

ROYAL COURT
(Samedi Division)

225

12th December, 1997

**Before: Sir Philip Bailhache, Bailiff and Jurats
Le Ruez and Rumfitt**

A.G.

-v-

Gary Gaughran

I count of contravening Article 2(1)a of the Employers Liability (Compulsory Insurance) (Jersey) Law, 1973, by failing to maintain insurance against injury or disease sustained by employees arising out of and in the course of their employment.

Age: 34.

Plea: Facts admitted.

Details of Offence:

Defendant a painter and decorator employed by a main contractor on a construction site when accident suffered by one of his employees. Employee fell through ceiling plasterboard 2.26 metres and suffered bruising to his back and dislocated thumb. Defendant had enquired about obtaining insurance, was quoted a premium of £600 per annum and decided he could not afford it. Following the accident he took legal advice and thereafter took out insurance cover.

Details of Mitigation:

Defendant very co-operative and fully admitted his guilt. Affidavit of means handed to Court. Wife about to give birth to first child.

Previous Convictions:

Nothing relevant.

Conclusions:

£1,000 fine or two weeks' in default and costs of £250 costs.

**Sentence and Observations
of the Court:**

Conclusions granted.

**Mrs. S. Sharpe, Crown Advocate.
Advocate S. Slater for the Defendant.**

JUDGMENT

THE BAILIFF: You are now aware that it is not only in the interests of employees but actually in your own interests to insure under the Employers's Liability (Compulsory Insurance) (Jersey) Law, 1973. We take account of the very proper attitude which you have adopted as relayed by your Counsel and we grant the conclusions. You are accordingly fined £1,000 and will pay costs of £250.

Authorities

A.G. -v- Mann (20th October, 1997) Jersey Unreported.