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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 text.*

CAYMAN ISLANDS

Communicated by the Government of the United Kingdom

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 MISUSE OF DRUGS (MISCELLANEOUS AMENDMENT) LAW, 1992

***Note by the Secretariat:** This document is a direct reproduction of the text communicated to the Secretariat by the Government of the United Kingdom.

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V.963-86184

**THE MISUSE OF DRUGS
(MISCELLANEOUS AMENDMENT) LAW, 1992
(LAW 8 OF 1992)**

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Section 2 amended.
4. New section 3A:
3A. Manufacture and supply of scheduled substances
5. Section 5 amended.
6. Section 6 amended.
7. New Section 8A:
8A. Assisting in or inducing commission outside of Islands of offence punishable under a corresponding law.
8. Section 10 amended.
9. New sections 13B, 13C, 13D and 13E:
13B. Offences on Cayman ships.
13C. Ships used for illicit traffic.
13D. Enforcement powers in respect of ships.
13E. Jurisdiction and prosecution in respect of ships.
10. New sections 15A, 15B, 15C and 15D:
15A. Seizure and detention of drug trafficking money imported or exported in cash.
15B. Forfeiture of cash.
15C. Interest.
15D. Procedure.
11. Section 16E amended.
12. New sections 16EA and 16EB:
16EA. Increase in realisable property.
16EB. Interest on sums unpaid under confiscation order.
13. New section 16 OA:
16 OA. Offence of concealing or transferring proceeds of drug trafficking.
14. First Schedule repealed and replaced:
First Schedule – Controlled drugs
15. New Third and Fourth Schedules:
Third Schedule – Substances useful for manufacturing controlled drugs.
Fourth Schedule – Enforcement powers in respect of ships.
16. Further amendments.

CAYMAN ISLANDS

Law 8 of 1992

I Assent

ALAN SCOTT
Governor

27th August, 1992

A LAW TO AMEND THE MISUSE OF DRUGS LAW (SECOND REVISION)^{1/}

ENACTED by the Legislature of the Cayman Islands.

- Short title. 1. This Law may be cited as the Misuse of Drugs (Miscellaneous Amendments) Law, 1992.
- Interpretation. 2. In this Law "principal Law" means the Misuse of Drugs Law (Second Revision).
- Section 2 amended. 3. Section 2 of the principal Law is amended as follows –
- (a) by omitting "In this Law", and substituting "(1) In this Law,";
 - (b) by inserting after the definition "authorised possession" the following definitions: –
 - ""benefited from drug trafficking" has the meaning assigned to that expression by section 16A(3);
 - "cash" includes coins and notes in any currency;
 - "Cayman ship" means a ship registered in the Islands;"
 - (c) by inserting after the definition "constructive possession" the following definitions –

"Convention state" means a state that is a party to the Vienna Convention;

"Corresponding Law" has the meaning assigned to it by subsection (2);

"Customs officer" means a person appointed by the Governor to be an officer of the Customs in accordance with section 6(1) of the Customs Law, 1990;";

- (d) by omitting the definitions "drug trafficking" and "drug trafficking offence" and substituting the following definitions –

"drug trafficking" means doing or being concerned in any of the following, whether in the Islands or elsewhere –

- (a) producing or supplying a controlled drug where the production or supply contravenes paragraph (c) or (f) of section 3(1) or a corresponding law; or
- (b) storing a controlled drug where possession of the drug contravenes paragraph (d) of section 3(1) or a corresponding law; or
- (c) importing or exporting a controlled drug where the importation or exportation is prohibited by paragraphs (a) or (b) of section 3 (1) or a corresponding law; or
- (d) manufacturing or supplying a scheduled substance within the meaning of section 3A where the manufacture or supply is an offence under that section,

and includes a person doing the following (whether on the Islands or elsewhere), that is, entering into or being otherwise concerned in an arrangement whereby –

- (e) the retention of control by or on behalf of another person of the other person's proceeds of drug trafficking is facilitated; or
- (f) 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;

"drug trafficking offence" means any of the following –

- (a) an offence under paragraph (c), (f) or (m) of section 3 (1);
- (b) an offence under section 3(1) of attempting any of the matters mentioned in paragraph (a);
- (c) an offence under section 3A (manufacture and supply of scheduled substances);

