

THE DANGEROUS DRUGS ACT

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DANGEROUS DRUGS

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Sch.
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THE DANGEROUS DRUGS ACT

[15th April, 1948.]

1. This Act may be cited as the Dangerous Drugs Act. Short title.

PART I. *Interpretation*

2.—(1) In this Act—

Interpreta-
tion.

“coca leaves” means the leaves of any plant of the genus of the Erythroxylaceae from which cocaine can be extracted either directly or by chemical transformation;

“Commissioner” means the Commissioner of Customs and Excise; 12/1985
Sch.

“corresponding law” means any law stated in a certificate purporting to be issued by or on behalf of the Government of any country outside the Island to be a law providing for the control and regulation in that country of the manufacture, sale, use, export, and import, of drugs in accordance with the provisions of the Hague Convention, the Geneva Convention (No. 1), or the Geneva Convention (No. 2), and any statement in any such certificate as to the effect of the law mentioned in the certificate, or any statement in any such certificate that any facts constitute an offence against that law, shall be conclusive;

“the Geneva Convention (No. 1)” means the convention signed at Geneva, on behalf of His Majesty, on the 19th day of February, 1925, for the purpose of completing and strengthening the provisions of the Hague Convention;

“the Geneva Convention (No. 2)” means the convention signed at Geneva, on behalf of His Majesty, on the 13th day of July, 1931, for limiting the manufacture and regulating the distribution of narcotic drugs;

“the Hague Convention” means the International Convention signed at the Hague on the 23rd day of January, 1912;

16/1974
S. 2.

“ganja” includes all parts of the plant known as cannabis sativa from which the resin has not been extracted and includes any resin obtained from that plant, but does not include medicinal preparations made from that plant;

“medicinal opium” means raw opium which has undergone the process necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, whether it is in the form of powder or is granulated or is in any other form, and whether it is or is not mixed with neutral materials;

“prepared opium” means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked;

17/1987
S. 2(b).

“prescribed ports or places” means ports or places prescribed by order, by the Minister;

“raw opium” means the spontaneously coagulated juice obtained from the capsules of the papaver somniferum L. which has only been submitted to the necessary manipulations for packing and transport, whatever its content of morphine, and includes powdered or granulated opium, but does not include medicinal opium.

17/1987
S. 2(c).

(2) For the purposes of any penalty under this Act, any reference to an “ounce” shall—

(a) as respects the first such ounce, be deemed to include a part of an ounce; and

- (b) as respects amounts exceeding an ounce or ounces, be deemed to include any part of an ounce in excess of a complete ounce or ounces, as the case may be.

PART II. *Raw Opium and Coca Leaves*

3. Every person who imports or brings into, or exports from, the Island any raw opium or coca leaves except under and in accordance with a licence, and into or from prescribed ports or places, shall be guilty of an offence against this Act.

Import and export of raw opium and coca leaves.

4. The Minister may make regulations for controlling or restricting the importation, exportation, transit, production, possession, sale, and distribution, of raw opium or coca leaves, and in particular, but without prejudice to the generality of the foregoing power, for prohibiting the production, possession, sale, or distribution, of raw opium or coca leaves except by persons licensed or otherwise authorized in that behalf.

Power to regulate the production of and dealing in raw opium and coca leaves.

5.—(1) Every person who cultivates the opium poppy (*papaver somniferum*) or the coca plant (*Erythroxylum coca*) shall be guilty of an offence against this Act.

Cultivation of opium or coca leaves.
30/1994
S. 2 (a).

(2) Every person who contravenes subsection (1) shall be liable—

30/1994
S. 2 (b).

- (a) on conviction before a Circuit Court to a fine or to imprisonment for a term not exceeding thirty-five years or to both such fine and imprisonment;
- (b) on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

[The inclusion of this page is authorized by L.N. 79/1996]

PART III. *Prepared Opium*

Export or
import of
prepared
opium.
17/1987
S. 6.

6. Every person who imports or brings into, or exports from, the Island any prepared opium shall be guilty of an offence against this Act.

Manufac-
turing, sell-
ing, using,
etc., pre-
pared
opium
an offence.
17/1987
S. 5 (a), (b).

7. Every person who—

- (a) manufactures, sells, or otherwise deals in, prepared opium; or
- (b) has in his possession any prepared opium; or
- (c) being the occupier of any premises permits those premises to be used for the purpose of the preparation of opium for smoking or for the sale, or smoking, of prepared opium; or
- (d) is concerned in the management of any premises which he knows is being used for any such purpose as is set out in paragraph (c); or
- (e) has in his possession any pipes or other utensils for use in connection with the smoking of opium, or any utensils used in connection with the preparation of opium for smoking; or
- (f) smokes or otherwise uses prepared opium, or frequents any place used for the purpose of opium smoking,

shall be guilty of an offence against this Act.

17/1987
S. 6.

PART IIIA. *Ganja*

Export or
import of
ganja.

7A.—(1) Every person who imports or exports or takes any steps preparatory to exporting ganja shall be guilty of an offence and—

- (a) on conviction before a Circuit Court, shall be sentenced to a fine of not less than five hundred dollars for each ounce of ganja which the Court is satisfied is the subject-matter of the offence or to imprisonment for a term not exceeding thirty-five years or to both such fine and imprisonment; or 30/1994
S. 3 (a).
- (b) on summary conviction before a Resident Magistrate, notwithstanding section 44 of the Interpretation Act, shall be liable—
- (i) to a fine which shall not be less than three hundred dollars, nor more than five hundred dollars, for each ounce of ganja which the Resident Magistrate is satisfied is the subject-matter of the offence, so, however, that any such fine shall not exceed five hundred thousand dollars; or 30/1994
S. 3 (b).
 - (ii) to imprisonment for a term not exceeding three years; or
 - (iii) to both such fine and imprisonment.

(2) Where there is evidence—

- (a) that the ganja for which an accused person has been charged under this section is packaged in such a way as to make it reasonably suitable for exporting; or
- (b) that the ganja for which a person is charged was found to be in or at any prescribed port or place, that evidence shall be *prima facie* evidence of steps being taken preparatory to the exporting of the ganja by the person charged.

(3) In this section the expressions “export” and “import” shall have the same meanings as in section 12.

Cultivating, selling or dealing in, or transporting ganja.
17/1987
S. 6.

