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CHAPTER 142.

DANGEROUS DRUGS.

An Ordinance to regulate the importation, exportation, production, manufacture, sale and use of Opium and of certain other dangerous drugs and to make further and better provision for the control of the external trade in dangerous drugs. 10 of 1937.

[1ST JANUARY, 1938.]

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

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them :— Interpretation.

“coca leaf” means the leaf of the Erythroxyton Coca Lamarck and the Erythroxyton novo-granatense (Morris) Hieronymus and their varieties, belonging to the family of Erythroxytonaceae and the leaf of other species of this genus from which it may be found possible to extract cocaine either directly or by chemical transformation ;

“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 Colony 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, of the Geneva Convention (No. 1) or of 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 ;

“Indian hemp” means the dried flowering or fruiting tops of the pistillate plant known as Cannabis sativa from which the resin has not been extracted, by whatever name such tops are called ;

“medicinal opium” means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, whether in powder form or granulated or otherwise or mixed with neutral materials ;

“ prepared opium ” means any preparation of opium, or any preparation in which opium or any residuum of smoked opium forms an ingredient, which preparation is used or may be used for smoking ;

“ 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 contents of morphine ;

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

“ the Geneva Convention (No. 1) ” means the convention signed at Geneva on behalf of His Majesty on the 19th 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 July, 1931, for the purpose of supplementing the provisions of The Hague Convention and the Geneva Convention (No. 1).

PART I.—RAW OPIUM AND COCA LEAVES.

Power to make regulations to control the importation of and dealing in raw opium and coca leaves.

3. The Governor in Council may make regulations for controlling or restricting the importation, exportation, transit, production, possession, sale and distribution of raw opium and coca leaves, and in particular, but without prejudice to the generality of the foregoing power, for prohibiting the production, possession, sale or distribution of such drugs except by persons licensed or otherwise authorised in that behalf.

Prohibition of cultivation of opium or coca plant.

4. No person shall cultivate the Opium Poppy (*Papaver somniferum*) or the Coca Plant (*Erythroxylum Coca*).

PART II.—PREPARED OPIUM.

Prohibition of export or import of prepared opium.

5. No person shall import or bring into, or export from the Colony any prepared opium.

Penalty for manufacturing, selling, using, etc., prepared opium.

6. If any person—

(a) manufactures, sells or otherwise deals in prepared opium ; or

(b) has in his possession any prepared opium ; or

(c) being the occupier of any premises permits those premises to be used for the propose of the preparation of

opium for smoking or the sale or smoking of prepared opium ;
or

(d) is concerned in the management of any premises used for any such purpose as aforesaid ; or

(e) has in his possession any pipes or other utensils for use in connection with the smoking of opium, or any utensils for use in connection with the preparation of opium for smoking ; or

(f) smokes or otherwise uses prepared opium, or frequents any place used for the purpose of opium smoking, he shall be guilty of an offence against this Ordinance.

PART III.—INDIAN HEMP.

7. No person shall import or bring into, or export from, the Colony any resin obtained from the plant *Cannabis sativa*.

Prohibition of importation and exportation of the resin from the plant *Cannabis sativa*.

8. If any person—

(a) has in his possession (otherwise than in the course of transit through the Colony or its territorial waters), produces, sells or otherwise deals in the resin obtained from the plant *Cannabis sativa* or any preparations of which such resin formed the base ; or

Penalty for dealing, etc., in the plant *Cannabis sativa*, the resin therefrom, etc.

(b) cultivates the plant *Cannabis sativa* ; or

(c) has in his possession (otherwise than in the course of transit through the Colony or its territorial waters), sells or otherwise deals in the whole or any portion of the plant *Cannabis sativa* (excluding its medicinal preparations),
he shall be guilty of an offence against this Ordinance.

PART IV.—COCAINE, MORPHINE, ETC.

9. (1) For the purpose of preventing the improper use of the drugs to which this Part of this Ordinance applies, the Governor in Council may make regulations for controlling the importation, exportation, transit, manufacture, sale, possession and distribution of those drugs, and in particular, but without prejudice to the generality of the foregoing power, for—

Power to make regulations controlling the importation, etc., of cocaine, etc.

(a) prohibiting the manufacture of any drug to which this Part of this Ordinance applies except on premises licensed for the purpose and subject to any conditions specified in the licence ; and

(b) prohibiting the manufacture, sale or distribution of any such drug except by persons licensed or otherwise authorised under the regulations and subject to any conditions specified in the licence or authority ; and

(c) regulating the issue by authorised medical practitioners, dentists and veterinary surgeons of prescriptions containing any such drug and the dispensing of any such preparations ; and

(d) requiring persons engaged in the manufacture, sale or distribution of any such drug to keep such books and furnish such information either in writing or otherwise as may be prescribed.

