

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER D45

DRUGS (PREVENTION OF MISUSE) ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates —

Act 6/2001 s. 144(1), in force 1 November 2001
Act 7/2010, in force 1 November 2010

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DRUGS (PREVENTION OF MISUSE) ACT

PART 1

PRELIMINARY

Interpretation

1. (1) In this Act, except where the context otherwise requires—

"Advisory Council" means the Advisory Council on the Misuse of Drugs established under section 37;

"alien" means any person not regarded as belonging to Anguilla under the Constitution of Anguilla;

"analyst" means any person appointed as such by the Governor under section 31 for the purposes of this Act;

"cannabis" (except in the expression "cannabis resin") includes any plant of the genus cannabis and any part of any such plant (by whatever name called) except that it does not include cannabis resin;

"cannabis resin" means the separated resin, whether crude or purified, obtained from any plant of the genus cannabis;

"chemist and druggist" means a person registered as a chemist and druggist under the Medical Act;

"contravention" includes failure to comply and "contravene" has a corresponding meaning;

"controlled drug" has the meaning assigned thereto by section 3;

"corresponding law" has the meaning assigned thereto by section 2;

"Court", except where a particular court is specified, means the High Court or Magistrate's Court exercising jurisdiction in the first instance in a matter to which this Act applies;

"dentist" means a person registered as a dentist under the Medical Act;

"doctor" means a person registered as a medical practitioner under the Medical Act;

"practitioner" (except in the expression "veterinary practitioner") means a doctor, dentist or veterinary practitioner;

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

"prescribed" means prescribed by regulation;

"produce", where the reference is to producing a controlled drug, means producing it by manufacture, cultivation or any other method;

"production" has a corresponding meaning;

"supplying" includes distributing;

"vessel" means any thing or device capable of being used for the conveyance of goods or persons on water from one place to another and includes a hovercraft and any vessel being towed or carried by another vessel;

"veterinary practitioner" means any person in Anguilla holding a qualification entitling him to practice as a veterinary surgeon in any part of the Commonwealth or the United States of America or any person who within Anguilla is lawfully engaged in the practice and profession of veterinary surgery.

(2) References in this Act to misusing a drug are references to misusing it by taking it, and a reference to the taking of a drug is a reference to the taking of it by a human being by way of any form of self-administration, whether involving assistance by another or not.

(3) For the purposes of this Act, the things which a person has in his possession shall be taken to include anything subject to his control which is in the custody of another.

(4) Where any of two or more persons, with the knowledge and consent of the other persons, has anything in his custody or possession it shall be deemed to be in the possession of each and all of them.

Meaning of "corresponding law"

2. (1) In this Act, the expression "corresponding law" means a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside of Anguilla to be a law providing for the control and regulation in that country of the production, supply, use, export and import of drugs and other substances in accordance with the provisions of the Single Convention on Narcotic Drugs signed at New York on 30th March, 1961 or a law providing for the control and regulation in that country of the dangerous or otherwise harmful drugs in pursuance of any treaty, convention or other agreement or arrangement to which the government of that country and the Government of Anguilla are for the time being parties or to which the Government of the United Kingdom has acceded on behalf of Anguilla.

(2) A statement in any such certificate as to the effect of the law mentioned in the certificate or statement in any such certificate that any facts constitute an offence against that law shall be conclusive evidence of the matters stated.

Controlled drugs and their classification

3. (1) In this Act—

(a) the expression "controlled drug" means any substance or product specified in Part 1, 2 or 3 of Schedule 1; and

(b) the expressions "Class A drug", "Class B drug" and "Class C drug" means any of the substances and products for the time being specified respectively in Parts 1, 2 and 3 of that Schedule;

and the provisions of Part 4 of that Schedule shall have effect with respect to the meanings of expressions used in that Schedule.

(2) The Governor may by Order make such amendments in Schedule 1 as may be requisite for the purposes of adding any substance or product to, or removing any substance or product from, any of Parts 1 to 3 of the Schedule, including amendments for securing that no substance or product is for the time being specified in a particular one of those Parts or for inserting any substance or product into any one of those Parts in which no substance or product is for the time being specified.

(3) An Order under this section may amend Part 4 of Schedule 1 and may do so whether or not it amends any other Part of that Schedule.

(4) Where an Advisory Council has been established under this Act, the Governor shall not make an Order under this section except after consultation with or on the recommendation of the Council.

(5) An Order under this section is a regulation.

PART 2

RESTRICTIONS RELATING TO CONTROLLED DRUGS

Restriction on importation and exportation of controlled drugs

4. (1) Subject to subsection (2)—

(a) the importation of a controlled drug; and

(b) the exportation of a controlled drug;

are prohibited.

(2) Subsection (1) does not apply—

(a) to the importation or exportation of a controlled drug which is exempted from the provisions of subsection (1) by regulations made under section 9; or

(b) to the importation or exportation of a controlled drug under and in accordance with the terms of a licence issued by the Governor and in compliance with any conditions attached thereto.

(3) Any person who imports or exports any controlled drug contrary to subsection (1) is guilty of an offence and liable to the penalties specified in section 5.

(4) All the provisions of the Customs Act, R.S.A. c. 169, other than the provisions prescribing the penalties for importation or exportation, shall apply in relation to the importation and exportation of controlled drugs prohibited by subsection (1) as if the import and export of such drugs were prohibited, whether absolutely or subject to conditions, under that Act.

(Act 6/2001 s.144(1))

Penalties for offences under section 4

5. Any person who is guilty of an offence under section 4 is liable—

(a) where the controlled drug constituting the goods in respect of which the offence was committed was a Class A or a Class B drug—

(i) on summary conviction, to a fine of 6 times the value of the goods or $50,000, whichever is the greater, and to imprisonment for 2 years, and

(ii) on conviction on indictment, to a fine of such amount as the Court may determine and to imprisonment for 10 years; and

(b) where the controlled drug constituting the goods in respect of which the offence was committed was a Class C drug—

(i) on summary conviction, to a fine of 6 times the value of the goods or $10,000, whichever is the greater, and to imprisonment for 2 years, and

(ii) on conviction on indictment, to a fine of such amount as the Court may determine and to imprisonment for 5 years.

Restriction of production and supply of controlled drugs

6. (1) Subject to any regulations made under section 9, it is unlawful for a person—

(a) to produce a controlled drug; or

(b) to supply or offer to supply a controlled drug to another.

(2) Subject to section 33, any person who—

(a) produces a controlled drug in contravention of subsection (1); or

(b) is concerned in the production by another of such a drug in contravention of that subsection;

is guilty of an offence.