7B. Every person who—

- (a) cultivates, gathers, produces, sells or otherwise deals in ganja; or
- (b) being the owner or occupier of any premises, uses such premises for the cultivation or storage of ganja or the selling or otherwise dealing in ganja or knowingly permits such premises to be so used; or
- (c) uses any conveyance for carrying ganja or for the purpose of selling or otherwise dealing in ganja, or being the owner or person in charge of any conveyance, knowingly permits it to be so used,

shall be guilty of an offence and—

- (d) on conviction before a Circuit Court, shall be sentenced to a fine of not less than two hundred dollars for each ounce of ganja which the Court is satisfied is the subject matter of the offence or to imprisonment for a term not exceeding thirty-five years or to both such fine and imprisonment; or
- (e) on summary conviction before a Resident Magistrate, notwithstanding section 44 of the Interpretation Act, shall be liable—
 - (i) to a fine which shall not be less than one hundred dollars, nor more than two hundred dollars, for each ounce of ganja which the Resident Magistrate is satisfied is the subject-matter of the offence, so, however, that any such fine shall not exceed five hundred thousand dollars; or

30/1994
S. 4 (a).

30/1994
S. 4 (b).

- (ii) to imprisonment for a term not exceeding three years; or
- (iii) to both such fine and imprisonment.

7C. Every person who has in his possession any ganja shall be guilty of an offence and—

Possession
of ganja.
17/1987
S. 6.
21/1987
S. 2.

- (a) on conviction before a Circuit Court, shall be sentenced to a fine or to imprisonment for a term not exceeding five years or to both such fine and imprisonment; or
- (b) on summary conviction before a Resident Magistrate, shall be liable—
 - (i) to a fine not exceeding one hundred dollars for each ounce of ganja which the Resident Magistrate is satisfied is the subject-matter of the offence, so, however, that any such fine shall not exceed fifteen thousand dollars; or
 - (ii) to imprisonment for a term not exceeding three years; or
 - (iii) to both such fine and imprisonment.

7D. Every person who—

Smoking
of ganja.
17/1987
S. 6.

- (a) being the occupier of any premises knowingly permits those premises to be used for the smoking of ganja; or

- (b) is concerned in the management of any premises which he knows is being used for such purpose as set out in paragraph (a); or
- (c) has in his possession any pipes or other utensils for use in connection with the smoking of ganja; or
- (d) smokes or otherwise uses ganja,

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate, in the case of a first conviction for such offence, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment, and in the case of a second or subsequent conviction for such offence, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

PART IV. *Cocaine, Morphine, etc.*

Import and
export of
cocaine, etc.

8. Every person who imports or brings into, or exports from, the Island any drug to which this Part applies except under and in accordance with a licence, and into or from prescribed ports or places, shall be guilty of an offence against this Act.

Cultivating,
selling, or
dealing in,
or trans-
porting
cocaine, etc.
30/1994
S. 5.

8A.—(1) Every person who, save as authorized by a licence or under regulations made under this Act—

- (a) sells or distributes any drug to which this Part applies; or

- (b) being the owner or occupier of any premises uses such premises for the manufacture, sale or distribution of any such drug or knowingly permits such premises to be so used; or
 - (c) uses any conveyance for carrying any such drug or for the purpose of the sale or distribution of such drug or, being the owner or person in charge of any conveyance, knowingly permits it to be so used,
- shall be guilty of an offence.

(2) Every person who contravenes subsection (1) shall be liable—

- (a) on conviction before a Circuit Court to a fine or to imprisonment for a term not exceeding thirty-five years or to both such fine and imprisonment;
- (b) on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

8B.—(1) A person shall not, save as authorized by a licence, or under any regulations made under this Act, be in possession of any drug to which this Part applies.

Possession
of cocaine,
etc.
30/1994
S. 5.

(2) Every person who contravenes this section shall be guilty of an offence and shall be liable—

- (a) on conviction before a Circuit Court to a fine or to imprisonment for a term not exceeding thirty-five years or to both such fine and imprisonment;

- (b) on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

Control of
manufacture
and sale of
cocaine, etc.

9.—(1) For the purpose of preventing the improper use of the drugs to which this Part applies, the Minister may make regulations for controlling the importation, exportation, transit, manufacture, sale, possession and distribution of those drugs, and in particular, but without prejudice to the generality of the foregoing power—

- (a) for prohibiting the manufacture of any drug to which this Part applies except on premises licensed for the purpose and subject to any conditions specified in the licence;
- (b) for prohibiting the manufacture, sale, or distribution, of any such drug except by persons licensed or otherwise authorized under the Regulations made under this Act and subject to any conditions specified in the licence or authority;
- (c) for regulating the issue by medical practitioners of prescriptions containing any such drug and the dispensing of any such prescription;
- (d) for requiring persons engaged in the manufacture, sale, or distribution, of any such drug to keep such books and furnish such information, either in writing or otherwise, as may be prescribed.

(2) The regulations under this section shall also provide for authorizing any person who is licensed or otherwise authorized and who lawfully keeps open shop for the retailing of poisons in accordance with the provisions of the Pharmacy Act—

- (a) to manufacture at the shop in the ordinary course of his retail business any preparation, admixture, or extract, of any drug to which this Part applies; or
 - (b) to carry on at the shop the business of retailing, dispensing, or compounding, any such drug,
- subject to the power of the Minister to withdraw the authorization in the case of a person who has been convicted of an offence against this Act or against the Pharmacy Act or against the Food and Drugs Act, and who cannot, in the opinion of the Minister, properly be allowed to carry on the business of manufacturing or selling or distributing, as the case may be, any such drug.

(3) Nothing in any regulations made under this section shall be taken to authorize the sale, or the keeping of an open shop for the retailing, dispensing, or compounding, of poisons by any person who is not qualified in that behalf under, or otherwise than in accordance with, the provisions of the Pharmacy Act, or to be in derogation of the provisions of such Act for prohibiting, restricting, or regulating, the sale of poisons.

