UNITED NATIONS

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ENGLISH ONLY*

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

MAURITIUS

Communicated by the Government of Mauritius

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

The Dangerous Drugs Act 1986

Act No. 32 of 1986

*) Note by the Secretariat: The present document is a direct reproduction of the text communicated to the Secretariat.

V.88-30720

THE DANGEROUS DRUGS ACT 1986

Act No. 32 of 1986

I assent,

V. RINGADOO
Governor-General

28 August 1986

ARRANGEMENT OF SECTIONS

Section

An Act

To amend and consolidate the law relating to dangerous drugs

ENACTED by the Parliament of Mauritius, as follows—

PART I—PRELIMINARY

1. Short title.

This Act may be cited as the Dangerous Drugs Act 1986.

2. Interpretation.

In this Act—

"authorised person" means a medical practitioner, a pharmacist, a dental surgeon or a veterinary surgeon, in the exercise of his profession;

"Authority" means the body or person empowered to grant import and export authorisations and diversion certificates;

"coca leaves" means the leaves of any plant of the genus erythrosylaceae from which cocaine can be extracted directly or by chemical transformation;

"container" means any wrapper or receptacle;

"Conventions" means the International Opium Convention signed at The Hague on 23 January 1912, the International Opium Convention signed at Geneva on 19 February 1925, the International Opium Convention signed at Geneva on 13 July 1931, and the Single Convention of 1961;

"corresponding law" means a law stated, in a certificate purporting to be issued by or on behalf of the government of any country other than Mauritius, to be a law providing for the control and regulation in that country of the manufacture, sale, use, export and import of dangerous drugs in accordance with the Conventions;

"crude cocaine" means any extract of coca leaves which can be used for the manufacture of cocaine;

"dangerous drug"—

(a) means a substance or preparation specified in the First Schedule to this Act;

(b) does not include a substance or preparation specified in the Second Schedule to this Act.

"diversion certificate" means a certificate in the form set out in Part I of the Third Schedule issued by the Authority;

"export" does not apply to a dangerous drug in transit in Mauritius;

"export authorisation" means an authorisation issued by the Authority in a country from which a dangerous drug is exported, containing full particulars of the 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;

"family", in relation to a person, means—

(a) his spouse, concubine or paramour;

(b) his legitimate, illegitimate or adopted children;

"gandia" means bhang, babzi, siddhi and all the parts of plant known as Cannabis Sativa L or Cannabis Indica but does not include hashish, charras or chiras;

"hashish", "charras" or "chiras" means the resin obtained from the gandia plant;

"import" does not apply to a dangerous drug in transit in Mauritius;

"indian hemp" means the dried flowering or fruiting tops of the gandia plant from which the resin has not been extracted;

"judge" means a Judge of the Supreme Court;

"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 Pharmacopeia, whether it is in powder, granules or other form or mixed with natural material;

"Minister" means the Minister to whom responsibility for the subject of health is assigned;

"Permanent Secretary"—

(a) means the Permanent Secretary of the Ministry of Health;

(b) includes the Chief Medical Officer;

"possessions" means property, moveable or immovable, including any cash in a bank account or bank deposit whether in a person's own name or in a fictitious name;

"prepared opium" means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked.

"preparation" means—

(a) a solution or mixture, in whatever physical state, containing a dangerous drug;

(b) a dangerous drug in dosage form;

"prescription" means a prescription given by an authorised person for the supply of a dangerous drug for purposes of treatment given by him in the exercise of his profession;

"raw opium" means the spontaneously coagulated juice obtained from capsules of the Papaver Sommiferum L. whatever its content of morphine, which has been submitted only to the manipulations necessary for packing and transport;

"recipient" means a person to whom a dangerous drug is to be supplied.

PART II—CONTROL OF DANGEROUS DRUGS

3. Import and export licences.

No person shall import or export a dangerous drug unless he is licensed to do so by the Permanent Secretary.

4. Applications for import and export licences.

(1) Any person who wishes to import or export a dangerous drug shall make an application to the Permanent Secretary in the form set out in Part II of the Third Schedule for a licence to do so.

(2) On receipt of an application under subsection (1), the Permanent Secretary may, subject to such terms and conditions as he thinks fit, issue a licence in the form set out in Part III of the Third Schedule.

(3) Where an import licence has been granted under subsection (2), the Permanent Secretary shall, in relation to any dangerous drug intended to be imported under the licence, issue an import certificate in the form set out in Part IV of the Third Schedule which shall be forwarded by the intending importer to the person from whom the dangerous drug is to be obtained.

(4) Where the importer to whom an import licence has been granted intends to import any drug to which the licence relates in more than one consignment, a separate import certificate shall be issued to him in respect of each consignment.

(5) Every drug imported shall be accompanied by an export authorisation issued by the Authority.

5. Storage of dangerous drugs.

Every dangerous drug shall—

(a) on importation be kept at a Government store at the risk and expense of the importer;

(b) be delivered or taken from the Government store only on production by an authorised person of a delivery permit in the form set out in Part V of the Third Schedule signed by the Permanent Secretary.

6. Possession of drugs.

(1) No person shall possess any dangerous drug unless he is authorised to do so under this Act.

(2) A person shall be deemed to possess a dangerous drug if it is in his custody or is held by another person subject to his control or for him or on his behalf.

(3) Subject to subsection (4), a person to whom a dangerous drug is lawfully supplied for his own use shall be deemed to be a person authorised to possess the drug so supplied.

(4) *(a)* Subject to paragraph *(b)*, where a dangerous drug is supplied or prescribed by one authorised person for a patient receiving treatment from him and is also being supplied to the same patient by another authorised person, the recipient shall not be a person authorised to be in possession of the dangerous drug under subsection (1).

(b) Paragraph *(a)* shall not apply where, before the supply of the dangerous drug to him, the recipient disclosed to the one authorised person that he was being treated and supplied with the dangerous drug by another authorised persson.

7. Possession of drugs in special circumstances.

An authorised person, any person employed or engaged in dispensing medicines at a hospital, or any person in charge of any laboratory attached to a college, hospital or other institution approved by the Minister for purposes of research or instruction, may possess a dangerous drug so far as is necessary for the practice of his profession or employment.

8. Lawful administration of drugs.

(1) The administration of a dangerous drug to any person or animal for the purpose and in the course of treatment by or under the personal supervision of an authorised person shall not constitute an offence against this Act.

(2) Subject to subsection (1), every person who administers a dangerous drug to any person or animal shall commit an offence.

9. Supply of drugs to an authorised person.

(1) Every authorised person who requires a supply of a dangerous drug shall make an application to the supplier in the form set out in Part VI of the Third Schedule.

(2) Where a supplier receives an application under subsection (1), he shall—

(a) endorse the original and each copy with—

(i) a serial number corresponding to the relevant entry made in the Prescriptions Book kept under the Pharmacy Act 1983; and

(ii) a statement of the amount of any dangerous drug actually supplied by him; and

(b) forward the original and the copy with the dangerous drug to which they relate to the recipient who shall complete paragraph C of the form on the original and the copy and return the original to the supplier.

(3) Every original and every copy of an application furnished under this section shall be—

(a) serially numbered for each year; and

(b) kept for inspection both by the supplier and the recipient.

10. Keeping of drugs in a cabinet.

(1) Every authorised person in possession of a dangerous drug shall keep it in a cabinet specially provided for that purpose.

(2) Subject to subsection (3), a cabinet used for storing dangerous drugs under subsection (1) shall be kept locked and the key shall remain in the physical possession of the authorised person.

(3) In the accidental and temporary absence of a pharmacist, the key of the dangerous drug cabinet shall remain in the physical possession of the assistant pharmacist.

11. Certain prescriptions not to be dispensed.

No pharmacist shall dispense, prepare, supply or cause to be dispensed, prepared or supplied any dangerous drug under a prescription issued by an authorised person in respect of whom a direction has been given in accordance with section 16(3).

12. Prescription of drugs by authorised person.

(1) No authorised person shall prescribe a dangerous drug unless the relevant prescription—

(a) is handwritten, dated and signed by the authorised person;

(b) gives the address of the authorised person who signed it;

(c) gives the name and address of the person for whom the dangerous drug is prescribed, or, where it is given by a veterinary surgeon, of the person to whom the dangerous drug prescribed is to be delivered;

(d) has, written on it, where it is given by a dentist, the words FOR LOCAL DENTAL TREATMENT ONLY, where given by a veterinary surgeon, the words FOR ANIMAL TREATMENT ONLY; and

(e) specifies the total amount of the dangerous drug to be supplied, or, where the dangerous drug is packed in ampoules, either the total amount to be supplied or the total amount intended to be administered or injected.

