

THE DANGEROUS DRUGS ACT

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DANGEROUS DRUGS

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SCHEDULE

THE DANGEROUS DRUGS ACT

[15th April, 1948.]

Cap. 90. 30 of 1994,
Laws 12 of 2014
28 of 1954, S. 16,
1 of 1961, 5 of 2015.
31 of 1961.
Acts
10 of 1964
Sch.,
16 of 1974,
12 of 1985
Sch.,
17 of 1987,
21 of 1987,

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.
5/2015
S. 3(a).

“ganja” includes all parts of the plant *cannabis sativa* from which the resin has not been extracted and includes any resin obtained from that plant, but does not include—

- (i) medicinal preparations made from that plant;
- (ii) hemp;

5/2015
S. 3(b).

“hemp” means the plant *cannabis sativa*, or any part thereof, with a THC concentration or more than 1.0 % or such other consideration as may be prescribed by the Minister by order published in the *Gazette*;

“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.

“THC” means Δ^9 -Tetrahydrocannabinol (6aR,10aR)-6a, 7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyran- 1—ol.(THC);

5/2015
S. 3(b).

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

17/1987
S. 2(c).

- (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. This 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—

- (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.

Part III. *Prepared Opium*

Export and
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, selling,
using, etc.,
prepared
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

17/1987
S. 5(c).

(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 utensil 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 purposes of opium smoking,

shall be guilty of an offence against this Act.

17/1987
S. 6.

Part IIIA. *Ganja*

Export or
import of
ganja.
5/2015
S. 4(a).

7A.—(1) Subject to subsection (4), 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 one thousand and 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 5/2015
Sch.

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 not which shall not be less than nine hundred dollars, nor more than one thousand and 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 three million dollars; or 5/2015
Sch.

30/1994
S.3(b).
5/2015
Sch.
- (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.

(4) Nothing in subsection (1) shall apply to any person who is certified by a registered medical practitioner to be— 5/2015
S. 5(b).

- (a) suffering from cancer or any other terminal or serious chronic illness; and

- (b) a person the use by whom of any medicinal or therapeutic product comprising, derived from or containing ganja, is recommended by that registered medical practitioner,

as regards the importation of that medicinal or therapeutic product in an amount not exceeding that recommended by the registered medical practitioner and, in the case of a medicinal or therapeutic product comprising ganja plant material, in accordance with regulations made under section 9A.

Cultivating,
selling or
dealing in, or
transporting
ganja.
17/1987
S. 6.
5/2015
S. 5(a)(b).

7B.—(1) Subject to subsections (2) and (4), 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—

5/2015
Sch.
30/1994
S. 4(a).

- (d) 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
- (e) on summary conviction before a Resident Magistrate, notwithstanding section 44 of the Interpretation Act, shall be liable—

5/2015
Sch.

- (i) to a fine not which shall not be less than two hundred and fifty 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 one million dollars; or

(ii) to imprisonment for a term not exceeding three years; or

(iii) to both such fine and imprisonment.

(2) Nothing—

(a) subsection (1)(b), as relates to using or knowingly permitting the use of any premises for the storage of ganja; or

(b) subsection (1)(c), as relates to using or knowingly permitting the use of any conveyance for carrying ganja,

shall apply in the circumstances referred to in subsection (3).

(3) For the purposes of subsection (2), the circumstances are that—

(a) the total quantity of the ganja does not exceed the quantity specified in section 7F; or

(b) the ganja is used or carried in connection with any purposes specified in section 7C(2).

(4) Nothing in subsection as it relates to the cultivation, gathering or storage of ganja shall be construed to apply to five or less than five ganja plants found on any premises, and those plants so found shall be deemed to be grown for the medical or therapeutic use of the leaves or for horticultural purposes.

(5) For the purposes of subsection (4) where there is more than one household on any premises, each household shall be treated as a separate premises.

7C.—(1) Subject to subsection (2), a person who is in possession of any ganja in excess of the quantity specified in section 7F commits an offence; and—

12/2014
S. 16(a)(ii).
5/2015
S. 5(b).

Possession
of ganja.
17/1987
S. 6.
21/1987
S. 2.
12/2014 S.
16(a)(i).
5/2015
S. 5(b).

(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—

5/2015
Sch.

(i) to a fine not exceeding two hundred and fifty 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.

5/2015
S.6(b).

