

JERSEY / JUDGMENT

# AG -v- Venton [2010] JRC 098 (28 May 2010)

**[2010] JRC 098**

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## JUDGMENT

THE commissioner: 1. The defendant has admitted an infraction of the Housing (Jersey) Law 1949, as amended, by failing to comply with a condition attached to the consent for the purchase of "Papillon", 6 Mont à la Brune, St Brelade, by permitting the property to be occupied by persons who did not qualify. The breach continued for a period of 21 months in total, during which the defendant received £42,000. It is not asserted by the Crown that he made an illicit profit. However, the Crown do say that the defendant had deliberately sought to flout the Law and to obfuscate matters by the use of a licence arrangement involving his son. Although there has been a guilty plea it was entered at a late stage. Furthermore, according to the Crown, the defendant has been neither helpful nor candid in providing assistance to the investigating officers. He was invited, the Crown say, to an interview but chose not to attend. 2. In terms of mitigation the defendant has had a long career as a civil servant and has no previous convictions. He has produced references which we have considered and read and he has expressed remorse. We ought just to confirm that in so far as the letters received from Mr Le Main, we have regard to them only in so far as they provide a reference as to his character. 3. The defendant has apologised to the Court and he has pleaded guilty albeit late in the day. Advocate Wakeham has said on his behalf that he did not set out deliberately to flout the Law and he did attend, as is clear, the first interview when his wife was interviewed, and declined to attend a second because she had given their explanation to the authorities. 4. The broad purpose of the law, as Advocate O'Connell has told us, "is to prevent a further aggravation of the housing shortage and to ensure that sufficient land is available for the inhabitants of the Island". 5. In AG-v-Muren & Peters 2000/166 it was said as follows:- "to preserve certain parts of the housing stock with people who are thought to have the greatest claim, that is to say, people with residential qualifications and we must accordingly punish infractions of the Housing Law which are committed quite deliberately, and in the knowledge that the Law was being broken". In our view it is incumbent upon those who acquire property to ascertain what they can or cannot do and if in doubt, to take legal advice. 6. We are therefore going to grant the conclusions of the Crown. The defendant is fined on Count 1 the sum of £5,000 or 2 months' imprisonment in default, and he is ordered to pay costs to the Crown in the sum of £2,500, with a maximum period of four weeks in which to pay. Authorities Housing (Jersey) Law 1949, as amended. AG-v-Muren & Peters 2000/166. AG-v-Wallbridge-Smith

[2008] JRC 055 . AG-v-Chapman

[2008] JRC 037 . AG-v-Bracken-Smith

[2007] JRC 192 . AG-v-Corbel and Another 2001/28. Page Last Updated: 02 Aug 2016 BAILII:  
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