 13th March, 1981, convicted by the Magistrate's Court, Suva, of the offence of failing to comply with the conditions of its road service licence contrary to section 63(3) and 85 of the Traffic Ordinance.

The appellant was fined \$10 and leave to appeal was granted.

The particulars of offence allege the appellant company failed to comply with one of the conditions of Road Service Licence No. 12/6/25 by permitting stage carriage registered number AV810 to be operated without displaying a timetable.

The evidence of the Secretary of the Transport Control Board discloses that licence number 12/6/25 had been transferred to George Transport Limited. It was that company which should have been charged if that licence included vehicle AV810.

Mr. Gates for the Respondent concedes that the appellant company should not have been convicted. He pointed out that section 63 of the Traffic Ordinance provides for a series of offences and that the particulars of the offence disclosed two separate offences. In addition he conceded the charge referred to the wrong road service licence. I agree with Mr. Gates that this case demonstrates that the Authority has need of legal advice when framing charges.

I allow the appeal and quash the conviction. The fine if paid is to be refunded to the appellant.

R.G. Kermode
 (R.G. KERMODE)
JUDGE

SUVA,

17 JULY, 1981.