- (d) an offence under section 8A (assisting in or inducing commission outside the Islands of offence punishable under a corresponding law);
- (e) an offence under section 13C (using ship for illicit trafficking);
- (f) an offence under section 16 O (assisting another to retain the benefits of drug trafficking);
- (g) an offence under section 16 OA (concealing or transferring proceeds of drug trafficking);
- (h) an offence under section 10 (1) of the Customs Law (Second Revision), in connection with a prohibition on importation or exportation having effect by virtue of section 3;
- (i) an offence under section 292 of the Penal Code of conspiracy to commit any of the offences in paragraphs (a), (c), (d), (e), (f), (g), or (h);
- (j) an offence under section 290 of the Penal Code of attempting to commit any of the offences in paragraphs (a), (c), (d), (e), (f), (g) or (h);
- (k) an offence at common law of inciting another to commit any of the offences in paragraphs (a), (c), (d), (e), (f), (g), or (h);
- (l) aiding, abetting, counselling or procuring the commission of any of the offences in paragraphs (a), (c), (d), (e), (f), (g) or (h);

"exported", in relation to any cash, includes its being brought to a place in the Islands for the purpose of being exported";

- (e) by omitting the definition "hard drug" and substituting the following definition –

"hard drug" means any substance or product specified in Part 1 of the First Schedule;";

- (f) by inserting after the definition "realisable property" the following definitions –

"scheduled substance" means a substance for the time being specified in the Third Schedule;

"ship" includes any vessel used in navigation;";

- (g) by inserting after the definition "vessel" the following definition –

"Vienna Convention" means the United Nations Convention

against Illicit Traffic in Narcotic Drugs and Psychotropic Substances signed in Vienna on 20 December, 1988.”;

(h) by inserting the following subsections after subsection (1) –

“(2) In this Law “corresponding Law” means a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside the Islands to be a law providing for the control and regulation in that country of the production, supply, use, export and import of drugs and other substances –

(a) in accordance with the Single Convention on Narcotic Drugs signed at New York on 30 March 1961; or

(b) in pursuance of a treaty, convention or other agreement or arrangement to which the Government of that country and Her Majesty’s Government in the United Kingdom are for the time being parties.

(3) A statement in a certificate referred to in subsection (2) to the effect that an act constitutes an offence against the law mentioned in the certificate is evidence of the matter stated.

(4) For the purposes of this Law –

(a) a payment or other reward received by a person at any time in connection with drug trafficking carried on by him or by another person is his proceeds of drug trafficking;

(b) the value of a person’s proceeds of drug trafficking is the aggregate of the values of payments or other rewards referred to in paragraph (a) received by that person;”.

New section 3A.

4. The principal Law is amended by inserting after section 3 the following section –

“Manufacture and supply of scheduled substances.

3A. (1) It is an offence for a person –

(a) to manufacture a scheduled substance; or

(b) to supply a scheduled substance to another person,

knowing or suspecting that the scheduled substance is to be used in or for the production of a controlled drug contrary to section 3(1)(c).

(2) A person guilty of an offence under subsection (1) is liable –

- (a) on summary conviction – to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding five years or to both; or
- (b) on conviction on indictment – to a fine or to imprisonment for a term not exceeding fourteen years or to both.

(3) The Governor may make regulations –

- (a) imposing requirements as to the documentation of transactions involving scheduled substances;
- (b) requiring the keeping of records and the furnishing of information with respect to scheduled substances;
- (c) for the inspection of records kept pursuant to the regulations;
- (d) for the labelling of consignments of scheduled substances.

(4) Regulations made by virtue of subsection (3)(b) may, in particular, require –

- (a) the notification of the proposed exportation of substances specified in Table I in the Third Schedule to such countries as may be specified in the regulations; and
- (b) the production, in such circumstances as may be so specified, of evidence that the required notification has been given.

and for the purposes of section 10 of the Customs Law, 1990, (prohibited or restricted goods) any such substance is to be taken to

have been exported contrary to a restriction for the time being in force with respect to it under this Law if it is exported without the requisite notification having been given.

(5) Regulations under this section may make different provisions in relation to the substances specified in Table I and Table II in the Third Schedule and in relation to different cases or circumstances.

(6) A person who –

- (a) fails to comply with a requirement imposed by regulations under this section:
or
- (b) in purported compliance with a requirement imposed by regulations under this section, furnishes information which he knows to be false in a material particular or recklessly furnishes information which is false in a material particular.

is guilty of an offence and liable –

- (c) on summary conviction – to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding twelve months or to both; or
- (d) on conviction on indictment – to a fine or to imprisonment for a term not exceeding two years or to both.

