

Drugs - Importation

Being knowingly concerned in the fraudulent evasion of a prohibition in force

A person is guilty of an offence if, in relation to any goods, he or she, is, in any way, knowingly concerned in any fraudulent evasion of any prohibition in force with respect to the goods.

It is illegal to import **opium. There is a prohibition in force which makes it illegal to import **opium.

The word “fraudulent” means no more than “deliberately intended to conceal” the **drugs and so evade the prohibition on the importation of opium.

So, anyone, who, in any way, is knowingly concerned in the importation of **opium is guilty of a criminal offence.

The words “being concerned in the importation” are very wide.

They include not just people who bring, or arrange to bring, the drugs into this country in the first place, but also those who take delivery of the drugs and then move the drugs on after they have been imported.

The word “concerned” means involved in some way i.e. playing some part or making oneself available to play some part.

Both defendants accept that there was an importation of **opium. Each one says that he knew nothing about the opium. Each one says the other was responsible. There are therefore three possibilities – either (as D1** says) D2** alone was responsible, or (as D2** says) D1** alone was responsible, or (as the prosecution say) both of them were jointly involved.

So, the key questions to be answered separately in relation to each defendant, having regard to all the evidence and the directions which I give you, are

Did he know that there was **opium in the grey car seat cover intercepted by French customs?

Did he play some part in importing it into this country?

If you are sure that the answer to both questions is “yes”, he is guilty. If you are not sure, he is not guilty.