(2) Subsection (1) shall not apply to the possession of ganja for any of the following purposes—

(a) religious purposes as a sacrament in adherence to the Rastafarian faith;

(b) medical or therapeutic purposes as prescribed or recommended in writing by—

(i) a registered medical practitioner; or

(ii) other health practitioners, or class of practitioners, approved for that purpose by the Minister responsible for health by order published in the *Gazette*;

(c) the purposes of scientific research—

(i) conducted by a duly accredited tertiary institution; or

(ii) otherwise approved by the Scientific Research Council or such other body as may be prescribed by the Minister.

Exceptions by
licence,
permit, etc
5/2015
S.7.

7D.—(1) Nothing in section 7A, 7B, 7C or 7F applies to the handling of ganja for medical, therapeutic or scientific purposes

in accordance with a licence, permit or other authorisation issued under this Act or any other Act.

(2) In subsection (1) and section 9A—

“handling” includes use, cultivation, processing, importation, exportation, transit, manufacture, sale, possession and distribution;

“medicinal, therapeutic or scientific purposes” includes research, clinical trials, therapy and treatment, and the manufacture of nutraceuticals and pharmaceuticals.

(3) In furtherance of scientific research undertaken by an institution or other body referred to in subsection (4), the Minister responsible for science and technology may by order published in the *Gazette* authorize that institution or other body (as the case may be) to—

- (a) cultivate ganja on lands designated by the Minister in the order; and
- (b) import into Jamaica any ganja plant or part thereof (for example, seeds, saplings, and plant tissue) from any jurisdiction where the exportation of such plant or part thereof to Jamaica is lawful under the laws of that jurisdiction, in accordance with regulations made under section 9A.

(4) For the purposes of subsection (3), the institutions or other bodies are—

- (a) a duly accredited tertiary institution or other body approved by the Scientific Research Council; or
- (b) any third party engaged for the purposes of subsection (3) by a tertiary institution or other body referred to in paragraph (a).

(5) The other sections of this Part shall not apply to any ganja which is the subject of an order under subsection (3) and which is handled in accordance with the order.

(6) The Minister responsible for justice may by order published in the *Gazette* authorize any—

- (a) person who has attained the age of eighteen years and who the Minister is satisfied is an adherent of the Rastafarian faith or any group of such persons; or
- (b) organization that the Minister is satisfied is comprised of such persons,

to cultivate, on lands designated by the Minister in the order and in accordance with such regulations as the Minister may prescribe for that purpose, ganja for use for religious purposes as a sacrament in adherence to the Rastafarian faith.

(7) The other sections of this Part, with the exception of—

- (a) section 7A;
- (b) section 7B as it relates to selling or otherwise dealing in ganja; and
- (c) section 7E,

shall not apply to ganja which is the subject of an order under subsection (6).

(8) The Minister responsible for justice may by order published in the *Gazette* declare an event to be an exempt event for the purposes of subsection (9), if the Minister is satisfied that the event is—

- (a) promoted or sponsored by—
 - (i) a person who is an adherent of the Rastafarian faith or any group of such persons; or
 - (ii) any organization that is comprised of such persons, whether alone or in association with other persons who are not such adherents; and
- (b) primarily for the purpose of the celebration or observance of the Rastafarian faith.

(9) Where an event is declared under subsection (8) to be exempt for the purposes of this subsection, no person shall be liable, under this Part, to arrest, detention, prosecution for any

offence, or any other penalty, as regards ganja being conveyed to, or which is possessed or smoked at, the event in such amount and under such conditions as are specified in the order.

(10) The purchase and possession in Jamaica, by any persons not ordinarily resident in Jamaica, of two ounces or less of ganja at a time shall not be construed as an offence under this Part if the person—

- (a) produces a voluntary declaration signed by that person, or any other satisfactory evidence, that the person's use of ganja is for medical or therapeutic purposes as prescribed or recommended in writing by a medical practitioner entitled to practice in the jurisdiction where the person is ordinarily resident; and
- (b) is in possession of a valid permit issued to that person under subsection (11).

(11) A permit for the purposes of subsection (10) may be issued by the Minister responsible for health upon application made in such form, and accompanied by such fee, as may be prescribed by that Minister by order published in the *Gazette*.

