

Legal Status of Cannabis in Jersey

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Legal Status of Cannabis in Jersey

Jersey was relatively late in legislating for the prohibition of the possession and supply of cannabis, which was introduced by the [*Dangerous Drugs \(General Provisions\) \(Jersey\) Order 1966*](#).

For context, the UK introduced restrictions on the possession and supply of cannabis in the [*Amendment to the Dangerous Drugs Act 1928*](#), while Guernsey enacted similar legislation in the [*Loi ayant rapport à l'Importation, l'Exportation, la Manufacture, la Vente et l'Emploi d'Opium et d'autres Drogues Dangereuses dans les Iles du Bailliage \(1934\)*](#).

Cannabis Legislation Timeline

1534: King Henry VIII prohibited the export of hemp “on pain of confiscation”.

1954: Prohibition of the import/export of cannabis and cannabis resin, and extracts and tinctures of cannabis except under licence.

1965: Prohibition of the cultivation of cannabis except under licence, and of permitting the smoking of cannabis on one's premises.

1966: Prohibition of the possession, procurement and supply of cannabis (other than extracts or tinctures) except under licence.

1968: Classification of cannabis as a Schedule 1 poison.

1971: Prohibition of the unauthorised possession of cannabinol and cannabinol derivatives.

1972: Penalisation of the importation of cannabinol and cannabinol derivatives without a licence.

1978: Classification of cannabinol and cannabinol derivatives as Class A drugs and of cannabis and cannabis resin as Class B drugs, and the prohibition of the intent to supply cannabis as well as the possession of utensils for the purposes of committing an offence

1980: Prohibition of practitioners and pharmacists from prescribing cannabis except under licence, and the prohibition of all other activities except for research or other special purposes.

1980: Classification of cannabis as a Schedule 4 drug (then being the strictest category).

1989: Re-classification of cannabis as a Schedule 1 drug (thereafter being the strictest category).

2018: Classification of medicinal cannabis as a Schedule 2 drug, removal of the requirement for practitioners and pharmacists to obtain a specific licence to prescribe cannabis, and the prohibition of the smoking of medicinal cannabis.

2019: Permission of up to 3% cannabinol and cannabinol derivatives by weight of CBD in CBD products.

2019: Removal of cannabis from the Poisons List.

2021: Removal of the designation of cannabis activities as being wholly unlawful.

2024: Provision for the possession of Class B and C drugs to be dealt with at Parish Hall Enquiry by way of a level 1 fine, following the adoption of [P.97/2023](#).

Classification of Cannabis

Cannabis (not including the stalk, fibre and seeds) and cannabis resin are classified as Class B drugs under the [Misuse of Drugs \(Jersey\) Law 1978](#). Cannabinol and cannabinol derivatives (i.e. controlled cannabinoids not in the form of cannabis or cannabis resin, formerly known as ‘extracts and tinctures’ and otherwise known as cannabis oil) are classified as Class A drugs in Jersey.

Notably, only [Jersey](#), [Guernsey](#) and [Gibraltar](#) retain the definition of cannabinol and cannabinol derivatives as being Class A drugs. The UK [reclassified all cannabis as Class C](#) drugs in 2003, which was [later changed to Class B](#) in 2008.

The [Rutherford Report](#) recommended the reclassification of cannabis as a Class C drug in Jersey in 2002. This was [considered by the Misuse of Drugs Advisory Council](#) in 2006 who recommended "maintaining the present classification".

The Misuse of Drugs Advisory Council discussed the [reclassification of cannabinol and cannabinol derivatives](#) in 2021, deciding to revisit the issue at a later date.

Exceptions for CBD products to contain up to 3% cannabinol or cannabinol derivatives by weight of CBD provided that there is no visible plant matter were introduced by the [Misuse of Drugs \(Miscellaneous Amendments\) \(No. 8\) \(Jersey\) Order 2019](#).

Scheduling of Cannabis

Cannabis is categorised as a Schedule 1 controlled drug in Jersey under the [Misuse of Drugs \(General Provisions\) \(Jersey\) Order 2009](#), which is reserved for substances "[thought to have no therapeutic value](#)".

Cannabis was also classified as a Schedule 1 poison under the [Poisons \(General Provisions\) \(Jersey\) Order 1968](#) until its [removal in 2019](#).

Pure THC, also known as dronabinol, is a Schedule 2 drug in Jersey under the [Misuse of Drugs \(General Provisions\) \(Amendment No. 3\) \(Jersey\) Order 1992](#) regardless of whether it is produced synthetically or naturally, unlike in the UK where the [synthetic version is specified](#).

Prescribed cannabis is a Schedule 2 drug under the [Misuse of Drugs \(Miscellaneous Amendments\) \(No. 7\) \(Jersey\) Order 2018](#), while the licensed medicinal cannabis tincture Sativex is placed in Schedule 4 under the [Misuse of Drugs \(Miscellaneous Amendments\) \(No. 6\) \(Jersey\) Order 2016](#).

For comparison, cocaine is a Schedule 2 drug as it has recognised therapeutic benefit regardless of whether it has been prescribed, and it is available on prescription from the [Hospital Formulary](#) in the form of a nasal spray.

Synthetic Cannabinoids

Synthetic cannabinoids began to be manufactured and sold in the early 2000s as a legal alternative to cannabis. Known as types of ‘legal highs’ and later New Psychoactive Substances, synthetic cannabinoids are generally considered to be more harmful than cannabis. The specific chemical formulas for such compounds were added to Jersey’s drug laws as Class B, Schedule 2 substances in [2009](#), with further additions made in [2013 \(twice\)](#), [2014](#) and [2016](#).

