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ROYAL COURT

20th October, 1989

Before: The Bailiff, and
Jurats Coutanche and Vibert

Infraction: Michael John Vautier and
Nancy Kathleen Vautier, née de la Haye

One infraction of Article 14 (1) (a)
of the
Housing (Jersey) Law, 1949.

Advocate S.C. Nicolle, Crown Advocate
Advocate B.I. Le Marquand for the defendants.

JUDGMENT

THE BAILIFF: The Court well understands the anxiety of the Committee and the Housing Department and its officers to ensure that not only proper conditions are imposed on the transfers of houses, but that those conditions are so designed that the occupancy of those houses will not exacerbate the present acute housing problem. Obviously the condition which the defendants have contravened was designed for that purpose; but having ascertained from Mr. Harris, the assistant enforcement officer of the Committee first that none of the rooms, including even those in which Mr. and Mrs. Vautier could lawfully

have had five lodgers, and including those over and above that figure, were not suitable to be let to tenants, and secondly that by letting them to lodgers the defendants were not therefore exacerbating the housing problem, the Court is led to the inescapable conclusion, as Mr. Le Marquand has submitted, that this was a technical breach. That being so we approach it from a different angle than the Crown Advocate.

Having said that we want to make it clear that where rooms suitable for letting are in fact used by unqualified lodgers, there is certainly, in those conditions, an exacerbation and aggravation of the housing problem, this is not the case here as I have said and we think also that we agree with Mr. Le Marquand that his clients acted within the spirit of those conditions. There has been very little profiteering in that sense, and their motive, we note, from what he has said, was to help people in need of accommodation who worked in the area. The Court has noted that the charges they made were not exorbitant - that was also accepted by the Housing Office representative. Therefore under all the circumstances - and I repeat that this is not to be taken as a precedent for the level of fines in housing infractions, because this is a technical breach - you are each fined £300, or in default fourteen days' imprisonment and you will pay jointly and severally £150 costs.

Authorities referred to:

A.G. -v- Pennymore Consulting Services Ltd (1985-86) JLR N-14.