3 pages.

ROYAL COURT

24th July, 1992 132.

Before: The Bailiff, and
Jurats Myles and Vibert

H.M. Attorney General

- v -

Rosemel Holdings Limited

Infraction of condition imposed under Part III of the Housing (Jersey) Law, 1949.

PLEA:

Facts admitted.

DETAILS OF OFFENCE:

Company bought property subject to an (a) to (h) occupancy condition. Initial erroneous advice from lawyer. Later put on notice by Housing Department that lodgers must be lodgers of qualified tenant. Thereafter let two rooms to three unqualified occupants. No qualified tenant in the property.

DETAILS OF MITIGATION:

Relied on legal advice. Very co-operative. Responsible attitude: Company without assets, but beneficial owner prepared to pay any fine.

PREVIOUS CONVICTIONS:

None.

CONCLUSIONS:

£1,000 fine and £200 costs.

SENTENCE AND OBSERVATIONS OF THE COURT:

Took legal advice. Real fault not to check that advice after receiving conflicting advice from Housing. £750 and £200.

Miss S.C. Nicolle, Crown Advocate.

Advocate D.E. Le Cornu for the defendant company.

JUDGMENT

THE BAILIFF: We think we can make a slight reduction, Mr. Le Cornu. We have read the note which Miss Nicolle very kindly let us have in relation to the prosecution against Mr. and Mrs. Le Cornu. According to the prosecution - and we did not hear what the defence said, nor do we have a note of it - but it appears that Mr. and Mrs. Le Cornu were aware of the regulation and aware of the conditions.

In your client's case, Mr. O'Brien took legal advice which was erroneous as it turned out. His real fault, of course, was not to check that advice when he received contrary advice from the Housing Committee.

The Crown has conceded that this was not a deliberate attempt to circumvent the regulations and under the circumstances we think that a proper fine would be £750 with £200 costs.

No authorities.