

ROYAL COURT
(Samedi Division)

129.

7th September, 1990

Before: Deputy Bailiff, and
Jurats Blampied and Hamon.

The Attorney General

-v-

Carol Driscoll (née Cunningham)

1 Infraction of Article 14(1)(b)
of the Housing (Jersey) Law, 1949.

False claim of 10 years residence-3 persons induced to write letters supporting deceit-resulted in Housing Dep't consent to occupy flat that was thus denied to those lawfully qualified-shares in flat have now been sold at £5000 profit.

Defendant, aged 30, pregnant-she and husband would now have to leave Jersey and seek new home and employment in England.

The Solicitor General.

Advocate J.G. White for the Accused.

JUDGMENT

THE DEPUTY BAILIFF: This was very deliberate deception. Whether or not people resent the inability of some ever to acquire housing qualifications is not a matter for this Court. The Court believes that the large majority believe housing controls to be essential; but again, that is not a matter for this Court; the States have passed and maintained this legislation and

the Court must uphold it. Therefore, where people set out upon and persist in a very deliberate deception, they must expect the penalty to be substantial. This defendant either duped others or conspired with them in order to put papers before the Housing Department that would mislead that department into giving consent and she succeeded in that intention. She is not penniless; there is a balance in her favour of some £6,000 on paragraph 4(a) to (g) of her Affidavit, and we note that included in the expenditure in that list is in fact £1,000 raised to pay her bail which she will, of course, receive back. In addition there is a motor car. We are satisfied that the tax liability is not significant and will be less than the £6,000 surplus. People must not be allowed to profit from transactions entered into in breach of the law.

We therefore grant the conclusions. The defendant will pay a fine of £1,000. In default of payment she will serve three months imprisonment and she will pay costs in the sum of £250.

no authorities.