

ROYAL COURT

201.

20th November, 1992

Before: The Bailiff, and
Jurats Bonn and Gruchy

The Attorney General

- v -

European Employment Agency Limited
and
Gas Consult Limited

One infraction each of Article 14(1)(A) of the Housing (Jersey) Law, 1948.

PLEA: Facts admitted.

DETAILS OF OFFENCE:

Companies allowed non-qualified persons to occupy premises.

DETAILS OF MITIGATION:

Beneficial owner believed that presence of a qualified person in the accommodation validated occupation of non-qualified persons as "lodgers".

PREVIOUS CONVICTIONS: None relevant.

CONCLUSIONS:

Total fines £3,000 and £250 costs. Fines calculated on basis of depriving companies of profit made as a result of the unlawful transactions with addition of a further sum by way of penalty.

SENTENCE AND OBSERVATIONS OF THE COURT:

Conclusions granted.

A.R. Binnington, Esq., Crown Advocate.
Advocate S.J. Crane for the defendant companies.

JUDGMENT

THE BAILIFF: If one takes into account the amount of profit, which does not appear to have been disputed by you, Mr. Crane, the amount of the actual fine, as opposed to removing from the companies what they unlawfully made, is less than £900, and we cannot find that that, in relation to the actual amount they made, is in any way excessive. Accordingly, European Employment Agency Limited, is fined £1,600 and Gas Consult Limited £1,400 and each company will pay £125 by way of costs, but they will have time to pay. £1,000 will be paid immediately, apportioned into what I consider to be right amounts: the sum of £600 from the first company and £400 from the second, with the balance being received by 31st December, 1992.

As regards the suggestion that your client companies shared the common belief that as long as one qualified person was in occupation, these properties could be occupied by lodgers, that has been mentioned several times in this Court in the last three or four years. Had your clients been newcomers to Jersey, that might possibly have had some merit, but they have been here long enough to know that that is not the case. Whilst we have sympathy with the personal position, nevertheless we do not think that the fines are wrong and they are accordingly imposed.

No authorities.