

180.

ROYAL COURT  
Poursuites Criminelles

27th October, 1989

Before: The Deputy Bailiff and  
Jurats Coutanche and Le Ruez

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The Attorney General

- v -

John Hamilton Marsden

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Two infractions of Article 14(1)(a)  
of the Housing (Jersey) Law, 1949

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The Solicitor General  
Advocate N.F. Journeaux for the accused.

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**JUDGMENT**

THE DEPUTY BAILIFF: Whether by ignorance or otherwise the defendant has been guilty of exploiting and aggravating the housing shortage. We accept that the conduct of his affairs has been inept and confused and that he has been very kind to a number of persons. Nevertheless two units of accommodation were let to unqualified persons and if the background or history were known there would no doubt be many more. We consider that if the conclusions are to be criticised in any way it is that they are lenient and give an over-emphasis to the mitigation. The affidavit of means shows an equity in the Devonshire Place property alone of £42,000. In addition there is the

Dunell Place property and the French property. It is frivolous and vexatious in the circumstances to suggest that the defendant cannot pay the fine moved for.

After some discussion we have decided not to increase the fines, but we are determined that they be paid and we are going to adjust upwards the period of imprisonment in default of payment. Therefore on count 1, the defendant is fined the sum of £2,750, or in default of payment, will serve four months' imprisonment. On count 2, the defendant is fined the sum of £1,750, or in default of payment, will serve two months' imprisonment consecutive, making a total fine of £4,500, or in default of payment, six months' imprisonment, and we further order that the defendant will pay costs in the sum of £500.

The defendant will have one month in which to pay the fine.

n.b. no authorities.