



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.

BELIZE

Communicated by the Government of Belize

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 [...].

MISUSE OF DRUGS ACT, 1990

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

MISUSE OF DRUGS ACT, 1990

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THIRD SCHEDULE



No. 22 of 1990

I assent,

(GEORGE N. BROWN)

Deputy Governor-General

12th November, 1990.

AN ACT to make new provisions with respect to dangerous or otherwise harmful drugs; to provide for the forfeiture of the proceeds of drug trafficking; to repeal the Dangerous Drugs Act, Chapter 87 of the Laws of Belize, 1980, and for matters connected therewith or incidental thereto.

(Gazetted 12th November, 1990.)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:—

PART I

PRELIMINARY

1.—(1) This Act may be cited as the

**Short title and
commencement**

MISUSE OF DRUGS ACT, 1990

(2) This Act shall come into force on such date as the Minister may, by order published in the *Gazette*, appoint.

Interpretation.

2.—(1) In this Act, unless the context otherwise requires —

- (a) "the Council" means the National Drug Abuse Control Council established under this Act;
- (b) "analyst" means the government analytical chemist, or any other person appointed as such for the purposes of this Act by the Minister by notice published in the *Gazette*;
- (c) "chemist and druggist" means a person who is registered as such under the Chemists and Druggists Act;
- (d) "court" means the Supreme Court or the Magistrate's Court, as the case may be;
- (e) "cannabis" includes any part of the plant of the genus *cannabis*, any resin obtained from that plant and any product of which such resin forms a base;
- (f) "cannabinol derivatives" means the following substances, except where contained in *cannabis* or cannabis resin, namely, tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives;
- (g) "coca leaf" means the leaf of any plant of the genus *Erythroxylon* from whose leaves cocaine can be extracted either directly or by chemical transformation;
- (ga) "cocaine" means methylbenzoylecgonine of which the formula is $C_{17}H_{21}NO_4$ or methylbenzoylecgonine hydrochloride of which the

formula is $C_{17}H_{21}NO_4$; and includes crack;

- (h) "concentrate" of poppy-straw" means the material produced when poppy-straw has entered into a process for the concentration of its alkaloids;
- (i) "contravention" includes failure to comply and "contravene" has a corresponding meaning;
- (j) "controlled drug" has the meaning assigned by Section 4 of this Act;
- (k) "corresponding law" means a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside Belize to be a law providing for the control and regulation in that country of the production, supply, use, export and import of dangerous or otherwise harmful drugs in pursuance of any treaty, convention or other agreement or arrangement to which the government of that country and the government of Belize are for the time being parties; and a statement in any such certificate as aforesaid to the effect that any facts constitute an offence against the law mentioned in the certificate shall be *prima facie* evidence of the matters stated;
- (l) "dentist" means the person whose name is registered in the Dentists Register under the Dentists Act;
- (m) "drug trafficking" means doing or being concerned in any of the following, whether in Belize or elsewhere—
 - (a) producing, supplying or otherwise dealing in any controlled drug in contravention of this Act or a corresponding law;

CAP. 248.

- (b) transporting or storing a controlled drug where possession of that drug contravenes this Act or a corresponding law;
 - (c) importing or exporting a controlled drug in contravention of this Act or a corresponding law;
 - (d) entering into or being otherwise concerned in an arrangement whereby—
 - (i) the retention or control by or on behalf of another person of the other person's proceeds of drug trafficking is facilitated; or
 - (ii) the proceeds of drug trafficking by another person are used to secure that funds are placed at the other person's disposal or are used for the other person's benefit to acquire property by way of investment;
- (n) "drug trafficking offence" means any of the following—
- (a) an offence under Section 5 of this Act (importation and exportation of controlled drugs);
 - (b) an offence under Section 6(2) or (3) of this Act (production and supply of controlled drugs);
 - (c) an offence under Section 7(2) read with Section 7(4) of this Act (possession of certain controlled drugs in quantities of more than those specified in Section 7(4));
 - (d) an offence under Section 7(3) of this Act (possession for supply of controlled drugs);

- (e) an offence under Section 8 of this Act (cultivation of certain drugs);
- (f) an offence under Section 10 of this Act (being occupier of premises, to permit certain activities);
- (g) an offence under Section 18 of this Act (assisting another to retain proceeds of drug trafficking);
- (h) conspiracy to commit any of the offences in paragraphs (a) to (g) above;
- (i) an offence of attempting to commit any of those offences;
- (j) aiding, abetting, counselling or procuring the commission of any of those offences;
- (o) "export"; with its grammatical variations and cognate expressions, in relation to Belize, means to take or cause to be taken out of Belize by land, air or water;
- (p) "forfeiture order" means an order made under Section 28 or 29;
- (q) "import", with its grammatical variations and cognate expressions, in relation to Belize, means to bring or cause to be brought into Belize by land, air or water;
- (r) "interest", in relation to property, includes right;
- (s) "magistrate" has the same meaning as in the Inferior Courts Act;
- (t) "medicinal opium" means raw opium which has undergone the process necessary to adapt it for medicinal use in accordance with the requirement of the British Pharmacopoeia, whether in powder form or granulated or is in any other form, and whether it is or is not mixed with neutral substances;

CAP. 251.

- (u) "medical practitioner" means a person who is registered as such under the Medical Practitioners Registration Act;
- (v) "Minister" means the Minister for the time being charged with responsibility for narcotics control.
- (w) "morphine" means the principal alkaloid of opium having the chemical formula $C_{17}H_{19}NO_3$;
- (x) "opium poppy" means the plant of the species *Papaver somniferum L.*;
- (y) "opium" means—
 - (a) the coagulated juice of the opium poppy; and
 - (b) any mixture, with or without any neutral material, of the coagulated juice of the opium poppy, but does not include any preparation containing not more than 0.2 per centum of morphine;
- (z) "poppy straw" means all parts, except the seeds, of the opium poppy, after mowing;
- (aa) "prepared opium" means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked;
- (bb) "prescribed" means prescribed by the rules or regulations made under this Act;
- (cc) "proceeds of drug trafficking" means any payments or other rewards, including real or personal property of every description, received by a person at any time in connection with drug trafficking carried on by him or another or in both that connection and in some other connection and such payments

or other rewards include the following so received, that is to say—

(a) deeds and instruments relating to or evidence of title or right to property, or giving a right to recover money, goods or real estate, or any order or other security that entitles or evidences the title of any person—

(i) to share an interest in a public stock or fund or in any share or interest of or in a society or company whether incorporated or unincorporated; or

(ii) to a deposit in any bank;

(b) a document of title to lands, goods or other property wherever situated, money or other valuable security issued by any Government, any chose-in-action, or any credit evidencing an interest in property;

(dd) "person lawfully conducting retail pharmacy business" means a person lawfully conducting such a business in accordance with the Chemists and Druggists Act;

CAP. 244.

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

(ff) "raw opium" includes powdered or granulated opium but does not include medicinal opium;

(gg) "supplying" includes distributing;

(hh) "veterinary practitioner" means any person in Belize holding a qualification entitling him to practise as a veterinary surgeon in any part of the Commonwealth, or any person who within Belize, with the approval of the Minister responsible for veterinary services, is engaged in the practice and profession of veterinary surgery.

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

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

PART II
NATIONAL DRUG ABUSE CONTROL COUNCIL

3.—(1) There shall be constituted in accordance with the First Schedule a Council to be called the National Drug Abuse Control Council of Belize, for the prevention of misuse of drugs.

The National
Drug Abuse
Control Coun-
cil.
First Schedule.