(3) Subject to section 33, any person who—

(a) supplies or offers to supply a controlled drug to another in contravention of subsection (1);

(b) is concerned in the supplying of such a drug to another in contravention of that subsection; or

(c) is concerned in the making to another, in contravention of that subsection, of an offer to supply such a drug;

is guilty of an offence.

Restriction of possession of controlled drugs

7. (1) Subject to any regulations made under section 9, it is unlawful for a person to have a controlled drug in his possession.

(2) Subject to subsection (4) and section 33, any person who has a controlled drug in his possession in contravention of subsection (1) is guilty of an offence.

(3) Subject to section 33, any person who has a controlled drug in his possession, whether lawfully or not, with intent to supply it to another in contravention of section 6 is guilty of an offence.

(4) In any proceedings for an offence under subsection (2) in which it is proved that the person charged had a controlled drug in his possession, it shall be a defence for him to prove—

(a) that, knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of preventing another from committing or continuing to commit an offence in connection with that drug and that, as soon as possible after taking possession of it, he took all such steps as were reasonably open to him to destroy the drug or to deliver it into the custody of a police officer; or

(b) that, knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of delivering it into the custody of such an officer.

(5) Subsection (4) shall apply in the case of proceedings for an offence under section 20 consisting of an attempt to commit an offence under subsection (2) as it applies in the case of proceedings for an offence under subsection (2) subject to the following modifications—

(a) for the references to the person charged having in his possession and to his taking possession of a controlled drug there shall be substituted respectively references to his attempting to get and to his attempting to take possession of such drug; and

(b) in paragraphs (a) and (b), the words from "and that, as soon as possible" to the end shall be omitted.

(6) Nothing in subsection (4) or (5) shall prejudice any defence which it is open to a person charged with an offence against this section to raise apart from that subsection.

Restriction of cultivation of plant of the genus cannabis

8. (1) Subject to any regulations made under section 9, it is unlawful for a person to cultivate any plant of the genus cannabis.

(2) Subject to section 33, any person who cultivates any plant in contravention of subsection (1) is guilty of an offence.

(3) Where any plant of the genus cannabis is found growing on any property, the owner, lessee, tenant or other person having actual control of the property is guilty of an offence unless he proves that he—

(a) neither—

(i) knew or suspected, nor

(ii) had reason to know or suspect,

that such plant was growing on the property; and

(b) had taken all reasonable steps to prevent cultivation or growth of such plant on the property.

Authorisation of activities otherwise unlawful

9. (1) The Governor may by regulation—

(a) exempt from section 4(1), 6(1) or 7(1) such controlled drugs as he may specify; and

(b) make such other provisions as he thinks fit for the purpose of making it lawful for a person to do anything which would otherwise be unlawful under section 6(1), 7(1) and 8(1).

(2) Without prejudice to the generality of paragraph (1)(b), regulations made under that paragraph may provide for the doing of anything—

(a) if it is done under and in accordance with the terms of a licence or another authority issued by the Governor and in compliance with any conditions attached thereto; or

(b) if it is done in compliance with such conditions as may be prescribed.

(3) Subject to subsection (4), the Governor shall exercise his power to make regulations under subsection (1) so as to secure that it is not unlawful under —

(a) section 6(1) for a practitioner, acting in his capacity as such, to prescribe, administer, manufacture, compound or supply a controlled drug, or for a chemist and druggist or person lawfully conducting a retail chemist and druggist business acting in either case in his capacity as such, to manufacture, compound or supply a controlled drug; and

(b) section 7(1) for a practitioner, chemist and druggist or person lawfully conducting a retail chemist and druggist business, to have a controlled drug in his possession for the purpose of acting in his capacity as such.

(4) If, in the case of any controlled drug, the Governor is of the opinion that it is in the public interest—

(a) for production, supply and possession of that drug to be either wholly unlawful or unlawful except for the purposes of research or other special purposes; or

(b) for it to be unlawful for practitioners, chemists and druggists to do in relation to that drug any of the things mentioned in subsection (3) except under a licence or other authority issued by the Governor;

he may, by Order, designate that drug as a drug to which this subsection applies and, while there is in force such an Order, subsection (3) shall not apply as regards that drug.

(5) References in this section to a person "doing" things include references to his having things in his possession.

(6) An Order under subsection (4) is a regulation.

PART 3

MISCELLANEOUS OFFENCES INVOLVING CONTROLLED DRUGS, ETC.

Occupiers of premises to be punishable for permitting certain activities to take place there

10. Any person who, being the owner, occupier or concerned in the management of any premises, knowingly permits or suffers any of the following activities to take place on those premises—

(a) producing or attempting to produce a controlled drug in contravention of section 6(1);

(b) supplying or attempting to supply a controlled drug to another in contravention of section 6(1) or offering to supply a controlled drug to another in contravention of section 6(1);

(c) preparing opium for smoking;

(d) smoking cannabis, cannabis resin or prepared opium;

is guilty of an offence.

Prohibition of certain activities, etc. relating to opium

11. (1) Subject to section 33 and to section 7(4) and (5) as applied by subsection (2), any person who—

(a) smokes or otherwise uses prepared opium;

(b) frequents a place used for the purpose of opium smoking; or

(c) has in his possession—

(i) any pipes or other utensils for use in connection with the smoking of opium, or

(ii) any utensils used in connection with the preparation of opium for smoking;

is guilty of an offence.

(2) Section 7(4) and (5) shall apply in relation to an offence under paragraph (1)(c) as they apply in relation to an offence under section 7(2) subject to the modification that for any reference to a controlled drug there is substituted a reference to a pipe or other utensil such as is mentioned in paragraph (1)(c).

(3) Nothing in section 7(4) or (5) as applied by subsection (2) shall prejudice any defence which it is open to a person charged with an offence against this section to raise apart from that subsection.

Prohibition of supply, etc. of articles for administering or preparing controlled drugs

12. (1) Any person who supplies or offers to supply any article which may be used or adapted to be used (whether by itself or in combination with another article or other articles) in the administration by any person of a controlled drug to himself or another, believing that the article (or the article as adapted) is to be so used in circumstances where the administration is unlawful, is guilty of an offence.

(2) It is not an offence under subsection (1) to supply or offer to supply a hypodermic syringe, or any part of one.

(3) Any person who supplies or offers to supply any article which may be used to prepare a controlled drug for administration by any person to himself or another, believing that the article is to be used in circumstances where the administration is unlawful, is guilty of an offence.

