

# THE PRECURSOR CHEMICALS ACT

## ARRANGEMENT OF SECTIONS

### *Preliminary*

1. Short title.
2. Interpretation.

### PART I. *Administration*

3. Functions of competent authority.

### PART II. *Monitoring and Control of Specified Chemical Substances*

4. Monitoring and control of specified chemical substances.
5. Identification of specified chemical substances.

### PART III. *Grant, Refusal, Suspension and Revocation of Licence or Permit and Appeals*

6. Application to engage in prescribed activity.
7. Application for permit to export or import specified chemical substance.
8. Grant or refusal of licence or permit.
9. Non-transferability and validity of licence or permit.
10. Grounds for refusal to grant licence or permit.
11. Restriction on grant of permits retrospectively.
12. Suspension of licence.
13. Revocation of licence or permit.
14. Appeals.

### PART IV. *Registers*

15. Register to be kept by competent authority.
16. Records and register to be kept by holder of licence or permit.

### PART V. *Commercial Documents and Security*

17. Notification of changes, etc.

18. Commercial documents.
19. Forwarding of import permit to exporter.
20. Endorsement and return of export permits following import.
21. Seizure and detention of improperly documented or undocumented consignments.
22. Storage and delivery following import.

#### PART VI. *Offences and Penalties*

23. Offence of unlawfully engaging in prescribed activity and unlawful trade in specified chemical substances.
24. Offence of unlawful possession of specified chemical substances.
25. Offence of using a postal service for transporting specified chemical substances.
26. Offence of making false or misleading statements, etc.
27. Offence in relation to supply or acquisition of specified chemical substances.
28. Offence of aiding and abetting commission of offence.
29. Offence of threatening, etc., authorized officer.
30. Offence of failure to keep records and documents.
31. Presumption as to manufacturer or packager.
32. Presumption relating to samples.
33. Offence by body corporate.

#### PART VII. *Enforcement*

34. Powers of entry, inspection and seizure.
35. Vehicles, etc., may be seized and detained.
36. Arrest without warrant.
37. Search warrant.

#### PART VIII. *General*

38. Power to limit stock.
39. Amendment of Schedules.
40. Regulations.

### SCHEDULES

THE PRECURSOR CHEMICALS ACT

Act  
37 of 1999.

[1st July, 2005.]

1. This Act may be cited as the Precursor Chemicals Act.

Short title.

2.—(1) In this Act unless the context otherwise requires—

Interpreta-  
tion.

“authorized officer” means—

- (a) any officer employed to the Port Security Corps or the Customs Department;
- (b) any member of the Jamaica Constabulary Force or the Jamaica Defence Force;
- (c) any person—
  - (i) designated an Inspector under section 17 of the Food and Drugs Act;
  - (ii) authorized by general or special order under section 21 (1) or (2) of the Dangerous Drugs Act;
- (d) any person who is—
  - (i) a Fishery Inspector as defined in the Fishing Industry Act;
  - (ii) a Marine Officer as defined in the Exclusive Economic Zone Act and the Maritime Areas Act;
- (e) any person appointed a marine park manager or designated a marine park ranger under the Natural Resources Conservation (Marine Parks) Regulations, 1992;
- (f) any person or class of persons designated by the Minister as an authorized officer for purposes of this Act,

and any other person acting in aid of such person acting in the execution of his office or duty shall be deemed to be an officer acting in the execution of his office or duty;

- “central authority” means the National Firearm and Drug Intelligence Centre;
- “competent authority” means the Pharmaceutical Services Division of the Ministry of Health;
- “customs transit” means the procedure whereby a specified chemical substance is transported under customs control from one customs office to another within the same customs territory or as an interterritorial customs operation;
- “distribution” means the transfer of a specified chemical substance from one person to another;
- “export” with its grammatical variations and cognate expressions means to take or cause to be taken out of Jamaica or the waters thereof;
- “import” with its grammatical variations and cognate expressions means to bring into or cause to be brought within Jamaica or the waters thereof, otherwise than in transit or by trans-shipment;
- “in transit” includes any occasion on which any specified chemical substance remains on board an aircraft, ship or other form of transport;
- “Jamaica” includes the Exclusive Economic Zone established under section 3 of the Exclusive Economic Zone Act;
- “licensee” means the holder of a licence granted under this Act;
- “manufacture” means the processes whereby precursor chemicals and other chemical substances are obtained including the refining, formulating, preparing, mixing, compounding and transformation of such precursor chemicals and other chemical substances into other precursors or other products;
- “other chemical substances” include substances such as solvents, reagents or catalysts that, though not precursors, can be used in the production, manufacture or preparation of narcotic drugs, psychotropic

