

CHAPTER 131

DRUG ABUSE (PREVENTION AND CONTROL)

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CHAPTER 131

DRUG ABUSE (PREVENTION AND CONTROL)

1990-14.

An Act to make new provision with respect to the control of narcotic drugs, psychotropic substances and other substances known to be used in the manufacture of narcotic drugs and psychotropic substances; to create new offences with respect to drug trafficking and for purposes connected therewith.

[15th August, 1990]

1990/85-
Commence-
ment.

PART I

Preliminary

1. This Act may be cited as the *Drug Abuse (Prevention and Control) Act*.

Short title.

2. (1) In this Act,

Interpre-
tation.

"benefit" includes any property, service or advantage, whether direct or indirect, and "to benefit" has a corresponding meaning;

"cannabis" means any plant of the genus *Cannabis* from which the resin has not been separated and includes any part of that plant by whatever name it may be designated;

"cannabis resin" means the separated resin, whether crude or purified, obtained from any plant of the genus *Cannabis*;

"child" means a person under the age of 14 years;

"coca leaf" means the leaf of any plant of the genus *Erythroxylon* from whose leaves cocaine can be extracted either directly or by chemical transformation;

"coca plant" means any plant of the genus *Erythroxylon* from which cocaine can be extracted;

"Committee" means the Drug Formulary Committee established under the *Drug Service Act*;

Cap. 40A.

"Comptroller" means the Comptroller of Customs;

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"controlled drug" has the meaning assigned by section 3;

"conveyance" includes any means of transport by which goods may be brought into or taken from Barbados;

Fifth
Schedule.

"Convention" means a convention mentioned in the *Fifth Schedule*, and any convention or final protocol amending, supplementing or in substitution for the same;

"corresponding law" has the meaning assigned by section 50;

Cap. 367.

"dentist" means a dental practitioner registered in the Dental Register under the *Dental Registration Act*;

"diversion certificate" means a certificate issued by a competent authority of a country through which a controlled drug passes in transit authorising the diversion of that drug to a country other than that specified as the country of ultimate destination in the export authorisation and containing all the particulars required to be included in the export authorisation together with the name of the country from which the drug was originally exported;

Cap. 371.

"doctor" means a medical practitioner registered in the Medical Register under the *Medical Registration Act*;

"drug trafficking", "traffic" and "trafficking" have the meaning assigned by section 18(1);

"export" means to take or to cause to be taken out of Barbados by air or water;

"export authorisation" means an authorisation issued by a competent authority in a country from which a controlled drug is exported containing full particulars of that drug and the quantity authorised 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 it is to be exported;

"import" means to bring or to cause to be brought into Barbados by air or water;

"in transit" means taken or sent from any country and brought into Barbados by sea or air (whether or not landed or trans-shipped in Barbados) for the sole purpose of being carried to another country either by the same or another conveyance;

First
Schedule.

"listed substance" means a substance listed in Part III of the *First Schedule* which is used in the manufacture of certain

controlled drugs whether as a solvent, reagent or catalyst and is critical to the creation of certain controlled drugs;

"Minister" means the Minister responsible for Health;

"narcotic drug" means any substance listed in Part I of the *First Schedule* or anything that contains any narcotic drug; First
Schedule.

"opium poppy" means a plant of the species *Papaver somniferum* L or the species *Papaver setigerum* D.C. and any plant from which morphine may be produced;

"pharmacist" means a person whose name appears in the Register of Pharmacists under the *Pharmacy Act*; Cap. 372D.

"practitioner" (except when preceded by the word "dental", "medical" or "veterinary") means a dentist, doctor or veterinary practitioner;

"prepared opium" means opium prepared for smoking and includes dross and any other residues remaining after opium is smoked;

"prescribed" means prescribed by regulations made by the Minister under this Act;

"proceeds" in relation to an act or activity, means property obtained directly from that act or activity;

"produce" where the reference is to producing a controlled drug, means producing it by manufacture, cultivation or any other method and "production" has a corresponding meaning;

"psychotropic substance" means any substance listed in Part II of the *First Schedule* or anything that contains any psychotropic substance; First
Schedule.

"removal licence" means a licence granted by the Minister under section 15;

"supplying" includes distributing;

"trafficable quantity" means the quantity of controlled drug listed in column 2 of the *Second Schedule* or any quantity in excess thereof; Second
Schedule.

"veterinary practitioner" means a person registered in the Register of Veterinary Surgeons under the *Veterinary Surgeons Act*; Cap. 374.

"young person" means a person who is 14 years of age or upwards and under the age of 18 years.

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(2) References in this Act to misusing a drug are references to using it otherwise than as authorised by or under this Act by taking it; and the reference in the foregoing provision to the taking of a drug is a reference to the taking of it by a human being by smoking, inhaling, ingesting or injecting it or any other form of self administration, whether or not involving assistance by another.

(3) For the purposes of this Act, the things which a person has in his possession shall be taken to include any thing subject to his control which is in the custody of another.

(4) A controlled drug shall be treated for the purposes of this Act as intended for supply notwithstanding that, before it is supplied

- (a) it is to be, or is being or may be mixed with another controlled drug or some other substance; or
- (b) it is or may undergo a process of production or is undergoing such a process.

Controlled Drugs

Meaning
of ex-
pression
controlled
drugs.
First
Schedule.

3. (1) In this Act, the expression "controlled drug" means

- (i) any narcotic drug for the time being listed in Part I of the *First Schedule*; or
- (ii) any psychotropic substance for the time being listed in Part II of the *First Schedule*; or
- (iii) any listed substance for the time being listed in Part III of the *First Schedule*

and the provisions of Part V of that *Schedule* shall have effect with respect to the meaning of expressions used in that *Schedule*.

(2) The Minister may by order make such amendments to the *First Schedule* as may be requisite for the purpose of adding any drug, substance or product to, or removing any drug, substance or product from any of Parts I to III of that *Schedule*.

(3) The Minister shall not make any order under this section except after consultation with the Committee.

(4) An order made in pursuance of this section shall be subject to affirmative resolution.

PART II

Restrictions Relating to Controlled Drugs etc.

4. (1) Subject to subsection (2), it shall not be lawful for a person to

Importation and exportation of controlled drugs.

(a) import a controlled drug, or;

(b) export a controlled drug.

(2) Subsection (1) does not apply

(a) to the importation or exportation of a controlled drug which is for the time being excepted from paragraph (a) or, as the case may be, paragraph (b) of subsection (1) by regulations under section 12; or

(b) to the importation or exportation of a controlled drug under and in accordance with the terms of an authorisation granted by the Minister and in compliance with any conditions attached thereto; or

(c) to the importation or exportation of a controlled drug which is in transit.

(3) Subject to section 39, it is an offence for a person to import or export a controlled drug in contravention of subsection (1).

5. (1) Subject to any regulations under section 12, it shall not be lawful for a person

Production and supply of controlled drugs.

(a) to produce a controlled drug; or

(b) to supply or offer to supply a controlled drug to another.

(2) Subject to section 39, it is an offence for a person

(a) to produce a controlled drug in contravention of subsection (1); or

(b) to be concerned in the production of such a drug in contravention of that subsection by another.

(3) Subject to section 39, it is an offence for a person

(a) to supply or offer to supply a controlled drug to another in contravention of subsection (1); or

(b) to be concerned in the supplying of such a drug to another in contravention of that subsection; or

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- (c) to be concerned in the making to another in contravention of that subsection of an offer to supply such a drug.

Possession
of controlled
drugs.

6. (1) Subject to any regulations under section 12, it shall not be lawful for a person to have a controlled drug in his possession.

(2) Subject to section 39, it is an offence for a person to have a controlled drug in his possession in contravention of subsection (1).

(3) Subject to section 39, it is an offence for a person to have a controlled drug in his possession, whether lawfully or not, which is intended, whether by him or some other person, for supply in contravention of section 5(1).

(4) Subject to subsection (1), a person found in possession of a trafficable quantity of a controlled drug shall be deemed to be in possession of such controlled drug for the purpose of supplying it to another in contravention of section 5(1) unless the contrary is proved, the burden of proof being on the accused.

Handling of
controlled
drugs.

7. (1) A person commits an offence if he knowingly handles a controlled drug which is intended, whether by him or some other person, for supply in contravention of section 5(1).

(2) A person handles a controlled drug for the purposes of this section if

(a) he is in any way concerned in carrying, removing, harbouring, keeping or concealing the controlled drug or anything containing the controlled drug; or

(b) he deals in any manner with the controlled drug.

Misuse of
controlled
drugs.

8. (1) It shall not be lawful for a person to misuse a controlled drug.

(2) Subject to section 39, it is an offence for a person to misuse a controlled drug in contravention of subsection (1).

Possession
of pipes,
equipment
etc.

9. (1) It shall not be lawful for any person to have in his possession any pipe, equipment or apparatus fit and intended for use in connection with the misuse of a controlled drug or the preparation of any such drug for misuse.

(2) Subject to section 39, it is an offence for a person to have in his possession a pipe, equipment or apparatus in contravention of subsection (1).

10. (1) It shall not be lawful for any person to do any act preparatory to the commission of an offence under section 4(3) or 5(3).

Acts preparatory to the importation, supply etc. of controlled drugs.

(2) Subject to section 39, it is an offence for a person to do an act preparatory to the commission of an offence under section 4(3) or 5(3).

11. (1) Subject to any regulations under section 12, it shall not be lawful for a person to cultivate any plant of the genus *Cannabis*, any coca plant or opium poppy.

Cultivation of cannabis and coca plant.

(2) Subject to section 39, it is an offence to cultivate any such plant in contravention of subsection (1).

12. (1) The Minister may by regulations

(a) except from section 4(1)(a) or (b), 5(1)(a) or (b) or 6(1) such controlled drugs as may be specified in the regulations; and

(b) make such other provisions as he thinks fit for the purpose of making it lawful for persons to do things which under any of the following provisions of this Act, that is to say sections 5(1), 6(1) and 11(1) it would otherwise be unlawful for them to do.

Authorisation of activities otherwise unlawful under foregoing provisions.

(2) Without prejudice to the generality of paragraph (b) of subsection (1), regulations under that subsection authorising the doing of any such thing as is mentioned in that paragraph may in particular provide for the doing of that thing to be lawful

(a) if it is done under and in accordance with the terms of a licence or other authority issued by the Minister and in compliance with any conditions attached thereto; or

(b) if it is done in compliance with such conditions as may be prescribed.

