

POSSESSION OF 'CLASS A' DRUGS WITH INTENT TO SUPPLY

Misuse of Drugs Act 1971

5.- (3) Subject to section 28 of this Act, it is an offence for a person to have a controlled drug in his possession, whether lawfully or not, with intent to supply it to another in contravention of section 4(1) of this Act.

Maximum Sentence:

Misuse of Drugs Act 1971, Sch.4

Indictment: 14 years imprisonment

Summarily: 6 months imprisonment and/or Fine of the prescribed sum (£5,000)

Assessment of Offence

(starting points and ranges based on 1st time offender convicted following contest)

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
Sharing minimal quantity between equals on a non-commercial basis	Community Order	Fine to Community Order
Small scale retail supply to consumer	3 months Custody	1 - 6 months Custody

Examples of Possible Aggravating Factors of Offence

1. Offender exercising or acting in position of special responsibility.
2. Supply to vulnerable persons including children.
3. Offence committed on/in vicinity of school premises.

Examples of Possible Mitigating Factor of Offence

1. Acting as a social supplier for no financial gain of a controlled drug that the offender lawfully possessed by way of a medical prescription.

Relevant Cases:

NI Cases

R v Hogg [1994] NI 258

R v Haveron and Others (7 July 1995) (Unreported)

R v Darragh & Anor [2001] NICA 7

R v McIlwaine [1998] NI 136

R v Murdock [2003] NICA 21

DPP's Ref (No.2 of 2013)(McKeown); R v Han Lin [2013] NICA 28

DPP's Ref (Nos.1, 2, 3 & 4 of 2015)(Hughes and others) [2015] NICA 53

English Cases

R v Aramah (1982) 4 Cr App R (S) 407

R v Ronchetti [1998] 2 Cr App R (S) 100

Notes: