

ORDER IN COUNCIL

VI
1988

ratifying a Projet de Loi

ENTITLED

The Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 1988

(Registered on the Records of the Island of Guernsey
on the 21st June, 1988.)



ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 21st day of June, 1988 before Graham Martyn Dorey, Esquire, Deputy Bailiff; present: Brian Ernest Herbert Joy, Harry Wilson Bisson, James de Sausmarez Carey, John Christopher Bulstrode, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss and Charles Anthony Spensley, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 27th day of April, 1988 approving and ratifying a *Projet de Loi* entitled "The Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 1988",

THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered:—

1. That the said Order in Council be registered on the records of this Island; and
2. 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, which Order in Council the tenor followeth:—

At the Court of Saint James

The 27th day of April 1988

PRESENT,

The Counsellors of State in Council

WHEREAS Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 28th day of March 1988, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

AND 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 20th day of April 1988 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 24th day of September 1986, the States of Deliberation at a meeting held on the 24th day of June 1987 approved a Bill or “Projet de Loi” entitled “The Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law 1988”, 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 2nd day of September 1987 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 30th day of September 1987 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 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, 1988", 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."

NOW, THEREFORE, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, have taken the said Report into consideration and do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf, approve of

and ratify the said *Projet de Loi*, and order, and it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND do 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.

G. I. de Deney.

PROJET DE LOI

ENTITLED

The Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 1988

THE STATES, in pursuance of their Resolution of the 24th day of September, 1986, 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) section 25(2) and (3) 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, section 23(1), section 30(2) or section 77, 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—

(a) Ordres en Conseil Vol. XXIV, p. 273.

(b) Recueil d'Ordonnances Tome XX, p. 271; Ordres en Conseil No. XVIII of 1983.

(c) Ordres en Conseil Vol. XXIII, p. 573.

“be liable—

- (a) on summary conviction, to a penalty of six times the value of the goods or £2,000, whichever is the greater, or to imprisonment for a term not exceeding twelve 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 twenty-one 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 77.

(3) Where the controlled drug constituting the goods in respect of which the offence was committed was a Class C drug, the said section 23(1), section 30(2) or section 77, 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 six times the value of the goods or £1,000, 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 ten 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 77”;

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

2. Sections 1(a), (c), section 3 and the Schedule to the Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 1983 are repealed. **Repeal.**

3. (1) This Law may be cited as the Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 1987. **Citation and collective title.**

(2) This Law and the Misuse of Drugs (Bailiwick of Guernsey) Laws, 1974 and 1983 may be cited together as the Misuse of Drugs (Bailiwick of Guernsey) Laws, 1974 to 1988.

SCHEDULE

Section 1(b)

THIRD SCHEDULE

Section 24

PROSECUTION AND PUNISHMENT OF OFFENCES

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	12 months or £2,000, or both	12 months or £2,000, or both	6 months or £1,000, or both	
		(b) On indictment	21 years or a fine, or both	21 years or a fine, or both	10 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	12 months or £2,000, or both	12 months or £2,000, or both	6 months or £1,000, or both	
		(b) On indictment	21 years or a fine, or both	21 years or a fine, or both	10 years or a fine, or both	
Section 4(2)	Having possession of a controlled drug.	(a) Summary	12 months or £2,000, or both	6 months or £1,000, or both	6 months or £1,000, or both	
		(b) On indictment	14 years or a fine, or both	10 years or a fine, or both	4 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 4(3)	Having possession of a controlled drug with intent to supply it to another.	(a) Summary	12 months or £2,000, or both	12 months or £2,000, or both	6 months or £1,000, or both	
		(b) On indictment	21 years or a fine, or both	21 years or a fine, or both	10 years or a fine, or both	
Section 5(2)	Cultivation of cannabis plant.	(a) Summary	—	—	—	12 months or £2,000, or both
		(b) On indictment	—	—	—	21 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	12 months or £2,000, or both	12 months or £2,000, or both	6 months or £1,000, or both	
		(b) On indictment	21 years or a fine, or both	21 years or a fine, or both	10 years or a fine, or both	
Section 8	Offences relating to opium.	(a) Summary	—	—	—	12 months or £2,000, or both
		(b) On indictment	—	—	—	21 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 10(2)	Contravention of directions relating to safe custody of controlled drugs.	(a) Summary	—	—	—	12 months or £2,000, or both
		(b) On indictment	—	—	—	4 years or a fine, or both
Section 11(6)	Contravention of direction prohibiting practitioner etc. from possessing, supplying etc. controlled drugs.	(a) Summary	12 months or £2,000, or both	12 months or £2,000, or both	6 months or £1,000, or both	
		(b) On indictment	21 years or a fine, or both	21 years or a fine, or both	10 years or a fine, or both	
Section 12(4)	Contravention of direction prohibiting practitioner etc. from prescribing, supplying etc. controlled drugs.	(a) Summary	12 months or £2,000, or both	12 months or £2,000, or both	6 months or £1,000, or both	
		(b) On indictment	21 years or a fine, or both	21 years or a fine, or both	10 years or a fine, or both	
Section 16(3)	Failure to comply with notice requiring information relating to prescribing, supplying etc. of drugs.	Summary	—	—	—	£400

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 16(4)	Giving false information in purported compliance with notice requiring information relating to prescribing, supplying etc. of drugs.	(a) Summary	—	—	—	12 months or £2,000, or both
		(b) On indictment	—	—	—	4 years or a fine, or both
Section 17(1)	Contravention of Ordinance (other than Ordinance relating to addicts).	(a) Summary	—	—	—	12 months or £2,000, or both
		(b) On indictment	—	—	—	4 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	—	—	—	12 months or £2,000, or both
		(b) On indictment	—	—	—	4 years or a fine, or both
Section 17(3)	Giving false information in purported compliance with obligation to give information imposed under or by virtue of Ordinance.	(a) Summary	—	—	—	12 months or £2,000, or both
		(b) On indictment	—	—	—	4 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(4)	Giving false information, or producing document etc. both containing false statement etc., for purposes of obtaining issue or renewal of a licence or other authority.	(a) Summary	—	—	—	12 months or £2,000, or both
		(b) On indictment	—	—	—	4 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	—	—	—	12 months or £2,000, or both
		(b) On indictment	—	—	—	21 years or a fine, or both
Section 22(5)	Obstructing exercise of powers of search etc. or concealing books, drugs etc.	(a) Summary	—	—	—	12 months or £2,000, or both
		(b) On indictment	—	—	—	4 years or a fine, or both

K. H. TOUGH,

Her Majesty's Greffier.