



LAWS AND REGULATIONS

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

DOMINICA

Communicated by the Government of the United Kingdom of Great Britain and Northern Ireland

NOTE BY THE SECRETARY-GENERAL - In accordance with the relevant Articles of the International Treaties on Narcotic Drugs, the Secretary-General has the honour to communicate the following legislative texts.

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CHAPTER 145

DANGEROUS DRUGS

AN ORDINANCE TO REGULATE THE IMPORTATION, EXPORTATION,
PRODUCTION, MANUFACTURE, SALE AND USE OF OPIUM AND
OTHER DANGEROUS DRUGS AND SUBSTANCES, AND TO PROVIDE
FOR THE CONTROL OF THE EXTERNAL TRADE IN DANGEROUS DRUGS

(15 February, 1938)

L.I. 23/1937
D. 19/1939
9/1945

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

PART I. INTERPRETATION AND DEFINITION

2. In this Ordinance, unless the context otherwise requires: Interpretation.

"Cocaine" means methyl-benzoyl laevo-ecgonine ((a) D 20° = -16° 4" in twenty per cent solution of chloroform), of which the formula is $C_{17}H_{21}NO_4$;

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

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

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

"Dangerous drug" means:

(i) any substance to which Parts II and IV of this Ordinance apply;

(ii) subject to the provisions of any order made in accordance with this Ordinance any drug to which Part V of this Ordinance shall for the time being apply;

"Diacetylmorphine" means diacetylmorphine (diamorphine, heroin) having the formula $C_{21}H_{27}NO_5$;

"Diversion certificate" means a certificate issued by the competent authority of a country through which a dangerous drug passes in transit, authorizing the diversion of such drug to a country other than that specified as the country of ultimate destination in the export authorization, and containing all the particulars required to be included in an export authorization, together with the name of the country from which the consignment was originally exported;

"Ecgonine" means laevo-ecgonine ((a) D 20° = -45° 6" in five per cent solution of water) of which the formula is $C_9H_{15}NO_3 \cdot H_2O$, and all the derivatives of laevo-ecgonine which might serve industrially for its recovery;

"Export authorization" means an authorization issued by a competent authority in a country from which a dangerous drug is exported, containing full particulars of such drug, and the quantity authorized to be exported together with the names and addresses of the exporter and the person to whom it is to be sent, and stating the country to which and the period within which it is to be exported;

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

"Financial Secretary" means the Financial Secretary of the Colony;

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

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

"Hague Convention" means the International Opium Convention signed at The Hague on the 23rd day of January, 1912;

"Import authorization" means a licence issued by a competent authority, authorizing the importation of a specified quantity of a dangerous drug and containing full particulars of the drug, together with the name and address of the person authorized to import the drug, the name and address of the person from whom the drug is to be obtained, and specifying the period within which the importation must be effected;

"Import certificate" means a certificate substantially in the Form A set out in the Schedule hereto, issued by a competent authority in a country into which it is intended to import dangerous drugs;

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

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

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

"Medicinal opium" means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, whether 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;

"Morphine" means the principal alkaloid of opium having the chemical formula $C_{17}H_{19}NO_3$;

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

"Prescribed port" means the port of Roseau, Dominica;

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

"Senior medical officer" means the senior or chief medical officer of the Colony, and, in case there shall be no such officer in the Colony, any medical officer appointed by the Administrator for the purposes of the administration of this Ordinance.

PART II. RAW OPIUM AND COCA LEAVES

- Prohibition of cultivation of opium or coca plant. 3. No person shall cultivate the Opium Poppy (PAPAVER SOMNIFERUM) or the Coca Plant (ERYTHROXYLUM COCA).
- Restriction on importation of raw opium and coca leaves. 4. No person shall import or bring into the Colony any raw opium or coca leaves except in accordance with the provisions of Part VI of this Ordinance, and into a prescribed port.
- Restriction on exportation of raw opium and coca leaves. 5. No person shall export from the Colony any raw opium or coca leaves except in accordance with the provisions of Part VI of this Ordinance, and from a prescribed port.
- Power to regulate the production of and dealing in raw opium and coca leaves. 6. The Administrator in Council may make rules for controlling or restricting the production, possession, sale and distribution of raw opium or coca leaves, and in particular, but without prejudice to the generality of the foregoing power, for prohibiting the production, possession, sale or distribution of raw opium or coca leaves except by persons licensed or otherwise authorized in that behalf.

PART III. PREPARED OPIUM

- Prohibition of export or import of prepared opium. 7. No person shall import or bring into, or export from the Colony any prepared opium.
- Prohibition of manufacturing, selling, using, etc., prepared opium. 8. If any person:
- (a) manufactures, sells, or otherwise deals in prepared opium; or
 - (b) has in his possession any prepared opium; or
 - (c) being the occupier of any premises permits those premises to be used for the purpose of the preparation of opium for smoking or the sale or smoking of prepared opium; or

- (d) is concerned in the management of any premises used for any such purpose as aforesaid; or
- (e) has in his possession any pipes or other utensils for use in connexion with the smoking of opium, or any utensils used in connexion with the preparation of opium for smoking; or
- (f) smokes or otherwise uses prepared opium or frequents any place used for the purpose of smoking opium;

he shall be guilty of an offence against this Ordinance.

PART IV. INDIAN HEMP

9. No person shall cultivate the plant CANNABIS SATIVA.

Prohibition of cultivation of the plant CANNABIS SATIVA.

10. No person shall import or bring into, or export from the Colony any resin obtained from the plant CANNABIS SATIVA.

Prohibition of importation and exportation of the resin from the plant CANNABIS SATIVA.

11. If any person:

Prohibition of dealing, etc., in the plant CANNABIS SATIVA and the resin therefrom.

- (a) has in his possession (otherwise than in the course of transit through the Colony), produces, sells or otherwise deals in the resin obtained from the plant CANNABIS SATIVA or any preparations of which such resin formed the base; or
- (b) has in his possession (otherwise than in the course of transit through the Colony), sells or otherwise deals in the whole or any portion of the plant CANNABIS SATIVA (excluding its medicinal preparations);

he shall be guilty of an offence against this Ordinance.

PART V. ^{*/} COCAINE, MORPHINE, ETC.

12. No person shall import or bring into or export from the Colony any drug to which this part of this Ordinance applies except in accordance with Part VI of this Ordinance, and at a prescribed port.

Restriction on import and export of cocaine, etc.

^{*/} N.B. Ordinance No. 9 of 1945 provides that this part (V) shall cease to apply to the drugs therein scheduled; and S.R. & O.'s Nos. 9/1939, 21/1948, 26/1950, 49/1951, 29/1955, 18/1960, 10/1961 and 15/1961 provide additions to the list.

Power to regulate the manufacture and sale of cocaine, etc.

13. (1) For the purpose of preventing the improper use of the drugs to which this part of this Ordinance applies the Administrator in Council may make rules for controlling the manufacture, sale, possession and distribution of those drugs, and in particular, but without prejudice to the generality of the foregoing power, for -

- (a) prohibiting the manufacture of any drug to which this part of this Ordinance applies except on premises licensed for the purpose and subject to any conditions specified in the licence; and
- (b) prohibiting the manufacture, sale or distribution of any such drug except by persons licensed or otherwise authorized under the rules and subject to any conditions specified in the licence or authority; and
- (c) regulating the issue by medical practitioners of prescriptions containing any such drug and the dispensing of any such prescriptions; and
- (d) requiring persons engaged in the manufacture, sale or distribution of any such drug to keep such books and furnish such information either in writing or otherwise as may be prescribed.

