

ROYAL COURT
(Samedi Division)

193.

18th October, 1996

Before: Sir Philip Bailhache, Bailiff,
and Jurats Herbert and Rumfitt.

The Attorney General

- v -

St. Aubin's Wine Bar, Limited

1 count of contravening Article 2(1) of the Lodging Houses (Registration) (Jersey) Law, 1962, as amended,
by keeping a lodging house which was not registered under the Law.

Plea: Facts denied.

Details of Offence:

The premises were registered up to February, 1996. Re-registration was refused because neither the cooking/food storage facilities nor the ratio of shared washing and sanitary facilities met the Committee's minimum requirements. The company continued to operate the lodging house. It was convicted 25/7/96, and on 21/8/96 was found still to be running an unregistered lodging house.

Details of Mitigation:

The plea of not guilty and the mitigation was founded on the view of the company's moving spirit (Mr. J. Barker) that the company was entitled to be registered, and that if it was entitled to be registered it was entitled to run its lodging house.

Previous Convictions:

Two previous convictions under the Licensing (Jersey) Law, 1978. One parking offence. Two previous convictions under the Lodging Houses Law.

Conclusions: £6,000 fine and £1,000 costs.

Sentence of the Court: Conclusions granted.

The Solicitor General.
Mr. James Barker, a representative of the
Defendant Company.

JUDGMENT

THE BAILIFF: On 25th July, 1996, the defendant company was convicted of an identical offence under the Lodging Houses (Registration) (Jersey) Law, 1962 and fined the sum of £5,000 together with costs of £1,000 for keeping a lodging house which was not registered.

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For reasons which the Court cannot really understand, the defendant company has continued to breach the law by operating this unregistered lodging house. It amounts, in the judgment of the Court, to a stubborn and wilful refusal to comply with the law.

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After the conviction on the 25th July, 1996, there does appear to have been some discussion between Senator Le Main, acting on behalf of the defendant company, and the President or other Members of the Housing Committee, as a result of which there was an agreement that in the interests of the lodgers, a blind eye would be turned by the Committee for a short period at the beginning of August to the continuing operation of the lodging house.

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Mr. Barker, on behalf of the defendant company submitted that the agreement was an undertaking by the Committee to allow the infraction to continue, provided that certain equipment was ordered and security locks installed. No evidence was tendered however, to support this submission and we reject it. In our judgment the defendant company, through Mr. Barker, well knew that it was in default of the law but it continued to operate the lodging house unregistered nonetheless.

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The evidence showed that the defendant company was taking nearly £1,000 per week from its lodgers. In that context we consider that the Solicitor General's conclusions are moderate and reasonable, and they are accordingly granted. The defendant company is therefore fined the sum of £6,000 and will pay costs in the sum of £1,000.

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Authorities

Lodging Houses (Registration) (Jersey) Law, 1962, as amended,
Article 2(1).

A.G.-v-St Aubin's Wine Bar, Ltd. (25th July, 1996) Jersey
Unreported.