



Magistrate's Court of Jersey

Sentencing Guidelines

Part 3 : Drug Offences

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1	Class A – Possession	Misuse of Drugs (Jersey) Law 1978, Art 8(1)
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Maximum: 7 years imprisonment or a fine or both

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of amounts in possession	Starting point	Range
Up to 2g cocaine, 2g/4 tablets of MDMA	Fine	£300 – £1,000
Up to 5g cocaine, 5g/10 tablets of MDMA or 0.2g heroin	Custody	1 – 8 months custody

NB: Amounts in excess of the above quantities would not ordinarily be charged as simple possession.

B. Offence seriousness (culpability and harm) Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant, but these lists are not exhaustive	
Factor indicating higher culpability	Factor indicating lower culpability
<ol style="list-style-type: none"> 1. Offender exercising or acting in position of responsibility 2. Offence committed Prison 3. Use in public 4. Drug prescribed for another 	
Factor indicating greater degree of harm <ol style="list-style-type: none"> 1. Possession or use in the presence of children, for example at home, or in or near a school 	

Form a preliminary view of the appropriate sentence,
then consider offender mitigation

Consider order for forfeiture and destruction of any drugs and related material

2	Class A – Importation / Possession with intent to supply / Supply / Offer to supply	Customs and Excise (Jersey) Law 1999, Art 61(2)(b) Misuse of Drugs (Jersey) Law 1978, Arts 8(2)/5
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Maximum: Life imprisonment or a fine or both.

This offence is generally too serious for the Magistrate's Court and should be sent to the Royal Court.

3	Class A – Production	Misuse of Drugs (Jersey) Law 1978, Art 5
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Maximum: Life imprisonment or a fine or both.

This offence is generally too serious for the Magistrate's Court and should be sent to the Royal Court.

4	Class B – Possession	Misuse of Drugs (Jersey) Law 1978, Art 8(1)
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Maximum: 5 years imprisonment or a fine or both

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of possession	Starting point	Range
Up to 50g of cannabis/5g amphetamine sulphate	Fine	£300 – £2,500
Up to 250g of cannabis/15g amphetamine sulphate	Custody	2 – 4 months

NB: Amounts in excess of the above quantities would not ordinarily be charged as simple possession.

B. Offence seriousness (culpability and harm) Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant, but these lists are not exhaustive	
Factor indicating higher culpability	Factors indicating lower culpability
1. Offender exercising or acting in position of special responsibility 2. Offence committed in Prison 3. Use in public 4. Drug prescribed for another	
Factor indicating greater degree of harm	
1. Possession or use in the presence of a child, for example at home, or in or near a school	

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5	Class B – Importation / Possession with intent to supply / Supply / Offer to supply	Customs and Excise (Jersey) Law 1999, Art 61(2) Misuse of Drugs (Jersey) Law 1978, Arts 8(2)/5
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Maximum: 14 years imprisonment or a fine or both.

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of activity	Starting point	Range
Up to 100g of cannabis/5g amphetamine sulphate	1 month custody	£1,000 – 2 months custody
Up to 500g of cannabis/25g amphetamine sulphate	8 months custody	2 – 10 months custody
Up to 750g of cannabis/50g amphetamine sulphate	12 months custody	10+ months custody
More than the above	Send to the Royal Court	

B. Offence seriousness (culpability and harm) Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant, but these lists are not exhaustive	
<p>Factors indicating higher culpability</p> <ol style="list-style-type: none"> 1. Sophisticated operation 2. Offender exercising or acting in position of special responsibility 3. Offence committed in Prison 4. Offence committed in public 5. Prescribed drugs for self or another 	<p>Factors indicating lower culpability</p> <ol style="list-style-type: none"> 1. Personal importation
<p>Factors indicating greater degree of harm</p> <ol style="list-style-type: none"> 1. Supply to vulnerable persons including children 2. Possession in the presence of a child, for example at home, or in or near a school 3. Use of a vulnerable carrier 	

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6	Class B - Cultivation of cannabis	Misuse of Drugs (Jersey) Law 1978, Art 5(a)
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Maximum: 14 years imprisonment or a fine or both

