

## 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 1<sup>st</sup> 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](#)

*English Cases*

N/A

### Notes: