

ROYAL COURT

7th April, 1989

Before: The Bailiff and
Jurats Myles and Orchard

Her Majesty's Attorney General

- v -

Albert Hoggan
Margaret Hoggan (née Brown)
Summertime Caterers Ltd.

Infractions of Article 14(1)(a), (b) and (d)
of the Housing (Jersey) Law, 1949.
Facts admitted.

H.M. Attorney General for the Crown
Advocate M.S.D. Yates for the Defendants.

JUDGMENT

THE BAILIFF: It cannot be said too often that the Housing law, complicated though it may be, is there to be obeyed in order that there can be a fair distribution of houses amongst the people of the Island who need housing. And the fact that there may have been at some stage some misunderstanding about the exact status and relationships of landlords, tenants and lodgers is not an excuse. The condition is unequivocal. It is not the condition that is difficult to understand, it is the way in

which people have applied their minds and attempted to get round the law that makes for the complications. The condition is quite clear that these premises, that is to say the residential part of these shop premises shall be occupied by persons in a particular category. That is quite clear and it must mean what it says, we cannot think that anyone could be misled by it. Having said that and having looked at the references and having listened to everything you have said, Mr. Yates, and having taken into consideration the fact that as a result of an amendment to the Regulations passed two or so years ago, your clients will have to sell up and leave the Island, we think that we are able to make some reduction in the conclusions asked for by the Attorney General. Therefore, accordingly, Mr. Hoggan, you are fined £600 on charge 9 or in default three months' imprisonment; and on the further charge to a fine of £400 or three months' imprisonment. Mrs. Hoggan, you are fined £600 on charge 9, and the company is fined £400 on charge 10, making a total of £2,000.

Authorities

A.G. -v- Perpignan Investments (14th June, 1988) Jersey Unreported.