

18th October, 1985.

A.G. -v- Cattermole, nee Jack.
(Housing Infraction)

BAILIFF: The Court proposes to reduce the fine from £1,000 to £750. The Court, repeats once again of course, the importance of correct information being given to the Housing Committee because otherwise, consents, as in this case are given to persons who had no right to occupy properties or flats which are in short supply and badly needed by those who are qualified and in this case and it is to the credit and the mitigating matter, the defendant, although she originally, deliberately sent false information to the Housing Committee, nevertheless, when confronted, did in fact co-operate and no attempt is being made to-day to justify the original giving of false information.

We accept that this was done, no doubt, because of the difficult relationships caused by difficulty of accommodation but nevertheless as we have already said it is a serious matter because housing must be preserved. Of the mitigating factors put to us, we really cannot consider the fact that the defendant had been in the Island continuously for 8 years and 9 months and indeed for a total of 10 years but not continuous, as a mitigating factor, the law is quite clear and there was a plain mis-statement in order to get consent.

Nor can we regard as a mitigating factor the fact that there may be financial loss in relation to a retail grocery business bought because the business was bought at a time when there was still a possibility, as we understand it, there was still a possibility that there would be a prosecution. However, we go on to say that the third mitigating factor is the question of delay.

No doubt there were reasons for the delay but we do accept the fact that it has meant that for a year or so the defendant has lived wondering whether she was going to be prosecuted and whilst I say there may be good reason for delay the fact is, that we think it is a reason for reducing what would otherwise have been a fine that we would have imposed and therefore, as I have said instead of £1,000, we impose a fine of £750 or in default, 4 months' imprisonment. We also order costs in the sum of £100 to be paid and under Article 8, paragraph 2 of the Housing Law, we declare the transaction, which is, I think, 76456 to be void.