



ST HELENA

REVISED EDITION OF THE LAWS, 2017

CRIME AND CRIMINAL PROCEDURE

DRUGS (PREVENTION OF MISUSE) ORDINANCE, 2003¹

Ordinance 11 of 2003

In force 1 April 2004

Amended by Ordinances 8 of 2007, 1 of 2008, 9 of 2012, 14 of 2017

Subsidiary legislation:

**DRUGS (AUTHORISATION OF CULTIVATION AND POSSESSION)
REGULATIONS, 2009**

Legal Notice 2 of 2009

DRUGS (PREVENTION OF MISUSE) ORDINANCE, 2003

ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY

1. Short title and commencement
2. Interpretation
3. Meaning of “corresponding law”
4. Controlled drugs and their classification

PART II
RESTRICTIONS RELATING TO CONTROLLED DRUGS

5. Restriction on importation and exportation of controlled drugs
6. Penalties for offences under section 5
7. Restriction of production and supply of controlled drugs
8. Restriction of possession of controlled drugs
9. Restriction of cultivation of plant of the genus cannabis
10. Authorisation of activities otherwise unlawful

PART III

¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

MISCELLANEOUS OFFENCES INVOLVING CONTROLLED DRUGS, Etc.

11. Occupiers of premises to be liable for certain activities on the premises
12. Prohibition of certain activities relating to opium
13. Prohibition of supply, etc. of articles for administering or preparing controlled drugs
14. Special offence as to possession of controlled drugs in certain circumstances

PART IV

PREVENTING THE MISUSE OF CONTROLLED DRUGS

15. Power to make regulations for preventing misuse of controlled drugs
16. Power to direct special precautions for safe custody of controlled drugs
17. Prohibiting supply of controlled drugs by practitioners, etc. convicted of certain offences
18. Prohibiting prescribing of controlled drugs by practitioners, etc. in other cases
19. Power to obtain information from doctors, etc. in certain circumstances

PART V

MISCELLANEOUS OFFENCES AND POWERS

20. Miscellaneous offences
21. Attempts and incitement
22. Offences relating to the doing of things outside of St Helena
23. Offences by corporations

PART VI

LAW ENFORCEMENT AND PUNISHMENT OF OFFENCES

24. Powers to search and obtain evidence
25. Power of arrest
26. Powers of naval officer
27. Report of loss or theft of controlled drug
28. Prosecution and punishment of offences
29. Forfeiture
30. Removal orders

PART VII

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

31. Appointment of analysts
32. Certificate of analyst admissible in evidence
33. Proof of lack of knowledge, etc. to be a defence in proceedings for certain offences
34. Service of documents
35. Licences and authorities
36. General provisions as to regulations
37. Advisory Council
38. Repeal

Schedule 1: Controlled Drugs

Schedule 2: *Omitted*

Schedule 3: Constitution, etc. of Advisory Council on the Misuse of Drugs

AN ORDINANCE to make provision for prevention of the misuse of controlled drugs.

PART I PRELIMINARY

Short title and commencement

1. This Ordinance may be cited as the Drugs (Prevention of Misuse) Ordinance, 2003, and comes into force on a day the Governor appoints by notice in the *Gazette*.

Interpretation

2. (1) In this Ordinance, except where the context otherwise requires—

“**Advisory Council**” means the Advisory Council on the Misuse of Drugs established under section 37;

“**alien**” means a person other than a person who has St Helenian status under the Immigration Ordinance, 2011;

“**analyst**” means a person appointed as such by the Governor under section 31 for the purposes of this Ordinance;

“**cannabis**” (except in the expression “cannabis resin”) includes any plant of the genus cannabis and any part of any such plant (by whatever name called) except that it does not include cannabis resin;

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

“**chemist and druggist**” means a person licensed as a chemist and druggist under the Pharmacy and Poisons Ordinance, 1937;

“**class A, class B or class C**” in relation to a controlled drug refers to the classification set out in Schedule 1;

“**contravention**” includes failure to comply and “**contravene**” has a corresponding meaning;

“**controlled drug**” has the meaning assigned to it by section 4;

“**corresponding law**” has the meaning assigned to it by section 3;

“**court**”, except where a particular court is specified, means the Supreme Court or Magistrates’ Court exercising jurisdiction in the first instance in a matter to which this Ordinance applies;

“**dentist**” means a person qualified to practise dentistry under the Dentists Ordinance, 1955;

“**doctor**” means a person qualified to practise medicine under the Medical Practitioners Ordinance, 1910;

“**practitioner**” (except in the expression “veterinary practitioner”) means a doctor, dentist or veterinary practitioner;

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

“**prescribed**” means prescribed by subsidiary legislation made under this Ordinance;

“**produce**”, where the reference is to producing a controlled drug, means producing it by manufacture, cultivation or any other method;

“**production**” has a corresponding meaning;

“**supplying**” includes distributing;

“**vessel**” means any thing or device capable of being used for the conveyance of goods or persons on water from one place to another and includes a hovercraft and any vessel being towed or carried by another vessel;

“veterinary practitioner” means any person in St Helena holding a qualification entitling the person to practise as a veterinary surgeon in the United Kingdom or in any part of the Commonwealth, or any person who within St Helena is lawfully engaged in the practice and profession of veterinary surgery.

(2) References in this Ordinance to misusing a drug are references to misusing it by taking it, and a reference to the taking of a drug is a reference to the taking of it by a human being by way of any form of self-administration, whether involving assistance by another or not.

- (3) For the purposes of this Ordinance –
- (a) the things which a person has in the person’s possession include anything subject to the person’s control which is in the custody of another person; and
 - (b) if any of 2 or more persons, with the knowledge and consent of the other persons, has anything in his or her custody or possession, it is deemed to be in the possession of each and all of them.

Meaning of “corresponding law”

3. (1) In this Ordinance, the expression **“corresponding law”** means –
- (a) a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside St Helena 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 the Single Convention on Narcotic Drugs signed at New York on 30th March, 1961; or
 - (b) a law providing for the control and regulation in that country of ~~the~~ dangerous or otherwise harmful drugs pursuant to any treaty, convention or other agreement or arrangement to which the government of that country and the Government of St Helena are for the time being parties or to which the Government of the United Kingdom has acceded on behalf of St Helena.

(2) A statement in any certificate mentioned in subsection (1)(a) as to the effect of the law mentioned in the certificate or statement in any such certificate that any facts constitute an offence against that law is conclusive evidence of the matters stated.