(2) The rules under this section shall provide for authorizing any person who lawfully keeps open shop for the retailing of poisons in accordance with any law in that behalf for the time being in force:

- (a) to manufacture at the shop in the ordinary course of his retail business any preparation, admixture, or extract of any drug to which this part of this Ordinance applies; or
- (b) to carry on at the shop the business of retailing, dispensing, or compounding any such drug;

subject to the power of the Administrator in Council to withdraw the authorization in the case of a person who has been convicted of an offence against this Ordinance or against any law relating to the sale of drugs or poisons for the time being in force, and who cannot, in the opinion of the Administrator, properly be allowed to carry on the business of manufacturing or selling or distributing, as the case may be, any such drug.

(3) Nothing in any rule made under this section shall be taken to authorize the sale, or the keeping of an open shop for the retailing, dispensing or compounding of poisons by any person who is not qualified in that behalf under, or otherwise than in accordance with any law in that behalf for the time being in force, or to be in derogation of the provisions of any such law for prohibiting, restricting or regulating the sale of poisons.

Drugs to which Part V applies.

14. (1) The drugs to which this part of this Ordinance applies are:

- (a) medicinal opium;
- (b) any extract or tincture of Indian hemp;

- (c) morphine and its salts, and diacetylmorphine (commonly known as diamorphine or heroin) and other esters of morphine and their respective salts;
- (d) cocaine (including synthetic cocaine) and ecgonine and their respective salts, and the esters of ecgonine and their respective salts;
- (e) any solution or dilution of morphine or cocaine or their salts in an inert substance whether liquid or solid, containing any proportion of morphine or cocaine, and any preparation, admixture, extract or other substance (not being such a solution or dilution as aforesaid) containing not less than one-fifth per cent of morphine or one-tenth per cent of cocaine or of ecgonine;
- (f) any preparation, admixture, extract or other substance containing any proportion of diacetylmorphine;
- (g) dihydrohydroxycodeinone, dihydrocodeinone, dihydromorphinone, acetyldihydrocodeinone, dihydromorphine, their esters and the salts of any of these substances and of their esters, morphine-N-oxide (commonly known as genomorphine) the morphine-N-oxide derivatives, and any other pentavalent nitrogen morphine derivatives;
- (h) thebaine and its salts, and (with the exception of methylmorphine, commonly known as codeine, and ethylmorphine, commonly known as dionin, and their respective salts), benzylmorphine and the other esters of morphine and their respective salts;
- (i) any preparation, admixture, extract or other substance containing any proportion of any of the substances mentioned in paragraph (g) or (h) of this subsection.

For the purposes of the foregoing provision:

- (i) the percentage in the case of morphine shall be calculated as in respect of anhydrous morphine; and
- (ii) percentages in the case of liquid preparations shall, unless other provision in that behalf is made by rules, be calculated on the basis that a preparation containing one per cent of any substance means a preparation in which one gramme of the substance, if a solid, or one millilitre of the substance, if a liquid, is contained in every one hundred millilitres of the preparation, and so in proportion for any greater or less percentage.

(2) If it appears to the Administrator in Council that any new derivative of morphine or cocaine or of any salts of morphine or cocaine or any other alkaloid of opium or any other drug of whatever kind is or is likely to be productive, if improperly used, or is capable of being converted into a substance which

is or is likely to be productive, if improperly used, of ill-effects substantially of the same character or nature as or analogous to those produced by morphine or cocaine, the Administrator in Council may by order */ declare that this part of this Ordinance shall apply to that new derivative or alkaloid or other drug in the same manner as it applies to the drugs mentioned in subsection (1) of this section and may make verbal alterations in the list of drugs specified in subsection (1) incidental to the declaration contained in such order.

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

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

15. (1) It shall not be lawful for any person to trade in or manufacture for the purpose of trade any products obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not being a product which was on the 13th day of July, 1931, being used for medical or scientific purposes: Provided that if the Administrator is at any time satisfied as respects any such product that it is of medical or scientific value he may by Order in Council direct that this subsection shall cease to apply to that product.

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

(2) If it is made to appear to the Administrator that a decision with respect to any such product as is mentioned in subsection (1) of this section has in pursuance of Article 11 of the Geneva Convention (No. 2) been communicated by the Secretary-General of the League of Nations to the parties of the said Convention, the Administrator may as the case requires, by Order in Council, either declare that the provisions of this part of this Ordinance shall apply to that product in the same manner as they apply to the drugs mentioned in subsection (1) or apply the said part to that product with such modifications as may be specified in the order.

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

*/ Note: See S.R. & O. 21/1948.

PART VI. CONTROL OF EXTERNAL TRADE

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

Export of
dangerous
drugs

(2) If at any time the importation of any dangerous drug into a foreign country which is not a party to the Geneva Convention (No. 2) is prohibited or restricted by the laws of that country no export authorization may lawfully be issued authorizing the exportation thereof to such country in contravention of such laws.

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

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

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

17. (1) An import authorization in the Form C set out in the Schedule hereto permitting the importation into the Colony of any dangerous drug specified therein may be granted by the senior medical officer subject to such conditions as he shall deem fit to any person who may lawfully import such drug.

Import of
dangerous
drugs.

(2) Where an import authorization is issued in pursuance of subsection (1) of this section, the senior medical officer shall also issue in relation to the dangerous drug intended to be imported an import certificate (Form A) which shall be

forwarded by the intending importer to the person from whom the drug is to be obtained. When the importer to whom an import authorization is issued under this section intends to import the drug or drugs to which such authorization relates in more than one consignment, a separate import certificate shall be issued to him in respect of each such consignment.

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

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

(5) No person shall import, cause to be imported, or take any steps preparatory to importing any dangerous drug into the Colony except in pursuance of and in accordance with the provisions of this Ordinance.

Dangerous
drugs in
transit.

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

- (a) the drug is in course of transit from a country from which it may lawfully be exported, to another country into which such drug may lawfully be imported; and
- (b) except where the drug comes from a country not a party to the Geneva Convention (No. 1) it is accompanied by a valid and subsisting export authorization or diversion certificate, as the case may be.

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

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

(4) Where a dangerous drug brought into the Colony in transit is landed, or transhipped in the Colony, it shall remain under the

control of the Financial Secretary and shall be moved only under and in accordance with a removal licence granted in pursuance of section 19 hereof.

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

19. (1) No person shall:

Removal
licences.

- (a) remove any dangerous drug from the conveyance by which it is brought into the Colony in transit; or
- (b) in any way move any such drug in the Colony at any time after removal from such conveyance, except under and in accordance with a licence (in Form D set out in the Schedule hereto and in this Ordinance referred to as a "Removal Licence") issued by the Financial Secretary. In all cases it shall be at the absolute discretion of the Financial Secretary to issue or refuse a removal licence as he shall deem fit.

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

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

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

Drugs not to
be tampered
with.

