

ROYAL COURT

14th September, 1990

131.

Before: The Bailiff, and  
Jurats Orchard and Herbert

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The Attorney General

- v -

Graham Raymond Barette

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One infraction of paragraph (1) of Article 6 of the Social Security (Collection of Contributions) (Jersey) Order, 1975; and  
One infraction of paragraph (1) of Article 36 of the Social Security (Jersey) Law, 1974.  
Facts admitted.

Jersey farmer - "powerless" financial situation and cashflow problems - business affairs in a mess caused by high interest rates and change in crops leading to a poor return. Family problems - death of father and therefore unable to apply himself. Contributions now paid (23rd August, 1990).

Conclusions:

Charge 1: £100.00 fine or one month in default;

Charge 2: £500.00 fine or three months in default, consecutive

Costs: £300.00 (increased by £100.00 to reflect delays in hearing of prosecution caused by defendant leaving it too late to instruct counsel for previous hearings).

Cheque first tendered returned by bank. Poor history of compliance.

Conclusions granted - six weeks to pay.

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The Solicitor General.

Advocate M.E. Whittaker for the defendant.

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JUDGMENT

BAILLIFF: You have heard your counsel say that you did not understand that this money is really in trust for your employees. You understand it now, don't you, Mr. Barette? Therefore, in accordance with the conclusions of the Solicitor General you are fined £100.00 on charge 1 or one month's imprisonment in default; on charge 2 £500.00 or three months' imprisonment in default consecutive; and costs of £300.00, with six weeks in which to pay.

Authority referred to:

A.G. -v- Holmes (24th August, 1990) Jersey Unreported.