

JERSEY / JUDGMENT

AG v Sowney [2002] JRC 103 (24 May 2002)

[2002] JRC 103

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JUDGMENT

THE COMMISSIONER: 1. Everyone has obligations under the Social Security Law, 1974 . The obligations are not onerous; the consequences of breach are always serious, because if one does not pay then others who do so have to bear the burden at the end of the day. 2. This was as you know a serious breach over a long period which starts in 1996, and amounts in total to £8,176.48. Any builder in Jersey must be aware of his obligations under the law. The booklet issued by the Social Security Committee, for instance, could not be clearer. The copy we have says this:- "The Social Security Classification Jersey Order, 1974, has been changed. All labour owning contractors and sub-contractors working in the construction and building industry are classified as employed persons." 3. We have excellent references, and Mr Sowney has no criminal record whatsoever. He may have been duped by Mr Blackshaw but it was this aberration that led Mr Sowney to provide further details of four more individuals. 4. The Crown has taken level 2 fines and whilst we appreciate the defendant has had financial difficulties we cannot, of course, find in mitigation that ignorance of the law is an excuse. We appreciate that the defendant has been co-operative; but the arrears were only paid on the day that the summons was issued, despite the fact that of the two properties in which he had an interest one had been sold some weeks previously. I have to say this: if he had acted earlier, he would not be in court today. Because of all the mitigating circumstances we are in fact going to reduce the conclusions slightly, but the costs must be paid, they lie entirely at the door of the defendant. 5. We will follow the conclusions of the Crown but we will reduce the Article 6(1) infraction to £100 for each count. That makes a total of fine of £5,400 to which of course we add £1,000 costs and the default provisions as stated by the Crown Advocate remain to make a total prison sentence of 36 weeks if the fines are not paid. They may be paid at the minimum rate of £75 per week. Authorities A. G.-v- Hervé (29 th March, 2001) Jersey Unreported; [2001/77]. A. G.-v- Cahours (15 th December, 2000) Jersey Unreported; [2000/250A] AG v Lagadu - (17 th November, 2000) Jersey Unreported; [2000/228]. Page Last Updated: 21 Jun 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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