UNITED NATIONS

E/NL. 1981/34-35
8 March 1985
ENGLISH ONLY

LAWS AND REGULATIONS

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

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

TURKS AND CAICOS ISLANDS

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

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 [...].

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E/NL.1981/34

Supplement to Gazette No. 46, L.N.31
22nd August 1980

CONTROL OF DRUGS (AMENDMENT) ORDINANCE, 1980
ORDINANCE NO. 9 OF 1980

Arrangement of Sections

1. Short title and commencement.
2. Amendment of s. 2 of Ordinance.
3. Addition of new section to the principal Ordinance.
4. Insertion of new section into the principal Ordinance.
5. Amendment of Third Schedule to the principal Ordinance.
6. Further amendment of Third Schedule to the principal Ordinance.

V.85-23675

I assent,

/s/ JOHN CLIFFORD STRONG
GOVERNOR
11 August, 1980

An Ordinance to amend the Control of Drugs Ordinance, No. 4 of 1976

Enacted by the Legislature of the Turks and Caicos Islands as follows:

Short title and commencement.

1. This Ordinance may be cited as the Control of Drugs (Amendment) Ordinance, 1980 and shall come into operation on such day as the Governor may, by Notice published in the Gazette, appoint.

Amendment of s. 2 of Ordinance No. 4 of 1976.

2. The Control of Drugs Ordinance, 1976 (hereinafter called the principal Ordinance) is amended, in section 2(1), by the deletion of the definition of "cannabis" appearing therein and the substitution therefor of the following definition:

"cannabis" except 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;

(c) Seed of any such plant.

Addition of new section to the principal Ordinance.

3. The principal Ordinance is amended by the addition immediately following section 6, of the following new section:

"Special offence as to possession of controlled drugs in certain circumstances.

6A.-(1) Without prejudice to any liability for the commission of an offence under this Ordinance or any other law, a person shall be guilty of an offence who has in his possession or under his control any controlled drug with intent to sell or transfer such controlled drug to any other person in contravention of this Ordinance or for the purpose of the commission of any other crime.

(2) For the purpose of subsection (1) where any controlled drug is found in any ship, vessel, aircraft, vehicle or other means of conveyance within the Islands or the Islands' waters thereof,

(a) the ship, vessel, aircraft, vehicle or other means of conveyance may be seized by an officer of customs or police officer; and

(b) the master or any person in control of such ship, vessel, aircraft, vehicle or other means of conveyance, as the case may be, shall be deemed guilty of an offence under subsection (1) unless he proves that the controlled drug was in the ship, vessel, aircraft, vehicle or other means of conveyance without his consent, knowledge or connivance and that he exercised all due diligence to prevent the commission of the offence.

(3) Nothing in subsection (2) (b) shall apply if the master or other person therein referred to proves to the satisfaction of the court that the controlled drug is cargo properly manifested to consignees in the Islands or elsewhere, or are bona fide stores of any ship, vessel or aircraft, in the custody of the proper officer authorised for the purpose.

(4) Nothing in subsection (2) shall apply to any ship vessel or aircraft belonging to the Royal Navy, the Royal Air Force or the the naval or air forces of any other country, if permission has been granted by the competent authority for such ship or vessel to come into the territorial waters of the Islands or for such aircraft to enter the Islands.

(5) Where any person is convicted of an offence under this section, the court before which he is convicted shall order that the ship, vessel, aircraft, vehicle or other means of conveyance, shall be forfeited and become the property of the Government to be disposed of as the Government shall deem fit.

(6) Where a person has

(a) been charged with an offence under subsection (1);

(b) been released on bail under the provisions of Part X of the Magistrate's Ordinance as read with Section 28 A of this Ordinance; and

(c) failed to answer to his bail by not appearing before the Magistrate or the Supreme Court, as the case may be, when conditioned to do so by the recognizance of his bail;

the provisions of sub-section (5) shall apply as if the person so charged had been convicted of an offence under this section, and the Court before whom the person was due to appear shall make an order in terms of subsection (5)."