substances or other substances having similar effects;

“precursor chemical” means any substance which—

- (a) can be used in any of the chemical processes involved in the production, manufacture or preparation of narcotic drugs, psychotropic substances or substances having a similar effect; and
- (b) incorporates its molecular structure into the final product making it essential for those processes;

“preparation” means the process and result of obtaining precursors, other chemical substances, narcotic drugs, psychotropic substances or other substances having a similar effect;

“prescribed activity” means—

- (a) in relation to precursor chemicals, the production, manufacture, preparation, distribution, importation or exportation of any such chemicals;
- (b) in relation to other chemical substances the importation, manufacture or exportation of any such chemical substance in significant quantities;

“production” includes the extraction of precursors from natural organisms;

“specified chemical substance” means—

- (a) a precursor chemical listed in Table I of the First Schedule;
- (b) any other chemical substance listed in Table II of the First Schedule;

First  
Schedule.  
Table I.  
Table II.

“trans-shipment” includes the customs procedures whereby precursors or other chemical substances are transported under the control of customs from one customs office to another within the same customs territory or as an interterritorial customs operation.

(2) For the purposes of this Act an amount of a chemical substance shall be regarded as a significant quantity if the use thereof exceeds such quantity as the Minister may by order prescribed in relation to the use of that specified chemical substance.

PART I. *Administration*

Functions of  
competent  
authority.

3. For the purposes of this Act, the functions of the competent authority shall be—

- (a) to carry out the monitoring, control and investigation of any prescribed activity;
- (b) to advise the Minister generally on, and keep under review, matters of policy relating to specified chemical substances which are being, or appear likely to be, misused;
- (c) to ensure the application of a surveillance system on any movement of specified chemical substances into or out of Jamaica;
- (d) to grant licences in respect of any prescribed activity;
- (e) to grant export or import permits in respect of any specified chemical substance;
- (f) to assist in promoting public awareness of the potential illicit use of specified chemical substances in the manufacture of narcotic drugs and psychotropic substances or other substances having a similar effect and in fostering understanding of the control and monitoring of such substances; and
- (g) to perform such other functions pertaining to the monitoring and control of specified chemical substances as may, from time to time, be assigned to it by the Minister.

PART II. *Monitoring and Control of Specified Chemical Substances*

Monitoring  
and control  
of specified  
chemical  
substances.

4. Except under and in accordance with the provisions of this Act and any regulations made hereunder, no person shall engage in any prescribed activity.

Identifica-  
tion of  
specified  
chemical  
substances.

5.—(1) Subject to subsection (2), all specified chemical substances imported into Jamaica shall be identified by the names and digital classification under which they are listed in the Harmonized Commodity Description and Coding System

and such names and digital classification shall also be used in statistical records and documents pertaining to the importation, exportation, transit and trans-shipment of such specified chemical substances.

(2) Where the names and digital classification mentioned in subsection (1) are not available, the specified chemical substances imported into Jamaica shall be identified by their scientific names.

*PART III. Grant, Refusal, Suspension and Revocation of Licence or Permit*

6.—(1) Any person who proposes to engage in any prescribed activity shall, subject to section 7, apply in the prescribed form and manner to the competent authority for a licence to engage in such prescribed activity.

Application to engage in prescribed activity.

(2) An application under subsection (1) shall be accompanied by the prescribed fee and such information or document as may be prescribed or as the competent authority may require.

(3) The competent authority shall, upon receipt of an application under subsection (1), cause to be carried out an inspection of the premises where the prescribed activity is to be carried out.

