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CAYMAN ISLANDS



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**MISUSE OF DRUGS LAW (REVISED)**

OFFENCE	AMOUNT OF HARD DRUG	PENALTY			
		FIRST CONVICTION		SECOND OR SUBSEQUENT CONVICTION	
		Minimum	Maximum	Minimum	Maximum
Selling Dealing in Distributing Supplying Dispensing Storing Issuing a pre- scription for Administering Importing Exporting Producing Attempting, etc.	2 ounces or more	5 years +\$20,000	20 years + a fine without limit as to amount	10 years +\$100,000	30 years + a fine without limit as to amount

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**PETER LLOYD**  
President.

**SYBIL Mc LAUGHLIN**  
Clerk of the Legislative Assembly.

**"PART B**  
**SENTENCES RELATING TO OFFENCES CONTRARY TO SECTION 3(1)**  
**WHICH RELATE TO A CONTROLLED DRUG THAT IS A HARD DRUG.**

OFFENCE	AMOUNT OF HARD DRUG	PENALTY			
		FIRST CONVICTION		SECOND OR SUBSEQUENT CONVICTION	
		Minimum	Maximum	Minimum	Maximum
Buying Consuming Possessing Attempting, etc.	less than 2 ounces	1 year + \$1,000	7 years + \$10,000	2 years + \$4,000	15 years + \$20,000
Buying Consuming Possessing Attempting, etc.	2 ounces or more	3 years + \$10,000	15 years + a fine without limit as to amount	5 years + \$50,000	20 years + a fine without limit as to amount
Selling Dealing in Distributing Supplying Dispensing Storing Issuing a pre- scription for Administering Importing Exporting Producing Attempting, etc.	less than 2 ounces	3 years + \$10,000	15 years + a fine without limit as to amount	5 years + \$50,000	20 years + a fine without limit as to amount

**MISUSE OF DRUGS LAW (REVISED)**

ARRANGEMENT OF SECTIONS

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First Schedule - Controlled Drugs

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“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;

“phencyclidine” includes any salt, immediate precursor, homolog, analog or derivative (or salt thereof) and also the chemical ‘PIPERIDINE’ used in the manufacture of phencyclidine.

**SECOND SCHEDULE  
(SECTION 12(2), (3) AND (4))**

**PART A**

LIST OF OFFENCES CONTRARY TO SECTION 3(1) RELATING TO A CONTROLLED DRUG THAT IS NOT A HARD DRUG.

- (i) Importing;
- (ii) Exporting;
- (iii) Producing;
- (iv) Selling, buying or otherwise dealing in;
- (v) Supplying;
- (vi) Distributing;
- (vii) Possessing;
- (viii) Attempting, or offering to do, causing, procuring, soliciting, enticing, aiding, abetting, permitting, or suffering any person to do, any offence specified in paragraphs (i) to (vii) inclusive.

- 14. Any preparation or other product containing a substance for the time being specified in any of paragraphs 11 to 13 above.
- 15. Mecloqualone and Phencyclidine.
- 16. Derivatives of Barbituric Acid.

**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, namely, tetrahydro derivatives of cannabinol and 3-alkylhomologues of cannabinol or of its tetrahydro derivatives;

“coca leaf” means the leaf of any plant of the genus of the erythroxyton from which 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;

“ganja” includes all parts of the plant known as Cannabis Sativa L. and any resin obtained from that plant, but does not include medicinal preparations made from that plant in accordance with a licence granted under this or any other Law;

“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;

Consolidated with Laws 6 of 1977, 11 of 1978, 10 of 1982 and 14 of 1983.  
 Revised under the authority of the Law Revision Law (19 of 1975)  
 Originally enacted  
 Law 13 of 1973 - 12th December, 1973  
 Law 6 of 1977 - 5th April, 1977  
 Law 11 of 1978 - 22nd June, 1978  
 Law 10 of 1982 - 10th February 1982  
 Law 14 of 1983 - 21st June, 1983

Consolidated and revised this 21st day of June, 1983.

