

JERSEY / JUDGMENT

AG v Barra Hotel [2000]

JRC 85 (19 May 2000)

[2000] JRC 85

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JUDGMENT

THE BAILIFF: 1. The defendant company has been convicted of serious offences under the Fire Precautions (Jersey) Law, 1977 by failing to comply with conditions designed to ensure the safety of the public and in particular of residents of the Barra Hotel. The most serious offence related to two fire exit doors which at the material time were secured by chains and padlocks. The danger to public safety is plain and obvious. 2. This is the first case to come before the Court and we think it right to state that serious breaches of the law such as this should attract substantial punishment. 3. It is true that on the occasion which brought these offences to light there was no fire, but we do not regard that as mitigating the offences. There is little to be said in mitigation except that the defendant company has not previously been convicted, nor come to the adverse notice of any statutory authority. The defendant company through its director, Mr. Shelton, did not admit the infractions and signally failed to express any regret or remorse for the risks to which residents and others had been exposed. Mr. Shelton drew the Court's attention to the financial circumstances of the defendant company and told us, in effect, that it was unable to pay any fine. 4. The Court adjourned the sentencing of the company on 17 th April in order to allow Mr. Shelton to produce the accounts of the company and any further information necessary to establish its financial circumstances. It is sufficient, we think, for us to state that we do not find the material placed before us satisfactorily establishes those circumstances. 5. We conclude, therefore, that we ought to impose fines which reflect the gravity of the offences. The importance of complying with statutory requirements designed to promote the health and safety of the public cannot be over-emphasised. We have taken into account all the matters placed before us by Mr. Shelton on behalf of the company but we have concluded that the fines moved for by the Crown Advocate are right and proper. We therefore grant the conclusions and on count 1, the defendant company is fined £8,000; on count 2, £1,000; on count 3, £1,000, making a total of £10,000 and we order the defendant company to pay the costs of the prosecution in the sum of £5,000. Authorities A. G. -v- Jersey New Waterworks (28 th November, 1997) Jersey Unreported. A. G. -v- Stansell QVC, Ltd. (15 th October, 1999) Jersey Unreported. R. -v- F. Howe & Sons (Engineers) Ltd.

[1999] 2 All ER 249 . A. G. -v- Riviera Guest House, Ltd. (1 st November, 1991) Jersey Unreported. Fire Precautions (Jersey) Law, 1977: Article 5(3). Criminal Justice Act 1991: s. 18. A. G. -v- New Lynn Apartments, Ltd. (12 th December, 1997) Jersey Unreported. 4 Halsbury 12: pp.1298-1302: Criminal Justice Act, 1991. [1] Per prosecution witness. Mr. Velosa, the manager of the hotel, a defence witness, stated that the chains were wrapped around the bars of both fire exit doors and that the unlocked clasp of a padlock was placed through links in the chain which secured the more northerly of the two rear fire exits . Page Last Updated: 02 Nov 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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Prepared on 25 October 2026 · Esheria