(3) Subject to subsection (4), the Minister shall so exercise his power to make regulations under subsection (1) as to secure

(a) that it is not unlawful under section 5(1) for a practitioner, acting in his capacity as such, to prescribe, administer, manufacture, compound or supply a controlled drug, or for a pharmacist, acting in his capacity as such, to manufacture, compound or supply a controlled drug; and

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(b) that it is not unlawful under section 6(1) for a practitioner or pharmacist to have a controlled drug in his possession for the purpose of acting in his capacity as such.

(4) If in the case of any controlled drug the Minister is of the opinion that it is in the public interest

(a) for production, supply and possession of that drug to be either wholly unlawful or unlawful except for purposes of research or other special purposes; or

(b) for it to be unlawful for practitioners or pharmacists to do in relation to that drug any of the things mentioned in subsection (3) except under a licence or other authority issued by the Minister;

he may by order designate that drug as a drug to which this subsection applies; and while there is in force an order under this subsection designating a controlled drug as one to which this subsection applies, subsection (3) shall not apply as regards that drug.

(5) An order made under subsection (4) shall be subject to negative resolution.

(6) The Minister shall not make any order under subsection (4) except after consultation with or on the recommendation of the Committee.

(7) References in this section to a person "doing" things include references to having things in his possession.

Occupiers
etc. of
premises etc.
to be
punishable
for permit-
ting certain
activities to
take place
there.

13. (1) A person is guilty of an offence if, being the owner, occupier or person in charge of or concerned in the management of any premises or place, he knowingly permits or suffers any of the following activities to take place on those premises or at that place, that is to say

(a) producing or attempting to produce a controlled drug in contravention of section 5(1);

(b) supplying or attempting to supply a controlled drug to another in contravention of section 5(1) or offering to supply a controlled drug to another in contravention of section 5(1);

(c) handling a controlled drug in contravention of section 7(1);

(d) misusing any controlled drug or preparing any such drug for misuse.

(2) In this section "premises" includes a vessel, aircraft, vehicle, building, structure and enclosure, whether movable or not.

PART III

Controlled Drugs in transit

14. (1) No controlled drug may be brought into Barbados in transit unless

Controlled
drugs in
transit.

(a) in the course of transit from a country from which it may lawfully be exported to another country into which it may lawfully be imported; and

(b) except where it comes from a country not a party to a Convention, and it is accompanied by a valid and subsisting export authorisation or diversion certificate, as the case may be.

(2) Where a controlled drug in transit is accompanied by an export authorisation or diversion certificate and the Comptroller has reasonable grounds for believing that the authorisation or certificate is false or has been obtained by fraud or wilful misrepresentation of a material particular, he may seize that drug and detain it until he is satisfied that the authorisation or certificate is valid or has not been obtained by fraud or misrepresentation of a material particular.

(3) Where a controlled drug in transit is not accompanied by an export authorisation or diversion certificate because it comes from a country not a party to a Convention, and the Comptroller has reasonable grounds for believing that that drug is being conveyed in an unlawful manner or for an unlawful purpose or is in the course of transit for the purpose of being imported into another country contrary to the laws of that country, he may seize and detain that drug.

(4) Where a controlled drug brought into Barbados in transit is landed or trans-shipped in Barbados, it shall remain under the control of the Comptroller and shall be moved only under the authority and in accordance with the conditions of a removal licence.

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(5) Nothing in this section applies to a controlled drug in transit by post or in transit by air if the aircraft passes over Barbados without landing or to such quantities of controlled drugs as may *bona fide* reasonably form part of the medical stores of any ship or aircraft.

(6) A person who contravenes any of the provisions of subsection (1) is guilty of an offence under this Act.

Removal
licences.

15. (1) No person may

- (a) remove a controlled drug from the conveyance by which it is brought into Barbados in transit; or
- (b) in any way move a controlled drug in Barbados at any time after it is removed from the conveyance by which it was brought into Barbados in transit,

except under the authority of a licence in the prescribed form granted by the Minister.

(2) The Minister shall not issue a removal licence unless there is produced to him a valid and subsisting export authorisation or diversion certificate relating to the controlled drug in respect of which the removal licence is sought.

(3) Subsection (2) does not apply where the drug in respect of which a removal licence is sought comes from a country not a party to a Convention.

(4) This section does not apply to controlled drugs in transit by post.

(5) A person who contravenes any of the provisions of subsection (1) is guilty of an offence under this Act.

Tampering
with con-
trolled drugs
in transit.

16. A person who

- (a) causes any controlled drug in transit to be subjected to any process which would alter its nature; or
- (b) wilfully opens or breaks any package containing a controlled drug in transit without the instructions or otherwise than in accordance with the directions of the Minister,

is guilty of an offence under this Act.

17. (1) No person may, except under the authority of a diversion certificate in the prescribed form issued by the Minister, cause or procure any controlled drug brought into Barbados in transit to be diverted to any destination other than that to which it was originally consigned.

Diversion
of controlled
drugs.

(2) In the case of a controlled drug in transit accompanied by an export authorisation or diversion certificate issued by a competent authority in a country outside Barbados, the country stated in that authorisation or certificate to be the country of destination shall be deemed to be the country of the original destination of that drug.

(3) The Minister may not issue a diversion certificate under subsection (1) unless there is produced to him a valid and subsisting import certificate issued by the competent authority in the country to which it is proposed to divert the drug or, if that country is not a party to a Convention, he is satisfied that the drug is to be sent in a lawful manner and for a proper purpose.

(4) A diversion certificate shall be issued in duplicate; one copy thereof shall accompany the controlled drug when it is exported from Barbados and the other copy shall be sent by or on behalf of the Minister direct to the proper authority in the country to which the drug is diverted.

(5) Upon the issue of a diversion certificate, the export authorisation or diversion certificate, if any, accompanying the controlled drug on its arrival in Barbados shall be detained by the Minister and returned to the authority issuing it together with a notification of the name of the country to which the drug is diverted.

(6) A person who contravenes any of the provisions of subsection (1) is guilty of an offence under this Act.

PART IV

Drug Trafficking and related offences

18. (1) For the purposes of this Act, the expression "traffic", "trafficking" or "drug trafficking" in relation to a controlled drug means doing or being concerned, whether in Barbados or elsewhere, in any of the following:

Drug traf-
ficking.

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- (a) importing or exporting a trafficable quantity of any controlled drug where importation or exportation contravenes section 4(1) or a corresponding law;
- (b) supplying a trafficable quantity of any controlled drug where supply contravenes section 5(1) or a corresponding law;
- (c) possessing a trafficable quantity of any controlled drug where possession of the drug contravenes section 6(1) or a corresponding law;

and includes a person doing the following whether in Barbados or elsewhere, that is,

- (d) organising, managing or financing any of the activities listed in (a) to (c) above;
- (e) entering into or being otherwise concerned in an arrangement whereby
 - (i) the retention or control by or on behalf of another person of the other person's proceeds of drug trafficking is facilitated; or
 - (ii) the proceeds of drug trafficking by another person are used to secure that funds are placed at the other person's disposal or are used for the other person's benefit to acquire property by way of investment.

(2) Save under and in accordance with this Act or any regulations under section 12, no person shall, on his own behalf or on behalf of any other person, whether or not such other person is in Barbados

- (a) traffic in a controlled drug;
- (b) offer to traffic in a controlled drug or in a substance he believes to be a controlled drug;
- (c) do or offer to do an act preparatory to or for the purpose of trafficking in a controlled drug or in a substance he believes to be a controlled drug.

(3) Subsection (2) shall apply whether or not the controlled drug is in Barbados or is to be imported into Barbados or is ascertained or in existence.

(4) Any person who contravenes any of the provisions of subsection (2) is guilty of an offence under this Act.

19. (1) Subject to subsection (2), if a person enters into or is otherwise concerned in an arrangement whereby

Assisting another to retain the benefit of drug trafficking.

- (a) the retention or control by or on behalf of another ("X") or X's benefits of drug trafficking is facilitated (whether by concealment, removal from the jurisdiction, transfer to nominees or otherwise); or
- (b) X's benefits of drug trafficking
 - (i) are used to secure that funds are placed at X's disposal, or
 - (ii) are used for X's benefit to acquire property by way of investment,

knowing or suspecting that X is a person who carries on or has carried on drug trafficking, that person is guilty of an indictable offence under this Act.

(2) Where a person discloses to a member of the Police Force a suspicion or belief that any funds or investments are derived from or used in connection with drug trafficking or any matter on which a suspicion or belief is based

- (a) the disclosure is not a breach of any restriction upon the disclosure of information imposed by contract;
- (b) if he does any act in contravention of subsection (1) and the disclosure relates to the arrangement concerned, he does not commit an offence against this section if the disclosure is made in accordance with this paragraph, that is to say,
 - (i) it is made before he does the act concerned, being an act done with the consent of the member of the Police Force; or
 - (ii) it is made after he does the act, but is made on his own initiative and as soon as it is reasonable for him to make it.

(3) In proceedings against a person for an offence against this section, it is a defence for him to prove

- (a) that he did not know or suspect that the arrangement related to any person's benefits of drug trafficking; or

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- (b) that he did not know or suspect or have grounds for suspecting that by the arrangement the retention or control of any property by or on behalf of X was or might be facilitated or, as the case may be, that by the arrangement any property was or might be used as mentioned in subsection (1); or
- (c) that
 - (i) he intended to disclose to a member of the Police Force such a suspicion, belief or matter as is mentioned in subsection (2) in relation to the arrangement; but
 - (ii) there is reasonable excuse for his failure to make disclosure in accordance with paragraph (b) of subsection (2)

Supplying
or offering
to supply a
purported
controlled
drug.

20. (1) No person shall

- (a) supply any substance represented or held out by him to be a controlled drug but which is not a controlled drug;
- (b) offer to supply any substance represented or held out by him to be a controlled drug but which is not in fact a controlled drug; or
- (c) do or offer to do an act preparatory to the supply of any substance represented or held out by him to be a controlled drug, but which is not a controlled drug.

(2) Subsection (1) shall apply whether or not the substance represented or held out to be a controlled drug is in Barbados or is to be imported into Barbados or is ascertained, appropriated or in existence.

(3) Subject to section 39, any person who contravenes any of the provisions of subsection (1) is guilty of an offence under this Act.

(4) No prosecution for an offence under this section shall be instituted without the consent in writing of the Director of Public Prosecutions, but this subsection shall not prevent the arrest or the issue of a warrant for the arrest of a person for any such offence.

PART V

Offences in Respect of Children and Young Persons

21. (1) Subject to any regulations under section 12, it shall not be lawful for a person to have a controlled drug in his possession in or within a radius of 100 yards of any school premises.

Possession of a controlled drug on or near school premises.

(2) Subject to section 39, it is an offence for a person to have a controlled drug in his possession in contravention to subsection (1).

