



Attorney General's Supplemental Direction and Guidance

Personal amounts of certain controlled drugs

This Direction and Guidance is issued by the Attorney General to Centeniers dealing with cases of the possession of controlled drugs at the Parish Hall. It replaces Attorney General's Directive 1/2022.

It has been updated following the coming into force of Article 28A of the Misuse of Drugs (Jersey) Law 1978 as included by the Crime (Public Order) (Jersey) Law 2024 which provides for Centeniers to impose a fine of Level 1 on the standard scale where a person is charged for possession of a Class B or a Class C drug and accepts the decision of the Centenier.

The Attorney General believes that it is in the public interest for certain cases of possession of controlled drugs to be dealt with by way of written caution at a Parish Hall rather than by prosecution (ie summary fine at a Parish Hall or in the Magistrate's Court).

A Centenier may consider dealing with a person by way of a first or second written caution for a first or second offence of possession of controlled drugs providing:

- 1) The criteria in the annex to this directive apply;

and
- 2) If it is a second offence, the Centenier considers the circumstances are such (for example the dissimilarity of the drug in question or other special factors) that a second written caution should be given for the offence;

and
- 3) If it is a second offence, that at least one year has elapsed since the date of the administration of a caution for the first offence.

Centeniers should please bear in mind that any caution in relation to possession of a Class A drug requires the consent of the Attorney General (or the Solicitor General if the Attorney General is unavailable). A second caution will not be available in circumstances where both the first and second offence relate to Class A drugs; **pursuant to these guidelines only one caution is permissible in relation to Class A drugs with the consent of the Attorney General.**

In cases of possession of a Class B or Class C drug, for a third time offence, the Centenier may impose a summary fine (£100 for a Class C drug and £200 for a Class B drug) provided

the quantity of drugs does not exceed the amounts set out in the annex, the individual admits the offence and there is no evidence of dealing or onward distribution.

Centeniers may also exercise their summary fining power for importations of personal amounts of drugs **only**. The power to deal with importations of personal amounts of drugs by summary fine is limited to the quantities set out in the annex.

Visitors to the Island

There will be some cases where the offender is a short-stay visitor to the Island when attendance upon the Alcohol and Drugs Service will not be practical. In such cases, where the other criteria as listed are met, the Centenier may still give a written caution or a summary fine.

Written caution

It is important that the caution should be recorded in writing so that a record of the caution will be maintained by the States of Jersey Police. This will mean that if any person re-offends, the Centenier dealing with the matter will know whether the offender fulfils the criteria set out in this direction. In the case of a second written caution, it should be made clear that any further offending will result in a summary fine or prosecution.

General note

Finally, whilst each case must be considered on its merits, and a Centenier retains a discretion (subject to the Attorney General's direction) as to how to deal with the matter before him or her, it is important to ensure fairness and consistency. Centeniers should only depart from these Guidelines where they are satisfied that there are good grounds for doing so.

October 2024

Annex

Centenier written caution guidelines

Type of drug	Quantity	Class
Cocaine	Up to 2 grams and consent of Attorney General required	A
Ecstasy	Up to 2 tablets and consent of Attorney General required Up to 1 gram of MDMA (powder form) and consent of Attorney General required	A
Methadone	Zero tolerance	A
Heroin (Diamorphine)	Zero tolerance	A
Crack (Cocaine freebase)	Zero tolerance	A
Cannabis Oil	Zero tolerance	A
Cannabis oil contained in confectionary	To be considered by the Attorney General on a case-by-case basis	A
LSD (Lysergic acid diethylamide)	2 tabs (standard size) and consent of Attorney General required	A
Magic Mushrooms (Psilocybin)	5g of dried mushrooms and consent of Attorney General required	A
Cannabis	Up to 15g – resin and herbal	B
Amphetamine	Up to 2 grams	B
Synthetic Cannabinoids	Up to 2 grams	B
Ethylphenidate	Up to 2 grams	B
Desmethyl Tramadol	Up to 2 tablets	B
Mephedrone	Up to 2 grams	B
*Ketamine	Up to 5 tablets Up to 2 grams (powder form)	B

*Subutex (Buprenorphine)	Zero tolerance	B
BZP (Benzylpiperazine)	Up to 5 tablets Up to 2 grams (powder form)	C
*Benzodiazepines	On a case-by-case basis where the below criteria are met	C
*Diazepam	Tablets totalling 30 mg	C
*Steroids	On a case-by-case basis where the below criteria are met	C
*Tramadol	On a case-by-case basis where the below criteria are met	C
*DF 118 – injectable form only	On a case-by-case basis where the below criteria are met	C

*Non-prescribed

Criteria

- 1) First or second drugs offence.
- 2) The opportunity to receive a caution at Parish Hall is only available to first- or second-time drug offences. A second caution will not be available in circumstances where both the first and second offence relate to Class A drugs; pursuant to these guidelines only one caution is permissible in relation to Class A drugs.
- 3) Individual must admit the offence.
- 4) No evidence of dealing/onward distribution.
- 5) Investigating officer is satisfied that the commodity in question is a drug.
- 6) Individual must agree that they will be contacted by the Alcohol and Drug Service regarding drug education. A second caution will not be available if the individual has made no effort to engage with the Alcohol and Drug Service; and
- 7) The quantity of the drug falls within the quantities identified above.

For possession of class A drugs not listed above, Centeniers should refer the case for prosecution.

For possession (or importation for personal use only) of small amounts of other Class B and Class C drugs where the criteria 1 to 5 set out above are met, Centeniers should consult the Law Officers' Department.

NB. Weights above are weights of the drug as seized and not the weight of the "pure" drug within the amount seized.