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

Diversion of
dangerous
drugs.

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

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

(3) A diversion certificate shall be issued in duplicate. One copy thereof shall accompany the drug when it is exported from the Colony. Another copy shall be despatched by the senior medical officer direct to the proper authority in the country to which the consignment has been diverted.

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

PART VII. GENERAL

- Licences. 22. Licences or authorities for the purposes of this Ordinance may be issued or granted by the senior medical officer on such terms and subject to such conditions (including in the case of a licence the payment of a fee) as the Administrator in Council may by rule prescribe.
- Powers of inspection and seizure. 23. (1) Any police officer or other person authorized in that behalf by any general or special order of the chief of police or of a superintendent or assistant superintendent of police shall, for the purposes of the execution of this Ordinance, have power to enter the land or buildings of any person carrying on the business of a producer, manufacturer, seller or distributor of any drugs to which this Ordinance applies, and to demand the production of and to inspect any books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs.
- (2) If a magistrate is satisfied by information on oath that there is reasonable ground for suspecting that any drugs to which this Ordinance applies are, in contravention of the provisions of this Ordinance or of any rules made thereunder, in the possession or under the control of any person in any place, or that any document directly or indirectly relating to or connected with any transaction or dealing which was, or any intended transaction or dealing which would if carried out be an offence against this Ordinance, or in the case of a transaction or dealing carried out or intended to be carried out in any country outside the Colony, an offence against the provisions of any corresponding law in force in that country, is in the possession or under the control of any person in any place, he may grant a search warrant authorizing any police officer named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by force, the place named in the warrant and to search the place and any person found therein, and if there is reasonable ground for suspecting that an offence against this Ordinance has been committed in relation to any such drugs which may be found in the place or in the possession of any such persons, or that any document which may be so found is such a document as aforesaid, to seize and detain those drugs or that document as the case may be.

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

24. When any drugs to which this Ordinance applies are found in possession of any person or deposited in a dwelling-place, ship, vehicle, shop or store, there being no proper authority for their being in such possession or place, such person or the occupier of such dwelling-place, ship, vehicle, shop or store, unless he can prove that the same were deposited there without his knowledge or consent, and also the owner of, or other person guilty of keeping the drugs shall be guilty of an offence against this Ordinance.

Improper possession of dangerous drugs.

25. (1) Any person who:

Offences and penalties.

- (a) acts in contravention of, or fails to comply with any of the provisions of this Ordinance or any rules or regulations made under this Ordinance; or
- (b) acts in contravention of, or fails to comply with the conditions of any licence issued or authority granted under or in pursuance of this Ordinance; or
- (c) for the purpose of obtaining, whether for himself or for any other person the issue, grant or renewal of any such licence or authority as aforesaid, makes any declaration or statement which is false in any particular, or knowingly utters, produces or makes use of any such declaration or statement or any document containing the same; or
- (d) in the Colony aids, abets, counsels or procures the commission in any country outside the Colony of any offence punishable under the provisions of any corresponding law in force in that country, or does any act preparatory to or in furtherance of any act which if committed in the Colony would constitute an offence against this Ordinance;

shall be guilty of an offence against this Ordinance.

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

- (a) on conviction upon indictment, to a fine not exceeding four thousand eight hundred dollars or to imprisonment for a period not exceeding ten years, with or without hard labour or to both such fine and imprisonment; or
- (b) on summary conviction, to a fine not exceeding nine hundred and sixty dollars or to imprisonment, with or without hard labour for a period not exceeding six months or to both such fine and imprisonment;

and shall, in every case of conviction for the offence forfeit to Her Majesty all articles in respect of which the offence was committed and the Court before which the offender was convicted may order any forfeited articles to be destroyed or otherwise disposed of as the Court may think fit: Provided always that no person shall on conviction for any offence of contravening or failing to comply with any regulation under this Ordinance relating to the keeping of books or the issuing or dispensing of prescriptions containing drugs to which this Ordinance applies, be sentenced to imprisonment without the option of a fine or to pay a fine exceeding two hundred and forty dollars, if the Court dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to or committed in the course of, or in connexion with the commission or intended commission of any other offence against this Ordinance.

(3) If any person attempts to commit an offence against this Ordinance or solicits or incites another person to commit such an offence, he shall without prejudice to any other liability be liable to the same punishment and forfeiture as if he had committed an offence under this Ordinance.

(4) Where a person convicted of an offence under this Ordinance is a company, the chairman and every director and every officer concerned in the management of the company shall be guilty of the like offence unless he proves that the act constituting the offence took place without his knowledge or consent.

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

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

Power of
arrest.

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

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

Meaning of importation and exportation under licence.

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

Burden of proof.

SCHEDULE

FORM A

Colony of Dominica

THE DANGEROUS DRUGS ORDINANCE

IMPORT CERTIFICATE
issued by the Government
of Dominica.

(Section 17 (2))

INTERNATIONAL OPIUM CONVENTIONS

Certificate of Official Approval of Import No.....

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

- (a) Name, address and business of importer (a)
- (b) Exact description and amount of drug to be imported of (b)
- (c) Name and address of firm in exporting country from which the drug is to be obtained from (c)
- (d) State any special conditions to be observed - e.g., not to be imported through the post subject to the following conditions (d)
- (e) State, if possible, customs office through which the goods will be imported

- (f) State, if possible, route to be followed by the goods
- (g) Period within which the import is to be effected

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

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

Signature

Official rank

Date

FORM B

Colony of Dominica.

THE DANGEROUS DRUGS ORDINANCE

No. of 19 (Section 16 (1))

EXPORT AUTHORIZATION

Official Authorization of Export No.....

In pursuance of the Dangerous Drugs Ordinance, the senior medical officer has approved the exportation by:

- (a) Name, address and business of exporter (a)
- (b) Exact description and amount of drug to be exported of (b)
- (c) Name and address of firm in importing country requiring the drug to (c)
- (d) Number and date of import certificate and indication of the authority issuing this certificate
- (e) State any special conditions to be observed - e.g., not to be imported through the post - see also general conditions below subject to the following conditions (e)

- (f) Customs office through which the goods will be exported
 - (g) State, if possible, route to be followed by the goods
 - (h) Period within which the export is to be effected
- Signature
- Official rank
- Date

General conditions governing the use of this export authorization:

1. This authorization is not a licence to obtain or be in possession of the drugs named herein.
2. This authorization is available only for drugs of the exact quantity, kind and form specified above.
3. This authorization does not relieve the exporter from compliance with any Customs or Revenue Ordinances or regulations in force for the time being relating to the exportation of goods nor from any provisions of the Post Office Ordinance (Cap.274) or Post Office Regulations for the time being in force, nor from any rules or regulations respecting the transmission of articles by post which may for the time being be in force, whether within the Colony or elsewhere.
4. If the drugs are authorized to be exported by ship the duplicate copy, which is attached, shall accompany the consignment to the place of destination and for this purpose the exporter shall cause it to be delivered to the master of the vessel by which the consignment is despatched. (See note (3).)
5. If the drugs are authorized to be exported by post the attached duplicate copy shall be placed inside the outer wrapper of the parcel containing the drugs. If the drugs are contained in more than one parcel, the duplicate copy shall be placed inside the outer wrapper of one of them; the parcels shall be consecutively numbered on the outer wrapper, and on each parcel there shall be legibly stated the number of the parcel in which the duplicate copy is to be found. (See note (2).)
6. The exporter, if so required by the Financial Secretary shall produce to him within such time as he may allow proof, to his satisfaction that the said drugs were duly delivered at the destination named in the authorization and in the event of non-compliance with this condition the authorization shall be deemed void and of no effect.
7. The exporter shall furnish to the senior medical officer such returns of the goods exported by him in pursuance of this authorization as may from time to time be required.

