

ROYAL COURT

14th June, 1988

Before: Commissioner Vibert,  
assisted by  
Jurats Hamon and Gruchy

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Her Majesty's Attorney General

- v -

Perpignan Investments

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One infraction of Paragraph (1)  
of Article 7 of the  
Housing (Jersey) Law, 1949

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Advocate S.C. Nicolle on behalf of the Crown  
Advocate A.R. Binnington on behalf  
of the Defendant Company

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**JUDGMENT**

**COMMISSIONER VIBERT:** It is hardly necessary for the Court to repeat what the Crown Advocate has said about the importance to the people of Jersey that the Housing Law be fully complied with. It is not just a question of obeying the Law; an infringement of it in effect denies somebody along the line accommodation which, in many cases, they very badly need, living in sub-standard housing, or overcrowding, or whatever. This property has been occupied for eighteen months by someone who had absolutely no right to occupy it to the detriment of a person or persons unknown who might have

occupied it.

In view of the relative scale, because there could be matters of greater scale, but compared with the Roberts case, we, the Court, would have felt that the conclusions asked for of £2,000 were inadequate. Really, one can say a whole house has been occupied for eighteen months at a considerable value in financial terms, if Mr Klein had stayed in the Island, and it is quite an important infraction. But in view of the fact that there is this question of the advice given by Mr Amy we will not increase the conclusions. It is not often of course that the Court does increase the conclusions, but we would seriously consider doing so in this case, because the maximum penalty is £5,000, that was established in 1974 and Heaven knows what £5,000 in 1974 would represent today, but here we are continuing to hover in the middle of the range from nothing to £5,000 and the penalties are certainly ceasing to be adequate. So we would have increased the penalty if it had not been for this complicating factor of the advice given. However, £2,000 it is.

Authorities referred to in the Judgment

A.G. -v- F.R. Roberts & ors. Unreported J.J. 1988