

ROYAL COURT
(Samedi Division)

33.

21st February, 1997

Before: F.C. Hamon, Esq., Deputy Bailiff, and
Jurats Bonn and Herbert

The Attorney General

- v -

Rowency Holdings Ltd

1 count of contravening Article 36(1) of the Social Security (Jersey) Law, 1974, as amended by failing, as an employer, to pay Social Security contributions for which it was liable for Quarter "C" of 1996 within the specified time.

Plea: Facts admitted.

Details of Offence:

No return for third quarter of 1997 and no payment. Subsequent return made out of time and later cheque tendered - bounced. Paid cash one week before hearing.

Details of Mitigation:

Financial difficulties. New owner had bought 55% since and he would be penalised.

Previous Convictions:

Two parking offences; Article 36(1) - failed to make contributions.

Conclusions: £1,250 fine; £250 costs.

Sentence and Observations of the Court: Conclusions granted.

A.J.N. Dessain, Esq., Crown Advocate.
Mr. A Coutanche, a Director of the Defendant Company.

JUDGMENT

5 THE DEPUTY BAILIFF: The Social Security Law, like most laws, has a purpose. Those who do not pay are creating hardship for those in need of Social Security. It cannot be said that this was an oversight; the company which is a continuing body, has a record - three previous convictions for failing to send to the Department a remittance for the contributions in respect of persons in its employ.

10 We must always recall that employees have these deductions made from their salary and this is deducted in the anticipation that those payments will be further paid on to the Social Security Department.

15 Mr. Coutanche has apologised but has explained that the company was, apparently, in a parlous financial state and wonders why the new major shareholder, who paid a substantial sum for his shares, should now bear the brunt of a matter which, really, does not concern him. In our view that is not an argument. Nobody asked Mr. Mauger to buy these shares, part of the money was not
20 the company's anyway, it was the employees' money and they would not have received sickness benefit had anything gone wrong with the company. In the circumstances we find it perfectly right that the company should be fined £1,250 with £250 costs and we so impose that fine.

No Authorities.