Penalties for Cannabis Offences

Under Schedule 4 of the [Misuse of Drugs \(Jersey\) Law 1978](#), the following penalties may be imposed for cannabis offences:

| Article Creating Offence | General Nature of Offence | Class A drug involved | Class B drug involved | General |
|----------------------------|---|-----------------------------|-----------------------------|-----------------------------|
| Article 5 | Producing, supplying or being concerned in the production, supplying or offering to supply a controlled drug | Life or a fine, or both | 14 years or a fine, or both | |
| Article 6(1) | Manufacture or supply of scheduled substances | - | - | 14 years or a fine, or both |
| Article 8(1) | Having possession of a controlled drug | 7 years or a fine, or both | 5 years or a fine, or both | |
| Article 8(2) | Having possession of a controlled drug with intent to supply it to another | Life or a fine, or both | 14 years or a fine, or both | |
| Article 10 | Having possession of utensils for the purposes of committing an offence | - | - | 14 years or a fine, or both |
| Article 11 | Being the occupier, or concerned in the management, of premises and permitting certain activities to take place there | 14 years or a fine, or both | 14 years or a fine, or both | |
| Article 21(1), (2) and (3) | Miscellaneous offences | - | - | 2 years or a fine, or both |

Penalties for which the import/export of controlled drugs are liable are defined under Article 61(4) of the [Customs and Excise \(Jersey\) Law 1999](#):

- a) “where the goods were a Class A drug, to a fine or to imprisonment for life, or to both;
- b) where the goods were a Class B drug, to a fine or to imprisonment for a term not exceeding 14 years, or to both.”

Sentencing Guidelines

The [Magistrate’s Court of Jersey’s Sentencing Guidelines for Drug Offences](#) defines the following starting points for cannabis offences (based on a first time offender pleading guilty):

Class A – Possession

| Examples of amounts in possession | Starting point | Range |
|-----------------------------------|----------------|----------------------|
| <i>Small amounts</i> | Fine | £300 – £1,000 |
| <i>Larger amounts</i> | Custody | 1 – 8 months custody |

The offences of Class A Importation, Possession with Intent to Supply, Supply, Offer to Supply and Production are deemed “generally too serious for the Magistrate’s Court and should be sent to the Royal Court.”

Class B – Possession

| Examples of possession | Starting point | Range |
|------------------------|----------------|---------------|
| Up to 50g of cannabis | Fine | £300 – £2,500 |
| Up to 250g of cannabis | Custody | 2 – 4 months |

Class B – Importation / Possession with Intent to Supply / Supply / Offer to Supply

| Examples of activity | Starting point | Range |
|------------------------|----------------------|---------------------------|
| Up to 100g of cannabis | 1 month custody | £1,000 – 2 months custody |
| Up to 500g of cannabis | 8 months custody | 2 – 10 months custody |
| Up to 750g of cannabis | 12 months custody | 10+ months custody |
| More than the above | Send to Royal Court. | |

Class B – Cultivation of Cannabis

| Examples of activity | Starting point | Range |
|--|-------------------------|-------------------------------------|
| Very small-scale cultivation for personal use only (1 to 4 plants) | 3 months custody | 1 – 5 months custody |
| Small scale cultivation for personal use and non-commercial supply to small circle of friends (5 to 10 plants) | 9 months custody | 6 – 12 months custody |
| Commercial cultivation (more than 10 plants) | Send to the Royal Court | 12 months – Send to the Royal Court |

Attorney General Directives

The Beginning of Decriminalisation

A series of [Attorney General Directives](#) for the handling of drug possession offences at Parish Hall Enquiry introduced the de facto decriminalisation of cannabis over twenty years ago, initially by diversion for first time offenders before being replaced by depenalisation in the form of written cautions.

[Attorney General Directive 1/98](#) began the trend towards decriminalisation by allowing first time offences of the possession of up to 7g of cannabis or cannabis resin (and also small amounts of other Class B & C drugs) to be dealt with by way of diversion to a Drug Awareness Course, instead of being referred to the Magistrate's Court.

In 2015, [Centenier Written Caution Guidelines](#) were issued that replaced previous guidance and specified that possession of up to 15g of herbal cannabis or cannabis resin (along with specified amounts for other drugs) could be dealt with by way of a written caution at Parish Hall Enquiry for first time offences. This was [extended to second offences](#) in 2019, if more than a year had elapsed since the first offence.

The introduction of a [level 1 fine](#) for the repeat possession of small amounts of Class B and C drugs in the [Crime \(Public Order\) \(Jersey\) Law 202-](#) is the logical evolution of the previous Attorney General Directives, which will further reduce the number referred to Magistrate's Court.

Cannabis oil contained in confectionery was included in [consolidated guidelines](#) in 2022 for consideration on a case-by-case basis by the Attorney General. The possession of other forms of cannabinol and cannabinol derivatives are subject to zero tolerance at Parish Hall Enquiry.

In cases of the "importation of personal use only" of small amounts of herbal cannabis or cannabis resin, "Centeniers should consult the Law Officers' Department".

Timeline of AG Directives

1998: Provision of a written caution at Parish Hall Enquiry for the first offence of the possession of up to 7g of cannabis, conditional upon attendance at a Drug Awareness Course.

2015: Provision of a written caution at Parish Hall Enquiry for the first offence of the possession of up to 15g of herbal cannabis or cannabis resin.

2019: Provision of a written caution at Parish Hall Enquiry for the second offence of the possession of up to 15g of herbal cannabis or cannabis resin.

2022: Provision for the possession of cannabis oil contained in confectionery to be considered by the Attorney General on a case-by-case basis at Parish Hall Enquiry.