(12) The Minister responsible for finance shall direct that such percentage, as may be prescribed by order published in the *Gazette*, of the fees received for the issue of any licence, permit or other authorization under this section or section 9A be applied for the following—

- (a) strengthening the capacity and programmes of the National Council on Drug Abuse, including public education programmes to discourage the use of ganja by persons under the age of eighteen years, persons with a mental disorder, pregnant women and other vulnerable groups;
- (b) strengthening Jamaica's mental health institutions and services;
- (c) funding scientific and medical research into ganja or hemp; and

- (d) supporting the regulatory arrangements arising under regulations made pursuant to section 9A.

Smoking of
ganja in public
places
prohibited.
First
Schedule.
5/2015
S.7
Possession of
ganja in small
quantity.
5/2015
S.7

7E. The provisions of the First Schedule shall apply to the smoking of ganja in public places as described in the First Schedule.

7F.—(1) Subject to subsection (2), a person who is in possession of ganja of a quantity which in total does not exceed the prescribed amount contravenes this subsection.

(2) Subsection (1) shall not apply to the possession of ganja for a purpose specified in section 7C(2).

(3) In this section, “the prescribed amount” means two ounces or such other amount as may be specified by the Minister by order subject to affirmative resolution.

Penalty for
contravention
in relation to
smoking or
possession in
small
quantities.
5/2015
S.7

7G.—(1) Notwithstanding sections 23 and 24, a person who contravenes section 7F(1) or a provision of the First Schedule shall not be liable to be arrested or detained therefor, but shall be liable to a fixed penalty of five hundred dollars.

(2) A constable who has reasonable grounds to believe that a person is in contravention of section 7F(1) or a provision of the First Schedule shall, by giving the prescribed notice in writing in accordance with subsection (3), offer that person the opportunity to discharge the fixed penalty.

First
Schedule.

(3) A notice in accordance with this subsection shall—

- (a) give such particulars of the contravention alleged as is necessary for giving reasonable information of the allegation;
- (b) state that the fixed penalty shall be paid within thirty days after the date of the notice;
- (c) state the amount of the fixed penalty and that such fixed penalty shall be paid to any Collector of Taxes;
- (d) require the person, in the event that the fixed penalty is not paid within the period specified in the notice, to attend before the Petty Sessions Court in the parish in

which the contravention is alleged to have been committed, to answer to a charge under subsection (8) on such date as may be specified, being a date not earlier than ten days after the expiration of the period specified pursuant to subsection (6);

- (e) in any case falling within subsection (4), refer the person to the National Council for Drug Abuse or such other body as the Minister may prescribe.

(4) For the purposes of subsection (3)(e), a case falls within this subsection if the person to whom the notice is to be issued—

- (a) is under the age of eighteen years; or
- (b) is eighteen years or older and appears, to the constable issuing the notice, to be dependent on ganja.

(5) A person to whom a notice is issued under this section shall not be liable to be convicted of an offence under subsection (8) if the fixed penalty is paid in accordance with this section before the final adjudication of the case.

(6) Where a person is issued a notice under this section, proceedings shall not be taken against the person for an offence under subsection (8) until the expiration of thirty days after the date of the notice or such longer period (if any) as may be specified in the notice.

(7) In any proceedings a certificate that payment of the fixed penalty was or was not made to the Collector of Taxes by a date specified in the certificate shall, if the certificate purports to be signed by the Collector of Taxes, be sufficient evidence of the facts stated unless the contrary is proved.

(8) A person who, without reasonable cause or excuse, fails to pay the fixed penalty in accordance with a notice issued to that person under this section commits an offence and shall be liable upon conviction in a Petty Sessions Court—

- (a) to perform unpaid work for such numbers of hours (being in the aggregate not less than forty nor more

than three hundred and sixty) as may be specified by the Court in an order made for that purpose; or

- (b) if the Court is not satisfied that arrangements can be made in the area in which the offender resides, or will reside, for the offender to perform work under an order made under paragraph (a) and for the proper supervision of that work, to a fine of two thousand dollars.

(9) The provisions of sections 10(3) to (6) and 11 of the Criminal Justice (Reform) Act shall apply to an order made under subsection (8)(a) as if that order were community service order made under section 10 of that Act.

First Schedule. (10) For the purposes of the Criminal Records (Rehabilitation of Offenders) Act a contravention of section 7F or a provision of the First Schedule shall not form a part of the criminal record of the offender.