(3) Subject to section 39, it is an offence for a person to have a controlled drug in his possession in or within a radius of 100 yards of any school premises, which is intended, whether by him or some other person for supply in contravention of section 5(1).

(4) For purposes of subsection (3), a person found in possession of a controlled drug in contravention of subsection (1) is deemed to have the controlled drug for the purpose of supplying same to another unless the contrary is proved; the burden of proof being on the accused.

(5) In this section, "school premises" means any nursery school, primary or secondary school, technical institution, training centre, teachers' college, community college, university or any other educational institution for children or young persons and includes buildings, playing fields or other premises established or maintained by such institutions for the benefit of its pupils or students whether or not such buildings, playing fields or other premises are within the curtilage of the institution.

22. (1) It shall be unlawful for any person to knowingly and intentionally

Employment, hire or use of children and young persons in drug trade.

- (a) employ, hire, use, persuade, induce, entice or coerce a child or young person to contravene any provision of this Act;
- (b) employ, hire, use, persuade, induce, entice, or coerce a child or young person to assist in avoiding detection or apprehension for any offence under this Act;
- (c) receive a controlled drug from a child or young person in contravention of any provision of this Act.

(2) Subject to section 39, any person who contravenes subsection (1) is guilty of an offence under this Act.

Supply of controlled drug to child or young person.

23. Subject to section 39, any person who contravenes section 22(1) by knowingly supplying a controlled drug to a child or young person in contravention of section 5(1) is guilty of an offence under this Act.

PART VI

Powers of Minister for Preventing Misuse of Controlled Drugs

Power to make regulations for preventing misuse of controlled drugs.

24. (1) Subject to the provisions of this Act, the Minister may by regulations make such provision as appears to him necessary or expedient for preventing the misuse of controlled drugs.

(2) Without prejudice to the generality of subsection (1), regulations under this section may in particular make provision

- (a) for regulating the importation of such controlled drugs as may be prescribed and for requiring precautions to be taken for the safe custody of controlled drugs;
- (b) for imposing requirements as to the documentation of transactions involving controlled drugs, and for requiring copies of documents relating to such transactions to be furnished to the prescribed authority;
- (c) for requiring the keeping of records and the furnishing of information with respect to controlled drugs in such circumstances and in such manner as may be prescribed;
- (d) for the inspection of any precautions taken or records kept in pursuance of regulations under this section;
- (e) as to the packaging and labelling of controlled drugs;
- (f) for regulating the transport of controlled drugs and the methods used for destroying or otherwise disposing of such drugs when no longer required;
- (g) for regulating the issue of prescriptions containing controlled drugs and the supply of controlled drugs on prescriptions, and for requiring persons issuing or dispensing prescriptions containing such drugs to furnish to the prescribed authority such information relating to those prescriptions as may be prescribed;

- (h) for requiring any doctor who attends a person whom he considers, or has reasonable grounds to suspect, is addicted (within the meaning of the regulations) to controlled drugs of any description to furnish to the prescribed authority such particulars with respect to that person as may be prescribed;
- (i) for prohibiting any doctor from administering, supplying and authorising the administration and supply to persons so addicted, and from prescribing for such persons, such controlled drugs as may be prescribed, except under and in accordance with the terms of a licence issued by the Minister in pursuance of the regulations.

(3) All records, reports, particulars and other information supplied in pursuance of the provisions of regulations made under this section shall be treated as confidential information by the prescribed authority and shall be used only for prescribed purposes under the direction of the Minister.

25. (1) Without prejudice to any requirement imposed by regulations made in pursuance of section 24(2)(a), the Minister may by notice in writing served on the occupier of any premises on which controlled drugs are or are proposed to be kept give directions as to the taking of precautions or further precautions for the safe custody of any controlled drugs of a description specified in the notice which are kept on those premises.

Power to direct special precautions for safe custody of controlled drugs to be taken at certain premises.

(2) It is an offence to contravene any directions given under subsection (1).

26. (1) Where a person who is a practitioner or pharmacist has after the 15th August, 1990 been convicted of an offence under this Act, the Minister may give a direction under subsection (2) in respect of that person.

Directions prohibiting, prescribing supply etc. of controlled drugs by practitioners etc. convicted of certain offences.

(2) A direction under this subsection in respect of a person shall

- (a) if that person is a practitioner, be a direction prohibiting him from having in his possession, prescribing, administering, manufacturing, compounding and supplying and from authorising the administration and supply of such controlled drugs as may be specified in the direction;

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(b) if that person is a pharmacist, be a direction prohibiting him from having in his possession, manufacturing, compounding and supplying and from supervising and controlling the manufacture, compounding and supply of such controlled drugs as may be specified in the direction.

(3) The Minister may at any time give a direction cancelling or suspending any direction given by him under subsection (2), or cancelling any direction of his under this subsection by which a direction so given is suspended.

(4) The Minister shall cause a copy of any direction given by him under this section to be served on the person to whom it applies, and shall cause notice of any such direction to be published in the *Official Gazette*.

(5) A direction under this section shall take effect when a copy of it is served on the person to whom it applies.

(6) It is an offence to contravene a direction given under subsection (2).

Directions prohibiting, prescribing, supply etc. of controlled drugs by practitioners in other cases.

27. (1) In the event of a contravention by a doctor of regulations made in pursuance of paragraph (h) or (i) of section 24(2), or of the terms of a licence issued under regulations made in pursuance of the said paragraph (i), the Minister may, subject to and in accordance with section 28, give a direction in respect of the doctor concerned prohibiting him from prescribing, administering and supplying and from authorising the administration and supply of such controlled drugs as may be specified in the direction.

(2) If the Minister is of the opinion that a practitioner is or has after the 15th August, 1990 been prescribing, administering or supplying or authorising the administration or supply of any controlled drugs in an irresponsible manner, the Minister may, subject to and in accordance with section 28, give a direction in respect of the practitioner concerned prohibiting him from prescribing, administering and supply of such controlled drugs as may be specified in the direction.

(3) A contravention such as is mentioned in subsection (1) does not as such constitute an offence, but it is an offence to contravene a direction given under subsection (1) or (2).

28. (1) If the Minister considers that there are grounds for giving a direction under subsection (1) of section 27 on account of such a contravention by a doctor as is there mentioned, or for giving a direction under subsection (2) of that section on account of such conduct by a practitioner as is mentioned in the said subsection (2), he shall refer the case to a tribunal constituted for the purpose in accordance with the following provisions of this Act; and it shall be the duty of the tribunal to consider the case and report on it to the Minister.

Investigation where grounds for a direction under section 27 are considered to exist.

(2) In this Act "the respondent", in relation to a reference under this section, means the doctor or other practitioner in respect of whom the reference is made.

(3) Where

(a) in the case of a reference relating to the giving of a direction under the said subsection (1), the tribunal finds that there has been no such contravention as aforesaid by the respondent or finds that there has been such a contravention but does not recommend the giving of a direction under that subsection in respect of the respondent; or

(b) in the case of a reference relating to the giving of a direction under the said subsection (2), the tribunal finds that there has been no such conduct as aforesaid by the respondent or finds that there has been such conduct by the respondent but does not recommend the giving of a direction under the said subsection (2) in respect of him, the Minister shall cause notice to that effect to be served on the respondent.

(4) Where the tribunal finds

(a) in the case of a reference relating to the giving of a direction under the said subsection (1), that there has been such a contravention as aforesaid by the respondent; or

(b) in the case of a reference relating to the giving of a direction under the said subsection (2), that there has been such conduct as aforesaid by the respondent,

and considers that a direction under the subsection in question should be given in respect of him, the tribunal shall include in its report a recommendation to that effect indicating the controlled drugs which it considers should be specified in the direction or indicating that the direction should specify all controlled drugs.

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(5) Where the tribunal makes such a recommendation as aforesaid, the Minister, after considering the recommendation of the tribunal, may

- (a) give in respect of the respondent a direction under subsection (1) or, as the case may be, subsection (2) of section 27 specifying all or any of the controlled drugs indicated in the recommendation of the tribunal; or
- (b) order that no further proceedings shall be taken in the case.

Provisions
supplemen-
tary to sec-
tion 28.
Third
Schedule.

29. (1) The provisions of the *Third Schedule* shall have effect with respect to the constitution and procedure of the tribunal appointed for the purposes of section 28, and with respect to the other matters there mentioned.

(2) The Minister shall cause a copy of any order or direction made or given by him in pursuance of section 28(5) to be served on the person to whom it applies and shall cause notice of any such direction to be published in the *Official Gazette*.

(3) The Minister may at any time give a direction cancelling or suspending any direction given by him in pursuance of section 28(5) or cancelling any directions of his under this subsection by which a direction so given is suspended and shall cause a copy of any direction of his under this subsection to be served on the person to whom it applies and notice of it to be published as aforesaid.

(4) A direction given under section 27(1) or (2) or under subsection (3) shall take effect when a copy of it is served on the person to whom it applies.

Power to
obtain infor-
mation from
practitioners,
pharmacists,
etc. in cer-
tain circum-
stances.

30. (1) If it appears to the Minister that there exists a problem caused by the extensive misuse of controlled drugs he may by notice in writing served on any practitioner or pharmacist require him to furnish to the Minister, with respect to any controlled drugs specified in the notice and as regards any period so specified, such particulars as may be so specified relating to the quantities in which and the number and frequency of the occasions on which those drugs

- (a) in the case of a practitioner, were prescribed, administered or supplied by him; or
- (b) in the case of a pharmacist, were supplied by him.

(2) A notice under this section may require any such particulars to be furnished in such manner and within such time as may be specified in the notice and, if served on a pharmacist may require him to furnish the names and addresses of practitioners on whose prescriptions any controlled drugs to which the notice relates were supplied, but shall not require any person to furnish any particulars relating to the identity of any person for or to whom any controlled drug has been prescribed, administered or supplied.

(3) A person is guilty of a summary offence if without reasonable excuse (proof of which shall lie on him) he fails to comply with any requirement to which he is subject by virtue of subsection (1).

(4) A person is guilty of an offence if in purported compliance with a requirement imposed under this section he gives any information which he knows to be false in a material particular or recklessly gives any information which is so false.

PART VII

Miscellaneous Offences and Powers

31. (1) It is an offence for a person to contravene any regulations made under this Act other than regulations made in pursuance of section 24(2)(h) or (i). Miscellaneous offences.

(2) It is an offence for a person to contravene a condition or other term of an authorisation issued under section 4 or of a licence or other authority issued under regulations made under this Act, not being a licence issued under regulations made in pursuance of section 24(2)(i).

