

ROYAL COURT

197.

27th November, 1989

Before: Comissioner F.C. Hamon, and
Jurats Lucas and Orchard

H.M. Attorney General

- v -

Stacey Adams, née Roberts

One infraction of paragraph (1)(b) of Article 14
of the Housing (Jersey) Law, 1949.

Finding on matters of fact:
infraction proved.

Advocate S.C. Nicolle for the Crown
Advocate C.R. de J. Renouf for the defendant.

JUDGMENT

COMMISSIONER HAMON: It must be borne in mind that the defendant only came to Jersey in April, 1979, as a member of a group of dancers. Her connections with Jersey at that time were therefore only tenuous.

To write in March, 1988, as she did - "November, 1979, to December, 1979, did not work, accommodation La Hougue Farm as above. January, 1980, to April, 1980, rehearsed and taught dancing for the Gloria Roberts dancers accommodation as above" - could only have led any reasonable person

to assume that she remained in Jersey during that period.

She told us that she had clearly understood from reliable friends that she could absent herself from the Island for six months. We would like it to be made known as widely as possible that there is no such period of grace granted by the Housing Committee. It will take each case on its particular merits. If the defendant had been frank with the Housing Department, she would have set out the facts which were that in or about November, 1979, until April, 1980, she had left Jersey for the Isle of Wight. She could have said that during this time she was with other members of the troupe rehearsing for the following season at Swansons. She did not. She could have enquired of her responsibilities under the Housing Law from the Housing Department rather than rely on the dubious advice of friends. She did not.

We appreciate that she believed that she would return to La Hougue in May, but she left nothing at the property and had no firm guarantee that this was to be her home. This was hardly accommodation as we understand the word.

On the 19th April the Housing Department sent her a letter of the sternest import. It may well be that the defendant did not receive this letter, but she certainly received the letter of the 4th April, which twice uses the word 'continuous' to describe residence acceptable to the Housing Department and where that word is in fact underlined.

It is a fact that the defendant's letter gives to any person reading it a clear implication that she has been resident in Jersey continuously for the ten year period.

In fact she says in her letter of the 16th March, 1988: "I arrived in Jersey on the 23rd April, 1979, and have only left the Island for holidays and to visit my family". That statement in its context is not true. It is compounded by the details which we have dealt with in the accompanying schedule to the letter.

Desperation can often lead to concealment of facts which might harm an applicant. It is not for the Housing Department to analyse those facts, the duty is on the defendant not to mislead and not to deceive.

We therefore uphold the Attorney General's contentions. But I must say that it does not mean that we are without sympathy to the defendant's case.