

ORDER IN COUNCIL

XVIII

1983

ratifying a Projet de Loi

ENTITLED

The Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 1983

(Registered on the Records of the Island of Guernsey
on the 15th November, 1983.)



1983.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 15th day of November, 1983 before Graham Martyn Dorey, Esquire, Deputy Bailiff; present:—Albert Richard McCartney Straw, Esquire, Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Donald Pescott Plummer, Esquire, Sydney Haydn Heard, Esquire, M.B.E., Brian Ernest Herbert Joy, Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, John Christopher Bulstrode, Geoffrey Ernest Le Page and Stanley Walter John Jehan, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 19th day of October, 1983, ratifying a *Projet de Loi* of the States of Guernsey entitled "The Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 1983", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively of which order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 19th day of October 1983

PRESENT,

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 28th day of September 1983 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth:—

1. That, in pursuance of their Resolution of the 27th day of October 1982, the States of Deliberation at a meeting held on the 30th day of March 1983 approved a Bill or “Projet de Loi” entitled “The Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 1983”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto.
2. That the States of the Island of Alderney at a meeting held on the 4th day of May 1983 considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Alderney.
3. That the chief Pleas of the Island of Sark at a meeting held on the 3rd day of May 1983 considered the said bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Sark.
4. That the said Bill or “Projet de Loi” is in the

words and figures set forth in the Schedule hereunto annexed and most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 1983" and to order that the same shall have force of law in the Bailiwick of Guernsey.'

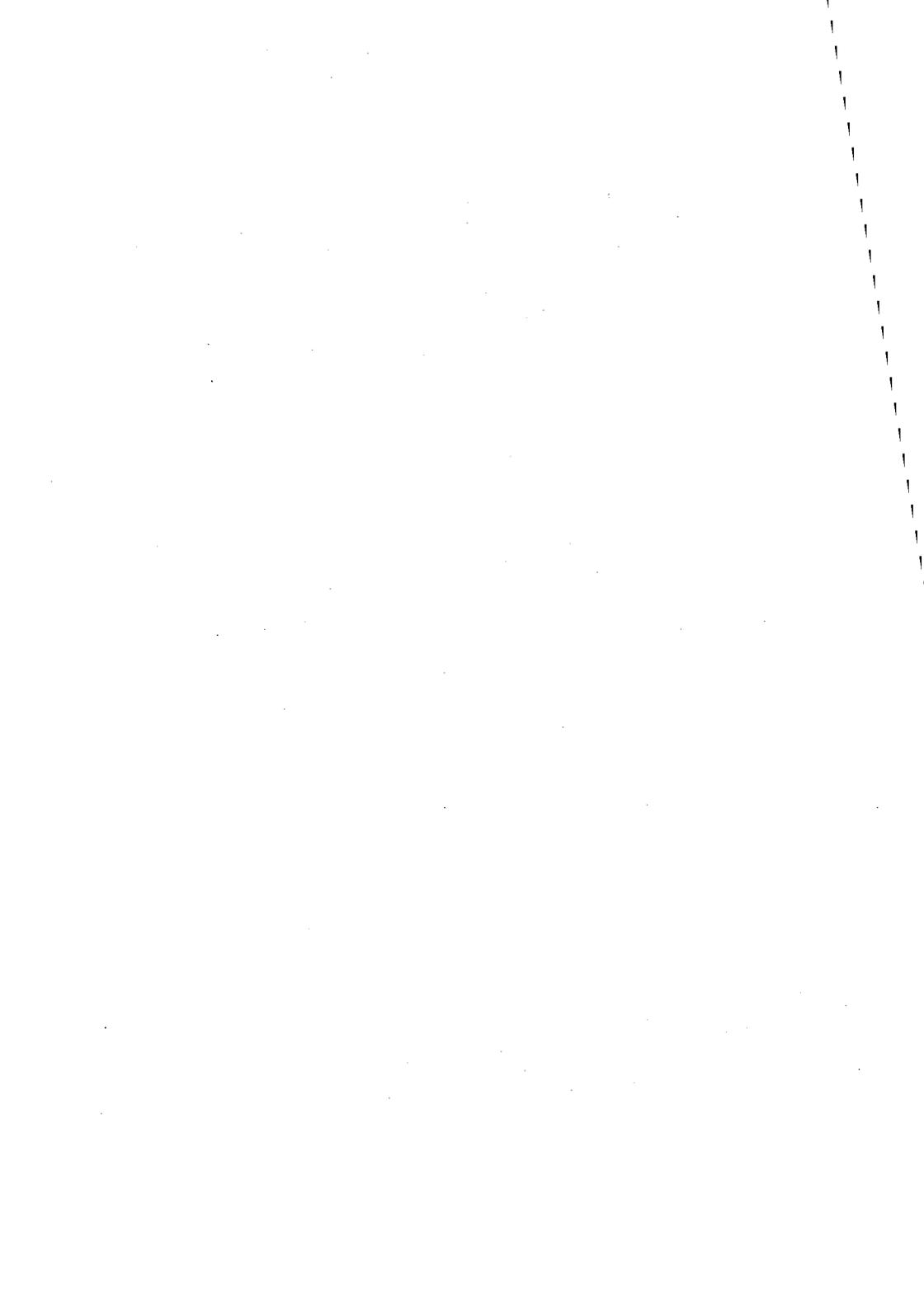
"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

