



SAINT VINCENT AND THE GRENADINES

ACT NO. 32 OF 1993

IN ASSENT

DAVID E. JACK
Governor-General
9th September, 1993

[L.S.]

AN ACT to amend the Drugs (Prevention of Misuse) Act so as to facilitate the adherence of Saint Vincent and the Grenadines to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic substances.

[By Proclamation]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines, and by the authority of the same, as follows:-

1. (1) This Act may be cited as the Drugs (Prevention of Misuse) (Amendment) Act, 1993 and shall be read and construed as one with the Drugs (Prevention of Misuse) Act hereinafter referred to as the principal Act.

Short title
construction and
commencement

(2) This Act shall come into force on such date as the Governor-General may, by Proclamation, appoint.

2. Section 2 of the principal Act is amended by inserting, in their correct alphabetical positions in subsection (2), the following new definitions-

Amendment of
section 2 of
principal Act.

"Convention State" means a state that is party to the Vienna Convention;

"scheduled substance" means a substance for the time being specified in the Fifth Schedule;

"Vienna Convention" means the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances signed in Vienna on 20th December, 1988.

Amendment of
section 4 of
principal Act

3. Section 4 of the principal Act is amended by the addition of the following subsection -

"(4) The Minister may also, after consultation with the advisory council, by order in the Gazette make such amendments to the Fifth Schedule as may be requisite for the purpose of adding any substance or product to, or removing any substance or product from, either Table I or Table II thereof, or for transferring any such substance or product from Table I to Table II or vice versa."

Insertion of
new section 8A
in principal Act.

4. The principal Act is amended by inserting next after section 8 the following new section -

"Manufacture
and supply
of scheduled
substances".

- 8A. (1) It is an offence for a person -
- (a) to manufacture a scheduled substance; or
 - (b) to supply a scheduled substance to another person,
knowing or suspecting that the scheduled substance is to be used in or for the production of a controlled drug contrary to section 6(1).
- (2) A person guilty of an offence under subsection (1) is liable -
- (a) on summary conviction, to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 5 years or to both; or
 - (b) on conviction on indictment, to a fine of unlimited extent or to imprisonment for a term not exceeding 14 years or both.
- (3) The Minister may make regulations -
- (a) imposing requirements as to the documentation of transactions involving scheduled substances;
 - (b) requiring the keeping of records and the furnishing of information with respect to scheduled substances;
 - (c) for the labelling of consignments of scheduled substances.

(4) Regulations under subsection (3) may, in particular, require –

- (a) the notification of the proposed exportation of substances specified in Table I in the Fifth Schedule to such countries as may be specified in the regulations; and
- (b) the production in such circumstances as may be so specified of evidence that the required notification has been given,

and for the purposes of the Customs Act any such substance is to be taken as having been exported contrary to a restriction for the time being in force with respect to it if it is exported without the required notification having been given.

(5) A person who –

- (a) fails to comply with a requirement imposed by regulations under this section; or
- (b) in purported compliance with a requirement imposed by regulations under this section, furnishes information which he knows to be false in a material particular or recklessly furnishes information which is false in a material particular,

is guilty of an offence and is liable on summary conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

(6) Information obtained by any public officer pursuant to regulations under this section is not to be disclosed except in criminal proceedings or in other proceedings under this Act or under the Drug Trafficking Offences Act, 1993.

Amendment of section 24 of principal Act

5. Section 24 of the principal Act is amended in subsection (1) by inserting after the words "controlled drug" the words "or scheduled substance" and, in the last line of that subsection, by inserting the words "or substances" after the word "drugs" wherever it appears.

Amendment of section 29 of principal Act

6. Section 29 of the principal Act is amended by deleting subsections (3) and (4) and substituting the following –

"(3) No certificate shall be admissible in evidence unless the party intending to introduce such evidence has given to the other party or his Solicitor or Lawyer at least one day's notice of his intention and has along with such notice furnished him with a copy of the certificate:

Provided that a court may dispense with the requirements of this subsection in any case in which it is made to appear that a party entitled to be given such notice could not readily be found.

(4) In any prosecution under this Act a defendant who intends to rely solely on the defence that the substance in question is not a controlled drug –

(a) may request the attendance in person of the analyst whose signature appears on the certificate to give evidence;

(b) shall pay the costs of the attendance of the analyst requested unless the judge or magistrate otherwise orders.

(5) In any prosecution under this Act the prosecution may at any stage require the attendance of any analyst to give evidence.

Third schedule to principal Act repealed and replaced.

7. The Third Schedule to the principal Act is repealed and replaced by the Third Schedule appended to this Act.

New Fifth Schedule added to principal Act.