**MISUSE OF DRUGS LAW (13 of 1973)  
(REVISED)**

Short Title  
 Interpretation.

1. This Law may be cited as the Misuse of Drugs Law (Revised).
2. In this law, unless the context otherwise requires -
  - “authorised” means authorised under this Law;
  - “authorised possession” with respect of any drug means actual or constructive possession -
    - (i) by the C.M.O. or any practitioner authorised by the C.M.O. in that behalf;
    - (ii) by any person for the purpose of lawful administration thereof; or
    - (iii) possession authorised by any regulation;

“C.M.O.” means the Chief Medical Officer and any medically qualified person acting under his authority;  
 “consume” includes eat, drink, smoke, sniff, inhale, absorb, suck, chew, inject, use and destroy;  
 “contravene” and its grammatical derivations includes “fail to comply”;  
 “controlled drug” means a drug listed in the First Schedule;  
 “constructive possession” includes the power to control the storage, use or distribution of any substance;  
 “Governor” means the Governor in Council;  
 “hard drug” means -

(a) coca leaf, cocaine, codeine, heroin, morphine, or opium, as listed and defined in the First Schedule, or

(b) any preparation or other product containing a substance or product of any of the controlled drugs mentioned in paragraph (a);

“lawful administration” with respect to a drug means administration of the same by any person to himself or another in accordance with a prescription issued by a practitioner authorized in that behalf;

“practitioner” means the C.M.O. and any person authorized by him in writing to import, export, produce, store, deal in, supply, distribute, dispense, issue a prescription for or administer controlled drugs for medicinal or research purposes, limited to the extent of such authorization;

“prescription” means a lawful authorization by a practitioner for the administration of any drug;

“to produce” with reference to any drug includes to prepare, manufacture, refine, process or cultivate such drug or any harmful or potentially harmful ingredient thereof; and

“vessel” includes any ship, aircraft, hovercraft, vehicle or thing in which anything may be carried, stored or secreted.

3. (1) Whoever without —

- (i) lawful excuse; or
- (ii) being authorised in that behalf
  - (a) imports
  - (b) exports,
  - (c) produces,
  - (d) stores,
  - (e) sells, buys or otherwise deals in,
  - (f) supplies,
  - (g) distributes,
  - (h) dispenses,
  - (i) issues a prescription for,
  - (j) administers,
  - (k) possesses, constructively or otherwise, or
  - (l) consumes

any controlled drug, pipe, utensil or thing used in the preparation or consumption of any controlled drug, or who attempts or offers so to do or who causes, procures, solicits, entices, aids, abets, permits or suffers any other person so to do is guilty of an offence.

(2) A person is guilty of an offence if —

- (a) being the occupier or concerned in the management of any premises, he permits or suffers any of the

It is an offence to have dealings in controlled drugs unless authorised.

7.

Amphetamine  
 Aponeuron (2-a-Methyphenethylamino-2-phenylacetone) (N-(b-Benzphetamine  
 Camphamedrine (N-(b-Hydroxy-a-methylphenethyl N-methyl-camphor-10-sulphonamide)  
 Chlorphentermine  
 Doxapram  
 Fenethylline  
 Ganja  
 Merphentermine

Methylamphetamine  
 Methylphenidate  
 Pemaline  
 Phenatine (N-a-Methylphenethyl nicotinamide)  
 Phendimetrazine  
 Phenmetrazine  
 Phentermine  
 Plenylpropylmethylamine  
 Pipradrol  
 Prolintane  
 Tramylcypromine.

8. Any stereoisomeric form of a substance for the time being specified in paragraph 7 above.

9. Any salt of a substance for the time being specified in paragraph 7 or 8 above.

10. Any preparation or other product containing a substance or product for the time being specified in any of paragraphs 7 to 10 of this Schedule not being a preparation falling within paragraph 6 above.

11.