7.—(1) Any person who proposes to export or import a specified chemical substance shall, in addition to applying for a licence under section 6(1), apply to the competent authority in the prescribed form for a permit to export or import such specified chemical substance.

Application for permit to export or import specified chemical substance.

(2) A separate application shall be made in respect of each specified chemical substance to be exported or imported.

(3) An application under subsection (1) shall be accompanied by the prescribed fee and such information or document as the competent authority may require.

8.—(1) Where an application is made under section 6 or 7 for a licence or permit, as the case may be, the competent authority may—

Grant or refusal of licence or permit.

- (a) subject to subsection (2), grant the licence or permit; or
- (b) refuse to grant such licence or permit on any of the grounds specified in section 10.

(2) The competent authority may impose such conditions as it considers necessary on the grant of a licence or permit.

(3) Where the competent authority refuses to grant a licence or permit under subsection (1), it shall inform the applicant in writing of such refusal stating the reasons therefor.

Non-trans-  
ferability and  
validity of  
licence or  
permit.

9.—(1) A licence or permit granted under section 8(1) shall—

- (a) not be transferable; and
- (b) be valid for the period specified therein.

(2) A separate permit shall be granted in respect of each specified chemical substance to which an application relates and such permit shall be valid for one shipment only.

Grounds for  
refusal to  
grant licence  
or permit.

10. The competent authority shall refuse to grant a licence or permit under this Act—

- (a) where the issue of the licence or permit would not be in the public interest;
- (b) where an application contains or is based on a false or misleading representation or information which is false in a material particular;
- (c) to an individual who—
  - (i) is under the age of eighteen years;
  - (ii) is an undischarged bankrupt;
  - (iii) has, during the period of ten years immediately preceding the application, been convicted of an offence prescribed by the Minister (hereinafter in this section referred to as a prescribed offence);



- (d) to a body corporate—
  - (i) in respect of which a resolution has been passed for voluntary winding up or an order for winding up has been made by a court of competent jurisdiction;
  - (ii) if a receiver has been appointed to manage any of its assets;
  - (iii) if that body corporate or any of its directors has been convicted of a prescribed offence during the period of ten years immediately preceding the application;
- (e) if in the opinion of the competent authority the applicant is not a fit and proper person to be granted a licence or permit; and
- (f) where the security arrangements at the premises or place where a prescribed activity is to be carried out or is being carried out, are inappropriate or insufficient.

11. The competent authority shall not issue a permit retrospectively.

Restriction on grant of permit retrospectively.

12.—(1) The competent authority may suspend a licence for a breach of any provision of this Act or any regulations made hereunder or of any condition subject to which the licence is granted.

Suspension of licence.

(2) Where the competent authority suspends a licence it shall notify the licensee in writing—

- (a) stating the breach which gave rise to the suspension;
- (b) requiring the holder of the licence to remedy the breach;
- (c) stating the time within which the breach is to be remedied; and
- (d) stating that the licence is to be returned within a specified time to the competent authority.

(3) The licensee may, upon remedying the breach, so inform the competent authority which shall, if it is satisfied that the breach is remedied, forthwith return the licence to the licensee.

Revocation  
of licence or  
permit.

**13.—**(1) The competent authority may, subject to subsection (2)—

(a) revoke a licence or permit if it is satisfied that—

- (i) the application for the licence or permit contained any false or misleading information in any material particular; or
- (ii) changes in circumstances have occurred which justify such revocation;

(b) revoke a licence if—

- (i) the licensee has failed to comply with a notice under section 12 (2) requiring the licensee to remedy the breach specified in that notice within the time so specified; or
- (ii) a change has occurred in the security arrangements implemented at the premises on which a prescribed activity is carried out, including a change in the persons under whose supervision the prescribed activity is carried out.

(2) The competent authority shall, before revoking a licence or permit, inform the licensee or the holder of the permit of the reason for the proposed revocation and shall afford the licensee or holder of the permit an opportunity to show cause why the licence or permit should not be revoked.

Appeals.

