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ROYAL COURT

9th October, 1989

Before: Commissioner F.C. Hamon, and
Jurats Le Boutillier and Orchard

The Attorney General

- v -

Colomberie Investments Limited

Four charges of an infraction of paragraph (1)(b) of Article 6 of the Dwelling Houses (Rent Control) (Jersey) Law, 1946; three charges of an infraction of paragraph (1)(a) of Article 6 of the said Law and two charges of an infraction of paragraph (1) of Article 7 of the Housing (Jersey) Law, 1949.

Miss S.C. Nicolle, Crown Advocate
Advocate P. de C. Mourant for the defendant company.

JUDGMENT

COMMISSIONER HAMON: We are prepared to reduce the housing infractions on two counts to £250 on the basis that these are offences more on the breach than the observance. We can only apply the maximum fine of £100 to the other offences because of the ludicrously low maximum which the law

allowed at the time the offences were committed. Advocate Mourant has said what he can in mitigation. We wish to say that we are not impressed by the behaviour of this company, nor of its professional agents. These professional agents and this company have, in our view, behaved disgracefully, exploiting the desperate needs of tenants for their own financial gain. If it were in our power to impose heavy fines we would do so. We can only express our deep disquiet of the way that this company and those who hold themselves out as experts have behaved. The matter was perfectly clear, even despite the somewhat ambiguous letter of clarification from the Rent Control Tribunal. The premium was never coloured by that letter and the parties to this exploitation (and I include the directors of the company because I do not hold that they can be nominee directors) should in our view be deeply ashamed of themselves. Therefore, we impose the only fine we can impose of £100 on counts 1 to 7; we reduce counts 8 and 9 to £250 each and Miss Nicolle you shall have your costs of £1,000.

Authorities referred to:-

R. -v- Ex parte Hay et al (1979) 1 Cr. App. at p.265.