8. This authorization is valid only for the exporter named above and may be revoked at any time by the senior medical officer. It shall be produced for inspection when required by any duly authorized person.

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

If not used it shall be surrendered to the senior medical officer within seven days of the date of its expiry.

NOTE

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

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

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

FORM C

Colony of Dominica.

THE DANGEROUS DRUGS ORDINANCE

(Section 17 (1))

IMPORT AUTHORIZATION

In pursuance of the Dangerous Drugs Ordinance (hereinafter called the Ordinance) the senior medical officer, Dominica, hereby authorizes:

Insert name
and full
postal
address of
importer.

(hereinafter called "the importer")
to import the drugs specified in the Schedule hereto from:

Insert name
and full
postal
address of
exporter.

This authorization is subject to the following conditions:

1. The drugs shall be imported before
(date)

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

3. This authorization does not relieve the importer from compliance with any Customs or Revenue Ordinances or regulations in force for the time being relating to the importation of goods into or transshipment of goods in the Colony or the Post Office Ordinance or Post Office Regulations for the time being in force in the Colony.

4. This authorization is valid only for the importer and may be revoked at any time by the senior medical officer, to whom it shall in that event be immediately surrendered. It shall be produced for inspection when required by any duly authorized person.

5. This authorization unless sooner revoked shall be produced to the customs officer at the time of importation and shall be surrendered to the customs officer at the time when the last consignment of drugs is imported.

6. If the importation of all the drugs specified in the Schedule is not affected before the date specified in condition No. 1 this authorization shall immediately after that date be surrendered to the senior medical officer.

7. The copy of the export authorization, if any, which accompanies the drugs shall be forwarded to the senior medical officer immediately the importation of the drugs has been effected.

Signature

Official rank

Date

SCHEDULE specifying the drugs and quantities thereof to be imported:

(Here follows Schedule)

THIS AUTHORIZATION IS NOT TO LEAVE THE POSSESSION OF THE IMPORTER UNTIL IT IS SURRENDERED TO THE SENIOR MEDICAL OFFICER OR TO THE CUSTOMS OFFICER (who will complete the certificate on the back and return the authorization to the senior medical officer).

ENDORSEMENT BY CUSTOMS OFFICER

at the time of importation

Date	Description of drugs imported	No. and date of export authorization	Quantity	How imported	Customs entry or parcel No.	Signature mark and station of customs officer
				e.g. in the case of a ship or by registered or insured post		

This authorization when all the drugs to which it relates have been imported, must be returned by the customs officer to the senior medical officer.

FORM D

Colony of Dominica.

THE DANGEROUS DRUGS ORDINANCE

(Section 19 (1))

LICENCE FOR REMOVAL OF DANGEROUS DRUGS IN TRANSIT

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

Nature and quantity of dangerous drugs

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

Name of ship on which the drugs were brought into the Colony
Date of arrival
Number of packages
Marks and numbers on packages

This licence is issued subject to the following conditions:

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

2. The removal of the drugs shall take place between^{a.m.}
.....^{p.m.}
and^{a.m.} on the 19 ...
.....^{p.m.}

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

4. The drugs must not be moved unless an officer of the customs department is present.

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

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

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

Signature

Official rank

Date

FORM E

Colony of Dominica.

(Section 21 (1))

INTERNATIONAL OPIUM CONVENTION

DIVERSION CERTIFICATE

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

Description and quantity of drugs
Name of vessel on which the consignment was brought into the Colony
.....
Name and address of exporter
Number and date of export authorization and authority by whom
issued
Name and address of original consignee named in the export
authorization
Name and address of consignee to whom the consignment is authorized
to be diverted
Number and date of import certificate (and authority by whom issued)
by virtue of which this diversion is authorized
Name of vessel on which the consignment is authorized to be carried
from the Colony

This certificate is issued subject to the following conditions:

1. The duplicate copy of this certificate shall accompany the consignment to the place of destination and for this purpose shall be delivered to the master of the vessel by which the consignment is despatched.

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

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

4. If the consignment of drugs is not carried from the Colony within the period specified above, this certificate shall be surrendered to the senior medical officer.

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

Signature

Official rank

Date

NOTE

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

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

CHAPTER 145

E/NL.1974/14

DANGEROUS DRUGS

No. 1. Dangerous Drugs Order

Made by the Administrator in Council under section 14 (2) of the Dangerous Drugs Ordinance.

(24 August, 1961)

L.I.S.R.O.
9/1939
S.R.O.
21/1948
26/1950
49/1951
29/1955
18/1960
10/1961
15/1961

1. Short title. This Order may be cited as the Dangerous Drugs Order.
2. Addition to list of dangerous drugs. Part V of the Dangerous Drugs Ordinance 1/ (which relates to the control of certain drugs productive or likely to be productive if improperly used, of ill effects analogous to those produced by morphine or cocaine) shall apply to:
 - (1) Acetyldihydrocodeine, its salts and any preparation, admixture, extract or other substance containing any proportion of acetyldihydrocodeine.
 - (2) Allylprodine^{2/}, its salts and any preparation, admixture, extract or other substance containing any proportion of allylprodine.
 - (3) Alphaprodine, its salts and any preparation, admixture, extract or other substance containing any proportion of alphaprodine.
 - (4) Amidone (dl-2-dimethylamino-4 : 4-diphenylheptan-5-one), its salts and any preparation, admixture, extract or other substance containing any proportion of amidone.
 - (5) Amidone (6-dimethylamino-4 : 4-diphenylheptan-3-one), its salts and any preparation, admixture, extract or other substance containing any proportion of amidone.
 - (6) Anileridine, its salts and any preparation, admixture, extract or other substance containing any proportion of anileridine.

1/ Note by the Secretariat: E/NL.1974/13.

2/ Note by the Secretariat: International non-proprietary names of drugs are underlined.

