

ROYAL COURT

2nd November, 1990

165.

Before: The Bailiff, and
Jurats Orchard and Le Ruez

Attorney General

- v -

Gala Holidays (C.I.) Ltd.

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

Breach not deliberate and matter
rectified as soon as it came to the
notice of those responsible.

Full co-operation with Housing Law
Officer.

Local people denied use of flat for
9 months. No previous convictions.

Conclusions: Fine £4,000 and
condemned to payment of £300 by way
of costs.

General Manager not made aware of
conditions attaching to Housing
consent issued in respect of the
property.

Conclusions varied: Fine £1,500 and
condemned to payment of £200 by way
of costs.

The Attorney General.

Advocate R.G.S. Fielding for the
defendant company.

JUDGMENT

BAILIFF: This is not one of those cases where the Court wishes to express a view that the offender knew very well that he was committing an offence; nor is it a case where the Court wishes to impose a high penalty. We think this is almost a border line case because of the particular circumstances, but we stress because of the particular circumstances.

We repeat, however, that it is the duty of everyone who acquires or deals in property to acquaint themselves with the conditions and to see that they are observed. However, in view of the small time that the infraction occurred; the lack of intention to break the law and the small size of the unit; the immediate putting right of what was wrong and their co-operation, we think that the appropriate fine in this case related to these particular circumstances - I wish to stress that - is £1,500 and £200 costs.

Authorities referred to:

- A.G -v- Perpignan Investments Ltd: (14th June, 1988) Jersey Unreported.
- A.G. -v- Marsden (27th October, 1989) Jersey Unreported.
- A.G. -v- Robb, née Holley (6th April, 1990) Jersey Unreported.
- A.G. -v- Langston Investments Ltd (23rd March, 1990) Jersey Unreported.