

**ROYAL COURT**  
**(Samedi Division)**

1st July, 1994

135.

**Before: The Deputy Bailiff, and**  
**Jurats Vint and Gruchy**

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**The Attorney General**

- v -

**James Walker**

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4 infractions of Article 10(1) of the Social Security (Collection of Contributions) (Jersey) Order, 1975. (Counts 1, 3, 5, 7).

4 infractions of Article 36(1) of the Social Security (Jersey) Law, 1974. (Counts 2, 4, 6, 8).

**AGE:** 49

**PLEA:** Facts admitted.

**DETAILS OF OFFENCE:**

Self-employed painter/decorator. Deliberately evaded contributions 1985-1993. Resulting shortfall £15,117.84. Not so much guile as mere disengagement from making contributions.

**DETAILS OF MITIGATION:**

Plea. Co-operative throughout. Candid disclosures and compliance with early stages of repayment of arrears.

**PREVIOUS CONVICTIONS:**

Over 20 motoring offences, but not aggravating this offence.

**CONCLUSIONS:** Counts 1, 3, 5, 7: £200 fine or 2 weeks' imprisonment in default on each count.  
Counts 2, 4, 6, 8: £500 fine or 4 weeks' imprisonment in default on each count.  
£150 costs; all default sentences to follow one another consecutively if need be.

**SENTENCE:** Conclusions granted: 2 years to pay, in view of financial circumstances.

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The accused on his own behalf.  
S.C.K. Pallot, Crown Advocate.

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**JUDGMENT**

**THE DEPUTY BAILIFF:** Mr. Walker, the Court is going to grant the conclusions. The problem with offences of this kind, as the Court believes you realise, is that where a person fails to pay his contributions over the years, and subsequently falls into ill-  
5 health, or approaches retirement age without proper provision for his pension having been made, the result is that the community itself has to pay the expense of the pension or of supporting that particular person. Therefore, as the Crown Advocate has rightly said in his summary, it is in a sense a fraud upon the community.  
10 Because of that the Court cannot avoid imposing upon you a substantial fine.

We appreciate that you have considerable financial difficulties at the moment, and that you have an obligation to pay  
15 back that which you owe the Social Security Fund. Therefore the Court is going to order that the fines which it is about to impose will be paid over the course of the next two years. How you choose to arrange your affairs is a matter for you, but in two years' time the fines must be paid, or the alternative which the  
20 Court is going to impose will come into effect.

The Court formally fines you on each of charges 1, 3, 5, and 7, the sum of £200, or, in default of payment, two weeks' imprisonment, consecutive in each case; and on charges 2, 4, 6 and  
25 8, the sum of £500, or, in default of payment, four weeks' imprisonment, consecutive with each other and the previous sentences, making a total of £2,800, or 24 weeks' imprisonment. You will also pay costs of £150 and, I repeat, the fines and the costs must be paid before the expiration of two years from today.

No Authorities.