10.—(1) The drugs to which this Part applies are—

- (a) medicinal opium;
- (b) any extract or tincture of the plant cannabis sativa;
- (c) morphine and its salts, and diacetylmorphine (commonly known as diamorphine or heroin) and the other esters of morphine and their respective salts;

**Drugs
to which
Part IV
applies.**

- (d) cocaine (including synthetic cocaine) and ecgonine and their respective salts, and the esters of ecgonine and their respective salts;
- (e) any solution or dilution of morphine or cocaine or their salts in an inert substance whether liquid or solid, containing any proportion of morphine or cocaine, and any preparation, admixture, extract, or other substance (not being such a solution or dilution as aforesaid), containing not less than one-fifth *per centum* of morphine or one-tenth *per centum* of cocaine;
- (f) any preparation, admixture, extract, or other substance, containing any proportion of diacetylmorphine or of the other esters of morphine, or containing any proportion of ecgonine or of the esters of ecgonine;
- (g) dihydrohydroxycodeinone, dihydrocodeinone, dihydromorphinone, acetyldihydrocodeinone, dihydromorphine, their esters and the salts of any of these substances and of their esters, morphine-N-oxide (commonly known as genomorphine), the morphine-N-oxide derivatives, and any other pentavalent nitrogen morphine derivatives;
- (h) thebaine and its salts, and (with the exception of methylmorphine, commonly known as codeine, and of ethylmorphine, commonly known as dionin, and their respective salts) benzylmorphine and the other ethers of morphine and their respective salts;
- (i) any preparation, admixture, extract, or other substance, containing any proportion of any of the substances mentioned in paragraph (g) or in paragraph (h).

For the purpose of the foregoing provision the expression "ecgonine" means laevo-ecgonine and includes any derivatives of ecgonine from which it may be recovered industrially, and the percentage in the case of morphine shall be calculated as in respect of anhydrous morphine.

(2) For the purposes of this section, percentages in the case of liquid preparations shall, unless other provision in that behalf is made by regulations under this Act, be calculated on the basis that a preparation containing one *per centum* of any substance means a preparation in which one gramme of the substance, if a solid, or one millilitre of the substance, if a liquid, is contained in every one hundred millilitres of the preparation, and so in proportion, for any greater or less percentage.

(3) If it appears to the Minister that any new derivative of morphine or cocaine or of any salts of morphine or cocaine or any other alkaloid of opium or any other drug of whatever kind is, or is likely to be productive, if improperly used, or is capable of being converted into a substance which is, or is likely to be productive, if improperly used, of ill-effects substantially of the same character or nature as or analogous to those produced by morphine or cocaine, the Minister may by order declare that this Part shall apply to that new derivative or alkaloid or other drug in the same manner as it applies to the drugs mentioned in subsection (1).

(4) If the Minister thinks fit to declare that a finding with respect to any preparation containing any of the drugs to which this Part applies has in pursuance of Article 8 of the Geneva Convention (No. 1) been communicated by the Council of the League of Nations to the parties to the said Convention, the provisions of this Part shall, as from such date as may be specified in such declaration, cease to apply to the preparations specified therein.

Trade, etc.,
in new
drugs, and
power to
apply
Part IV to
certain
drugs.

11.—(1) Every person in the Island, who trades in, or manufactures for the purpose of trade, any products obtained from any of the phenanthrene alkaloids of opium, or from the ecgonine alkaloids of the coca leaf, not being a product which was on the 13th day of July, 1931, being used for medical or scientific purposes shall be guilty of an offence against this Act:

Provided that if the Minister is at any time satisfied as respects any such product that it is of medical or scientific value, he may by order direct that this subsection shall cease to apply to that product.

(2) If it is made to appear to the Minister that a decision with respect to any such product as is mentioned in subsection (1) has in pursuance of Article II of the Geneva Convention (No. 2) been communicated by the Secretary-General of the League of Nations to the parties to the said Convention, the Minister, by order, may, as the case requires, either declare that the provisions of this Part shall apply to that product in the same manner as they apply to the drugs mentioned in subsection (1) of section 10, or apply such Part to that product with such modifications as may be specified in the order.

(3) The Minister may by order apply this Part, with such modifications as may be specified in the order, to any of the following drugs, that is to say, methyilmorphine (commonly known as codeine), ethylmorphine (commonly known as dionin) and their respective salts, preparations and admixtures.

PART V. *Control of External Trade*

12. In this Part—

“conveyance” includes ship, aircraft and any other means of transport by which goods may be brought into or taken from the Island;

Interpreta-
tion.

“dangerous drug” means any drug to which Part IV applies, and includes raw opium, coca leaves, and all preparations of which resins obtained from the plant *cannabis sativa* form the base;

“diversion certificate” means a certificate issued by the competent authority of a country through which a dangerous drug passes in transit, authorizing the diversion of such drug to a country other than that specified as the country of ultimate destination in the export authorization, and containing all the particulars required to be included in an export authorization, together with the name of the country from which the consignment was originally exported;

“export” with its grammatical variations and cognate expressions, in relation to the Island, means to take or cause to be taken out of the Island by land, air, or water, otherwise than in transit;

“export authorization” means an authorization issued by a competent authority in a country from which a dangerous drug is exported, containing full particulars of such drug, and the quantity authorized to be exported, together with the names and addresses of the exporter and the person to whom it is to be sent, and stating the country to which, and the period within which it is to be exported;

“import” with its grammatical variations and cognate expressions, in relation to the Island, means to bring or cause to be brought into the Island by land, air or water, otherwise than in transit;

“import authorization” means a licence, issued by a competent authority, authorizing the importation of a specified quantity of a dangerous drug and containing full particulars of the drug, together with the name and address of the person authorized to import the

drug, the name and address of the person from whom the drug is to be obtained, and specifying the period within which the importation must be effected;

Schedule
Form A.

“import certificate” means a certificate substantially in the Form A set out in the Schedule, issued by a competent authority in a country into which it is intended to import dangerous drugs;

“in transit” means taken or sent from any country and brought into the Island by land, air or water (whether or not landed or transhipped in the Island), for the sole purpose of being carried to another country either by the same or another conveyance.

The export
of dan-
gerous
drugs.

Schedule
Form B.

13.—(1) Upon the production of an import certificate duly issued by the competent authority in any country, the Chief Medical Officer may issue an export authorization in the Form B set out in the Schedule in respect of any drug referred to in the import certificate to any person who is named as the exporter in such certificate, and is, under the provisions of this Act, otherwise lawfully entitled to export such drug from the Island. The export authorization shall be prepared in triplicate and two copies shall be issued to the exporter who shall send one copy with the drug to which it refers when such drug is exported. The Chief Medical Officer shall send the third copy direct to the appropriate authority of the country of ultimate destination. Where the intended exportation is to a country which is not a party to the Geneva Convention (No. 2), it shall not be necessary to produce an import certificate. Subject to the provisions of subsection (2), it shall be in the absolute discretion of the Chief Medical Officer in all cases to issue or refuse an export authorization, as he may think fit.

(2) If at any time the importation of any dangerous drug into a foreign country which is not a party to the Geneva Convention (No. 2) is prohibited or restricted by

the laws of that country no export authorization may lawfully be issued authorizing the exportation thereof to such country in contravention of such laws.