8. The principal Act is amended by the addition of a Fifth Schedule in the terms of the Fifth Schedule appended to this Act.

"THIRD SCHEDULE

(Section 4)

CONTROLLED DRUGS

PART I

CLASS A DRUGS

1. The following substances and products, namely –

(a) Acetorphine.	Desmorphi
Alfentanil.	Dextromoramide.
Allylprodine.	Diethylthiambutene.
Alphacetylmethadol.	Difenoxin (1-(3-cyano-3
Alphameprodine.	3-diphenylpropyl)-4-
Alphamethadol.	phenylpiperidine-4-
Alphaprodine.	carboxylic acid).
Anileridine.	Dihydromorphine.
Benzethidine.	Dimenoxadole.
Benzylmorphine.	Dimepheptanol.
(3-benzylmorphine).	Dimethylthiambutene.
Betacetylmethadol.	Dioxaphertyl butyrate
Betameprodine.	Diphenoxylate.
Betamethadol.	Drotebanol
Betaprodine.	(3,4-dimethoxy-17-
Bezitamide.	methyl-morphinan-6B,
Bufotenine.	14-doil).
Cannabinol, except where	Ethylmethylthiambutene.
contained in cannabis or	Eticyclidine
cannabis resin.	Etonitazene.
Cannabinol derivatives.	Etorphine.
Carfentanil.	Etoxidine.
Clonitazene.	Fentanul.
Coca leaf.	Furethidine.
Ecgonine, and any	Hydrocodone.
derivative of ecgonine	Hydromorphinol.
which is convertible to	Hydromorphone.
ecgonine or to cocaine	Hydroxypethidine.
Cocaine	Isomethadone.

Ketobemidone.	Pethidine.
Levomethorphan.	Phenadoxone
Levomoramide.	Phenampramide
Levophenacymorphan.	Phenazocine
Levorphanol.	Phencyclidine.
Lofentanil	Phenomorphane.
Lysergamide.	Phenoperidine.
Lysergide and other N-alkyl derivatives of lysergamide.	Piritramide.
Mescaline.	Poppy-straw and concentrate of poppy-straw.
Metazocine.	Proheptazine.
Methadone.	Properidine
Methadyl acetate.	(1-methyl-4-phenyl piperidine-4-carboxylic acid isopropyl ester).
Methyldesorphine.	Psilocin.
Methyldihydromorphine. (6-methyl-dihydro- morphine).	Racemethorphan
Metopon	Racemoramide.
Morpheridine	Racemorphan.
Morphine	Rolicyclidine.
Morphine methobromide, morphine N-oxide and other pentavalent nitrogen morphine derivatives.	Sufentanil.
Myrophine.	Tenocyclidine.
Nicomorphine (3,6-dinicotinoyl- morphine).	Thebacon.
Norpipanone.	Thebaine.
Noracymethadol.	Tilidate.
Norlevorphanol.	Trimeperidine.
Normethadone.	4-Bromo-2,5-dimethoxy-a- methyl-phenethylamine
Normorphine.	4-Cyano-2-dimethyl- amino-4, 4-diphenyl- butane.
Opium, whether raw, prepared or medicinal	4-Cyano-1-methyl-4-phenyl- piperidine.
Oxycodone	N,N-Diethyltryptamine.
Oxymorphone	N,N,-Dimethyltryptamine.
	2,5-Dimethoxy-a, 4-dimethylphenethyl- amine.

N-Hydroxyten- amphetamine	4-Methylaminerox
1-Methyl-4-phenyl- piperidine-4-carboxylic acid.	2-methyl-3-morpholino-1, 1-diphenylpropane- carboxylic acid.
Noracymethadol.	4-Phenylpiperidine-4- carboxylic acid ethyl ester.
Norievorphanol.	
Normethadone.	
Normorphine.	

- (b) any compound (not being a compound for the time being specified in sub-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 alkyl substituents but no other substituent;
- (c) any compound (not being methoxyphenamine or a compound for the time being specified in sub-paragraph (a)) structurally derived from phenethylamine, an N-alkylphenethylamine, α -methylphenethylamine, an N-alkyl- α -methylphenethylamine, α -ethylphenethylamine, or an N-alkyl- α -ethylphenethylamine, by substitution in the ring to any extent with alkyl, alkoxy, alkylendioxy or halide substituents, whether or not further, substituted in the ring by one or more univalent substituents;
- (d) any compound (not being a compound for the time being specified in sub-paragraph (a) structurally derived from fentanyl by modification in any of the following ways, that is to say,
- (i) by replacement of the phenyl portion of the phenethyl group by any heteromocycle whether or not further substituted in the heterocycle;
 - (ii) by substitution in the phenethyl group with alkyl, alkenyl, alkoxy, hydroxy, halogeno, haloalkyl, amino or nitro groups;
 - (iii) by substitution in the piperadine ring with alkyl or alkenyl groups;
 - (iv) by substitution in the aniline ring with alkyl, alkoxy, alkylendioxy, halogeno or haloalkyl groups;
 - (v) by substitution at the 4-position of the piperidine ring with any alkoxycarbonyl or alkoxyalkyl or acyloxy group;
 - (vi) by replacement of the N-propionyl group by another acyl group;
- (e) any compound (not being a compound for the time being specified in sub-paragraph (a)) structurally derived from pethidine by modification in any of the following ways, that is to say,

