

12th August, 1985.

Judgment of Royal Court in H.M.'s Attorney-General
-v- Joao Rodrigues Pita, trading as "Ace of Spades Gardens"
(Infraction of Art, 36(1) of the Social Security (Jersey) Law, 1974.

BAILIFF: "The conclusions asked for.....(indistinct).....the Court has said many times, as we have been reminded again today that when money is deducted by an employer, it is deducted for the particular purpose of being paid over at the due date on behalf of the employee from whom it is deducted to the Social Security Department, and it is a serious matter if the money - if the amount deducted is not paid over at the right time - it means that it has been used for purposes which it should not have been used for, the employer's own purposes, which we have said is really tantamount to fraud and also it means of course that the rights and entitlements of the employees from whom this money has been deducted are at risk. Therefore we, by our sentencing policies, must maintain the view that it is a serious matter and the fines asked for in this case continue to reflect our sentencing policy and are in line with the fines previously imposed for this sort of offence. Therefore, we are glad to know that the defendant apparently now understands the gravity of the matter and it isn't just the debt that is between himself and the Social Security Department - it goes much further than that. We are glad to hear that he is going to see the Social Security Department and sort the matter out and that he now has a better understanding, as every employer should, of accounting for the money which is deducted from the wages of the employees. Therefore, we impose a fine on count 1 of £100 or in default 1 months' imprisonment and on count 2 - £100 or in default 1 months' imprisonment consecutive making a total of £200 or in default 2 months' imprisonment and we also order costs of £50.