Amfechloral  
 Amferpramone  
 Cypenammine  
 Diphemethoxidine  
 Ethylamphetamine  
 Fenmetramide  
 Furfurylmethylamphetamine

Lerophacetoperane  
 Menfenorex  
 Metamferpramone  
 Methaqualone  
 Prazitone  
 Pheniprazine  
 Phenpentermine  
 Phenbutrazate  
 Rolicyprine.

12. Any stereoisomeric form of a substance for the time being specified in paragraph 11 of this Schedule.

13. Any salt of a substance for the time being specified in paragraph 11 or 12 above.

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morphine - N - oxide  
and other pentavalent  
nitrogen morphine  
derivatives  
Myrophine  
Nicocodine  
Nicomorphine  
(3,6 dinicotinoylmorphine)  
Noracymethadol  
Norcodeine  
Norlevorphanol  
Normethadone  
Normorphine  
Norpipanone  
Opium, whether raw,  
prepared or medicinal  
Oxycodone  
Oxymorphone  
Pethidine  
Phenadoxone  
Phenampramide  
Phenazocine  
Phenomorphin  
Phenoperidine  
Pholcodine

Piminodine  
Piritramide  
Poppy-straw and concentrate  
of poppy-straw  
Prohetazine  
Properidine (1-methyl-4-  
phenylpiperidine-4-carboxylic  
acid isopropyl ester)  
Psilocin  
Racemethorphan  
Racemoramide  
Racemorphan  
Thebacon  
Thebaine  
Trimeperidine  
4-Cyano-2 dimethylamino - 4,  
4-diphenylbutane  
4-Cyano - 1-methyl-4-  
phenyl-4-piperidine  
1 - Methyl - 4 -  
phenylpiperidine - 4-  
carboxylic acid  
2-Methyl-3-morpholino-1,  
1-diphenylpropanecarboxylic  
acid  
4-Phenylpiperidine-4-  
carboxylic acid ethyl ester.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 above not being dextromethorphan or dextrorphan.
3. Any ester or ether of a substance for the time being specified in paragraph 1 or 2 above.
4. Any salt of a substance for the time being specified in any of paragraphs 1 to 3 above.
5. Any preparation or other product containing a substance or product for the time being specified in any of paragraphs 1 to 4 above.
6. Any preparation intended for administration by injection which includes a substance or product for the time being specified in any of paragraphs 1 to 3 above.

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following activities to take place on those premises, that is to say, producing, supplying, distributing, dispensing, administering or consuming or attempting to do any of such things in contravention of subsection (1); or

(b) he frequents any place used for the purpose of consuming any controlled drug.

(3) For the purpose of subsection (1) "lawful excuse" means possession by a customs officer, constable or person officially taking part in an investigation or trial of a matter arising out of a contravention or suspected contravention of this Law.

4.(1) A constable or customs officer may arrest without warrant a person who has committed, or whom such constable or customs officer reasonably suspects to have committed an offence under this law.

(2) A person who has been arrested under subsection (1) may, while at a police station, hospital or other convenient place, be required by a constable to provide a specimen of his urine for a laboratory test and, if such person, without reasonable excuse, fails to provide such a specimen he shall be guilty of an offence.

(3) When requesting any person to provide a specimen for the purpose of subsection (2) the constable shall warn such person of the possible consequences of failure to supply such specimen.

(4) If the person giving specimen so desires, he shall be given a portion of the specimen for examination by his own medical adviser.

5.(1) If a constable has reasonable grounds to suspect that any person is in possession of any controlled drug in contravention of this law he may without warrant detain and search such person and whether or not any person is detained or searched may, without warrant, break open and search any premises, vessel or thing whatsoever in which he has reasonable grounds to suspect that any such drug may be concealed.

(2) No person shall in exercise of the powers conferred by subsection (1) conduct a personal search of a person not of the same sex.

(3) A Justice of the Peace may at any time issue a warrant for the search of any premises in furtherance of the enforcement of this Law and such warrant may be executed at any time of the day or night within one month of its issue, and, where necessary for entry to such premises, such force may be used as may be requisite thereto.