(7) Information obtained pursuant to regulations made under this section must not be disclosed except in criminal proceedings or proceedings under this Law relating to the confiscation of the proceeds of drug trafficking.

Section 5 amended.

5. Section 5(1) of the principal Law is amended as follows –

- (a) by omitting "any controlled drug" and substituting "a controlled drug or scheduled substance";

- (b) by omitting "any such drug" and substituting "any such drug or substance".

Section 6 amended.

6. Section 6 of the principal Law is amended by adding at the end the following subsection –

"(5) If in proceedings under this Law a question arises whether a country or territory is a state or is a party to the Vienna Convention, a certificate issued by the Governor is conclusive evidence on that question."

New section 8A.

7. The principal Law is amended by inserting after section 8 the following section –

"Assisting in or inducing commission outside Islands of offence punishable under a corresponding law.

8A. A person must not in the Islands assist in or induce the commission in a place outside the Islands of an offence punishable under a corresponding law in force in that place."

Section 10 amended.

8. Section 10 of the principal Law is amended by omitting paragraph (a) and substituting the following paragraph –

"(a) amending the First or Third Schedule (whether by addition or deletion, or by transfer from one Table in a Schedule to another);"

New sections 13B, 13C, 13D and 13E.

9. The principal Law is amended by inserting after section 13A the following sections –

"Offences on Cayman ships.

13B. Anything which would constitute a drug trafficking offence if done on land in the Islands constitutes that offence if done on a Cayman ship.

Ships used for illicit traffic.

13C. (1) This section applies to –

- (a) a Cayman ship; and
- (b) a ship registered in a state other than the Islands which is a party to the Vienna Convention; and
- (c) a ship that is not registered in any country or territory.

(2) A person is guilty of an offence on a ship to which this section applies, wherever it may be, if he –

- (a) has a controlled drug in his possession; or
- (b) is knowingly concerned in the carrying or concealing of a controlled drug on the ship,

knowing or having reasonable grounds to suspect that the drug is intended to be imported or has been exported contrary to section 3(1) or the law of any state other than the Islands.

(3) A certificate purporting to be issued by or on behalf of the government of a state to the effect that the importation or export of a controlled drug is prohibited by the law of that state is evidence of the matter stated.

(4) A person guilty of an offence under subsection (2) is liable –

(a) if the controlled drug is a hard drug –

(i) on summary conviction – to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 5 years or to both; or

(ii) on conviction on indictment – to a fine or to imprisonment for life or to both; or

(b) if the controlled drug is not a hard drug –

(i) on summary conviction – to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both; or

(ii) on conviction on indictment – to a fine or to imprisonment for a term not exceeding 14 years or to both.

Enforcement powers in respect of ships.

13D. (1) The powers conferred on an enforcement officer by the Fourth Schedule are exercisable in relation to a ship to which

section 13B or 13C applies for detecting and taking appropriate action in respect of the offences mentioned in those sections.

(2) The powers referred to in subsection (1) are not exercisable outside the landward limits of the territorial sea of the Islands in relation to a ship registered in a Convention state except with the authority of the Governor.

(3) The Governor must not give his authority under subsection (2) unless the relevant state has in relation to the ship –

(a) requested the assistance of the Islands for the purpose mentioned in subsection (1); or

(b) authorised the Islands to act for that purpose.

(4) In giving his authority pursuant to a request or authorisation from a Convention state the Governor shall impose such conditions or limitations on the exercise of the powers as may be necessary to give effect to any conditions or limitations imposed by that state.

(5) The Governor may, either of his own motion or in response to a request from a Convention state, authorise a Convention state to exercise, in relation to a Cayman ship, powers corresponding to those conferred on enforcement officers by the Fourth Schedule but subject to such conditions or limitations, if any, as he may impose.

(6) Subsection (5) is without prejudice to any agreement made, or which may be made, on behalf of the Islands whereby the Islands undertake not to object to the exercise by any other state in relation to a Cayman ship of powers corresponding to those conferred by the Fourth Schedule.

(7) The powers conferred by the Fourth Schedule are not exercised in the territorial sea of a state other than the Islands without the authority of the Governor.

