

ROYAL COURT
(Samedi Division)

53

11th March, 1994

**Before: The Deputy Bailiff, and
Jurats Myles and Gruchy.**

The Attorney General

- v -

Ewhen Lutak

4 Infractions of Article 10(1) of the Social Security (Collections 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).

AGE: 40.

PLEA: Facts admitted.

DETAILS OF OFFENCE:

Resident in Jersey since May, 1982. Did not register until May, 1993, when he said that he arrived May, 1993. Investigations in July, 1993, cast doubt on this. When interviewed, Lutak first said he arrived October, 1988. Later admitted arrived May, 1982 - registered under slightly different name. Left, then returned October, 1988. Arrears amounted to £6,745.44.

DETAILS OF MITIGATION:

Deception re arrival in May, 1982. Caused no loss - contributions paid then. Now paying off arrears. Determined to pay them off.

PREVIOUS CONVICTIONS:

Nothing relevant.

CONCLUSIONS:

Charges 1, 3, 5, 7: £150 or 2 weeks' imprisonment in default of payment on each charge.

Charges 2, 4, 6, 8: £350 or 4 weeks' imprisonment in default of payment on each charge.

£100 costs.

All sentences to run consecutively on each charge.

TOTAL: £2,000 or 24 weeks' imprisonment in default.

SENTENCE:

Counts 1, 3, 5, 7: £75 or 2 weeks' imprisonment in default on each charge.

Counts 2, 4, 6, 8: £225 or 4 weeks' imprisonment in default on each charge.

£100 costs.

TOTAL: £1,200 or 24 weeks' imprisonment in default; £100 costs.
8 months to pay.

**The Solicitor General.
Advocate P.C. Harris for the accused.**

JUDGMENT

THE DEPUTY BAILIFF: Failing to pay Social Security Contributions is to cheat the community because ultimately if these contributions are not paid the community itself has to take responsibility for the payment of a pension. We think that you understand that. We accept what your counsel said on your behalf and that you have eventually "come clean" and have accepted your responsibilities by repaying what is due to the Social Security Department.

We are prepared, therefore, to make some allowance on the conclusions of the Solicitor General, and you are fined as follows: On charge 1, you will be fined the sum of £75, or in default 2 weeks' imprisonment; and on each of the odd numbered counts, you will be fined £75, or in default 2 weeks' imprisonment consecutive. On charge 2, you will be fined the sum of £225, or in default 4 weeks' imprisonment; and on each of the even numbered counts, similarly you will be fined £225, or 4 weeks' imprisonment consecutive, making a total of £1,200, or in default of payment, 24 weeks' imprisonment, plus £100 costs.

Authorities .

A.G. -v- Arden (11th February, 1994) Jersey Unreported.