

ROYAL COURT
(Samedi Division)

181.

9th September, 1994

Before: The Bailiff, and
Jurats Orchard and Gruchy

The Attorney General

- v -

David Spencer

2 infractions of Housing (Jersey) Law, 1949: Article 14(1)(a).

PLEA: Facts admitted.

AGE: 34.

DETAILS OF OFFENCE:

The property consists of a cottage and two bedsits. The cottage was occupied by a residentially qualified person but the two bedsits were occupied by unqualified persons who were not lodgers of the qualified tenant. No services were provided, the qualified tenant had nothing to do with them and they paid their rent direct to the landlord. In one case this had occurred for two years and in the other 18 months, the rent for each bedsit being £100 per week.

DETAILS OF MITIGATION:

Offence was committed through ignorance, not deliberately. The defendant's marriage had now broken up and he was not in a strong financial position. He had immediately admitted responsibility and had expressed remorse at his inadvertent breach of the law.

PREVIOUS CONVICTIONS: None.

CONCLUSIONS:

Charge 1: £1,250 fine or 2 months' imprisonment in default of payment.
Charge 2: £1,250 fine or 2 months' imprisonment in default of payment.
Default sentences to follow consecutively, if need be.
£250 costs.

SENTENCE:

Charge 1: £1,000 fine, or 2 months' imprisonment in default of payment.

Charge 2: £1,000 fine, or 2 months' imprisonment in default of payment.

Default sentences to follow consecutively, if need be.

£250 costs.

Fines to be paid within 3 months.

The Court repeated what it had frequently said before, namely that it was the duty of property owners to familiarise themselves with the law. The obtaining of one qualified tenant did not mean that the owner could do as he wished with the remainder of the property. But in view of the financial position, fine reduced.

The Attorney General.
Advocate A.D. Hoy for the accused.

JUDGMENT

THE BAILIFF: The Court cannot but stress - and it has been said on several other occasions here - that it is incumbent upon persons buying property to familiarize themselves fully with the Housing Law before doing so and to observe that Law and the Regulations.
5 It is a common belief that - and we have tried to dispel that belief - in relation to having a qualified tenant, the rest of the accommodation can somehow be forgotten. That is not the Law.

10 Under the circumstances, and in view of what your counsel has said, the Court considers that the appropriate fine is one of £1,000 on each charge, making a total of £2,000, or in default, 4 months' imprisonment, together with £250 costs. You will be granted three months in which to pay.

No authorities.