(2) No prescription shall be issued by an authorised person for the supply of a dangerous drug to himself or for his own use.

13. Supply of drugs on prescription.

(1) No person shall supply a dangerous drug on prescription unless—

(a) the prescription complies with section 12;

(b) (i) he recognises the signature of the authorised person by whom the prescription purports to have been issued; and

(ii) he has reason to believe that the prescription is genuine or has taken sufficient steps to satisfy himself that it is genuine; and

(c) the prescription is presented for dispensing not later than 7 days after the date borne on the prescription.

(2) Subject to subsection (3), no dangerous drug shall be supplied more than once on a prescription.

(3) Where a prescription so directs, a dangerous drug may be supplied on any number of occasions not exceeding 3 at intervals specified in the prescription.

(4) Every person dispensing a dangerous drug on prescription shall—

(a) at the time of dispensing, mark on the prescription—

(i) the date on which it is dispensed; and

(ii) where the prescription may be dispensed on more than one occasion, the dates on which it may be dispensed on any subsequent occasion;

(b) keep the prescription on the premises where the dangerous drug prescribed has been dispensed; and

(c) deliver to the person for whose use the dangerous drug was supplied or to his agent a copy of the prescription bearing—

(i) the serial number of the prescription;

(ii) the date on which the prescription was dispensed;

(iii) the stamp of the pharmacy.

14. Supply of drugs otherwise than by or on prescription.

(1) Where a dangerous drug is to be supplied to a recipient otherwise than by or on a prescription given by a medical practitioner, the supplier shall not deliver the dangerous drug to a person who purports to be sent by or on behalf of the recipient, unless that person—

(a) is authorised under this Act to be in possession of that dangerous drug;

(b) produces to the supplier a statement in writing signed by the recipient to the effect that he is authorised by the recipient to receive the dangerous drug on his behalf and the supplier is satisfied that the document is genuine.

(2) A person to whom a dangerous drug is delivered under subsection (1) shall be deemed to be authorised to be in possession of it for such period as is reasonably sufficient to enable delivery to the recipient.

15. Supply of drugs in container.

(1) Subject to subsection (2), no dangerous drug shall be supplied except in a container labelled—

(a) in the case of a powder, solution or ointment, with the total quantity of the dangerous drug supplied and the percentage of dangerous drug contained in it;

(b) in the case of tablets and other articles, with the total quantity of the dangerous drug contained in the tablet or article.

(2) Subsection (1) shall not apply to a dangerous drug dispensed by, or on the prescription of, a medical practitioner.

16. Reference to Dangerous Drugs Tribunal.

(1) Where the Permanent Secretary has reason to suspect that an authorised person is supplying to or prescribing for any person a dangerous drug otherwise than is properly required or in excess of the amount that is properly required for the medical or dental treatment of that person or the veterinary treatment of an animal, he may refer the matter for inquiry to a Dangerous Drug Tribunal.

(2) The tribunal set up under subsection (1) shall—

(a) consist—

(i) in the case of a medical practitioner, of 3 medical practitioners;

(ii) in the case of a dental surgeon, of 3 dental surgeons; and

(iii) in the case of a veterinary surgeon, of 3 veterinary surgeons,

together in each case with a legal assessor, appointed by the Minister;

(b) have all the powers of the Supreme Court to summon and examine witnesses on oath and order the production of documents or other articles.

(3) The Minister may, on the recommendation of the Tribunal—

(a) withdraw the authority of an authorised person to supply, procure or be in possession of any drugs; and

(b) direct that no prescription containing a dangerous drug shall be issued by that authorised person.

(4) Notice of any withdrawal of authority or direction under subsection (3) shall be published in the *Gazette*.

17. Keeping of registers.

(1) Subject to section 18, every person who supplies a dangerous drug shall—

(a) keep a register in which entries shall be made by him or by a person under his control concerning every supply of a dangerous drug purchased or otherwise obtained by him and every transaction effected by him with respect to a dangerous drug;

(b) make the entry—

(i) in respect of a dangerous drug obtained by him, on the day the dangerous drug is received;

(ii) in respect of any sale or supply by him of a dangerous drug, on the day on which the transaction is effected;

(c) where he carries on business at more than one set of premises, keep a separate register in respect of each set of premises;

(d) keep the register in the part of the premises to which it relates;

(e) make every entry in chronological sequence in ink;

(f) make no correction of an entry otherwise than by a marginal note or foot-note initialled and dated giving the particulars of the correction;

(g) on or before 15 January in every year furnish the Permanent Secretary with a statement in the form set out in Part VII of the Third Schedule containing all information respecting any dangerous drug delivered to him or obtained from him, the stock of dangerous drugs held by him and every transaction effected by him in respect of a dangerous drug during the preceding year; and

(h) on request give the Permanent Secretary such particulars of his stock of dangerous drugs or of any transaction involving a dangerous drug as the Permanent Secretary may require.

(2) A register kept under subsection (1) shall—

(a) be in the form set out in Part VIII of the Third Schedule;

(b) have every page numbered serially, and be stamped and initialled by the Permanent Secretary.

(3) No entry in a register shall be cancelled, obliterated or altered.

(4) Every entry made under subsection (1) shall, in the case of a solid, be expressed in grammes and in the case of a liquid, in millilitres.

(5) A separate register may, with the approval of the Permanent Secretary, be kept for each branch of any business relating to the sale and supply of dangerous drugs.

18. Books of medical practitioner or pharmacist.

(1) Section 17 shall not apply to—

(a) a medical practitioner who enters—

(i) in a day book particulars of every dangerous drug obtained by him and of every dangerous drug supplied by him together with the name and address of the person to whom and the date on which the dangerous drug is supplied; and

(ii) on the same date as the entry in the day book, in a separate book particulars of any dangerous drug obtained by him and a reference for easy identification of each entry in the day book which relates to the supply of a dangerous drug;

(b) a pharmacist retailing poisons who on the same date as he makes an entry in the Poisons Register kept by him under the Pharmacy Act 1983 enters in a day book kept for the purpose, particulars of every dangerous drug supplied by him and a reference for easy identification of each entry in the Poisons Register.

(2) Every reference made in a separate book under subsection (1) shall be in chronological order and the book shall be divided into separate parts relating to each category of dangerous drugs and shall be used only for the purposes of subsection (1).

(3) Every entry in a day book or separate book under this section shall be made—

(a) on the day on which an entry would have been required to have been made in the register kept under section 17(1); and

(b) in chronological order in ink.

(4) No entry made under this section shall be cancelled, obliterated or altered.

19. Records.

(1) Every register kept under section 17, every separate book or day book kept under section 8, and every Poisons Register containing an entry to which reference is made in the separate book, shall—

(a) be kept on the premises to which such register or book relates or where the prescription was dispensed; and

(b) be available for inspection at all reasonable times.

(2) Every person who supplies dangerous drugs under this Act shall, on 30 June and 31 December in every year—

(a) check his stock of dangerous drugs and balance each register kept under section 17; and

(b) forthwith report to the Permanent Secretary any discrepancy found to exist as a result of such check.

20. Retention of documents.

Every document required to be obtained or kept under this Act shall be preserved—

(a) in the case of a register, book or other like record, for 2 years from the date on which the last entry is made in it; and

(b) in the case of any other document, for 2 years from the date on which it is issued or made.

21. Drugs in transit.

(1) Subject to subsection (5), no person shall bring any dangerous drug to Mauritius in transit, unless the dangerous drug is accompanied by valid export and import authorisations.

(2) Where a dangerous drug in transit is accompanied by an export authorisation or diversion certificate and the Permanent Secertary has reasonable grounds to believe that the authorisation or certificate is false, or has been obtained by fraud or wilful misrepresentation of a material particular, he may seize and detain the dangerous drug to which the authorisation or certificate relates.

(3) The Permanent Secretary shall, on being satisfied that the export authorisation or diversion certificate is valid, release the dangerous drug.

(4) Where a dangerous drug brought in transit is landed or transhipped in Mauritius, it shall remain under the control of the Permanent Secretary and be kept in a Government store.