(11) A notice under subsection (3) shall, for the purposes of paragraph (d) of that subsection, be deemed to be a summons under section 2 of the Justices of the Peace Jurisdiction Act.

Regulations.
5/2015
S.7

7H.—(1) The Minister may make regulations—

- (a) prescribing the procedure and criteria for registration of places of Rastafarian worship for the purposes of the definition of “public place” set out in the First Schedule;
- (b) prescribing the form of notice to be issued under section 7G; and
- (c) subject to affirmative resolution, amending—
 - (i) the First Schedule; or
 - (ii) section 7G(3) or (8)(b) so as to vary the amount of the penalty which may be imposed under that provision.

(2) In this section, “Minister” means, for the purposes of—

- (a) subsection (1)(a), the Minister responsible for justice;
- (b) subsection (1)(c)(i), the Minister responsible for health; and
- (c) subsection (1)(b) and (c)(ii), the Minister responsible for national security.

PART IV. *Cocaine, Morphine, 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.

Import and
export of
cocaine, etc.

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

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

- (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 million dollars or to

5/2015
Sch.

imprisonment for a term not exceeding five years or to both such fine and imprisonment.

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

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.

(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 two million dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

5/2015
Sch.

Control of
manufacture
and sale of
cocaine, *etc.*

9.—(1) For the purposes 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.

9A.—(1) For the purpose of enabling the establishment of a lawful, regulated industry—

(a) hemp; and

(b) ganja for medical, therapeutic or scientific purposes,
there is hereby established a Cannabis Licensing Authority (in this Act referred to as “the Authority”).

(2) The Authority shall have—

- (a) the power to make, with the approval of the Minister responsible for justice, regulations for the issue and regulation, by the Authority, of such licences, permits

Control of
handling of
hemp and
ganja.
5/2015
S. 8.

and authorizations, as may be appropriate, for the handling of—

- (i) hemp; and
- (ii) ganja for medical, therapeutic or scientific purposes within the meaning of section 7D;
- (b) the duty to ensure that regulations made under paragraph (a) do not contravene Jamaica's international obligations, and
- (c) such other powers, functions and duties as may be assigned to the Authority under this Act or any other law.

(3) The provisions of the Second Schedule shall have effect with respect to the constitution of the Authority and otherwise in relation hereto. Second
Schedule.

(4) Without prejudice to the generality of paragraph (a) of subsection (2), regulations made under that paragraph may provide for—

- (a) the procedure governing applications for the licences, permits and other authorizations referred to in that paragraph, including the information to be submitted with such applications;
- (b) the criteria for the grant of those licences, permits and other authorizations;
- (c) the inclusion of such terms and conditions in those licences, permits and other authorizations, as the Authority considers appropriate;
- (d) the procedures to be complied with by holders of those licences, permits and other authorizations to secure compliance with this Act and the regulations, and the monitoring of such compliance (for example, requirements for reporting and inspections);
- (e) the circumstances in which those licences, permits and other authorizations may be suspended or revoked; and

- (f) the fees payable for the application, grant or renewal of those licenses, permits, and other authorizations.

(5) Unless otherwise provided in regulations made pursuant to this section, the provisions of Part V—

- (a) shall not apply to hemp or ganja handled in accordance with a licence, permit or other authorization issued pursuant to regulations made under this section;

- (b) except as provided in paragraph (a), shall apply to—

- (i) all parts, and any extract or tincture, of the plant *cannabis sativa*; and

- (ii) all preparations of which resins obtained from the plant *cannabis sativa* form the base,

as if such part, extract, tincture or preparation, as the case may be, were a “dangerous drug” within the meaning of section 12.

Second
Schedule.

(6) The Ministers referred to in paragraph 1 of the Second Schedule shall ensure that their respective ministries provide the Authority with such support services as the Authority may reasonably require to effectively carry out its functions and duties.

(7) An appeal shall be to an appeal tribunal constituted in accordance with regulations made under section 29, in respect of any decision of the Authority to refuse, suspend or revoke a licence, permit or other authorization referred to in subsection (2)(a).

Drugs to
which Part IV
applies.

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

- (a) medicinal opium;

- (b) [*Deleted by Act 5 of 2015, S. 9.*]

- (c) morphine and its salts, and diacetylmorphine (commonly known as diamorphine or heroin) and the other esters of morphine and their respective salts;

- (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, methylmorphine (commonly known as codeine), ethylmorphine (commonly known as dionin) and their respective salts, preparations and admixtures.