(2) The regulations under this section shall also provide for authorising any person who is licensed or otherwise authorised and who lawfully keeps open shop for the retailing of poisons in accordance with the provisions of the Pharmacy and Poisons Ordinance,—

(a) to manufacture at the shop in the ordinary course of his retail business any preparation, admixture, or extract of any drug to which this Part of this Ordinance applies ; or

(b) to carry on at the shop the business of retailing, dispensing, or compounding any such drug ;

subject to the power of the Governor to withdraw the authorisation in the case of a person who has been convicted of an offence against this Ordinance, or against the Pharmacy and Poisons Ordinance and who cannot, in the opinion of the Governor, properly be allowed to carry on the business of manufacturing or selling or distributing, as the case may be, any such drug.

(3) Nothing in any regulations made under this section shall be taken to authorise the mixing, compounding, preparing, dispensing or selling of poisons by any person who is not qualified in that behalf under, or otherwise than in accordance with, the provisions of the Pharmacy and Poisons Ordinance, or any amendment or re-enactment thereof, or be in derogation of the provisions of that Ordinance or any amendment or re-enactment thereof, for prohibiting, restricting or regulating the mixing, compounding, preparing, dispensing and selling of poisons.

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

(a) medicinal opium ;

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Drugs to
which
Part IV
applies.

(b) any extract or tincture of Indian hemp ;

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

(d) cocaine (including synthetic cocaine) and ecgonine and their respective salts ;

(e) any solution or dilution of morphine or cocaine or their salts in an inert substance whether liquid or solid, containing any proportion of morphine or cocaine, and any preparation, admixture, extract or other substance (not being such a solution or dilution as aforesaid) containing not less than one-fifth per cent. of morphine or one-tenth per cent. of cocaine or of ecgonine ;

(f) any preparation, admixture, extract or other substance containing any proportion of diacetylmorphine ;

(g) dihydrooxycodone, dihydrocodeinone, dihydromorphine, acetyldihydrocodeinone, dihydromorphine, their esters and the salts of any of these substances and of their esters morphine-N-oxide (commonly known as genomorphine), the morphine-N-oxide derivatives, and any other pentavalent nitrogen morphine derivatives ;

(h) thebaine and its salts, and (with the exception of methylmorphine, commonly known as codeine, and ethylmorphine, commonly known as dionin, and their respective salts) benzylmorphine and the other ethers of morphine and their respective salts ;

(i) any preparation, admixture, extract or other substance containing any proportion of any of the substances mentioned in paragraph (g) or in paragraph (h) of this subsection.

For the purpose of the foregoing provision the expression "ecgonine" means laevo-ecgonine and includes any derivatives of ecgonine from which it may be recovered industrially, and the percentage in the case of morphine shall be calculated as in respect of anhydrous morphine.

(2) For the purposes of this section, percentages in the case of liquid preparations shall, unless other provision in that behalf is made by regulations under this Ordinance, be calculated on the basis that a preparation containing one per cent. of any substance means a preparation in which one gramme of the substance, if a solid, or one millilitre of the substance, if a liquid, is contained in every hundred millilitres of the preparation and so in proportion, for any greater or less percentage.

(3) If it appears to the Governor in Council that any new derivative of morphine or cocaine or of any salts of morphine or cocaine or any other alkaloid of opium or any other drug of whatever kind is or is likely to be productive, if improperly used, or is capable of being converted into a substance which is, or is likely to be productive, if improperly used, of ill-effects substantially of the same character or nature as or analogous to those produced by morphine or cocaine, the Governor in Council may, by *order, provide that this Part of this Ordinance shall apply to that new derivative or alkaloid or other drug in the same manner as it applies to the drugs mentioned in subsection (1) and make any such verbal alterations in the list of such drugs as may be necessary in consequence of such order as aforesaid.

(4) If the Governor in Council thinks fit, by †order, to declare that a finding with respect to any preparation containing any of the drugs to which this Part of this Ordinance applies has in pursuance of Article 8 of the Geneva Convention (No. 1) been communicated by the Council of the League of Nations to the parties to the said Convention, the provisions of this Part of this Ordinance shall as from such date as may be specified in the order cease to apply to the preparations specified therein.

Prohibition of trade, etc., in new drugs, and power to apply Part IV with or without modifications to certain drugs.

11. (1) It shall not be lawful for any person in the Colony to trade in or manufacture for the purpose of trade any products obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not being a product which was on the 13th July, 1931, being used for medical or scientific purposes :

Provided that, if the Governor is at any time satisfied as respects any such product that it is of medical or scientific value, he may, by order in council, direct that this subsection shall cease to apply to that product.

If any person acts in contravention of this subsection he shall be guilty of an offence against this Ordinance.