(2) It shall be the duty of the Council to keep under review the situation in Belize with respect to drugs which are being or appear to them likely to be misused and of which the misuse is having or appears to them capable of having harmful effects sufficient to constitute a social problem, and to give to the Minister, where either the Council consider it expedient to do so or they are consulted by the Minister, advice on measures (whether or not involving alteration of the Law) which in the opinion of the Council ought to be taken for preventing the misuse of such drugs or dealing with social problems connected with their misuse, and in particular on measures which in the opinion of the Council, ought to be taken—

- (a) for restricting the availability of such drugs or supervising the arrangements for their supply;
- (b) for enabling persons affected by the misuse of such drugs to obtain proper advice, and for securing the provision of proper facilities and services for the treatment, rehabilitation and after-care of such persons;
- (c) for promoting co-operation between the various professional and community services which in the opinion of the Council have a part to play in the dealing with social problems connected with the misuse of such drugs;

- (d) for educating the public (and in particular the young) in the dangers of misusing such drugs, and for giving publicity to these dangers; and
- (e) for promoting research into, or otherwise obtaining information about, any matter which in the opinion of the Council, is of relevance for the purpose of preventing the misuse of such drugs or dealing with any social problem connected with their misuse;
- (f) to give advice to farmers, in consultation with the Ministry of Agriculture, on possible alternative crops in areas where controlled drugs are known or suspected to be under cultivation.

(3) It shall also be the duty of the Council to consider any matter relating to drug dependence or the misuse of drugs which may be referred to them by the Minister and to advise the Minister thereon.

PART III
CONTROLLED DRUGS AND THEIR
CLASSIFICATION

4.— (1) In this Act —

Controlled
drugs and their
classifications.

(a) the expression "controlled drugs" means any substance or product for the time being specified in Part I, II, or III of the Second Schedule; and

Second Sched-
ule.

(b) the expressions "Class A drug", "Class B drug" and "Class C drug" mean any of the substances and products for the time being specified respectively in Part I, Part II and Part III of that Schedule.

(2) The Minister may after consultation with or on the recommendation of the Council by order published in the *Gazette* make such amendments to the Second Schedule as may be requisite for the purpose of adding any substance or product, to, or removing any substance or product from, any of Parts I to III of that Schedule.

PART IV
RESTRICTIONS RELATING TO CONTROLLED
DRUGS ETC.

Restriction on
importation and
exportation of
controlled drugs.

5.—(1) Subject to sub-section (2)—

(a) the importation of a controlled drug; and
(b) the exportation of a controlled drug;
are hereby prohibited.

(2) Sub-section (1) does not apply—

- (a) to the importation or exportation of a controlled drug which is for the time being excepted from paragraph (a) or, as the case may be, paragraph (b) of sub-section (1) by regulations under Section 9; or
- (b) to the importation or exportation of a controlled drug under and in accordance with the terms of a licence issued by the Minister and in compliance with any conditions attached thereto.

(3) Any person who imports or exports controlled drugs contrary to sub-section (1) is guilty of an offence and shall be liable on conviction therefor to the penalties laid down in Section 17 for a drug trafficking offence.

Restriction on
production and
supply of controlled drugs.

6.—(1) Subject to any regulations under Section 9 for the time being in force, it shall not be lawful for a person —

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

(2) Subject to Section 45, it is an offence for a person —

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

(3) Subject to Section 45, it is an offence for a person —

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

(4) A person guilty of an offence under sub-section (2) or (3) above shall be liable on conviction therefor to the penalties laid down in Section 17 for a drug trafficking offence.

7.—(1) Subject to any regulations under Section 9 for the time being in force, it shall not be lawful for a person to have a controlled drug in his possession.

Restriction on
possession of
controlled
drugs.

(2) Subject to sub-section (5) below and to Section 45, it is an offence for a person to have a controlled drug in his possession in contravention of sub-section (1).

(3) Subject to Section 45, it is an offence for a person to have a controlled drug in his possession, whether lawfully or not, with intent to supply it to another in contravention of Section 6 (1).

(4) Subject to sub-section (1), a person found in possession of the following controlled drugs in quantities of more than —

- (a) two grammes of diacetylmorphine (heroin);
- (b) one gramme of cocaine;
- (c) thirty grammes of opium;
- (d) three grammes of morphine; or
- (e) sixty grammes of cannabis or cannabis resin;

shall be deemed to be in possession of such controlled drug for the purpose of supplying it to another for drug trafficking in contravention of Section 6 (1) unless the contrary is proved, the burden of proof being on the accused.

(5) Where any drug to which this Act applies is found in any premises occupied by more than one person, such drug shall be deemed to be in the joint possession of all such persons and it shall be for the said person or persons to prove that it was there without his or their knowledge or consent; and for the purposes of this Act, occupation of any premises may be real or constructive.

(6) A person guilty of a drug trafficking offence under this section shall be liable to penalties laid down for a drug trafficking offence in Section 17, and for any other offence, to the penalties laid down in Section 27.

8.—(1) Subject to any regulations under Section 9 for the time being in force, it shall not be lawful for a person to cultivate any plant of the genus *cannabis*, *Papaver somniferum* L or *Erythroxylon*.

Restriction on
cultivation of
cannabis,
opium poppy
and coca plants.

(2) Subject to Section 45, it is an offence punishable under Sections 17, to cultivate any such plant in contravention of sub-section (1).

9.—(1) The Minister may by regulations exclude or except from Sections 5, 6 and 7 such controlled drugs as may be specified in the regulations.

Authorization of
activities other-
wise unlawful
under Sections,
5, 6 and 7.

(2) Subject to sub-section (3), the Minister shall so exercise his powers to make regulations under sub-section (1) as to secure—

(a) that it is not unlawful under Section 6 (1) for a medical practitioner, dentist or veterinary practitioner acting in his capacity as such, to prescribe, administer, manufacture, compound or supply a controlled drug, or for a chemist and druggist acting in his capacity as such, to manufacture, compound or supply a controlled drug; and

(b) that it is not unlawful under Section 7 (1) for a medical practitioner, dentist, veterinary practitioner, or chemist and druggist to have a controlled drug in his possession for the purpose of acting in his capacity as such.

(3) If in the case of a controlled drug the Minister is of the opinion that it is in the public interest—

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

(b) for it to be unlawful for medical practitioners, dentists, chemists and druggists and veterinary practitioners to do so in relation to that drug any of the things mentioned in sub-section (2) except under a licence or other authority issued by the Minister,

he may by order designate that drug as a drug to which this sub-section applies and whilst there is in force an order under this sub-section designating a controlled drug as one to which this sub-section applies, sub-section (2) shall not apply as regards that drug.

(4) An order made under sub-section (3) shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

(5) The Minister shall not make any order under sub-section (3) except after consultation with or on the recommendation of the Council.

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

Occupiers etc. of premises to be punishable for permitting certain activities to take place there.

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

- (a) producing or attempting to produce a controlled drug in contravention of Section 6 (1);
- (b) supplying or attempting to supply a controlled drug to another in contravention of Section 6 (1), or offering to supply a con-

trolled drug to another in contravention of
Section 6 (1);

- (c) preparing cannabis, cannabis resin or opium
for smoking;
- (d) smoking cannabis, cannabis resin or pre-
pared opium;
- (e) smoking or otherwise using cocaine.

(2) A person guilty of an offence under sub-section
(1) above shall be liable on conviction therefor to the
penalties prescribed for a drug trafficking offence under
Section 17.

11. Subject to Section 45, it is an offence for a person—

Prohibition of
certain activities
etc. relating to
certain drugs.

- (a) to smoke or otherwise use prepared opium,
or cocaine or heroin or cannabis; or
- (b) to have in his possession—

- (i) any pipes or other utensils made or
adapted for use in connection with the
smoking of opium, cocaine or heroin or
cannabis, being pipes or utensils which
have been used by him or with his knowl-
edge and permission in that connection;
or

- (ii) any utensils which have been used by him
or with his knowledge and permission in
that connection with the preparation of
opium, cocaine, heroin or cannabis for
smoking.

PART V
POWERS OF MINISTER FOR PREVENTING
MISUSE OF CONTROLLED DRUGS

Power to make
regulations for
preventing mis-
use of controlled
drugs.

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

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

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

requiring persons issuing or dispensing prescriptions containing such drugs to furnish to the prescribed authority such information relating to those prescriptions as may be prescribed;

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

13.—(1) Without prejudice to any requirement imposed by regulations made in pursuance of Section 12 (2) (a) of this Act, the Minister may by notice in writing served on the occupier of any premises on which controlled drugs are or are proposed to be kept give directions as to the taking of precautions or further precautions for the safe custody of any controlled drugs of a description specified in the notice which are or are proposed to be kept on those premises.