(4) For the purposes of this section, any administration of a controlled drug is unlawful except—

(a) the administration by any person of a controlled drug to another in circumstances where the administration of the drug is not unlawful under section 6; or

(b) the administration by any person of a controlled drug to himself in circumstances where having the controlled drug in his possession is not unlawful under section 7(1).

(5) In this section, a reference to administration by any person of a controlled drug to himself includes a reference to his administering it to himself with the assistance of another.

Special offence as to possession of controlled drugs in certain circumstances

13. (1) Without prejudice to any liability for the commission of an offence under this Act or any other law, any person who has in his possession any controlled drug with intent to sell or transfer such controlled drug to another in contravention of this Act, or for the purpose of the commission of any other offence, is guilty of an offence.

(2) For the purposes of subsection (1), where any controlled drug is found in any vessel, aircraft or vehicle within Anguilla or the territorial waters thereof—

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

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

(3) Nothing in paragraph (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 Anguilla or elsewhere, or are *bona fide* stores on any vessel or aircraft in the custody of the proper officer authorised for the purpose.

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

(5) Where any person is convicted of an offence under this section, the Court may order that the vessel, aircraft or vehicle, if any, used for the purpose of conveying the controlled drug be forfeited and, upon such order being made, the vessel, aircraft or vehicle shall, unless an application under subsection (6) is successful, be sold and the proceeds of sale paid into the Consolidated Fund.

(Act 7/2010, s. 26)

(6) Where any vessel, aircraft or vehicle is ordered to be forfeited under subsection (5), the owner of such vessel, aircraft or vehicle may make within 7 days of such order a claim to the Court making such order for the vessel, aircraft or vehicle to be restored to him.

(7) Where a claim is made to the Court under subsection (6), the Court may, subject to subsection (8), order that the vessel, aircraft or vehicle be restored to the owner.

(8) The Court shall not make an order under subsection (7) unless it is satisfied that the owner, charterer or master of the vessel, aircraft or vehicle, as the case may be—

(a) did not permit any person convicted of an offence under subsection (1) to use the vessel, aircraft or vehicle for the purpose of conveying any controlled drug in respect of which the offence was committed; and

(b) had no knowledge that any person convicted of an offence under subsection (1) would use the vessel, aircraft or vehicle for the purpose of conveying any controlled drug in respect of which the offence was committed.

PART 4

PREVENTING THE MISUSE OF CONTROLLED DRUGS

Power to make regulations for preventing misuse of controlled drugs

14. (1) Subject to the provisions of this Act, the Governor may make such regulations as appear to him necessary or expedient for preventing the misuse of controlled drugs.

(2) Without prejudice to the generality of subsection (1), regulations under this section may make provision—

(a) requiring precautions to be taken for the safe custody of controlled drugs;

(b) imposing requirements as to the documentation of transactions involving controlled drugs, and requiring copies of documents relating to such transactions to be furnished to the prescribed authority;

(c) requiring the keeping of records and the furnishing of information with respect to controlled drugs in such circumstances and in such manner as may be prescribed;

(d) for the inspection of any precaution taken or records kept in pursuance of regulations made under this section;

(e) as to the packaging and labelling of controlled drugs;

(f) regulating the transport of controlled drugs and the methods used for destroying or otherwise disposing of such drugs when no longer required;

(g) regulating the issue of prescriptions containing controlled drugs and the supply of controlled drugs on prescription, and requiring persons issuing or dispensing prescriptions containing such drugs to furnish such information relating to those prescriptions as may be laid down;

(h) requiring any doctor who attends a person whom he considers, or has reasonable ground to suspect, is addicted to controlled drugs of any description to furnish to the prescribed authority such particulars with respect to that person as may be prescribed;

(i) prohibiting any doctor from administering, supplying or authorising the administration and supply to persons so addicted, or prescribing for such persons such controlled drugs as may be prescribed, except under and in accordance with the terms of a licence issued by the Governor in pursuance of the regulations;

(j) prescribing the procedure to be followed in the taking, transmission and analysis of samples of substances suspected to be controlled drugs and providing that an analyst's certificate that the prescribed procedure has been followed shall be accepted as evidence by the Court.

Power to direct special precautions for safe custody of controlled drugs to be taken at certain premises

15. (1) Without prejudice to any requirement imposed by regulations made in pursuance of section 14(2)(a), the Governor may by notice in writing served on the occupier of any premises on which controlled drugs are, or are proposed to be, kept, give directions as to the taking of precautions or further precautions for the safe custody of such types of controlled drugs, as are specified in the notice, which are kept on those premises.

(2) Any person who contravenes any directions given under subsection (1) is guilty of an offence.

Directions prohibiting supply, etc. of controlled drugs by practitioners, etc. convicted of certain offences

16. (1) Where a person who is a practitioner or a chemist or druggist has been convicted of an offence under this Act or under section 11 or 12 of the Criminal Justice (International Co-operation) (Anguilla) Act, the Governor may give a direction in writing under subsection (2) in respect of that person.

(2) A direction under subsection (1) shall—

(a) if that person is a practitioner, be a direction prohibiting him from having in his possession, prescribing, administering, manufacturing, compounding and supplying

and from authorising the administration and supply of such controlled drugs as may be specified in the direction; or

(b) if that person is a chemist or druggist, be a direction prohibiting him from having in his possession, manufacturing, compounding and supplying and from supervising and controlling the manufacture, compounding and supply of such controlled drugs as may be specified in the direction.

(3) The Governor shall cause a copy of any direction given by him under subsection (2) to be served on the person to whom it applies, and shall cause notice of such direction to be published in the *Gazette*.

(4) A direction under this section shall take effect when a copy of it is served on the person to whom it applies.

(5) Any person who contravenes a direction given under subsection (2) is guilty of an offence.

Directions prohibiting prescribing, etc. of controlled drugs by practitioners in other cases

17. (1) In the event of a contravention by a doctor of regulations made in pursuance of section 14(2)(h) or (i) or of the terms of a licence issued under the regulations made in pursuance of section 14(2)(i), the Governor may give a direction in writing to the doctor concerned prohibiting him from prescribing, administering and supplying and from authorising the administration and supply of such controlled drugs as may be specified in the direction.

(2) If the Governor is of the opinion that a practitioner is or has been prescribing, administering, supplying or authorising the administration or supply of any controlled drugs in an irresponsible manner, the Governor may give a direction in writing to the practitioner concerned prohibiting him from prescribing, administering and supplying and from authorising the administration and supply of such controlled drugs as may be specified in the direction.

