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Treating fines as a business expense

It is a mistake to think that persistent nest robbers cannot be sent to prison under the present law. The Director of the Royal Society for the Protection of Birds mentions (4 August 1984) an egg collector who admits that he 'budgets' for his fines. This is reminiscent of Mr and Mrs Harris of Manchester. In contravention of a local Act they each operated flower stalls which projected on to a footway near the entrance to a public cemetery. The penalty laid down by the Act was limited to a small fine, which was regarded by the defendants as a business expense. A relator action was then brought by the corporation for an injunction. This was granted. Breach of the injunction would have been a contempt of court punishable by a prison sentence. Justifying the grant of an injunction, Lord Justice Sellers said: 'It cannot, in my opinion, be anything other than a public detriment for the law to be defied, week by week, and the offender to find it profitable to pay the fine and flout the law'. The case is reported as *A-G v Harris* [1961] 1 QB 74.¹

¹ *The Times*, 10 August 1984.