

CAYMAN ISLANDS



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**THE MISUSE OF DRUGS
(AMENDMENT) LAW, 1977
(Law 6 of 1977)**

MEMORANDUM OF OBJECTS AND REASONS

It is desired to take stern measures to discourage the use of and traffic in hard drugs which have now begun to appear in the Islands.

Law 6 of 1977

I assent

T. RUSSELL
Governor

5th April, 1977

L.S.

A Law to amend the Misuse of Drugs Law (Law 13 of 1973).

ENACTED by the Legislature of the Cayman Islands.

Short title.

1. This Law may be cited as the Misuse of Drugs (Amendment) Law, 1977.

Schedule of Law 13
of 1973 amended.

2. The Schedule to the Misuse of Drugs Law (in this Law referred to as "the Law") is amended —

(1) by renaming it "The First Schedule"; and

(2) by inserting the word "heroin" between the words "furethidine" and "Hydrocodone" appearing in the first paragraph.

Section 2 of Law 13
of 1973 amended.

3. Section 2 of the Law is amended —

(1) by inserting the word "First" between the words "the" and "Schedule" in the definition of "controlled drug"; and

(2) by inserting the following definition —
"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);.

Section 9 amended.

4. Section 9 of the Law is amended in paragraph (a) by deleting the words "schedule hereto" and substituting the words "First Schedule".

Section 12 (1)
amended.

5. Section 12 of the Law is amended in subsection (1) by —

- (1) adding the letter "s" to the word "subsection";
- (2) inserting the word and bracketed figures "(3) and (4)" between the bracketed figure "(2)" and the word "whoever"; and
- (3) deleting the words "before the Magistrate".

Section 12 (2)
replaced.

6. Section 12 of the Law is amended by deleting subsection (2) and substituting the following subsection —

"(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 for a term not exceeding seven years and in addition shall further be liable to a fine not exceeding \$10,000, and in the case of a second or subsequent conviction for any such offence shall be imprisoned for a term of not less than five months nor more than seven years and in addition shall further be liable to a fine of not less than \$5,000 nor more than \$15,000."

Section 12 amended
by adding new sub-
sections.

7. Section 12 of the Law is amended by adding the following new subsections —

"(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
- (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 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 \$10,000, and in the case of a second or subsequent conviction for any such offence shall be imprisoned for not less than two years nor more than 10 years and in addition shall further be liable to a fine of not less than \$5,000 nor more than \$20,000.

(4) Notwithstanding 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 im-

prisonment and a fine in accordance with the provisions of Part B of the Second Schedule.

Law 13 of 1973
amended by adding
a new sub-section.

8. The Law is amended by adding the following section —

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

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."

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 paragraph (i) to (vii) inclusive.

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	5 years + \$5,000	2 years + \$2,000	10 years + \$10,000
Buying Consuming Possessing Attempting, etc.	2 ounces or more	3 years + \$7,000	15 years + \$25,000	5 years + \$10,000	15 years + \$25,000
Selling Dealing in Distributing Supplying Dispensing Storing Issue a pre- scription for Administering	any amount	"	"	"	"
Importing Exporting Producing Attempting, etc.	any amount	5 years + \$10,000	15 years + \$25,000	10 years + \$15,000	15 years + \$25,000

Passed the Assembly this 17th day of March, 1977

T. RUSSELL
President

SYBIL McLAUGHLIN
Clerk of the Legislative Assembly.