(5) Subsection (1) shall not apply to a dangerous drug in transit by post or to any dangerous drug bona fide forming part of the medical stores of any ship or aircraft.

22. Interference with dangerous drugs in transit.

Except in accordance with instructions issued by the Permanent Secretary, no person shall—

(a) cause a dangerous drug in transit to be subjected to any process which could alter its nature;

(b) wilfully open or break any package or container containing any dangerous drug in transit,

23. Diversion certificates.

(1) No person shall, except under the authority of a diversion certificate, cause or procure any dangerous durg brought in transit to be diverted to any destination other than that to which it was originally consigned.

(2) The Permanent Secretary may, on production to him of a valid import authorisation issued by an Authority in the country to which it is proposed to divert a dangerous drug, issue a diversion certificate in respect of a dangerous drug in transit.

(3) A diversion certificate shall be in duplicate and—

(a) one copy shall accompany the dangerous drug when it is sent from Mauritius; and

(b) the other copy shall be forwarded by the Permanent Secretary to the Authority in the country to which the consignment has been diverted.

(4) On the issue of a diversion certificate the export authorisation or diversion certificate accompanying the dangerous drug on its arrival in Mauritius shall be retained by the Permanent Secretary and returned to the Authority issuing it together with notice of the name of the country to which the consignment has been diverted.

24. Surplus of drugs in stock.

(1) *(a)* The Permanent Secretary may, where he is satisfied that a person authorised to stock a dangerous drug holds a quantity in excess of his estimated annual requirements as shown by the return furnished under section 17(1), requisition the surplus quantity of the dangerous drug.

(b) The Permanent Secretary may cause a dangerous drug requisitioned under paragraph *(a)* to be subjected to analysis.

(2) *(a)* The Permanent Secretary may—

(i) where a dangerous drug requisitioned under subsection (1) is found on analysis to comply with the requirements laid down in the British or French Pharmacopoeias, order the person from whom the dangerous drug was requisitioned to sell any quantity of it at such price and to such person as is specified in the order;

(ii) where the dangerous drug is found on analysis not to comply with the requirements laid down in the British or French Pharmacopoeias, order it to be destroyed.

(b) The price at which a dangerous drug shall be sold under paragraph *(a)*(i) shall be not less than the invoice price paid by the importer of the dangerous drug plus 15 per cent together with such charges as may have been reasonably incurred in respect of such drug by the person from whom it was requisitioned.

25. Prohibited drugs.

No person shall trade in or manufacture for the purpose of trade any product, other than one listed in the Fourth Schedule, obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not being a product which on 13 July 1931, was being used for medical or scientific purposes.

26. Purchase and analysis of samples.

(1) The Permanent Secretary may, where he thinks fit, purchase samples of any dangerous drug for purposes of analysis or examination, and shall, after the purchase, immediately inform the seller or his agent, of his intention to have the samples subjected to analysis by a Government analyst.

(2) Where the Permanent Secretary has purchased a sample, he shall—

(a) divide the sample into 3 parts, each part to be marked, sealed and signed by the Permanent Secretary and the seller;

(b) deliver one part to the seller or to his agent;

(c) retain one part for future comparison; and

(d) retain one part for analysis.

PART III—OFFENCES

27. Drug stocks.

(1) Any pharmacist who fails to give a satisfactory account of a discrepancy existing in any stock of dangerous drugs at the time of the handing over to another pharmacist, shall commit an offence.

(2) No person shall supply or procure or offer to supply or procure any dangerous drug to or for any person, including himself, who is not authorised to be in possession of such drug.

(3) No authorised person shall keep a larger quantity of a dangerous drug than is required for the exercise of his profession.

28. Unlawful dealing with dangerous drugs.

(1) Subject to section 38, every person who unlawfully—

(a) (i) has in his possession, smokes, consumes or administers to himself or to any other person any drug specified in subsection (2);

(ii) has in his possession any pipe, syringe, utensil, apparatus or other article for use in connection with the smoking, sniffing, consumption or administration of any drug specified in subsection (2);

shall commit an offence and shall on conviction be liable to a fine which shall not exceed 5000 rupees and to imprisonment for a term which shall not exceed 8 years;

(b) sells, supplies, procures, distributes, transports or offers to buy, sell, supply, distribute or transport any drug specified in subsection (2) shall commit an offence and shall on conviction be liable to a fine which shall not exceed 50,000 rupees and to penal servitude for a term which shall not exceed 12 years;

(c) imports, causes to be imported, aids, abets, counsels or procures the importation of any drug specified in subsection (2) shall commit an offence and shall on conviction be liable to a fine which shall not exceed 200,000 rupees and to penal servitude for a term which shall not exceed 20 years.

(2) This section shall apply to—

(a) any dangerous drug;

(b) coca leaves, crude cocaine, raw opium, prepared opium, gandia, Indian hemp, hashish, heroin or morphine;

(c) any preparation of which hashish forms the base;

(d) any preparation of which heroin forms the base, other than a pharmaceutical preparation specified in the Fourth Schedule.

(3) Notwithstanding section 37, the Probation of Offender's Act shall apply to a conviction under subsection (1)*(a)*.

(4) Where a person is convicted of an offence under subsection (1)*(a)*, the Court may also order that the person shall undergo such treatment, education, after care, rehabilitation or social reintegration as the Court thinks appropriate at such institution as may be prescribed and for such period not exceeding 5 years as the Court may specify.

(5) Where the Court makes an order under subsection (4), the Court may also order that any sentence of imprisonment not exceeding 12 months shall be suspended.

(6) Where the Court is satisfied that an order made under subsection (4) has been complied with, the Court shall discharge the offender.

(7) *(a)* Where a person fails to comply with an order made by the Court under subsection (4), he shall commit an offence and shall—

(i) be ordered to serve the full term of the suspended sentence; and

(ii) in addition, be liable to a fine which shall not exceed 5000 rupees and to imprisonment for a term which shall not exceed 5 years.

(b) Where the Court sentences a person under subsection (7)*(a)*(ii), the Court shall ensure that the sentence together with the suspended sentence do not in the aggregate exceed 12 years.

(8) Any person who is charged with an offence under subsection (1)*(b)* or (1)*(c)* shall be tried before a Judge without a jury, the Intermediate or the District Court at the discretion of the Director of Public Prosecutions.

29. Export without licence.

Subject to section 38, every person who exports or causes to be exported any drug specified in section 28 without a licence shall commit an offence and shall, on conviction, be liable to a fine of 25,000 rupees and to penal servitude for a term of 5 years.

30. Unlawful manufacture.

Subject to section 38, every person who unlawfully manufactures or prepares any dangerous drug shall commit an offence and shall, on conviction, be liable to a fine which shall not be less than 25,000 rupees or more than 50,000 rupees and to penal servitude for a term which shall not be less than 5 years or more than 12 years.

31. Presumption of possession.

Every person who is found in suspicious circumstances in any place where opium or heroin is unlawfully smoked, sniffed, manufactured, kept or available for sale shall, unless the contrary is proved, be presumed to be in possession of any opium or heroin or any instrument used for the manufacture, smoking or sniffing of opium or heroin found at that place and shall, on conviction, be liable to a fine which shall not exceed 5,000 rupees and to imprisonment for a term which shall not exceed 8 years.

32. Permitting premises to be used for illegal storage etc.

Subject to section 38, every person who unlawfully permits premises of which he is owner or co-owner or which is under his occupation, management or charge to be used—

(a) for concealing or storing any dangerous drug;

(b) for preparing or manufacturing any dangerous drug;

(c) for the sale, smoking or sniffing of prepared opium or heroin,

shall commit an offence and shall, on conviction, be liable to a fine which shall not be less than 25,000 rupees or more than 50,000 rupees and to penal servitude for a term which shall not be less than 5 years or more than 12 years.

33. Permitting land to be planted with gandia etc.

Subject to section 38 every person who plants, grows, cultivates or knowingly permits any land of which he is the owner or which is under his occupation or charge to be planted with opium poppy, gandia plant, or any plant of the genus erythrosylaceae from which cocaine can be extracted or prepared, shall commit an offence and shall, on conviction, be liable to a fine which shall not be less than 10,000 rupees or more than 50,000 rupees and to penal servitude for a term not exceeding 12 years.