(2) If it is made to appear to the Governor that a decision with respect to any such product as is mentioned in subsection (1) of this section has in pursuance of Article 11 of the Geneva Convention (No. 2) been communicated by the Secretary-General of the League of Nations to the parties of the said Convention, the Governor may, as the case requires, by order in council,

*See orders in council dated 17th December, 1937, 25th May, 1948 (No. 28 of 1948), 20th July, 1950 (36 of 1950), 11th January, 1952 (7 of 1952) and 14th March, 1953 (No. 29 of 1953.)

†See order in council dated 17th December, 1937.

either declare that the provisions of this Part of this Ordinance shall apply to that product in the same manner as they apply to the drugs mentioned in subsection (1) or apply the said Part to that product with such modifications as may be specified in the order.

(3) The Governor may, by *order in council, apply this Part of this Ordinance with such modifications as may be specified in the order, to any of the following drugs, that is to say, methylmorphine (commonly known as codeine), ethylmorphine (commonly known as dionin) and their respective salts.

PART V.—CONTROL OF EXTERNAL TRADE IN DANGEROUS DRUGS.

12. In this Part, unless the context otherwise requires—

Interpreta-
tion.

“conveyance” includes ship, motor vehicle, aircraft, train and any other means of transport by which goods may be brought into or taken from the Colony ;

“dangerous drug” means any drug to which Part IV of this Ordinance applies, and includes raw opium, coca leaves, Indian hemp, and all preparations of which resins obtained from Indian hemp form the base ; and for the purposes of sections 15 to 18, both inclusive, includes also the resins obtained from Indian hemp ;

“diversion certificate” means a certificate issued by the competent authority of a country through which a dangerous drug passes in transit, authorising the diversion of such 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 an export authorisation, together with the name of the country from which the consignment was originally exported ;

“export” with its grammatical variations and cognate expressions, in relation to the Colony, means to take or cause to be taken out of the Colony by land, air or water, otherwise than in transit ;

“export authorisation” means an authorisation issued by a competent authority in a country from which a dangerous drug is exported, containing full particulars of such 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 which, it is to be exported ;

*See order in council dated 17th December, 1937.

“import” with its grammatical variations and cognate expressions, in relation to the Colony, means to bring or cause to be brought into the Colony by land, air or water, otherwise than in transit ;

“import authorisation” means a licence, issued by a competent authority, authorising the importation of a specified quantity of a dangerous drug and containing full particulars of the drug, together with the name and address of the person authorised to import the drug, the name and address of the person from whom the drug is to be obtained, and specifying the period within which the importation must be effected ;

Schedule ;
form A.

“import certificate” means a certificate substantially in the form A set out in the schedule hereto, issued by a competent authority in a country into which it is intended to import dangerous drugs ;

“in transit” means taken or sent from any country and brought into the Colony by land, air or water (whether or not landed or transhipped in the Colony), for the sole purpose of being carried to another country either by the same or another conveyance.

The export
of dangerous
drugs.
Form B.

13. (1) Upon the production of an import certificate duly issued by the competent authority in any country, it shall be lawful for the Director of Medical Services to issue an export authorisation in the form B set out in the schedule hereto in respect of any drug referred to in the import certificate to any person who is named as the exporter in such certificate, and is, under the provisions of this Ordinance, otherwise lawfully entitled to export such drug from the Colony. The export authorisation shall be prepared in triplicate and two copies shall be issued to the exporter who shall send one copy with the drug to which it refers when such drug is exported. The Director of Medical Services shall send the third copy direct to the appropriate authority of the country of ultimate destination. Where the intended exportation is to a country which is not a party to the Geneva Convention (No. 2), it shall not be necessary to produce an import certificate as aforesaid. Subject to the provisions of subsection (2) of this section, it shall be in the absolute discretion of the Director of Medical Services in all cases to issue or refuse an export authorisation, as he may see fit.

(2) If at any time the importation of any dangerous drug into a foreign country which is not a party to the Geneva Convention (No. 2) is prohibited or restricted by the laws of

that country no export authorisation may lawfully be issued authorising the exportation thereof to such country in contravention of such laws.

(3) No dangerous drug shall be exported from the Colony unless the consignor is in possession of a valid and subsisting export authorisation relating to such drug granted under this Ordinance.

(4) At the time of exportation of any dangerous drug the exporter shall produce to the Comptroller of Customs the dangerous drug, the export authorisation relating thereto, and such other evidence as the Comptroller of Customs may require to satisfy him that the drug is being lawfully exported to the place and person named in the authorisation which refers to it.

(5) No person shall export, cause to be exported or take any steps preparatory to exporting any dangerous drug from the Colony except in pursuance of and in accordance with the provisions of this Ordinance.

14. (1) An import authorisation in the form C set out in the schedule hereto permitting the importation into the Colony of any dangerous drug specified therein may be granted by the Director of Medical Services subject to such conditions as he shall deem fit to any person who may lawfully import such drug.