Power to direct special precautions for safe custody of controlled drugs.

(2) It is an offence to contravene any directions given under sub-section (1) above.

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

14.—(1) Where a person who is a medical practitioner or chemist and druggist has, after the coming into operation of this sub-section, been convicted of an offence under this Act or any enactment repealed by this Act, the Minister may give a direction in writing under sub-section (2) in respect of that person.

(2) A direction under this sub-section in respect of a person shall—

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

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

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

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

(6) It is an offence to contravene a direction given under sub-section (2) above.

15.—(1) In the event of a contravention by a medical practitioner of regulations made in pursuance of paragraphs (h) or (i) of Section 12 (2) of this Act, or of the terms of a licence issued under regulations made in pursuance of the said paragraph (i), the Minister may give a direction in respect of the medical practitioner concerned prohibiting him from prescribing, administering and supplying and from authorising the administration and supply of such controlled drugs as may be specified in the direction.

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

(2) If the Minister is of the opinion that a medical practitioner is or has after the coming into operation of this sub-section been prescribing, administering or supplying or authorising the administration or supply of any controlled drugs in an irresponsible manner, the Minister may, after consultation with the Council, give a direction in respect of the medical practitioner concerned prohibiting him from prescribing, administering and supplying and from authorising the administration and supply of such controlled drugs as may be specified in the same direction.

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

16.—(1) If it appears to the Minister that there exists in any area in Belize a social problem caused by the extensive misuse of dangerous or otherwise harmful drugs in that area, he may by notice in writing served on any medical practitioner or chemist and druggist practising in or in the vicinity of that area, or on any person lawfully

Power to obtain information from medical practitioners etc. in certain circumstances.

conducting a retail pharmacy business at any premises situated in or in the vicinity of that area, require him to furnish to the Minister, with respect to any such drugs specified in the notice and as regards any period so specified, such particulars as may be so specified relating to the quantities in which and the number and frequency of the occasions on which those drugs—

- (a) in the case of a medical practitioner, were prescribed, administered or supplied by him;
- (b) in the case of a chemist and druggist, were supplied by him; or
- (c) in the case of a person conducting a retail pharmacy business, were supplied in the course of that business at any premises so situated which may be specified in the notice.

(2) A notice under sub-section (1) may require any such particulars to be furnished in such manner and within such time as may be specified in the notice and, if served on a chemist and druggist or person conducting a retail pharmacy business, may require him to furnish the names and addresses of medical practitioners on whose prescriptions any dangerous or otherwise harmful drugs to which the notice relates were supplied, but shall not require any person to furnish any particulars relating to the identity of any person for or to whom any such drug has been prescribed, administered or supplied.

(3) A person commits an offence if without reasonable excuse (proof of which shall lie on him) he fails to comply with any requirements to which he is subject by virtue of sub-section (1) above.

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

PART VI
DRUG TRAFFICKING

17.—(1) A person who commits the offence of drug trafficking or of being in possession of a controlled drug for the purpose of drug trafficking is liable—

Drug trafficking.

(a) on summary conviction—

- (i)* to a fine which shall not be less than twenty five thousand dollars but which may extend to one hundred thousand dollars or, where there is evidence of the street value of the controlled drug, of three times the street value of the controlled drug, whichever is the greater; or
- (ii)* to imprisonment for a term which shall not be less than five years but which may extend to ten years; or
- (iii)* to both such fine and such imprisonment:

Provided that where a public officer or official, a member of the National Assembly or the Judiciary, a police officer or a member of the Belize Defence Force commits the offence of drug trafficking, or aids, abets, facilitates or promotes the commission of any such offence, or in any way obstructs or interferes with the prosecution of such offence, he shall be punishable with imprisonment for a term which shall not be less than five years *and* shall also be liable to a fine which shall not be less than twenty five thousand dollars;

(b) on conviction on indictment—

- (i)* to a fine which shall not be less than one hundred thousand dollars but which may extend to five hundred thousand dollars or, where there is evidence of the street

value of the controlled drug, of three times the street value of the controlled drug, whichever is the greater; or

(ii) to imprisonment for a term which shall not be less than seven years but which may extend to fourteen years; or

(iii) to both such fine and such imprisonment:

Provided that where a public officer or official, a member of the National Assembly or the Judiciary, a police officer or a member of the Belize Defence Force commits the offence of drug trafficking, or aids, abets, facilitates or promotes the commission of any such offence, or in any way obstructs or interferes with the prosecution of such offence, he shall be punishable with imprisonment for a term which shall not be less than seven years and shall also be liable to a fine which shall not be less than one hundred thousand dollars.

(2) Subject to any regulations under Section 9 for the time being in force, a person found in possession of a controlled drug in any school premises, or any other places of education or training or any centre for the rehabilitation of drug addicts, or in the immediate vicinity of any such premises, is deemed to have the controlled drug for the purpose of drug trafficking unless the contrary is proved, the burden of proof being on the accused.

(3) In sub-section (2), "premises" includes buildings, playing fields or other premises established, maintained or used by a school or other institution for the benefit of its students or inmates, whether or not such buildings, playing fields or other premises are within the curtilage of the school or institution.

Assisting another
to retain the
benefit of drug
trafficking.

18.—(1) If a person enters into or is otherwise concerned in an arrangement whereby—

(a) the retention of control by or on behalf of another (call him "A") of the proceeds of drug trafficking by A is facilitated (whether by concealment, removal from the jurisdiction, transfer to nominees or otherwise); or

(b) the proceeds of drug trafficking by A—

(i) are used to secure that funds are placed at A's disposal, or

(ii) are used for A's benefit to acquire property by way of investment;

knowing or having reasonable grounds to believe that A is a person who carries on or has carried on drug trafficking (proof whereof shall be on the prosecution), he is guilty of an offence and shall be liable on conviction therefor to the penalties prescribed in Section 17 for a drug trafficking offence.

(2) In this section, references to the proceeds of drug trafficking by any person include a reference to any property which in whole or in part directly or indirectly represented in his hands the proceeds of drug trafficking by him.

(3) Where a person discloses to a police officer a suspicion or belief that any funds or investments are derived from or used in connection with drug trafficking or any matter on which such a suspicion or belief is based—

(a) the disclosure shall not be treated as a breach of any restriction upon the disclosure of information imposed by contract; and

(b) if he does any act in contravention of subsection (1) above and the disclosure relates to the arrangement concerned, he does not

commit an offence under this section if the disclosure is made in accordance with this paragraph, that is—

- (i) it is made before he does the act concerned, being an act done with the consent of the police officer; or
- (ii) it is made after he does the act, but is made on his initiative and as soon as it is reasonable for him to make it.

PART VII
MISCELLANEOUS OFFENCES AND POWERS

Miscellaneous
offences.

19.—(1) It is an offence for a person to contravene any regulations made under this Act other than regulations made in pursuance of Section 12 (2) (*h*) or (*i*).

(2) It is an offence for a person to contravene a condition or other term of a licence issued under Section 5 or of a licence or other authority issued under regulations made under this Act, not being a licence issued under regulations made in pursuance of Section 12 (2) (*i*).

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

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

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

Attempts etc. to
commit offences.

20. It is an offence for a person to attempt to commit an offence under any other provision of this Act or to incite or attempt to incite another to commit such an offence.

Assisting in or
inducing com-
mission outside
Belize of offence
punishable
under corre-
sponding law.

21. A person commits an offence if in Belize he assists in or induces the commission in any place outside Belize of an offence punishable under the provisions of a corresponding law in force in that place.

Offences by Cor-
poration.

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

Further powers
to make regula-
tions.

23. The Minister may by regulations make provision—

- (a) for excluding in such cases as may be prescribed the application of any provision of this Act which creates an offence;
- (b) for the application of any provisions of this Act or regulations or orders thereunder to servants or agents of the Government of Belize, subject to such exceptions, adaptations and modifications as may be prescribed;
- (c) for the disposal or destruction of controlled drugs seized or forfeited under this Act, whether or not under a court order.