6. (1) The presence on, in or about any place or premises or the possession by any person of any pipe, syringe, inhaler, still, retort or other device commonly used for the production or consumption of any

Powers of arrest.

Powers of search.

Evidence.

**FIRST SCHEDULE  
(SECTION 2)  
CONTROLLED DRUGS**

controlled drug shall be receivable in evidence by any court in order to assist such court to determine whether or not any person has contravened this Law, and the Court may thereafter order the same (if exhibited) to be forfeited.

(2) Notwithstanding the provision of any other Law, a certificate purporting to be under the hand of the C.M.O., a qualified chemist, a qualified medical laboratory technician or any other person appointed by the Governor in that behalf either specially or generally, stating or certifying that a given substance has been analyzed or examined and stating the result of such analysis or examination, shall be admissible in evidence in any prosecution under this Law and, in the absence of evidence to the contrary, shall be proof of the statements contained therein as to the foregoing matters and any other matter specified therein concerning the substance analyzed or examined or the analyst or examiner thereof, and no evidence shall be required by the Court as to the signature or qualifications of the person purporting to have signed the certificate.

(3) No certificate shall be received in evidence unless the party intending to produce it has given to the other parties three days notice of such intention and has furnished with such notice a copy of the certificate.

(4) Where it considers it necessary or advisable the court may require the attendance of the person under whose hand the certificate was issued to give evidence on oath.

Seizure and forfeiture.

7. Any controlled drug found in the course of a search conducted under section 5 or otherwise coming into the hand of any constable shall be held in police custody and, unless claimed within 15 days by a person found to be authorized to be in possession of the same, shall be forfeited to the Crown.

Offences by corporations.

8. Where any offence under this Law committed by a body corporate is proved to have been committed, the consent, connivance or negligence of any director or officer howsoever designated or such body corporate may be presumed unless he proves the contrary to the satisfaction of the Court, and such person as well as the body corporate shall be guilty of that offence.

Regulations.

9. The Governor may make regulations —  
(a) for the purpose of making alteration to the First Schedule;  
(b) for the control of the import, export, transport and storage of controlled drugs;  
(c) prescribing anything required to be prescribed under this Law or any regulation,  
and may thereby make provision for penalties consequent upon any

1. The following substances and products by whatever name known, namely —

- |                                       |   |
|---------------------------------------|---|
| Acetorphine                           | Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine |
| Acetyldihydrocodeine                  | Ethylmethylthiambutene  |
| Allylprodine                          | Ethylmorphine (3-ethylmorphine)   |
| Alphacetylmethadol                    | Etonitazene   |
| Alphameprodine                        | Etorphine   |
| Alphamethadol                         | Etoxidine   |
| Alphaprodine                          | Fentanyl  |
| Anileridine                           | Furethidine   |
| Benzethidine                          | Heroin  |
| Benzylmorphine (3-benzylmorphine)     | Hydrocodone (dihydrodeinone)  |
| Betacetylmethadol                     | Hydromorphinol  |
| Betameprodine                         | Hydromorphone   |
| Betamethadol                          | Hydroxypethidine  |
| Betaprodine                           | Isomethadone  |
| Bezitramide                           | Ketobemidone  |
| Bufotenine                            | Levomethorphan  |
| Cannabinol                            | Levomoramide  |
| Cannabinol derivatives                | Levophenacymorphan  |
| Clonitazene                           | Levorphanol   |
| Coca leaf                             | Lysergamide   |
| Cocaine                               | Lysergide and other N-alkyl derivatives of lysergamide                                  |
| Codeine                               | Mescaline   |
| Desomorphine                          | Metazocine  |
| Dextromoramide                        | Methadone   |
| Diamorphine                           | Methadyl acetate  |
| Diampromide                           | Methyl-desorphine   |
| Diethylthiambutene                    | Methyl-dihydromorphine (6-methyldihydromorphine)  |
| Dihydrocodeinone                      | Metopon   |
| Dihydrocodeinone O-carboxymethyloxime | Morpheridine  |
| Dihydromorphine                       | Morphine  |
| Dimenoxadole                          | Morphinmethobromide,  |
| Dimepseptanol                         |   |
| Dimethylthiambutene                   |   |
| Dioxaphetyl butyrate                  |   |
| Diphenoxylate                         |   |
| Dipipanone                            |   |



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(8) Nothing in subsection (1) shall be construed as preventing a court which makes an attendance order in respect of any offence from making an order for costs against, or imposing any disqualification on, the offender.