The import
of dangerous
drugs.
Form C.

(2) Where an import authorisation is issued in pursuance of subsection (1) of this section, the Director of Medical Services shall also issue, in relation to the dangerous drug intended to be imported, an import certificate (form A) which shall be forwarded by the intending importer to the person from whom the drug is to be obtained. When the importer to whom an import authorisation is issued under this section intends to import the drug or drugs to which such authorisation relates in more than one consignment, a separate import certificate shall be issued to him in respect of each such consignment.

Form A.

(3) No dangerous drug shall be imported into the Colony unless the person to whom the drug is consigned is in possession of a valid and subsisting import authorisation granted in pursuance of this section.

(4) Every dangerous drug imported into the Colony from a country which is a party to the Geneva Convention (No. 1) shall be accompanied by a valid and subsisting export authorisation or diversion certificate.

(5) No person shall import, cause to be imported or take any steps preparatory to importing, any dangerous drug into

the Colony except in pursuance of and in accordance with the provisions of this Ordinance.

Dangerous
drugs in
transit.

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

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

(b) except where the drug comes from a country not a party to the Geneva Convention (No. 1), it is accompanied by a valid and subsisting export authorisation or diversion certificate, as the case may be.

(2) Where any dangerous drug in transit is accompanied by an export authorisation or diversion certificate and the Comptroller of Customs has reasonable grounds for believing that such authorisation or certificate is false, or that it has been obtained by fraud or wilful misrepresentation of a material particular, it shall be lawful for the Comptroller of Customs to seize and detain the drug to which such authorisation or certificate relates. Upon being satisfied that such authorisation or certificate is valid or has not been obtained by fraud or misrepresentation as aforesaid the Comptroller of Customs shall release the drug.

(3) Where the dangerous drug in transit is not accompanied by an export authorisation or diversion certificate by reason of the fact that the drug comes from a country not a party to the Geneva Convention (No. 1) and the Comptroller of Customs has reasonable grounds for believing that such drug is being conveyed in an unlawful manner or for an unlawful purpose or is in course of transit for the purpose of being imported into another country in contravention of the laws of that country it shall be lawful for the Comptroller of Customs to seize and detain the drug.

(4) Where a dangerous drug brought into the Colony in transit is landed, or transhipped in the Colony, it shall remain under the control of the Comptroller of Customs and shall be moved only under and in accordance with a removal licence granted in pursuance of section 16 hereof.

(5) Nothing in this section contained shall be deemed to apply to any dangerous drug in transit by post or in transit by air if the aircraft passes over the Colony without landing, or to such quantities of dangerous drugs as may, *bonâ fide* reasonably form part of the medical stores of any ship or aircraft.

16. (1) No person shall—

Removal
licences.

(a) remove any dangerous drug from the conveyance by which it is brought into the Colony in transit; or

(b) in any way move any such drug in the Colony at any time after removal from such conveyance

except under and in accordance with a licence (in the form D set out in the schedule hereto and in this Ordinance referred to as a "Removal Licence") issued by the Comptroller of Customs. In all cases it shall be in the absolute discretion of the Comptroller of Customs to issue or refuse a removal licence as he shall deem fit. Form D.

(2) No removal licence for the transfer of any such drug to any conveyance for removal out of the Colony shall be issued unless and until a valid and subsisting export authorisation or diversion certificate relating to it is produced to the Comptroller of Customs save that where the drug has come from a country not a party to the Geneva Convention (No. 1) this subsection shall not apply.

(3) The provisions of this section shall not apply to dangerous drugs in transit by post.

17. It shall be unlawful for any person to cause any dangerous drug in transit to be subjected to any process which would alter its nature, or wilfully to open or break any package containing a dangerous drug in transit except under the instructions of the Comptroller of Customs and in such manner as he may direct.

Drugs not to
be tampered
with.

18. (1) No person shall, except under the authority of a diversion certificate in the form E set out in the schedule hereto, cause or procure any dangerous drug brought into the Colony in transit to be diverted to any destination other than that to which it was originally consigned. In the case of any drug in transit accompanied by an export authorisation or a diversion certificate issued by a competent authority of some other country, the country to which the drug was originally consigned shall be deemed to be the country stated in such export authorisation or diversion certificate to be the country of destination.

Diversion of
dangerous
drugs.
Form E.

(2) The Director of Medical Services may in his absolute discretion issue a diversion certificate in respect of any dangerous drug in transit upon production to him of a valid and subsisting import certificate issued by a competent authority in the country to which it is proposed to divert the

drug, or if that country is not a party to the Geneva Convention (No. 1) upon such evidence as may satisfy him that the drug is to be sent in a lawful manner and for a proper purpose.