(8) The Governor must not give his authority under subsection (7) unless the

relevant state has consented to the exercise of those powers.

Jurisdiction and prosecutions in respect of ships

13E (1) Proceedings under this Law in respect of an offence on a ship are to be taken, and the offence is for all incidental purposes to be treated, as having been committed in the Islands.

(2) Proceedings referred to in subsection (1) cannot be instituted except by or with the consent of the Attorney General.

(3) Without prejudice to subsection (2), proceedings for an offence under section 13C alleged to have been committed outside the landward limits of the territorial sea of the Islands on a ship registered in a Convention state cannot be instituted except in pursuance of the exercise with the authority of the Governor of the powers conferred by the Fourth Schedule."

New sections 15A, 15B, 5C and 15D

10. The principal Law is amended by inserting after section 15 the following sections –

"Seizure and detention of drug trafficking money imported or exported in cash.

15A. (1) A customs officer or constable may seize and, in accordance with this section, detain cash which is being imported into or exported from the Islands if he has reasonable grounds for suspecting that it directly or indirectly represents a person's proceeds of drug trafficking or is intended by a person for use in drug trafficking.

(2) Cash seized by virtue of subsection (1) must not be detained for more than forty-eight hours unless its continued detention is authorised by an order made by a Justice of the Peace.

(3) A Justice of the Peace must not make an order under subsection (2) unless he is satisfied –

- (a) that there are reasonable grounds for the suspicion mentioned in subsection (1); and
- (b) that continued detention of the cash is justified while its origin or derivation is further investigated or consideration is given to the institution (whether in the Islands

or elsewhere) of criminal proceedings against a person for an offence with which the cash is connected.

(4) An order under subsection (2) authorises the continued detention of the cash to which it relates for such period, not exceeding three months, as is specified in the order.

(5) If a magistrate is satisfied as to the matters mentioned in subsection (3) he may from time to time, by order, authorise the further detention of the cash but so that –

- (a) no period of detention in such an order exceeds three months; and
- (b) the total period of detention does not exceed two years from the date of the order made under subsection (2).

(6) Any application for an order under subsection (2) or (5) must be made by the Attorney General.

(7) At any time while cash is detained by virtue of this section a magistrate may direct its release if he is satisfied –

- (a) on an application made by the person from whom it was seized or a person by or on whose behalf it was being imported or exported -- that there are no grounds or are no longer any grounds for its detention, as mentioned in subsection (3); or
- (b) on an application made by any other person – that detention of the cash is not for that or any other reason justified.

(8) At any time while cash is detained by virtue of this section a customs officer or constable may release the cash –

- (a) if he is satisfied that its detention is no longer justified; and

- (b) he is authorised to do so by the justice or magistrate under whose order it is being detained.

(9) If at a time while cash is detained by virtue of this section –

- (a) an application for its forfeiture is made under section 15B; or
- (b) proceedings are instituted (whether in the Islands or elsewhere) against a person for an offence with which the cash is connected,

the cash must not be released until any proceedings pursuant to the application or, as the case may be, the proceedings for that offence have been concluded.

Forfeiture of cash.

15B. (1) A magistrate may order the forfeiture of cash which has been seized under section 15A if he is satisfied, on an application made while the cash is detained under that section, that the cash directly or indirectly represents a person's proceeds of drug trafficking or is intended by a person for use in drug trafficking.

(2) Any application under this section must be made by the Attorney General.

(3) The standard of proof in proceedings on an application under this section is that applicable to civil proceedings.

(4) An order may be made under this section whether or not proceedings are brought against a person for an offence with which the cash in question is connected.

(5) Any money representing cash forfeited under this section and any interest accrued on that money forms part of the revenue of the Islands.

Interest.

15C. (1) Cash seized under section 15A and detained for more than forty-eight hours must, unless required as evidence of an offence, be held in an interest-bearing account.

(2) Interest accruing on cash seized under section 15A is to be added to the cash on its forfeiture or release.

Procedure.

15D.(1) An order under section 15A(2) must provide for notice to be given to people affected by the order.

(2) Provisions may be made by rules of court –

- (a) with respect to applications to a court under section 15A or 15B; and
- (b) for the giving of notice of such applications to people affected; and
- (c) for the joinder of such people as parties; and
- (d) generally with respect to the procedure under those sections before a court.

(3) Subsection (2) is without prejudice to the generality of existing powers to make rules.