Breach of requirements of attendance order.

23(1) If at any time while an attendance order is in force in respect of an offender it appears on information to a justice of the peace that the offender has failed to comply with any of the requirements of the attendance order, the justice may issue a summons requiring the offender to appear at the place and time specified therein, or may, if the information is in writing and on oath, issue a warrant for his arrest.

(2) Any summons or warrant issued under this section shall direct the offender to appear or be brought before the magistrates' court.

(3) If it is proved to the satisfaction of the magistrates' court before which an offender appears or is brought that he has failed without reasonable excuse to comply with any of the requirements of the attendance order the court may, without prejudice to the continuance of the order, impose on him a fine not exceeding one hundred dollars or may revoke the order and impose in substitution therefor, in addition to any other sentence either by way of fine or imprisonment, or both, which may have already been imposed at the time of the original conviction a further fine or a further term of imprisonment, or both, but not so as to cause the further fine when added to the fine originally imposed, if any to exceed the maximum fine or the maximum term of imprisonment laid down in the section of the Law in respect of contravention of which the person convicted was originally sentenced and where no fine or imprisonment has been imposed at the time of the original conviction then the court before whom the offender is brought under the provisions of this subsection may impose such fine or imprisonment or both as could have been imposed by the court by whom the offender was originally convicted, and in all such cases imprisonment shall be imprisonment with hard labour.

Amendment of attendance order.

24. Where an attendance order is in force in respect of any offender and, on the application of the offender or the relevant officer, it appears to the court that it would be in the interests of justice to do so having regard to the circumstances which have arisen since the order was made, the court may extend, in relation to the order, the period of twelve months specified in section 22(1).

Procedure in respect of certain offences.

25. Notwithstanding the provisions of any other section, where a person is charged with any offence contrary to this Law and such person is liable upon conviction to be sentenced to a term of imprisonment exceeding fifteen years then such offence shall be deemed, for the purpose of determining the mode of trial, a category B offence in accordance with section 5 of the Criminal Procedure Code.

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Rules.

Offences.

Penalties for offences under section 3.

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contravention thereof and for any contravention of any rules made under section 10, which penalties shall not be limited to the provisions of paragraph (b) of section 27 of the Interpretation Law.

10. The C.M.O. may make rules for inspection, keeping of inventories, and general control and distribution of controlled drugs in the hands of persons authorized under this law to be in possession of the same and every such person shall, at the request of the C.M.O. or of any constable, give full information as to the controlled drugs in his possession and the whereabouts of the same and account for the distribution of all such drugs as have passed through his hands.

11. Whoever resists any lawful arrest or search or gives to any constable or customs officer or to the C.M.O. any information of a kind required to be given under this Law in the truth of which he does not believe (the onus of proof of his belief being upon him) is guilty of an offence.

12. (1) Subject to the provisions of subsections (2), (3) and (4) whoever is guilty of an offence contrary to subsection (1) or (2) of section 3 is liable on summary conviction to a fine not exceeding \$3000 or to a term of imprisonment with hard labour not exceeding three years or both, and in the case of a third or subsequent conviction to a fine not exceeding \$10,000 or to a term of imprisonment with hard labour not exceeding ten years or both.

