ROYAL COURT

24th January, 1992 13.

Before: The Bailiff, and

Jurats Bonn and Herbert

The Attorney General

- v -

Henry Hardacre

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8 Infractions of Article 10(1) of the Social Security (Collection of Contributions) (Jersey) Order, 1975: Charges 1, 3, 5, 7, 9, 11, 13, 15.

8 Infractions of Article 36(1) of the Social Security (Jersey) Law, 1974: Charges 2, 4, 6, 8, 10, 12, 14, 16.

PLEA:

Infractions admitted.

DETAILS OF OFFENCE:

Self-employed bricklayer; native of Liverpool whose offences were detected when he went to the Department for a form to show he was not receiving benefit, which form could then be taken to Parish Welfare.

Claimed to have been resident in Jersey since 1979, but this was thought to be a fiction inspired by matters relating to Housing qualifications. More accurate dates were shown to be 1989-91. Had never paid contributions. Arrears for period charged = circa £2,500. Current earnings (after rent) about £14,000.

DETAILS OF MITIGATION:

Married, one child. Paying voluntary maintenance for two other children on occasion. Had been out of work for some months following car accident; now in employment.

PREVIOUS CONVICTIONS:

Minor record of no significance to the present case.

CONCLUSIONS:

Art. 10(1) 8 x £75 (1 week consecutive in default, on each).
Art. 36(1) 8 x £175 (2 weeks consecutive in default, on each).
Total: £2,000 or 24 weeks in default, plus £75 costs.

SENTENCE AND OBSERVATIONS OF THE COURT:

Conclusions granted. Time to pay at £50 per week. Warning that those who come to Jersey to work make a welcome contribution but are bound to honour their legal obligations. Those who do not honour those obligations may face increased fines in the future. Hall: observations are repeated. Those who comply are carrying those who do not. The latter are therefore acting fraudulently and, in the simplest term, unfairly.

C.E. Whelan, Esq., Crown Advocate.
Advocate D. Sowden for the accused.

JUDGMENT

THE BAILIFF: You have been evading your responsibilities in this Island for a long time. I wish it to be known that anyone else who comes before us may well have an increased fine imposed.

Those who come to Jersey to work, make a contribution to the Island workforce; that is perfectly clear, but they also have obligations to the society in which they work, and if there are many like you who do not do that - I repeat what the Crown

Advocate has said - the rest of the people who pay their contributions are carrying you and those like you and that is not fair. The Law is quite clear; everyone who works has to make a contribution, otherwise the calculations of how the funds are going to work will fail. People who deliberately evade their responsibilities as you have deserve to be censured and deserve punishment. However, the conclusions asked for by the Crown are not opposed by your counsel.

You are therefore fined a total of £2,000 or in default 24 weeks' imprisonment; and ordered to pay costs of £75. You will pay off the fine at the rate of £50 per week as long as you are in work; and if you fail to do so then you will immediately be arrested and put in prison.

Authorities

A.G. -v- Hall (20th July, 1990) Jersey Unreported.

A.G. -v- Didsbury (14th December, 1990) Jersey Unreported.

A.G. -v- Scott (14th December, 1990) Jersey Unreported.