



21 December 2023

Request

I am trying to track down a copy of Attorney General Directive 1/98 and was wondering whether one of the Parish Halls may have a copy? I have previously asked the Freedom of Information Unit, the Law Officer's Department and Jersey Archive whether they hold a copy of the Directive but unfortunately it has not been possible to locate one.

Response

Please find attached the Attorney General's Directive 1/98 to all Connétables and Centeniers regarding 'Personal amounts of class B and class C controlled drugs'.

This directive was replaced by Directives 1/2015 and 1/2019 which in turn was replaced by the 2022 guidance available here - [ID Personal amounts of certain controlled drugs.pdf \(gov.je\)](#)



Replaced by
1/2015

ATTORNEY GENERAL'S DIRECTIVE 1/98

TO ALL CONNETABLES AND CENTENIERS

PERSONAL AMOUNTS OF CLASS B AND CLASS C CONTROLLED DRUGS

In support of the States strategy on drugs and after consultation with interested parties I believe that it would be in the public interest for certain cases of possession of Class B and Class C controlled drugs to be dealt with by way of written caution at Parish Hall rather than by prosecution before the Magistrate's Court.

The following guidelines should be applied in determining whether a particular case is suitable for disposal in this manner.

1. No Previous Convictions

The opportunity of being dealt with at Parish Hall should only be offered once. Accordingly if an offender has a conviction before a Court in connection with controlled drugs or if he has previously received a written caution at any Parish Hall in the Island for such an offence, a prosecution should follow.

2. Small Personal Amounts

This Directive applies only to small amounts of controlled drugs which are clearly for personal use. Although I will keep the following criteria under review, I believe that, in order to ensure consistency between the various Parishes it is necessary to have

clear guidelines as to the maximum amounts of controlled drugs which can be dealt with at Parish Hall. The amounts are as follows:

Cannabis - 7 grams (¼ of an ounce).
Amphetamine Sulphate - 2 grams.

In relation to other Class B and Class C drugs, Centeniers should consult with the States Police in order to try and ascertain a fair comparison with the amounts described above.

3. Procedure - Drugs Awareness Course

In order to offer the best prospect of reform, it should be made a condition of the offender being dealt with at Parish Hall that he should attend the Drugs Awareness Course run by the States Drug and Alcohol Service. Thus, in a case where a Centenier is minded to deal with a matter at Parish Hall, the following procedure should be applied:

- (i) The Centenier should inform the offender that he is deferring his final decision for a stated period in order for the offender to attend the Drugs Awareness Course within that period. He should further inform the offender that, provided the offender attends the Drugs Awareness Course to the satisfaction of the Drug and Alcohol Service within the period of deferral, the Centenier will deal with the matter by way of written caution provided that no further offence for controlled drugs has taken place in the interim period. A date for the resumption for the Parish Hall enquiry following attendance at the Drugs Awareness Course should be fixed at this time. In order to give time for attendance at the Drugs Awareness Course, this is likely to be in the region of 3 months.
- (ii) On the date of the resumed hearing, provided the Centenier is satisfied that the offender has indeed attended the Drugs Awareness Course to the satisfaction of the Drug and Alcohol Service and has not re-offended in relation to controlled drugs in the meantime, he should issue a written caution to the offender.

4. Class B and C Drugs Only

The procedure described above should be applied only in respect of class B and class C drugs. Possession of class A drugs should result in prosecution.

5. Visitors to the Island

There will be some cases where the offender is a short stay visitor to the Island when attendance at the Drugs Awareness Course will not be practical. In such cases, where the other criteria as set out above are met, the Centenier may still give a written caution.

6. Written Caution

It is important that the caution should be a written caution so that, in accordance with the procedures recently established, a record of the caution will be maintained by the States of Jersey Police. This will mean that, if the offender re-offends, the Centenier then dealing with the matter will discover that the offender does not fulfil the criteria set out in paragraph 1 above.

All the general rules as to Parish Hall enquiries apply so that an offender may only be dealt with as above where he or she admits the offence and is willing to be dealt with at Parish Hall.

Finally I would add this. Whilst each case must ultimately be considered individually and a Centenier retains a discretion (subject to the Attorney General's direction) as to how to deal with the matter before him, it is important in this field to ensure fairness and consistency. Accordingly Centeniers should only depart from these guidelines where they are satisfied that there are exceptional grounds for doing so.