- (7) Benzethidine, its salts and any preparation, admixture, extract or other substance containing any proportion of benzethidine.
- (8) Betaprodine, its salts and any preparation, admixture, extract or other substance containing any proportion of betaprodine.
- (9) Clonitazene, its salts and any preparation, admixture, extract or other substance containing any proportion of clonitazene.
- (10) Diethylthiambutene, its salts and any preparation, admixture, extract or other substance containing any proportion of diethylthiambutene.
- (11) Dihydrocodeine, its salts and any preparation, admixture, extract or other substance containing any proportion of dihydrocodeine.
- (12) Dimenoxadol, its salts and any preparation, admixture, extract or other substance containing any proportion of dimenoxadol.
- (13) 3-Dimethylamino-1 : 1-di-(2-thienyl)-1-butene, its salts and any preparation, admixture, extract or other substance containing any proportion of 3-dimethylamino-1 : 1-di-(2-thienyl)-1-butene. [Dimethylthiambutene] 3/
- (14) Diphenoxylate (ethyl 1-(3-cyano-3 : 3-diphenylpropyl)-4-phenylpiperidine-4-carboxylate), its salts and any preparation, admixture, extract or other substance containing any proportion of diphenoxylate.
- (15) 3-Ethylmethylamino-1 : 1-di-(2-thienyl)-1-butene, its salts and any preparation, admixture, extract or other substance containing any proportion of 3-ethylmethylamino-1 : 1-di-(2-thienyl)-1-butene. [Ethylmethylthiambutene] 2/
- (16) Ethylmorphine (also known as dionin), and its salts.
- (17) Etonitazene, its salts and any preparation, admixture, extract or other substance containing any proportion of etonitazene.
- (18) Etoxeridine, its salts and any preparation, admixture, extract or other substance containing any proportion of etoxeridine.
- (19) Furethidine, its salts and any preparation, admixture, extract or other substance containing any proportion of furethidine.

3/ Note by the Secretariat: The words in square brackets have been inserted by the Secretariat.

- (20) Hydromorphanol, its salts and any preparation, admixture, extract or other substance containing any proportion of hydromorphanol.
- (21) 3-Hydroxy-N-methylmorphinan, its salts and any preparation, admixture, extract or other substance containing any proportion of 3-hydroxy-N-methylmorphinan. [Levorphanol]
- (22) Hydroxypethidine, its salts and any preparation, admixture, extract or other substance containing any proportion of hydroxypethidine.
- (23) Isoamidone (6-dimethylamino-4 : 4-diphenyl-5-methylhexan-3-one), its salts and any preparation, admixture, extract or other substance containing any proportion of isoamidone. [Isomethadone]
- (24) Ketobemidone, its salts and any preparation, admixture, extract or other substance containing any proportion of ketobemidone.
- (25) Levophenacymorphan, its salts and any preparation, admixture, extract or other substance containing any proportion of levophenacymorphan.
- (26) Metazocine, its salts and any preparation, admixture, extract or other substance containing any proportion of metazocine; N-(2-(N-methylphenethylamino) propyl) propionanilide, its salts and any preparation, admixture, extract or other substance containing any proportion of N-(2-(N-methylphenethylamino) propyl) propionanilide.
- (27) Methadol (6-dimethylamino-4 : 4-diphenylheptan-3-ol), its salts and any preparation, admixture, extract or other substance containing any proportion of methadol.
- (28) Methadyl acetate (6-dimethylamino-4 : 4-diphenyl-3-heptyl acetate), its salts and any preparation, admixture, extract or other substance containing any proportion of methadyl acetate.
- (29) Methyldihydromorphine, its salts and any preparation, admixture, extract or other substance containing any proportion of methyldihydromorphine; 1-(3-methyl-4-morpholino-2 : 2-diphenylbutyryl)-pyrrolidine, its salts and any preparation, admixture, extract or other substance containing any proportion of 1-(3-methyl-4-morpholino-2 : 2-diphenylbutyryl)-pyrrolidine.
- (30) Methyldihydromorphinone (commonly known as Metopon), its salts and any preparation, admixture, extract or other substance containing any proportion of methyldihydromorphinone.
- (31) Methyldihydromorphine (also known as Codeine), and its salts.

- (32) 1-Methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester, its salts and any preparation, admixture, extract or other substance containing any proportion of 1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester. [Properidine]
- (33) Morpheridine, its salts and any preparation, admixture, extract or other substance containing any proportion of morpheridine.
- (34) Myrophine (myristyl ester of benzylmorphine), its salts and any preparation, admixture, extract or other substance containing any proportion of myrophine.
- (35) Norcodeine, its salts and any preparation, admixture, extract or other substance containing any proportion of norcodeine.
- (36) Norlevorphanol ((-)-3-hydroxymorphinan), its salts and any preparation, admixture, extract or other substance containing any proportion of norlevorphanol.
- (37) Normethadone, its salts and any preparation, admixture, extract or other substance containing any proportion of normethadone.
- (38) Normorphine, its salts and any preparation, admixture, extract or other substance containing any proportion of normorphine.
- (39) Oxymorphone, its salts and any preparation, admixture, extract or other substance containing any proportion of oxymorphone.
- (40) Phenadoxone, its salts and any preparation, admixture, extract or other substance containing any proportion of methyldihydromorphinone.
- (41) Phenampromide, its salts and any preparation, admixture, extract or other substance containing any proportion of phenampromide.
- (42) 6-Piperidino-4 : 4-diphenylheptan-3-one, its salts and any preparation, admixture, extract or other substance containing any proportion of 6-piperidino-4 : 4-diphenylheptan-3-one. [Dipipanone]
- (43) Phenazocine (2'-hydroxy-5 : 9-dimethyl-2-(2-phenylethyl)-6 : 7-benzomorphan), its salts and any preparation, admixture, extract or other substance containing any proportion of 2'-hydroxy-5 : 9-dimethyl-2-(2-phenylethyl)-6 : 7-benzomorphan
- (44) 4-Propionoxy--4-phenyl-1-methyl-3-ethylpiperidine, its salts and any preparation, admixture, extract or other substance containing any proportion of 4--propionoxy---phenyl--1--methyl-3--ethylpiperidine. [Alphameprodine]

- (45) Phenoperidine, its salts and any preparation, admixture, extract or other substance containing any proportion of phenoperidine.
- (46) Pholcodine (also known as morpholinylethyl-morphine), and its salts.
- (47) Piminodine, its salts and any preparation, admixture, extract or other substance containing any proportion of piminodine.
- (48) Propoxyphene (commonly known as "Deloxene"), and its salts.
- (49) Trimeperidine, its salts and any preparation, admixture, extract or other substance containing any proportion of trimeperidine. The esters (other than the ethyl and isopropyl esters) of 1-methyl-4-phenylpiperidine-4-carboxylic acid, their salts and any preparation, admixture, extract or other substance containing any proportion of the said esters.

E/NL.1974/15

NARCOTICS CONTROL

DOMINICA

ACT NO. 23 OF 1969

I assent

L. COOLS-LARTIGUE

Governor

20 December 1969

AN ACT TO CONTROL ANY DEALINGS OR
TRAFFIC IN NARCOTICS AND TO MAKE
PROVISION FOR MATTERS CONNECTED
THEREWITH

(Gazetted 24 December, 1969)

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Dominica, and by the authority of the same as follows:

1. This Act may be cited as the

NARCOTICS CONTROL ACT, 1969

Short title.

2. (1) In this Act:

"analyst" means a person designated as an analyst for the purposes of this Act;

Interpretation.

"conveyance" includes any aircraft, vessel, motor vehicle or other conveyance of any description whatever;

"marijuana" means Cannabis sativa L.;

"Minister" means the Minister for Home Affairs;

"narcotic" means any substance included in the Schedule to this Act or anything that contains any substance included in the Schedule;

"officer" means any member of the Royal Dominica Police Force or of the Special Branch thereof, or any Customs or Immigration officer;

"opium poppy" means Papaver somniferum L.;

"traffic" means:

- (i) to manufacture, sell, give, administer, transport, send, deliver or distribute, or
- (ii) to offer to do anything mentioned in subparagraph (i) otherwise than under the authority of this Act or the Regulations;

"vessel" includes every kind of ship, boat, lighter and craft of every kind whether navigated by steam or otherwise, as well as any kind of flying machine, glider or airship.

