

DANGEROUS DRUGS

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 Island unless the person to whom the drug is consigned is in possession of a valid and subsisting import authorization granted under this section.

(4) Every dangerous drug imported into the Island 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) Every person who imports, causes to be imported, or takes any steps preparatory to importing any dangerous drug into the Island except under, and in accordance with, the provisions of this Act shall be guilty of an offence against this Act.

(6) There shall be a Dangerous Drugs (Import Licences) Appeal Board consisting of five medical practitioners appointed in that behalf by the Minister, two of whom shall be government medical officers and three of whom shall be private practitioners.

(7) The Minister shall from such members appoint a Chairman of the Board and the Chairman and two members shall form a quorum.

(8) Any person who is aggrieved by the refusal of an import authorization under this section may, within seven days of such refusal, appeal to the Board against such refusal, and the decision of the Board on such appeal shall be final.

15.—(1) No person shall bring any dangerous drug to the Island in transit unless—

Dangerous drugs in transit.

- (a) the drug is in course of transit from a country from which it may be lawfully exported, to another country into which such drug may be lawfully 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 Commissioner 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 material particular, the Commissioner, may 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 the Commissioner shall release the drug.

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(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 Commissioner 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 law of that country, the Commissioner may seize and detain the drug.

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(4) Where a dangerous drug brought into the Island in transit is landed, or transhipped in the Island, it shall remain under the control of the Commissioner and shall be moved only under and in accordance with the removal licence granted under section 16.

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(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 Island 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.

Removal
licences.

16.—(1) Every person who—

(a) removes any dangerous drug from the conveyance by which it is brought into the Island in transit; or

(b) in any way moves any such drug in the Island at any time after removal from such conveyance,

Schedule
Form D.

12/1985
Sch.

except under and in accordance with a licence in the Form D set out in the Schedule (in this Act referred to as a “removal licence”) issued by the Commissioner shall be guilty of an offence against this Act. In all cases it shall be in the absolute discretion of the Commissioner 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 Island shall be issued unless and until a valid and subsisting export authorization or diversion certificate relating to it is produced to the Commissioner:

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Provided 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.

Drugs not
to be
tampered
with.

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17. Every person who causes any dangerous drug in transit to be subjected to any process which would alter its nature, or wilfully opens or breaks any package containing a dangerous drug in transit except under the instructions of the Commissioner and in such manner as he may direct, shall be guilty of an offence against this Act.