(3) No dangerous drug shall be exported from the Island unless the consignor is in possession of a valid and subsisting export authorization relating to such drug granted under this Act.

(4) At the time of exportation of any dangerous drug the exporter shall produce to the Commissioner the dangerous drug, the export authorization relating thereto, and such other evidence as the Commissioner may require to satisfy him that the drug is being lawfully exported to the place and person named in the authorization which refers to it.

12/1985
Sch.

(5) Every person who exports, causes to be exported, or takes any steps preparatory to exporting, any dangerous drug from the Island except under and in accordance with, the provisions of this Act shall be guilty of an offence against this Act.

14.—(1) An import authorization in the Form C set out in the Schedule permitting the importation into the Island of any dangerous drug specified therein may be granted by the Chief Medical Officer subject to such conditions as he may deem fit to any person who may lawfully import such drug.

The import
of dan-
gerous
drugs.
Schedule
Form C.

(2) Where an import authorization is issued under subsection (1), the Chief Medical Officer shall also issue, in relation to the dangerous drug intended to be imported, an import certificate (Form A) which shall be forwarded by the intending importer to the person from whom the drug is to be obtained. When the importer to whom an import authorization is issued under this section intends to import

the drug or drugs to which such authorization relates in more than one consignment, a separate import certificate shall be issued to him in respect of each such consignment.

(3) No dangerous drug shall be imported into the Island unless the person to whom the drug is consigned is in possession of a valid and subsisting import authorization granted under this section.

(4) Every dangerous drug imported into the Island from a country which is a party to the Geneva Convention (No. 1) shall be accompanied by a valid and subsisting export authorization or diversion certificate.

(5) Every person who imports, causes to be imported, or takes any steps preparatory to importing any dangerous drug into the Island except under, and in accordance with, the provisions of this Act shall be guilty of an offence against this Act.

(6) There shall be a Dangerous Drugs (Import Licences) Appeal Board consisting of five medical practitioners appointed in that behalf by the Minister, two of whom shall be government medical officers and three of whom shall be private practitioners.

(7) The Minister shall from such members appoint a Chairman of the Board and the Chairman and two members shall form a quorum.

(8) Any person who is aggrieved by the refusal of an import authorization under this section may, within seven days of such refusal, appeal to the Board against such refusal, and the decision of the Board on such appeal shall be final.

15.—(1) No person shall bring any dangerous drug to the Island in transit unless—

Dangerous drugs in transit.

- (a) the drug is in course of transit from a country from which it may be lawfully exported, to another country into which such drug may be lawfully imported; and
- (b) except where the drug comes from a country not a party to the Geneva Convention (No. 1), it is accompanied by a valid and subsisting export authorization or diversion certificate, as the case may be.

(2) Where any dangerous drug in transit is accompanied by an export authorization or diversion certificate and the Commissioner has reasonable grounds for believing that such authorization or certificate is false, or that it has been obtained by fraud or wilful misrepresentation of a material particular, the Commissioner, may seize and detain the drug to which such authorization or certificate relates. Upon being satisfied that such authorization or certificate is valid or has not been obtained by fraud or misrepresentation the Commissioner shall release the drug.

12/1985
Sch.

(3) Where the dangerous drug in transit is not accompanied by an export authorization or diversion certificate by reason of the fact that the drug comes from a country not a party to the Geneva Convention (No. 1) and the Commissioner has reasonable grounds for believing that such drug is being conveyed in an unlawful manner or for an unlawful purpose or is in course of transit for the purpose of being imported into another country in contravention of the law of that country, the Commissioner may seize and detain the drug.

12/1985
Sch.

(4) Where a dangerous drug brought into the Island in transit is landed, or transhipped in the Island, it shall remain under the control of the Commissioner and shall be moved only under and in accordance with the removal licence granted under section 16.

12/1985
Sch.

(5) Nothing in this section contained shall be deemed to apply to any dangerous drug in transit by post or in transit by air if the aircraft passes over the Island without landing, or to such quantities of dangerous drugs as may, *bona fide*, reasonably form part of the medical stores of any ship or aircraft.

Removal
licences.

16.—(1) Every person who—

(a) removes any dangerous drug from the conveyance by which it is brought into the Island in transit; or

(b) in any way moves any such drug in the Island at any time after removal from such conveyance,

Schedule
Form D.

12/1985
Sch.

except under and in accordance with a licence in the Form D set out in the Schedule (in this Act referred to as a “removal licence”) issued by the Commissioner shall be guilty of an offence against this Act. In all cases it shall be in the absolute discretion of the Commissioner to issue or refuse a removal licence as he shall deem fit.

(2) No removal licence for the transfer of any such drug to any conveyance for removal out of the Island shall be issued unless and until a valid and subsisting export authorization or diversion certificate relating to it is produced to the Commissioner:

12/1985
Sch.

Provided that where the drug has come from a country not a party to the Geneva Convention (No. 1) this subsection shall not apply.

(3) The provisions of this section shall not apply to dangerous drugs in transit by post.

Drugs not
to be
tampered
with.

12/1985
Sch.

17. Every person who causes any dangerous drug in transit to be subjected to any process which would alter its nature, or wilfully opens or breaks any package containing a dangerous drug in transit except under the instructions of the Commissioner and in such manner as he may direct, shall be guilty of an offence against this Act.

18.—(1) Every person who, except under the authority of a diversion certificate in the Form E set out in the Schedule, causes or procures any dangerous drug brought into the Island in transit to be diverted to any destination other than that to which it was originally consigned, shall be guilty of an offence against this Act. In the case of any drug in transit accompanied by an export authorization or a diversion certificate issued by a competent authority of some other country, the country to which the drug was originally consigned shall be deemed to be the country stated in such export authorization or diversion certificate to be the country of destination.

Diversion of
dangerous
drugs.
Schedule
Form E.

(2) The Chief Medical Officer may in his absolute discretion issue a diversion certificate in respect of any dangerous drug in transit upon production to him of a valid and subsisting import certificate issued by a competent authority in the country to which it is proposed to divert the drug, or, if that country is not a party to the Geneva Convention (No. 1), upon such evidence as may satisfy him that the drug is to be sent in a lawful manner and for a proper purpose.

(3) A diversion certificate shall be issued in duplicate and one copy thereof shall accompany the drug when it is exported from the Island. The other copy shall be despatched by the Chief Medical Officer direct to the proper authority in the country to which the consignment has been diverted.