Insertion of new section into the principal Ordinance

4. The principal Ordinance is amended by the insertion immediately following section 28, of the following new section:

Restriction on admission to bail. Cap. 4.

" 28A.-(1) Notwithstanding the provisions of Part X of the Magistrate Ordinance or of any other written law relating to bail and subject to subsections (2) and (3),

no person who is charged with any offence under this Ordinance shall be admitted to bail unless such person has provided a surety or sureties of not less than fifty thousand dollars or such greater amount as is in the opinion of the court granting bail sufficient to secure his appearance.

(2) Subsection (1) shall not apply to any person who belongs to the Islands within the meaning of section 2(2) of the Immigration Ordinance, 1971 and who is ordinarily resident in the Islands at the time after application for bail is made.

(3) Subsection (1) shall not apply to any person charged under the provisions of section 6A with possession of cannabis where the quantity of the Cannabis involved is not greater than four ounces in weight."

Amendment of Third Schedule to the principal Ordinance.

5. The Third Schedule to the principal Ordinance is amended by the insertion in its correct numerical order of the following:

"Sections creating offence.	General nature of Offence	Mode of trial	Punishment in particular cases: Maximum term of imprisonment or amount of fine.	General punishment: Maximum term of imprisonment or amount of fine.
6A	Having possession of a controlled drug in certain circumstances with intent to sell or transfer it to another.	(a) Summary		$50,000 or eighteen months or both.
		(b) Before Supreme Court		A fine of any amount or fourteen years or both.

Further amendment of Third Schedule to the principal Ordinance.

6. The Third Schedule to the principal Ordinance is further amended, in respect of the maximum amounts of penalties permitted to be imposed:

"(a) in respect of offences tried summarily by deletion in each place where those figures occur of the figures "$5,000" or "$500", as the case may be, and the substitution therefor of the figures "$50,000".

(b) in relation to offences tried summarily by the deletion in each place where those words occur of the words "6 months" or "12 months", as the case may be and the substitution therefor of the words "eighteen months".

(c) in relation to offences tried before the Supreme Court by the deletion in each place where those figures occur of the figures "$ 3,000", a "$5,000" or "$200,000", as the case may be, and the substitution therefor of the words "A fine of any amount".

Passed by the Legislative Council this 9th day of July, 1980.

/s/ W. H. Mills
Deputy Speaker.

/s/ R. Blackman
Clerk

E/NL.1981/35

AN ORDINANCE TO AMEND THE CUSTOMS ORDINANCE, No. 7 of 1970, BY CREATING A NEW OFFENCE AND MATTERS INCIDENTAL THERETO.

ORDINANCE No. 13 of 1980

(L.S.)

I assent,
/s/ PATRICK WILLIAM REARDON
ACTING GOVERNOR
22nd September, 1980

Enacted by the Legislature of the Turks and Caicos Islands as follows:

Citation No. 7 of 1970

1. This Ordinance may be cited as the Customs (Amendment) Ordinance 1980 and shall be read as one with the Customs Ordinance hereinafter referred to as the principal Ordinance.

2. The principal Ordinance shall be amended by:

(a) renumbering section 115 as section 115A; and

(b) by inserting a new section as follows:

servicing uncleared aircraft

"section 115B. Any person who refuels or otherwise services in any way aircraft or vessel in the Islands without prior clearance by the Collector or an officer shall be guilty of an offence and liable on

conviction on criminal information in the Supreme Court to a fine of $100,000 or 4 years imprisonment or to both such fine and imprisonment provided that it shall be a defence to a charge brought under this section for the defendant to prove that there was a genuine emergency endangering life or property".

Passed by the Legislative Council this 23rd day of July, 1980

(Signed)
/s/ G.E. M. Ewing
Speaker

(Signed)
/s/ R. Blackman
Clerk