Section 16E amended.

11. Section 16B of the principal Law is amended by omitting subsection (4).

New sections 16 EA and 16 EB.

12. The principal Law is amended by inserting after section 16E the following sections –

*Increase in realisable property.

16 EA.(1) This section has effect where by virtue of section 16E(3) (insufficient realisable property) the amount which a person is ordered to pay by a confiscation order is less than the amount assessed to be the value of his proceeds of drug trafficking.

(2) If, on an application made in accordance with subsection (3), the Grand Court is satisfied that the amount that might be realised in the case of the person in question is greater than the amount taken into account in making the confiscation order (whether it was greater than was thought when the order was made or has subsequently increased) the court must issue a certificate to that effect, giving the court's reasons.

(3) An application under subsection (2) may be made either by the Attorney General or by a receiver appointed under section 16G(5) in relation to the realisable property of the person

In question.

(4) If a certificate has been issued under subsection (2) the Attorney General may apply to the Grand Court for an increase in the amount to be recovered under the confiscation order.

(5) On an application under subsection (4) the court may –

(a) substitute for the amount to be recovered under the confiscation order such amount (not exceeding the amount assessed as the value referred to in subsection (1)) as appears to the court to be appropriate having regard to the amount now shown to be realisable; and

(b) increase any term of imprisonment that the court has directed to be served in default of payment of the amount ordered to be paid under the confiscation order.

Interest on sums unpaid under confiscation orders.

16EB. (1) If a sum required to be paid by a person under a confiscation order is not paid when it is required to be paid that person is to pay interest on that sum for the period for which it remains unpaid and the amount of the interest is for the purposes of enforcement to be treated as part of the amount to be recovered from him under the confiscation order.

(2) The Grand Court may, on the application of the Attorney General, increase any term of imprisonment that the court has directed to be served in default of payment of the amount ordered to be paid.

(3) The rate of interest under subsection (1) is that for the time being applying to a civil judgment debt."

New Section 16 OA.

13. The principal Law is amended by inserting after section 16 O the following section –

*Offence of concealing or transferring proceeds of drug trafficking.

16 OA. (1) A person is guilty of an offence if he –

- (a) conceals or disguises property which is, or in whole or in part, directly or indirectly represents, his proceeds of drug trafficking; or
- (b) converts or transfers such property or removes it from the jurisdiction.

to avoid prosecution for a drug trafficking offence or the making or enforcement in his case of a confiscation order.

(2) A person is guilty of an offence if, knowing or having reasonable grounds to believe that property is, or in whole or in part directly or indirectly represents, another person's proceeds of drug trafficking, he –

- (a) conceals or disguises the property; or
- (b) converts or transfers the property or removes it from the jurisdiction.

to assist a person to avoid prosecution for a drug trafficking offence or the making or enforcement of a confiscation order.

(3) A person is guilty of an offence if, knowing or having reasonable grounds to believe that property is, or in whole or in part directly or indirectly represents, another person's proceeds of drug trafficking, he acquires the property for no consideration or for an inadequate consideration.

(4) In subsection (1)(a) and (2)(a) the references to concealing or disguising property include references to concealing or disguising its nature, source, location, disposition, movement or ownership, or a right with respect to it.

(5) For the purposes of subsection (3) –

- (a) consideration given for property is adequate if its value is significantly less than the value of the property; and
- (b) the provision of services or

goods for a person which are of assistance to him in drug trafficking is not consideration given for property.

(6) A person guilty of an offence under this section is liable –

- (a) on summary conviction – to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding two years or to both;
- (b) on conviction on indictment – to a fine or to imprisonment for a term not exceeding fourteen years or to both."

First Schedule repealed and replaced.

14. The principal Law is amended by repealing the First Schedule and substituting the following Schedule –

***FIRST SCHEDULE**
CONTROLLED DRUGS
PART I

(Section 2)