(4) Upon the issue of a diversion certificate the export authorization or diversion certificate (if any) accompanying the drug on its arrival in the Island shall be detained by the Chief Medical Officer and returned to the authority issuing such authorization or diversion certificate together with a notification of the name of the country to which such drug has been diverted.

PART VI. *General*

Licences. **19.** Licences, permits, or authorities, for the purposes of this Act (other than Part V) may be issued or granted by the Chief Medical Officer on such terms and subject to such conditions (including in the case of a licence the payment of a fee) as the Minister may prescribe.

Exporter or agent liable for contravention regarding export. **20.** If any articles prohibited to be exported by virtue of this Act are exported from the Island in contravention thereof, or brought to a quay or other place for the purpose of being so exported or of being water-borne to be so exported, the exporter or his agent shall be guilty of an offence against this Act.

Powers of inspection and seizure. 31/1961 S. 2 (a). **21.—(1)** Any constable, or other person authorized in that behalf by any general or special order of the Commissioner of Police, shall, for the purposes of the execution of this Act, have power to enter the premises of any person carrying on the business of a producer, manufacturer, seller, or distributor, of any drugs to which this Act applies and to demand the production of and to inspect any books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs.

31/1961 S. 2 (b). **(2)** Any person authorized in that behalf by any general or special order of the Chief Medical Officer, shall, for the purposes of the execution of this Act have power to enter the premises of any person carrying on the business of a producer, manufacturer, seller or distributor of any drugs to which this Act applies, to demand the production of and to inspect any books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs and seize and detain any drug which in the opinion of such authorized person is below standard or is unfit for use.

(3) Any drug seized and detained under this section may be destroyed on the certificate of the Chief Medical Officer to the effect that it is below standard or is unfit for use. 31/1961
S. 2 (b).

(4) If any member of the Constabulary Force of or above the rank of Sergeant is satisfied that there is reasonable cause to believe that an offence against this Act is being committed in any premises, he may give directions in writing to any constable to enter such premises, search the premises and seize and detain— 10/1964
S. 2 (a).

- (a) any drug to which this Act applies;
- (b) anything in which such constable reasonably suspects a drug to which this Act applies is being concealed;
- (c) any other thing by means of which or in respect of which such constable reasonably believes an offence against this Act has been committed or which may be evidence of the commission of such offence,

and such constable shall have power to carry out such directions:

Provided that it shall be the duty of such constable in the execution of any such directions to produce the instrument containing the same to the owner or occupier of any premises entered pursuant to such directions if required by such owner or occupier to do so, and to permit a copy thereof to be taken by, or on behalf of, such owner or occupier either at the time of the entering and search of such premises or at any time afterwards whilst such instrument remains in the custody of the constable.

(5) If a Justice is satisfied by information on oath that there is reasonable ground for suspecting—

- (a) that any drugs to which this Act applies are, in contravention of the provisions of this Act or of any regulations made thereunder, in the posses-

- sion or under the control of any person in any premises; or
- (b) that any document directly or indirectly relating to or connected with any transaction or dealing which was, or any intended transaction or dealing which would if carried out be, an offence against this Act or, in the case of a transaction or dealing carried out or intended to be carried out in any place outside the Island, an offence against the provisions of any corresponding law in force in that place, is in the possession or under the control of any person in any premises,

he may grant a search warrant authorizing any constable named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises named in the warrant, and to search the premises and any persons found therein, and if there is reasonable ground for suspecting that an offence against this Act has been committed in relation to any such drugs which may be found in the premises or in the possession of any such persons, or that any document which may be so found is such a document as aforesaid, to seize and detain those drugs or that document, as the case may be.

(6) Every person who wilfully delays or obstructs any constable or any person authorized by the Chief Medical Officer pursuant to the provisions of subsection (2) in the exercise of his powers under this section, or fails to produce, or conceals, or attempts to conceal, any such books, stocks, drugs, things or documents, as set out in this section, shall be guilty of an offence against this Act.

21A.—(1) Notwithstanding anything to the contrary in any other enactment, every person who, without lawful excuse—

- (a) encloses in or with any letter, parcel, packet or other matter sent by post, or posts any cocaine, opium, ganja or drug to which Part IV applies; or

31/1961
S. 2 (c).

10/1964
S. 2 (b).

Offence
of using
the postal
services
for drugs.
17/1987
S. 7.

- (b) uses any mailbag or mail van or other vehicle used for the carrying of mail for the transportation of any cocaine, opium, ganja or drug to which Part IV applies,

shall be guilty of an offence and shall be liable—

- (c) on conviction before a Circuit Court to imprisonment for a term not exceeding fifteen years; or
- (d) on summary conviction before a Resident Magistrate, in the case of a first conviction for such offence, to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment and in the case of a second or subsequent conviction for such offence, to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(2) In subsection (1) “mailbag”—

- (a) has the same meaning as defined in section 2 of the Post Office Act; and
- (b) includes any bag that is similar in design and construction to bags customarily used for the purpose of transporting mail.

22.—(1) Every person who—

- (a) for the purpose of obtaining, whether for himself or for any other person, the issue, grant or renewal, of any licence, permit, or authority, issued under this Act, makes any declaration or statement which is false in any particular, or knowingly utters, produces, or makes use of, any such declaration or statement or any document containing any such false declaration or statement; or
- (b) in the Island aids, abets, counsels, or procures, the commission in any place outside the Island of

Offences and penalties.

any offence punishable under the provisions of any corresponding law in force in that place, or does any act preparatory to, or in furtherance of, any act which if committed in the Island would constitute an offence against this Act; or

17/1987
S. 8 (a), (b).

(c) contravenes or fails to comply with any of the regulations made under this Act, shall be guilty of an offence against this Act.

17/1987
S. 8 (c).

(2) Every person who is guilty of the offence of importing or bringing into the Island or exporting therefrom any drug contrary to section 8, or of manufacturing or trading in any products contrary to section 11, or of manufacturing, or selling any drug or otherwise dealing therein (by way of a transaction of any description whatsoever) in contravention of any regulations made under section 9 shall be liable—

30/1994
S. 6 (a) (i).

(a) on conviction before a Circuit Court, to imprisonment for a term not exceeding thirty-five years; or

30/1994
S. 6 (a) (ii).

(b) on summary conviction before a Resident Magistrate, to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

30/1994
S. 6 (a) (ii).

17/1987
S. 8 (c).

(3) Every person who is guilty of the offence of being in possession of any drug in contravention of any regulations made under section 9 shall be liable—

30/1994
S. 6 (b) (i).