(3) Where the Governor proposes to give a direction under subsection (1) or (2), he shall refer the case to the Advisory Council and it shall be the duty of the Advisory Council after affording the doctor or practitioner, as the case may be, an opportunity of being heard, to consider the circumstances of the case and to report to the Governor whether the information before the Advisory Council affords reasonable grounds for thinking that there has been such conduct by the doctor or practitioner, as the case may be, as is mentioned in subsection (1) or (2), and the Governor shall not give any directions as aforesaid unless the Advisory Council reports that the information before it affords such reasonable grounds.

(4) A contravention such as is mentioned in subsection (1) does not as such constitute an offence, but any person who contravenes a direction given under subsection (1) or (2) is guilty of an offence.

Power to obtain information from doctors, chemists and druggists, etc. in certain circumstances

18. (1) If it appears to the Governor that there exists in Anguilla a social problem caused by the extensive misuse of dangerous or otherwise harmful drugs, he may, by notice in writing served on any doctor, chemist or druggist practising in Anguilla, require him to furnish to the Governor with respect to any such drugs specified in the notice and as regards any period so specified such particulars as may be so specified relating to the quantities in which and the number and frequency of the occasions on which those drugs—

(a) in the case of a doctor, were prescribed, administered or supplied by him; and

(b) in the case of a chemist or druggist, were supplied by him.

(2) A notice under subsection (1) may require any such particulars to be furnished in such manner and within such time as may be specified in the notice and, if served on a chemist or druggist, may require him to furnish the names and addresses of doctors on whose prescriptions any dangerous or otherwise harmful drugs to which the notice relates were supplied, but shall not require any person to furnish particulars relating to the identity of any person for or to whom any such drug has been prescribed, administered or supplied.

(3) Any person who, without reasonable excuse (proof of which shall lie upon him), fails to comply with any requirement to which he is subject by virtue of subsection (1) is guilty of an offence.

(4) Any person who, in purported compliance with a requirement imposed under this section, gives any information which he knows to be false in a material particular, or recklessly gives any information which is so false, is guilty of an offence.

PART 5

MISCELLANEOUS OFFENCES AND POWERS

Miscellaneous offences

19. (1) Any person who contravenes any regulations made under this Act, other than regulations made in pursuance of section 14(2)(h) or (i), is guilty of an offence.

(2) Any person who contravenes any condition or other term of a licence issued under section 4 or of a licence or other authority issued under regulations made under this Act, not being a licence issued under regulations made in pursuance of section 14(2)(i), is guilty of an offence.

(3) Any person who, in purported compliance with any obligation to give information to which he is subject under or by virtue of regulations made under this Act, gives any information which he knows to be false in any material particular, or recklessly gives any information which is false, is guilty of an offence.

(4) Any person who, for the purpose of obtaining, whether for himself or another, the issue or renewal of a licence or other authority under this Act or under any regulation made hereunder—

(a) makes any statement or gives any information which he knows to be false in a material particular or recklessly gives any information which is so false; or

(b) produces or otherwise makes use of any book, record or other document which to his knowledge contains any statement or information which he knows to be false in a material particular;

is guilty of an offence.

Attempts, etc. to commit offences

20. Any person who attempts to commit an offence under any provision of this Act or who incites another to commit such an offence is guilty of an offence.

Offences relating to the doing of things outside of Anguilla

21. (1) Any person who in Anguilla does any act preparatory to, or in furtherance of, the commission in any place outside of Anguilla of any act which, if committed in Anguilla would constitute an offence under this Act, is guilty of an offence, and for the purposes of this subsection having something in one's possession shall be taken to be an act.

(2) Any person who in Anguilla assists in or induces the commission in any place outside of Anguilla of an offence punishable under the provisions of a corresponding law in that place is guilty of an offence.

Offences by corporations

22. Where any offence under this Act or Part 3 of the Criminal Justice (International Co-operation)(Anguilla) Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate is guilty of that offence and is liable to be proceeded against accordingly.

Further power to make regulations

23. The Governor may, by regulation, make provision—

(a) for excluding in such cases as may be prescribed the application of any provision of this Act which creates an offence; and

(b) for the application of any of the provisions of this Act or regulations or orders thereunder to servants or agents of the Crown, subject to such exceptions, adaptations and modifications as may be prescribed.

PART 6

LAW ENFORCEMENT AND PUNISHMENT OF OFFENCES

Powers to search and obtain evidence

24. (1) A police officer or other person duly authorised in writing in that behalf, either generally or specifically, by the Governor shall, for the purposes of the execution of this Act, have power to enter the premises of any person carrying on business as a producer or supplier of any controlled drugs 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 police officer has reasonable grounds to suspect that any person is in possession of a controlled drug in contravention of this Act, the police officer may, subject to subsections (6) and (7)—

(a) search that person, and detain him for the purpose of searching him;

(b) search any vessel, aircraft or vehicle in which the police officer suspects that the drug may be found, and for that purpose require the person in control of the vessel, aircraft or vehicle to stop it; and

(c) seize and detain, for the purpose of proceedings under this Act, anything found in the course of the search which appears to the police officer to be evidence of an offence under this Act.

(3) If the Magistrate or a Justice of the Peace is satisfied by information on oath or affirmation that there is reasonable ground for suspecting—

(a) that any controlled drugs are, in contravention of this Act or of any regulations made under this Act, in the possession of a person on any premises; or

(b) that a document directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would if carried out be, an offence under this Act, or in the case of a transaction or dealing carried out or intended to be carried out in a place outside of Anguilla, an offence against the provisions of a corresponding law in force in that place, is in the possession of a person on any premises or in any place within Anguilla;

he may issue a warrant authorising any police officer at any time or times within 1 month from the date of issue of the warrant to enter, if need be by force, the premises or place named therein and to search such premises or place and any persons found therein and, if there is reasonable ground for suspecting that an offence under this Act has been committed in relation to any controlled drugs found on the premises or in the possession of any such persons, or that a document so found is such a document as is mentioned in paragraph (b), to seize and detain those drugs or that document, as the case may be.

(4) The powers conferred by subsection (1) shall be exercisable also for the purposes of the execution of Part 3 of the Criminal Justice (International Co-operation)(Anguilla) Act and subsection (3) (excluding paragraph (a)) shall apply also to offences under sections 11 or 12 of that Act, taking references in those provisions to controlled drugs as references to scheduled substances within the meaning of that Part.

