

ROYAL COURT

197.

14th December, 1990

Before: The Bailiff, and
Jurats Myles and Herbert

Infraction: Laurence Barette

Two infractions of Article 8(1) of the Island Planning (Jersey) Law, 1964, involving the unauthorised conversion of two chalets and an agricultural shed to house agricultural workers. No previous convictions and defendant otherwise of good character. Strawberry farmer in partnership with his son.

The Attorney General
Advocate G. Le V. Fiott for the defendant.

JUDGMENT

BAILIFF: The task of the authorities in the sphere of accommodating seasonal workers from overseas is a difficult one. On the one hand accommodation must be up to a particular standard so that the consuls of the foreign workers concerned are satisfied that there is decent and proper accommodation provided.

On the other hand there appears to be no law, as far as I can see, requiring farmers or growers to provide decent accommodation and if

they do attempt to do so as in the case of this defendant and if they do so and fall foul of the planning laws, they are liable to be prosecuted. And that seems to us inevitable, of course; if you break the planning laws you are liable to be prosecuted.

At the same time this was a case, we think, where this grower was making a genuine effort to provide - according to his belief, wrong belief of course, because he was breaking the planning laws - decent accommodation for his workers. We have looked at the photographs and it is clear to us that the whole of this unit at the time was a tidy, carefully thought out unit and that the defendant, who has no previous convictions and is of good character, was doing what he thought was best for his workers.

He has not only had to rebuild some of the accommodation. There were originally 14 workers housed in the offending units; he can now only after a considerable delay on the part of the planning authorities, accommodate 8 of those persons. He faces loss, as Mr. Fiott has set out in his plea of mitigation to us.

We are unable to see that a prosecution of this nature will necessarily result in premises being used to house foreign or seasonal workers in the wrong sort of conditions. A different law may be necessary to require persons to lodge itinerant workers properly. But the planning law is not that law.

Under the circumstances, because we think your client, Mr. Fiott, has made every effort according to his lights to provide decent accommodation for the workers, but in the course of which he broke the planning laws, we are going to accept your submissions that we should impose a nominal fine. Mr. Barette, you are fined £100 on Count 1; £100 on Count 2; or 7 days in each case consecutive if you do not pay; and you will pay £50 costs.

No authorities.