34. Aiding and abetting outside Mauritius.

Every person who—

(a) aids, abets, counsels or procures the commission in any place outside Mauritius of an offence under this Act which is punishable under any corresponding law in force in that place;

(b) in any place outside Mauritius does any act preparatory to, or in furtherance of, any act which, if committed in Mauritius, would constitute an offence under this Act,

shall commit an offence and shall, on conviciton, be liable to a fine which shall not exceed 50,000 rupees and to penal servitude for a term which shall not exceed 20 years.

35. Making a false declaration.

Every person who for the purposes of obtaining for himself or for any person the issue, grant or renewal of a permit, licence, certificate or authorisation or for any other purpose—

(a) makes a declaration or statement which is false or misleading in any material particular: or

(b) knowingly utters, produces or makes use of any such declaration or statement or any document containing the same,

shall commit an offence and shall, on conviction, be liable to a fine of 5,000 rupees or to imprisonment for a term which shall not exceed 3 years.

36. Failing to produce documents for inspection etc.

Any person who—

(a) fails to produce or conceals or attempts to conceal any document, book, register, dangerous drug or stock whenever required for inspection;

(b) contravenes the conditions of any permit, licence, certificate or authorisation issued or granted under or in pursuance of this Act or of any subsidiary enactment made under this Act;

(c) contravenes any subsidiary enactment made under this Act,

shall commit an offence and shall, on conviction, be liable to a fine of 5,000 rupees and to imprisonment for a term of 3 years.

37. Exclusion of probation etc.

Sections 150 and 151 of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a conviction under this Act.

38. Higher penalty for traffickers.

(1) The Court which tries a person for an offence under section 28, 29, 30, 32, 33, or 34 shall make a finding whether the accused person is a trafficker in drugs.

(2) A person shall be a trafficker where having regard to all the circumstances of the case against him it can be reasonably inferred that he was engaged in trafficking in drugs.

(3) Subject to subsection (4), any person who is found to be a trafficker in drugs under subsection (1) shall be liable in the case of—

(a) a first conviction, to a fine which shall not exceed 100,000 rupees together with penal servitude for a term which shall not exceed 20 years;

(b) a second or subsequent conviction to a fine which shall not be less than 100,000 rupees or more than 250,000 rupees together with penal servitude for a term of 30 years.

(4) Any person who is charged with an offence under section 28(1)*(c)* before a judge without a jury and who is found to be a trafficker in drugs shall be sentenced to death.

39. Inquiry and forfeiture.

(1) Where the Court makes a finding under section 38(1) that a person is a trafficker in drugs, the Court shall—

(a) forthwith notify the Director of Public Prosecutions of the finding and sentence;

(b) order that the traffiker shall not dispose of any of his assets or make any withdrawals from any bank account or bank deposit, until the Supreme Court shall have made a pronouncement under subsection (8), or until any appeal from that decision shall have been determined.

(2) *(a)* Where an order has been made under subsection (1)*(b)*, the Director of Public Prosecutions shall—

(i) give public notice of such order in the Gazette and in not less than 2 daily newspapers;

(ii) give notice of such order to all notaries and the head office of all banks registered in Mauritius.

(b) Where a notice has been published under paragraph *(a)*(i)—

(i) any notary who draws up any deed to witness any transaction involving the trafficker in breach of subsection (1)*(b)*;

(ii) any Bank which allows any withdrawal to be made from any account or deposit opened in the name of the trafficker in breach of subsection (1)*(b)*,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term which shall not exceed 5 years.

(3) The Director of Public Prosecutions shall, after the expiry of any delay for appeal or on the determination of an appeal, refer the matter to the Commissioner for an enquiry into the possessions of the trafficker.

(4) For the purpose of an enquiry under this section—

(a) the Commissioner may summon any person, including any savings bank or other body or organisation, to give evidence or to produce any record, book, document or other article or to make any disclosure relating to the possessions of a trafficker or his family;

(b) the trafficker shall make a full disclosure of all his possessions and any donation he has made to his family;

(c) every member of the family of the trafficker who is above the age of 15 shall make a full disclosure of all donations he has received from the trafficker;

(d) every gift or transfer of money or property, moveable or immovable, made by a trafficker to his family or made by any other person on his behalf to his family, shall be deemed to be a donation unless the contrary is proved or the donations, in the case of moveables, do not exceed 20,000 rupees in aggregate value;

(e) any disclosure required to be made may be made, without prejudice to oral testimony, by affidavit.

(5) *(a)* Every person who fails to comply with subsection (4)*(c)* or with a summon issued under subsection (4)*(a)* shall commit an offence and shall, on conviction, be liable to a fine which shall not exceed 50,000 rupees and to imprisonment for a term which shall not exceed 3 years.

(b) Every person who swears a false affidavit or gives false evidence in the course of an enquiry under this section shall commit an offence and shall, on conviction, be liable to a fine which shall not exceed 10,000 rupees and to imprisonment for a term which shall not exceed 3 years.

(c) Where the trafficker fails to comply with subsection (4)*(b)*, he shall commit an offence and shall, on conviction, be liable to pay a fine which shall not exceed 50,000 rupees.

(d) Where a trafficker disposes of his assets or makes any withdrawals from a bank account in breach of subsection (1)*(b)*, he shall commit an offence and shall, on conviction, be liable to a fine which shall not exceed 50,000 rupees and to imprisonment for a term which shall not exceed 5 years.

(6) The Commissioner shall, on completion of an enquiry, submit a written report to the Director of Public Prosecutions.

(7) The Director of Public Prosecutions shall, on receipt of a report, apply to the Supreme Court for an order for the forefeiture to the Crown of the possessions of the trafficker.

(8) For the purposes of this section—

(a) the Commissioner shall be a legally qualified person appointed by the Prime Minister;

(b) the Commissioner may in the discharge of his duties be assisted by such persons not exceeding two in number as the Prime Minister may approve.

(9) In determining an application made under subsection (7), the Supreme Court shall hear such evidence as may be necessary for that purpose.

(10) Where the Supreme Court is satisfied that the possessions of the trafficker or any part thereof are the proceeds of unlawful dealing in drugs, the Supreme Court shall order the forfeiture to the Crown of those possessions.

(11) For the purpose of subsection (10), the possessions of a trafficker shall be presumed to be the proceeds of unlawful dealing in drugs unless the contrary is proved.

40. Forfeiture by Court.

The Court before which a person is convicted of an offence—

(a) shall, in addition to any penalty imposed by the Court, order any dangerous drug or any article, utensil or instrument in respect of or by means of which the offence was committed, to be forfeited;

(b) may, in addition to any penalty imposed by the Court, order any vehicle used in the unlawful transport or distribution of any drug to be forfeited.

41. Jurisdiction of the Intermediate Court.

Notwithstanding any other enactment, the Intermediate Court shall have—

(a) jurisdiction to inflict the penalties provided in this Act, other than section 38(4);

(b) power to order sentences imposed under this Act to be served consecutively, provided that the terms of such sentences shall not in the aggregate exceed 30 years.

42. Burden of proof.

Where in any proceedings for an offence a question arises as to whether any person was or was not authorised to be in possession of any dangerous drug, the burden of proof that such a person was authorised to be in possession of such drug, shall lie on that person.

43. Powers of entry and search.

The Permanent Secretary or any officer not below the rank of Inspector authorised by the Commissioner of Police may, for the purposes of this Act—

(a) enter the premises of any authorised person or of any person carrying on the business of a producer, manufacturer, seller, or distributor of any dangerous drug;

(b) require the production of and inspect any book or document required to be kept under this Act or any subsidiary enactment made under this Act;

(c) inspect any stock of any dangerous drug.

44. Issue of search warrant by Magistrate.

Where a Magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence has been or may be committed against this Act, he may grant a search warrant authorising any police officer named in the warrant, at any time, 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 them and any person found there and, if there is reasonable ground for suspecting that an offence against this Act has been committed, to seize any drug, pipe, utensil, article or thing found on the premises or in the possession of any such person.

45. Presumption in respect of places where opium or heroin is found.

Where—

(a) prepared opium or heroin or any pipe or other utensil for use in connection with the smoking or sniffing of opium or heroin or any utensil, article, or thing used in connection with the preparation of opium or heroin for smoking or sniffing is found in any place pursuant to an entry under section 44;

(b) any person is seen to escape from such a place on the approach or entry of any police officer; or

(c) any person having authority under any search warrant granted under section 44 to enter such place is unlawfully prevented from or obstructed or delayed in entering or approaching such place or any part of it,

it shall be presumed, until the contrary is proved, that the place is used for the purpose of the preparation of opium or heroin for smoking or sniffing or for the sale or smoking or sniffing of prepared opium or heroin.