(5) Where any controlled drug is found on any premises searched under this section or in any vessel, aircraft or vehicle stopped under this section, the police officer who has made the search or stopped the vessel, aircraft or vehicle, as the case may be, may arrest any person in such premises or in such vessel, aircraft or vehicle whom he has reason to believe is guilty of an offence under this Act, other than an offence under section 8(2).

(6) Any person who—

(a) intentionally obstructs a person in the exercise of his powers under this section;

(b) being the person in control of a vessel, aircraft or vehicle fails to stop it when required to do so by a police officer under paragraph (2)(b);

(c) being a person being conveyed in a vessel, aircraft or vehicle, prevents or intimidates the person in control of or any other person operating the vessel, aircraft or vehicle from stopping it when required to do so by a police officer under paragraph (2)(b);

(d) without the permission of the police officer concerned, leaves a vessel, aircraft or vehicle which has been stopped by a police officer under paragraph (2)(b);

(e) conceals from a person acting in the exercise of his powers under subsection (1) any such books, documents, or stocks of drugs as are mentioned in that subsection; or

(f) without reasonable excuse (proof of which shall lie upon him) fails to produce any such books or documents as are mentioned where their production is demanded by a person in exercise of his powers under that subsection;

is guilty of an offence.

(7) No person shall be searched by any person of the opposite sex unless the consent of the person to be searched has first been obtained.

(8) No article of a person's clothing may be removed from his person during a search at any place other than within a police station.

(9) Nothing in this section shall prejudice any power of search or any power to seize and detain property which is exercisable apart from this section.

Power of arrest

25. (1) A police officer may arrest without warrant a person who has committed, or whom the police officer with reasonable cause suspects to have committed, an offence under this Act if—

(a) he believes that the person will abscond unless arrested;

(b) the name and address of that person are not known to him or cannot be ascertained by him; or

(c) he is not satisfied that a name and address furnished by that person as his name and address are true.

(2) This section is without prejudice to any other power of arrest exercisable apart from this section.

Powers of naval officer

26. (1) The captain of any ship belonging to the Royal Navy, and any person acting under the command of such captain, shall have all the powers vested in a police officer under—

(a) section 13(2)(a);

(b) section 24(2)(b) and (5); and

(c) section 25(1);

to stop, search, seize and detain any vessel, aircraft or vehicle and to search, detain and arrest any person thereon, suspected of conveying controlled drugs within the territorial waters of Anguilla.

(2) Where the captain, or any person acting under his orders—

(a) finds any controlled drug in any vessel or aircraft—

(i) seized under section 13(2)(a),

(ii) searched under section 24(2)(b), or

(iii) in the possession of any person thereon and detained under section 24(2);

(b) arrests any person in such vessel or aircraft under section 25; or

(c) finds anything in the course of a search of such vessel or aircraft under section 24(2)(c) which appears to such captain or other person to be evidence of an offence under this Act;

such captain or other person shall take such vessel, aircraft, person or thing as soon as may be practical to a police officer.

Report of loss or theft of controlled drug

27. (1) Any person who has a controlled drug lawfully in his possession who discovers the loss or theft of such controlled drug shall, as soon as possible and in any event not later than 24 hours after such discovery, report the loss or theft at the nearest police station.

(2) Any person who fails to report the loss or theft of a controlled drug as required by subsection (1) is guilty of an offence and is liable on summary conviction to imprisonment for 2 years and to a fine of $2,000.

Prosecution and punishment of offences

28. (1) Schedule 2 shall have effect, in accordance with subsection (2), regarding the way in which offences under this Act are punishable on conviction.

(2) In relation to an offence under a provision of this Act specified in Column 1 of Schedule 2 (the general nature of the offence being described in Column 2)—

(a) Column 3 shows whether the offence is punishable on summary conviction, on indictment or in either way;

(b) Columns 4, 5 and 6 show respectively the punishments which may be imposed on a person convicted of the offence in the way specified in relation thereto in Column 3 (that is to say, summarily or on indictment) according to whether the controlled drug in relation to which the offence was committed was a Class A drug, a Class B drug or a Class C drug; and

(c) Column 7 shows the punishments which may be imposed on a person convicted of the offence in the way specified in relation thereto in Column 3 (that is to say, summarily or on indictment), whether or not the offence was committed in relation to a

controlled drug and, if it was so committed, irrespective of whether the drug was a Class A drug, a Class B drug or a Class C drug;

and in Columns 4, 5, 6 and 7, a reference to a period gives the maximum term of imprisonment and a reference to a sum of money, the maximum fine.

(3) An offence under section 20 or 21 shall be punishable on summary conviction, on indictment or in either way according to whether, under Schedule 2, the substantive offence is punishable on summary conviction, on indictment or in either way, and the punishments which may be imposed on a person convicted of an offence under section 20 or 21 are the same as those which, under that Schedule, may be imposed on a person convicted of the substantive offence.

(4) In subsection (3), the "substantive offence"—

(a) in relation to an offence under section 20, means the offence under this Act to which the attempt or the incitement, as the case may be, is directed; and

(b) in relation to an offence under section 21 consisting of the doing of an act preparatory to, or in the furtherance of, the commission in a place outside of Anguilla of an act (hereinafter called the "overseas act") which, if committed in Anguilla, would constitute an offence under this Act which the overseas act would constitute if committed in Anguilla.

(5) Notwithstanding anything contained in any other Act, the Magistrate's Court may try a charge for an offence under this Act if the charge was laid at any time within 12 months from the commission of the offence.

(6) For the avoidance of doubt, notwithstanding the provisions of any other law, where a person is convicted upon summary trial of an offence against this Act, or of any regulations made thereunder, the Court by which he is convicted may impose any sentence authorised in respect of such offence on summary conviction.

(7) Where an offence is triable summarily or on indictment, the offence shall be tried on indictment unless the Attorney General, in writing, directs that it be tried summarily.

(8) Notwithstanding anything contained in any other law, where an offence—

(a) is only triable summarily; or

(b) is triable summarily or on indictment and the Attorney General has directed, under subsection (7), that it be tried summarily;

the accused shall have no right to elect to be tried on indictment other than where the offence is against section 13(1).

Forfeiture

29. (1) Subject to subsection (2), the Court by or before which a person is convicted of an offence under this Act may order anything shown to the satisfaction of the Court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the Court may order.

(2) The Court shall not order anything to be forfeited under this section where a person claiming to be the owner of or otherwise interested in it applies to be heard by the Court and an opportunity has been given to him to show cause why the order should not be made.

