

Criminal Appeal No. 7 of 1974

Director of Public Prosecutions v. Jean Macdonald

6th May, 1974.

Written laws - citation - manner expressly authorised by statute is correct - abbreviations should not be used.

Appeal against the dismissal of a charge of riding a motor cycle upon a public highway at a speed greater than thirty miles per hour. The offence was charged as being against section 28 of the Motor Traffic Act 1937-1972. The magistrate dismissed the charge, holding that the statute should have been cited as the Motor Traffic Ordinance. By the Motor Traffic (Portable Speed - measuring Devices) Act 1972 Parliament expressly provided that the statute which was originally the Motor Traffic Ordinance 1937 might, as amended, be cited as the Motor Traffic Act 1937-1972. In the summons the statute was referred to as the M.T. Act 1937-1972. Such abbreviations should not be used; statutes should be cited in full.

Held: Citation of the statute, as amended, in the manner expressly authorised by Parliament was correct.

Appellant in person
Respondent in person

Thompson C.J:

The charge as laid is correctly laid under the provisions of the Motor Traffic Act 1937-1972, now 1937-1973. The learned magistrate's decision that the statute should have been cited as the Motor Traffic Ordinance was wrong. Parliament has enacted (in the Motor Traffic (Portable Speed-measuring Devices) Act 1972) how the statute is to be cited, i.e. as in the charge. The appeal must, therefore, be allowed.

Before completing this judgment I must draw to the attention of those responsible for the preparation of summonses that it is

not good enough to use abbreviations which have meaning to them but not to members of the public. The titles of Acts and Ordinances must be cited in full on summonses so that those served with them may have proper opportunity to prepare their defences.

I must also point out that the "Particulars of Offence" are not set out in a correct manner. They should read "Jean MacDonald did on or about the 20th March, 1974, in Nauru ride a motor cycle, registration no. 71, upon a public highway at a speed greater than thirty miles per hour." There is no need to specify the make of motor cycle.

The appeal is allowed. I order that the decision of the District Court be set aside, that the trial of the charge by the District Court continue and that, before the hearing is resumed, the charge be amended into proper form.