

ROYAL COURT

28th February, 1992

30,

Before: The Deputy Bailiff and Jurats
Coutanche and Vibert

Her Majesty's Attorney General

-v-

Angus Wilkie Kenny

8 Infractions of Article 10 (1) of the Social Security (Collection of Contributions) (Jersey) Order, 1975. (Charges 1,3,5,7,9,11,13, & 15).

8 Infractions of Article 36 (1) of the Social Security (Jersey) Law, 1974. (charges 2,4,6,8,10,12,14 & 16).

PLEA:

Guilty

DETAILS OF OFFENCE:

Did not pay Social Security for 16 years. Self-employed man who claimed that he had not understood his liability to pay. Marriage broke up, business *en désastre*, "gave up on life" some years previously. Arrears totalled some £13,500. No realistic prospect of payment.

DETAILS OF MITIGATION:

As above. Supporting co-habitee and child. Very slender means.

PREVIOUS CONVICTIONS:

22 for motoring, violence, drink and one of dishonesty.

CONCLUSIONS:

1 year probation + 120 hours c.s.

**SENTENCE AND OBSERVATIONS
OF THE COURT:**

3 years probation + 120 hours c.s. Conclusions increased in an attempt to assist defendant with obvious problems in his life generally.

NOTES:

Fine out of the question. Realistic fine would have meant certain serving of default term; unrealistic fine would have trivialised the offences.

C.E. Whelan, Esq., Crown Advocate
Advocate S.Howard for the accused

JUDGMENT

DEPUTY BAILIFF: The Court wonders whether this man could benefit from longer term help and advice and whether there would be any merit in imposing a three year probation order on some of the counts, and a one year probation order with 120 community service on other counts.

The Court is addressed by Counsel.

In respect of counts 1 to 8 inclusive we impose a three year probation order, that is subject to the conditions that you will be of good behaviour throughout that time and that you will both live and work where directed by your probation officer. In respect of counts 9 to 16 inclusive we impose a one year probation order on all those counts concurrently, with a condition that you serve 120 hours of community service to the satisfaction of your probation officer. Then there is an order for payment of £50 by way of costs.