(2) For the purposes of this Act:

- (a) a person has anything in possession when he has it in his personal possession or knowingly
 - (i) has it in the actual possession or custody of another person, or
 - (ii) has it in any place, whether or not that place belongs to or is occupied by him, for the use or benefit of himself or of another person; and
- (b) where one or two or more persons, with the knowledge and consent of the rest, has anything in his custody or possession, it shall be deemed to be in the custody and possession of each and all of them.

Restriction on 3. (1) Except as authorized by this Act or the Regulations, no possession of person shall have a narcotic in his possession. narcotics.

(2) Every person who violates subsection (1) of this section is guilty of an offence and is liable

- (a) for a first offence, upon summary conviction, to a fine not exceeding One thousand dollars (\$1,000.00) or to imprisonment for six months or to both such fine and imprisonment;

- (45) Phenoperidine, its salts and any preparation, admixture, extract or other substance containing any proportion of phenoperidine.
- (46) Pholcodine (also known as morpholinylethyl-morphine), and its salts.
- (47) Piminodine, its salts and any preparation, admixture, extract or other substance containing any proportion of piminodine.
- (48) Propoxyphene (commonly known as "Deloxene"), and its salts.
- (49) Trimeperidine, its salts and any preparation, admixture, extract or other substance containing any proportion of trimeperidine. The esters (other than the ethyl and isopropyl esters) of 1-methyl-4-phenylpiperidine-4-carboxylic acid, their salts and any preparation, admixture, extract or other substance containing any proportion of the said esters.

E/NL.1974/15

NARCOTICS CONTROL

DOMINICA

ACT NO. 23 OF 1969

I assent

L. COOLS-LARTIGUE

Governor

20 December 1969

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 TRAFFIC IN NARCOTICS AND TO MAKE
 PROVISION FOR MATTERS CONNECTED
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BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Dominica, and by the authority of the same as follows:

- 1. This Act may be cited as the

NARCOTICS CONTROL ACT, 1969

Short title.

- 2. (1) In this Act:

"analyst" means a person designated as an analyst for the purposes of this Act;

Interpretation.

"conveyance" includes any aircraft, vessel, motor vehicle or other conveyance of any description whatever;

"marijuana" means Cannabis sativa L.;

"Minister" means the Minister for Home Affairs;

"narcotic" means any substance included in the Schedule to this Act or anything that contains any substance included in the Schedule;

"officer" means any member of the Royal Dominica Police Force or of the Special Branch thereof, or any Customs or Immigration officer;

"opium poppy" means Papaver somniferum L.;

"traffic" means:

- (i) to manufacture, sell, give, administer, transport, send, deliver or distribute, or
- (ii) to offer to do anything mentioned in subparagraph (i) otherwise than under the authority of this Act or the Regulations;

"vessel" includes every kind of ship, boat, lighter and craft of every kind whether navigated by steam or otherwise, as well as any kind of flying machine, glider or airship.

(2) For the purposes of this Act:

- (a) a person has anything in possession when he has it in his personal possession or knowingly
 - (i) has it in the actual possession or custody of another person, or
 - (ii) has it in any place, whether or not that place belongs to or is occupied by him, for the use or benefit of himself or of another person; and
- (b) where one or two or more persons, with the knowledge and consent of the rest, has anything in his custody or possession, it shall be deemed to be in the custody and possession of each and all of them.

Restriction on 3. (1) Except as authorized by this Act or the Regulations, no possession of person shall have a narcotic in his possession. narcotics.

(2) Every person who violates subsection (1) of this section is guilty of an offence and is liable

- (a) for a first offence, upon summary conviction, to a fine not exceeding One thousand dollars (\$1,000.00) or to imprisonment for six months or to both such fine and imprisonment;

- (b) for a second or subsequent offence, upon summary conviction, to a fine not exceeding Two thousand dollars (\$2,000.00) or to imprisonment for one year or to both such fine and imprisonment; or
- (c) upon conviction upon indictment, to a fine not exceeding Five thousand dollars (\$5,000.00) or to imprisonment for three years or to both such fine and imprisonment.

(3) A conviction for any offence under the Medical Act involving dealings in drugs either prior to or after the coming into force of this section shall be deemed for the purpose of paragraph (a) of subsection (2) of this section to be a conviction for a first offence thereunder. Cap. 149.

4. (1) No person shall traffic in a narcotic or any substance represented or held out by him to be a narcotic. Traffic in narcotics forbidden.

(2) No person shall have in his possession any narcotic for the purpose of trafficking.

(3) Every person who violates subsection (1) or (2) of this section is guilty of an indictable offence and is liable to imprisonment for a period not less than three years.

5. (1) Except as authorized by this Act or the Regulations, no person shall import into Dominica or export from Dominica any narcotic. Restriction on importation or exportation of narcotics.

(2) Every person who violates subsection (1) of this section is guilty of an indictable offence and is liable to imprisonment for a period not less than three years.

6. (1) No person shall cultivate opium poppy or marijuana except under the authority of and in accordance with a licence issued to him under the Regulations. Restriction on cultivation of opium poppy or marijuana.

(2) Every person, who violates subsection (1) of this section is guilty of an indictable offence and is liable to imprisonment for a period not less than five years.

(3) The Minister may cause to be destroyed any growing plant of opium or marijuana cultivated otherwise than under authority of and in accordance with a licence issued under the Regulations.

PROSECUTION

7. (1) No exception, exemption, excuse or qualification prescribed by law is required to be set out or negated, as the case may be in an information or indictment for an offence under this Act. Burden of proof in prosecutions.

(2) In any prosecution under this Act the burden of proving that an exception, exemption, excuse or qualification prescribed by law operates in favour of the accused is on the

accused, and the prosecutor is not required, except by way of rebuttal, to prove that the exception, exemption, excuse or qualification does not operate in favour of the accused, whether or not it is set out in the information or indictment.

Procedure in prosecutions.

8. In any prosecution for a violation of subsection (2) of section 4, if the accused does not plead guilty, the trial shall proceed as if it were a prosecution for an offence under section 3, and after the close of the case for the prosecution and after the accused has had an opportunity to make full answer and defence, the court shall make a finding as to whether or not the accused was in possession of the narcotic contrary to section 3; if the court finds that the accused was not in possession of the narcotic contrary to section 3, he shall be acquitted but if the court finds that the accused was in possession of the narcotic contrary to section 3, he shall be given an opportunity of establishing that he was not in possession of the narcotic for the purpose of trafficking, and thereafter the prosecutor shall be given an opportunity of adducing evidence to establish that the accused was in possession of the narcotic for the purpose of trafficking; if the accused establishes that he was not in possession of the narcotic for the purpose of trafficking, he shall be acquitted of the offence as charged but he shall be convicted of an offence under section 3 and sentenced accordingly; and if the accused fails to establish that he was not in possession of the narcotic for the purpose of trafficking, he shall be convicted of the offence as charged and sentenced accordingly.