(a) on conviction before a Circuit Court to imprisonment for a term not exceeding thirty-five years; or

30/1994
S. 6 (b) (ii).

(b) on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

30/1994
S. 6 (b) (ii).

17/1987
S. 8 (c).

(4) Every person who is guilty of the offence of importing or bringing into the Island or exporting therefrom

any raw opium or coca leaves contrary to section 3 or any prepared opium shall be liable—

- (a) on conviction before a Circuit Court to imprisonment for a term not exceeding thirty-five years; or 30/1994
S. 6 (c) (i).
- (b) on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment. 30/1994
S. 6 (c) (ii).

(5) Every person who is guilty of an offence against this Act for which no penalty is otherwise provided shall on summary conviction before a Resident Magistrate be liable to a fine not exceeding fifteen thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment. 17/1987
S. 8 (c).

(6) A person, other than a person lawfully authorized, found on any school premises in possession of any cocaine, opium, ganja or drug to which Part IV applies is deemed to have such cocaine, opium, ganja or drug for the purpose of selling or otherwise dealing therein, unless the contrary is proved by him. 17/1987
S. 8 (c).

(7) A person, other than a person lawfully authorized, found in possession of more than— 17/1987
S. 8 (c).

- (a) one-tenth of an ounce of diacetyl-morphine (heroin);
- (b) one-tenth of an ounce of cocaine;
- (c) one-tenth of an ounce of morphine;
- (d) one ounce of opium; or
- (e) eight ounces of ganja,

is deemed to have such drug for the purpose of selling or otherwise dealing therein, unless the contrary is proved by him.

17/1987
S. 8 (c).

(8) In subsection (6)—

“school” includes any educational institution within the meaning of section 2 of the Education Act; and

“school premises” includes—

- (a) any buildings, playing fields or other premises established or maintained for the benefit of the pupils of a school whether or not such buildings, playing fields or other premises are within the curtilage of the school;
- (b) any premises for the time being used for the keeping of a school.

1/1961
S. 2.

(9) Where any person is convicted of an offence against this Act the Court, in addition to any other punishment, may order to be forfeited any drugs, pipes, or utensils in respect of which the offence was committed.

16/1974
S. 3 (b).

(10) Upon conviction for any offence against any regulations under this Act relating to the keeping of books or the issuing or dispensing of prescriptions containing drugs to which this Act applies, the offender—

- (a) shall not be sentenced to imprisonment without the option of a fine; and
- (b) shall be liable to a fine which shall not exceed five hundred dollars,

if the court or in the case of a conviction under subsection (2) (a) or (3) (a) the Judge dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to, or committed in the course of, or in connection with, the commission or intended commission of any other offence against this Act.

17/1987
S. 8 (d).

(11) Every person who attempts to commit an offence against this Act or solicits or incites another person to commit such an offence shall, without prejudice to any other

liability, be liable to the same punishment and forfeiture as if he had committed an offence under this Act.

(12) Where a person convicted of an offence under this Act is a company, the Chairman and every director and every officer concerned in the management of the company shall be guilty of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

(13) Whenever any person to whom any licence, permit, or authority, has been issued or granted under this Act would be liable under the provisions of this Act or of any regulations made thereunder to any punishment, fine, or forfeiture, for any act, omission, neglect, or default, he shall be liable to the same punishment, fine or forfeiture for every similar act, omission, neglect or default, of any agent or servant employed by him in the course of his business, and every agent or servant employed by him in the course of his business, shall also be liable to every punishment, fine, or forfeiture, prescribed for such acts, omissions, neglects, or defaults, contrary to the provisions of this Act as fully and effectually as if such agent or servant had been the person to whom the licence or authority had been issued or granted.

(14) Notwithstanding the provisions of any enactment prescribing the time within which proceedings for an offence punishable on summary conviction before a Resident Magistrate may be commenced, any proceedings for an offence under this Act, or for aiding or abetting or counselling or causing or procuring such an offence, or for attempting to commit such an offence, or for soliciting or inciting another person to commit such an offence, may be commenced either within the time so prescribed or within three months from the date on which evidence sufficient in the opinion of the Director of Public Prosecutions to justify

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a prosecution for the offence comes to his knowledge, whichever time is the longer, and for the purposes of this subsection a certificate purporting to be signed by the Director of Public Prosecutions as to the date on which such evidence comes to his knowledge shall be conclusive evidence thereof.

Power of
arrest.

23. Any constable may arrest without warrant any person who has committed, or attempted to commit, or is reasonably suspected by such constable of having committed or attempted to commit, an offence against this Act, if he has reasonable ground for believing that that person will abscond unless arrested, or if the name and address of that person are unknown to and cannot be ascertained by him.

Seizure and
forfeiture
of vehicles.
10/1964
S. 4.
16/1974
S. 4 (a).

24.—(1) If any constable has reasonable cause to suspect that any conveyance is being used or has been used for the commission of any offence against this Act, he may without a warrant search and, if such search reveals evidence that the conveyance is being used or has been used for the commission of any offence as aforesaid, seize and detain such conveyance.

17/1987
S. 9.

(2) Where any conveyance is seized pursuant to this section and—

- (a)** any person is convicted of an offence against this Act; and
- (b)** the Court is satisfied that—
 - (i)** that person owns the conveyance used in the commission of the offence; or
 - (ii)** the owner of the conveyance permitted it to be so used; or
 - (iii)** the circumstances are otherwise such that it is just so to do,

the Court shall, upon the application of the prosecution, order the forfeiture of the conveyance.

(3) On the application of the Director of Public Prosecutions before a Resident Magistrate's Court having jurisdiction in the area where a conveyance is seized pursuant to subsection (1), the Court may, notwithstanding that the conditions mentioned in subsection (2) have not been satisfied, order the forfeiture of the conveyance if the Court is satisfied that—

- (a) the conveyance has been abandoned; or
- (b) the circumstances in which the conveyance was seized give reasonable cause to suspect that the conveyance was being used or has been used for the purpose of committing an offence against this Act,

and that it is otherwise just so to do.

(4) Where the Director of Public Prosecutions proposes to apply for forfeiture of any conveyance under subsection (3), he shall give to any person who, to his knowledge, was at the time of the seizure the owner thereof notice of the seizure of the conveyance and the intention, after the expiration of thirty days from the date of the notice, to apply for forfeiture thereof and of the grounds therefor:

Provided that notice shall not be required to be given under this subsection if the seizure was made in the presence of the owner or any of the owners of the conveyance seized or any servant or agent of the owner.