Controlled drugs and their classification

4. (1) In this Ordinance—
- (a) the expression “controlled drug” means any substance or product specified in Part 1, 2 or 3 of Schedule 1;
 - (b) the expressions “Class A drug”, “Class B drug” and “Class C drug” mean any of the substances and products for the time being specified respectively in Part 1, 2 or 3 of that Schedule; and
 - (c) the provisions of Part 4 of that Schedule have effect with respect to the meanings of expressions used in that Schedule.

(2) The Governor in Council may by order make any amendment to Schedule 1 that is requisite for the purposes of adding any substance or product to, or removing any substance or product from, any of Parts 1 to 3 of the Schedule, including an amendment for securing that no substance or product is for the time being specified in a particular one of

those Parts or for inserting any substance or product into any one of those Parts in which no substance or product is for the time being specified.

(3) An order under this section may amend Part 4 of Schedule 1 and may do so whether or not it amends any other Part of that Schedule.

(4) If an Advisory Council has been established under this Ordinance, the Governor in Council must not make an Order under this section except after consultation with or on the recommendation of the Council.

(5) *Omitted*

PART II RESTRICTIONS RELATING TO CONTROLLED DRUGS

Restriction on importation and exportation of controlled drugs

5. (1) Subject to subsection (2), the importation or exportation of a controlled drug is prohibited.

(2) Subsection (1) does not apply to—

- (a) the importation or exportation of a controlled drug which is exempted from subsection (1) by regulations made under section 10; or
- (b) the importation or exportation of a controlled drug under and in accordance with the terms of a licence issued by the Governor and in compliance with any conditions attached to the licence.

(3) A person who imports or exports any controlled drug contrary to subsection (1) commits an offence.

Penalty: As provided in section 6.

(4) The Customs and Excise Ordinance, 1999, other than the provisions prescribing the penalties for importation or exportation, apply in relation to the importation and exportation of controlled drugs prohibited by subsection (1) as if the import and export of such drugs were prohibited, either absolutely or subject to conditions, under that Ordinance.

Penalties for offences under section 5

6. The maximum penalties on conviction of a person for an offence under section 5 are—

- (a) if the controlled drug in respect of which the offence was committed was a Class A or a Class B drug:
 - (i) on summary conviction - a fine of £10,000 or imprisonment for 2 years, or both;
 - (ii) on conviction on indictment – an unlimited fine or imprisonment for 10 years, or both;
- (b) if the controlled drug constituting the goods in respect of which the offence was committed was a Class C drug:
 - (i) on summary conviction - a fine of £5,000 or imprisonment for 2 years, or both;

- (ii) on conviction on indictment - an unlimited fine or imprisonment for 5 years, or both.

Restriction on production and supply of controlled drugs

7. (1) Subject to any regulations made under section 10, it is unlawful for a person to—

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

(2) Subject to section 33, it is an offence for a person to—

- (a) produce a controlled drug in contravention of subsection (1); or
(b) be concerned in the production by another of such a drug in contravention of that subsection.

Penalty: (a) In the case of a class A drug – a fine, or imprisonment for life, or both;
(b) In the case of a class B drug – a fine, or imprisonment for 14 years, or both;
(c) In the case of a class C drug – a fine, or imprisonment for 5 years, or both.

(3) Subject to section 33, it is an offence for a person to—

- (a) supply or offer to supply a controlled drug to another in contravention of subsection (1);
(b) be concerned in the supplying of such a drug to another in contravention of that subsection; or
(c) be concerned in the making to another, in contravention of that subsection, of an offer to supply such a drug.

Penalty: (a) In the case of a class A drug – a fine, or imprisonment for life, or both;
(b) In the case of a class B drug – a fine, or imprisonment for 14 years, or both;
(c) In the case of a class C drug – a fine, or imprisonment for 5 years, or both.

Restriction of possession of controlled drugs

8. (1) Subject to any regulations made under section 10, it is unlawful for a person to have a controlled drug in the person's possession.

(2) Subject to subsection (4) and section 33, a person who has a controlled drug in the person's possession in contravention of subsection (1) commits an offence.

Penalty: (a) In the case of a class A drug – a fine, or imprisonment for 10 years, or both;
(b) In the case of a class B drug – a fine, or imprisonment for 7 years, or both;
(c) In the case of a class C drug – a fine, or imprisonment for 5 years, or both.

(3) Subject to section 33, a person who has a controlled drug in the person's possession, whether lawfully or not, with intent to supply it to another person in contravention of section 7 commits an offence.

Penalty: (a) In the case of a class A drug – a fine, or imprisonment for life, or both;
(b) In the case of a class B drug – a fine, or imprisonment for 14 years, or both;
(c) In the case of a class C drug – a fine, or imprisonment for 5 years, or both.

(4) In any proceedings for an offence under subsection (2) in which it is proved that the person charged had a controlled drug in the person's possession, it is a defence for the person to prove that, knowing or suspecting it to be a controlled drug, the person —

- (a) took possession of it for the purpose of preventing another person from committing or continuing to commit an offence in connection with that drug and, as soon as possible after taking possession of it, took all such steps as were reasonably open to the person to destroy the drug or to deliver it into the custody of a police officer; or
- (b) took possession of it for the purpose of delivering it into the custody of a police officer.

(5) Subsection (4) applies in the case of proceedings for an offence under section 21 consisting of an attempt to commit an offence under subsection (2) of this section as it applies in the case of proceedings for an offence under that subsection (2), subject to the following modifications—

- (a) for the references to the person charged having in the person's possession and taking possession of a controlled drug there are to be substituted respectively references to the person's attempting to get and attempting to take possession of such drug; and
- (b) in paragraphs (a) and (b), the words from "and that, as soon as possible" to the end are to be omitted.

(6) Nothing in subsection (4) or (5) affects any defence that it is open to a person charged with an offence against this section to raise apart from that subsection.

Restriction on cultivation of plant of the genus cannabis

9. (1) Subject to any regulations made under section 10, it is unlawful for a person to cultivate any plant of the genus cannabis.

(2) Subject to section 33, a person who cultivates any plant in contravention of subsection (1) commits an offence.
Penalty: A fine, or imprisonment for 14 years.

(3) If any plant of the genus cannabis is found growing on any property, the owner, lessee, tenant or other person having actual control of the property commits an offence under subsection (2).