**14.—**(1) A person who is aggrieved by the decision of the competent authority to refuse to grant a licence or permit, to suspend a licence or to revoke a licence or permit may appeal in writing to the Minister within fourteen days of the date of notification of the decision.

(2) The appeal shall set out clearly the grounds of the appeal and shall be accompanied by copies of any correspondence, documents or statements relevant to the appeal.

(3) A copy of the appeal together with copies of any correspondence, document or statement shall be served on the competent authority.

(4) The Minister shall, within fourteen days of the receipt of an appeal under subsection (1), request the competent authority to furnish him, within fourteen days, with a statement in writing setting out the reasons for its decision.

(5) The Minister may order that any book, paper, document or statement relating to the appeal which is in the possession of the appellant or the competent authority be produced at the hearing of the appeal.

(6) The Minister shall cause all parties to the appeal to be informed—

- (a) of the date of the hearing of the appeal;
- (b) that they may appear in person or by their representatives; and
- (c) that they may summon witnesses in their cause.

#### PART IV *Registers*

15. The competent authority shall keep such register or registers in which shall be entered such particulars as may be prescribed.

Register to be kept by competent authority.

16.—(1) Every licensee or holder of a permit granted under section 8 (1) shall keep or cause to be kept a register containing the particulars set out in the Second Schedule.

Records and register to be kept by holder of licence or permit. Second Schedule.

(2) An entry contained in a register referred to in subsection (1) shall be duly amended on the authority of the competent authority.

(3) The register and all books, records or other documents relating to entries therein shall be kept for a period of at least five years after the end of the calendar year of the last entry in the register.

(4) The register shall be open to inspection by the competent authority and the central authority at all reasonable times.

#### PART V. *Commercial Documents and Security*

Notification  
of changes,  
etc.

17.—(1) Where, in relation to any licence or permit granted to any person pursuant to section 8 (1), a change occurs in relation to any matter which may be prescribed pursuant to section 40 (1) (o), the person shall, within fourteen days of such change, give notice in writing to the competent authority containing full particulars of the change and shall, if so requested by the competent authority, return the licence or permit to the competent authority.

(2) The competent authority shall submit a copy of the notice to the central authority within seven days of receipt thereof.

Commercial  
documents.

18. Every commercial document, including an invoice, cargo manifest or a customs, transport and other shipping document, relating to any person prescribed activity involving a specified chemical substance shall include—

First  
Schedule.

- (a) the name of that substance as listed in the First Schedule;
- (b) the names and business addresses of the exporter, the importer and the supplier; and
- (c) the registration number of the vehicle used in transporting the specified chemical substance.

Forwarding  
of import  
permit to  
exporter.

19. Where the competent authority issues an import permit under section 8 (1), the importer shall, as soon as possible after its receipt, forward a copy of the permit to the exporter named in the permit.

20.—(1) Within fourteen days after the entry into Jamaica of a consignment to which the import permit relates, the competent authority shall cause a copy of the relevant document to be returned to the appropriate authority in the exporting country with an endorsement specifying the quantity of each specified chemical substance actually imported.

Endorsement and return of export permits following import.

(2) In subsection (1) “relevant document” means a document issued by the Government of the exporting country or territory permitting the export of the specified chemical substance.

21.—(1) Where in relation to the import of a specified chemical substance to which this Act relates—

Seizure and detention of improperly documented or undocumented consignments.

- (a) the competent authority has reasonable grounds to believe that the import permit or export permit in respect thereto is false, or has been obtained by fraud or wilful misrepresentation of a material particular; or;
- (b) the competent authority has not issued an import permit therefor or has not received a copy of the export permit issued by the competent authority in the country from which the specified chemical substance is exported to Jamaica,

the Commissioner of Customs shall detain the consignment until the integrity of the consignment is certified by the competent authority.

(2) Where pursuant to subsection (1), the competent authority—

- (a) certifies the integrity of any consignment, the Commissioner of Customs shall forthwith release the consignment to the person lawfully entitled to it, if the appropriate duty is paid; or
- (b) is unable to certify the integrity of any consignment, the Commissioner of Customs shall seize the consignment and forthwith forward the consignment to the competent authority.

