

ROYAL COURT
(Samedi Division)

1st July, 1994

134.

Before: The Deputy Bailiff, and
Jurats Vint and Gruchy

The Attorney General

- v -

Gebhard Santer

2 Infractions of Article 1(1)(a) of the Housing (Jersey) Law, 1949.

AGE: 52 years.

PLEA: Facts admitted.

DETAILS OF OFFENCE:

Shop and three-bedroomed flat in town. Local occupancy condition re existing units of private dwelling accommodation. Unqualified lodger in effective control. Second 'lodger' effectively tenant. Periods of up to 18 months involved. Gross excess profit £2,600.

DETAILS OF MITIGATION:

Scant regard for, rather than cynical evasion of, the Law. Co-operation (staved off Newton hearing). Gross excess profit considerably diminished as against net profit. Difficult financial straits.

PREVIOUS CONVICTIONS: Good character.

CONCLUSIONS: Count 1: £2,000 fine or 4 months' imprisonment in default.
Count 2: £1,000 fine or 2 months' imprisonment in default (consecutive).
£500 costs.

SENTENCE: Count 1: £750 or 2 months' imprisonment in default.
Count 2: £750 or 2 months' imprisonment in default (consecutive).

Advocate C.J. Dorey for the accused.
S.C.K. Pallot, Esq., Crown Advocate.

JUDGMENT

5 **THE DEPUTY BAILIFF:** We have taken careful note of the submissions by defence counsel in this case and in particular the submission that there was not, in fact, any illicit profit made by the defendant arising out of these infractions of the Housing Law. That submission appears to us to be well founded, having regard to the evidence which has been placed before us and we therefore leave out of account any possible illicit profit in imposing the sentence which the Court is about to impose.

10 We approach the matter on the basis that it is the duty of every property owner and every person involved in the use of property in this Island to acquaint himself with the Housing Law. The defendant failed to do that and consequently finds himself before this Court charged with infractions of the Law.

15 We accept, however, that he did not intentionally break the Law and that he fell into the error, through carelessness, of allowing these infractions to take place.

20 We take account of all those matters and having regard to them we vary the conclusions of the learned Crown Advocate and we fine the defendant, on charge 1, the sum of £750, or, in default, two months' imprisonment; and on charge 2, the sum of £750, or, in default, two months' imprisonment consecutive, making a grand
25 total of £1,500, or, in default of payment, four months' imprisonment. We further order the defendant to pay £500 costs, and the fines and costs must be paid within twelve months.

Authorities

A.G. -v- Pennymoor Consulting Services Ltd (1985-86) JLR N.3.

A.G. -v- Riviera Guest House (1st November, 1991) Jersey
Unreported.