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of activity	Starting point	Range
Very small-scale cultivation for personal use only (1 to 4 plants)	3 months custody	1 - 5 months custody
Small scale cultivation for personal use and non-commercial supply to small circle of friends (5 to 10 plants)	9 months custody	6 – 12 months custody
Commercial cultivation (more than 10 plants)	Send to the Royal Court	12 months – Send to the Royal Court

B. Offence seriousness (culpability and harm) Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant, but these lists are not exhaustive	
Factors indicating higher culpability 1. Use of sophisticated growing system 2. Use of sophisticated system of concealment 3. Persistent use/cultivation of cannabis 4. Offence committed in Prison	Factors indicating lower culpability
Factor indicating greater degree of harm 1. Involvement of vulnerable/young persons 2. Cultivation on another’s property	

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7	Class C – Possession	Misuse of Drugs (Jersey) Law 1978, Art 8(1)
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Maximum: 2 years imprisonment or a fine or both

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of activity	Starting point	Range
Up to 250 tablets (diazepam)	1 month custody	£500 to 2 months custody
Up to 500 tablets (diazepam)	3 months custody	2 to 4 months custody
Up to 1000 tablets (diazepam)	5 months custody	4 to 6 months custody

NB: Amounts in excess of the above quantities would not ordinarily be charged as simple possession.

B. Offence seriousness (culpability and harm) Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant, but these lists are not exhaustive	
<p>Factor indicating higher culpability</p> <ol style="list-style-type: none"> 1. Offender exercising or acting in position of special responsibility 2. Offence committed in Prison 3. Use in public 4. Drugs prescribed for another 	<p>Factors indicating lower culpability</p>
<p>Factor indicating greater degree of harm</p> <ol style="list-style-type: none"> 1. Possession in the presence of a child, for example at home, or in or near a school 	

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8	Class C – Importation / Possession with intent to supply / Supply / Offer to supply	Customs and Excise (Jersey) Law 1999, Art 61(2) Misuse of Drugs (Jersey) Law 1978, Arts 8(2)/5
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Maximum: 5 years imprisonment or a fine or both.

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples activity	Starting point	Range
Up to 500 tablets (diazepam)	3 months custody	1 to 5 months custody
Up to 2500 tablets (diazepam)	8 months custody	6 to 10 months custody
Up to 5000 tablets (diazepam)	12 months custody	11 months - Send to Royal Court

B. Offence seriousness (culpability and harm) Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant, but these lists are not exhaustive	
Factors indicating higher culpability <ol style="list-style-type: none"> 1. Sophisticated operation 2. Offender exercising or acting in position of special responsibility 3. Offence committed in Prison 4. Offence committed in public 5. Drugs prescribed for self or another 	Factors indicating lower culpability <ol style="list-style-type: none"> 1. Personal importation
Factor indicating greater degree of harm <ol style="list-style-type: none"> 1. Supply to vulnerable persons including children 2. Possession in the presence of a child, for example at home, or in or near a school 3. Use of a vulnerable carrier 	

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Consider order for forfeiture and destruction of any drugs and related material

9	Obstruction	Misuse of Drugs (Jersey) Law 1978, Art 19(7)
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Maximum: 2 years imprisonment or a fine or both

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of activity	Starting point	Range
Class B/C suspected, or unknown, no violence	£750	£500 - £1,000
Class B/C suspected, or unknown, with violence	3 months custody	2 – 4 months custody
Class A suspected, no violence	3 months custody	2 – 4 months custody
Class A suspected, with violence	8 months custody	6 – 10 months custody

B. Offence seriousness (culpability and harm) Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant, but these lists are not exhaustive	
<p>Factor indicating higher culpability</p> <ol style="list-style-type: none"> 1. Level of violence 2. Weapon used 3. Evidence supporting suspected class of drug 	<p>Factor indicating lower culpability</p> <ol style="list-style-type: none"> 1. Only personal quantity involved
<p>Factor indicating greater degree of harm</p> <ol style="list-style-type: none"> 1. Successful avoidance of substantive charge 2. Possession/obstruction in the presence of a child, for example at home, or in or near a school 3. Injury caused 	

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