PART VIII

**LAW ENFORCEMENT AND PUNISHMENT OF
OFFENCES**

24.—(1) A member of the Police Force or other person authorised in that behalf by a general or special order of the Commissioner of Police shall, for the purposes of the execution of this Act, have power to enter the premises of a person carrying on business as a producer or supplier of any controlled drugs and to demand the production of, and to inspect, any books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs.

**Powers to
search & obtain
evidence.**

(2) If a member of the Police Force has reasonable grounds to suspect that any person is in possession of a controlled drug in contravention of this Act, or of any regulations made thereunder, the member of the Police Force may, subject to sub-section (3) —

- (a) search that person, and detain him for the purpose of searching him;
- (b) search any ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description in which the member of the Police Force suspects that the drug may be found, or which has been used or employed in the commission or attempted commission of any such offence, and for that purpose require the person in control of the ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description to stop it;
- (c) seize and detain for the purpose of proceedings under this Act—

- (i) anything found in the course of the search which appears to the member of the Police Force to be evidence of an offence under this Act; and
- (ii) any ship, vessel, boat, aircraft, vehicle or other means of conveyance, stopped under paragraph (b) in pursuance of his search.

(3) Nothing in sub-section (2) shall derogate from any power of search or any power to seize or detain property which is otherwise exercisable by a member of the Police Force.

(4) If a magistrate in the case of paragraph (a) of this subsection, or a Judge of the Supreme Court in the case of paragraph (b) of this subsection, is satisfied by information on oath that there is reasonable ground for suspecting —

- (a) that any controlled drug is, in contravention of this Act or of any regulations made thereunder, in the possession of a person on any premises or in any place; or
- (b) that a document directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would if carried out be, an offence under this Act, or in the case of a transaction or dealing carried out or intended to be carried out in a place outside Belize, an offence against the provisions of a corresponding law in force in that place, is in possession of a person on any premises or in any place;

he may issue a warrant authorising any member of the Police Force at any time or times within one month from

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

(5) A person commits an offence if he—

- (a) intentionally obstructs a person in the exercise of his powers under this section; or
- (b) being the person in control of the ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description, fails to stop it when required to do so by a member of the Police Force under sub-section (2) (b); or
- (c) being a person being conveyed in a ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description, prevents or intimidates the person operating the ship, vessel, aircraft, vehicle or other means of conveyance of any description from stopping when required to do so by a member of the Police Force under sub-section (2) (b); or
- (d) without the permission of the member of the Police Force concerned, leaves a ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description which has been stopped by a member of the Police Force under sub-section (2) (b); or
- (e) conceals from a person acting in the exercise of his powers under sub-section (1) above

any such books, documents, stocks or drugs as are mentioned in that sub-section; or

- (f) without reasonable excuse (proof of which shall lie on him), fails to produce any such books or documents as are so mentioned where their production is demanded by a person in the exercise of his powers under that sub-section.

(6) Any person acting under the warrant granted under sub-section (4) above, shall not be liable to any suit or other proceeding for seizing or detaining any of the articles which he is entitled to seize or detain by virtue of the said warrant.

Arrest without
warrant.

25.—(1) A member of the Police Force may arrest without warrant any person who has committed or is about to commit, or whom a member of the Police Force, with reasonable cause, suspects to have committed or to be about to commit, an offence under this Act.

(2) Where any controlled drug is found on any premises searched under Section 24 (1), or in any ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description stopped under Section 24 (2), the member of the Police Force who has made the search or stopped the ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description, as the case may be, may arrest without warrant any person in such premises or in such ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description whom he has reason to believe to be guilty of an offence under this Act.

(3) This section shall not prejudice any power of arrest conferred by law apart from this section.

(4) Reference to an offence in this section means any offence under this Act or any regulations made thereunder.

26.—(1) Where on the summary trial of an offence committed under this Act and triable either summarily or on indictment, a person who is not less than eighteen years of age is convicted of the offence, then, if on obtaining information that his character and antecedents are such that in the opinion of the Magistrate greater punishment should be inflicted for the offence than the Magistrate has power to inflict, the Magistrate may commit that person in custody to the Supreme Court for sentence and shall, as soon as practicable, transmit to the Registrar of the Supreme Court the record of the proceedings.

**Commitment to the
Supreme Court
for sentence.**

(2) On receipt of the record, the Registrar of the Supreme Court shall issue an order to the gaoler to bring the convicted person before a Judge of the Supreme Court at a time to be fixed by the Judge of the Supreme Court.

(3) The Judge of the Supreme Court shall enquire into the circumstances of the case and shall have power to deal with the convicted person as if he had just been convicted of the offence on indictment before the Supreme Court.

27.—(1) Except where expressly otherwise provided, the Third Schedule shall have effect, in accordance with sub-section (2) below, with respect to the way in which offences under this Act are punishable on conviction.

**Prosecution and
punishment of
offences.**

(2) In relation to an offence under a provision of this Act specified in the first column of the Third Schedule

(the general nature of the offence being described in the second column)—

- (a) the third column shows whether an offence is punishable on summary conviction or on indictment or in either way;
- (b) the fourth, fifth and sixth columns show respectively the punishments which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column, (that is to say, summarily or on indictment) according to whether the controlled drug in relation to which the offence was committed was a Class A drug, a Class B drug or a Class C drug; and
- (c) the seventh column shows the punishments which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column (that is to say, summarily or on indictment), whether or not the offence was committed in relation to a controlled drug, and if it was so committed, irrespective of whether the drug was a Class A drug, a Class B drug or a Class C drug;

and in the fourth, fifth, sixth and seventh columns a reference to a period gives the maximum term of imprisonment and a reference to a sum of money the maximum fine.

(3) Subject to the provisions of this Act relating to drug trafficking, an offence under Section 20 of this Act shall be punishable on summary conviction, on indictment or in either way according to whether, under the Third Schedule, the substantive offence is punishable on sum-

mary conviction, on indictment or in either way; and the punishments which may be imposed on a person convicted of an offence under that section are the same as those which, under that Schedule, may be imposed on a person convicted of the substantive offence.

(4) In sub-section (3) "the substantive offence" means the offence under this Act to which the attempt or, as the case may be, the incitement or attempted incitement mentioned in Section 20 was directed.

(5) Notwithstanding anything contained in the Summary Jurisdiction (Procedure) Act or any other enactment, a magistrate's court may try on information or on complaint an offence under this Act if the information or complaint was laid, or, as the case may be, made at any time within 24 months from the commission of the offence.

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(6) Notwithstanding anything contained in this Act, in the case of an offence under this Act other than a drug trafficking offence, where the convicted person is a first time offender and is proved to be addicted to drugs, the court shall pass a suspended sentence and refer the convicted person to a drug rehabilitation centre for treatment on the condition that if such person shall leave the rehabilitation centre before the completion of the treatment, or shall otherwise misbehave, he shall be required to serve the sentence passed on him.

PART IX

FORFEITURE AND OTHER DISPOSAL OF AIRCRAFT, VEHICLE, VESSEL, ETC.

**Forfeiture of
means of convey-
ance and other
articles relating
to the offence.**

28.—(1) Where a person is convicted of an offence or of an attempt to commit an offence or of soliciting or inciting the commission of an offence under this Act and the court by which such person is convicted finds that any aircraft, vessel, vehicle or any other means of conveyance of whatever description was used or employed by such person in the commission or to facilitate the commission of the offence of which he is convicted, such aircraft, vessel, vehicle or other means of conveyance of whatever description shall be forfeited.

(2) Without prejudice to sub-section (1) above, where a person is convicted of an offence under this Act, the court shall, in passing sentence, order forfeiture to the Government of Belize, of any article, money or other valuable consideration relating to the offence.

(3) The owner of any aircraft, vessel, vehicle or any other means of conveyance of whatever description in respect of which an order of forfeiture has been made under sub-section (1) shall have the right of appeal of an accused person and may appeal to the court to which the appeals normally lie from the decisions of the court which made the order of forfeiture.

