

sion or under the control of any person in any premises; or

- (b) 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 Act or, in the case of a transaction or dealing carried out or intended to be carried out in any place outside the Island, an offence against the provisions of any corresponding law in force in that place, is in the possession or under the control of any person in any premises,

he may grant a search warrant authorizing any constable 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 premises named in the warrant, and to search the premises and any persons found therein, and if there is reasonable ground for suspecting that an offence against this Act has been committed in relation to any such drugs which may be found in the premises 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.

(6) Every person who wilfully delays or obstructs any constable or any person authorized by the Chief Medical Officer pursuant to the provisions of subsection (2) in the exercise of his powers under this section, or fails to produce, or conceals, or attempts to conceal, any such books, stocks, drugs, things or documents, as set out in this section, shall be guilty of an offence against this Act.

21A.—(1) Notwithstanding anything to the contrary in any other enactment, every person who, without lawful excuse—

- (a) encloses in or with any letter, parcel, packet or other matter sent by post, or posts any cocaine, opium, ganja or drug to which Part IV applies; or

31/1961
S. 2 (c).

10/1964
S. 2 (b).

Offence
of using
the postal
services
for drugs.
17/1987
S. 7.

- (b) uses any mailbag or mail van or other vehicle used for the carrying of mail for the transportation of any cocaine, opium, ganja or drug to which Part IV applies,

shall be guilty of an offence and shall be liable—

- (c) on conviction before a Circuit Court to imprisonment for a term not exceeding fifteen years; or
- (d) on summary conviction before a Resident Magistrate, in the case of a first conviction for such offence, to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment and in the case of a second or subsequent conviction for such offence, to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(2) In subsection (1) “mailbag”—

- (a) has the same meaning as defined in section 2 of the Post Office Act; and
- (b) includes any bag that is similar in design and construction to bags customarily used for the purpose of transporting mail.

22.—(1) Every person who—

- (a) for the purpose of obtaining, whether for himself or for any other person, the issue, grant or renewal, of any licence, permit, or authority, issued under this Act, 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 any such false declaration or statement; or
- (b) in the Island aids, abets, counsels, or procures, the commission in any place outside the Island of

Offences and penalties.

any offence punishable under the provisions of any corresponding law in force in that place, or does any act preparatory to, or in furtherance of, any act which if committed in the Island would constitute an offence against this Act; or

17/1987
S. 8 (a), (b).

(c) contravenes or fails to comply with any of the regulations made under this Act, shall be guilty of an offence against this Act.

17/1987
S. 8 (c).

(2) Every person who is guilty of the offence of importing or bringing into the Island or exporting therefrom any drug contrary to section 8, or of manufacturing or trading in any products contrary to section 11, or of manufacturing, or selling any drug or otherwise dealing therein (by way of a transaction of any description whatsoever) in contravention of any regulations made under section 9 shall be liable—

30/1994
S. 6 (a) (i).

(a) on conviction before a Circuit Court, to imprisonment for a term not exceeding thirty-five years; or

30/1994
S. 6 (a) (ii).

(b) on summary conviction before a Resident Magistrate, to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

30/1994
S. 6 (a) (ii).

17/1987
S. 8 (c).

(3) Every person who is guilty of the offence of being in possession of any drug in contravention of any regulations made under section 9 shall be liable—

30/1994
S. 6 (b) (i).

(a) on conviction before a Circuit Court to imprisonment for a term not exceeding thirty-five years; or

30/1994
S. 6 (b) (ii).

(b) on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

30/1994
S. 6 (b) (ii).

17/1987
S. 8 (c).

(4) Every person who is guilty of the offence of importing or bringing into the Island or exporting therefrom

any raw opium or coca leaves contrary to section 3 or any prepared opium shall be liable—

- (a) on conviction before a Circuit Court to imprisonment for a term not exceeding thirty-five years; or 30/1994
S. 6 (c) (i).
- (b) on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment. 30/1994
S. 6 (c) (ii).

(5) Every person who is guilty of an offence against this Act for which no penalty is otherwise provided shall on summary conviction before a Resident Magistrate be liable to a fine not exceeding fifteen thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment. 17/1987
S. 8 (c).