PART V. *Control of External Trade*

Interpreta-
tion.

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;

“dangerous drug” means any drug to which Part IV applies, and includes raw opium and coca leaves;

5/2015
S.10.

“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 require 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;

Third
Schedule.
Form A.
5/2015
S. 13(1),(2).

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

“in transit” means taken or sent from a country and brought into the Island by land, air or water (whether or not landed or transshipped 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.
Third
Schedule.
5/2015
S. 13(1),(2).

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 Third 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 Third 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 danger-
ous drugs.
Third
Schedule.
Form C.
5/2015
S. 13(1),(2).

(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 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.

Dangerous drugs
in transit.

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

- (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 transshipped 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,

Third
Schedule
Form D.
5/2015
S. 13(1),(2).
12/1985
Sch.

except under and in accordance with a licence in the Form D set out in the Third 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.

12/1985
Sch.

(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:

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 the authority of a diversion certificate in the Form E set out in the Third Schedule, causes or procures any dangerous drugs 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.
Third
Schedule.
Form E.
5/2015
S. 13(1),(2).

(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) accompanied 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.

5/2015
S. 11.

19. Licences, permits, or authorities, for the purposes of this Act (other than Part IIIA, section 9A and 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 contra-
vention
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 two hundred 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 five hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

5/2015
Sch.

(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—

Offences
and
penalties.

- (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 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 is 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).
5/2015
Sch.
30/1994
S. 6(a)(ii). (b) on summary conviction before a Resident Magistrate, to a fine not exceeding five million dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

- 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).
5/2015
Sch.
30/1994
S. 6(b)(ii). (b) on summary conviction before a Resident Magistrate to a fine not exceeding two million dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

- 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 million dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment. 30/1994
S. 6(c)(ii).
5/2015
Sch.
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 thirty thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment. 17/1987
S. 8(c).
5/2015
Sch.

(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 diacetylmorphine (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

5/2015
Sch.

(b) shall be liable to a fine which shall not exceed fifty thousand dollars,

17/1987
S. 8(d).

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.

(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

[The inclusion of this page is authorized by L.N. 3/2001]

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.

29.—(1) The Minister may, subject to sections 4, 7D(6), 7H, 9 and 9A, make regulations in order to give effect to the purposes of this Act.

Regulations.
5/2015
S. 12.

(2) Regulations made under this Act may provide for penalties for offences under those regulations, in excess of the amount specified by section 29 of the Interpretation Act but not, in any event, exceeding one million dollars or six months imprisonment.

30. The Minister may, by order subject to affirmative resolution, amend—

Power to amend Second Schedule and penalties.
5/2015
S. 12.

(a) the Second Schedule;

(b) the monetary penalties imposed by this Act.

DANGEROUS DRUGS

FIRST SCHEDULE (Sections 7E, 7G and 7H)

*Provisions Regarding Smoking
in Public Places*

1. In this Schedule—

“public conveyance” means any form or mode of transportation which carries passengers, for hire or reward, whether in Jamaica or internationally, but does not include privately operated vehicles not used for commercial purposes;

“public place”—

(a) means any—

- (i) structure;
- (ii) facility;
- (iii) space used for gathering by individuals;
- (iv) other place,

for the use of, or open to, the public, or any similar space accessible to the public;

(b) includes—

- (i) bars, restaurants and clubs;
- (ii) tourist establishments, except for such open areas forming part of a tourist establishment, as may be specifically identified by the management of the establishment as areas where smoking is permitted;
- (iii) Government offices; and
- (iv) other places or building of all types, accessible to the public;

(c) does not include—

- (i) privately-occupied residences not used for commercial purposes;
- (ii) any place registered pursuant to regulations made under section 7H to be a place of Rastafarian worship;
- (iii) any place licensed under regulations made under section 9A as a place where the smoking of ganja is permissible for medical or therapeutic purposes in accordance with section 7C(2)(b) or 7D(10);

FIRST SCHEDULE, *cont'd.*

“tourist establishment” has the meaning assigned to it by the Public Health (Tourist Establishment) Regulations, 2000;

“workplace” means any area or place used by persons during their employment, work or contract for services, and includes—

- (a) vehicles used in the course of employment or for work purposes;
- (b) connected, annexed places or common areas; and
- (c) residence used for commercially-operated childcare activities.

