

750

BETWEEN

BLACKBOURN

Appellant

NZLR.

A N D

MINISTRY OF TRANSPORT

Respondent

Hearing: 4 July 1984

Counsel: No appearance for Appellant
P J Morgan for Respondent

Judgment: 4 July 1984

ORAL JUDGMENT OF WHITE J

This is an appeal against a fine of \$75 imposed in the District Court at Te Awamutu on a charge of exceeding the 80 kilometre speed limit.

There was no appearance for the appellant. However, he has written a letter to the Court dated 7 May 1984 making submissions as to the circumstances. The Notice of Appeal itself states that the appellant was ignorant of the metric system, that the road was good and clear at the time, and that he had been driving for forty years without offence. The further letter to which I am referred is to the same effect and I have considered that.

The fact is that the speed at which the appellant was travelling was checked at 110 kilometres an hour. In his letter the appellant states that he had no idea of what 110 kilometres is in miles and that he was hurrying at the time to get off the road to avoid an approaching storm because if he was caught in it he would be a danger to others.

Having regard to all the circumstances, I consider the fine of \$75 was not one that could be regarded as manifestly excessive. On the contrary, in my view it was a lenient fine which took into account the appellant's accident-free record as a driver before this incident.

The appeal must be dismissed and I think it proper to direct that what I have said be sent to the appellant. I note what he has said himself about his knowledge and recommend that he should take steps to bring himself up-to-date with the metric system, that being essential if he is to drive safely in the future.

J. H. King
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