(6) A person, other than a person lawfully authorized, found on any school premises in possession of any cocaine, opium, ganja or drug to which Part IV applies is deemed to have such cocaine, opium, ganja or drug for the purpose of selling or otherwise dealing therein, unless the contrary is proved by him. 17/1987
S. 8 (c).

(7) A person, other than a person lawfully authorized, found in possession of more than— 17/1987
S. 8 (c).

- (a) one-tenth of an ounce of diacetyl-morphine (heroin);
- (b) one-tenth of an ounce of cocaine;
- (c) one-tenth of an ounce of morphine;
- (d) one ounce of opium; or
- (e) eight ounces of ganja,

is deemed to have such drug for the purpose of selling or otherwise dealing therein, unless the contrary is proved by him.

17/1987
S. 8 (c).

(8) In subsection (6)—

“school” includes any educational institution within the meaning of section 2 of the Education Act; and

“school premises” includes—

- (a) any buildings, playing fields or other premises established or maintained for the benefit of the pupils of a school whether or not such buildings, playing fields or other premises are within the curtilage of the school;
- (b) any premises for the time being used for the keeping of a school.

1/1961
S. 2.

(9) Where any person is convicted of an offence against this Act the Court, in addition to any other punishment, may order to be forfeited any drugs, pipes, or utensils in respect of which the offence was committed.

16/1974
S. 3 (b).

(10) Upon conviction for any offence against any regulations under this Act relating to the keeping of books or the issuing or dispensing of prescriptions containing drugs to which this Act applies, the offender—

- (a) shall not be sentenced to imprisonment without the option of a fine; and
- (b) shall be liable to a fine which shall not exceed five hundred dollars,

if the court or in the case of a conviction under subsection (2) (a) or (3) (a) the Judge 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 connection with, the commission or intended commission of any other offence against this Act.

17/1987
S. 8 (d).

(11) Every person who attempts to commit an offence against this Act or solicits or incites another person to commit such an offence shall, without prejudice to any other

liability, be liable to the same punishment and forfeiture as if he had committed an offence under this Act.

(12) Where a person convicted of an offence under this Act 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 or omission constituting the offence took place without his knowledge or consent.

(13) whenever any person to whom any licence, permit, or authority, has been issued or granted under this Act would be liable under the provisions of this Act or of any regulations made thereunder to any punishment, fine, or forfeiture, for any act, omission, neglect, or default, he shall be liable to the same punishment, fine 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, fine, or forfeiture, prescribed for such acts, omissions, neglects, or defaults, contrary to the provisions of this Act as fully and effectually as if such agent or servant had been the person to whom the licence or authority had been issued or granted.

(14) Notwithstanding the provisions of any enactment prescribing the time within which proceedings for an offence punishable on summary conviction before a Resident Magistrate may be commenced, any proceedings for an offence under this Act, or for aiding or abetting or counselling or causing or procuring such an offence, or for attempting to commit such an offence, or for soliciting or inciting another person to commit such an offence, may be commenced either within the time so prescribed or within three months from the date on which evidence sufficient in the opinion of the Director of Public Prosecutions to justify

a prosecution for the offence comes to his knowledge, whichever time is the longer, and for the purposes of this subsection a certificate purporting to be signed by the Director of Public Prosecutions as to the date on which such evidence comes to his knowledge shall be conclusive evidence thereof.

Power of
arrest.

23. Any constable may arrest without warrant any person who has committed, or attempted to commit, or is reasonably suspected by such constable of having committed or attempted to commit, an offence against this Act, if he has reasonable ground 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.

Seizure and
forfeiture
of vehicles.
10/1964
S. 4.
16/1974
S. 4 (a).

24.—(1) If any constable has reasonable cause to suspect that any conveyance is being used or has been used for the commission of any offence against this Act, he may without a warrant search and, if such search reveals evidence that the conveyance is being used or has been used for the commission of any offence as aforesaid, seize and detain such conveyance.

17/1987
S. 9.

(2) Where any conveyance is seized pursuant to this section and—

- (a) any person is convicted of an offence against this Act; and
- (b) the Court is satisfied that—
 - (i) that person owns the conveyance used in the commission of the offence; or
 - (ii) ~~that~~ the owner of the conveyance permitted it to be so used; or
 - (iii) ~~that~~ the circumstances are otherwise such that it is just so to do,

the Court shall, upon the application of the prosecution, order the forfeiture of the conveyance.