(3) A person is guilty of an offence if, in purported compliance with any obligation to give information to which he is subject under or by virtue of regulations made under this Act, he gives any information which he knows to be false in a material particular or recklessly gives any information which is so false.

(4) A person is guilty of an offence if, for the purpose of obtaining, whether for himself or another, the issue or renewal of a licence or other authority under this Act or under any regulations made under this Act, he

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- (a) makes any statement or gives any information which he knows to be false in a material particular or recklessly gives any information which is so false; or
- (b) produces or otherwise makes use of any book, record or other document which to his knowledge contains any statement or information which he knows to be false in a material particular.

Assisting in or inducing outside Barbados commission of an offence punishable under a corresponding law.

32. A person is guilty of an offence if in Barbados he assists in or induces the commission in any place outside Barbados of an offence punishable under the provisions of a corresponding law in force in that place.

Offences by corporations.

33. Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against accordingly.

Further power to make regulations.

34. The Minister may by regulations make provision

- (a) for excluding in such cases as may be prescribed the application of any provision of this Act which creates an offence;
- (b) for applying any of the provisions of sections 28 and 29 and the *Third Schedule*, with such modifications (if any) as may be prescribed
 - (i) in relation to any proposal by the Minister to give a direction under section 26(2); or
 - (ii) for such purposes of regulations under this Act as may be prescribed;
- (c) for the application of any of the provisions of this Act or regulations or orders thereunder to servants or agents of the Crown, subject to such exceptions, adaptations and modifications as may be prescribed;
- (d) for the establishment, regulation and administration of treatment and rehabilitation centres for the detention,

Third Schedule.

education and treatment of persons addicted to controlled drugs;

- (e) generally for the better carrying out of the provisions of this Act and for prescribing anything which is to be or may be prescribed.

PART VIII

Law Enforcement and Punishment of Offences

35. (1) A member of the Police Force or other person authorised in that behalf by a general or special order of the Minister shall, for the purposes of the execution of this Act, have power to enter the premises of a person carrying on business as a producer or supplier of any controlled drugs 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.

Powers to search and obtain evidence.

(2) If a magistrate or justice of the peace is satisfied on information on oath that there is reasonable ground for suspecting that there is in any place or premises an article liable to seizure, he may grant a search warrant authorising any member of the Police Force named in the warrant, at any time within one month from the date of the warrant, to enter, if need be by force, the place or premises named in the warrant and to search the place or premises and to seize and detain anything which appears to the member of the Police Force to be an article liable to seizure.

(3) A person is guilty of an offence if he

- (a) intentionally obstructs a person in the exercise of his powers under this section; or
- (b) conceals from a person acting in the exercise of his powers under subsection (1) any such books, documents, stocks or drugs as are mentioned in that subsection; or
- (c) without reasonable excuse (proof of which shall lie on him) fails to produce any such books or documents as are so mentioned where their production is demanded by a person in the exercise of his powers under that subsection.

(4) In this section

"articles liable to seizure" means

(a) any controlled drug in respect of which an offence is being or has been committed;

(b) any money or thing liable to forfeiture under this Act;

(c) any thing which is or contains evidence of an offence under this Act or a corresponding law.

(5) Any controlled drug in respect of which an offence under this Act is being or has been committed shall, with effect from the seizure thereof, be forfeited to the Crown.

(6) Nothing in this section shall prejudice any power of search or any power to seize or detain property which is exercisable by a member of the Police Force apart from this section.

Powers of arrest.

36. (1) A member of the Police Force may arrest without warrant a person who has committed, or whom the member with reasonable cause, suspects to have committed, an offence under the Act.

(2) This section shall not prejudice any power of arrest conferred on a member of the Police Force by any other law.

Prosecution and punishment of offences.
Cap. 116.

37. (1) Notwithstanding section 115 of the *Magistrates Jurisdiction and Procedure Act*, a magistrate may try an information or complaint for an offence under this Act if the information was laid or complaint made at any time within 12 months from the time when the offence was committed.

Cap. 116.

(2) Where a person is charged with an offence under this Act (not being an offence under section 19 or section 30(3)), section 46(1) of the *Magistrates Jurisdiction and Procedure Act* applies as if the offence were an offence specified in the *Second Schedule* to that Act and the provisions of section 46(2) of that Act shall not have effect to limit the punishment which may be imposed under this section upon a person who is summarily convicted of that offence.

Fourth Schedule.

(3) Except where expressly otherwise provided, the *Fourth Schedule* shall have effect in accordance with subsection (4) with respect to the way in which offences under this Act are punishable on conviction.

(4) In relation to an offence under a provision of this Act specified in the first column of the *Fourth Schedule* (the general nature of the offence being described in the second column)

- (a) the third column shows whether the offence is punishable on summary conviction or on indictment or in either way;
- (b) the fourth column shows respectively the punishment which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column (that is to say, summarily or on indictment).

(5) Without prejudice to the provisions of this section, where a person is convicted of an offence under section 5, 6, 7 or 8 and it appears to the court on the evidence of a doctor that he is addicted to or dependent upon, or, in the opinion of the court, is likely to become addicted to or dependent upon, any controlled drug, the court may, in addition to or in lieu of any sentence which may be imposed in pursuance of the preceding provisions of this section, order him to be detained for the purpose of care and treatment for such period, not exceeding 6 months, as the court may determine in a treatment and rehabilitation centre established by regulations made under section 34, and if, at the termination of such period, the court is satisfied, on the recommendation of a doctor, that the convicted person would benefit from a further period of detention, it may order the convicted person to be detained for the purpose of care and treatment for such further period not exceeding 6 months as it thinks fit.

(6) For the purposes of any Act relating to appeals an order made under subsection (5), shall be a sentence imposed by the court.

38. (1) Notwithstanding anything in any other law contained, a person who attempts to commit an offence under this Act or solicits, incites, procures or conspires with another to commit an offence under this Act is guilty of an offence.

Punishment
for attempts,
conspiracy
etc. to
commit
offences.

(2) An offence under this section shall be punishable on summary conviction, on indictment or in either way according to whether, under the *Fourth Schedule*, the substantive offence is punishable on summary conviction, on indictment or in either way; and the punishment which may be imposed on a person convicted of an offence under this section is the same as that which, under that Schedule, may be imposed on a person convicted of the substantive offence.

Fourth
Schedule.

(3) In subsection 9(2) "the substantive offence" means the offence under this Act to which the attempt or, as the case may be,

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the solicitation, incitement, procurement or conspiracy mentioned in subsection (1) was directed.

(4) For the purposes of subsection (1) a conspiracy may occur, where two or more persons agree or act together with a common purpose of committing or abetting an offence against this Act or any regulations made hereunder whether with or without any previous consent or deliberation.

(5) A person within the jurisdiction of the court may be guilty of conspiracy by agreeing with another person who is beyond the jurisdiction for the commission or abatement of any offence under this Act or the regulations, to be committed by them or either of them, or by any other person, either within or beyond the jurisdiction.

(6) For the purpose of subsection (5), in relation to an offence to be committed beyond the jurisdiction, "offence" means any act which, if done within the jurisdiction would be an offence under this Act or the regulations.

Proof of
lack of
knowledge
etc. to be
a defence
in proceed-
ings for
certain
offences.

39. (1) This section applies to offences under any of the following provisions of this Act, that is to say sections 4(3), 5(2) and (3), 6(2) and (3), 8(2), 9(2), 10(2), 11(2), 20(3), 21(2) and (3), 22(2) and 23.

(2) Subject to subsection (3), in any proceedings for an offence to which this section applies it shall be a defence for the accused to prove that he neither knew of nor suspected nor had reason to suspect the existence of some fact alleged by the prosecution which it is necessary for the prosecution to prove if he is to be convicted of the offence charged.

(3) Where in any proceedings for an offence to which this section applies it is necessary, if the accused is to be convicted of the offence charged, for the prosecution to prove that some substance or product involved in the alleged offence was the controlled drug which the prosecution alleges it to have been, and it is proved that the substance or product in question was that controlled drug, the accused

- (a) shall not be acquitted of the offence charged by reason only of proving that he neither knew nor suspected nor had reason to suspect that the substance or product in question was the particular controlled drug alleged; but
- (b) shall be acquitted thereof
 - (i) if he proves that he neither believed nor suspected nor had reason to suspect that the substance or product in question was a controlled drug; or
 - (ii) if he proves that he believed the substance or product in question to be a controlled drug, or a controlled drug of a description, such that, if it had in fact been that controlled drug or a controlled drug of that description, he would not at the material time have been committing any offence to which this section applies.

(4) Nothing in this section shall prejudice any defence which it is open to a person charged with an offence to which this section applies to raise apart from this section.

PART IX

Evidence

40. A document purporting to be issued by or on behalf of the government of a country and purporting to state the terms of a corresponding law in force in that country shall be admitted in evidence, in proceedings for an offence under this Act before any court, on its production by the prosecution without further proof, and such document shall be conclusive evidence

Certificate of corresponding law.

- (a) that it is issued by or on behalf of the government of that country;
- (b) that the terms of such law are as stated in the document;
- (c) that any facts stated in the document to constitute an offence under such law do constitute such offence.

41. (1) Without prejudice to the provisions of section 20A of the *Evidence Act*, but subject to subsection (2), in any proceedings for an offence under this Act a certificate in the prescribed form

Evidence of analyst by certificate. Cap. 121.

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purporting to be signed by an authorised analyst and certifying any substance specified in the certificate to be a controlled drug or to contain such proportion of a controlled drug as may be so certified shall, on its production by the prosecution, without further proof, be *prima facie* evidence of the matters so certified and of the qualification of the analyst.

(2) Subsection (1) shall not apply to a certificate tendered on behalf of the prosecution.

- (a) unless a copy thereof has been served on the accused not less than 10 days before the trial; or
- (b) if the accused not less than 5 days before the trial has served notice on the prosecution requiring the attendance at the trial of the person by whom the certificate was signed.

(3) In this section "authorised analyst" means a person authorised by the Minister by notice in the *Official Gazette* to analyse any substance for the purposes of this Act.

Presumptions
of possession
and
knowledge
of controlled
drug.

42. (1) Without prejudice to any other provision of this Act

- (a) where it is proved that a person imported anything containing a controlled drug it shall be presumed, until the contrary is proved, that such person knew that such drug was contained in such thing;
- (b) where it is proved that a person had in his possession or custody or under his control anything containing a controlled drug, it shall be presumed until the contrary is proved, that such person was in possession of such drug;
- (c) where it is proved that a person supplied to any other person anything containing a controlled drug, it shall be presumed, until the contrary is proved, that such first-mentioned person knew that such drug was contained in such thing;
- (d) where it is proved that a person handled, within the meaning of section 7, anything containing a controlled drug, it shall be presumed, until the contrary is proved, that such person knew that such drug was contained in such thing;

(e) where it is proved that a person had in his possession or custody or under his control

(i) any document of title relating to anything containing a controlled drug; or

(ii) any other document or written or printed matter including a dock warrant, warehouse warrant or order, baggage receipt or baggage claim, relating to anything containing a controlled drug,

it shall be presumed, until the contrary is proved, that such person was in possession of such drug.

