

ROYAL COURT

20th October, 1989

Before: The Bailiff, and
Jurats Coutanche and Vibert

Infraction: Harven Property Company Limited

One infraction of Article 14 (1)(a)
of the Housing (Jersey) Law, 1949,
and five infractions
of Article 14 (1)(c).

Advocate S.C. Nicolle, Crown Advocate.
Advocate D.F. Le Quesne for the
defendant company.

JUDGMENT

THE BAILIFF: Mr. Le Quesne, you are not having raised the point that the level of fines asked for by the Crown is in any way excessive; we impose the fines asked for, namely on count 1, £1,500; on counts 2 to 6, £300 each, making a total of £3,000, with £350 costs. The Court repeats what has been said in the past by previous Courts and it expresses the hope that the media will give what I am saying the maximum publicity so that as many people as possible in the Island who are affected by this position (which as you say is probably more common than we know due to the misconception which people have about the Housing Law and lodgers) are able to put themselves right

without the necessity for a prosecution unless the facts require it. I repeat what has been said in the previous cases that it is not a fulfilment of the conditions that the property should be occupied by persons qualified under the Regulations of 1(I) (a) to (h) of the Housing (Jersey) Law, 1949, that a qualified person is installed and that that qualified person takes in lodgers, unless there is an independent contractual arrangement between that qualified person and the lodgers; but the mere bringing in of lodgers in the circumstances of this case (and I fear in circumstances of many other cases) does not exempt the lessor or owner of the property from complying with the Housing requirements.

Authorities referred to:

A.G. -v- P.J. Amy (14th June, 1988) Jersey Unreported.

A.G. -v- F.R. Roberts & Son (Holdings) et al (5th March, 1988) Jersey
Unreported.