2. A person who smokes ganja in or within a five metre radius of the entrance, exit, window or ventilation intake of a public place, workplace or public conveyance, including but not limited to any place listed in paragraph 3, contravenes this Schedule.

3. For the purposes of paragraph 2, the places listed are—

- (a) all Government occupied offices;
- (b) health facilities, including pharmacies;
- (c) sports, athletic and other similar facilities, for the use of the public;
- (d) educational institutions;
- (e) bus stops and departure and arrival waiting areas at a port or station for any form of transportation;
- (f) areas specifically for use by children;
- (g) balconies of tourist establishments;
- (h) residences and guesthouses for the use of staff employed therein;
- (i) beaches;
- (j) outdoor dining and service areas;
- (k) parks;
- (l) any sites declared under the Jamaica National Heritage Trust Act to be “national heritage”;
- (m) class A and class B swimming pool operated under the Public Health (Swimming Pools) Regulations, 2000, or under the Public

*DANGEROUS DRUGS*FIRST SCHEDULE, *cont'd.*

Health (Tourist Establishments) Regulations, 2000 (except pools for private use or where a pool is exclusively accessible for an independent or private villa or suite);

- (n) outdoor markets; and
- (o) other outdoor events or activities, being used for gathering by individuals.

SECOND SCHEDULE

(Section 9A(3))

Cannabis Licensing Authority

1. The Authority shall consist of the following members—

Appoint-
ment of
members.

- (a) one member appointed by the Minister responsible for agriculture;
- (b) one member appointed by the Minister responsible for health;
- (c) two members appointed by the Minister responsible for industry and commerce;
- (d) one member appointed by the Minister responsible for justice;
- (e) one member appointed by the Minister responsible for national security;
- (f) one member appointed by the Minister responsible for science and technology;
- (g) one member appointed by the Minister responsible for finance;
- (h) one member appointed by the Minister responsible for foreign affairs;
- (i) *ex officio*, the chairman of the National Council on Drug Abuse; and
- (j) the following members, appointed by the Minister responsible for justice—
 - (i) a representative of the Attorney-General's Department, with expertise in the area of international law;
 - (ii) a person representative of academia; and
 - (iii) four persons representative of civil society groups, and other non-governmental community-based and faith-based organizations.

2. The Minister shall select one of the members of the Authority to be the chairman of the Authority. Chairman.

SECOND SCHEDULE, *cont'd.*

Leave and temporary appointments.

3.—(1) The Minister may, on the application of any member of the Authority, grant to such member leave of absence for any period not exceeding six months.

(2) In the case of the absence or inability to act of any member of the Authority, the Minister may, after consultation with the Minister responsible for appointing the member concerned (in the case of an appointment made by a Minister other than the Minister responsible for industry and commerce), appoint any person to act temporarily in the place of such member.

(3) In the case of the chairman's absence or inability to act at any meeting, the remaining members of the Authority shall elect one of their number to preside at that meeting.

Tenure of Office.

4.—(1) The appointment of each member of the Authority shall be evidenced by an instrument in writing, and such instrument shall state the period of office of the member, which period shall not exceed three years.

(2) Every member of the Authority shall be eligible for reappointment.

(3) Notwithstanding anything to the contrary, the Minister who appointed a particular member of the Authority may, at any time, revoke the appointment of that member.

Resignation.

5.—(1) Any member of the Authority other than the chairman may, at any time, resign as member by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Authority.

(2) The chairman may, at any time, resign his office by instrument in writing addressed to the Minister, and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

Publication of membership.

6. The names of all members of the Authority as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Authorization of documents and decisions.

7. All documents and all decisions of the Authority may be signified under the hand of the chairman or any member or officer of the Authority authorized to act in that behalf.

SECOND SCHEDULE, *cont'd.*

8.—(1) The Authority shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such times and on such days as the Authority shall determine.

Procedure
and
meetings.

(2) The chairman or, in the case of the inability to act of the chairman, the member acting as chairman, shall preside at all meetings of the Authority, and when so presiding the chairman or the member acting as chairman, as the case may be, shall have an original and a casting vote.

(3) The quorum of the Authority shall be six members of the Authority including the chairman or the member acting as chairman.

(4) Subject to the provisions of this Schedule, the Authority may regulate its own proceedings.

