

ROYAL COURT

27th March, 1992 53 .

Before: The Bailiff, and
Jurats Bonn and Rumfitt

HM Attorney General

- v -

James Christopher Eaton

4 infractions of Article 10(1) of the Social Security (Collection of Contributions) (Jersey) Order, 1975 (Charges 1, 3, 5, 7).

4 infractions of Article 36(1) of the Social Security (Jersey) Law, 1974 (Charges 2, 4, 6, 8).

PLEA:

Guilty

DETAILS OF OFFENCE:

Eaton was a roofer who failed to pay contributions for 10 years. Specimen charges only were brought. Until 1987 he had spent 3 months of the year working and travelling in France. His arrears totalled £8,784.00 which he was paying at £20.00 per week. Had worked full-time until being interviewed by Social Security inspector.

DETAILS OF MITIGATION:

He claimed to have understood from Department in 1982 that he was exempt on the basis that he would receive no pension. Of good character. Out of work. Honouring his obligation to pay arrears. Probation report suggested imposition of Community Service Order.

PREVIOUS CONVICTIONS:

None.

CONCLUSIONS:

£2,000.00 fine.

SENTENCE AND OBSERVATIONS OF THE COURT:

1 year probation 240 hours of community service. The offences were a form of fraud upon fellow citizens. But for recession conclusions would have been granted.

The Attorney General.

Advocate S.J. Habin for the Accused.

JUDGMENT

THE BAILIFF: You realise that what you have done, as this Court often says, is a form of fraud on your fellow citizens. Although you have financial difficulties, if you evade your responsibilities as you have over a long period of years, other people have got to pick up the tab.

This Court normally tries to impose a fair sentence in relation to those matters, taking into account what I have just said, that it is a form of breach of trust on your fellow citizens.

However, we have to take note of the fact that there is a building recession. If it were not for that building recession we would fine you the amount asked for by the Attorney General. But having regard to the present circumstances in the trade of

which we are fully aware, we think that we are unable in effect to impose a fine which we otherwise would think would be quite appropriate.

You are therefore sentenced to a total of 240 hours community service concurrently on each of the charges. We are to make a probation order for one year and the community service order is to be completed within the one year. You will also pay the costs of £100 at the rate of £10 per week when you are in work. If you do not carry out your community service to the satisfaction of your supervising officer, you will be reported back to this Court.

Authorities

Thomas: "Principles of Sentencing" (2nd Ed.): pp. 320-2: "The Offender's Means".

Thomas: "Current Sentencing Practice":
J1.2(c): R. -v- Chelmsford Crown Court, ex parte
Birchall (1989) 11 Cr. App. R.(S) xxx.

J1.2(d): R. -v- Little (14th April, 1976).

J1.2(h): R. -v- Olliver & Olliver (1989) 11 Cr.
App. R.(S) 10.