(3) The competent authority shall, on receipt of any specified chemical substance which is seized pursuant to subsection (2) (b), dispose of such substance in the prescribed manner.

Storage and delivery following import.

**22.** Every specified chemical substance shall—

- (a) on importation, be kept at a customs warehouse at the expense of the importer; and
- (b) be delivered or taken from the customs warehouse only on production of a customs release under the Customs Act by a person authorized in that behalf.

#### PART VI. *Offences and Penalties*

Offence of unlawfully engaging in prescribed activity and unlawful trade in specified chemical substances.

**23.—**(1) Every person who—

- (a) engages in any prescribed activity without being licensed so to do; or
- (b) exports or imports any specified chemical substance without a permit so to do,

commits an offence and shall be liable on summary conviction before a Resident Magistrate, to a fine not exceeding three million dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(2) Every person who—

- (a) engages in any prescribed activity involving any specified chemical substance knowing that such substance is intended to be used in any type of illicit transaction involving narcotic drugs and psychotropic substances or other substances having a similar effect;
- (b) knowingly organizes, manages or finances any activity referred to in paragraph (a),

commits an offence and shall be liable, on summary conviction before a Resident Magistrate, to a fine not exceeding three million dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

24. Every person who has in his possession contrary to the provisions of this Act, any specified chemical substance commits an offence and shall be liable—

Offence of unlawful possession of specified chemical substances.

- (a) on summary conviction before a Resident Magistrate to a fine not exceeding three million dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment; or
- (b) on conviction on indictment in a Circuit Court to imprisonment for a term not exceeding ten years.

25.—(1) Notwithstanding anything to the contrary in any other enactment, a person commits an offence if, except under and in accordance with the provisions of this Act, that person—

Offence of using a postal service for transporting specified chemical substances.

- (a) encloses in or with any letter, parcel, packet or other matter sent by post, any specified chemical substance; or
- (b) uses any mail bag or mail van, aircraft, vessel or other conveyance used for the carrying of mail for the transportation of any such specified chemical substance.

(2) A person who is convicted of an offence under this section shall be liable—

- (a) on summary conviction before a Resident Magistrate—
  - (i) in the case of a first offence, to a fine not exceeding two million dollars or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment; and
  - (ii) in the case of a second or subsequent offence 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; or

(b) on conviction on indictment in a Circuit Court to imprisonment for a term not exceeding ten years.

(3) In subsection (1)—

(a) “mail bag” has the meaning assigned to it in the Post Office Act; and

(b) “post” includes a private courier service.

Offence of  
making false  
or mis-  
leading  
statements,  
etc.

26. Every person who—

(a) for the purposes of obtaining, whether for himself or for any other person, the issue or grant of any licence or permit under this Act, makes any declaration or statement which is false or misleading in any particular;

(b) furnishes to an authorized officer or other person performing any duty in relation to this Act, a document which, to his knowledge, contains information which is false, inaccurate or misleading in any particular;

(c) knowingly utters, produces, or makes use of any such declaration or statement or any document, including any record or entry in a register containing any false declaration or statement;

(d) falsifies, obtains by fraud or amends without authority, any information contained in a register, licence or permit;

(e) fails to make a report, or falsifies any report required pursuant to this Act,

commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two million dollars or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.



27.—(1) A person who is granted a licence or permit under section 8 (1) shall not supply to or acquire from another person any specified chemical substance unless that other person is also the holder of a licence or permit, as the case may be.

Offence in relation to supply or acquisition of specified chemical substances.

(2) A person who contravenes the provisions of subsection (1) commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two million dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

28.—(1) A person commits an offence if in the Island—

Offence of aiding and abetting commission of offence.

- (a) he aids, abets, counsels or procures, the commission of an offence against this Act;
- (b) he procures the commission at any place outside the Island, or participates in or conspires to commit any offence punishable under the provisions of any corresponding law in force in that place; or
- (c) does any act preparatory to, or in furtherance of any act which, if committed in the Island would constitute an offence against this Act.