Removal orders

30. (1) Where an alien is convicted of any offence under this Act, the Governor may, within 6 months after the date of such conviction, by Order under his hand, order the alien to be removed from Anguilla.

(2) Any alien so ordered to be removed shall be placed on board a suitable vessel or aircraft by any police or immigration officer and may be lawfully detained in custody on board so long as the vessel is within the territorial waters of Anguilla or so long as the aircraft is within Anguilla and, if any person so removed enters or attempts to re-enter Anguilla whilst a removal order is in force against him, he may be dealt with in like manner.

(3) Where an alien who is ordered to be removed from Anguilla under this section is serving a sentence of imprisonment, the Governor may give directions as to whether the whole or what part of the sentence is to be served before removal. In default of such directions, the alien shall be removed after completion of the sentence and any removal order made shall be of full force and effect notwithstanding that more than 6 months have elapsed since conviction.

(4) Any person who has been removed from Anguilla under the provisions of this section who, without the permission in writing of the Governor, enters or attempts to enter Anguilla is guilty of an offence and liable to imprisonment for 2 years.

PART 7

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Appointment of analysts

31. The Governor may by notice in the *Gazette* appoint such persons as he thinks fit to be analysts for the purposes of this Act.

Certificate of analyst admissible in evidence

32. (1) Subject to subsections (2) and (3) and notwithstanding the provisions of any other law, a certificate of an analyst stating that he has analysed or examined a substance and stating the result of such analysis or examination is admissible in evidence in any prosecution under this Act, and, in the absence of evidence to the contrary, is proof of the statements contained therein and no evidence shall be required by the Court as to the signature or qualifications of the person purporting to have signed the certificate.

(2) No certificate shall be received in evidence unless the party intending to produce it has given to the other parties not less than 7 days notice of such intention and has furnished them with such notice a copy of the certificate.

(3) The Court may, on the application of either party, and shall, if it considers it necessary in the interests of justice, require the attendance of such analyst to give evidence on oath or affirmation.

Proof of lack of knowledge, etc. to be a defence in proceedings for certain offences

33. (1) This section applies only to offences under sections 6(2) and (3), 7(2) and (3), 8(2) and 11(1) and attempts to commit offences under any of those provisions.

(2) Subject to subsection (3), in any proceedings for an offence to which this section applies, it shall be a defence for the person charged to prove that he neither knew of nor suspected nor had reason to suspect the existence of some fact alleged by the prosecution which it is necessary for the prosecution to prove if he is to be convicted of the offence charged.

(3) Where, in any proceedings for an offence to which this section applies, it is necessary, if the person charged is to be convicted of the offence charged, for the prosecution to prove that some substance or product involved in the alleged offence was the controlled drug which the prosecution alleges it to have been, and it is proved that the substance or product in question was that controlled drug, the person charged—

(a) shall not be acquitted of the offence charged by reason only of proving that he neither knew nor suspected nor had reason to suspect that the substance or product in question was the particular controlled drug alleged;

but—

(b) shall be acquitted thereof—

(i) if he proves that he neither believed nor suspected nor had reason to suspect that the substance or product in question was a controlled drug, or

(ii) if he proves that he believed the substance or product in question to be a controlled drug, or a controlled drug of a description, such that, if it had in fact been that controlled drug or a controlled drug of that description, he would not at the material time have been committing any offence to which this section applies.

(4) Nothing in this section shall prejudice any defence which it is open to a person charged with an offence to which this section applies to raise apart from this section.

Service of documents

34. (1) Any notice or other document required or authorised by any provision of this Act to be served on any person may be served on him either by delivering it to him or by leaving it at his last known address or by sending it by registered post.

(2) Any notice or other document so required or authorised to be served on a body corporate shall be duly served if it is served on the secretary or any director of that body at the registered or principal office of that body.

Licences and authorities

35. A licence or other authority issued by the Governor for the purposes of this Act or of regulations made hereunder may be, to any degree, general or specific, issued on such terms and subject to such conditions including, in the case of a licence, the payment of a prescribed fee as the Minister thinks proper, and may be modified or revoked by him at any time.

General provisions as to regulations

36. Without derogating from the generality of the powers conferred upon him, regulations made by the Governor may—

(a) make different provisions in relation to different controlled drugs, different classes of persons, different provisions of this Act or other different cases or circumstances;

(b) make the opinion, consent or approval of a prescribed authority, or of any person authorised in a prescribed manner, material for the purpose of the regulations; and

(c) contain such supplementary, incidental and transitional provisions as appear expedient to the Governor.

Advisory Council

37. (1) The Governor may constitute by order in accordance with Schedule 3, an Advisory Council on the Misuse of Drugs, and the supplementary provisions contained in that Schedule shall have effect in relation to the Council.

(2) It shall be the duty of the Advisory Council to keep under review the situation in Anguilla with respect to drugs which are being or appear to them likely to be misused and of which the misuse is having or appears to them capable of having harmful effects sufficient to constitute a social problem and to give the Governor advice on measures (whether or not involving alteration of the law) which in the opinion of the Council ought to be taken for preventing the misuse of such drugs or dealing with social problems connected with their misuse, and in particular on measures which in the opinion of the Council ought to be taken—

(a) for restricting the availability of such drugs or supervising the arrangements for their supply;

(b) for enabling persons affected by the misuse of such drugs to obtain proper advice, and for securing the provision of proper facilities and services for the treatment, rehabilitation and after-care of such persons;

(c) for promoting co-operation between the various professional and community services which in the opinion of the Council have a part to play in dealing with social problems connected with the misuse of drugs;

(d) for educating the public (and in particular the young) in the dangers of misusing such drugs, and for giving publicity to those dangers; and

(e) for promoting research into, or otherwise obtaining information about, any matter which in the opinion of the Council is of relevance for the purpose of preventing the misuse of such drugs or dealing with any social problem connected with their misuse.

(3) It shall also be the duty of the Council to consider any matter relating to drug dependence or the misuse of drugs which may be referred to them by the Governor and to advise the Governor thereon.