(4) Where any substance, article, vehicle, vessel, boat, aircraft or any other means of conveyance of whatever description is seized and detained by a member of the Police Force under Section 24(2) (c), a magistrate shall, upon the written application of the Commissioner of Police, or of an officer authorised by the Commissioner, made after the expiry of 30 days, inquire into the circumstances in which such substance, article, vehicle, vessel,

boat, aircraft or other means of conveyance of whatever description was seized and detained and shall determine whether or not an offence against this Act has been committed in respect of it and whether or not it was used or employed in the commission or attempted commission of any such offence; and if the magistrate so determines, such substance, article, vehicle, vessel, aircraft or any other means of conveyance of whatever description shall be forfeited.

(5) For the purposes of this section, "aircraft", "vessel" and "vehicle" respectively include everything contained in, being on or attached to any aircraft, vessel or vehicle as the case may be, which, in the opinion of the court, forms part of the equipment of such aircraft, vessel or vehicle.

(6) The proceeds of forfeitures made under this section and under section 29 (other than controlled drugs) may be—

- (i) applied to the treatment and rehabilitation of persons addicted (within the meaning of the regulations) to controlled drugs of any description;
- (ii) applied to the use of the National Drug Abuse Control Council for the performance of its functions under this Act; and
- (iii) made available to the Police Force for the prevention and detection of offences under this Act:

Provided that not less than 25% of such proceeds in any year shall be applied for the purpose mentioned in (iii) above.

(7) Subject to any regulations made under this Act, controlled drugs under this section shall be destroyed or disposed of in accordance with the directions of the court, provided that a senior police officer designated by the Commissioner of Police shall be present at the time of such destruction or disposal.

(8) Where any person is discharged or acquitted of an offence against this Act, the court which tried the case may thereafter make such order as it thinks fit for the forfeiture and destruction or other disposal of all drugs, substances and articles in respect of which the said person was charged.

(9) At any stage of a criminal proceeding pending against an accused person, the court hearing the case may, on the written application of a police officer of or above the rank of assistant inspector, order the destruction or other disposal of all or any of the substances in respect of which the said person had been charged, if it is a controlled drug and if the court is of the opinion that this can be done consistently with the interests of justice.

(10) If, upon the application of any person (other than the accused person) prejudiced by a forfeiture order made under this Part, the court is satisfied that neither he nor his agent or servant knew or believed nor had reasonable grounds to believe that any such vehicle, vessel, boat, aircraft or any other means of conveyance, as the case may be, was being used or employed in the commission or attempted commission of any offence under this Act, the court may, upon such terms and conditions (if any) as it deems fit, revoke that order.

(11) An application under subsection (10) for the revocation of a forfeiture order shall be made either at the time when such order is made or within thirty days of the date of the order.

PART X
FORFEITURE OF PROCEEDS OF
DRUG TRAFFICKING

29.—(1) Where a person (hereinafter in this Part referred to as the defendant) has been convicted of a drug trafficking offence the court before which the defendant is convicted shall, before passing sentence, determine whether he has benefitted from drug trafficking and if the court so determines, the court shall, upon the application of the prosecution—

Forfeiture of assets acquired from drug trafficking.

- (a) determine in accordance with Section 33 the value of the defendant's proceeds of drug trafficking; and
- (b) in addition to any other punishment, order the forfeiture of such amount as represents the value of the defendant's proceeds of drug trafficking as so determined.

(2) A person against whom proceedings have been instituted for a drug trafficking offence is referred to in this Part (whether or not he has been convicted) as "the defendant".

30. For the purposes of this Part, a person who knowingly receives any proceeds of drug trafficking shall be presumed to have benefitted from drug trafficking.

Presumption arising from receipt of proceeds of drug trafficking.

31.—(1) The court may, for the purpose of—

Assessment of proceeds of drug trafficking.

- (a) determining whether the defendant has benefitted from drug trafficking; and
- (b) if he has, of assessing the value of the proceeds of drug trafficking for the purpose of making a forfeiture order under this Part,

make assumptions set out in sub-section (2) except to the extent that any of the assumptions are shown to be incorrect in the defendant's case.

(2) The assumptions referred to in sub-section (1) are—

- (a) that any property appearing to the court —
 - (i) to have been held by the defendant at any time since he was charged with a drug trafficking offence; or
 - (ii) to have been transferred to him at any time since the beginning of the period of six years ending when the proceedings were instituted against him being proceedings for the drug trafficking offence in respect of which an application for forfeiture is made pursuant to this Part, (hereinafter referred to as "the relevant proceedings"),
was received by him, at the earliest time at which he appears to the court to have held it, as a payment or reward in connection with drug trafficking carried on by him:

Provided that the period of six years mentioned in this sub-section shall not include any period prior to the commencement of this Act;

- (b) that any expenditure of his since the beginning of that period was met out of payments received by him in connection with drug trafficking carried on by him, and
- (c) that, for the purpose of valuing any property received or assumed to have been received by him, such property was received by him free of any other interests in it.

(3) For the purpose of assessing the value of the defendant's proceeds of drug trafficking in a case where a forfeiture order has previously been made against him, the court shall leave out of account any of the proceeds of drug trafficking that are shown to the court to have been taken into account in determining the amount to be recovered from him under that order.

32.—(1) Where, in relation to any defendant —

Statements re-
lating to drug
trafficking.

- (a) the prosecution tenders to the court, a statement as to any matters relevant to the determination whether the defendant has benefited from drug trafficking or to the assessment of the value of that defendant's proceeds of drug trafficking; and
- (b) the defendant accepts to any extent any allegation in such statement, the court may, for the purposes of such assessment as aforesaid, treat his acceptance as conclusive of the matters to which it relates.

(2) Where —

- (a) a statement is tendered to the court as mentioned in sub-section (1); and
- (b) the court is satisfied that a copy of that statement has been served on the defendant,

the defendant may indicate to what extent he accepts each allegation in the statement and, so far as he does not accept any such allegation, to indicate any matters which he proposes to rely on.

(3) Where —

(a) there is tendered to the court by the defendant a statement as to any matters relevant to determining the amount that might be realised at the time the forfeiture order under this Part is made, and

(b) the prosecution accepts to any extent any allegation in such statement,

the court may, for the purposes of that determination, treat the acceptance by the prosecution as conclusive of the matters to which it relates.

Assessment of
value of pro-
ceeds.

33.—(1) Subject to the provisions of this section, for the purposes of this Act, the value of property (other than cash) in relation to any person holding the property is —

(a) where any other person holds an interest in the property, the market value of the first mentioned person's beneficial interest in the property, less the amount required to discharge any incumbrance on that interest (other than a charging order); and

(b) in any other case, the market value of the property.

(2) Subject to Section 34(6), references in this Act to the value at any time (in this section referred to as "the material time") of a gift caught by this Act or of any payment or reward, are references to—

(a) the value of the gift, payment or reward to the recipient when he received it, adjusted to take account of subsequent changes in the value of money; or

(b) where sub-section (3) applies, the value mentioned in that sub-section,

whichever is the greater.

(3) Subject to Section 34(6), if at the material time the recipient holds —

- (a) the property which he received (not being cash); or
- (b) the property which, in whole or in part, directly or indirectly represents, in his hands, the property which he received,

the value referred to in sub-section 2(b) is the value to him at the material time of the property mentioned in paragraph (a) or, as the case may be, paragraph (b) of this sub-section so far as it so represents the property which he received, but disregarding in either case any charging order.

(4) For the purposes of this Act, a "charging order" is an order made by the court imposing on any such realizable property as may be specified in the order a charge for securing the payment of money to the Government.

34.—(1) In this Act, "realizable property" means, subject to sub-section (2)—

Provisions supplemental to
Section 33.

- (a) any property held by the defendant; and
- (b) any property held by a person to whom the defendant has directly or indirectly made a gift caught by this Act.