(2) The presumptions provided by this section shall not be construed as requiring the prosecution to prove any fact which, by virtue of any other provision of this Act, the prosecution does not have to prove.

43. (1) Whenever any pipe, equipment or apparatus fit and intended for use in connection with the misuse of a controlled drug is found in any premises or place it shall be presumed, until the contrary is proved, that such premises or place is used for the purpose of misusing a controlled drug therein.

Presumptions relating to places used for drug misuse.

(2) Any person who is in or is found escaping from any premises or place used for the purpose of misusing a controlled drug shall, until the contrary is proved, be presumed to have been misusing a controlled drug therein.

PART X

Miscellaneous and Supplementary Provisions

44. (1) Subject to any regulations under section 12, any controlled drugs of which the importation is prohibited or restricted by this Act shall be deemed for the purposes of the *Customs Act* to be goods of which the importation is prohibited or restricted, as the case may be, by section 89(1) of that Act.

Application of Customs Act.

Cap. 66.

(2) Subject to any regulations under section 12, any controlled drugs of which the exportation is prohibited or restricted by this Act shall be deemed for the purposes of the *Customs Act* to be goods of which the exportation is prohibited or restricted, as the case may be, by section 89(2) of that Act.

(3) If any articles prohibited or restricted to be exported by this Act are

- (a) exported from Barbados in contravention of this Act; or
- (b) brought to a quay, airport or other place to be shipped for the purpose of being exported in contravention of this Act or of being water-borne or air-borne to be so exported

the exporter or his agent is guilty of an offence and liable on summary conviction to a fine of \$2 500 and the articles are liable to forfeiture.

Service of documents.

45. (1) Any notice or other document required or authorised by any provision of this Act to be served on any person may be served

- (a) by delivering it to the person on whom it is to be served;
- (b) by sending it by prepaid post addressed to that person at his usual or last known place of abode; or
- (c) in the case of a body corporate, by delivering it or sending it by prepaid post to the secretary or clerk of that body at its registered office or other place of business.

(2) Service effected by delivery pursuant to paragraph (a) or (c) of subsection (1) shall have effect as from the time of delivery.

(3) Service effected otherwise than by delivery shall be deemed to have effect 3 days after the steps taken pursuant to any of the provisions of subsection (1) have been taken, unless and to the extent that the contrary is proved.

Licences and authorities.

46. A licence or other authority issued by the Minister for purposes of this Act or of regulations made under this Act may, to any degree, general or specific, be issued on such terms and subject to such conditions (including, in the case of a licence, the payment of a prescribed fee) as the Minister thinks proper, and may be modified or revoked by him at any time.

Forfeiture of articles etc. used in connection with offence.

47. (1) Notwithstanding anything in any other Act contained, a court may (whether or not any person has been convicted of such offence) order to be forfeited to the Crown

- (a) any money or thing (other than premises, a ship exceeding 250 gross tons or an aircraft) which has been used in the commission of or in connection with an offence under this Act; and

(b) any money or other thing received or possessed by any person as the result or product of an offence under this Act.

(2) An order under subsection (1) for the forfeiture of a thing may include a term permitting a specified person to redeem such thing on such conditions, including conditions as to the payment of the value or a proportion of the value thereof to the Crown, as the court may think fit.

(3) No order shall be made under this section unless the court has given notice to any person appearing to the court to have an interest in or right over the money, or thing in question that an order may be made and such person is given an opportunity to show cause why the order should not be made.

48. (1) Regulations made by the Minister under any provisions of this Act

General provisions as to regulations.

(a) may make different provision in relation to different controlled drugs, different classes of persons, different provisions of this Act or other different cases or circumstances; and

(b) may make the opinion, consent or approval of a prescribed authority or of any person authorised in a prescribed manner material for purposes of any provision of the regulations; and

(c) may contain such supplementary, incidental and transitional provisions as appear expedient to the Minister.

(2) Regulations made under this Act shall be subject to affirmative resolution.

49. The Minister may conduct or assist in conducting research into any matter relating to the misuse of dangerous or otherwise harmful drugs.

Research.

50. In this Act the expression "corresponding law" means a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside Barbados to be a law providing for the control and regulation in that country of the production, supply, use, export and import of drugs and other substances in accordance with the provisions of any Convention or a law providing for the control and regulation in that country of

Meaning of corresponding law.

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the production, supply, use, export and import of dangerous or otherwise harmful drugs in pursuance of any treaty, convention or other agreement or arrangement to which the government of that country and the Government of Barbados are for the time being parties.

Repeal of
Cap. 140A.

51. As from the 15th August, 1990 the *Narcotic Drugs Act* shall be repealed but Part II of the Schedule thereto and any subsidiary legislation thereunder, with the necessary adaptations and modifications to bring it into conformity with this Act shall continue to apply until regulations are made under this Act.

Transitional
provisions.
Cap. 1.

52. Without prejudice to the provisions of section 29 of the *Interpretation Act*, the following transitional provisions shall have effect

- (a) as from the 15th August, 1990 any licence, permission or authorisation granted under the *Narcotic Drugs Act* (now repealed) or any regulations made thereunder shall have effect as if it were a licence, permission or authorisation granted for the purposes of this Act; and
- (b) the Minister may at any time before the 15th August, 1990 give a direction under subsection (2) of that section in respect of any practitioner or pharmacist whose general authority under regulation 25 of the *Narcotic Drugs Regulations* is for the time being withdrawn; but a direction given by virtue of this paragraph shall not take effect until section 26 comes into operation, and shall not take effect at all if the general authority of the person concerned is restored before that section comes into operation;
- (c) any register kept in pursuance of the *Narcotic Drugs Act* (now repealed) or any regulations made thereunder shall be deemed to be a register kept in pursuance of this Act;
- (d) any order, rule or other instrument or document made or issued and any direction given or other thing done under or by virtue of any provision of the *Narcotic Drugs Act* (now repealed) is deemed to have been made, issued or done under the corresponding provision of this Act.

FIRST SCHEDULE

(Section 3)

PART I

LIST OF NARCOTIC DRUGS UNDER CONTROL

1. The following substances and products, namely:

ACETORPHINE (3-O-acetyltetrahydro-7x-(1-hydroxy-1-methylbutyl)-6, 14-endoetheno-orphine)
 ACETYL-ALPHA-METHYLFENTANYL (N-[1-(a-methylphenethyl)-4-piperidyl] acetanilide)
 ACETYLDIHYDROCODEINE
 ACETYLMETHADOL (3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
 ALFENTANIL (N-[1-[2-(4-ethyl-4,5-dihydro-5-oxo-1H-tetrazol-1-yl)ethyl]-4-(methoxymethyl)-4-piperidyl]-N-phenylpropanamide monohydrochloride)
 ALLYLPRODINE (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine)
 ALPHACETYLMETHADOL (alpha-3-acetoxy-6-dimethylamino-4, 4-diphenylheptane)
 ALPHAMETHADOL (alpha-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
 ALPHAMETHADOL (alpha-6-dimethylamino-4, 4-diphenyl-3-heptanol)
 ALPHA-METHYLFENTANYL (N-[1-(a-methylphenethyl)-4-piperidyl] propionanilide)
 ALPHAPRODINE (alpha-1, 3-dimethyl-4-phenyl-4-propionoxypiperidine)
 ANILERIDINE (1-para-aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
 BENZETHIDINE (1-(2-benzoyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
 BENZYMORPHINE (3-benzylmorphine)
 BETACETYLMETHADOL (beta-3-acetoxy-6-dimethylamino-4, 4-diphenylheptane)
 BETAMEPRODINE (beta-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
 BETAMETHADOL (beta-6-dimethylamino-4,4-diphenyl-3-heptanol)
 BETAPRODINE (beta-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
 BEZITRAMIDE (1-(3-cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazolyl)-piperidine)
 CANNABIS (Indian Hemp) and Cannabis resin (Resin of Indian Hemp)
 CLONITAZENE (2-para-chlorobenzyl-1-diethylaminoethyl-5-nitrobenzimidazole)
 COCA LEAF
 COCAINE (methyl ester of benzoylecgonine)
 CODEINE (3-methylmorphine)
 CODOXIME (dihydrocodeinone-6-carboxymethyloxime)
 CONCENTRATE OF POPPY STRAW (the material arising when poppy straw has entered into a process for the concentration of its alkaloids, when such material is made available in trade)
 DESOMORPHINE (dihydrodeoxymorphine)
 DEXTROMORAMIDE ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)-butyl]-morpholine)
 DEXTROPTROPOXYPHENE (x-(+)-4-dimethylamino-1-2-diphenyl-3-methyl-2-butanol propionate)
 DIAMPROMIDE (N-[(2-methylphenethylamino)-propyl]-propionanilide)
 DIETHYLTHIAMBUTENE (3-diethylamino-1,1-di-(2-thienyl)-1-butene)
 DIFENOXIN (1-(3-cyano-3,3-diphenylpropyl)-4-phenylisonipicotic acid)
 DIHYDROCODEINE
 DIHYDROMORPHINE
 DIMENOXADOL (2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate)

