

# PROJET DE LOI

ENTITLED

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

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Ordres en Conseil Vol. XXXI, p. 47; as amended by the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 1991 (No. XIII of 1991, Ordres en Conseil Vol. XXXIII, p. 217).

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

ARRANGEMENT OF SECTIONS

1. Amendments to Law of 1974.
2. Repeal.
3. Citation and collective title.

SCHEDULE

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

**THE STATES**, in pursuance of their Resolution of the 24<sup>th</sup> 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.

### **Amendments to Law of 1974.**

1. The Misuse of Drugs (Bailiwick of Guernsey) Law, 1974<sup>a</sup>, as amended<sup>b</sup>, is hereby further amended as follows –

(a) ...

(b) the Third Schedule thereto is repealed and the Schedule set out in the Schedule to this Law is substituted therefor.

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### **NOTE**

*In section 1, paragraph (a) was repealed by the Customs and Excise*

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<sup>a</sup> Ordres en Conseil Vol. XXIV, p. 273.

<sup>b</sup> Recueil d'Ordonnances Tome XX, p. 271; Ordres en Conseil No, XVIII of 1983.

*(General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 1991, section 13, with effect from 30th September, 1991.*

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**Repeal.**

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Sections 1(a), (c), section 3 and the Schedule to the Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 1983 are repealed.

**Citation and collective title.**

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

(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.

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**NOTE**

*The Law received Royal Sanction on 27th April, 1988 and was registered on the Records of the Island of Guernsey and came into force on 21st June, 1988.*

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SCHEDULE

Section 1(b)

THIRD SCHEDULE

Section 24

PROSECUTION AND PUNISHMENT OF OFFENCES<sup>1</sup>

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  (b) On Indictment	12 months or £2,000, or both	12 months or £2,000, or both	6 months or £1,000, 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  (b) On Indictment	12 months or £2,000, or both	12 months or £2,000, or both	6 months or £1,000, or both	
Section 4(2)	Having possession of a controlled drug.	(a) Summary  (b) On Indictment	12 months or £2,000, or both	6 months or £1,000, or both	6 months or £1,000, or both	
Section 4(3)	Having possession 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	

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	with intent to supply it to another.	(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 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 directions prohibiting practitioner etc. from possessing,	(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	21 years or a	10 years or a	

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	supplying etc. controlled drugs.		fine, or both	fine, or both	fine, or both	
Section 12(4)	Contravention of directions 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.	(a) Summary	—	—	—	£400
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	Contravention of	(a) Summary	—	—	—	12 months or

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17(2)	terms of licence or other authority (other than licence issued under Ordinance relating to addicts).	(b) On Indictment	—	—	—	£2,000, or both 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 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	Obstructing	(a) Summary	—	—	—	12 months or

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22(5)	exercise of powers of search etc. or concealing books, drugs etc.	(b) On Indictment	—	—	—	£2,000, or both 4 years or a fine, or both
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<sup>1</sup> For subsequent amendments, see the consolidated text of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974.