(2) Property is not realizable property if an order under Section 28 is in force in respect of that property or, as the case may be, if Section 56 of the Customs Regulation Act applies to such property.

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(3) For the purpose of Sections 31 and 32, the amount that might be realized at the time when a forfeiture order is made shall be calculated in accordance with the following table —

Total of the values at that time of all realizable property held by the defendant.....	\$.....
Deduct the total amount payable in pursuance of such obligations (if any) as may have priority at that time.....	\$.....
Add the total of the values at that time of all gifts caught by this Act.....	\$.....
Net amount realizable	\$.....

(4) For the purposes of sub-section (3), an obligation has priority at any time if it is an obligation of the defendant to—

(a) pay an amount due in respect of a fine, or other order of a court, imposed or made before the forfeiture order; or

(b) pay any sum which, if the defendant had been adjudged bankrupt or was being wound up, would be—

(i) in the case of bankruptcy, the debts to be paid in priority in accordance with Section 36 of the Bankruptcy Act;

(ii) in the case of winding up, the preferential payments to be paid in priority in accordance with Section 199 of the Companies Act.

(5) A gift is caught by this Act if —

(a) it was made by the defendant at any time since the beginning of the period of six years

ending when the relevant proceedings were instituted against him; or (b) it was made by the defendant at any time and was a gift of property—

- (i) received by the defendant in connection with drug trafficking carried on by him or another; or
- (ii) which in whole or in part directly or indirectly represented in the defendant's hands, property received by him in that connection:

Provided that the period of six years mentioned in this sub-section shall not include any period prior to the commencement of this Act.

(6) For the purposes of this Act—

- (a) the circumstances in which the defendant is to be treated as making a gift include those where he transfers property to another person directly or indirectly for a consideration the value of which is significantly less than the value of the consideration provided by the defendant; and
- (b) in those circumstances, the preceding provisions of this section shall apply as if the defendant had made a gift of such share in the property as bears to the whole property the same proportion as the difference between the values referred to in paragraph (a) of this sub-section bears to the value of the consideration provided by the defendant.

Restraint Order.

35.—(1) Subject to the provisions of this section, where a person is charged with a drug trafficking offence, a judge of the Supreme Court, on being satisfied by affidavit evidence or otherwise that there is a prima facie case against the defendant, may by order (hereinafter referred to as a "restraint order") prohibit any person from disposing of or otherwise dealing with any realizable property, otherwise than in such manner as may be specified in the order.

(2) A restraint order may apply—

- (a) to all realizable property held by a specified person, whether the property is described in the order or not;
- (b) to realizable property held by a specified person, being property transferred to him after the making of the order.

(3) A restraint order—

- (a) may be made only on an application by the prosecution to a judge in chambers; and
- (b) shall provide for notice to be given to persons affected by the order.

(4) A restraint order—

- (a) may be discharged or varied in relation to any property; and
- (b) shall be discharged when proceedings for the offence are concluded.

(5) Where a restraint order has been made the court or judge may at any time appoint a receiver—

- (a) to take possession of any realizable property;
and
- (b) to manage or otherwise deal with such property in accordance with directions given by the court or judge,

subject to such exceptions and conditions as may be specified by the court or judge; and the court or judge may require any person having possession of property, in respect of which a receiver is appointed under this sub-section, to give possession of it to the receiver.

(6) For the purposes of this section, dealing with realizable property held by any person includes (without prejudice to the generality of the expression) —

- (a) where a debt is owed to that person, making a payment to any person in reduction of the amount of the debt; and
- (b) removing the property from Belize.

(7) Where a restraint order has been made, a member of the Police Force may, for the purpose of preventing the removal of any realizable property from Belize, seize such property.

(8) Property seized under sub-section (7) shall be dealt with in accordance with the court's directions.

36.—(1) Where—

- (a) a forfeiture order is made in a trial of any person for a drug trafficking offence;
- (b) the time within which notice of appeal against such order may be given has expired

Realization of
property.

or, as the case may be, no such appeal is
pending; and

(c) the trial is not concluded,

the court may, on an application by the prosecution,
exercise the powers specified in sub-sections (2) to (5).

(2) The court may appoint a receiver in respect of
all realizable property.

(3) The court may empower a receiver appointed
under sub-section (2) of this section or, as the case may
be, under Section 35 to take possession of the property
subject to such conditions or exceptions as the court may
specify.

(4) The court may—

(a) order any person having possession of real-
izable property to give possession of it to any
such receiver;

(b) empower any such receiver to realize any
realizable property in such manner as the
court may direct.

(5) The court may order any person holding an
interest in realizable property to make such payment to
the receiver in respect of any beneficial interest held by
the defendant or, as the case may be, the recipient of a
gift caught by this Act, as the court may direct; and the
court may, on the payment being made, by order transfer,
grant or extinguish any interest in the property.

(6) The court shall not, in respect of any property,
exercise the powers specified in sub-section (4) (b) or (5)

unless a reasonable opportunity has been given for persons holding any interest in the property to make representations to the court.

37.—(1) Subject to sub-section (2), any sums in the hands of a receiver appointed under Section 35 or 36, shall, after such payments, if any, as the court may direct have been made out of those sums, be applied on the defendant's behalf towards the satisfaction of a forfeiture order made against that defendant.

Application of
proceeds of re-
alization and
other sums.

(2) If, after the amount recoverable under a forfeiture order has been fully paid, any sums remain in the hands of a receiver, the receiver shall distribute those sums—

(a) among such of those who held property which has been realized; and

(b) in such proportions,

as the court may direct after giving a reasonable opportunity for such persons to make representations to the court.

38.—(1) The provisions of this section apply to powers conferred on the court by Sections 35 to 37, or on a receiver appointed under Section 35 or 36.

Exercise of pow-
ers by court or
receiver.

(2) Subject to the following provisions of this section, the powers shall be exercised with a view to making available for satisfying the forfeiture order the value for the time being of realizable property held by any person by the realization of such property.

(3) In the case of realizable property held by a person to whom the defendant has directly or indirectly made a gift caught by this Act, the powers shall be exer-

cised with a view to realizing no more than the value for the time being of the gift.

(4) The powers shall be exercised with a view to allowing any person other than the defendant or the recipient of any such gift to retain or recover the value of any property held by him.

(5) In exercising those powers, no account shall be taken of any obligations of the defendant or of the recipient of any such gift which conflict with the obligation to satisfy the forfeiture order.

Variation of forfeiture orders.

39.—(1) If the court is satisfied as to any matter relevant for determining the amount which might be realized at the time when the forfeiture order is made (whether by acceptance under Section 31 or otherwise), the court may issue a certificate stating the court's opinion as to the matters concerned.

(2) If, on an application by the defendant in respect of a forfeiture order, the court is satisfied that the realizable property is inadequate for the payment of any amount remaining to be recovered under the order, the court shall issue a certificate to that effect, giving the court's reasons.

(3) For the purposes of sub-section (2)—

(a) in the case of realizable property held by a person who has been adjudged bankrupt or whose estate has been sequestrated, the court shall take into account the extent to which any property held by him may be distributed among creditors; and

- (b) the court may disregard any inadequacy in the realizable property which appears to the court to be attributable wholly or partly to anything done by the defendant for the purpose of preserving any property held by a person to whom the defendant had directly or indirectly made a gift caught by this Act from any risk of realization under this Act.

(4) Where the court issues a certificate under subsection (1) the court shall substitute for the amount to be recovered under the forfeiture order such lesser amount as the court thinks just in all the circumstances of the case.

40.—(1) Where a person who holds realizable property is adjudged bankrupt, there shall be excluded from his estate for the purposes of Sections 4, 45 or 46 of the Bankruptcy Act—

**Bankruptcy of
defendant.**

CAP. 201.

- (a) property for the time being subject to a restraint order made before the order adjudging him bankrupt; and
- (b) any proceeds of property realized by virtue of Section 35(6) or 36(4)(b) of this Act for the time being in the hands of a receiver appointed under Section 35 or 36 aforesaid.