1. The following substances and products, namely –

- | | |
|---|---|
| (a) Acetorphine.
Alfentanil.
Allylprodine.
Alphacetylmethadol.
Alphameprodine.
Alphamethadol.
Alphaprodine.
Anileridine.
Benzethidine.
Benzylmorphine
(3-benzylmorphine).
Betacetylmethadol.
Betameprodine.
Betamethadol.
Betaprodine.
Bezitramide.
Bufotenine.
Cannabinol, except where
contained in cannabis or
cannabis resin.
Cannabinol derivatives.
Carfentanil.
Clonitazene.
Coca leaf. | Cocaine.
Desomorphi.
Dextromoramide.
Diamorphine.
Diampromide.
Diethylthiambutene
Difenoxin (1-(3-cyano-3-
3-diphenylpropyl)-4-
phenylpiperidine-4-
carboxylic acid).
Dihydrocodeinone
O-carboxymethyloxime.
Dihydromorphine.
Dimenoxadole.
Dimepheptanol.
Dimethylthiambutene.
Dioxaphertyl butyrate.
Diphenoxylate.
Dipipanone.
Drotebanol
(3,4-dimethoxy-17-
methyl-morphinan-6 β
14-diol).
Ecgonine, and any |
|---|---|

- derivative of ecgonine
 which is convertible to
 ecgonine or to cocaine.
 Ethylmethylthiambutene.
 Eticyclidine.
 Etonitazene.
 Etorphine
 Etoperidine.
 Fentanyl.
 Furethidine.
 Hydrocodone.
 Hydromorphinol.
 Hydromorphone.
 Hydroxypethidine.
 Isomethadone.
 Ketobemidone.
 Levomethorphan.
 Levomoramide.
 Levophenacymorphan
 Levorphanol.
 Lofentanil
 Lysergamide.
 Lysergide and other N-alkyl
 derivatives of
 lysergamide
 Mescaline.
 Metazocine.
 Methadone.
 Methadyl acetate
 Methyl-desorphine.
 Methyl-dihydromorphine
 (6-methyl-dihydro-
 morphine).
 Metopon
 Morpheridine
 Morphine.
 Morphine methobromide.
 morphine N-oxide and
 other pentavalent
 nitrogen morphine
 derivatives.
 Myrophine.
 Nicomorphine
 (3,6-dinicotinoyl-
 morphine).
 Noracymethadol.
 Norlevorphanol.
 Normethadone.
 Normorphine.
 Norpipanone.
 Opium, whether raw,
 prepared or medicinal.
 Oxycodone.
 Oxymorphone.
 Pethidine
 Phenadoxone.
 Phenampromide.
 Phenazocine
 Phencyclidine.
 Phenomorphan.
 Phenoperidine.
 Piminodine.
 Piritramide
 Poppy-straw and
 concentrate of
 poppy-straw
 Proheptazine.
 Properidine
 (1-methyl-4-phenyl-
 piperidine-4-carboxylic
 acid isopropyl ester)
 Psilocin.
 Racemethorphan
 Racemoramide
 Racemorphan
 Rolicyclidine
 Sufentanil
 Tenocyclidine.
 Thebacon.
 Thebaine.
 Tilidate
 Trimeperidine.
 4-Bromo-2,5-dimethoxy- α -
 methyl-phenethylamine
 4-Cyano-2-dimethyl-
 amino-4,4-diphenyl-
 butane.
 4-Cyano-1-methyl-4-phenyl
 piperidine.
 N,N-Diethyltryptamine
 N,N-Dimethyltryptamine
 2,5-Dimethoxy- α -
 4-dimethylphenethyl-
 amine
 N-Hydroxyten-
 amphetamine
 1-Methyl-4-phenyl-
 piperidine-4-carboxylic
 acid
 2-Methyl-3-morpholino-1,
 1-diphenylpropane-
 carboxylic acid.
 4-Methylaminorex
 4-Phenylpiperidine-4-
 carboxylic acid ethyl
 ester.
- (b) any compound (not being a compound for the time being

specified in sub-paragraph (a)) structurally derived from tryptamine or from a ring-hydroxy tryptamine by substitution at the nitrogen atom of the sidechain with one or more alkyl substituents but no other substituent;