(3) A diversion certificate shall be issued in duplicate; one copy thereof shall accompany the drug when it is exported from the Colony. Another copy shall be despatched by the Director of Medical Services direct to the proper authority in the country to which the consignment has been diverted.

(4) Upon the issue of a diversion certificate the export authorisation or diversion certificate (if any) accompanying the drug on its arrival in the Colony shall be detained by the Director of Medical Services and returned to the authority issuing such authorisation or diversion certificate together with a notification of the name of the country to which such drug has been diverted.

PART VI.—GENERAL.

Licences.

19. Licences or authorities for the purposes of this Ordinance may be issued or granted by the Director of Medical Services on such terms and subject to such conditions (including in the case of a licence the payment of a fee) as the Governor in Council may by regulation prescribe.

Application of Cap. 309.

20. (1) Articles prohibited to be imported by virtue of this Ordinance shall be deemed to be included among the goods enumerated and described in the table of prohibitions and restrictions contained in the second schedule to the Customs Ordinance, and the provisions of this Ordinance relating to the prohibition of the export of articles shall have effect as though they were included in that Ordinance, and the provisions of that Ordinance and of any Ordinance amending or extending that Ordinance shall apply accordingly.

(2) If any goods prohibited to be exported by virtue of this Ordinance are exported from the Colony in contravention thereof, or brought to a quay or other place to be shipped for the purpose of being so exported or of being water-borne to be so exported, the exporter or his agent shall be liable to the same penalty as that to which a person is liable under section 216 of the Customs Ordinance, for illegally importing prohibited goods.

Powers of inspection.

21. (1) Any officer of police or police constable authorised in writing by an officer of police, or other person authorised in that behalf by any general or special order of the Governor, shall,

for the purposes of the execution of this Ordinance, have power to enter the premises of any person carrying on the business of a producer, manufacturer, seller or distributor of any drugs to which this Ordinance applies, and to demand the production of and to inspect any books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs.

(2) If a magistrate is satisfied by information on oath that there is reasonable ground for suspecting that any drugs to which this Ordinance applies are, in contravention of the provisions of this Ordinance or any regulations made thereunder, in the possession or under the control of any person in any premises, or that any document directly or indirectly relating to or connected with any transaction or dealing which was, or any intended transaction or dealing which would, if carried out, be an offence against this Ordinance, or in the case of a transaction or dealing carried out or intended to be carried out in any place outside this Colony, an offence against the provisions of any corresponding law in force in that place, is in the possession or under the control of any person in any premises, he may grant a search warrant, authorising any constable named in the warrant, at any time or times within one month from the date of the warrant to enter, if need be by force, the premises named in the warrant, and to search the premises and any persons found therein, and if there is reasonable ground for suspecting that an offence against this Ordinance has been committed in relation to any such drugs which may be found in the premises or in the possession of any such persons, or that any document which may be so found is such a document as aforesaid, to seize and detain those drugs or that document, as the case may be.

(3) If any person wilfully delays or obstructs any person in the exercise of his powers under this section or fails to produce or conceals or attempts to conceal any such books, stocks, drugs or documents as aforesaid, he shall be guilty of an offence against this Ordinance.

22. (1) Every person—

Offences.

(a) who acts in contravention of, or fails to comply with, any of the provisions of this Ordinance or of any regulation made thereunder ; or

(b) who acts in contravention of, or fails to comply with, the conditions of any licence or authority granted under or in pursuance of this Ordinance ; or

(c) who for the purpose of obtaining, whether for himself or for any other person, the issue, grant or renewal of any such licence or authority as aforesaid, makes any declaration or statement which is false in any particular, or knowingly utters, produces or makes use of any such declaration or statement or any document containing the same ; or

(d) who in the Colony aids, abets, counsels, causes or procures the commission in any place outside the Colony of any offence punishable under the provisions of any corresponding law in force in that place, or does any act preparatory to, or in furtherance of, any act (wherever to be committed) which if committed in the Colony would constitute an offence against this Ordinance ;

shall be guilty of an offence against this Ordinance.

(2) Every person guilty of an offence against this Ordinance shall, in respect of each offence, be liable—

(i) on conviction on indictment, to a fine not exceeding five thousand dollars, or to penal servitude for a period not exceeding ten years, or to both such fine and penal servitude ;
or

(ii) on summary conviction, to a fine not exceeding twelve hundred dollars, or to imprisonment with or without hard labour for a term not exceeding twelve months, or to both such fine and imprisonment ;

and shall, in every case on conviction for the offence, forfeit to the Crown all articles in respect of which the offence was committed and the court before which the offender was convicted may order any forfeited articles to be destroyed or otherwise disposed of as the court thinks fit.