(4) It is a defence to a charge under subsection (3) for the person to show that the person—

- (a) neither—
 - (i) knew or suspected; nor
 - (ii) had reason to know or suspect, that such plant was growing on the property; or
- (b) had taken all reasonable steps to prevent cultivation or growth of such plant on the property.

Authorisation of activities otherwise unlawful

10. (1) The Governor in Council may by regulations—

- (a) exempt from section 7(1), 8(1) or 9(1) any controlled drugs specified in the regulations; and
- (b) make any other provisions the Governor in Council thinks fit for the purpose of

making it lawful for a person to do anything which would otherwise be unlawful under any of those sections.

(2) Without limiting subsection (1)(b), regulations made under that subsection may provide for the doing of anything—

- (a) if it is done under and in accordance with the terms of a licence or another authority issued by the Governor in Council and in compliance with any conditions attached to the licence; or
- (b) if it is done in compliance with prescribed conditions.

(3) Subject to subsection (4), the Governor in Council must exercise the power to make regulations under subsection (1) so as to secure that it is not unlawful under—

- (a) section 7(1) - for a practitioner, acting in his or her capacity as such, to prescribe, administer, manufacture, compound or supply a controlled drug, or for a chemist and druggist or person lawfully conducting a retail chemist and druggist business acting in either case in his or her capacity as such, to manufacture, compound or supply a controlled drug; and
- (b) section 8(1) - for a practitioner, chemist and druggist or person lawfully conducting a retail chemist and druggist business, to have a controlled drug in his or her possession for the purpose of acting in his or her capacity as such.

(4) If, in the case of any controlled drug, the Governor in Council 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 the purposes of research or other special purposes;
- (b) for it to be unlawful for practitioners, chemists and druggists 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 Governor in Council,

the Governor in Council may by order designate that drug as a drug to which this subsection applies and, while there is in force such an order, subsection (3) does not apply as regards that drug.

(5) References in this section to a person “doing” things include references to the person having things in the person’s possession.

(6) *Omitted*

PART III

MISCELLANEOUS OFFENCES INVOLVING CONTROLLED DRUGS, Etc.

Occupiers of premises to be liable for certain activities on the premises

11. It is an offence for a person who is the owner or occupier of any premises, or who is concerned in the management of any premises, knowingly to permit or suffer any of the following activities to take place on those premises —

- (a) producing or attempting to produce a controlled drug in contravention of section 7(1);
- (b) supplying or attempting to supply a controlled drug to another in contravention of section 7(1), or offering to supply a controlled drug to another in contravention of that section;

- (c) preparing opium for smoking;
- (d) smoking cannabis, cannabis resin or prepared opium.

Penalty: (a) In the case of a class A drug – a fine, or imprisonment for life, or both;
 (b) In the case of a class B drug – a fine, or imprisonment for 14 years, or both;
 (c) In the case of a class C drug – a fine, or imprisonment for 5 years, or both.

Prohibition of certain activities relating to opium

12. (1) Subject to section 33 and to section 8(4) and (5) as applied by subsection (2), it is an offence for a person to—

- (a) smoke or otherwise use prepared opium;
- (b) frequent a place used for the purpose of opium smoking; or
- (c) have in the person’s possession—
 - (i) any pipes or other utensils for use in connection with the smoking of opium, or
 - (ii) any utensils used in connection with the preparation of opium for smoking.

Penalty: A fine, or imprisonment for 14 years.

(2) Section 8(4) and (5) apply in relation to an offence under paragraph (1)(c) as they apply in relation to an offence under section 8(2) subject to the modification that for any reference to a controlled drug there is substituted a reference to a pipe or other utensil such as is mentioned in paragraph (1)(c).

(3) Nothing in section 8(4) or (5) as modified by subsection (2) affects any defence which, but for that subsection, is open to a person charged with an offence against this section apart from that subsection.

Prohibition of supply, etc. of articles for administering or preparing controlled drugs

13. (1) It is an offence for a person to supply or offer to supply any article which may be used or adapted to be used (whether by itself or in combination with another article or other articles) in the administration by any person of a controlled drug to that person or another, if P believes that the article (or the article as adapted) is to be so used in circumstances where the administration is unlawful.

Penalty: A fine, or imprisonment for 14 years.

(2) It is not an offence under subsection (1) to supply or offer to supply a hypodermic syringe, or any part of one.

(3) It is an offence for a person to supply or offer to supply any article which may be used to prepare a controlled drug for administration by any person to himself or herself or another, believing that the article is to be used in circumstances where the administration is unlawful.

Penalty: A fine, or imprisonment for 14 years.

(4) For the purposes of this section, any administration of a controlled drug is unlawful except the administration by any person of a controlled drug —

- (a) to another in circumstances where the administration of the drug is not unlawful under section 7; or
- (b) to himself or herself in circumstances where having the controlled drug in his or

her possession is not unlawful under section 8(1).

(5) In this section, a reference to administration by any person of a controlled drug to himself or herself includes a reference to the person administering it to himself or herself with the assistance of another.

Special offence as to possession of controlled drugs in certain circumstances

14. (1) Without affecting liability for the commission of an offence under this Ordinance or any other law, a person who has in the person's possession any controlled drug with intent to sell or transfer it to another person in contravention of this Ordinance, or for the purpose of the commission of any other offence, commits an offence.

Penalty: (a) In the case of a class A drug – a fine, or imprisonment for life, or both;

(b) In the case of a class B drug – a fine, or imprisonment for 14 years, or both;

(c) In the case of a class C drug – a fine, or imprisonment for 5 years, or both.

(2) For the purposes of subsection (1), if any controlled drug is found in any vessel, aircraft or vehicle within St Helena or its territorial waters—

(a) the vessel, aircraft or vehicle may be seized by a customs officer or a police officer; and

(b) the master or any person in control of the vessel, aircraft or vehicle, as the case may be commits an offence, subject to subsection (2A).

(2A) It is a defence to a charge under subsection (2)(b) for the master or other person to show that the controlled drug was in the vessel, aircraft or vehicle without the person's consent, knowledge or connivance and that the person exercised all due diligence to prevent the commission of the offence.

(3) Subsection (2)(b) does not apply if the master or other person proves to the satisfaction of the court that the controlled drug is cargo properly manifested to consignees in St Helena or elsewhere, or are *bona fide* stores on any vessel or aircraft in the custody of the proper officer authorised for the purpose.

(4) Subsection (2) does not apply to any vessel or aircraft belonging to the Royal Navy, the Royal Air Force or the naval or air forces of any other country, if permission has been granted by the competent authority for the vessel to come into the territorial waters of St Helena or for the aircraft to enter St Helena.

(5) If any person is convicted of an offence under this section –

(a) the court may order that the vessel, aircraft or vehicle, if any, used for the purpose of conveying the controlled drug be forfeited; and

(b) upon such an order being made, the vessel, aircraft or vehicle must, unless an application under subsection (6) is successful, be sold and the proceeds of sale paid into the Consolidated Fund.

(6) If any vessel, aircraft or vehicle is ordered to be forfeited under subsection (5), the owner of the vessel, aircraft or vehicle may, within 7 days of the order, make a claim to the court that made the order for the vessel, aircraft or vehicle to be restored to the owner.

(7) If a claim is made to the court under subsection (6), the court may, subject to

subsection (8), order that the vessel, aircraft or vehicle be restored to the owner.

(8) The court must not make an order under subsection (7) unless it is satisfied that the owner, charterer or master of the vessel, aircraft or vehicle, as the case may be—

- (a)* did not permit any person convicted of an offence under subsection (1) to use the vessel, aircraft or vehicle for the purpose of conveying any controlled drug in respect of which the offence was committed; and
- (b)* had no knowledge that any person convicted of an offence under subsection (1) would use the vessel, aircraft or vehicle for the purpose of conveying any controlled drug in respect of which the offence was committed.

PART IV PREVENTING THE MISUSE OF CONTROLLED DRUGS

Power to make regulations for preventing misuse of controlled drugs

15. **(1)** Subject to this Ordinance, the Governor in Council may make any regulations that appear necessary or expedient for preventing the misuse of controlled drugs.

(2) Without limiting subsection (1), regulations under this section may make provision—

- (a)* requiring precautions to be taken for the safe custody of controlled drugs;
- (b)* imposing requirements as to the documentation of transactions involving controlled drugs, and requiring copies of documents relating to such transactions to be provided to the prescribed authority;
- (c)* requiring the keeping of records and the furnishing of information with respect to controlled drugs in the circumstances and in the manner prescribed;
- (d)* for the inspection of any precaution taken or records kept pursuant to regulations made under this section;
- (e)* as to the packaging and labelling of controlled drugs;
- (f)* regulating the transport of controlled drugs and the methods used for destroying or otherwise disposing of such drugs when no longer required;
- (g)* regulating the issue of prescriptions containing controlled drugs and the supply of controlled drugs on prescription, and requiring persons issuing or dispensing prescriptions containing such drugs to furnish the prescribed information relating to those prescriptions;
- (h)* requiring any doctor who attends a person whom he or she considers, or has reasonable ground to suspect, is addicted to controlled drugs of any description to provide to the prescribed authority prescribed particulars with respect to that person;
- (i)* prohibiting any doctor from administering or supplying or authorising the administration or supply to persons so addicted, or prescribing for such persons controlled drugs prescribed by the regulations, except under and in accordance with the terms of a licence issued by the Governor pursuant to the regulations;
- (j)* prescribing the procedure to be followed in the taking, transmission and analysis of samples of substances suspected to be controlled drugs and providing that an analyst's certificate that the prescribed procedure has been followed is to be accepted as evidence by the court.

Power to direct special precautions for safe custody of controlled drugs

16. (1) Without affecting any requirement imposed by regulations made pursuant to section 15(2)(a), the Governor may by notice in writing give directions as to the taking of any precautions for the safe custody of controlled drugs which are kept or to be kept on any premises.

- (2)** A notice under subsection (1)-
- (a) must be served on the occupier of the premises on which the drugs are, or are proposed, to be kept; and
 - (b) may specify different precautions for different types of drugs.

(3) A person who contravenes any directions given under subsection (1) commits an offence.

Penalty: A fine, or imprisonment for 3 years, or both.

Prohibiting supply of controlled drugs by practitioners, etc. convicted of certain offences

17. (1) If a person who is a practitioner or a chemist or druggist has been convicted of an offence under this Ordinance, the Governor may give a direction in writing under subsection (2) in respect of that person.

- (2)** A direction under subsection (1) must—
- (a) if that person is a practitioner - prohibit the person from having in his or her possession or from prescribing, administering, manufacturing, compounding or supplying, or authorising the administration or supply of, the controlled drugs specified in the direction;
 - (b) if that person is a chemist or druggist – prohibit the person from having in his or her possession, or from manufacturing, compounding or supplying, or supervising or controlling the manufacture, compounding or supply of the controlled drugs specified in the direction.

(3) The Governor must cause –

- (a) a copy of any direction given by the Governor under subsection (2) to be served on the person to whom it applies; and
- (b) notice of the direction to be published in the *Gazette*.

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

(5) A person who contravenes a direction given under subsection (2) commits an offence.

Penalty: (a) In the case of a class A drug – a fine, or imprisonment for life, or both;

(b) In the case of a class B drug – a fine, or imprisonment for 14 years, or both;

(c) In the case of a class C drug – a fine, or imprisonment for 5 years, or both.

Prohibiting prescribing of controlled drugs by practitioners, etc. in other cases

18. (1) In the event of a contravention by a doctor of regulations made pursuant to section 15(2)(h) or (i) or of the terms of a licence issued under regulations made

pursuant to section 15(2)(i), the Governor may give a direction in writing to the doctor concerned prohibiting him or her from prescribing, administering or supplying or authorising the administration or supply of the controlled drugs specified in the direction.

(2) If the Governor is of the opinion that a practitioner is or has been prescribing, administering, supplying or authorising the administration or supply of any controlled drug in an irresponsible manner, the Governor may give a direction in writing to the practitioner concerned prohibiting him or her from prescribing, administering or supplying, or from authorising the administration or supply of the controlled drugs specified in the direction.

(3) If the Governor proposes to give a direction under subsection (1) or (2) –

(a) the Governor must refer the case to the Advisory Council; and

(b) the Advisory Council must, after affording the doctor or practitioner, as the case may be, an opportunity of being heard, consider the circumstances of the case and report to the Governor whether the information before the Advisory Council affords reasonable grounds for thinking that there has been such conduct by the doctor or practitioner, as the case may be, as is mentioned in subsection (1) or (2); and the Governor must not give any direction under subsection (1) or (2) unless the Advisory Council reports that the information before it affords such reasonable grounds.

(4) A contravention such as is mentioned in subsection (1) does not as such constitute an offence, but any person who contravenes a direction given under subsection (1) or (2) commits an offence.

Penalty: (a) In the case of a class A drug – a fine, or imprisonment for life, or both;

(b) In the case of a class B drug – a fine, or imprisonment for 14 years, or both;

(c) In the case of a class C drug – a fine, or imprisonment for 5 years, or both.

Power to obtain information from doctors, etc. in certain circumstances

19. (1) If it appears to the Governor that there exists in St Helena a social problem caused by the extensive misuse of dangerous or otherwise harmful drugs, the Governor may, by notice in writing served on any doctor, chemist or druggist practising in St Helena, require him or her to provide the Governor, with respect to any such drugs specified in the notice and as regards any period so specified, any particulars 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 doctor - were prescribed, administered or supplied by him or her;
- (b) in the case of a chemist or druggist - were supplied by him or her.

(2) A notice under subsection (1) –

- (a) may require any such particulars to be provided in a manner and within a time specified in the notice; and
- (b) if served on a chemist or druggist, may require him or her to provide the names and addresses of doctors on whose prescriptions any dangerous or otherwise harmful drugs to which the notice relates were supplied,

but must not require any person to provide particulars relating to the identity of any person for or to whom any such drug has been prescribed, administered or supplied.

(3) A person who, without reasonable excuse (which the person must prove), fails to comply with any requirement to which the person is subject by virtue of subsection (1)

commits an offence.

Penalty: A fine of £2,000.

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

Penalty: A fine, or imprisonment for 5 years, or both.

PART V MISCELLANEOUS OFFENCES AND POWERS

Miscellaneous offences

20. (1) A person who contravenes any regulations made under this Ordinance, other than regulations made pursuant to section 15(2)(d) or (j), commits an offence.

Penalty: A fine, or imprisonment for 5 years, or both.

(2) It is an offence for a person to contravene any condition or other term of a licence issued under section 4 or of a licence or other authority issued under regulations made under this Ordinance, other than a licence issued under regulations made pursuant to section 15(2)(j).

Penalty: A fine, or imprisonment for 3 years, or both.

(3) It is an offence for a person, in purported compliance with any obligation to give information to which the person is subject under or by virtue of regulations made under this Ordinance –

(a) to give any information which the person knows to be false in any material particular; or

(b) recklessly to give any information which is false, commits an offence.

Penalty: A fine, or imprisonment for 5 years, or both.

(4) It is an offence for a person, for the purpose of obtaining, whether for himself or herself or another, the issue or renewal of a licence or other authority under this Ordinance, or under any regulation made under it to—

(a) make any statement or give any information which the person knows to be false in a material particular or recklessly give any information which is so false; or

(b) produce or otherwise make use of any book, record or other document which to the person's knowledge contains any statement or information which the person knows to be false in a material particular.

Penalty: A fine, or imprisonment for 5 years, or both.

Attempts and incitement

21. A person who –

(a) attempts to commit an offence under any provision of this Ordinance; or

(b) incites another to commit such an offence,

commits that offence is liable on conviction to the penalty for that offence.

Offences relating to the doing of things outside of St Helena

22. (1) A person who in St Helena does any act preparatory to, or in furtherance of, the commission in any place outside St Helena of any act which, if committed in St Helena would constitute an offence under this Ordinance, commits that offence and is liable to be proceeded against accordingly.

(1A) For the purposes of subsection (1) having something in one's possession is an act.

(2) A person who in St Helena assists in or induces the commission in any place outside St Helena of an offence punishable under the provisions of a corresponding law in that place commits that offence and is liable to be proceeded against accordingly.

Offences by corporations

23. If any offence under this Ordinance committed by a corporate body is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a person who is a director, manager, secretary or other similar officer of the corporate body, or purports to act in any such capacity, that person as well as the body corporate commits that offence and is liable to be proceeded against accordingly.

PART VI LAW ENFORCEMENT AND PUNISHMENT OF OFFENCES

Powers to search and obtain evidence

24. (1) A police officer or other person duly authorised in writing by the Governor either generally or specifically, may for the purposes of the execution of this Ordinance enter the premises of any person carrying on business as a producer or supplier of any controlled drugs and demand the production of, and inspect, any books or documents relating to dealings in any such drugs and inspect any stocks of any such drugs.

(2) A police officer who has reasonable grounds to suspect that any person is in possession of a controlled drug in contravention of this Ordinance may, subject to subsections (6) and (7)—

- (a) search that person, and detain the person for the purpose of searching him or her;
- (b) search any vessel, aircraft or vehicle in which the police officer suspects that the drug may be found, and for that purpose require the person in control of the vessel, aircraft or vehicle to stop it; and
- (c) seize and detain, for the purpose of proceedings under this Ordinance, anything found in the course of the search which appears to the police officer to be evidence of an offence under this Ordinance.

(3) If a justice of the peace is satisfied by information on oath or affirmation that there is reasonable ground for suspecting—

- (a) that any controlled drugs are, in contravention of this Ordinance or of any regulations made under it, in the possession of a person on any premises; or
- (b) that a document directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would if carried out be, an offence under this Ordinance, or in the case of a transaction or dealing carried out or intended to be carried out in a place outside St Helena, an

offence against the provisions of a corresponding law in force in that place, is in the possession of a person on any premises or in any place within St Helena the justice of the peace may issue a warrant authorising any police officer at any time or times within one month from the date of issue of the warrant –

- (i) to enter, if need be by force, the premises or place named in it and to search the premises or place and any persons found therein; and
- (ii) if there is reasonable ground for suspecting that an offence under this Ordinance has been committed in relation to any controlled drugs found on the premises or in the possession of any such persons, or that a document so found is such a document as is mentioned in paragraph (b), to seize and detain those drugs or that document, as the case may be.

(4) If any controlled drug is found on any premises searched under this section or in any vessel, aircraft or vehicle stopped under this section, the police officer who has made the search or stopped the vessel, aircraft or vehicle, as the case may be, may arrest any person in the premises or in the vessel, aircraft or vehicle whom the officer has reason to believe has committed an offence under this Ordinance.

(5) It is an offence for a person—

- (a) intentionally to obstruct a person in the exercise of his or her powers under this section;
- (b) being the person in control of a vessel, aircraft or vehicle, to fail to stop it when required to do so by a police officer under subsection (2)(b);
- (c) being a person being conveyed in a vessel, aircraft or vehicle, to prevent or intimidate the person in control of or any other person operating the vessel, aircraft or vehicle from stopping it when required to do so by a police officer under subsection (2)(b);
- (d) without the permission of the police officer concerned, to leave a vessel, aircraft or vehicle which has been stopped by a police officer under subsection (2)(b);
- (e) to conceal from a person acting in the exercise of powers under subsection (1) any such books, documents, or stocks of drugs as are mentioned in that subsection; or
- (f) without reasonable excuse (which the person must prove) to fail to produce any such books or documents as are mentioned when their production is demanded by a person in exercise of powers under that subsection.

Penalty: A fine, or imprisonment for 14 years, or both.

(6) A person must not be searched by a person of the opposite sex unless the consent of the person to be searched has first been obtained.

(7) No article of a person's clothing may be removed from his or her person during a search at any place other than within a police station.

(8) This section does not affect any power of search or any power to seize and detain property which is exercisable apart from this section.

Power of arrest

25. (1) A police officer may arrest without warrant a person who has committed, or whom the police officer with reasonable cause suspects to have committed, an

offence under this Ordinance if—

- (a) the officer believes that the person will abscond unless arrested;
- (b) the name and address of that person are not known to the officer or cannot be ascertained by him or her; or
- (c) the officer is not satisfied that a name and address given by that person as his or her name and address are true.

(2) This section does not affect any other power of arrest exercisable apart from this section.

Powers of naval officer

26. (1) The captain of any ship belonging to the Royal Navy, and any person acting under the command of such captain, has all the powers vested in a police officer under section 14(2)(a), section 24(2)(b) and (4) and section 25(1) to stop, search, seize and detain any vessel, aircraft or vehicle and to search, detain and arrest any person thereon who is suspected of conveying controlled drugs within the territorial waters of St Helena.

- (2) If the captain, or any person acting under his or her orders—
- (a) finds any controlled drug in any vessel or aircraft—
 - (i) seized under section 14(2)(a);
 - (ii) searched under section 24(2)(b); or
 - (iii) in the possession of any person thereon and detained under section 24(2);
 - (b) arrests any person in such vessel or aircraft under section 25; or
 - (c) finds anything in the course of a search of such vessel or aircraft under section 24(2)(c) which appears to the captain or other person to be evidence of an offence under this Ordinance,

the captain or other person must take the vessel, aircraft, person or thing as soon as may be practical to a police officer.

Report of loss or theft of controlled drug

27. (1) A person who has a controlled drug lawfully in the person's possession who discovers the loss or theft of such controlled drug must, as soon as possible and in any event not later than 24 hours after the discovery, report the loss or theft at the nearest police station.

(2) Any person who fails to report the loss or theft of a controlled drug as required by subsection (1) commits an offence.

Penalty: A fine of £1,000 or imprisonment for 2 years, or both.

Prosecution and punishment of offences

28. (1) Apart from offences which carry a sentence of life imprisonment (and are therefore triable only on indictment) –

- (a) an offence under this Ordinance for which the maximum penalty is imprisonment for 3 years or more is triable either on indictment or summarily;
- (b) all other offences are triable summarily only;
- (c) the limits on sentencing in section 19 of the Magistrates' Court

Ordinance, 2011 do not apply on a summary conviction under this Ordinance.

(2) An offence under section 21 or 22 is triable according to whether the substantive offence is triable on summary conviction, on indictment or in either way, and the penalty which may be imposed on a person convicted of an offence under section 21 or 22 is the same as that which may be imposed on a person convicted of the substantive offence.²

(3) In subsection (2) the “**substantive offence**”—

- (a) in relation to an offence under section 21 - means the offence under this Ordinance to which the attempt or the incitement, as the case may be, is directed;
- (b) in relation to an offence under section 22 consisting of the doing of an act preparatory to, or in the furtherance of, the commission in a place outside St Helena of an act (the “**overseas act**”) which, if committed in St Helena, would constitute an offence under this Ordinance – means the offence which the overseas act would constitute if committed in St Helena.

(4) Notwithstanding anything contained in any other Ordinance, the Magistrate’s Court may try a charge for an offence under this Ordinance in respect of which the Magistrates’ Court has jurisdiction if the charge was laid at any time within 12 months after the commission of the offence.

(5) If the Magistrates’ Court or a judge or a jury is not satisfied that a defendant charged with an offence under this Ordinance is guilty of that offence, but is guilty of another offence under this Ordinance which has not been charged, the defendant may be convicted of that other offence and punished accordingly.

Forfeiture

29. (1) Subject to subsection (2), the court by or before which a person is convicted of an offence under this Ordinance may order anything shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in any other manner the court orders.

(2) The court must not order anything to be forfeited under this section if a person claiming to be the owner of or otherwise interested in it applies to be heard by the court and an opportunity has been given to the person to show cause why the order should not be made.

Removal orders

30. (1) If an alien is convicted of any offence under this Ordinance, the Governor may, within 6 months after the date of the conviction, by order under his or her hand, direct that the alien be removed from St Helena.

(2) Any alien ordered under subsection (1) to be removed must be placed on board a suitable vessel or aircraft by any police officer or immigration officer and may be lawfully detained in custody on board so long as the vessel is within the territorial waters of

² For offences triable either way, see sections 164A and 165 of the Criminal Procedure Ordinance, 1975

St Helena or so long as the aircraft is within St Helena. If any person so removed enters or attempts to re-enter St Helena whilst a removal order is in force against the person, he or she may be dealt with in the same manner.

(3) If an alien who is ordered to be removed from St Helena under this section is serving a sentence of imprisonment, the Governor may give directions as to whether the whole or what part of the sentence is to be served before removal. In default of such directions, the alien must be removed after completion of the sentence and any removal order made is of full force and effect even if more than 6 months have elapsed since the conviction.

(4) A person who has been removed from St Helena under this section and who, without the permission in writing of the Governor, enters or attempts to enter St Helena commits an offence.

Penalty: Imprisonment for 2 years.

PART VII MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Appointment of analysts

31. The Governor may by notice in the *Gazette* appoint any persons the Governor thinks fit to be analysts for the purposes of this Ordinance.

Certificate of analyst admissible in evidence

32. (1) Subject to subsections (2) and (3), a certificate of an analyst stating that he or she has analysed or examined a substance and stating the result of such analysis or examination –

- (a) is admissible in evidence in any prosecution under this Ordinance; and
- (b) in the absence of evidence to the contrary, is proof of the statements contained in it.

and no evidence is to be required by the court as to the signature or qualifications of the person purporting to have signed the certificate.

(2) A certificate must not be received in evidence unless the party intending to produce it has given to the other parties not less than 7 days notice of that intention and has given them with the notice a copy of the certificate.

(3) The court may, on the application of either party, and must, if it considers it necessary in the interests of justice, require the attendance of the analyst to give evidence on oath or affirmation.

Proof of lack of knowledge, etc. to be a defence in proceedings for certain offences

33. (1) This section applies only to offences under sections 7, 8, 9 and 12 and attempts to commit offences under any of those provisions.

(2) Subject to subsection (3), in any proceedings for an offence to which this section applies it is a defence for the person charged to prove that the person 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 the person is to be convicted of the offence charged.

(3) If, in any proceedings for an offence to which this section applies, it is necessary, if the person charged 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 person charged—

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

(4) This section does not affect any defence which it is open to a person charged with an offence to which this section applies to raise apart from this section.

Service of documents

34. (1) A notice or other document required or authorised by this Ordinance to be served on any person may be served on the person either by delivering it to the person or by leaving it at the person's last known address or by sending it by registered post.

(2) A notice or other document so required or authorised to be served on a corporate body is duly served if it is served on the secretary or any director of that body at the registered or principal office of that body.

Licences and authorities

35. A licence or other authority issued by the Governor for the purposes of this Ordinance or of regulations made under it may be –

- (a) to any degree, general or specific;
- (b) issued on terms and subject to conditions, including, in the case of a licence, the payment of a prescribed fee, as the Governor thinks proper; and
- (c) modified or revoked by the Governor at any time.

General provisions as to regulations

36. Without limiting the powers conferred upon the Governor in Council, regulations made by the Governor in Council may—

- (a) specify that different provisions apply in relation to different controlled drugs or different classes of persons,
- (b) make the opinion, consent or approval of a prescribed authority, or of any person

- authorised in a prescribed manner, material for the purpose of the regulations; and
- (c) contain any supplementary, incidental and transitional provisions that appear to the Governor in Council to be expedient.

Advisory Council

37. (1) The Governor may constitute by order in accordance with Schedule 3, an Advisory Council on the Misuse of Drugs, and the supplementary provisions contained in that Schedule have effect in relation to the Council.

- (2)** The Advisory Council, if constituted, must –
- (a) keep under review the situation in St Helena with respect to drugs which are being or appear to the Council likely to be misused and the misuse of which is having or appears to the Council capable of having harmful effects sufficient to constitute a social problem; and
- (b) give the Governor advice on measures which in the opinion of the Council ought to be taken for preventing the misuse of such drugs or dealing with social problems connected with their misuse, and in particular on measures which in the opinion of the Council ought to be taken—
- (i) for restricting the availability of such drugs or supervising the arrangements for their supply;
- (ii) for enabling persons affected by the misuse of such drugs to obtain proper advice, and for securing the provision of proper facilities and services for the treatment, rehabilitation and after-care of such persons;
- (iii) for promoting co-operation between the various professional and community services which in the opinion of the Council have a part to play in dealing with social problems connected with the misuse of drugs;
- (iv) for educating the public (and in particular the young) in the dangers of misusing such drugs, and for giving publicity to those dangers; and
- (v) for promoting research into, or otherwise obtaining information about, any matter which in the opinion of the Council is of relevance for the purpose of preventing the misuse of such drugs or dealing with any social problem connected with their misuse.

(3) The Council, if constituted, must also consider any matter relating to drug dependence or the misuse of drugs which may be referred to it by the Governor and to advise the Governor on the matter.

Repeal

38. *Omitted*

SCHEDULE 1

(Section 4)

CONTROLLED DRUGS

PART I **CLASS A DRUGS**

1. The following substances and products—

- (a) Acetorphine
- Alfentanil
- Allylprodine
- Alphacetylmethadol
- Alphameprodine
- Alphamethadol
- Alphaprodine
- Anileridine
- Benzethidine
- Benzylmorphine (3-benzylmorphine)
- Betacetylmethadol
- Betameprodine
- Betamethadol
- Betaprodine
- Bezitramide
- Bufotenine
- Cannabinol, except where contained in cannabis or cannabis resin
- Cannabinol derivatives
- Carfentanil
- Clonitazene
- Coca leaf
- Cocaine
- Desomorphine
- Dextromoramide
- Diamorphine
- Diampromide
- Diethylthiambutene
- Difenoxin (1-3-cyano-3, 3-diphenylpropyl -4-phenylpi-peridine-4-carboxylic acid)
- Dihydrocodeinone O-carboxymet hyloxime
- Dihydromorphine
- Dimenoxadole
- Dimepheptanol
- Dimethylthiambutene
- Dioxaphetyl butyrate
- Diphenoxylate
- Dipipanone
- Dronabinol
- Drotebanol (3, 4-dimethoxy-17-methylmorphinan-6, 14-diol)
- Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine
- Ethylmethylthiambutene
- Eticyclidine
- Etonitazene
- Etorphine
- Etoxeridine
- Fentanyl
- Furethidine
- Hydrocodone
- Hydromorphinol

Hydromorphone
Hydroxypethidine
Isomethadone
Ketobemidone
Levomethorphan
Levomoramide
Levophenacymorphan
Levorphanol
Lofentanil
Lysergamide
Lysergide and other N-alkyl derivatives of lysergamide
Mescaline
Metazocine
Methadone
Methadyl acetate
Methyldesorphine
Methyldihydromorphone (6-methyl dihydromorphone)
Metopon
Morpheridine
Morphine
Morphine methobromide, N-oxide and other pentavalent nitrogen morphine derivatives
Myrophine
Nicomorphine (3, 6-dinicotinoyl morphine)
Noracymethadol
Norlevorphanol
Normethadone
Normorphine
Norpipanone
Opium, whether raw, prepared or medicinal
Oxycodone
Oxymorphone
Pethidine
Phenadoxone
Phenampramide
Phenazocine
Phencyclidine
Phenomorphane
Phenoperidine
Piminodine
Piritramide
Poppy-straw and concentrate of poppy-straw
Propoperidine (1-methyl-4-phenyl-piperidine-4-carboxylic acid isopropyl ester)
Propheptazine
Psilocin
Racemethorphan
Racemoramide
Racemorphan
Rolicyclidine
Sufentanil
Tenocyclidine
Thebacon

Thebaine
 Tilidate
 Trimeperidine
 4-Bromo-2, 5-dimethoxy-methylphenethylamine
 4-Cyano-2-dimethylamino-4, 4-diphenylbutane
 4-Cyano-1-methyl-4-phenyl piperidine
 N,N-Diethyltryptamine
 N,N-Dimethyltryptamine
 2,5-Dimethoxy-, 4-dimethyl phenethylamine
 N-Hydroxy-tenamphetamine
 1-Methyl-4-phenylpiperidine-4-carboxylic acid
 2-Methyl-3-morpholino-1, 1-diphenyl-propanecarboxylic acid
 4-Methyl-aminorex
 4-Phenylpiperidine-4-carboxylic acid ethyl ester;

(b) any compound (not being a compound for the time being specified in paragraph (a)) structurally derived from tryptamine or from a ring-hydroxy tryptamine by substitution at the nitrogen atom of the sidechain with one or more alkyl substituents but no other substituent;

(c) any compound (not being methoxyphenamine or a compound for the time being specified in paragraph (a)) structurally derived from phenethylamine, an N-alkylphenethylamine, -methylphenethylamine, an N-alkyl -methylphenethylamine - ethylphenethylamine, or an N-alkyl -ethylphenethylamine by substitution in the ring to any extent with alkyl, alkoxy, alkylene-dioxy or halide substituents, whether or not further substituted in the ring by one or more univalent substituents.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 above not being dextromethorphan or dextrophan.
3. Any ester or ether of a substance for the time being specified in paragraph 1 or 2 above not being a substance for the time being specified in Part II of this Schedule.
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 3 of Part II of this Schedule.

PART II CLASS B DRUGS

1. The following substances and products—

(a) Acetyldihydrocodeine	Methylamphetamine
Amphetamine	
Methylphenidate	
Cannabis and Cannabis resin	Methylphenobarbitone
Codeine	Nicocodine
Dihydrocodeine	Nicodicodine(6-nicotinoyld hydrocodeine)
Ethylmorphine (3-ethylmorphine)	Norcodeine

Glutethimide	Pentazocine
Lefetamine	
Phenmetrazine	
Mecloqualone	Pholcodine
Methaqualone	Propiram;

(b) any 5,5 disubstituted barbituric acid.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 of this Part of this Schedule.
3. Any salt of a substance for the time being specified in paragraph 1 or 2 of this Part of this Schedule.
4. Any preparation or other product containing a substance or product for the time being specified in any of paragraphs 1 to 3 of this Part of this Schedule, not being a preparation falling within paragraph 6 of Part 1 of this Schedule.

PART III CLASS C DRUGS

1 The following substances—

Alprazolam	Haloxazolam
Benzphetamine	Ketazolam
Bromazepam	Loprazolam
Buprenorphine	Lorazepam
Camazepam	Lormetazepam
Cathine	Mazindol
Cathinone	Medazepam
Chlordiazepoxide	Mefenorex
Chlorphentermine	Mephentermine
Clobazam	Meprobamate
Clonazepam	Methyprylone
Clorazepic acid	Midazolam
Clotiazepam	Nimetazepam
Cloxazolam	N-Ethylamphetamine
Delorazepam	Nitrazepam
Dextropropoxyphene	Nordazepam
Diazepam	Oxazepam
Diethylpropion	Oxazolam
Estazolam	Pemoline
Ethchlorvynol	Phendimetrazine
Ethinamate	Phentermine
Ethyl loflazepate	Pinazepam
Fenproporex	Pipradol
Fenthylline	Prazepam
Fludiazepam	Pyrovalerone
Flunitrazepam	Temazepam
Flurazepam	Tetrazepam
Halazepam	Triazolam.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 of this Part of this Schedule not being phenylpropanolamine.
3. Any salt of a substance for the time being specified in paragraph 1 or 2 of this Part of this Schedule.
4. Any preparation of other product containing a substance for the time being specified in any of paragraphs 1 to 3 of this Part of this Schedule.

PART IV
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;

“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;

“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 Pharmacopoeia, whether it is in the form of powder or is granulated or is in any other form, and whether it is or is not mixed with neutral 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.

SCHEDULE 2
(Section 28)

PROSECUTION AND PUNISHMENT OF OFFENCES

Repealed by Ord. 14 of 2017

SCHEDULE 3
(Section 37(1))

CONSTITUTION, Etc. OF ADVISORY COUNCIL ON THE MISUSE OF DRUGS

Constitution of Council

1. (1) The members of the Advisory Council, of whom there must be not less than 5, are to be appointed by the Governor after consultation with such organisations as the Governor considers appropriate and must include—

- (a) in relation to each of the activities specified in subsection (2) - at least one person appearing to the Governor to have wide and recent experience of that activity; and
- (b) persons appearing to the Governor to have wide and recent experience of social problems connected with the misuse of drugs.

(2) The activities referred to in paragraph (1)(a) are—

- (a) the practice of medicine;
- (b) the practice of dentistry;
- (c) the practice of pharmacy; and
- (d) the practice of law.

(3) The Governor must appoint one of the members of the Advisory Council to be the Chair of the Council.

Committees of Council

2. The Advisory Council may appoint committees, which may consist in part of persons who are not members of the Council, to consider and report to the Council on any matter referred to them by the Council.

Quorum and procedure

3. At meetings of the Advisory Council the quorum is 3 members, and subject to that, the Council may determine its own procedure.

DRUGS (PREVENTION OF MISUSE) ORDINANCE, 2003

DRUGS (AUTHORISATION OF CULTIVATION) REGULATIONS, 2009 (Section 10)

Citation and commencement

1. These Regulations may be cited as the Drugs (Authorisation of Cultivation and Possession) Regulations, 2009, and come into force on publication.

Cultivation and possession of cannabis plant

2. (1) Notwithstanding section 9(1) of the Ordinance, it is not unlawful for a person to cultivate a plant of the genus *Cannabis*, if—

- (a) the person is authorised in writing by the Governor to cultivate such plant for purposes of police training relating to activities directed at combating any offence under the Ordinance; and
- (b) the person complies with any conditions the Governor may impose in such

authorisation.

(2) A person who is authorised to cultivate any plant under sub-regulation (1) may, notwithstanding section 8(1) of the Ordinance, have in his or her possession any controlled drug derived from such plant.