- (i) by replacement of the 1-methyl group by an acyl, alkyl whether or not unsaturated, benzyl or phenethyl group, whether or not further substituted;
 - (ii) by substitution in the piperidine ring with alkyl or alkenyl groups or with a propano bridge, whether or not further substituted;
 - (iii) by substitution in the 4-phenyl ring with alkyl, alkoxy, aryloxy, halogeno or haloalkyl groups;
 - (iv) by replacement of the 4-ethoxycarbonyl by any other alkoxycarbonyl or any alkoxyalkyl or acyloxy group;
 - (v) by formation of an N-oxide or of a quaternary base.
2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 not being dextromethorphan or dextrorphan.
 3. Any ester or ether of a substance for the time being specified in paragraph 1 or 2 not being a substance for the time being specified in Part II of this Schedule.
 4. Any salt of a substance for the time being specified in any of paragraphs 1 to 3.
 5. Any preparation or other produce containing a substance or produce for the time being specified in any of paragraphs 1 to 4.
 6. Any preparation designed for administration by injection which includes a substance or produce for the time being specified in any of paragraphs 1 to 3 of Part II of this Schedule.

PART II

CLASS B DRUGS

1. The following substances and products, namely -

(a) Acetylhydrocodeine.	Methylamphetamine.
Amphetamine.	Methylphenidate.
Cannabis and cannabis resin	Methylphenobarbitone.
Codeine.	Nicocodine.
Dihydrocodeine.	Nicodicodine
Ethylmorphine	(6-nicotinoyldihydro-
(3-ethylmorphine).	codeine).
Ganja.	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 paragraph 1 of this Part of this Schedule.
 3. Any salt of a substance for the time being specified in paragraph 1 or 2 of this Part of this Schedule.
 4. Any preparation or other product containing a substance or produce for the time being specified in any of paragraphs 1 to 3 of this Part of this Schedule, not being a preparation falling within paragraph 6 of Part I of this Schedule.

PART III

CLASS C DRUGS

1. The following substances, namely --

Alprazolam.	Fenproporex
Benzphetamine.	Fludiazepam.
Bromazepam.	Flunitrazepam.
Buprenorphine.	Flurazepam.
Camazepam.	Halazepam.
Cathine.	Haloxazolam.
Chathinone.	Ketazolam.
Chlordiazepoxide.	Loprazolam.
Chlorphentermine.	Lorazepam.
Clobazam	Lormetazepam.
Clonazepam.	Mazindol.
Clorazepic acid.	Medazepam.
Clotiazepam.	Mefenorex.
Cloxazolam.	Meephentermine.
Delorazepam.	Meprobamate.
Dextropropoxyphene.	Methyprylone.
Diazepam.	Midazolam.
Diethylpropion.	Nimetazepam
Estazolam.	Nitrazepam.
Ethchlorvynol.	Nordazepam.
Ethinamate.	Oxazepam.
Ethyl loflazepate.	Oxazolam.
Fencanfamin.	Pemoline.
Fenethylline.	Phendimetrazine.

Phentermine.	Pyrovalerone.
Pinazepam.	Temazepam.
Pipadrol.	Tetrazepam.
Prazepam.	Triazolam.
Propylhexedrine.	N-Ethylamphetamine.

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

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

4. Any preparation of other produce containing a substance for the time being specified in any of paragraphs 1 to 3 of this Part of this Schedule not being phenylpropanolamine."

FIFTH SCHEDULE
SUBSTANCES USEFUL FOR MANUFACTURING
CONTROLLED DRUGS

TABLE I

Ephedrine
Ergometrine
Ergotamine
Lysergic Acid
1-Phenyl-2 Propanone
Pseudoephedrine

The salts of the substances listed in this Table whenever the existence of such salts is possible.

TABLE II

Acetic Anhydride
Acetone
Anthranilic Acid
Ethyl Ether

Phenylacetic Acid
Piperidine

The salts of the substances listed in this Table whenever the existence of such salts is possible.”

Passed in the House of Assembly this 5th day of August, 1993.

J. THERESA ADAMS
Clerk of the House of Assembly

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