

POSSESSION OF 'CLASS C' 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: 3 months imprisonment and/or £2,500 Fine

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	1 month Custody	Community Order to 3 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. 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

English Cases

N/A

Notes: