

THE DANGEROUS DRUGS ACT

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SCHEDULE

THE DANGEROUS DRUGS ACT

[15th April, 1948.]

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

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

PART I. *Interpretation*

2.—(1) In this Act—

Interpreta-
tion.

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

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

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

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

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

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

16/1974
S. 2.
5/2015
S. 3(a).

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

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

5/2015
S. 3(b).

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

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

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

17/1987
S. 2(b).

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

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

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

5/2015
S. 3(b).

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

17/1987
S. 2(c).

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

Part II. *Raw Opium and Coca Leaves*

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

Import and
export of
raw opium
and coca
leaves.

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

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

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

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

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

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