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DIMEPHEPTANOL (6-dimethylamino-4,4-diphenyl-3-heptanol)
 DIMETHYLTHIAMBUTENE (3-dimethylamino-1,1-di-(2-thienyl)-1-butene)
 DIOXAPHETHYL BUTYRATE (ethyl 4-morpholino-2,2-diphenylbutyrate)
 DIPHENOXYLATE (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine
 -4-carboxylic acid ethyl ester)
 DIPIPANONE (4,4-diphenyl-6-piperidine-3-heptanone)
 DROTEBANOL (3,4-dimethoxy-17-methylmorphinan-6B,14-diol)
 ECGONINE, its esters and derivatives which are convertible to
 ecgonine and cocaine
 ETHYLMETHYLTHIAMBUTENE (3-ethylmethylamino-1,1-di-(2-thienyl)
 -1-butene)
 ETHYLMORPHINE (3-ethylmorphine)
 ETONITAZENE (1-diethylaminoethyl-2-para-ethoxybenzyl
 -5-nitrobenzimidazole)
 ETORPHINE (tetrahydro-7 α -(1-hydroxy-1-methylbutyl)-6, 14-
 endoetheno-oripavine)
 ETOXERIDINE (1-(2-(2-hydroxyethoxy)-ethyl]-4-phenylpiperidine
 -4-carboxylic acid ethyl ester)
 FENTANYL (1-phenethyl-4-N-propionylanilino-piperidine)
 FURETHIDINE (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine
 -4-carboxylic acid ethyl ester)
 HEROIN (diacetylmorphine)
 HYDROCODONE (dihydrocodeinone)
 HYDROMORPHINOL (14-hydroxydihydromorphine)
 HYDROMORPHONE (dihydromorphinone)
 HYDROXPETHIDINE (4-meta-hydroxyphenyl-1-methylpiperidine
 -4-carboxylic acid ethyl ester)
 ISOMETHADONE (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)
 KETOBEMIDONE (4-meta-hydroxyphenyl-1-methyl-4-propionylpiperidine)
 LEVOMETHORPHAN ((-)-3-methoxy-N-methylmorphinan)
 LEVOMORAMIDE ((-)-4-[2-methyl-4-oxo-3,3-diphenyl-4-
 (1-pyrrolidinyl)-butyl] morpholine)
 LEVOPHENACYLMORPHAN ((-)-3-hydroxy-N-phenacylmorphinan)
 LEVORPHANOL ((-)-3-hydroxy-N-methylmorphinan)
 METAZOCINE (2-hydroxy-2,5,9-trimethyl-6,7-benzomorphan)
 METHADONE (6-dimethylamino-4,4-diphenyl-3-heptanone)
 METHADONE-INTERMEDIATE (4-cyano-2-dimethylamino-4,4-
 diphenylbutane)
 METHYLDESORPHINE (6-methyl-delta-6-deoxymorphine)
 METHYLDIHYDROMORPHINE (6-methyl-dihydromorphine)
 3-methylfentanyl(N-(3-methyl-1-phenethyl-4-piperidyl)
 propionanilide)
 METOPON (5-methyl-dihydromorphinone)
 MORAMIDE-INTERMEDIATE (2-methyl-3-morpholino-1, 1-diphenylpropane
 carboxylic acid)
 MORPHERIDINE (1-(2-morpholinoethyl)-4-phenylpiperidine
 -4-carboxylic acid ethyl ester)
 MORPHINE
 MORPHINE METHOBROMIDE and other pentavalent nitrogen morphine
 derivatives, including in particular the morphine-N-oxide
 derivatives, one of which is Codeine-N-Oxide
 MORPHINE-N-OXIDE
 MPPP (1-methyl-4-phenyl-4-piperidinol propionate(ester))
 MYROPHINE (myristylbenzylmorphine)
 NICOCODINE (6-nicotinylcodeine or 6-(pyridine-3-carboxylic acid)-
 codeine ester)
 NICODICODINE (6-nicotinyl-dihydrocodeine)
 NICOMORPHINE (3,6-dinicotinylmorphine)
 NORACETAMPHADOL ((\pm)-alpha-3-acetoxy-6-methylamino-4,4-
 diphenylheptane)
 NORLEVORPHANOL ((-)-3-hydroxymorphinan)
 NORMETHADONE (6-dimethylamino-4,4-diphenyl-3-hexanone)
 NORCODEINE (N-demethylcodeine)

NORMORPHINE (demethylmorphine) or (N-demethylated morphine)
 NORPIPANONE (4,4-diphenyl-6-piperidino-3-hexanone)
 OPIUM (whether raw, prepared or medicinal) the opium poppy
 OXYCODONE (14-hydroxydihydrocodeinone)
 OXYMORPHONE (14-hydroxydihydromorphinone)
 PEPAP (1-phenethyl-4-phenyl-4-piperidinol acetate(ester)
 PETHIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
 PETHIDINE-INTERMEDIATE-A (4-cyano-1-methyl-4-phenylpiperidine)
 PETHIDINE-INTERMEDIATE-B (4-phenylpiperidine-4-carboxylic acid ethyl ester)
 PETHIDINE-INTERMEDIATE-C (1-methyl-4-phenylpiperidine-4-carboxylic acid)
 PHENADOXONE (6-morpholino-4,4-diphenyl-3-heptanone)
 PHENAMPROMIDE (N-(1-methyl-2-piperidinoethyl) propionanilide)
 PHENAZOCINE (2-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphan)
 PHENOMORPHAN (3-hydroxy-N-phenethylmorphinan)
 PHENOPERIDINE (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
 PHOLCODINE (morpholinylethylmorphine or beta-4-morpholinylethylmorphine)
 PIMINODINE (4-phenyl-1-(3-phenylaminopropyl)-piperidine-4-carboxylic acid ethyl ester)
 PIRITAMIDE POPPY-STRAW AND CONCENTRATE OF POPPY-STRAW
 (1-(3-cyano-3, 3-diphenylpropyl) - 4 - (1-piperidino) - piperidine-4-carboxylic acid amide)
 PROHEPTAZINE (1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane)
 PROPERIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)
 PROPIRAM
 RACEMETHORPHAN ((±)-3-methoxyn-N-methylmorphinan)
 RACEMORAMIDE ((±)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)-butyl]-morpholine)
 RACEMORPHAN ((±) -3-hydroxy-N-methylmorphinan)
 SUFENTAMIL (N-[4-(methoxymethyl)-1-[2-(2-thienyl)-ethyl]-4-piperidyl]-propionanilide)
 THEBACON (acetyldihydrocodeinone)
 THEBAINE
 TILIDINE ((±)-ethyl-trans-2-(dimethylamino)-1-phenyl-3-cyclohexene-1-carboxylate)
 TRIMEPERIDINE (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine); and

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 above not being dextromethorphan or dextrorphan.

3. Any ester or ether of a substance for the time being specified in paragraph 1 or 2 above.

4. Any salt of a substance for the time being specified in any of paragraphs 1 to 3 above.

5. Any preparation or other product containing a substance or product for the time being specified in any of paragraphs 1 to 4 above.

6. Any preparation designed for administration by injection which includes a substance or product for the time being specified in any of paragraphs 1 to 5 above.

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PART II

(Section 3)

LIST OF PSYCHOTROPIC SUBSTANCES UNDER CONTROL

1. The following substances and products, namely:

International Non-Proprietary Names (INN)	Other Non-Proprietary or Trivial Names	Chemical Name
BROLAMFETAMINE	DOB	(±)-4-bromo-2,5-dimethoxy- α -methylphenethylamine
CATHINONE		(-)-(S)-2-aminopropiophenone
	DET	3-[2-(diethylamino)ethyl]indole
	DMA	(±)-2,5-dimethoxy- α -methylphenethylamine
	DMHP	3-(1,2-dimethylheptyl)-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran-1-ol
	DMT	3-[2-(dimethylamino)ethyl]indole
	DOET	(±)-4-ethyl-2,5-dimethoxy- α -phenethylamine
(+)-LYSERGIDE	LSD, LSD-25	9,10-didehydro-N,N-diethyl-6-methylergoline-8 β -carboxamide
	mescaline	3,4,5-trimethoxyphenethylamine
	MDMA	(±)-N, α -dimethyl-3,4-(methylenedioxy)phenethylamine
	MMDA	2-methoxy- α -methyl-4,5-(methylenedioxy)phenethylamine
	parahexyl	3-hexyl-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran-1-ol

International Non-Proprietary Names (INN)	Other Non-Proprietary or Trivial Names	Chemical Name
ETICYCLIDINE	PCE	N-Ethyl-1-phenylcyclohexylamine
ROLICYCLIDINE	PHP, PCPY	1-(1-Phenylcyclohexyl)pyrrolidine
	PMA	p-methoxy- α -methylphenethylamine
	psilocine, psilotsin	3-[2-(dimethylamino)ethyl]indol-4-ol
PSILOCYBINE		3-[2-(dimethylamino)ethyl]indol-4-yl dihydrogen phosphate
	STP, DOM	2,5-dimethoxy- α ,4-dimethylphenethylamine
TENOCYCLIDINE	TCP	1-[1-(2-thienyl)cyclohexyl]piperidine
	THC, Tetrahydrocannabinol,	the following isomers and their stereochemical variants: 7,8,9,10-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol (9R,10aR)-8,9,10,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol (6aR,9R,10aR)-6a,9,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol (6aR,10aR)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol (6aR,10aR)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol 6a,7,8,9-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol (6aR,10aR)-6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-9-methylene-3-pentyl-6H-dibenzo[b,d]pyran-1-ol

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International Non-Proprietary Names (INN)	Other Non-Proprietary or Trivial Names	Chemical Name
	TMA	(±)-3,4,5-trimethoxy- α -methylphenethylamine
AMFETAMINE	amphetamine	(±)- α -methylphenethylamine
DEXAMFETAMINE	dexamphetamine	(+)- α -methylphenethylamine
FENETYLLINE		7-[2-[(α -methylphenethyl)amino]ethyl]theophylline
LEVAMFETAMINE	levamphetamine	(-)-(R)- α -methylphenethylamine
	levomethamphetamine	(-)-N, α -dimethylphenethylamine
MECLOQUALONE		3-(o-chlorophenyl)-2-methyl-4(3H)-quinazolinone
METAMFETAMINE	methamphetamine	(+)-(S)-N, α -dimethylphenethylamine
METAMFETAMINE RACEMATE	methamphetamine racemate	(±)-N, α -dimethylphenethylamine
METHAQUALONE		2-methyl-3-o-tolyl-4(3H)-quinazolinone
METHYLPHENIDATE		Methyl α -phenyl-2-piperidineacetate
PHENCYCLIDINE	PCP	1-(1-phenylcyclohexyl)piperidine
PHENMETRAZINE		3-methyl-2-phenylmorpholine
AMOBARBITAL		5-ethyl-5-isopentylbarbituric acid
BUPRENORPHINE		21-cyclopropyl-7- α [(S)-1-hydroxy-1,2,2-trimethylpropyl]-6,14-endo-ethano-6,7,8,14-tetrahydroorpavine
BUTALBITAL		5-allyl-5-isobutylbarbituric acid
CATHINE	(+)-norpseudoephedrine	(+)-(R)- α -[(R)-1-aminoethyl]benzyl alcohol
CYCLOBARBITAL	ephedrine	5-(1-cyclohexen-1-yl)-5-ethylbarbituric acid
GLUTETHIMIDE		2-ethyl-2-phenylglutaramide