(5) Without prejudice to any other form of service of notification, notification may, for the purposes of subsection (4), be made by publication in a daily newspaper printed and circulating in the Island.

(6) Any person having a claim to any conveyance seized under this section may appear before the Court on the hearing of the application and show cause why an order for forfeiture should not be made.

17/1987
S. 9.

(7) Where, on the hearing of an application pursuant to subsection (3) for forfeiture of a conveyance, no person appears before the Court to show cause why an order for forfeiture should not be made the Court shall presume that the conveyance has been abandoned.

17/1987
S. 9.

(8) If, upon the application of any person prejudiced by an order made by the Court under subsection (2) or (3), the Court is satisfied that it is just to revoke such order, the Court may revoke that order upon such terms and conditions as it deems appropriate, and without prejudice to the generality of the foregoing, shall require that person, to pay in respect of storage, maintenance, administrative expenses, security and insurance of the conveyance such charges as shall be charged by the appropriate government agency and approved by the Court, not exceeding one and a half times the value, as determined by the Court, of the conveyance.

17/1987
S. 9.

(9) An application to the Court under subsection (8) for the revocation of an order shall be made within thirty days of the date of the order or within such greater time, not exceeding six months after the date of the order as the Court may allow.

Meaning of
importation
and exportation
under
licence.

25. For the purposes of this Act, any article shall be deemed to be imported under licence or exported under licence if the importer or exporter, as the case may be, is the holder of a licence issued under this Act authorizing the importation or exportation, as the case may be, of the article and complies with the conditions, if any, of the licence, but not otherwise.

Burden of
proof.

26. In any proceedings against any person for an offence against this Act, it shall not be necessary to negative by evidence any licence, authority, or other matter of exception or defence, and the burden of proving any such matter shall lie on the person seeking to avail himself thereof.

27. In any proceedings against any person for an offence against this Act the production of a certificate signed by a Government Chemist or any Analyst designated under the provisions of section 17 of the Food and Drugs Act, shall be sufficient evidence of all the facts therein stated, unless the person charged requires that the Government Chemist or any Analyst be summoned as a witness, when in such case the Court shall cause him to attend and give evidence in the same way as any other witness.

Admissibility of certificate of Government Analyst.
28/1954
S. 2.

28.—In this Part, “conveyance” includes any vehicle, ship, aircraft or other means of transport.

Meaning of expression “conveyance” in Part VI.
16/1974
S. 5.

DANGEROUS DRUGS

SCHEDULE

FORM A

(Section 12)

THE DANGEROUS DRUGS ACT

IMPORT CERTIFICATE issued by the Government of Jamaica.

INTERNATIONAL OPIUM CONVENTIONS

(The Hague 1912, Geneva 1925, Limitation Convention 1931)

CERTIFICATE OF OFFICIAL APPROVAL OF IMPORT No.....

I, being the person charged with the administration of the law relating to the dangerous drugs to which the International Opium Conventions apply, hereby certify that I have approved the importation by:

- (a) Name, address and business of importer (a)
(b) Exact description and amount of drug to be imported of (b)
(c) Name and address of firm in exporting country from which the drug is to be obtained from (c)
(d) State any special conditions to be observed—e.g., not to be imported through the post subject to the following conditions: (d)
(e) State, if possible, Customs Office through which the goods will be imported (e)
(f) State, if possible, route to be followed by the goods (f)
(g) Period within which the import is to be effected (g)

and that I am satisfied that the consignment proposed to be imported is required—

- (1) for legitimate purposes (in the case of raw opium and the coca leaf);
(2) solely for medical or scientific purposes (in the case of drugs other than raw opium and coca leaf).

(Signature).....

(Official rank).....

(Date).....

FORM B

(Section 13 (1))

THE DANGEROUS DRUGS ACT

EXPORT AUTHORIZATION

INTERNATIONAL OPIUM CONVENTIONS

(The Hague 1912, Geneva 1925, Limitation Convention 1931)

Official Authorization of Export No.....

I, being the person charged with the administration of the law relating to the dangerous drugs to which the International Opium Conventions apply, hereby certify that I have approved the exportation by:

- (a) Name, address and business of exporter (a)
- (b) Exact description and amount of drug to be exported of (b)
- (c) Name and address of firm in importing country requiring the drug to (c)
- (d) Number and date of import certificate and indication of the authority issuing this certificate (d)
- (e) State any special conditions to be observed—e.g., not to be imported through the post—see also general conditions below subject to the following conditions: (e)
- (f) Customs Office through which the goods will be exported (f)
- (g) State, if possible, route to be followed by the goods (g)
- (h) Period within which the export is to be effected (h)

(Signature).....

(Official rank).....

(Date).....

GENERAL CONDITIONS GOVERNING THE USE OF THIS EXPORT AUTHORIZATION—

1. This authorization is not a licence to obtain or be in possession of the drugs named herein.
2. This authorization is available only for drugs of the exact quantity, kind and form specified above.
3. This authorization does not relieve the exporter from compliance with any Customs regulations in force for the time being relating to the exportation of goods from Jamaica nor from any provision of the Post Office Act, or of any Post Office regulations for

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DANGEROUS DRUGS

the time being in force, nor from any rules or regulations respecting the transmission of articles by post which may for the time being be in force, whether within Jamaica or elsewhere.

4. If the drugs are authorized to be exported by ship the duplicate copy, which is attached, shall accompany the consignment to the place of destination and for this purpose the exporter shall cause it to be delivered to the Master of the vessel by which the consignment is despatched. (See footnote (3))
5. If the drugs are authorized to be exported by post the attached duplicate copy shall be placed inside the outer wrapper of the parcel containing the drugs. If the drugs are contained in more than one parcel, the duplicate copy shall be placed inside the outer wrapper of one of them; the parcels shall be consecutively numbered on the outer wrapper, and on each parcel there shall be legibly stated the number of the parcel in which the duplicate copy is to be found. (See footnote (2))
6. The exporter, if so required by the Commissioner shall produce to him, within such time as he may allow, proof to his satisfaction that the said drugs were duly delivered at the destination named in this authorization, and in the event of non-compliance with this condition the authorization shall be deemed void and of no effect.
7. The exporter shall furnish to the Chief Medical Officer such returns of the goods exported by him in pursuance of this authorization as may from time to time be required.
8. This authorization is valid only for the exporter named above and may be revoked at any time by the Chief Medical Officer. It shall be produced for inspection when required by any duly authorized person.
9. This authorization, unless sooner revoked, shall continue in force for three calendar months from the date hereof. It must be produced, at the time of export, to an officer of the Customs or the Post Office, whichever is applicable, who will retain it.