Certificate of analyst admissible in evidence.

9. (1) Subject to this section, a certificate of an analyst stating that he has analysed or examined a substance and stating the result of his analysis or examination is admissible in evidence in any prosecution for an offence mentioned in subsection (1) of section 7, and in the absence of evidence to the contrary is proof of the statements contained in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate.

(2) The party against whom a certificate of an analyst is produced pursuant to subsection (1) may, with leave of the court, require the attendance of the analyst for the purposes of cross-examination.

(3) No certificate shall be received in evidence pursuant to subsection (1) unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced reasonable notice of such intention together with a copy of the certificate.

Power to search for and seize narcotics.

10. (1) An officer may, at any time,

(a) without a warrant enter and search any place other than a dwelling house, and under the authority of a warrant issued under this section, enter and search any dwelling house in which he reasonably believes there is a narcotic by means or in respect of which an offence under this Act has been committed;

- (b) search any person found in such place; and
- (c) seize and take away any narcotic found in such place, anything in such place in which he reasonably suspects a narcotic is contained or concealed, or any other thing by means of or in respect of which he reasonably believes an offence under this Act has been committed or that may be evidence of the commission of such an offence.

(2) A magistrate or justice of the peace who is satisfied by information upon oath that there are reasonable grounds for believing that there is a narcotic by means of or in respect of which an offence under this Act has been committed, in any dwelling house may issue a warrant under his hand authorizing an officer named therein at any time to enter the dwelling house and search for narcotics.

(3) For the purpose of exercising his authority under this section, an officer may, with such assistance, as he deems necessary, break open any door, window, lock, fastener, floor, wall, ceiling, compartment, plumbing, fixture, box, container or any other thing, or search any vessel, cart or motor vehicle, of any kind whatever.

(4) Where a narcotic or other thing has been seized under subsection (1) of this section, any person may, within two months from the date of such seizure, upon prior notification having been given to the Minister in the manner prescribed by the Regulations, apply to a magistrate within whose territorial jurisdiction the seizure was made for an order of restoration under subsection (5) of this section.

(5) Subject to subsections (7) and (8) of this section, whereupon the hearing of an application made under subsection (4) the magistrate is satisfied

- (a) that the applicant is entitled to possession of the narcotic or other thing seized; and
- (b) that the thing so seized is not or will not be required as evidence in any proceedings in respect of an offence under this Act, he shall order that the thing so seized be restored forthwith to the applicant, and where the magistrate is satisfied that the applicant is entitled to possession of the thing so seized but is not satisfied as to the matters mentioned in this paragraph, he shall order that the thing so seized be restored to the applicant:
 - (i) upon the expiration of four months from the date of the seizure, if no proceedings in respect of an offence under this Act have been commenced before that time; or
 - (ii) upon the final conclusion of any such proceedings, in any other case.

(6) Where no application has been made for the return of any narcotic or other thing seized under subsection (1) of this section within two months from the date of such seizure, or an application therefor has been made but upon the hearing thereof no order of restoration is made, the thing so seized shall be delivered to the Minister who may make such disposition thereof as he thinks fit.

(7) Where a person has been convicted of an offence under section 3, 4 or 5, any narcotic seized under subsection (1) of this section, by means of or in respect of which the offence was committed, any money so seized that was used for the purchase of that narcotic and any hypodermic needle, syringe, capping machine or other of this section, apparatus so seized that was used in any manner in connexion with the offence shall be forfeited to Her Majesty and shall be disposed of as the Minister directs.

(8) Where a person has been convicted of an offence under section 4 or 5, the court may, upon application by the prosecution, order that any conveyance seized under subsection (1) of this section that has been proved to have been used in any manner in connexion with the offence be forfeited, and upon such order being made the conveyance is forfeited to Her Majesty and, except as provided in section 11, shall upon the expiration of thirty days from the date of such forfeiture be disposed of as the Minister directs.

(9) The Minister may at his discretion award to any person at whose instance or by whose means any fine or penalty imposed shall be paid or recovered, any portion not exceeding a moiety thereof, of such fine and penalty.

Persons
aggrieved
by seizure
may apply to
a judge.

11. (1) Where any conveyance is forfeited to Her Majesty under subsection (8) of section 10, any person (other than a person convicted of the offence that resulted in the forfeiture or a person, in whose possession the conveyance was when seized) who claims an interest therein as owner, mortgagee, lienholder or holder of any like interest may, within thirty days after the forfeiture, apply by notice in writing to a judge for an order under subsection (4) of this section.

(2) The judge to whom an application is made under subsection (1) of this section shall fix a day not less than thirty days after the date of filing of the application for the hearing thereof.

(3) The applicant shall serve a notice of the application and of the hearing upon the Minister at least fifteen days before the day fixed for the hearing.

(4) Where, upon the hearing of an application, it is made to appear to the satisfaction of the judge,

(a) that the applicant is innocent of any complicity in the offence that resulted in the forfeiture and of any collusion in relation to that offence with the person who was convicted thereof; and

- (b) that the applicant exercised all reasonable care in respect of the person permitted to obtain possession of the conveyance to satisfy himself that it was not likely to be used in connexion with the commission of an unlawful act or, in the case of a mortgagee or lienholder, that he exercised such care with respect to the mortgagor or liengiver,

the applicant is entitled to an order declaring that his interest is not affected by such forfeiture and declaring the nature and extent of his interest.

(5) The applicant or the Minister may appeal to the Court of Appeal from an order made under subsection (4) of this section and the appeal shall be heard and decided according to the ordinary procedure governing appeals to the Court of Appeal from orders or judgments of a judge.

(6) The Minister shall, upon application made to him by any person who has obtained a final order under this section,

- (a) direct that the conveyance to which the interest of the applicant relates be returned to the applicant; or
- (b) direct that an amount equal to the value of the interest of the applicant, as declared in the order, be paid to him.

GENERAL

12. The Governor may make Regulations

Regulations.

- (a) providing for the issue of licences
 - (i) for the importation, export, sale, manufacture, production or distribution of narcotics, and
 - (ii) for the cultivation of opium poppy or marijuana;
- (b) prescribing the form, duration and terms and conditions of any licence described in paragraph (a) and the fees payable therefor, and providing for the cancellation and suspension of such licences;
- (c) authorizing the sale or possession of or other dealing in narcotics and prescribing the circumstances and conditions under which and the persons by whom narcotics may be sold, had in possession or otherwise dealt in;
- (d) requiring physicians, dentists, veterinarians, pharmacists and other persons who deal in narcotics as authorized by this Act or the Regulations to keep records and make returns;
- (e) authorizing the communication of any information obtained under the provisions of this Act or the Regulations to licensing authorities;

- (f) prescribing the punishment by a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months, or both, to be imposed upon summary conviction for breach of any regulation; and
- (g) generally, for carrying out the purposes and provisions of this Act.

Power to designate person analyst.

13. The Minister may designate any person as an analyst for the purpose of this Act.

Power to amend Schedule.

14. The Governor may, from time to time, amend the Schedule by adding thereto or deleting therefrom any substance, the inclusion or exclusion of which, as the case may be is deemed necessary by him in the public interest.

Passed in the House of Assembly this 8th day of December, 1969.