N. E. Leigh.



PROJET DE LOI

ENTITLED

The Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 1983

THE STATES, in pursuance of their Resolution of the twenty-seventh day of October, nineteen hundred and eighty-two, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

1. The Misuse of Drugs (Bailiwick of Guernsey) Law, 1974(a), as amended(b), is hereby further amended as follows:—

Amend-
ments to
Law of 1974

(a) subsections (2) and (3) of section twenty-five thereof (which increase penalties for certain offences under the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972(c), are repealed and the following subsections are substituted therefor—

“ (2) Where the controlled drug constituting the goods in respect of which the offence was committed was a Class A drug or a Class B drug, subsection (1) of section twenty-three, subsection (2) of section

(a) Ordres en Conseil Vol. XXIV, p. 273.
(b) Recueil d'Ordonnances Tome XX, p. 271.
(c) Ordres en Conseil Vol. XXIII, p. 573.

thirty or section seventy-seven, as the case may be, shall have effect as if for the words from “be liable” to “such imprisonment” there were substituted the following words, that is to say—

“be liable—

- (a) on summary conviction, to a penalty of three times the value of the goods or five hundred pounds, whichever is the greater, or to imprisonment for a term not exceeding six months, or to both;
- (b) on conviction on indictment, to a pecuniary penalty of such amount as the Court may determine, or to imprisonment for a term not exceeding fourteen years, or to both”,

so, however, that nothing in this subsection shall be taken to affect the liability of any person to detention under the said section seventy-seven.

(3) Where the controlled drug constituting the goods in respect of which the offence was committed was a Class C drug, the said subsection (1) of section twenty-three, subsection (2) of section thirty or section seventy-seven, as the case may be, shall have effect as if for the words from “be liable” to “such imprisonment” there were substituted the following words, that is to say—

“be liable

(a) on summary conviction, to a penalty of three times the value of the goods or five hundred pounds, whichever is the greater, or to imprisonment for a term not exceeding three months, or to both;

(b) on conviction on indictment, to a pecuniary penalty of such amount as the Court may determine, or to imprisonment for a term not exceeding five years, or to both”,

so, however, that nothing in this subsection shall be taken to affect the liability of any person to detention under the said section seventy-seven”;

(b) in subsection (1) of section thirty-two thereof, the definition of the expression “cannabis” is repealed and the following definition is substituted therefor—

“ “Cannabis” (except in the expression “cannabis resin”) means any plant of the genus *Cannabis* or any part of any such plant (by whatever name designated) except that it does not include cannabis resin or any of the following products after separation from the rest of the plant, namely—

(a) mature stalk of any such plant;

(b) fibre produced from mature stalk of any such plant; and

(c) seed of any such plant; ”;

(c) the Third Schedule thereto is repealed and the Schedule set out in the Schedule to this Law is substituted therefor.

Citation.

2. This Law may be cited as the Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 1983.

Collective title.

3. This Law and the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, may be cited together as the Misuse of Drugs (Bailiwick of Guernsey) Laws, 1974 and 1983.