(2) A person who commits an offence under subsection (1) shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one million dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

29. Any person who threatens, assaults or obstructs an authorized officer acting in the execution of his duties under this Act, commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding one year.

Offence of threatening, etc., authorized officer.

Offence of failure to keep records and documents.

**30.** Every person who fails to keep any register, records or other documents required by this Act to be kept commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars, or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Presumption as to manufacturer or packager.

**31.** In any prosecution for an offence against this Act, proof that a package containing any article to which this Act applies bore a name or address purporting to be that of the person by whom it was manufactured or packaged is, in the absence of evidence to the contrary, proof that the article was manufactured or packaged, as the case may be, by the person whose name and address appeared on the package.

Presumption relating to samples.

**32.** If in any prosecution for an offence against this Act it is proved that a sample which was taken from any specified chemical substance possesses particular properties, it shall be presumed, until the contrary is proven, that the whole of such substance possesses the same properties.

Offence by body corporate.

**33.** Where an offence under this Act or any regulations made hereunder which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or be attributable to any negligence on the part of, any director, manager, secretary or other officer of the body corporate, the director, manager, secretary or other officer of the body corporate as well as the body corporate shall be liable to be proceeded against and punished accordingly.

## PART VII. *Enforcement*

Powers of entry, inspection and seizure.

**34.—(1)** For the purposes of this Act, an authorized officer may, at all reasonable times during business hours enter the business premises of any licensee or any person reasonably suspected of being engaged in a prescribed activity involving any specified chemical substance and inspect any such substance, the labelling and storage thereof, and any book, document, permit, certificate or record or things found thereon.

(2) An authorized officer may, during the course of an inspection pursuant to subsection (1)—

- (a) seize and detain any specified chemical substance found on the premises which he reasonably believes is being used in contravention of any provision of this Act;
- (b) take samples of any substance found on the premises in order to determine the type of substance.

(3) Where any specified chemical substance is seized and detained under subsection (2) (a), the authorized officer shall store or cause the substance to be stored in the prescribed manner, and the substance shall be disposed of in the manner prescribed.

**35.—**(1) Where an authorized officer has reasonable cause to suspect that any vehicle, aircraft, vessel, article, enclosure, container or other storage facility, device or apparatus (hereinafter referred to as “specified equipment”) is being used or has been used in the commission of an offence against this Act, such authorized officer may, without warrant, search the specified equipment, and if such search reveals evidence that the specified equipment is being used or has been used for the commission of any offence as aforesaid, the authorized officer may seize and detain that equipment.

Vehicles,  
etc, may be  
seized and  
detained.

(2) Where any specified equipment 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) the person owns the specified equipment used in the commission of the offence;
  - (ii) the owner thereof permitted it to be so used;
 or

- (iii) the circumstances are otherwise such that it is just to do so,

the Court shall, upon the application of the Director of Public Prosecutions, order the forfeiture of the specified equipment.

(3) On the application of the Director of Public Prosecutions before a Resident Magistrate's Court having jurisdiction in the area where any specified equipment 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 specified equipment if the Court is satisfied that—

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

and that it is otherwise just to do so.

(4) Where the Director of Public Prosecutions proposes to apply for forfeiture of any specified equipment 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 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, so, however, 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 servant or agent of the owner.

(5) Any person having a claim to any specified equipment 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.

(6) Where, on the hearing of an application pursuant to subsection (3), no person appears before the Court to show cause as mentioned in that subsection, the Court shall presume that the specified equipment has been abandoned.

(7) 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 that order, the Court may revoke it upon such terms and conditions as it deems appropriate, and, without prejudice to the generality of the foregoing, shall require the person to pay in respect of storage, maintenance, administrative expenses, security and insurance of the specified equipment, such charge as shall be imposed by the appropriate government agency and approved by the Court, not exceeding one and a half times the value of the specified equipment as determined by the Court.

(8) An application to the Court under subsection (7), for the revocation of an order shall be made within thirty days of the date of the order or such longer period, not exceeding six months from that date, as the Court may allow.