"(2) Notwithstanding the provisions of subsection (1), whoever is guilty of an offence that —

- (a) is contrary to subsection (1) of section 3;
- (b) is specified in Part A of the Second Schedule; and
- (c) is in relation to a controlled drug that —
  - (i) is not a hard drug; and
  - (ii) is less than one pound in weight,

shall, on summary conviction, be imprisoned with hard labour for a term not exceeding seven years and in addition shall further be liable to a fine not exceeding \$20,000 and in the case of a second or subsequent conviction for any such offence shall be imprisoned with hard labour for a term of not less than two years nor more than ten years and in addition shall further be liable to a fine of not less \$5,000 nor more than \$20,000.

"(3) Notwithstanding the provisions of subsection (1), whoever is guilty of any offence that —

- (a) is contrary to subsection (1) of section 3; and
- (b) is specified in Part A of the Second Schedule; and

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(c) is in relation to a controlled drug that —

(i) is not a hard drug; and

(ii) is one pound or more in weight,

shall on summary conviction, be imprisoned with hard labour for a term of not less than five months nor more than seven years and in addition shall further be liable to a fine not exceeding \$20,000 and in the case of a second or subsequent conviction for any such offence shall be imprisoned with hard labour for not less than two years nor more than 15 years and in addition shall further be liable to a fine of not less than \$5,000 and without limit as to amount.

(4) Notwithstanding to the provisions of subsection (1), where a person is convicted of any offence that —

(a) is contrary to any provision of this Law; and

(b) is in relation to a controlled drug that is a hard drug,

the sentence shall on summary conviction include a term of imprisonment and a fine in accordance with the provisions of Part B of the Second Schedule.

(5) Where a person of or over seventeen years of age is convicted of an offence otherwise punishable under subsection (1), (2), (3) or (4) and such offence is, in the case of an offence otherwise punishable under subsection (1) a first or second offence or in the case of an offence otherwise punishable under subsection (2) or (3) a first offence or in the case of an offence otherwise punishable under subsection (4) a first offence where such offence is that of buying, consuming, possessing, attempting, etc. and relates to an amount of less than two ounces the court before whom he is committed may with the consent of the person convicted and subject to the provisions of sections 18 to 21 in addition to or instead of dealing with him in any other way make a community service order.

(6) Where a person is convicted of an offence otherwise punishable under subsection (1), (2) or (3) and such offence is, in the case of an offence otherwise punishable under subsection (1) a first or second offence or in the case of an offence otherwise punishable under subsection (2) or (3) a first offence the court before whom he is committed may in addition to or instead of dealing with him in any other way make an attendance order in accordance with the provisions of sections 22 to 24.

(7) Where a court makes a community service order under subsection (5), it shall in respect of the same offence make an attendance order under subsection (6) and where a court makes an attendance order under

Amendment of  
community service  
orders.

Attendance orders in  
respect of convicted  
persons.

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could have been imposed by the court by whom the offender was originally convicted, and in all such cases imprisonment shall be imprisonment with hard labour.

21. Where a community service order is in force in respect of any offender and, on the application of the offender or the relevant officer, it appears to the court that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made, the court may extend, in relation to the order, the period of twelve months specified in section 19(2).

22.(1) An attendance order made under section 12(6) shall require the person convicted to attend during such period not exceeding twelve months as may be specified in the order at a training centre or such other place as may be specified in the said order.

(2) A court shall not make an attendance order in respect of any offender unless —

(a) it has been notified by the Governor that a training centre or other suitable place exists in respect of which the order may be made; and

(b) it is satisfied that arrangements can be made for his attendance at such place.

(3) An attendance order made shall require the person in respect of whom it is made —

(a) to attend at the place specified in such order on not more than sixty days in accordance with such instructions as shall be given by the probation officer who has been appointed by the order to be responsible for his supervision; and

(b) shall further require the person in respect of whom the order is made while attending there to comply with such instructions as are given by or under the authority of the person in charge of such place.

(4) For the purposes of this section references to attendance at a training centre shall include references to attendance elsewhere for the purpose of receiving training in accordance with instructions given by or under the authority of the person in charge of the centre.