SCHEDULE
 THIRD SCHEDULE
 PROSECUTION AND PUNISHMENT OF OFFENCES

Section one (c)
 Section twenty-four

Section Creating Offence	General Nature of Offence	Mode of Prosecution	Punishment			
			Class A drug Involved	Class B drug Involved	Class C drug Involved	General
Section 3 (2)	Production, or being concerned in the production, of a controlled drug.	(a) Summary	6 months or £1,000, or both	6 months or £1,000, or both	3 months or £500, or both	
		(b) On Indictment	14 years or a fine, or both	14 years or a fine, or both	5 years or a fine, or both	
Section 3 (3)	Supplying or offering to supply a controlled drug or being concerned in the doing of either activity by another.	(a) Summary	6 months or £1,000, or both	6 months or £1,000, or both	3 months or £500, or both	
		(b) On Indictment	14 years or a fine, or both	14 years or a fine, or both	5 years or a fine, or both	
Section 4 (2)	Having possession of a controlled drug.	(a) Summary	6 months or £1,000, or both	3 months or £500, or both.	3 months or £200, or both	
		(b) On Indictment	7 years or a fine, or both	5 years or a fine, or both	2 years or a fine, or both	
Section 4 (3)	Having possession of a controlled drug with intent to supply it to another.	(a) Summary	6 months or £1,000, or both	6 months or £1,000, or both	3 months or £500, or both	
		(b) On Indictment	14 years or a fine, or both	14 years or a fine, or both	5 years or a fine, or both	

Section Creating Offence	General Nature of Offence	Mode of Prosecution	Punishment			
			Class A drug Involved	Class B drug Involved	Class C drug Involved	General
Section 5 (2)	Cultivation of cannabis plant	(a) Summary	—	—	—	6 months or £1,000, or both
		(b) On Indictment	—	—	—	14 years or a fine, or both
Section 7	Being the occupier, or concerned in the management, of premises and permitting or suffering certain activities to take place there.	(a) Summary	6 months or £1,000, or both	6 months or £1,000, or both	3 months or £500, or both	
		(b) On Indictment	14 years or a fine, or both	14 years or a fine, or both	5 years or a fine, or both	
Section 8	Offences relating to opium.	(a) Summary	—	—	—	6 months or £1,000, or both
		(b) On Indictment	—	—	—	14 years or a fine, or both
Section 10 (2)	Contravention of directions relating to safe custody of controlled drugs.	(a)	—	—	—	6 months or £1,000, or both
		(b) On Indictment	—	—	—	2 years or a fine, or both
Section 11 (6)	Contravention of direction prohibiting practitioner etc. from possessing, supplying etc. controlled drugs.	(a) Summary	6 months or £1,000, or both	6 months or £1,000, or both	3 months or £500, or both	
		(b) On Indictment	14 years or a fine, or both	14 years or a fine, or both	5 years or a fine, or both	

Section Creating Offence	General Nature of Offence	Mode of Prosecution	Punishment			
			Class A drug Involved	Class B drug Involved	Class C drug Involved	General
Section 12 (4)	Contravention of direction prohibiting practitioner etc. from prescribing, supplying etc. controlled drugs.	(a) Summary	6 months or £1,000, or both	6 months or £1,000, or both	3 months or £500, or both	
		(b) On Indictment	14 years or a fine, or both	14 years or a fine, or both	5 years or a fine, or both	
Section 16 (3)	Failure to comply with notice requiring information relating to prescribing, supplying etc. of drugs.	Summary	—	—	—	£200
Section 16 (4)	Giving false information in purported compliance with notice requiring information relating to prescribing, supplying etc. of drugs.	(a) Summary	—	—	—	6 months or £1,000, or both
		(b) On Indictment	—	—	—	2 years or a fine, or both
Section 17 (1)	Contravention of Ordinance (other than Ordinance relating to addicts).	(a) Summary	—	—	—	6 months or £1,000, or both
		(b) On Indictment	—	—	—	2 years or a fine, or both
Section 17 (2)	Contravention of terms of licence or other authority (other than licence issued under Ordinance relating to addicts).	(a) Summary	—	—	—	6 months or £1,000, or both
		(b) On Indictment	—	—	—	2 years or a fine or both

Section Creating Offence	General Nature of Offence	Mode of Prosecution	Punishment			
			Class A drug Involved	Class B drug Involved	Class C drug Involved	General
Section 17 (3)	Giving false information in purported compliance with obligation to give information imposed under or by virtue of Ordinance.	(a) Summary	—	—	—	6 months or £1,000, or both
		(b) On Indictment	—	—	—	2 years or a fine, or both
Section 17 (4)	Giving false information, or producing document etc. containing false statement etc., for purposes of obtaining issue or renewal of a licence or other authority.	(a) Summary	—	—	—	6 months or £1,000, or both
		(b) On Indictment	—	—	—	2 years or a fine, or both
Section 19	Assisting in or inducing commission outside the Bailiwick of an offence punishable under a corresponding law.	(a) Summary	—	—	—	6 months or £1,000, or both
		(b) On Indictment	—	—	—	14 years or a fine, or both
Section 22 (5)	Obstructing exercise of powers of search etc. or concealing books, drugs etc.	(a) Summary	—	—	—	6 months or £1,000, or both
		(b) On Indictment	—	—	—	2 years or a fine, or both