International Non-Proprietary Names (INN)	Other Non-Proprietary or Trivial Names	Chemical Name
PENTAZOCINE		(2R,6R,11R)-1,2,3,4,5,6-hexahydro-6,11-dimethyl-3-(3-methyl-2-butenyl)-2,6-methano-3-benzazocin-8-ol
PENTOBARBITAL		5-ethyl-5-(1-methylbutyl)barbituric acid
SECOBARBITAL		5-allyl-5-(1-methylbutyl)barbituric acid
ALLOBARBITAL		5,5-diallylbarbituric acid
ALPRAZOLAM		8-chloro-1-methyl-6-phenyl-4H-s-triazolo[4,3- α][1,4]benzodiazepine
AMFEPRAMONE		2-(diethylamino)propio-phenone
BARBITAL		5,5-diethylbarbituric acid
BENZ FETAMINE	benzphetamine	N-benzyl-N, α - dimethylphenethylamine
BROMAZEPAM		7-bromo-1,3-dihydro-5-(2-pyridyl)-2H-1,4-benzodiazepin-2-one
BUTOBARBITAL		5-butyl-5-ethylbarbituric acid
CAMAZEPAM		7-chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one dimethylcarbamate (ester)
CHLORDIAZEPOXIDE		7-chloro-2-(methylamino)-5-phenyl-3H-1,4-benzodiazepine-4-oxide
CLOBAZAM		7-chloro-1-methyl-5-phenyl-1H-1,5-benzodiazepine-2,4(3H,5H)-dione
CLONAZEPAM		5-(o-chlorophenyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one
CLORAZEPATE		7-chloro-2,3-dihydro-2-oxo-5-phenyl-1H-1,4-benzodiazepine-3-carboxylic acid

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International Non-Proprietary Names (INN)	Other Non-Proprietary or Trivial Names	Chemical Name
CLOTIAZEPAM		5-(o-chlorophenyl)-7-ethyl-1,3-dihydro-1-methyl-2H-thieno[2,3-e]-1,4-diazepin-2-one
CLOXAZOLAM		10-chloro-11b-(o-chlorophenyl)-2,3,7,11b-tetrahydrooxazolo-[3,2-d][1,4]benzodiazepin-6(5H)-one
DELORAZEPAM		7-chloro-5-(o-chlorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one
DIAZEPAM		7-chloro-1,3-dihydro-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one
ESTAZOLAM		8-chloro-6-phenyl-4H-s-triazolo[4,3-a][1,4]benzodiazepine
ETHCHLORVYNOL		1-chloro-3-ethyl-1-penten-4-yn-3-ol
ETHINAMATE		1-ethynylcyclohexanol-carbamate
ETHYL LOFLAZEPATE		ethyl 7-chloro-5-(o-fluorophenyl)-2,3-dihydro-2-oxo-1H-1,4-benzodiazepine-3-carboxylate
ETILAMFETAMINE	N-ethylampheta- mine	N-ethyl- α -methylphenethyl- amine
FENCAMFAMIN		N-ethyl-3-phenyl-2-norbornanamine
FENPROPorex		(\pm)-3-[(α -methylphenethyl)amino]propionitrile
FLUDIAZEPAM		7-chloro-5-(o-fluorophenyl)-1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one
FLUNITRAZEPAM		5-(o-fluorophenyl)-1,3-dihydro-1-methyl-7-nitro-2H-1,4-benzodiazepin-2-one
FLURAZEPAM		7-chloro-1-[2-(diethylamino)ethyl]-5-(o-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one

International Non-Proprietary Names (INN)	Other Non-Proprietary or Trivial Names	Chemical Name
HALAZEPAM		7-chloro-1,3-dihydro-5-phenyl-1-(2,2,2-trifluoroethyl)-2H-1,4-benzodiazepin-2-one
HALOXAZOLAM		10-bromo-11b-(o-fluorophenyl)-2,3,7,11b-tetrahydrooxazolo[3,2-d][1,4]-benzodiazepin-6(5H)-one
KETAZOLAM		11-chloro-8,12b-dihydro-2,8-dimethyl-12b-phenyl-4H-[1,3]oxazino[3,2-d][1,4]-benzodiazepine-4,7(6H)-dione
LEFETAMINE	SPA	(-)-N,N-dimethyl-1,2-diphenylethylamine
LOPRAZOLAM		6-(o-chlorophenyl)-2,4-dihydro-2-[(4-methyl-1-piperazinyl)methylene]-8-nitro-1H-imidazo[1,2-a][1,4]benzodiazepin-1-one
LORAZEPAM		7-chloro-5-(o-chlorophenyl)-1,3-dihydro-3-hydroxy-2H-1,4-benzodiazepin-2-one
LORMETAZEPAM		7-chloro-5-(o-chlorophenyl)-1,3-dihydro-3-hydroxy-1-methyl-2H-1,4-benzodiazepin-2-one
MAZINDOL		5-(p-chlorophenyl)-2,5-dihydro-3H-imidazo[2,1- α]isoindol-5-ol
MEDAZEPAM		7-chloro-2,3-dihydro-1-methyl-5-phenyl-1H-1,4-benzodiazepine
MEFENOREX		N-(3-chloropropyl)- α -methylphenethylamine
MEPROBAMATE		2-methyl-2-propyl-1,3-propanediol dicarbamate
METHYLPHENOBARBITAL		5-ethyl-1-methyl-5-phenylbarbituric acid
METHYPRYLON		3,3-diethyl-5-methyl-2,4-piperidine-dione

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International Non-Proprietary Names (INN)	Other Non-Proprietary or Trivial Names	Chemical Name
NIMETAZEPAM		1,3-dihydro-1-methyl-7-nitro-5-phenyl-2H-1,4-benzodiazepin-2-one
NITRAZEPAM		1,3-dihydro-7-nitro-5-phenyl-2H-1,4-benzodiazepin-2-one
NORDAZEPAM		7-chloro-1,3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one
OXAZEPAM		7-chloro-1,3-dihydro-3-hydroxy-5-phenyl-2H-1,4-benzodiazepin-2-one
OXAZOLAM		10-chloro-2,3,7,11b-tetrahydro-2-methyl-11b-phenylloxazolo[3,2-d][1,4] benzodiazepin-6(5H)-one
PEMOLINE		2-amino-5-phenyl-2-oxazolin-4-one (=2-imino-5-phenyl-4-oxazolidinone)
PHENDIMETRAZINE		(+)-(2S,3S)-3,4-dimethyl-2-phenylmorpholine
PHENOBARBITAL		5-ethyl-5-phenyl-barbituric acid
PHENTERMINE		α,α -dimethyl-phenethylamine
PINAZEPAM		7-chloro-1,3-dihydro-5-phenyl-1-(2-propynyl)-2H-1,4-benzodiazepin-2-one
PIPRADROL		α,α -diphenyl-2-piperidinemethanol
PRAZEPAM		7-chloro-1-(cyclopropylmethyl)-1,3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one
PROPYLHEXEDRINE		N, α -dimethylcyclohexaneethylamine
PYROVALERONE		4-methyl-2-(1-pyrrolidinyl)valerophenone
SECIBUTABARBITAL		5-sec-butyl-5-ethylbarbituric acid

International Non-Proprietary Names (INN)	Other Non-Proprietary or Trivial Names	Chemical Name
TEMAZEPAM		7-chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one
TETRAZEPAM		7-chloro-5-(1-cyclohexen-1-yl)-1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one
TRIAZOLAM		8-chloro-6-(o-chlorophenyl)-1-methyl-4H-s-triazolo[4,3- α] [1,4] benzodiazepine
VINYLBITAL		5-(1-methylbutyl)-5-vinylbarbituric acid

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 of this Part.

3. Any salt of a substance for the time being specified in paragraphs 1 or 2 of this Part.

4. Any preparation or other product containing a substance for the time being specified in any of paragraphs 1 to 3 of this Part.

PART III

(Section 3)

LIST OF SUBSTANCES UNDER CONTROL

- The following substances and products, namely:

Table I

Ephedrine
Ergometrine
Ergotamine
Lysergic acid
1-phenyl-2-propanone
Pseudoephedrine

Table II

Acetic anhydride
Acetone
Anthranilic acid
Ethyl ether
Phenylacetic acid
Piperidine

- The salts of the substances listed in either Table specified in paragraph 1 of this Schedule whenever the existence of such salts is possible.

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PART IV

(Section 3)

MEANING OF CERTAIN EXPRESSIONS USED IN THIS
SCHEDULE

For the purposes of this Schedule the following expressions have the meanings hereby assigned to them respectively, that is to say,

"cannabinol derivatives" means the following substances, except where contained in cannabis or cannabis resin, namely tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives;

"concentrate of poppy-straw" means the material produced when poppy-straw has entered into a process for the concentration of its alkaloids;

"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 Pharmacoposia, 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 substances;

"opium poppy" means the plant of the species *Papaver somniferum* L;

"poppy-straw" means all parts, except the seeds, of the opium poppy, after mowing;

"raw opium" includes powdered or granulated opium but does not include medicinal opium.

SECOND SCHEDULE

(Sections 2, 6(4) and 18)

Trafficable Quantities of Specified
Controlled Drugs

Controlled Drug	Trafficable Quantity
Cannabis or Cannabis resin	- fifteen grammes
Cocaine	- one gramme
Heroin (diacetylmorphine)	- two grammes
Opium	- fifty-five grammes
Morphine	- three grammes
THC (tetrahydrocannabinol)	- one gramme

THIRD SCHEDULE

(Section 29)

TRIBUNALS

1. A tribunal shall consist of three persons of whom
 - (a) one shall be an attorney-at-law of at least 10 years standing appointed by the Minister, after consultation with the Chief Justice, to be Chairman of the tribunal;
 - (b) wherever practicable, two shall be persons engaged in the same profession as the respondent appointed by the Minister and where the respondent is a member of a professional association in Barbados the Minister shall before making any appointment under this paragraph consult with that association.
2. At any meeting a tribunal shall not be properly constituted unless all members are present.
3. Proceedings before a tribunal shall be held in private unless the respondent requests otherwise and the tribunal accedes to that request.
4. The Judicial Advisory Council may make rules as to the procedure to be followed, and the rules of evidence to be observed, in proceedings before a tribunal, and in particular

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- (a) for securing that notice that the proceedings are to be brought shall be given to the respondent at such time and in such manner as may be specified in the rules;
- (b) for determining who, in addition to the respondent shall be a party to the proceedings;
- (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the tribunal;
- (d) for enabling any party to the proceedings to be represented by an attorney-at-law.

5. For the purpose of any proceedings before a tribunal the tribunal may administer oaths and any party to the proceedings may sue out writs of subpoena ad testificandum and duces tecum, but no person shall be compelled under any such writ to give any evidence or produce any document which he could not be compelled to give or produce on the trial of an action.