(2) Where a person has been adjudged bankrupt, the powers conferred on the court by Sections 35 to 38 of this Act or on a receiver appointed under Section 35 or 36 shall not be exercised in relation to—

- (a) property for the time being comprised in the bankrupt's estate for the purposes of the Bankruptcy Act;

CAP. 201.

CAP. 201.

Winding up of
company holding
realizable prop-
erty.

- (b) property which is to be applied for the benefit of creditors of the bankrupt by virtue of a condition imposed under the Bankruptcy Act.

41.—(1) Where realizable property is held by a company and an order for the winding up of the company has been made or a resolution has been passed by the company for the voluntary winding up, the functions of the liquidator, (or as the case may be, any provisional liquidator) shall not be exercisable in relation to—

- (a) property for the time being subject to a restraint order made before the relevant time; and
- (b) any proceeds of property realized by virtue of Section 35(6) or 36(4) (b) or (5) for the time being in the hands of a receiver appointed under Section 35 or 36,

but there shall be payable out of such property any expenses (including the remuneration of the liquidator or provisional liquidator) properly incurred in the winding up in respect of the property.

(2) Where, in the case of a company, such an order has been made or such a resolution has been passed, the powers conferred on the court by Sections 35 to 37 or on a receiver appointed under Section 35 or 36 shall not be exercised in relation to any realizable property held by the company in relation to which the functions of the liquidator are exercisable—

- (a) so as to inhibit him from exercising those functions for the purpose of distributing any property held by the company to the company's creditors; or

- (b) so as to prevent the payment out of any property of expenses (including the remuneration of the liquidator or any provisional liquidator) properly incurred in the winding up in respect of the property.

(3) In this Section—

"company" means a company incorporated or registered under the Companies' Act;

CAP. 206.

"the relevant time" means—

- (a) where no order for the winding up of the company has been made, the time of the passing of the resolution for voluntary winding up;
- (b) where such an order has been made and, before the presentation of the petition for the winding up of the company by the court, such a resolution had been passed by the company, the time of the passing of the resolution; and
- (c) in any other case where such an order has been made, the time of the making of the order.

42.—(1) If, upon the application of any person (other than the defendant) prejudiced by a forfeiture order made under this Part, the court is satisfied that it is just to revoke such order, the court may, upon such terms and conditions (if any) as it deems fit, revoke that order.

Revocation of
forfeiture order.

(2) An application under sub-section (1) for the revocation of a forfeiture order shall be made either at the time when such order is made or within three months of the date of the order:

Provided that where the applicant satisfies the court that, in the special circumstances of the case, it was not reasonably practicable for him to make such application within the period of three months aforesaid, the time (whether expired or not) for making that application may be extended by the court as it thinks fit.

Search and seizure.

43.—(1) If a magistrate is satisfied on information on oath that there is reasonable ground for suspecting that an offence under Section 18 is being, has been or is about to be committed on any premises, he may issue a warrant in writing authorising any member of the Police Force to enter those premises at any time, by day or night, with such assistance and by such force as may be necessary and search the premises, and any member of the Police Force who enters under the authority of the warrant may—

(a) seize and remove—

(i) any books, records, accounts or other documents (hereinafter referred to as "documents");

(ii) any money, valuable thing, or any other thing,

found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of any such offence; and

(b) arrest and search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.

(2) Where the court is satisfied that any person has in his possession any documents which will be required for the purpose of proceedings in respect of an offence

under Section 18, the court may, upon application by the prosecution, make an order requiring that person to produce such books, records, accounts or other documents.

(3) Where the court is satisfied that—

- (a) anything seized pursuant to a warrant issued under sub-section (1); or
- (b) any documents produced under sub-section (2),

will not be required for the purpose mentioned in sub-sections (1) and (2), the court may order such thing or documents to be returned to the owner or, as the case may be, the person who is entitled to possession of it.

(4) Any person who, being served with an order under sub-section (2), fails to produce documents pursuant to such order, is guilty of an offence and is liable—

- (a) on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment;
- (b) on conviction on indictment, to a fine not exceeding ten thousand dollars, or to imprisonment for a term not exceeding seven years, or to both such fine and imprisonment.

PART XI
MISCELLANEOUS AND
SUPPLEMENTARY PROVISIONS

Evidence by certificate of analyst.

44.—(1) Subject to sub-section (3), a certificate of an analyst purporting to be signed by him stating that he has analysed or examined a substance and stating the result of such analysis or examination shall be admissible in evidence in any prosecution under this Act of the matters stated therein.

(2) No evidence shall be required by the court as to the signature or qualifications of the person purporting to have signed the certificate.

(3) In any prosecution under this Act either of the parties may require the attendance of the analyst to give evidence provided such analyst is within Belize; and in any such case the costs of his attendance shall, unless the Judge or Magistrate orders otherwise, be payable by the party so requiring.

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

45.—(1) This section applies to offences under any of the following provisions of this Act, that is to say, Section 6(2) and (3), Section 7(2) and (3), Section 8(2) and Section 11.

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

(3) Where in any proceedings for an offence to which this section applies it is necessary, if the accused is

to be convicted of the offence charged, for the prosecution to prove that some substance or product involved in the alleged offence was the controlled drug which the prosecution alleges it to have been, and it is proved that the substance or product in question was that controlled drug, the accused—

- (a) shall not be acquitted of the offence charged by reason only of proving that he neither knew nor suspected nor had reason to suspect that the substance in question was the particular controlled drug alleged; but
- (b) shall be acquitted thereof if he proves that he neither believed nor suspected nor had reason to suspect that the substance or product in question was a controlled drug.

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

46.—(1) Any notice or other document required or authorised by any provision of this Act to be served on any person may be served on him either by delivering it to him or by leaving it at his proper address or by sending it by registered post.

Service of documents.

(2) Any notice or other document so required or authorised to be served on a body corporate shall be duly served if it is served on the secretary or clerk of the body.

(3) For the purposes of this section, the proper address of any person shall, in the case of the secretary or clerk of a body corporate, be that of registered or principal office of that body, and in any other case shall be the last known address of the person to be served.

Licences & Authorities.

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

General provisions as to regulations.

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

- (a) may make different provisions in relation to different drugs, different classes of persons, different provisions of this Act or other different cases or circumstances; and
- (b) may make the opinion, consent or approval of a prescribed authority or of any person authorised in a prescribed manner material for the purposes of any provision of the regulations; and
- (c) may contain such supplementary, incidental and transitional provisions as appear expedient to the Minister.

(2) The Minister shall not make any regulations under this Act except after consultation with the National Drug Abuse Control Council.

(3) Any regulations made under this Act by the Minister shall be laid before the National Assembly and shall be subject to negative resolution.

Research.

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

50. The Dangerous Drugs Act is hereby repealed and any subsidiary legislation made thereunder is hereby revoked:

Repeals.
CAP. 87.

Provided that notwithstanding such repeal and revocation, any such subsidiary legislation may be continued to such extent as may be prescribed by the Minister.

FIRST SCHEDULE

**CONSTITUTION ETC. OF THE NATIONAL
DRUG ABUSE CONTROL COUNCIL**

(SECTION 3)

1.—(1) The members of the Council, of whom there shall be not more than eleven nor less than seven, shall be appointed by the Minister after consultation with such organisations as he considers appropriate, and shall include—

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

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

- (a) the practice of medicine (other than veterinary medicine);
- (b) the practice of dentistry;
- (c) the practice of veterinary medicine;
- (d) the practice of pharmacy.

(3) The Minister shall appoint one of the members of the Council to be chairman of the Council.

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

3. At meetings of the **Council** the quorum shall be four and subject to that, the Council may determine their own procedure.