(5) Where a court makes attendance orders in respect of two or more offences of which the offender has been convicted by or before the court, the court may direct that the orders shall be concurrent with or additional to those specified in any other of those orders.

(6) The court by which an attendance order is made shall forthwith give copies of the order to the offender and to the relevant officer.

(7) The Governor may by Notice direct that subsection (1) or (3) shall be amended by substituting, for the maximum number of months or days specified, such number of months or days as may be specified in the Notice.

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making an order for costs against, or imposing any disqualification on, the offender.

Obligations of person subject to community service order.

19 (1) An offender in respect of whom a community service order is in force shall —

(a) report to the relevant officer and subsequently from time to time notify him of any change of address; and

(b) perform for the number of hours specified in the order such work at such times as he may be instructed by the relevant officer.

(2) Subject to section 21(1), the work required to be performed under a community service order shall be performed during the period of twelve months beginning with the date of the order.

(3) The instructions given by the relevant officer under this section shall, so far as practicable, be such as to avoid any conflict with the offender's religious beliefs and any interference with the times, if any, at which he normally works or attends a school or other educational establishment.

Breach of requirements of community service order.

20(1) If at any time while a community service order is in force in respect of an offender it appears on information to a justice of the peace that the offender has failed to comply with any of the requirements of section 19 (including any failure satisfactorily to perform the work which he has been instructed to do), the justice may issue a summons requiring the offender to appear at the place and time specified therein, or may, if the information is in writing and on oath, issue a warrant for his arrest.

(2) Any summons or warrant issued under this section shall direct the offender to appear or be brought before the magistrates' court.

(3) If it is proved to the satisfaction of the magistrates' court before which an offender appears or is brought that he has failed without reasonable excuse to comply with any of the requirements of section 19 the court may, without prejudice to the continuance of the order, impose on him a fine not exceeding one hundred dollars or may revoke the order and impose in substitution therefor, in addition to any other sentence either by way of fine or imprisonment, or both, which may have already been imposed at the time of the original conviction a further fine or a further term of imprisonment, or both, but not so as to cause the further fine when added to the fine originally imposed, if any, or the further term of imprisonment when added to the term of imprisonment originally imposed, if any, to exceed the maximum fine or the maximum term of imprisonment laid down in the section of the Law in respect of contravention of which the person convicted was originally sentenced and where no fine or imprisonment has been imposed at the time of the original conviction then the court before whom the offender is brought under the provisions of this subsection may impose such fine or imprisonment or both as

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subsection (6) it may also in respect of the same offence make a community service order under subsection (5).

(8) Notwithstanding the provisions of subsection (2), (3) or (4), where a person is convicted of an offence otherwise punishable under subsection (2) or (3) where that offence is a first offence or of an offence otherwise punishable under subsection (4) where such offence is that of buying, consuming, possessing, attempting, etc., and relates to an amount of less than one-half ounce and is a first offence the court may, for special reasons if it so thinks fit, order him to be imprisoned for a shorter period than that specified therein or not to be imprisoned and in any case where it so determines that there are special reasons and exercises its power under this subsection it shall state the reasons for doing so in open court and shall also cause them to be entered in the record of its proceedings.

General penalty.

13. Whoever contravenes any provision of this Law or any rule or regulation pursuant thereto shall, if no other penalty is specifically provided, be liable on summary conviction to a fine not exceeding \$1000 or to imprisonment for a term not exceeding one year or both.

Seizure and forfeiture of vessels.

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

(2) Where a person is convicted of an offence against this Law, and the court by or before which he is convicted is satisfied that any vessel which was in his possession or under his control at the time of his apprehension —

(a) has been used in connection with for the purpose of committing or facilitating the commission of such offence, or

(b) was intended by him to be used for that purpose,

the court shall order the forfeiture to the Crown of such vessel.

(3) Facilitating the commission of an offence shall be taken for the purposes of this section to include the taking of any steps after the offence has been committed for the purpose of disposing of any property to which it relates or of avoiding apprehension or detection.