(3) No person shall, on conviction for any offence of contravening or failing to comply with any regulation under this Ordinance relating to the keeping of books or the issuing or dispensing of prescriptions containing drugs to which this Ordinance applies, be sentenced to imprisonment without the option of a fine or to pay a fine exceeding two hundred and fifty dollars, if the court dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to, or committed in the course of or in connection with, the commission or intended commission of any other offence against the Ordinance.

(4) Every person who aids, abets, counsels, causes, or procures the commission of any offence under this Ordinance shall be liable to be proceeded against and convicted for the

same, either together with the principal offender or before or after his conviction, and shall be liable on conviction to the same punishment as if he had committed an offence under this Ordinance.

(5) Every person who attempts to commit an offence against this Ordinance, or solicits or incites another person to commit such an offence, shall, without prejudice to any other liability, be liable on conviction to the same punishment as if he had committed an offence under this Ordinance.

(6) Where a person convicted of an offence under this Ordinance is a Company, the Chairman and every Director and every officer concerned in the management of the Company shall, unless he proves that the act or omission constituting the offence took place without his knowledge and consent, be guilty of the like offence, and shall be liable to all the penalties and consequences to which a natural person would be liable upon conviction of the said offence.

(7) Where the person convicted of an offence under this Ordinance is a firm, every partner in the firm and every person concerned in the management of the firm shall, unless he proves that the act or omission constituting the offence occurred without his knowledge and consent, be guilty of the like offence, and shall be liable to all the penalties and consequences to which a natural person would be liable upon conviction of the said offence.

(8) Notwithstanding the provisions of any enactment which prescribes the time within which proceedings for an offence punishable upon summary conviction may be commenced any proceedings for an offence under this Ordinance or for aiding or abetting or counselling or causing or procuring such an offence or for attempting to commit such an offence, or for soliciting or inciting another person to commit such an offence, may be commenced either within the time so prescribed or within six months from the date on which evidence sufficient in the opinion of the Director of Medical Services to justify prosecution comes to his knowledge, whichever time is the longer, and, for the purposes of this subsection, a certificate purporting to be signed by the Director of Medical Services as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

(9) For the purposes of subsection (8), the issue of a summons or warrant shall be deemed to be the commencement of proceedings, whether such summons or warrant be executed or not.

(10) Whenever any person to whom any licence or authority has been issued or granted under this Ordinance would be liable under the provisions of this Ordinance or of any regulations made thereunder to any punishment, penalty or forfeiture for any act, omission, neglect, or default he shall be liable to the same punishment, penalty or forfeiture for every similar act, omission, neglect or default of any agent or servant employed by him in the course of his business, and every agent or servant employed by him in the course of his business, shall also be liable to every punishment, penalty, or forfeiture prescribed for such acts, omissions, neglects or defaults contrary to the provisions of this Ordinance as fully and effectually as if such agent or servant had been the person to whom the licence or authority had been issued or granted.

Power of
arrest.

23. Any police officer may arrest without warrant any person who has committed or attempted to commit, or is reasonably suspected by the officer of having committed or attempted to commit, an offence against this Ordinance, if he has reasonable ground for believing that that person will abscond unless arrested, or if the name and address of that person are unknown to and cannot be ascertained by him.

Meaning of
importation
and exporta-
tion under
licence.

24. For the purposes of this Ordinance, any article shall be deemed to be imported under licence or exported under licence if the importer or exporter, as the case may be, is the holder of a licence or authorisation issued under this Ordinance authorising the importation or exportation, as the case may be, of the article and complies with the conditions, if any, of the licence or authorisation, but not otherwise.

Burden of
proof.

25. In any proceedings against any person for an offence against this Ordinance, it shall not be necessary to negative by evidence any licence, authority or other matter of exception or defence, and the burden of proving any such matter shall lie on the person seeking to avail himself thereof.

SCHEDULE.

FORM A.

The Dangerous Drugs Ordinance.

ss. 12 and
14 (2).

IMPORT CERTIFICATE issued by
the Government of British Guiana.

International Opium Conventions.

(The Hague 1912, Geneva 1925, Limitation Convention 1931.)

CERTIFICATE OF OFFICIAL APPROVAL OF IMPORT No.....

I hereby certify that the Medical Department being the Department charged with the administration of the law relating to the dangerous drugs to which the International Opium Conventions apply, has approved the importation by :

- (a) Name, address and business of importer (a)
- (b) Exact description and amount of drug to be imported of (b)
- (c) Name and address of firm in exporting country from which the drug is to be obtained from (c)
- (d) State any special conditions to be observed—e.g., not to be imported through the post subject to the following conditions (d)
- (e) State, if possible, Customs Office through which the goods will be imported
- (f) State, if possible, route to be followed by the goods
- (g) Period within which the import is to be effected

and is satisfied that the consignment proposed to be imported is required :—

- (1) for legitimate purposes (in the case of raw opium and the coca leaf),
- (2) solely for medical or scientific purposes (in the case of drugs to which Chapter III of the 1925 Convention and Article I of the 1931 Convention apply, and also for Indian hemp).