Citation

38. This Act may be cited as the Drugs (Prevention of Misuse) Act, Revised Statutes of Anguilla, Chapter D45.

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SCHEDULE 1

(Section 3)

CONTROLLED DRUGS

PART 1

CLASS A DRUGS

1. The following substances and products—

(a) Acetorphine

Alfentanil

Allylprodine

Alphacetylmethadol

Alphameprodine

Alphamethadol

Alphaprodine

Anileridine

Benzethidine

Benzylmorphine (3-benzylmorphine)

Betacetylmethadol

Betameprodine

Betamethadol

Betaprodine

Bezitramide

Bufotenine

Cannabinol, except where contained in cannabis or cannabis resin

Cannabinol derivatives

Carfentanil

Clonitazene

Coca leaf

Cocaine

Desomorphine

Dextromoramide

Diamorphine

Diampromide

Diethylthiambutene

Difenoxin (1-3-cyano-3, 3-diphenylpropyl -4-phenylpi-peridine-4-carboxylic acid)

Dihydrocodeinone O-carboxymet-hyloxime

Dihydromorphine

Dimenoxadole

Dimepheptanol

Dimethylthiambutene

Dioxaphetyl butyrate

Diphenoxylate

Dipipanone

Dronabinol

Drotebanol (3, 4-dimethoxy-17-methylmorphinan-6, 14-diol)

Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine

Ethylmethylthiambutene

Eticyclidine

Etonitazene

Etorphine

Etoxeridine

Fentanyl

Furethidine

Hydrocodone

Hydromorphinol

Hydromorphone

Hydroxypethidine

Isomethadone

Ketobemidone

Levomethorphan

Levomoramide

Levophenacylmorphan

Levorphanol

Lofentanil

Lysergamide

Lysergide and other N-alkyl derivatives of lysergamide

Mescaline

Metazocine

Methadone

Methadyl acetate

Methyldesorphine

Methyldihydromorphine (6-methyl-dihydromorphine)

Metopon

Morpheridine

Morphine

Morphine methobromide, N-oxide and other pentavalent nitrogen morphine derivatives

Myrophine

Nicomorphine (3, 6-dinicotinoyl-morphine)

Noracymethadol

Norlevorphanol

Normethadone

Normorphine

Norpipanone

Opium, whether raw, prepared or medicinal

Oxycodone

Oxymorphone

Pethidine

Phenadoxone

Phenampromide

Phenazocine

Phencyclidine

Phenomorphan

Phenoperidine

Piminodine

Piritramide

Poppy-straw and concentrate of poppy-straw

Properidine (1-methyl-4-phenyl-piperidine-4-carboxylic acid isopropyl ester)

Propheptazine

Psilocin

Racemethorphan

Racemoramide

Racemorphan

Rolicyclidine

Sufentanil

Tenocylidine

Thebacon

Thebaine

Tilidate

Trimeperidine

4-Bromo-2, 5-dimethoxy-methylphenethylamine

4-Cyano-2-dimenthylamino-4, 4-diphenylbutane

4-Cyano-1-methyl-4-phenyl piperidine

N,N-Diethyltryptamine

N,N-Dimethyltryptamine

2,5-Dimethoxy-, 4-dimethyl phenethylamine

N-Hydroxy-tenamphetamine

1-Methyl-4-phenylpiperidine-4-carboxylic acid

2-Methyl-3-morpholino-1, 1-diphenyl-propanecarboxylic acid

4-Methyl-aminorex

4-Phenylpiperidine-4-carboxylic acid ethyl ester;

(b) any compound (not being a compound for the time being specified in paragraph (a)) structurally derived from tryptamine or from a ring-hydroxy tryptamine by substitution at the nitrogen atom of the sidechain with one or more alykyl substituents but no other substituent;

(c) any compound (not being methoxyphenamine or a compound for the time being specified in paragraph (a)) structurally derived from phenethylamine, an N-alkylphenethylamine, -methylphenathylamine, an N-alkyl -methylphenethylamine -ethylphenathylamine, or an N-alkyl -ethylphenethylamine by substitution in the ring to any extent with alkyl, alkoxy, alkylene-dioxy or halide substituents, whether or not further substituted in the ring by one or more univalent substituents.

2. Any stereoisomeric form of a substance for the time being specified in section 1 not being dextromethorphan or dextrophan.

3. Any ester or ether of a substance for the time being specified in sections 1 or 2 not being a substance for the time being specified in Part 2.

4. Any salt of a substance for the time being specified in any of sections 1 to 3.

5. Any preparation or other product containing a substance or product for the time being specified in any of sections 1 to 4.

6. Any preparation designed for administration by injection which includes a substance or product for the time being specified in any of sections 1 to 3 of Part 2.

PART 2

CLASS B DRUGS

1. The following substances and products—

(a)

Acetyldihydrocodeine	Methylamphetamine
Amphetamine	Methylphenidate
Cannabis and Cannabis resin	Methylphenobarbitone
Codeine	Nicocodine
Dihydrocodeine	Nicodicodine (6-nicotinoyldi hydrocodeine)
Ethylmorphine (3-ethylmorphine)	Norcodeine
Glutethimide	Pentazocine
Lefetamine	Phenmetrazine
Mecloqualone	Pholcodine
Methaqualone	Propiram;

(b) any 5,5 disubstituted barbituric acid.

2. Any stereoisomeric form of a substance for the time being specified in section 1 of this Part.

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

4. Any preparation or other product containing a substance or product for the time being specified in any of sections 1 to 3 of this Part, not being a preparation falling within section 6 of Part 1 of this Schedule.

PART 3

CLASS C DRUGS

1. The following substances—

Alprazolam	Haloxazolam
Benzphetamine	Ketazolam
Bromazepam	Loprazolam
Buprenorphine	Lorazepam
Camazepam	Lormetazepam
Cathine	Mazindol
Cathinone	Medazepam
Chlordiazepoxide	Mefenorex
Chlorphentermine	Mephentermine
Clobazam	Meprobamate
Clonazepam	Methyprylone
Clorazepic acid	Midazolam
Clotiazepam	N-Ethylamphetamine

Cloxazolam	Nimetazepam
Delorazepam	Nitrazepam
Dextropropoxyphene	Nordazepam
Diazepam	Oxazepam
Diethlypropion	Oxazolam
Estazolam	Pemoline
Ethchlorvynol	Phendimetrazine
Ethinamate	Phentermine
Ethyl loflazepate	Pinazepam
Fenproporex	Pipradol
Fenthylline	Prazepam
Fludiazepam	Pyrovalerone
Flunitrazepam	Temazepam
Flurazepam	Tetrazepam
Halazepam	Triazolam

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

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

4. Any preparation of other product containing a substance for the time being specified in any of sections 1 to 3 of this Part.

