

What are the potential legal consequences of cocaine use?

In the UK, cocaine is categorised as a Class A drug. Therefore, it is a criminal offence to possess cocaine, supply it to other people, allow it to be used in your home or business, or bring it into the country from overseas.

This information sheet outlines the most common criminal convictions associated with cocaine, and the standard sentences for these offences.

Possession of cocaine with no evidence of intent to supply

The maximum possible sentence for this offence is seven years imprisonment. Sentences tend to range from a fine of 125–175% of relevant weekly income to 51 weeks imprisonment.

If someone is considered to have an ongoing issue with substance use, and if they are believed to be motivated to address this, the Court will often consider a Drug Rehabilitation Requirement. This involves mandatory drug testing and treatment in the community, with regular reviews in court.

If you are found to be in possession of more than 5g of cocaine, it is likely that the police and courts will pursue a conviction for possession with intent to supply.

Possession of cocaine with intent to supply

The maximum possible sentence for this offence is life imprisonment. Sentences tend to range from a Community Order to 16 years imprisonment. The sentence will depend on the quantity of cocaine involved, the level of responsibility the individual is felt to have (explained further below), and whether they have any previous convictions for similar offences.

An individual is considered to have a *leading* role if:

- They are organising the buying and selling of cocaine on a commercial scale;
- They have major links to, and influence on, others in a chain;
- They have close links to the original source of the cocaine;
- They are using a business as a cover;
- They are abusing a position of trust or responsibility (for example, a prison employee or medical professional).

An individual is considered to have a *significant* role if:

- They have an operational or management function within a supply chain;
- They actively involve others in the supply of cocaine (for example, through pressure, intimidation, or financial reward);
- They are making a financial profit from supplying cocaine;
- They have at least some awareness and understanding of the overall scale of the operation;
- They are supplying within a prison, but are not in a position of responsibility.

An individual is considered to have a *lesser* role if:

- They are acting under instruction from someone else;
- They are being pressured, coerced, or intimidated;
- They became involved through naivety/exploitation;
- They have no influence on anyone else;
- They know very little about the scale of the operation;
- They are not making any profit, for example buying for friends or sharing.

For someone to be convicted of possession with intent to supply, there does not need to be any proof of payment or reward.

The following factors can be considered evidence of an intention to supply:

- Possession of a quantity inconsistent with personal use (for cocaine, this is generally 5g or more);
- Possession of uncut or unusually pure cocaine (this suggests it has been bought directly from the manufacturer or importer);
- If a drug has been cut into small portions and those portions are wrapped in foil or film, then it will generally be assumed that it is for sale rather than personal use;
- Possession of items such as weighing scales, cutting agents, bags or wraps of foil;
- Diaries or other documents which suggest supply; for example, records of customers' telephone numbers together with quantities or descriptions of drugs.

EXAMPLE

If someone is found to be in possession of 5g of cocaine, with the intention of sharing it with friends for no profit, their sentence will range from a high level Community Order to three years in prison.

A high level Community Order will tend to last for up to two years and is likely to combine two or more of the following requirements: 150 – 300 hours unpaid work; an activity requirement of up to 60 days; a curfew requirement of up to 12 hours per day for four to six months; a Drug Rehabilitation Requirement.

Permitting premises to be used for consumption of cocaine:

It is a criminal offence to allow people to use cocaine on your property (for example, your home or business premises) – regardless of whether or not you are also using.

Sentencing will range from a Community Order to four years imprisonment. Again, the sentence will depend on a number of factors: level of responsibility; the number of times it has happened; the amount of cocaine that is being consumed, and any relevant previous convictions.

EXAMPLE

The sentence for allowing friends to share 5g of cocaine in your home on a one-off basis will generally be a Community Order. If it happens regularly or you have been caught before, the sentence is likely to be stricter.