- (c) any compound (not being methoxyphenamine or a compound for the time being specified in sub-paragraph (a)) structurally derived from phenethylamine or N-alkylphenethylamine, α -methylphenethylamine or N-alkyl- α -methylphenethylamine, α -ethylphenethylamine, or an N-alkyl- α -ethylphenethylamine by substitution in the ring to any extent with alkyl, alkoxy, alkylendioxy or halide substituents, whether or not further substituted in the ring by one or more other univalent substituents.
- (d) any compound (not being a compound for the time being specified in sub-paragraph (a)) structurally derived from fentanyl by modification in any of the following ways, that is to say,
 - (i) by replacement of the phenyl portion of the phenethyl group by any heteromonocycle whether or not further substituted in the heterocycle;
 - (ii) by substitution in the phenethyl group with alkyl, alkenyl, alkoxy, hydroxy, halogeno, haloalkyl, amino or nitro groups;
 - (iii) by substitution in the piperidine ring with alkyl or alkenyl groups;
 - (iv) by substitution in the aniline ring with alkyl, alkoxy, alkylendioxy, halogeno or haloalkyl groups;
 - (v) by substitution at the 4-position of the piperidine ring with any alkoxy-carbonyl or alkoxyalkyl or acyloxy group;
 - (vi) by replacement of the N-propionyl group by another acyl group;
- (e) any compound (not being a compound for the time being specified in sub-paragraph (a)) structurally derived from pethidine by modification in any of the following ways, that is to say,
 - (i) by replacement of the 1-methyl group by an acyl, alkyl whether or not unsaturated, benzyl or phenethyl group, whether or not further substituted;
 - (ii) by substitution in the piperidine ring with alkyl or alkenyl groups or with a propano bridge, whether or not further substituted;

- (iii) by substitution in the 4-phenyl ring with alkyl, alkoxy, aryloxy, halogeno or haloalkyl groups;
 - (iv) by replacement of the 4-ethoxycarbonyl by any other alkoxy-carbonyl or any alkoxyalkyl or acyloxy group;
 - (v) by formation of an N-oxide or of a quaternary base.
2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 not being dextromethorphan or dextrorphan.
 3. Any ester or ether of a substance for the time being specified in paragraph 1 or 2 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.
 5. Any preparation or other produce containing a substance or produce for the time being specified in any of paragraphs 1 to 4.
 6. Any preparation designed for administration by injection which includes a substance or produce for the time being specified in any of paragraphs 1 to 3 of Part II of this Schedule.

PART II

- 1 The following substances and products, namely –

(a) Acetylhydrocodeine	Methylamphetamine
Amphetamine.	Methylphenidate
Cannabis and cannabis resin.	Methylphenobarbitone.
Codeine.	Nicocodine
Dihydrocodeine.	Nicodicodine
Ethylmorphine	(6-nicotinoyldihydro-
(3-ethylmorphine).	codeine).
Ganja.	Norcodeine
Glutethimide.	Pentazocine
Lefetamine.	Phenmetrazine.
Mecloqualone.	Pholcodine.
Methaqualone.	Propiram.

- (b) any 5,5 disubstituted barbituric acid.
2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 of this Part of this Schedule.
3. Any salt of a substance for the time being specified in paragraph 1 or 2 of this Part of this Schedule.
4. Any preparation or other product containing a substance or produce for the time being specified in any of paragraphs 1 to 3 of

this Part of this Schedule, not being a preparation falling within paragraph 6 of Part 1 of this Schedule.

PART III

1. The following substances, namely –

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

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

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

4. Any preparation of other produce containing a substance for the time being specified in any of paragraphs 1 to 3 of this Part of this Schedule not being phenylpropanolamine.

PART IV

MEANING OF CERTAIN EXPRESSIONS USED IN THIS SCHEDULE

For the purposes of this Schedule the following expressions (which are not among those defined in section 2 of this Law) have the

meaning hereby assigned to them respectively, that is to say –

"cannabinol derivatives" "Carfentanil" 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;

"Cannabis" (except in the expression "cannabis resin") means any plant of the genus Cannabis or any part of any such plant (by whatever name designated) except that it does not include cannabis resin or any of the following products after separation from the rest of the plant, namely –

- (a) mature stalk of any such plant.
- (b) fibre produced from mature stalk of any such plant:

"Coca leaf" means the leaf of any plant of the genus Erythroxylon from whose leaves cocaine can be extracted either directly or by chemical transformation;

"concentrate of poppy-straw" means the material produced when poppy-straw has entered into a process for the concentration of its alkaloids;

"ganja" means cannabis and cannabis resin:

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

"opium poppy" means the plant of the species Papaver somniferum L:

"poppy straw" means all parts, except the seeds, of the opium poppy after mowing;

"raw opium" includes powdered or granulated opium but does not include medicinal opium."

New Third and Fourth Schedule.