If not used it shall be surrendered to the Chief Medical Officer within seven days of the date of its expiry.

NOTE—(1) If any alteration is desired in this authorization it must be returned with a request for amendment and a statement of the reasons therefor. No unauthorized alteration is permissible.

(2) In the case of drugs exported by post, failure to comply with this condition may lead to delay or confiscation of the parcels in the country of destination.

(3) In the case of drugs exported by ship this document is required in pursuance of the International Opium Convention, 1925, Article 15, to be produced to the competent authorities of any country through which

the consignment passes, whether it is transhipped or not. Failure to comply with the condition may lead to delay or confiscation of the consignment.

FORM C (Section 14 (1))

Authorization No.....

File No.....

THE DANGEROUS DRUGS ACT
IMPORT AUTHORIZATION

In pursuance of the Dangerous Drugs Act (hereinafter called "the Act"), the Chief Medical Officer hereby authorizes

Here insert name and full postal address of importer.

(hereinafter called "the importer") to import the drugs specified in the Schedule hereto, from

Here insert name and full postal address of exporter.

This authorization is issued subject to the following conditions—

- 1. The drugs shall be imported before (date)
2. This authorization is not a licence to be in possession of or to supply the drug imported.
3. This authorization does not relieve the importer from compliance with any Customs regulations in force for the time being relating to the importation of goods into or transshipment of goods in Jamaica, or any Post Office regulations for the time being in force in Jamaica.
4. This authorization is valid only for the importer and may be revoked at any time by the Chief Medical Officer to whom it shall in that event be immediately surrendered. It shall be produced for inspection when required by any duly authorized person.
5. This authorization unless sooner revoked shall be produced to the Customs Officer at the time of importation and shall be surrendered to the Customs Officer at the time when the last consignment of drugs is imported.
6. If the importation of all drugs specified in the Schedule is not effected before the date specified in condition No. 1 this authorization shall immediately after that date be surrendered to the Chief Medical Officer.
7. The copy of the export authorization, if any, which accompanied the drugs shall be forwarded to the Chief Medical Officer immediately the importation of the drugs has been effected.

(Signature) Chief Medical Officer.

(Date).....

DANGEROUS DRUGS

SCHEDULE specifying the drugs and quantities thereof to be imported—

This authorization is not to leave the possession of the importer until it is surrendered to the Chief Medical Officer or to the Customs Officer, who will complete the certificate on the back and return the authorization to the Chief Medical Officer.

ENDORSEMENT BY CUSTOMS OFFICER

AT THE TIME OF IMPORTATION

Date	Description of Drugs imported	Number and date of Export Authorization	Quantity	How Imported	Customs entry or Parcel No.	Signature, mark and Station of Customs Officer
				e.g., ex (in the case of a ship), or by registered parcel post or by insured box post.		

This authorization, when all the drugs to which it relates have been imported must be returned by the Customs Officer to the Chief Medical Officer.

FORM D

(Section 16 (1))

THE DANGEROUS DRUGS ACT

LICENCE FOR THE REMOVAL OF DANGEROUS DRUGS
IN TRANSIT

.....is hereby authorized
to move the dangerous drugs described hereunder from.....
to.....
Nature and quantity of dangerous drugs
Particulars of export authorization (or
diversion certificate), if any, relating
thereto
Name of ship on which the drugs were
brought into the Island
Date of arrival
Number of packages

[The inclusion of this page is authorized by L.N. 480/1973]

Marks and numbers on packages

This licence is issued subject to the following conditions—

- (1) This licence is valid only for the removal of the drugs specified above.
- (2) The removal of the drugs shall take place between.....
a.m./p.m. and.....a.m./p.m. on the.....
.....19.....
- (3) If the removal of the drugs does not take place within the hours and on the day specified, this licence must be returned to the Commissioner forthwith; and in any case shall be surrendered when the removal has taken place.
- (4) The drugs must not be moved unless an officer of the Customs and Excise Department is present.
- (5) This licence does not authorize the person named above to be in possession of the drugs otherwise than for the purpose of removing them in accordance with this licence.
- (6) The packages containing the drugs are not to be opened or broken in the course of the removal.
- (7) This licence shall be produced at any time when required by a duly authorized person.

12/1985 Sch.

12/1985 Sch.

.....
(Signature and stamp of the
Commissioner)

12/1985 Sch.

(Date).....

FORM E (Section 18 (1))

THE DANGEROUS DRUGS ACT
International Opium Conventions
DIVERSION CERTIFICATE

I, being the person charged with the administration of the law relating to the dangerous drugs to which the International Opium Conventions apply, hereby certify that I have authorized the diversion of the consignment of drugs, of which particulars are given below, to the destination stated below—

- Description and quantities of drugs
- Name of vessel on which the consignment was brought to Jamaica
- Name and address of the exporter
- Number and date of export authorization and authority by whom issued

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DANGEROUS DRUGS

Name and address of original consignee named in the export authorization

Name and address of consignee to whom the consignment is authorized to be diverted

Number and date of import certificate (and authority by whom issued) by virtue of which this diversion is authorized

Name of vessel on which the consignment is authorized to be carried from Jamaica

Period within which the consignment is to be carried from the Island

This certificate is issued subject to the following conditions—

- (1) The duplicate copy of this certificate shall accompany the consignment to the place of destination, and for this purpose shall be delivered to the Master of the vessel by which the consignment is despatched.
(2) This certificate does not relieve any person who may be concerned with the carriage of the consignment of drugs specified above from compliance with any Customs regulations in force for the time being relating to the exportation of goods from Jamaica.
(3) This certificate is valid only for the consignment and for the period specified above, and may be revoked at any time.
(4) If the consignment of drugs is not carried from Jamaica within the period specified above, this certificate shall be surrendered to the Chief Medical Officer.
(5) This certificate shall be produced at any time when required by a duly authorized person.

(Signature) Chief Medical Officer

(Date).....

NOTE—(1) If any alteration is desired in this authorization, it must be returned with a request for amendment and a statement of the reasons therefor. No unauthorized alteration is permissible.

- (2) This document is required in pursuance of the International Opium Convention, 1925, Article 15, to be produced to the competent authorities of any country through which the consignment passes, whether it is transhipped or not. Failure to comply with the condition may lead to delay or confiscation of the consignment.