**36.—**(1) An authorized officer may, without warrant, arrest any person where the authorized officer has reasonable grounds to believe that the person has committed or is committing an offence against this Act.

Arrest without warrant.

(2) Where an authorized officer arrests a person under subsection (1), he shall produce his identification card for inspection to that person unless it is not reasonably practicable to do so.

(3) Where a person is arrested under subsection (1), an authorized officer shall immediately bring or cause the person to be brought to the nearest police station.

**37.—**(1) Where a Justice of the Peace is satisfied by information on oath by an authorized officer that there is reasonable ground for suspecting—

Search warrant.

- (a) there is in the possession or under the control of any person on any premises in contravention of the provisions of this Act or of any regulations made hereunder—
  - (i) any specified chemical substance to which this Act applies; or
  - (ii) any document directly or indirectly relating to or connected with any transaction or dealing in any such substance which, if carried out, would be an offence against this Act; or
  - (iii) any document relating to a transaction or dealing carried out or intended to be carried out in any place outside the Island which would be an offence against the provisions of any corresponding law in force in that place; or
- (b) that an offence against this Act has been committed on any premises in relation to such specified chemical substance,

the Justice may grant a search warrant in accordance with subsection (2).

(2) A warrant referred to in subsection (1) shall authorize the authorized officer named in the warrant, at any time or times within one month from the date of the warrant, to—

- (a) enter the premises mentioned in subsection (1) if need be by force and seize and detain any document mentioned in that subsection or specified chemical substance; or
- (b) detain anything that the authorized officer believes, on reasonable grounds, will afford evidence as to the commission of a criminal offence.

PART VIII. *General*

**38.—**(1) On or before the prescribed date in each year, the Minister shall determine the maximum quantities of each specified chemical substance which may be manufactured or kept as stock by each person to whom a licence or permit is granted under this Act in the conduct of that person's business during the following year.

Power to  
limit stock.

(2) The Minister may, on an application made by a person to whom a permit is granted, amend any quota determined pursuant to subsection (1) and any such amendment shall be forthwith notified in writing to each person to whom a permit is granted.

**39.—**(1) The Minister may, by order, amend the Schedules.

Amend-  
ment of  
Schedules.

(2) Where the First Schedule is amended pursuant to subsection (1), a report thereof shall be made to such persons or organizations as may be prescribed.

First  
Schedule.

**40.—**(1) The Minister may make regulations for the purposes of giving effect to the provisions of this Act, and in particular, but without prejudice to the generality of the foregoing, such regulations may contain provisions in relation to—

Regulations

- (a) the adoption of international standards and recommended practices for the monitoring and control and storage of specified chemical substances;
- (b) the form of application for a licence or permit under this Act;
- (c) the fees payable in respect of any such licence or permit;
- (d) the keeping of records, books, electronic data or other documents in respect of specified chemical substances that are required to be kept under this Act;
- (e) the furnishing of information with respect to specified chemical substances;

- (f) standards of composition, strength, concentration, potency, purity or quality or any other property of any specified chemical substance;
- (g) the method of production, preservation, testing, packaging or storage of any specified chemical substance;
- (h) the premises, processes or conditions for the manufacture, sale or supply of any specified chemical substance;
- (i) the qualifications of persons engaged in the production, preservation, testing, packaging, storage, selling, supplying or otherwise dealing in any specified chemical substance;
- (j) the labelling, packaging, size, dimensions, fill and other specifications of packages, and the transportation, delivery, sale, supply or other dealing in any specified chemical substance;
- (k) the powers and duties of authorized officers in relation to the enforcement of the Act and the regulations;
- (l) the detention and disposal of any specified chemical substance;
- (m) the taking of samples of specified chemical substances;
- (n) the exemption, on such terms and conditions as may be specified, of any person or class of persons or any specified chemical substance from the application of all or any of the provisions of this Act;
- (o) the matters of which the competent authority is to be informed when a change occurs in relation thereto; and
- (p) any other matter required by this Act to be prescribed.