6. Subject to the foregoing provisions of this Schedule a tribunal may regulate its own procedure.

7. The validity of the proceedings of a tribunal shall not be affected by any defect in the appointment of a member of the tribunal or by reason of the fact that a person not entitled to do so took part in the proceedings.

8. The Minister shall by order published in the Gazette determine the fees which shall be paid to members of a tribunal appointed in accordance with this Act.

9. The Minister shall make available to a tribunal such accommodation, the services of such officers and such other facilities as he considers appropriate for the purpose of enabling the tribunal to perform its function.

FOURTH SCHEDULE

(Section 37)

Section Creating Offence	General Nature of Offence	Mode of Prosecution	<u>Punishment</u>
Section 4(3)	Importation or exportation of a controlled drug contrary to section 4(1)	(a) Summary ...	A fine of \$250,000 or imprisonment for 5 years, or both
		(b) On indictment	A fine of \$500,000 or imprisonment for 20 years, or both
Section 5(2)	Production or being concerned in production of a controlled drug contrary to section 5(1)	(a) Summary ...	A fine of \$250,000 or imprisonment for 5 years, or both
		(b) On indictment	A fine of \$500,000 or imprisonment for 20 years, or both
Section 5(3)	Supplying or offering to supply a con- trolled drug to another or being concerned in the doing of either activity by another	(a) Summary ...	A fine of \$250,000 or imprisonment for 5 years, or both
		(b) On indictment	A fine of \$500,000 or imprisonment for 20 years, or both
Section 6(2)	Having possess- ion of a controlled drug	(a) Summary ...	A fine of \$250,000 or imprisonment for 5 years, or both
		(b) On indictment	A fine of \$500,000 or imprisonment for 20 years, or both

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Section Creating Offence	General Nature of Offence	Mode of Prosecution	<u>Punishment</u>
Section 6(3)	Having possession of a controlled drug with intent to supply it to another	(a) Summary ...	A fine of \$250,000 or imprisonment for 5 years, or both
		(b) On indictment	A fine of \$500,000 or imprisonment for 20 years, or both
Section 7(1)	Handling a controlled drug	(a) Summary ...	A fine of \$250,000 or imprisonment for 5 years, or both
		(b) On indictment	A fine of \$500,000 or imprisonment for 20 years, or both
Section 8(2)	Misusing a controlled drug	(a) Summary ...	A fine of \$100,000 or imprisonment for 2 years, or both
		(b) On indictment	A fine of \$250,000 or imprisonment for 5 years, or both
Section 9(2)	Having possession of any pipe, equipment or apparatus intended for use in connection with misuse of a controlled drug	(a) Summary ...	A fine of \$100,000 or imprisonment for 2 years, or both
		(b) On indictment	A fine of \$250,000 or imprisonment for 5 years, or both
Section 10(2)	Doing an act preparatory to the commission of an offence under section 4(3) or section 5(3)	(a) Summary ...	A fine of \$250,000 or imprisonment for 5 years, or both
		(b) On indictment	A fine of \$500,000 or imprisonment for 20 years, or both

Section Creating Offence	General Nature of Offence	Mode of Prosecution	<u>Punishment</u>
Section 11(2)	Cultivation of cannabis plant, coca plant or opium poppy	(a) Summary ...	A fine of \$250,000 or imprisonment for 5 years, or both
		(b) On indictment	A fine of \$500,000 or imprisonment for 20 years, or both
Section 13(1)	Being the occupier or concerned in the manage- ment of premises and permitting or suffering certain illegal activities to take place there	(a) Summary ...	A fine of \$250,000 or imprisonment for 5 years, or both
		(b) On indictment	A fine of \$500,000 or imprisonment for 20 years, or both
Section 14(6)	Bringing con- trolled drugs into Barbados intransit contrary to section 14(1)	(a) Summary ...	A fine of \$250,000 or imprisonment for 5 years or both
		(b) On indictment	A fine of \$500,000 or imprisonment for 20 years, or both
Section 15(5)	Removing controlled drugs from conveyance by which it is brought into Barbados in transit etc. without licence contrary to section 15(1) (a) or moving controlled drugs etc., contrary to section 15(1) (b)	(a) Summary ... (b) On indictment	A fine of \$250,000 or imprisonment for 5 years or both A fine of \$500,000 or imprisonment for 20 years or both

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Section Creating Offence	General Nature of Offence	Mode of Prosecution	<u>Punishment</u>
Section 16	Tampering with controlled drugs in transit	(a) Summary ...	A fine of \$250,000 or imprisonment for 5 years or both
		(b) On indictment	A fine of \$500,000 or imprisonment for 5 years or both
Section 17(6)	Diversion of controlled drugs etc. without certificate contrary to section 17(1)	(a) Summary ...	A fine of \$250,000 or imprisonment for 5 years or both
		(b) On indictment	A fine of \$500,000 or imprisonment for 5 years or both
Section 18(4)	Trafficking in a controlled drug; offering to traffic in a controlled drug or doing or offering to do an act pre- paratory to or for the purpose of trafficking in a controlled drug contrary to section 18 (2)	(a) Summary ...	A fine of \$250,000 or where there is evidence of the street value of the controlled drug three times the street value of the controlled drug, whichever is greater; and to imprisonment for 7 years
		(b) On indictment	Imprisonment for life
Section 19(1)	Assisting another to retain the benefit of drug traf- ficking	On indictment	A fine of \$200,000 or imprisonment for 20 years, or both, if the offender is a natural person or a fine of \$600,000 if the offender is a body corporate

Section Creating Offence	General Nature of Offence	Mode of Prosecution	<u>Punishment</u>
Section 20(3)	Supplying, offering to supply or doing or offering to do an act preparatory to the supply of a substance represented or held out to be a controlled drug but which is not a con- trolled drug	(a) Summary ...	A fine of \$250,000 or imprisonment for 5 years, or both
		(b) On indictment	A fine of \$500,000 or imprisonment for 20 years, or both
Section 21(2)	Having possession of a controlled drug in or within a radius of one hundred yards of school premises	(a) Summary ...	A fine of \$250,000 and imprisonment for 7 years
		(b) On indictment	Imprisonment for life
Section 21(3)	Having possession of a controlled drug in or within a radius of one hundred yards of school premises with intent to supply it to another	(a) Summary ...	A fine of \$250,000 and imprisonment for 7 years
		(b) On indictment	Imprisonment for life

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Section Creating Offence	General Nature of Offence	Mode of Prosecution	<u>Punishment</u>
Section 22(2)	Employing, hiring etc of children or young persons to violate any provision of this Act or to assist in avoiding detection or apprehension for offences under Act or receiving a controlled drug from a child or young person in con- travention of the Act	(a) Summary ... (b) On indictment	A fine of \$250,000 and imprisonment for 7 years Imprisonment for life
Section 23	Supplying a controlled drug to a child or young person employed, or hired to violate any provision of this Act	(a) Summary ... (b) On indictment	A fine of \$250,000 and imprisonment for 7 years Imprisonment for life
Section 25(2)	Contravention of directions relating to safe custody of controlled drugs	(a) Summary ... (b) On indictment	A fine of \$100,000 or imprisonment for 2 years, or both A fine of \$250,000 or imprisonment for 5 years, or both
Section 26(6)	Contravention of directions prohibiting practitioner etc from prescribing, supplying etc specified con- trolled drugs	(a) Summary ... (b) On indictment	A fine of \$100,000 or imprisonment for 2 years, or both A fine of \$250,000 or imprisonment for 5 years, or both

Section Creating Offence	General Nature of Offence	Mode of Prosecution	<u>Punishment</u>
Section 27(3)	Contravention of directions prohibiting a practitioner etc from prescribing, supplying etc specified controlled drugs	(a) Summary ...	A fine of \$100,000 or imprisonment for 2 years, or both
		(b) On indictment	A fine of \$250,000 or imprisonment for 5 years, or both
Section 30(3)	Failure to comply with notice requiring information relating to prescribing, supply etc of controlled drugs	Summary	A fine of \$1,000
Section 30(4)	Giving false information in purported compliance with notice requiring information relating to prescribing, supply etc of controlled drugs	(a) Summary ...	A fine of \$3,000 or imprisonment for 6 months, or both
		(b) On indictment	A fine of \$10,000 or imprisonment for 2 years, or both
Section 31(1)	Contravention of regulations (other than regulations relating to addicts)	(a) Summary ...	A fine of \$3,000 or imprisonment for 6 months, or both
		(b) On indictment	A fine of \$10,000 or imprisonment for 2 years, or both
Section 31(2)	Contravention of terms of licence or other authority (other than licence issued under regulations relating to addicts)	(a) Summary ...	A fine of \$3,000 or imprisonment for 6 months, or both
		(b) On indictment	A fine of \$10,000 or imprisonment for 2 years, or both

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Section Creating Offence	General Nature of Offence	Mode of Prosecution	<u>Punishment</u>
Section 31(3)	Giving false information in purported compliance with obligation to give information imposed under or by virtue of regulations	(a) Summary ...	A fine of \$3,000 or imprisonment for 6 months, or both
		(b) On indictment	A fine of \$10,000 or imprisonment for 2 years, or both
Section 31(4)	Giving false information or producing document etc containing false statement etc for purposes of obtaining issue or renewal of a licence or other authority	(a) Summary ...	A fine of \$3,000 or imprisonment for 6 months, or both
		(b) On indictment	A fine of \$10,000 or imprisonment for 2 years, or both
Section 32	Assisting in or inducing commission outside Barbados of an offence punishable under a corresponding law	(a) Summary ...	A fine of \$250,000 or imprisonment for 5 years, or both
		(b) On indictment	A fine of \$500,000 or imprisonment for 20 years, or both
Section 35(3)	Obstructing exercise of powers of search etc or	(a) Summary ...	A fine of \$3,000 or imprisonment for 6 months, or both
	Concealing books etc	(b) On indictment	A fine of \$10,000 or imprisonment for 2 years, or both

FIFTH SCHEDULE

(Sections 2, 14, 15, 17)

1. The International Opium Convention [ie The Hague Convention] signed at the Hague on 23 January, 1912.
2. The International Opium Convention [ie The Geneva Convention (No.1)] signed at Geneva on 19 February, 1925.
3. The International Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs [ie The Geneva Convention (No.2)] signed at Geneva on 13 July, 1931.
4. The Protocol on Narcotic Drugs signed at Lake Success, New York, on 11 December, 1946.
5. The Single Convention on Narcotic Drugs signed at New York on 30 March, 1961.
6. The Convention on Psychotropic Substances signed at Vienna on 21st February, 1971.
7. The Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances signed at Vienna on 16 December 1988.

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