46. Arrest without warrant and detention.

(1) Any police, forest or customs officer may, without warrant arrest any person who has committed or attempted to commit, or is reasonably suspected by such officer of having committed or attempted to commit an offence against this Act, where he has reasonable grounds for believing that that person will abscond unless arrested or where the names and address of that person are unknown and cannot be ascertained.

(2) No person who is charged with an offence under section 28, 30 or 33 shall be admitted to bail.

47. Calculation of percentage.

(1) Subject to subsection (2), for the purposes of this Act, percentages in the case of liquid preparations shall, unless otherwise prescribed, be calculated on the basis that a preparation containing one per cent of a 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 100 grammes or millilitres of the preparation.

(2) Percentage in the case of morphine shall be calculated as for anhydrous morphine.

48. Regulations.

(1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Regulations made under subsection (1) may provide for the taking of fees and the issue of licences.

(3) The Supreme Court may make rules—

(a) for the conduct of a trial under section 38 (4);

(b) for the reference and conduct of an enquiry under section 39 (2).

49. Amendment of Schedules.

The Minister may by regulations amend the Schedules.

50. Repeal.

The Dangerous Drugs Act is repealed.

51. Commencement.

This Act shall come into force on a day to be fixed by Proclamation.

Passed by the Legislative Assembly on the nineteenth day of August, one thousand nine hundred and eighty-six.

L. RIVALTZ QUENETTE
Clerk of the Legislative Assembly

FIRST SCHEDULE

(Section 2)

Acetorphine (O³-acetyl-7, 8 dihydro-7-(1(R)-hydroxy-l-lmethylbutyl (1)-Ot-Amethyl 1-6, 14-endocthenomorphine)
Acetyldihydrocodeine
Acetylmethadol (3-acetoxy-6-dimethylamino-4, 4-diphenylheptane)
Alfentanil (N-/1-/2-(4-ethyl-4, 5-dihydro-5-OXO-1H-tetrazol-1-yl ethyl/-4-(ma-thoxymethyl)-4-peperidinyl/-N-phenylpropanamide) monohydrochloride)
Allyprodine (3-allyl-1-methyl-4 phenyl-4-propionoxypiperidine)
Alphacetylmethadol (alpha-3-acetoxy-6dimethylamino-4, 4-diphenylheptane)
Alphameprodine (alpha-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
Alphamethadol (alpha-6-diphethylamino-4-, 4-diphenyl-3-heptanol)
Anileridine (1-para-aminophenethyl)-4-phenylpiperidine-4-carboxylic acid and ethyl ester

FIRST SCHEDULE—*continued*

Benzethidine (1-(2-benyloxyethyl)-4-phenylpiperidine-4-carboxylic acid and ethyl ester
Benzylmorphine (3-benzylmorphine)
Batacethylmethadol (beta-3-acetoxy-6-dimethylamino-4, 4-dephenylheptane)
Betameprodine (heta-3-ethyl-1 methyl-4-phenyl-4-propinoxyperidine)
Betamethadol (beta-6-dimethylamino-4, 4-diphenyl-3-heptanol)
Betaprodine (beta-1, 3-dimethyl-4-phenyl-4-propionoxypiperidine)
Bezitramide (1-3-cyano-3, 3-dephenylpropy)-4-(2-oxo-3 propionyl-1-benzimidazo-liny)-piperidine)
Cannabis (Indian Hemp) and Cannabis resin (Resin of Indian Hemp)
Clonitazene (2-para-chlorbenzyl-1-éiethylaminoethyl-5-nitrobenzimidazole)
Coca Leaf
Cocaine (methyl ester of benzoylecgonine)
Codeine (3-methylmorphine)
Codoxime (dihydrocodeinone-6-carboxymethyloxime)
Concentrate of poppy straw (the material arising when poppy straw has entered into a process for the concentration of its alkaloids when such material is made available in trade)
Desomorphine (dihydrodeoxymorphine or 4,5 epoxy-3-hydroxy-N-methylmorphinan)
Dextromoramide ((+)-4-(2-methyl-4-oxo-3,3, 3-diphenyl-4-(1-pyrrolidinyl) butyl) morpholine
Dextroproposyphene-(+(-4 dimethylamino-1,2-diphehyl 1-3-methyl-2-butanol propionate.
Diampromide (N-(2-methylphenethylamino) propyl) propionanilide)
Diethylthiambutene (3-diethylamino-1, 1-di-(2'-thienyl)-1-butene)
Dihydrocodeine
Dihydromorphine
Dimnoxadol (2-dimethylaminoethyl-1-ethoxy-1, 1-diphenylacetate)
Demiphepatanol (6-demethylamino-4, 4-diphenyl-3-heptanol)
Dimethylthiambutene (3-dimethylamino-1, 1-di (2'-thienyl)-1-butene
Dionine (ethylmorphine)
Dioxephetyl butyrate (ethyl 4-morpholino-2, 2 dephenylbutyrate)
Diphenoxylate (1-(3-cyano-3, 3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid and ethyl ester)
Dipipanone (4,4-diphenyl-6-piperidine-3-heptanone)
Drotebanol (3,4-dimethoxy-17-methylmorphtnan-6B, 14-dio
Ecgonine, its esters and derivates which are convertible to ecgonine and cocaine
Ethylmethylthiambutene (3-ethylmethylamino-1, 1-di-(2'-thienyl)-1-butene)
Etonitazenz (1-dietylaminœthyl-2-para-ethoxybenzyl-5-nitrobenzimidazole)
Etorphine (7,8-dihydro-7-(1(R)-hydroxy-1-methylbuty)-O⁶-methyl-6, 14-endoethenomorphine
Etoxeridine (1-(2-(2-hydroxyethoxy) ethyl)-4-phenylpiperidine 4- carboxylic acid ethyl ester)
Fentanyl (1-phenethyl-4-propionylanilihopiperidine)
Furethidine (1(2-tetrahydrofurfuryl (oxyethyl)–4–phenylpiperidine–4–carboxylic acid ethyl ester)
Heroin (diacetylmorphine)
Hydrocodone (dihydrocodeinone)
Hydromorphinol (14-hydroxydihydromorphine)
Hydromorphone (dihydromorphinone)
Hydromorphone (dihydromorphinone)
Hydroxypethidine (4-meta-hydroxyphenyl-1methylpiperidine-4-carboxylic acid ethyl ester
Isomethadone (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)
Ketobemidone (4-meta-hydroxyphenyl-1-methyl-4-propionylpiperidine
Levomethorphan ((–)-3-methosy-N-methylmorphinan
Levorphanol ((–)-3-hydroxy-N-methylmorphinan)
Metazocine (2'-hydroxy-2,5,9-trimethyl-6, 7-benzomorphan)
Methadone (6'-dimethylamino-4,4-diphenyl-3-heptanone)
Methadone-Intermediate (4-cyano-2-dinethylamino-4,4-diphenylbutane)
Methyldesorphine (6-methyl-delta 6-deoxymorphine)
Methyldihydromorphine (6-methyldihydromorphine)
Metopon (5-methyldihydromorphinone)
Moramide-Intermediate (2-methyl-3-morpholine-1, 1-diphenylpropane-carboxylic acid)
Morpheridine (-1)2-morpholinœthyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester
Morphine
Morphine Methobromide and other pentavalent noitrogen derivatrices including in a particular the morphine-N-oxide derivatives, one of which is Codeine-N-oxide
Morphine-N-oxide
Myrophine (myristylbenzylmorphine)
Nicocodine (6-nicotinylcodeine)
Nicidicodine (6-nicotinyldihydrocodeine)
Nicomorphine (3, 6-dinicotinylmorphine)
Noracymethadol ((±)-alpha-3-acetoxy-6-methylamino-4, 4-diphenylheptane)
Norcodeine (N-demethylcodeine)
Norlevorphanol ((–)-3-hydroxymorphinan)
Normethadone (6-dimethylamino-4, 4-diphenyl-3-hexanone)
Normorphine (demethylmorphine)
Norpipanone (4, 4-diphenyl-6-piperidine-3-hexanone)
Opium
Oxycodone (14-hydroxydihydrocodeinone)
Oxymorphone (14-hydroxydihydromorphinone)
Pentazocine and its preparation
Pethidine (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl esser)
Pethidine-Intermediate-A (4-cyano-1-methyl-4-phenylpiperidine)
Pethidine-Intermdeiate-B (4-phenylpiperidine-4-carboxylic acid ethyl ester)
Pethidine-Intermediate-C (1-methyl-4-phenylpiperedine-4-carboxylic acid)
Phenadoxone (6-morpholino, 4-diphenyl-3-heptanone)
Phenampromide (N-(1-methyl-2-piperidinœthyl) propionalilide)
Phenazocine (2-hydroxy-5, 9-dimethyl-2-phenethyl-6, 7-benzomorphan)
Phenomorphane (3-hydroxy-N-phenethylmorphinan)