15. The principal Law is amended by adding after the Second Schedule the following schedules –

THIRD SCHEDULE
SUBSTANCES USEFUL FOR MANUFACTURING
CONTROLLED DRUGS

TABLE I

Ephedrine
Ergometrine
Ergotamine
Lysergic Acid
1-Phenyl-2 Propanone
Pseudoephedrine

The salts of the substances listed in this Table whenever the existence of such salts is possible.

TABLE II

Acetic Anhydride
Acetone
Anthranilic Acid
Ethyl Ether
Phenylacetic Acid
Piperidine

The salts of the substances listed in this Table whenever the existence of such salts is possible.

FOURTH SCHEDULE (SECTION 13 D)

ENFORCEMENT POWERS IN RESPECT OF SHIPS

Preliminary

1. (1) In this Schedule "an enforcement officer" means –
 - (a) a constable; or
 - (b) a customs officer; or
 - (c) any other person of a description specified in an order made for the purposes of this Schedule by the Governor.
2. In this Schedule "the ship" means the ship in relation to which the powers conferred by this Schedule are exercised.

Power to stop, board, divert and detain

2. (1) An enforcement officer may stop the ship, board it and, if he thinks it necessary for the exercise of his functions, require it to be

taken to a port in the Islands and detain it there.

(2) Where an enforcement officer is exercising his powers with the authority of the Governor given under section 13D(2) the officer may require the ship to be taken to a port in the Convention state in question or, if that state has so requested, in any other country or territory willing to receive it.

(3) For any of those purposes he may require the master or a member of the crew to take such action as may be necessary.

(4) If an enforcement officer detains a ship he must serve on the master a written notice stating that it is to be detained until the notice is withdrawn by the service on him of a further written notice by an enforcement officer.

Power to search and obtain information

3. (1) An enforcement officer may search the ship, anyone on it and anything on it including its cargo.

(2) An enforcement officer may require a person on the ship to give information concerning himself or anything on the ship.

(3) Without prejudice to the generality of those powers an enforcement officer may –

- (a) open containers; or
- (b) make tests and take samples of anything on the ship.
or
- (c) require the production of documents, books or records relating to the ship or anything on it; or
- (d) make photographs or copies of anything whose production he has power to require.

Powers in respect of suspected offence

4. If an enforcement officer has reasonable grounds to suspect that an offence mentioned in section 13B or 13C has been committed on a ship to which that section applies he may –

- (a) arrest without warrant anyone whom he has reasonable grounds for suspecting to be guilty of the offence, and
- (b) seize and detain anything found on the ship which appears to him to be evidence of the offence.

Assistants

5. (1) An enforcement officer may take with him, to assist him in exercising his powers –

- (a) any other persons; and
- (b) any equipment or materials.

(2) A person whom an enforcement officer takes with him to assist him may perform any of the officer's functions but only under the officer's supervision.

Use of reasonable force

6. An enforcement officer may use reasonable force, if necessary, in the performance of his functions.

Evidence of authority

7. An enforcement officer must, if required, produce evidence of his authority.

Protection of officers

8. An enforcement officer is not liable in civil or criminal proceedings for anything done in the purported performance of his functions under this Schedule if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

Offences

9. (1) A person is guilty of an offence if he –

- (a) intentionally obstructs an enforcement officer in the performance of any of his functions under this Schedule; or
- (b) falls without reasonable excuse to comply with a requirement made by an enforcement officer in the performance of those functions; or
- (c) in purporting to give information required by an officer for the performance of those functions –
 - (i) makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular; or
 - (ii) intentionally fails to disclose a material particular.

(2) A person guilty of an offence under this paragraph is liable

on summary conviction to a fine not exceeding \$10,000.

Further amendment.

16. The provisions of the principal Law referred to in column 1 of the following table are amended by omitting the expression appearing in column 2 and substituting the expression appearing in column 3 –

Table

Column 1	Column 2	Column 3
Provision	Expression omitted	Expression substituted
16A(3)	section	Law
16F(3)	Section 16F	Section 16G
16L(2)	(a) produce it to a constable for him to take away; or (b) give a constable access to it, within such period as the order may specify.	(a) produce it to a constable to take away, or b) give a constable access to it, within such period as the order may specify.
16L(6)(a)	application	applications
16L(6)(b)	proceeding	proceedings
16M(2)	he	it

Passed by the Legislative Assembly the 13th day of July 1992

Sybil McLaughlin
Speaker.

Georgette Myrie
Clerk of the Legislative Assembly.