

JERSEY / JUDGMENT

AG -v- Sullivan [2013] JRC 180 (13 September 2013)

[2013] JRC 180

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JUDGMENT

THE BAILIFF: 1. You purchased a property which had on it the usual condition that it had to be let to, or occupied by, (a)-(h) qualified people. Despite this, after you had extended the property so as to create, in effect, three units, you let one unit to an unqualified couple for 4 years, from 2004-2008, at which time the husband became qualified, and you also let another to an unqualified couple for some 7 years, from 2005-2012. You thought it was lawful because you occupied the third unit, although it has to be said that in recent years you spent very little time there as you now live, most of the time, in England with your husband and 6 year-old daughter. However, what is significant is that the Crown accepts, and we accept, that there was no illicit profit in this case, in that the rents you charged were no more than would have been charged to a residentially qualified person. So we do accept that this was an offence committed through inadvertence, through a misunderstanding of the Housing Law, rather than deliberately. Nevertheless it is the responsibility of anyone who owns Jersey property and decides to let it, to check the law and take advice as necessary, and this you failed to do. And of course even though there was no illicit profit, one of the purposes of the Housing Law is to preserve accommodation for local residents and your actions resulted in these two units not being so available. 2. In all the circumstances the Crown has moved for a fine of £10,000. Advocate Gollop has emphasised the mitigation, your guilty plea, your immediate admission of what you had done, your complete cooperation with the Housing Department, your clear remorse, which we accept, and your apology, your excellent character, and we have read the references, and also the effect on your health. Nevertheless were it not for one further factor we would have adopted the conclusions of the Crown; we think they fixed the fine at the right level. 3. But in this case there has been an unacceptable delay on the part of the Housing Department. It appears that the interviews were completed in January at which time everything that was to be known about this case was known. Yet for purely administrative delay, the papers were not forwarded to the Law Officers' Department until mid-June. This meant that this matter was hanging over you quite unnecessarily for a period of some 5 months and we accept from the evidence, including from your doctor, that this really has been most stressful because of your remorse and your worry about what was going to happen. We hope that the Attorney General will communicate the Court's displeasure at what happened in this case to the Housing Department with a request that

it should never happen again. In all the circumstances, for that reason alone, we are going to reduce the conclusions a little. 4. We are going to impose a fine of £4,000 on each Count. That makes a total of £8,000, with a sentence of 2 months' imprisonment in default on each, consecutive, so that is a total of 4 months, and we are also going to order the costs of £2,500 as requested. 14 days to pay. Authorities AG-v-Bracken-Smith

[2007] JRC 192 . AG-v-Muren and Peters

[2000] JRC 166 . Housing (Jersey) Law 2000. Page Last Updated: 16 Sep 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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