FIRST SCHEDULE—*continued*

Phenoperidine (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester
Pholcodine (morpholinylethylmorphine)
Piminodine (4-phenyl-1(3-phenylaminopropy) piperidine-4-carboxylic acid ethyl ester
Piritramide (1-(3-cyano-3, 3-diphenylpropy)-4-(1-piperidine) peperidine-4-carboxylic acid amide)
Proheptazine (1, 3-dimethyl-4-phenyl-4-propionoxyazacycloheptane)
Properidine (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)
Propiram (N-1-methyl-2-piperidinenœthyl)-N-2-pyridylpropionamide
Racemethorphan (–) ± 3-methoxy-N-methylmorphinan)
Racemoramide ((±)-4-)2-methyl-4-oxo-3, 3-diphenyl-4-(1-pyrrolidinyl) butyl (morpholine)
Racemorphan ((±)-3 hydroxy-N-methylmorphinan)
Sufentanil (N-/4 (methoxemethyl)-1-/2-(thienyl) ethyl/-4 piperidyl/propionalilide
Thebacon (acetyldihydrocodeinone)
Thebaine
Tilidine (±) ethyltrans-2-(dimeshylamino)-phenyl-3-cyclohexene-1-carboxylate
Trimeperidine (1, 2, 5-trimethyl-4-phenyl-4-propionoxypiperidine)
esters
ethers
isomers
salts
salts of esters, ethers, isomers
} of drugs specified in this Schedule

SECOND SCHEDULE

(section 2)

A. MORPHINE PREPARATIONS

			in 1 bougie	
1. Cereoli iodoformi et morphine	Iodoform		0.320	gramme
	Morphine hydrochloride ...		0.16	do
	Oil of the theobroma, sufficient to fill a 1-gramme mould			
2. Emplastrum opii ...	Elemi		20	grammes
	Terebinthina		30	do
	Cera flava		15	do
	Oblibanun pulvis		18	do
	Benzoes pulvis		10	do
	Opii pulvis		5	do
	Balsamum peruvianum ...		2	do

SECOND SCHEDULE—*continued*

3. Emplastrum opii ...	Extract of opium	25	do
	refine elemi...	25	do
	Dyachylon plaster with gum ...	50	do
4. Emplastrum opii ...	Elemi	8	dc
	*Terebinthine communis ...	15	do
	Cerae flavae	5	do
	Oblibani pulveratae	8	do
	Benzoes pulveratae	4	do
	Opii pulverati	2	do
	Balsami peruviani	1	gramme
5. Emplastrum opii ...	Opium in very fine powder ...	10	grammes
	Resin plaster	90	do
6. Emplastrum opii ...	(See formula under 5) mixed with other plasters contained in the British Pharmacopoeia or British Pharmaceutical Codex	—	
7. Linimentum opii ...	Tincture of opium	500	millitres
	Liniment of soap	500	do
8. Linimentum opii ...	(See formula under 7) mixed with any other liniment of the British Pharmacopoeia or of the British Pharmaceutical Codex	—	
9. Linimentum opii ammoniatum	Ammoniated liniment of camphor ...	30	do
	Tincture of opium	30	do
	Liniment of belladona	5	do
	Strong solution of ammonia ...	5	do
	Liniment of soap to 100 ...	—	
10. Linimentum opii ammoniatum	(See formula under 9) mixed with any other British Pharmacopoeia or British Pharmaceutical Codex Liniment		
11. Caustic " Nerve Pastes "	Preparations containing, in addition to morphine salts, or morphine and cocaine salts, at east 25 per cent of arsenious acid, and made up with the requisite proportion of creosote or phenol to produce the consistency of a paste		
12. Diarrhoea pills ...	Camphor	0.0648	gramme
	Lead acetate	0.013	do
	Bismuth subnitrate	0.162	do
	Tannic acid	0.0648	do
	Opium	0.026	do
13. Pilulae digitalis et Opii compositae	Digitalis leaves, in powder ...	0.31	gramme
	Opium in powder	0.19	do
	Ipecacuanha root in powder ...	0.13	do
	Quinine sulphate	0.78	do
	Syrup of glucose, a sufficient quantity to make 12 pills		
14. Pilulae hydrargyricum Opic	Mercury pill	3.89	gramme
	Opium in powder to make 12 pills ...	0.19	gramme
15. Pilulae hydrargirycum Creta et Opii	Mercury with chalk	0.78	do
	Compound powder of ipecacuanha*	0.78	do
	Milk sugar, a sufficient quantity		
	Syrup of glucose, a sufficient quantity to make 12 pills		

*The formula of this powder is given under 21, Pulvis inpecacuanhae compositus.

SECOND SCHEDULE—*continued*

16. Pilulae ipecacuanhae cum Scilla	Compound powder of ipecacuanha	30	gramme
	Squill, in powder	10	do
	Ammoniacum, in powder ...	10	do
	Syrup of glucose, a sufficient quantity		
17. Pilulae hydrargyri bichlorati cum Opii extracte The formula of this powder is given under 21, Pulvis ipecacuanhae	Bichloride of mercury triturated ...	10	centigrammes
	Extract of opium	20	do
	Extract of couch-grass ...	20	do
	Liquorice root in powder q.s. for 10 pills	—	
18. Pilulae hydrargyri iodati cum Opii pulvere	Hydrargyrum iodatum freshly prepared	50	centigrammes
	Opium powder	20	do
	Powdered liquorice	30	do
	White Honey, q.s. for 10 pills ...	—	
19. Pilulae plumbi cum Opio	Lead acetate, in powder ...	80	grammes
	Opium, in powder	12	do
	Syrup of glucose for a sufficient quantity)	8	do
20. Pilulae terebinthinae compositae	Opium	0.5.	gramme
	Chinini sulfas	2	grammes
	Styrax liquidus	2	do
	Terebinthina laricina	8	do
	Magnesii subcarbonas, a sufficient quantity to make 100 pills		
21. Pulvis iperacuanhae compositus Syn: Pulvis ipecacuanhae et opii (Dover's powder)	ipecacuanha root, in powder ...	10	grammes
	Opium in powder	10	do
	Potassium sulphate in powder ...	80	do
22. Mixture of Dover's powder	(See formula under 21) with mercury and chalk, aspirin, phenacetin, quinine and its salts, and sodium bicarbonate		
23. Pulvis Kino compositus	Kino, in powder	75	grammes
	Opium in powder	5	do
	Cinnamon bark, in powder ...	20	do
24. Suppositoria plumbi composita Syn: Suppositoria plumbi cum Opio	Lead acetate, in powder ...	2.4	grammes
	Opium, in powder	0.8	gramme
	Oil of theobroma, a sufficient quantity for 12 suppositories, each weighing about 1 gramme		
25. Coryta tablets No. 2 ...	Powdered opium	0.0043	gramme
	Quinine sulph	0.022	do
	Amon. Chlro	0.022	do
	Camphor	0.022	do
	Ext. Belladonna leaves ...	0.0043	do
	Ext. aconite root	0.0043	do
26. Diarrhoea tablets No. 2	Powdered Opium	0.016	gramme
	Camphor	0.016	do
	Powdered ipecacuanha ...	0.008	do
	Lead acetate	0.011	do