(5) The chairman may, at any time, call a special meeting of the Authority and shall call a special meeting to be held within seven days from the receipt of the written request for that purpose addressed to him by at least two members of the Authority.

(6) The validity of any proceedings of the Authority shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

9. There shall be paid to the chairman and other members of the Authority and to the members of any committee appointed under paragraph 10 such remuneration, if any (whether by way of salaries or travelling or other allowances), as the Minister may determine.

Remuneration
of members.

10.—(1) The Authority may appoint such committees, for any general or special purposes with which the Authority may be concerned, as in the opinion of the Authority would be better regulated and managed by means of a committee.

Appointment
of commit-
tees.

(2) The number of members of a committee appointed under subparagraph(1), their functions and terms of appointment, the quorum of the committee and the area, if any, within which the committee is to exercise authority shall be determined by the Authority with the approval of the Minister.

(3) A committee appointed pursuant to this paragraph may include persons who are not members of the Authority, so, however, that the appointment of any such person shall be subject to the approval of the Minister.

SECOND SCHEDULE, *cont'd.*

(4) The provisions of paragraphs 13 and 14 shall apply to a member of a committee who is not a member of the Authority in like manner as they apply to a member of the Authority.

(5) The validity of the proceedings of a committee appointed pursuant to this paragraph shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Power to
appoint
officers,
other
employees
and agents.

11.—(1) Subject to sub-paragraph (2), it shall be lawful for the Authority to appoint and employ at such remuneration and on such terms and conditions as it thinks fit, such officers, other employees, and agents, as the Authority considers necessary for the proper carrying out of its functions.

(2) No appointment to a post carrying a salary in excess of the rate of one million five hundred thousand dollars per annum shall be made without the prior approval of the Minister responsible for the public service.

(3) The Governor-General may, subject to such conditions as he may impose, approve the appointment of any public officer in the service of Jamaica to any office with the Authority and any public officer so appointed shall, in relation to pension, gratuity allowance and to other rights as a public officer, be treated as continuing in the service of the Government.

Regulations
governing
conditions
of service
and pen-
sions of
employees.

12. The Authority may, with the approval of the Minister, make regulations determining generally the conditions of service of officers and other employees of the Authority and relating to the grant of pensions, gratuities and other benefits to or in respect of the service of such officers and other employees.

Protection
of members
of Authority.

13.—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Authority in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

(2) Where any member of the Authority is exempt from liability by reason only of the provisions of this paragraph the Authority shall be liable to the extent that it would be if the said member was an employee or agent of the Authority.

Protection
for acts and
proceedings.

14. No act done or proceedings taken under this Act shall be questioned on the ground of—

- (a) the existence of any vacancy in the membership of, or any defect in the constitution of, the Authority; or

SECOND SCHEDULE, *cont'd.*

- (b) any omission, defect or irregularity not affecting the merits of the case.

15. The office of chairman or member of the Authority shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

Office of chairman or member not a public office.

16.—(1) The Authority shall—

Accounts, audit and estimates.

- (a) keep proper accounts and other records in relation to the business of the Authority;
- (b) prepare annually a statement of accounts in a form satisfactory to the Minister; and
- (c) submit the statement of accounts to the Auditor-General or an auditor appointed by the Authority with the approval of the Minister, to be audited.

(2) The Authority shall, at least sixty days before the end of its financial year, submit to the Minister for approval, the Authority's estimates of revenue and expenditure in respect of the next ensuing financial year.

17.—(1) The Authority shall, within four months after the end of its financial year, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Authority during that financial year, and containing such information relating to the proceedings and policy of the Authority as can be made public without detriment to the interest of the Authority.

Annual report.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon and on the accounts to be laid on the Table of each House of Parliament.

18. The Minister may, after consultation with the chairman, give to the Authority directions as to the policy to be followed by the Authority in the performance of its functions.

Policy direction.

19. In this Schedule, unless otherwise indicated, "Minister" means the Minister responsible for industry and commerce.

Interpretation.

DANGEROUS DRUGS

THIRD SCHEDULE

5/2015
S.13(1)

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 (d) subject to the following conditions:
- (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 subject to the following conditions below through the post—see also general (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

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

12/1985
Sch.

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. 12/1985 Sch.
- (4) The drugs must not be moved unless an officer of the Customs and Excise Department is present. 12/1985 Sch.
- (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.

.....
(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

[The inclusion of this page is authorized by L.N. 87/1986]

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.