PART 4

MEANING OF CERTAIN EXPRESSIONS USED IN THIS SCHEDULE

For the purposes of this Schedule the following expressions have the meanings hereby assigned to them respectively, that is to say—

"cannabinol derivatives" means the following substances, except where contained in cannabis or cannabis resin, namely tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives;

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

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

"medicinal opium" means raw opium which has undergone the process 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;

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

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

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

SCHEDULE 2

(Section 28)

PROSECUTION AND PUNISHMENT OF OFFENCES

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7
Section creating offence	General nature of offence	Mode of prosecution	Class A drug involved	Class B drug involved	Class C drug involved	General
6(2)	Production or being concerned in the production of a controlled drug	(a) Summary	2 years and $50,000	2 years and $10,000	1 year and $2,000	
		(b) On indictment	14 years and a fine	14 years and a fine	5 years and a fine	
6(3)	Supplying or offering to supply a controlled drug or being concerned in the doing of either activity by another	(a) Summary	2 years and $50,000	2 years and $10,000	1 year and $2,000	
		(b) On indictment	14 years and a fine	14 years and a fine	5 years and a fine	
7(2)	Having possession of a controlled drug	(a) Summary	2 years and $50,000	2 years and $10,000	1 year and $2,000	
		(b) On indictment	7 years and a fine	5 years and a fine	3 years and a fine	
7(3)	Having possession of a controlled drug with intent to supply it to another	(a) Summary	2 years and $250,000	2 years and $50,000	1 year and $10,000	
		(b) On indictment	14 years and a fine	14 years and a fine	5 years and a fine	

PROSECUTION AND PUNISHMENT OF OFFENCES (CONT'D)

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7
Section creating offence	General nature of offence	Mode of prosecution	Class A drug involved	Class B drug involved	Class C drug involved	General
8(2)	Cultivation of cannabis plant	(a) Summary				2 years and $10,000
		(b) On indictment				14 years and a fine
10	Being the owner, etc. or concerned in the management of premises and permitting or suffering certain activities to take place thereon	(a) Summary	2 years and $50,000	2 years and $10,000	1 year and $2,000	–
		(b) On indictment	14 years and a fine	14 years and a fine	5 years and a fine	
11(1)	Offences relating to the smoking of, or the use of utensils in connection with the smoking of, opium; frequenting places used for smoking opium	(a) Summary				1 year and $10,000
		(b) On indictment				14 years and a fine

PROSECUTION AND PUNISHMENT OF OFFENCES (CONT'D)

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7
Section creating offence	General nature of offence	Mode of prosecution	Class A drug involved	Class B drug involved	Class C drug involved	General
12	Supplying, etc. of articles for administering or preparing controlled drugs	(a) Summary				2 years and $50,000
		(b) On indictment				14 years
13(1)	Having possession of a controlled drug in certain circumstances with intent to sell or transfer to another	(a) Summary	30 months and $250,000	2 years and $50,000	1 year and $10,000	
		(b) On indictment	14 years and a fine	14 years and a fine	5 years and a fine	
15(2)	Contravention of directions relating to safe custody of controlled drugs	(a) Summary				1 year and $2,000
		(b) On indictment				3 years and a fine
16(5)	Contravention of direction prohibiting practitioner, etc. from possessing, supplying, etc. controlled drugs	(a) Summary	2 years and $10,000	2 years and $5,000	1 year and $2,000	
		(b) On indictment	14 years and a fine	14 years and a fine	5 years and a fine	

PROSECUTION AND PUNISHMENT OF OFFENCES (CONT'D)

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7
Section creating offence	General nature of offence	Mode of prosecution	Class A drug involved	Class B drug involved	Class C drug involved	General
17(4)	Contravention of direction prohibiting practitioner, etc. from supplying, etc. controlled drugs	(a) Summary	2 years and $10,000	2 years and $5,000	1 year and $2,000	
		(b) On indictment	14 years and a fine	14 years and a fine	5 years and a fine	
18(3)	Failure to comply with notice requiring information relating to prescribing, supply, etc. of drugs	Summary				$2,000
18(4)	Giving false information in purported compliance with notice requiring information relating to prescribing, supplying, etc. of drugs	(a) Summary				2 years and $10,000
		(b) On indictment				3 years and a fine
19(1)	Contravention of regulations	(a) Summary				2 years and $10,000
		(b) On indictment				3 years and a fine

PROSECUTION AND PUNISHMENT OF OFFENCES (CONT'D)

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7
Section creating offence	General nature of offence	Mode of prosecution	Class A drug involved	Class B drug involved	Class C drug involved	General
19(2)	Contravention of terms of licence or authority	(a) Summary				2 years and $10,000
		(b) On indictment				3 years and a fine
19(3)	Giving false information in purported compliance with obligation to give information imposed under or by virtue of regulations	(a) Summary				2 years and $10,000
		(b) On indictment				3 years and a fine
19(4)	Giving false information or producing document, etc. containing false statement, etc. for purposes of obtaining issue or renewal of licence or other authority	(a) Summary				2 years and $10,000
		(b) On indictment				3 years and a fine
21(2)	Assisting in or inducing commission outside of Anguilla of an offence punishable under a corresponding law	(a) Summary				2 years and $250,000
		(b) On indictment				14 years and a fine

PROSECUTION AND PUNISHMENT OF OFFENCES (CONT'D)

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7
Section creating offence	General nature of offence	Mode of prosecution	Class A drug involved	Class B drug involved	Class C drug involved	General
24(6)	Obstructing exercise of powers of search, etc., failing to stop, preventing person in charge from stopping, leaving stopped vehicle or concealing books, drugs, etc.	(a) Summary				2 years and $50,000
		(b) On indictment				14 years and a fine

SCHEDULE 3

(Section 37(1))

CONSTITUTION, ETC. OF ADVISORY COUNCIL ON THE MISUSE OF DRUGS

Constitution of Council

1. (1) The members of the Advisory Council, of whom there shall be not less than 5, shall be appointed by the Governor after consultation with such organisations as he considers appropriate and shall include—

(a) in relation to each of the activities specified in subsection (2), at least one person appearing to the Governor to have wide and recent experience of that activity; and

(b) persons appearing to the Governor to have wide and recent experience of social problems connected with the misuse of drugs.

(2) The activities referred to in paragraph (1)(a) are—

(a) the practice of medicine;

(b) the practice of dentistry;

(c) the practice of pharmacy; or

(d) the practice of law.

(3) The Governor shall appoint one of the members of the Advisory Council to be the chairman of the Council.

Committees of Council

2. The Advisory Council may appoint committees, which may consist in part of persons who are not members of the Council, to consider and report to the Council on any matter referred to them by the Council.

Quorum and procedure

3. At meetings of the Advisory Council the quorum shall be 3, and subject to that, the Council may determine their own procedure.