SECOND SCHEDULE—*continued*

27. Dysentery tablets ...	Powdered Opium	0.013	do
	Powdered ipecacuanha ...	0.0648	do
	Powdered calomel	0.0324	do
	Lead acetate	0.0324	do
	Bismuth betanaphtol	0.1944	do
28. Tabella hydrargyricum Opio	Mercurous chloride powder ...	0.065	do
	Antimony oxide powder ...	0.065	do
	Ipecacuanha-root powder ...	0.065	do
	Powdered opium	0.065	do
	Milk sugar	0.065	do
	Gelatine solution, a sufficient quantity to make 1 tablet		
29. Tabella plumbi cum Opio	Sugar of lead	0.195	do
	Powdered opium	0.065	do
	Gelatine solution, a sufficient quantity to make 1 tablet		
30. Tablettae plumbi cum Opio	Lead acetate, in fine powder ...	19.44	grammes
	Opium, in powder	3.24	do
	Refined sugar, in powder ...	6.48	do
	Ethereal solution of theobroma ...	3.60	mils
	Alcohol	0.90	mil
31. Unguentum gallae compositum	Galls in very fine powder ...	20	grammes
	Extract of opium	4	do
	Distilled water	16	do
	Wool fat	10	do
	Soft paraffin, yellow	50	do
32. Unguentum gallae compositum	(See formula under 31) mixed with other ointments and plasters contained in the British Pharmacopoeia or British Pharmaceutical Codex		
33. Unguentum gallae cum Opio	Gall ointment	92.5	do
	Opium in powder	7.5	
34. Unguentum gallae cum Opio	(See formula under 33) mixed with other ointments and plasters contained in the British Pharmacopoeia or British Pharmaceutical Codex		

35. Yatren-105 (Iodooxyquinoline-sulphonic acid) with 5 per cent opium admixture
36. Pil. Digitalis and Opii Co., B.P.C. 1923
37. Pil. Hydrarg c. Cret. et Opii, B.P.C. 1934
38. Pulv. Cretae Aromat. c Opio. B.P. 1932
39. Pulv. Ipecae et Opii, B.P. 1932
40. Suppos. Plumbi c. Opio, B.P. 1932
41. Tabellae Plumbi c. Opio B.P.C. 1934
42. Mixtures of Pulv. Ipecae et Opii, B.P. 1932 with any of the following—
    (a) Hydrarg. c. Cret. B.P. 1914 and 1932
    (b) Acetylsalicylic Acid
    (c) Phenacetin
    (d) Quinine and its salts
    (e) Sodium Bi-carbonate

B. COCAINE PREPARATIONS

1. Bernatzik's injections ...	*(a)* Hydrargyrum bicyanatum ...	0.03	gramme
	Cocainum	0.02	do
	(b) Hydrargyrum succinatum ...	0.03	do
	Cocainum	0.01	do
2. Stila's injections ...	*(a)* Hydrargyrum succinatum ...	0.03	do
	Cocainum muriaticum ...	0.01	do
	(b) Hydrargyrum succinatum ...	0.05	do
	Cocainum muriaticum ...	0.03	do
3. Natrium biboracicum ... compositum cum Cocaine	In tablets, compressed tablets, lozenges, pastilles and the like, difficult to break up, and containing not more than 0.2 per cent of cocaine salts in conjunction with not less than 20 per cent borax and not less than 20 per cent antipyrine, or some similar analgesic, and not more than 40 per cent of flavouring matter. Maximum weight of each tablet, etc. 1 gramme		
4. Caustic " Nerve Pastes "	Preparations containing, in addition to cocaine salts or cocaine and morphine salts, at least 25 per cent of arsenious acid, and made up with the requisite proportion of creosote or phenol to produce the consistency of a paste.		
5. Cocaine and Atropine Tablets with a content of not more than 0.0003 gramme of cocaine salts and not less than 0.0003 gramme of atropine salts to each tablet	Atropine sulphuricum	0.0003	gramme
	Cocainum Hydrochloricum ...	0.0003	do
	Mannite	0.003	do
	Weight of one tablet	0.0036	do
	Cocaine content 8.3 per cent		

6. Cocaine Eyedrops — a preparation consisting of an admixture of cocaine in castor oil with mercuric chloride in a proportion of not more than one part in 200 of cocaine and not less than one part in 3,000 of mercuric chloride.

C. HEROIN PREPARATIONS

1. Elixir camphorae compositum	Camphor	4	grains
	Oil of anise	5	minims
	Benzoic acid	6	grains
	Diamorphine hydrochloride ...	4	grains
	Liquid extract of ipecacuanha ...	120	minims
	Lincture of squill	1½	fl. ounces
	Simple syrup to 20 fl. ounces ...		
2. Elixir diamorphine et Terpini, with Apomorphine	Apomorphine Hydro-Chloride ...	5	grains
	Diamorphine hydro-chloride ...	4	do
	Terpine hydrate	44	do
	Alcohol	10	fl. ounces
	Glycerine	5	do
	Syrup of wild cherry to 20 fl. ounces		

3. Linctus diamorphinae with Ipecacuanha	Liquid extract of ipecacuanha ...	120	minims
	Diamorphine hydrochloride ...	4	
	Tincture of hyoscyamus ...	1½	fl. ounces
	Spirit of chloroform	1½	do
	Syrup of balsam of tolu ...	3	do
	Syrup of wild cherry	3	do
	Glycerine to 20 fl. ounces		
4. Linctus senegae compositus	Liquid extract of senegae ...	1	fl. ounce
	Liquid extract of squill ...	1	do
	Tartarated antimony	8	do
	Diamorphine Hydrochloride ...	4	do
	Glycerine	2	fl. ounces
	Simple syrup to 20 fl. ounces		
5. Linctus Thymi compositus	Diamorphine hydrochloride ...	4	grains
	Apomorphine hydrochloride ...	5	do
	Distilled water	1	fl. ounce
	Liquid extract of thyme (1–1) ...	5	fl. ounces
	Solution of tolu	1¼	do

6. Elixir Diamorphinae et Terpini C. Apomorphine, B.P.C. 1934
7. Linctus Diamorphinae Camphoratus, B.P.C. 1923 and 1934
8. Linctus Diamorphinae C. Ipecacuanha B.P.C. 1934
9. Linctus Diamorphinae et Scillae, B.P.C. 1923 and 1934
10. Linctus Diamorphinae et Thymi. B.P.C. 1923 and 1934

D. DICODIDE PREPARATIONS

1. Cardiazol Dicodide ...	Solutions containing not less than 10 per cent of cardiazol and not more than 0.5 per cent of dicodide-salts.

E. EUCODAL PREPARATIONS

1. Anti-opium Tablets* ...	Eucodal	1	gramme
	Pulvis gentianae	35	grammes
	Pulvis ipecacuanhae	20	do
	Quinine Sulphate	20	do
	Caffeine	5	do
	Sugar of milk	25	do
	Mix up and make up 5-grain tablets		
2. Tablets B.B. Compound	Berberis vulgaris powder ...	0.0324	gramme
	Nux Vomica	0.013	do
	Eucodal	0.0032	do
	Ipecacuanha	0.0648	do
	Rhubarb	0.013	do
	Pulvis cinnamoni compositus ...	0.0324	do
	Aromatic chalk	0.0032	do

*Should not, however, be offered to the public under the name of " anti-opium ".

SECOND SCHEDULE—*continued*

F. OTHER PREPARATIONS

1. Tablets each weighing 0.8 gramme and containing 2.5 milligrammes of diphenoxylate hydrochloride and 0.025 milligramme of atrophine sulphate.

2. Preparations containing 2.5 milligrammes of diphenoxylate hydrochloride 0.025 milligramme of atrophine sulphate, 85 milligrammes of lactose, 7 milligrammes of sugar, 21.6 milligrammes of starch, 3 milligrammes of talc, 1 milligramme of magnesium stearate and 0.7 milligramme of tartrazine.

*3. Preparation of acetyldihydrocodeine, dihydrocodeine and pholcodine containing not more than 100 milligrammes of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations.

4. Pharmaceutical preparations in solid or liquid form containing not more than 2.5. milligrammes of diphenoxylate calculated as base and not less than 25 microgrammes of atrophine sulphate per dosage unit and containing no other substance specified in the First Schedule.

5. Liquid preparations containing 0.5 milligrammes diphenoxylate hydrochlorides, 0.005 milligramme atropine sulphate 0.16 millilitre. Ethyl alcohol 0.002 millilitre imitation cherry flavour, 0.45 millilitre glycerine, 0.4. millilitre sorbital solution (70 per cent) 0.01 milligramme red dye colour index No. 14700 (F.D. 4C Red No. 4) 0.0008 millilitre of water.

