

~~6th February, 1987~~

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A.G. v. Botesun Limited & Jean Ann Nickholds, née Underwood

**Deputy Bailiff:** The Court is in a difficult situation in these cases because of the policy of the Housing Committee over many years of allowing a single qualified person to be the alleged tenant, and the true tenant to pose as the lodger of the alleged tenant. This is in many cases a sham situation and should in each case be examined on its merits. We are going to reduce the conclusions somewhat. On the one hand we agree that this is a blatant case. On the other hand, the fact that the second defendant (Mrs Nickholds) will now never qualify is itself a substantial penalty. Also, the period of unlawful occupation is comparatively short, the 1st August to 20th November, although we have no doubt that it would have continued indefinitely if the Committee's officer had not visited. We also think that there is an element of a joint purse between the second defendant and her father (the beneficial owner of the first defendant). Taking all these matters into account, as to the first defendant we impose a fine of £1,250 and costs of £250 and both that fine and those costs will be paid at the rate of £150 per month. As to the second defendant, again we impose a fine of £1,250 or, in default of payment, 6 months imprisonment and costs of £250 and that fine and those costs will be paid at the rate of £150. per month.

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(No authorities noted)

AWF