

ROYAL COURT
(Samedi Division)

65.

18th May, 1993

Before: The Bailiff, and
Jurats Orchard and Herbert

The Attorney General

- v -

Har Singh Paul,
Jennifer Haley.

Har Singh Paul.

3 charges of Infringing Article 19(1) of the Misuse of Drugs (Jersey) Law, 1978, by failing to comply with provisions of the Misuse of Drugs (General Provisions) (Jersey) Order, 1989. (Charges 1-3).

Jennifer Haley.

2 charges of Infringing Article 19(1) of the said Law by failing to comply with the provisions of the said Order. (Charges 4 & 5).

Har Singh Paul and Jennifer Haley.

4 charges of Infringing Article 19(1) of the said Law by failing to comply with the provisions of the said Order. (Charges 6-9).

AGE:

Paul: 59
Haley: 61.

PLEA: Guilty.

DETAILS OF OFFENCE:

Chaotic record keeping. Statutory register not kept in form required by the legislation. Drugs received and drugs supplied not properly recorded. Unauthorised alterations made to the register. Pethidine, morphine and Diconal (Class 'A') involved. Offences spanned a 2 year period.

DETAILS OF MITIGATION:

Nothing more sinister than disorganised record keeping was involved. Busy practice, pressure on staff. Delegation not a defence, but an explanation. Good character; plea of guilty.

PREVIOUS CONVICTIONS:

Nil for present purposes.

CONCLUSIONS:

Aggregate £1,000.

SENTENCE AND OBSERVATIONS OF THE COURT:

These are not to be thought of as mere book-keeping matters. The control of scheduled drugs is a matter of the first importance. However, the Court accepted that there was no sinister implication underlying the infractions in the instant case. Mitigation accepted as described above. Conclusions granted.

**C.E. Whelan, Esq., Crown Advocate.
Advocate D.F. Le Quesne for the accused.**

JUDGMENT

THE BAILIFF: I will start by repeating the words of the Chairman of the Statutory Committee of the Royal Pharmaceutical Society, reported in the Pharmaceutical Journal of 28th March, 1992, giving the Committee's decision in another matter which is not relevant to this case:

"It is never to be thought by anyone in this profession that mere book-keeping errors is an adequate way of describing what happened in this case. These omissions are far too serious to be characterised by that kind of loose language. It is absolutely crucial that the law is upheld, followed and adhered to for very good reasons. One is dealing here with controlled and dangerous drugs and the profession has been entrusted with the responsibility of keeping good care,

scrupulous care, of these drugs while they are in its charge. Mistakes of this kind can often be seen as cover for criminal behaviour...."

The Chairman then went on to find that there was no sinister implication and we are happy to endorse the words of the Crown that there is no sinister implication in the present case as well.

That case referred to a chemist and this case covers two well-known and respected Island doctors.

We are sorry indeed to see them before us because we know that they do good work to which their counsel has referred.

Nevertheless we adopt the remarks of the Royal Pharmaceutical Society's Chairman to indicate that it is not a mere question of technical offences; these are dangerous drugs and it is essential that the Law be complied with strictly.

We do not accept that it is incumbent upon the Medical Officer of Health to supervise every Medical Practitioner. They are professional men of standing and education and it should not be difficult for persons of that calibre to keep books accurately and carefully.

If we had thought that the fines asked for were too high, we would have reduced them; but we think they are in fact (as suggested by Mr. Le Quesne, although he would not agree to it) fairly nominal. They are not, we think, in the light of what could have been asked for - and what the Law lays down as a fine to which no limit applies - excessive. Accordingly, Dr. Paul and Dr. Haley, you are fined as asked for by the Crown: Dr. Paul: on count 1, £150; on count 2, £150; and on count 3, £200; Dr. Haley: on count 4, £50; and on count 5, £100; and Dr. Paul and Dr. Haley, jointly: on count 6, £100; on count 7, £100; on count 8, £100; and on count 9, £50, making a total of £1,000.

We repeat that we are happy to accept what the Crown said that there was no sinister implication in this at all, but nevertheless for the reasons I have set out we think that the fines are reasonable and ought to be imposed and accordingly we do so.

No authorities.