6. Pasta Arsenicalis, B.P.C. 1934

7. Pil. Ipecac. c. Scilla B.P.C. 1934

8. Any preparation, admixture or other substance containing any proportion of Methylmorphine or Ethylmorphine associated with an inert substance whether solid or liquid; and preparation admixtures or other substances containing more than 2.5 per cent of Methylmorphine or Ethylmorphine (calculated as pure drug) associated with other medicinal substances.

*Amended by G.N. 236 of 1981.

THIRD SCHEDULE

(sections 2, 4, 5, 9 and 17)

PART I

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, 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 ship or aircraft on which the consignment was brought to Mauritius .....

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 ship or aircraft on which the consignment is authorised to be carried from Mauritius .....

Period within which the consignment is to be carried from Mauritius .....

This certificate is issued subject to the following conditions—

(1) The duplicate copy of this certificate shall accompany the consignment to the place of destination, and for this purpose shall be delivered to the Master/Pilot of the ship/aircraft 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 relating to the exportation of goods from Mauritius.

(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 Mauritius within the period specified above, this certificate shall be surrendered to the Permanent Secretary, Ministry of Health.

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

Date.....

.....
Signature and stamp of the Permanent Secretary, Ministry of Health, Mauritius

Note: (1) If any alteration is desired in this authorisation, it must be returned with a reques for amendment and a statement for the reasons therefor. No unauthorised altera tion is permissible.

(2) This document is required in pursuance of theInternational 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 this condition may lead to delay or confiscation of the consignment.

PART II
APPLICATION FOR LICENCE TO IMPORT/EXPORT DANGEROUS DRUGS

To the Permanent Secretary, Ministry of Health.

I,.....(1).....(2) of.....(3) hereby make application for a licence to import/export.....(d) from/to.....(5) by.....(6)

Date.....

Signature of applicant

---

(1) Full name of applicant
(2) Profession of applicant
(3) Address of applicant
(4) Full details of the nature and quantity of the dangerous drugs to be imported/exported.
(5) Full name and address of person from/to whom the dangerous drugs are to be obtained/ delivered.
(6) Mode of importation/exportation.

PART III

Authorisation No.....

File No.....

IMPORT LICENCE

In pursuance of the Dangerous Drugs Act, the Permanent Secretary, Ministry of Health authorises...(1) the importer, to import the drugs specified in the Annexe, from.....(2)

1. This authorisation is issued subject to the following conditions—
shall be imported before.....

2. This authorisation is not a licence to be in possession of or to supply the drug imported.

3. This authorisation dœs not relieve the importer from compliance with any Customs regulations relating to the importation of goods into or transhipment of goods in Mauritius, or any Post Office regulations in force in Mauritius.

4. This authorisation is valid only for the importer and may be revoked at any time by the Permanent Secretary, Ministry of Health, to whom it shall in that event be immediately surrendered. It shall be produced for inspection when required by any 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 the drugs specified in the Annexe is not effected before the date specified in condition No. 1 this authorisation shall immediately after that date be surrendered to the Permanent Secretary, Ministry of Health.

7. The copy of the Export Authorisation, if any, which accompanies the drugs, shall be forwarded immediately to the Permanent Secretary, Ministry of Health after the importation of the drugs has been effected.

Date.....19...

.....
Signature and stamp of the Permanent Secretary, Ministry of Health, Mauritius

This authorisation is not to leave the possession of the importer unless it is surrendered to the Permanent Secretary, Ministry of Health or to the Customs Officer, who will complete the certificate hereunder and return the authorisation to the Permanent Secretary, Ministry of Health.

THIRD SCHEDULE—*continued*

Endorsement by Customs Officer — At the time of Importation

Date	Description of drugs imported	Name and date of export authorisation	Quantity	How imported (e.g. ex...) In the case of a ship, aircraft or by registered parcel post or by insured box post	Customs entry or parcel No.	Signature mark and station of Customs Officer

This authorisation, when all the drugs to which it relates have been imported must be returned by the Permanent Secretary, Ministry of Health.

(1) Name and full postal address of importer.

(2) Name and full postal address of exporter.

THIRD SCHEDULE—*continued*

PART IV

Serial No.....

File No.....

Import Certificate

Issued by the Government of Mauritius.

INTERNATIONAL OPIUM CONVENTIONS

Import Certificate

I, being the person charged with the administration of the law relating to dangerous drugs to which the International Opium Conventions apply, certify that I have approved the importation by—

(a).....

of *(b)*.....

from *(c)*.....

on condition that—

(i) the consignment is imported before the.....; and

(ii) the consignment is imported by..... and that I am satisfied that the consignment proposed to be imported is required solely for medicinal or scientific purposes.

Date.....19.....

.....

Signature and stamp of
Permanent Secretary,
Ministry of Health, Mauritius.

This document is solely for production to the Government of the country from which the drug is proposed to be obtained.

(a) Name, address and business of importer

(b) Exact description and amount of drug to be imported

(c) Name and address of firm in exporting country from which the drug is to be obtained.

PART V

Registered No.....

File No.....

(Above number to be quoted in future correspondence)

MAURITIUS, MINISTRY OF HEALTH

In virtue of the powers vested in me by section 5 of the Dangerous Drugs Act, I authorise the delivery from store of—

This delivery order is valid for one month from the date of issue.

From.....

ex.....to Mr.....

Date.....19..... .....

Permanent Secretary

PART VI

Original

Duplicate

Serial number of order to be inserted by recipient No.....of year...

A. To the Pharmacist in charge.....pharmacy situate at.....

Please supply the following drugs — original and duplicate of order herewith. Both must be returned with paragraph B filled in when order is complied with.

I certify that the drugs are required by me solely for legitimate professional purposes.

Date.....

Signature of person indenting for the drugs.....

Qualifications.....

Place of business.....

Receipt No.	Register Folio	Drugs	Column 1 Quantity required	Column 2 Quantity supplied	Issue No.	Register Folio	Stamp of pharmacy supplying the drugs and prescription number

B. To Mr.....(Qualifications).....

(Place of business).....

Drugs as shown in column 2 in paragraph A forwarded herewith

Date.....

Signature of supplier.....

Qualifications.....

Place of business.....

C. To the Pharmacist in charge of.....

Pharmacy situate at.....

Drugs as shown in column 2 in paragraph A received on the..... in good order and taken on charge.

Date.....

Qualifications.....

Place of business.....

PART VII

Recto Place of business.....

Name of Pharmacy or Institution.....

ANNUAL RETURN OF DANGEROUS DRUGS FOR THE YEAR 19.....

Name of Drugs ... ...

Amounts in stock on 1.1.19..... ... .

Total amounts imported during year 19..... .....

Total amounts purchased locally during year 19..... *(vide verso)* ... .

Total of columns 2 and 3 ... .

Total amounts sold on prescriptions during year 19..... ... ...

Total amounts sold otherwise than on prescription during year 19..... *(vide verso)* ... .

THIRD SCHEDULE—*continued*

Total amounts used for compounding of exempted preparations during year 19..... .....

Total of columns 5, 6 and 7 ... ...

Amounts in stock on 31.12.19..... ... .

Remarks ... ...

.....

Date..... *Signature of* { Pharmacist in charge *or* Medical Officer in charge

Verso

Local purchase detailed (Column 4 of return)

Sales other than on prescription detailed (Column 7 of return)

....

PART VIII
FORM OF REGISTER

Folio No.....

.....

Name of drug..... *Stamp and initials of Permanent Secretary*

Date on which supply received ... .

Name of person, body or firm from whom obtained ... ...

Address of person, body, or firm from whom obtained ... ...

Reference number of supply ... ...

Form in which supplied ... ...

Quantity obtained ... ...

Date on which transaction was effected ... .

Name of person, body or firm to whom sold or supplied ... ...

Address of person, body or firm to whom sold or supplied ... ...

Authority of person, body or firm to be in possession of the drug ... ...

Serial number of prescription or order number ... ...

Form in which supplied ... ...

Amount sold or supplied ... ...

FOURTH SCHEDULE
(sections 25 and 28)

1. Hydromorphinol (14 hydroxydihydromorphine)
2. Methyldihydromorphine (6-Methyldihydromorphine), Myrophine (myristy ester of benzylmorphine) and Oxymorphone (dihydro-14-hydroxymorphinone)
3. M-Allynormorphine
4. Nicocodine
5. Norcodeine & Normorphine

By Authority: L. Carl Achille, Government Printer, October 1986. 6066/10/86—1665