SECOND SCHEDULE

(Section 4)

CONTROLLED DRUGS

PART I

CLASS A DRUGS

1. The following substances and products, namely:—

Acetorphine.	Alphameprodine.
Alfentanil.	Alphamethadol.
Allylprodine.	Alphaprodine.
Alphacetylmethadol	Anileridine.
Benzethidine.	Methadone.
Benzylmorphine (3-benzylmorphine)	Methadylacetate.
Betacetylmethadol.	Methyldesorphine.
Betameprodine.	Methyldihydromorphine (6-methyldihy- dromorphine.
Betamethadol.	morphine)
Betaprodine.	Metopon.
Bezitramide	Morpheridine.
Bufotenine	Morphine.
Cannabinol, except where contained	Morphine methobromide, morphine
in cannabis or cannabis resin (b)	N-oxide and other pentavalent nitrogen
Cannabinol derivatives	morphine derivatives.
Carfentanil.	Myrophine.
Clonitazene.	Nicomorphine(3,6-dinicotinoylmorphine)
Coca leaf	Noracymethadol.
Cocaine.	Norlevorphanol.
Desomorphine.	Normethadone.
Dextromoramide.	Normorphine.
Diamorphine, (heroin)	Norpipanone.
Diampromide.	Opium, whether raw, prepared or medicinal
Diethylthiambutene.	Oxycodone.
Difenoxin (1-(3-cyano-3, 3-dipheny- lpropyl)-4-phenylpiperidine-4- carboxylic).	Oxymorphone
	Pethidine.

Dihydrocodeinone	Phenadoxone.
O-carboxymethyloxime.	Phenampromode.
Dihydromorphine	Phenazocine.
Dimenoxadole.	Phencyclidine.
Dimepheptanol.	Phenomorphane.
Dimethylthiambutene.	Phenoperidine.
Dioxaphetyl butyrate.	Piminodine.
Diphenoxylate.	Piritramide.
Dipipanone.	Poppy-straw and concentrate poppy-straw
Drotebanol (3,4-dimethoxy-17-methylmorphinan-6,8, 14-diol).	Proheptazine.
Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine.	Propiridone(1-methyl-4-phenylpiperidine-4-carboxylic acid isopropylester).
Ethylmethylthiambutene	Psilocin.
Eticyclidine.	Racemethorphan.
Etonitazene.	Racemoramide.
Etorphine.	Racemorphan.
	Rolicyclidine.
	Sufentanil
	Tenamphetamine (methylenedioxyamphetamine)
Etoxadine	Tenocyclidine
Fentanyl.	Thebacon.
Furethidine.	Thebaine.
Hydrocodone.	Tilidate.
Hydromorphanol.	Trimeperidine.
Hydromorphone	4-Bromo-2,5-dimethoxy- α -methylphenethylamine.
Hydroxypethidine.	4-Cyano-2-dimethylamino-4,4-diphenylbutane.
Isomethadone.	4-Cyano-1-methyl-4-phenylpiperidine
Ketobemidone.	N,N-Diethyltryptamine.
Levomethorphan.	N,N-Dimethyltryptamine.
Levomoramide.	2,5-Dimethoxy- α ,4-dimethylphenethylamine
Levophenacymorphan.	1-Methyl-4-phenylpiperidine-4-carboxylic acid.
Levorphanol.	2-Methyl-3-morpholino-1, 1-diphenylpropane carboxylic acid.
Lofentanil	4-Phenylpiperidine-4-carboxylic acid ethyl ester.
Lysergamide.	
Lysergide and other N-alkyl derivatives of Lysergamide.	
Mescaline.	
Metazocine.	

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

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

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

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

6. Any preparation designed for administration by injections which includes a substance or product for the time being specified in any of paragraphs 1 to 3 of Part II of this Schedule.

PART II

CLASS B DRUGS

1. The following substances and products, namely—

Acetyldihydrocodeine.	(b) Any 5,5 disubstituted barbituric acid.
Amphetamine.	Methylphenidate.
Cannabis and cannabis resin.	Methylphenobarbitone.
Codeine.	Nicodicodine(6-nicotinoyldihydroco-
Dexamphetamine	deine).
Dihydrocodeine.	Nicocodeine.
Ethylmorphine (3-ethylmorphine).	Norcodeine.
Glutethimide	Pentazocine.
Lefetamine	Phenmetrazine.
Mecloqualone.	Pholcodine.
Methaqualone.	Propiram.
Methylamphetamine.	

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

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

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

PART III
CLASS C DRUGS

1. The following substances, namely—

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

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 of this Part of this Schedule not being phenylpropanolamine.

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

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

THIRD SCHEDULE
PROSECUTION AND PUNISHMENT OF OFFENCES
(OTHER THAN DRUG TRAFFICKING OFFENCES)

(SECTION 27)

Section Creating Offence	General Nature of Offence	Mode of Prosecution	PUNISHMENT			
			Class A Drug Involved	Class B Drug Involved	Class C Drug Involved	General
Section 7 (2) (ex- cept drug trafficking of- fence)	Having posses- sion of a controlled drug (other than for drug trafficking).	Summary	5 years or \$100,000, or both.	3 years or \$50,000, or both.	2 years or \$40,000 or both.	
Section 11	Offences relating to opium.	(a) Summary	—	—	—	2 years or \$75,000, or both.
		(b) On indict- ment	—	—	—	14 years or \$200,000, or both.
Section 13	Contravention of directions relat- ing to safe custody of con- trolled drugs.	(a) Summary	—	—	—	3 years or \$100,000, or both.
		(b) On indict- ment	—	—	—	10 years or \$200,000, or both.

Section Creating Offence	General Nature of Offence	Mode of Prosecution	P U N I S H M E N T			
			Class A Drug Involved	Class B Drug Involved	Class C Drug Involved	General
Section 14(6)	Contravention of direction prohibiting practitioner etc. from possessing, supplying etc. controlled drugs.	(a) Summary	5 years or \$150,000, or both.	3 years or \$100,000 or both.	2 years or \$75,000 or both.	—
		(b) On indictment	15 years or \$300,000, or both.	10 years or \$200,000, or both.	7 years or \$150,000, or both.	—
Section 15(3)	Contravention of direction prohibiting practitioner etc. from prescribing, supplying etc. controlled drugs.	(a) Summary	5 years or \$150,000, or both.	3 years or \$100,000, or both.	2 years or \$75,000, or both.	—
		(b) On indictment	15 years or \$300,000, or both.	10 years or \$200,000, or both.	7 years or \$150,000, or both.	—
Section 16(3)	Failure to comply with notice requiring information relating to prescribing, supplying etc. of drugs.	Summary	—	—	—	\$75,000.
Section 16(4)	Giving false information in purported compliance with notice requiring information relating to prescribing, supply etc. of drugs.	(a) Summary	—	—	—	3 years or \$100,000, or both.
		(b) On indictment	—	—	—	7 years or \$150,000, or both.
Section 19(1)	Contravention of regulations (other than regulations relating to addicts).	(a) Summary	—	—	—	3 years or \$100,000, or both.
		(b) On indictment	—	—	—	7 years or \$150,000, or both.
Section 19(2)	Contravention of terms of licence or other authority (other than licence issued under regulations relating to addicts).	(a) Summary	—	—	—	3 years or \$100,000, or both.
		(b) On indictment	—	—	—	7 years or \$150,000, or both.

Section Creating Offence	General Nature of Offence	Mode of Prosecution	PUNISHMENT			
			Class A Drug Involved	Class B Drug Involved	Class C Drug Involved	General
Section 19(3)	Giving false information in purported compliance with obligation to give information imposed under or by virtue of regulations.	(a) Summary	—	—	—	3 years or \$100,000, or both.
		(b) On indictment	—	—	—	10 years or \$200,000, or both.
Section 19(4)	Giving false information, or producing document etc., containing false statement, etc., for purposes of obtaining issue or renewal of a licence or other authority.	(a) Summary	—	—	—	3 years or \$100,000, or both.
		(b) On indictment	—	—	—	10 years or \$200,000, or both.
Section 21	Assisting in or inducing commission outside Belize of an offence punishable under a corresponding law.	(a) Summary	—	—	—	3 years or \$100,000, or both.
		(b) On indictment	—	—	—	10 years or \$200,000, or both.
Section 24(5)	Obstructing exercise of power of search etc., or concealing books, drugs etc.	(a) Summary	—	—	—	3 years or \$100,000, or both.
		(b) On indictment	—	—	—	10 years or \$200,000, or both.