BARNET EDMUND DEFOE
Acting Clerk of the House of Assembly.

SCHEDULE

1. Opium Poppy (*Papaver somniferum*) its preparations, derivatives, alkaloids and salts, including:

- (1) Opium,
- (2) Codeine (Methylmorphine),
- (3) Morphine,
- (4) Thebaine,

and their preparations, derivatives and salts, including:

- (5) Acetorphine,^{2/}
- (6) Acetyldihydrocodeine,
- (7) Benzylmorphine,
- (8) Codoxime,
- (9) Desomorphine (dihydrodeoxymorphine),
- (10) Diacetylmorphine (heroin),
- (11) Dihydrocodeine,
- (12) Dihydromorphine,
- (13) Ethylmorphine,
- (14) Etorphine,
- (15) Hydrocodone (dihydrocodeinone),
- (16) Hydromorphone (dihydromorphinone),
- (17) Hydromorphinol,
- (18) Methyl-desorphine,
- (19) Methyldihydromorphine,
- (20) Metopon (dihydromethylmorphinone),
- (21) Morphine-N-oxide,

^{2/} Note by the Secretariat: International non-proprietary names of drugs are underlined.

- (22) Myrophine (benzylmorphine Myristate),
- (23) Nalorphine (N-allylnormorphine),
- (24) Nicocodine,
- (25) Nicomorphine (dinicotinylmorphine)
- (26) Norcodeine,
- (27) Normorphine,
- (28) Oxycodone (dihydrohydroxycodeinone),
- (29) Oxymorphone (dihydrohydroxymorphinone),
- (30) Pholcodine (B-4-morpholinoethylmorphine), and
- (31) Thebacon (acetyldihydrocodeinone),

but not including:

- (32) Apomorphine,
- (33) Cyprenorphine,
- (34) Narcotine,
- (35) Papaverine, and
- (36) Poppy seed.

2. Coca (Erythroxyton), its preparations, derivatives, alkaloids and salts, including:

- (1) Coca leaves,
- (2) Cocaine, and
- (3) Ecgonine (3-hydroxy-2-tropane carboxylic acid).

3. Cannabis sativa, its preparations, derivatives and similar synthetic preparations, including:

- (1) Cannabis resin,
- (2) Cannabis (marijuana),
- (3) Cannabidiol,
- (4) Cannabinol (3-n-amly-6, 6, 9-trimethyl-6-dibenzopyran-1-01),
- (5) Pyrahexyl (3-n-hexyl-6, 6, 9-trimethyl-7, 8, 9, 10-tetrahydro-6 dibenzopyran-1-01), and
- (6) Tetrahydrocannabinol.

4. Phenylpiperidines, their preparations, intermediates, derivatives and salts, including:

- (1) Allylprodine,
- (2) Alphameprodine,
- (3) Alphaprodine,
- (4) Anileridine,
- (5) Betameprodine,
- (6) Betaprodine,
- (7) Benzethidine,
- (8) Diphenoxylate,
- (9) Etixeridine,
- (10) Fentanyl,
- (11) Furethidine,
- (12) Hydroxypethidine,
- (13) Ketobemidone,
- (14) Methylphenylisonipeconitrile (4-cyano-1-methyl-4-phenylpiperidine),
- (15) Morpheridine,
- (16) Norpethidine (ethyl 4-phenylpiperidine-4-carboxylate),
- (17) Pethidine,

- (18) Phenoperidine,
- (19) Piminodine,
- (20) Properidine, and
- (21) Trimeperidine,

but not including:

- (22) Carbamethidine (ethyl 1-(2-carbamylethyl)-4-phenylpiperidine-4-carboxylate),
- (23) Oxpheneridine (ethyl 1-(2-hydroxy-2-phenylethyl)-4-phenylpiperidine-4-carboxylate).

5. Phenazepines, their preparations, derivatives and salts, including:

- (1) Proheptazine,

but not including:

- (2) Ethoheptazine (ethyl hexahydro-1-methyl-4-phenylazepine-4-carboxylate),
- (3) Metethoheptazine (ethyl hexahydro-1, 3-dimethyl-4-phenylazepine-4-carboxylate), and
- (4) Methheptazine (ethyl hexahydro-1, 2-dimethyl-4-phenylazepine-4-carboxylate).

6. Amidones, their preparations, intermediates, derivatives and salts including:

- (1) Dimethylaminodiphenylbutanonitrile (4-cyano-2-dimethylamino-4,4--diphenyl butane),
- (2) Dipipanone,
- (3) Isomethadone,
- (4) Methadone,
- (5) Normethadone, and
- (6) Phenadoxone (6-morpholino-4, 4-diphenyl-3-heptanone).

7. Methadols, their preparations, derivatives and salts, including:

- (1) Acetylmethadol,
- (2) Alphacetylmethadol,
- (3) Alphamethadol,
- (4) Betacetylmethadol,
- (5) Betamethadol,
- (6) Dimepheptanol, and
- (7) Noracymethadol.

8. Phenalkoxams, their preparations, derivatives and salts, including:

- (1) Dimenoxadol,
- (2) Dioxaphetylbutyrate,

but not including:

- (3) Propoxyphene (4-dimethylamino-3-methyl-1, 2-diphenyl-2-butyl propionate).

9. Thiambutenes, their preparations, derivatives and salts, including:

- (1) Diethylthiambutene,
- (2) Dimethylthiambutene, and
- (3) Ethylmethylthiambutene.

10. Moramides, their preparations, intermediates, derivatives and salts, including:

- (1) Dextromoramide,
- (2) Diphenylmorpholinoisovaleric acid (2-methyl-3-morpholino-1, 1-diphenylpropionic acid),
- (3) Levomoramide, and
- (4) Racemoramide.

11. Morphinans, their preparations, derivatives and salts, including:

- (1) Levomethorphan,
- (2) Levorphanol,
- (3) Levophenacymorphan,
- (4) Norlevorphanol,
- (5) Phenomorphan,
- (6) Racemethorphan, and
- (7) Racemorphan,

but not including:

- (8) Dextromethorphan,
- (9) Dextrorphan,
- (10) Levallorphan (1-11-allyl-1, 2, 3, 9, 10, 10a-hexahydro-4H-10, 4a-iminoethanophenanthren-6-ol), and
- (11) Levargorphan (1-11-propargyl-1, 2, 3, 9, 10, 10a-hexahydro-4H-10, 4a-iminoethanophenanthren-6-ol).

12. Benzazocines, their preparations, derivatives and salts, including:

- (1) Phenazocine, and
- (2) Metazocine,

but not including:

- (3) Pentazocine (1, 2, 3, 4, 5, 6-hexahydro-6, 11-dimethyl-3-(3-methyl-2-butenyl)-2, 6-Methano-3-benzazocin-8-ol), and
- (4) Cyclazocine (1, 2, 3, 4, 5, 6-hexahydro-6, 11-dimethyl-3-(cyclopropylmethyl)-2, 6-methano-3-benzazocin-8-ol).

13. Ampromides, their preparations, derivatives and salts, including:

- (1) Diampromide,
- (2) Phenampromide.

14. Benzimidazoles, their preparations, derivatives and salts, including:

- (1) Clonitazene,
- (2) Etonitazene.