Signed on behalf of the Medical Department.

(Signature)

(Official rank)

(Date).....

FORM B.

The Dangerous Drugs Ordinance.

s. 13 (1).

EXPORT AUTHORISATION.

International Opium Conventions.

(The Hague 1912, Geneva 1925, Limitation Convention 1931.)

Official Authorisation of Export No.....

I hereby certify that the Medical Department, being the Department charged with the administration of the law relating to the dangerous drugs to which the International Opium Conventions apply, has approved the exportation of :

- (a) Name, address and business of exporter (a)
- (b) Exact description and amount of drug to be exported of (b)
- (c) Name and address of firm in importing country requiring the drug to (c)
- (d) Number and date of import certificate and indication of the authority issuing this certificate
- (e) State any special conditions to be observed—*e.g.*, not to be imported through the post—see also general conditions below (e)
- (f) Customs Office through which the goods will be exported
- (g) State, if possible, route to be followed by the goods
- (h) Period within which the export is to be effected

Signed on behalf of the Medical Department.

(Signature)

(Official rank)

(Date).....

General conditions governing the use of this export authorisation :—

1. This authorisation is not a licence to obtain or be in possession of the drugs named herein.
2. This authorisation is available only for drugs of the exact quantity, kind and form specified above.
3. This authorisation does not relieve the exporter from compliance with any Customs regulations in force for the time being relating to the exportation of goods from British Guiana nor from any provision of the Post and Telegraph Ordinance, Cap. 132, or of any Post Office Regulations for the time being in force, nor from any rules or regulations respecting the transmission of articles by post which may for the time being be in force, whether within British Guiana or elsewhere.
4. If the drugs are authorised to be exported by ship the duplicate copy, which is attached, shall accompany the consignment to the place of destination, and for this purpose the exporter shall cause it to be delivered to the Master of the vessel by which the consignment is despatched. [See footnote (3).]
5. If the drugs are authorised to be exported by post the attached duplicate copy shall be placed inside the outer wrapper of the parcel containing the drugs. If the drugs are contained in more than one parcel, the duplicate copy shall be placed inside the outer wrapper of one of them; the parcels shall be consecutively numbered on the outer wrapper, and on each parcel there shall be legibly stated the number of the parcel in which the duplicate copy is to be found. [See footnote (2).]
6. The exporter, if so required by the Comptroller of Customs shall produce to him, within such time as he may allow, proof to his satisfaction that the said drugs were duly delivered at the destination named in this authorisation, and in the event of non-compliance with this condition the authorisation shall be deemed void and of no effect.

7. The exporter shall furnish to the Director of Medical Services such returns of the goods exported by him in pursuance of this authorisation as may from time to time be required.

8. This authorisation is valid only for the exporter named above and may be revoked at any time by the Director of Medical Services. It shall be produced for inspection when required by any duly authorised person.

9. This authorisation, unless sooner revoked, shall continue in force for three calendar months from the date hereof. It must be produced, at the time of export, to an officer of the Customs or the Post Office, whichever is applicable, who will retain it.

If not used it shall be surrendered to the Director of Medical Services within seven days of the date of its expiry.

NOTE.—(1) If any alteration is desired in this authorisation it must be returned with a request for amendment and a statement of the reasons therefor. No unauthorised alteration is permissible.

(2) In the case of drugs exported by post, failure to comply with this condition may lead to delay or confiscation of the parcels in the country of destination.

(3) In the case of drugs exported by ship this document is required in pursuance of the International Opium Convention, 1925, Article 15, to be produced to the competent authorities of any country through which the consignment passes, whether it is transhipped or not. Failure to comply with the condition may lead to delay or confiscation of the consignment.

FORM C.

Authorisation No.....

File No.

The Dangerous Drugs Ordinance.

s. 14 (1).

IMPORT AUTHORISATION.

In pursuance of the Dangerous Drugs Ordinance (hereinafter called "the Ordinance"), the Director of Medical Services hereby authorises

(hereinafter called "the importer") to import the drugs specified in the schedule hereto, from

Here insert name and full postal address of importer.

Here insert name and full postal address of exporter.

This authorisation is issued subject to the following conditions :—

1. The drugs shall be imported before (*date*)
2. This authorisation is not a licence to be in possession of or to supply the drug imported.
3. This authorisation does not relieve the importer from compliance with any Customs regulations in force for the time being relating to the importation of goods into or transshipment of goods in British Guiana, or any Post Office regulations for the time being in force in British Guiana.
4. This authorisation is valid only for the importer and may be revoked at any time by the Director of Medical Services to whom it shall in that event be immediately surrendered. It shall be produced for inspection when required by any duly authorised person.