(4) If any vessel to which an order under this section relates is not already in the possession of a constable at the time of the making of the order, the vessel shall be taken into such possession with all reasonable despatch.

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(5) Part V of the Police Law shall not apply to any vessel which is the subject of an order under this section.

(6) Where any vessel is ordered to be forfeited under subsection (2) the owner of such vessel may make within fourteen days of such order, and after having given not less than four days notice to the Attorney General, a claim to the court making such order of forfeiture for the vessel 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 shall be restored to the owner thereof on payment by him of any expenses incurred for transporting and keeping such vessel for the purposes of this section.

(8) A court shall not make an order under subsection (7) unless it is satisfied that the owner, charterer, master, pilot, operator or person in control of the vessel —

- (a) (i) did not permit any person convicted of an offence under this Law to use the vessel for the purpose of conveying any controlled drug in respect of which the offence was committed; and
- (ii) had no knowledge that any person convicted of an offence under this Law would use the vessel for the purpose of conveying any controlled drug in respect of which the offence was committed; or
- (b) has paid into court a redemption fee equivalent to seventy-five per centum of the value of the vessel:

Provided that no order under this section shall give rise to a claim based on the difference in value at the time of re-vesting from such value at the time of seizure.

15. Notwithstanding the provisions of any Law prescribing the time within which proceedings for an offence punishable on summary conviction may be commenced, any proceedings for an offence under this Law, 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 Attorney General to justify a prosecution for the offence comes to his knowledge, whichever time is the longer, and for the purposes of this section a certificate purporting to be signed by the Attorney General as to the date on which such evidence came to his knowledge shall be conclusive evidence thereof.

16. Without prejudice to any matter arising thereunder and in course of process, the Dangerous Drugs Law is hereby repealed.

Probation of Offenders Law and sections 30 and 31 of the Penal Code not applicable.

Community service orders in respect of convicted persons.

17. Where a person is convicted of an offence under this Law and the powers of sentence for that offence are contained in subsection (2), (3) or (4) of section 12, neither the Probation of Offenders Law nor sections 30 and 31 of the Penal Code shall apply for the purpose of avoiding or mitigating that sentence."

18 (1) A community service order made under section 12(5) shall require the person convicted to perform unpaid work in accordance with the subsequent provisions of this Law for such number of hours (being in the aggregate not less than forty nor more than two hundred and forty) as may be specified in the order.

(2) A court shall not make a community service order in respect of any offender unless the offender consents and the court —

(a) has been notified by the Governor that arrangements exist for persons to perform work under such orders; and

(b) is satisfied —

- (i) after considering a report by a probation officer about the offender and his circumstances and, if the court thinks it necessary, hearing a probation officer, that the offender is a suitable person to perform work under such an order; and
- (ii) that provision can be made under the arrangements for him to do so.

(3) Where a court makes community service orders in respect of two or more offences of which the offender has been convicted by or before the court, the court may direct that the hours of work specified in any of those orders shall be concurrent with or additional to those specified in any other of those orders.

(4) A community service order shall specify the area in which the offender resides or will reside; and the functions conferred by the subsequent provisions of this Law on the relevant officer shall be discharged by a probation officer appointed for or assigned to the area.

(5) Before making a community service order the court shall explain to the offender in ordinary language —

(a) the purpose and effect of the order (and in particular the requirements of the order as specified in section 19 of this Law);

(b) the consequences which may follow under section 20 if he fails to comply with any of those requirements; and

(c) that the court has under section 21 the power to review the order on the application either of the offender or of a probation officer.

(6) The court by which a community service order is made shall forthwith give copies of the order to the offender and to the relevant officer.

(7) The Governor may by Notice direct that subsection (1) shall be amended by substituting, for the maximum number of hours specified, such number of hours as may be specified in the Notice.

(8) Nothing in subsection (1) shall be construed as preventing a court which makes a community service order in respect of any offence from

Time within which proceedings may be brought.

Repeal with saving (Cap. 32).