

5th May, 1987

Royal Court

Before The Bailiff, assisted by Jurats Coutanche and Hamon.

Her Majesty's Attorney General

-v-

David Roderick Kirch and

Samuel Henry Alfred Lapidus

(Infraction)

**BAILIFF:** The headnote to the title of the Law, that is the "Depositors and Investors (Prevention of Fraud)(Jersey) Law, 1967, is: "to provide for the registration of persons carrying on the business of accepting money for investments on deposit; to penalise fraudulent inducements to invest money, and generally to provide for purposes connected with the matters aforesaid". It is of the utmost importance that the highest standards be maintained in this Island in our financial business and transactions, because otherwise the good name of the Island will suffer. It is therefore right that we should mark very clearly by the amount of the fine, even though this is happily the first case of its kind under this Law, the Court's displeasure at any kind of failure to disclose or any kind of providing with false information, as was done in this case. However, having said that, this is a peculiar case with particular facts, and under the circumstances we think that the conclusions are too severe regarding the particular facts and we are going to reduce them, but we are also not prepared to distinguish between the parties; we think that they are both equally to blame. The fact is that although Mr. Kirch pleaded guilty, as Mr. Hamon has said, the trial itself has not taken very long, the Attorney General has not asked for any particular costs, and we do not think it will be right to distinguish between them. Under the circumstances each of the parties are fined ten thousand pounds (£10,000) or in default six months.