5. This authorisation unless sooner revoked shall be produced to the Customs Officer at the time of importation and shall be surrendered to the Customs Officer at the time when the last consignment of drugs is imported.

6. If the importation of all drugs specified in the schedule is not effected before the date specified in condition No. 1 this authorisation shall immediately after that date be surrendered to the Director of Medical Services.

7. The copy of the export authorisation, if any, which accompanies the drugs shall be forwarded to the Director of Medical Services immediately the importation of the drugs has been effected.

(Date).....

(Signature) Director of Medical Services.

SCHEDULE specifying the drugs and quantities thereof to be imported :—

This authorisation is not to leave the possession of the importer until it is surrendered to the Director of Medical Services or to the Customs Officer, who will complete the certificate on the back and return the authorisation to the Director of Medical Services.

ENDORSEMENT BY CUSTOMS OFFICER
at the time of Importation.

| Date. | Description of drugs imported. | Number and date of Export Authorisation | Quantity. | How imported. | Customs entry or Parcel No. | Signature, mark and station of Customs Officer. |
|-------|--------------------------------|---|-----------|--|-----------------------------|---|
| | | | | <i>e.g., ex..... (in the case of a ship), or by registered parcel post or by insured box post.</i> | | |

This authorisation, when all the drugs to which it relates have been imported must be returned by the Customs Officer to the Director of Medical Services.

s. 16 (1).

FORM D.

The Dangerous Drugs Ordinance.

LICENCE FOR THE REMOVAL OF DANGEROUS DRUGS IN TRANSIT.

..... is hereby authorised to move the dangerous drugs described hereunder from..... to

Nature and quantity of dangerous drugs

Particulars of export authorisation (or
diversion certificate) if any relating
thereto

Name of ship on which the drugs were
brought into the Colony

Date of arrival

Number of packages

Marks and numbers on packages

This licence is issued subject to the following conditions :—

(1) This licence is valid only for the removal of the drugs specified above.

(2) The removal of the drugs shall take place between.....a.m./p.m.
and.....a.m./p.m. on the.....19.....

(3) If the removal of the drugs does not take place within the hours and
on the day specified, this licence must be returned to the Comptroller of
Customs forthwith ; and in any case shall be surrendered when the removal
has taken place.

(4) The drugs must not be moved unless an officer of the Customs Depart-
ment is present.

(5) This licence does not authorise the person named above to be in
possession of the drugs otherwise than for the purpose of removing them in
accordance with this licence.

(6) The packages containing the drugs are not to be opened or broken
in the course of the removal.

(7) This licence shall be produced at any time when required by a duly
authorised person.

(Date).....

(Signature and stamp of the
Comptroller of Customs.)

FORM E.

s. 18 (1).

The Dangerous Drugs Ordinance.

International Opium Conventions.

DIVERSION CERTIFICATE.

I, being the person charged with the administration of the law relating
to the dangerous drugs to which the International Opium Conventions apply,
hereby certify that I have authorised the diversion of the consignment of
drugs, of which particulars are given below, to the destination stated below :—

Description and quantities of drugs

Name of vessel on which the consignment
was brought to British Guiana

Name and address of the exporter

Number and date of export authorisation
and authority by whom issued

Name and address of original consignee
named in the export authorisation

Name and address of consignee to whom
the consignment is authorised to be
diverted

Number and date of import certificate (and
authority by whom issued) by virtue of
which this diversion is authorised

Name of vessel on which the consignment is
authorised to be carried from British
Guiana

Period within which the consignment is to
be carried from the Colony

This certificate is issued subject to the following conditions :—

(1) The duplicate copy of this certificate shall accompany the consign-
ment to the place of destination, and for this purpose shall be delivered to
the Master of the vessel by which the consignment is despatched.

(2) This certificate does not relieve any person who may be concerned
with the carriage of the consignment of drugs specified above from compliance
with any Customs regulations in force for the time being relating to the
exportation of goods from British Guiana.

(3) This certificate is valid only for the consignment and for the period
specified above, and may be revoked at any time.

(4) If the consignment of drugs is not carried from British Guiana
within the period specified above, this certificate shall be surrendered to the
Director of Medical Services.

(5) This certificate shall be produced at any time when required by a
duly authorised person.

(Date).....

.....
(Signature) Director of Medical Services.

NOTE.—(1) If any alteration is desired in this authorisation, it must be returned with a
request for amendment and a statement of the reasons therefor.
No unauthorised alteration is permissible.

(2) This document is required in pursuance of the International Opium
Convention, 1925, Article 15, to be produced to the competent authorities of
any country through which the consignment passes, whether it is transhipped
or not. Failure to comply with the condition may lead to delay or confiscation
of the consignment.