(2) Notwithstanding section 29 of the Interpretation Act, regulations made under subsection (1) may provide for the imposition of penalties on summary conviction in a Resident Magistrate's Court not exceeding a fine of one million dollars or imprisonment for a term not exceeding six months or to both such fine and imprisonment.

## FIRST SCHEDULE (Sections 2, 18 and 39)

*Specified Chemical Substances*TABLE I. *Precursor Chemicals*

HS	Name	Synonyms
291430	1-Phenyl-2 Propanone	
293290	3, 4-Methylenedioxyphenyl 1-2 propanone	
292429	N-acetylanthranilic acid and its salts	
293940	Phenylpropanolamine its salts, optical isomers, and salts of its optical isomers salts	
293290	Isosafrole and its optical isomers	1, 2-Methylenedioxi- 4 propenylbenzene
293290	Safrole	Allylcatechol Meth- ylene Ether
293960	Lysergic Acid	
293940	Ephedrine, its salts, optical isomers, and salts of its optical isomers	
293960	Ergometrine and its salts	Ergonovine and its salts
293960	Ergotamine and its salts	Ergonovine and its salts
293990	Piperonal	Piperonylaldehyde
293940	Pseudoephedrine, its salts, optical isomers and salts of its optical isomers.	

TABLE II. *Other Chemical Substances*

HS	Name	Synonyms
292249	O-aminobenzoic and its salts	Anthranilic Acid and its salts
280610	Hydrochloric Acid	Muriatic Acid Hydrogen Chloride
280700	Sulfuric Acid	Hydrogen Sulfate
281420	Ammonia (anhydrous or in aqueous solution)	
281520	Potassium Hydroxide	Caustic Potash
281511	Sodium Hydroxide	Caustic Soda
283230	Sodium Sulfate	Disodium sulfate
283640	Potassium Carbonate	Potash
283620	Sodium Carbonate	Soda Ash, Washing Soda
284160	Potassium Permanganate	
290110	Hexane	N-Hexane
290220	Benzene	
290230	Toluene	Methylbenzene
290241	Xylenes	o-Xylenes, m-Xylenes, p-Xylenes
290312	Methylene Chloride	Dichloro-methane
290911	Ethyl Ether	Sulfuric Ether, Ethyl Oxide, Diethyl Ether
291411	Acetone	Propane
291412	Methyl Ethyl Ketone	Butanone
291413	Methyl Isobutyl Ketone	Isopropylacetone
291521	Acetic Acid	
291524	Acetic Anhydride	Acetic Ether, Acetic Acid, Ethyl Ester
291531	Ethyl Acetate	

TABLE II. *Other Chemical Substances, contd.*

HS	Name	Synonyms
291633	Phenlacetic Acid and its salts	
293339	Piperidine Isopropyl Alcohol	

## SECOND SCHEDULE

(Section 16)

*Information to be included in register kept by holder of licence or permit*

1. In the case of a natural person the full name and private address of the holder of permit or licence or if holder is a company, the full name and address and residential address of each director.

2. The date of grant of permit or licence.

3. The name of every precursor chemical or other chemical substance, popular name and digital classification under which it is listed in the Harmonized Commodity Description and Coding System (HS).

4. The main activities being conducted by the holder of the permit or licence.

5. The amount of any precursor chemical or other chemical substance produced, manufactured or prepared.

6. The amount of any precursor chemical or other chemical substance received from other person or body.

7. The amount of any precursor chemical or other chemical substance imported.

8. The amount of any precursor chemical or other chemical substance used to manufacture or prepare other products.

9. The amount of any precursor chemical or other chemical substance distributed internally.

10. The amount of any precursor chemical or other chemical substance exported.

11. The quantity of existing stock.

12. The amount of any precursor chemical or other chemical substance lost through accident, pilferage or other means.

SECOND SCHEDULE, *contd.*

13. Transactions referred to in paragraphs 4, 5, 6 and 7 shall include the following information—

- (a) the date of the transaction;
- (b) the name, address, and registration number of each party to the transaction and those of the final consignee if not one of those parties;
- (c) the name, amount and form of presentation of the precursor chemical or other chemical substance;
- (d) the means of transportation and identification of the transport company.