

ROYAL COURT

83.

15th May, 1992

Before: The Hon. J.A.G. Coutanche, Lieutenant Bailiff,
and Jurats Blampied and Herbert

The Attorney General

-v-

Sheila Ann Mackay née Cull

Infraction of Article 14 (1) (A) of the Housing (Jersey)
Law, 1949.

PLEA:	Gully
DETAILS OF OFFENCE:	Mrs. Mackay represented to the Landlord that she had residential qualifications and entered into a transaction by which she took the premises known as Flat 2, 18 1/2 Havre des Pas, St. Heller, without obtaining the consent of the Housing Committee. She occupied the one bedroom flat from 28th June, 1990 until the end of November, 1990, without having the qualifications.
DETAILS OF MITIGATION:	Mrs. Mackay mistakenly believed that she was acting within the Law. She had checked with the receptionist at the Housing Department and had been told to submit an exemption form. The delay in returning the form was not her fault. She co-operated with the authorities and consented to the release of her DHSS records in England.
PREVIOUS CONVICTIONS:	One minor offence. Not mentioned to the Court.
CONCLUSIONS:	£500 fine or 4 months imprisonment and £250 costs. To be paid £100 per month.

**SENTENCE AND
OBSERVATIONS OF
THE COURT:**

The Court felt this case was very similar to A.G. v. Christine Pearl Hyde. She did not intend to evade the Law and co-operated.

Miss S.C. Nicolle, Crown Advocate.
Advocate S.A. Meiklejohn for the accused.

JUDGMENT

THE LIEUTENANT BAILIFF: The Court feels this is very much similar to the case of Hyde, (5th July, 1991) Jersey Unreported. We took into account that she has been in full time employment in Jersey since February, 1980, and we accept the casual work in January, 1980. We also take into account her very good character. The Court is inclined to believe that she did not intend to evade the law otherwise the fine would be very much higher. A fine of £2,000 might well lead to a custodial sentence and this would not be right in this case. The Court intends to impose a fine of £500, or in default four weeks, with £250 costs and it is to be paid at the rate of £100 per month.

Authorities

- A.G. -v- 33 Chevalier Road Limited (22nd September, 1989) Jersey
Unreported.
- A.G. -v- Gala Holidays (C.I.) Limited (2nd November, 1990) Jersey
Unreported.
- A.G. -v- Haven Property Co. Limited (20th October, 1989) Jersey
Unreported.
- A.G. -v- Riviera Guest House & Anor. (1st November, 1991) Jersey
Unreported.
- A.G. -v- Taj Mahal Central Limited (29th November, 1991) Jersey
Unreported
- A.G. -v- Hyde & Munn (5th July, 1991) Jersey Unreported