



**SUPPLEMENT No. 2**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
**No. 1431 of 13th October 2006**  
**LEGISLATION**

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**ORDINANCE 16 OF 2006**

**THE NARCOTIC DRUGS AND PSYCHOTROPIC  
SUBSTANCES (CONSOLIDATION) ORDINANCE 2006**

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**ORDINANCE 16 OF 2006****AN ORDINANCE****TO AMEND AND CONSOLIDATE THE NARCOTIC DRUGS  
AND PSYCHOTROPIC SUBSTANCES ORDINANCE 1980**

**R. H. LACEY**  
**ADMINISTRATOR**

*2nd October 2006.*

**BE** it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

**PART I****PRELIMINARY PROVISIONS**

- 1.** This Ordinance may be cited as the Narcotic Drugs and Psychotropic Substances (Consolidation) Ordinance 2006. Short title.
- 2.—(1)** In this Ordinance, unless the context otherwise requires — Interpretation.
- “Advisory Board” means the Advisory Board established under the Republican Law;
- “authorised person” means any of the following –
- (a) a person entitled to practise medicine in the Areas in accordance with section 4 Medical Practitioners Ordinance 1964; Ordinance 10/64.
  - (b) a person entitled to practise dentistry in the Areas in accordance with section 4 Dentists Ordinance 1964; Ordinance 11/64.
  - (c) a person entitled to practise veterinary surgery in the Areas in accordance with section 4 Veterinary Surgeons Ordinance 1964; Ordinance 21/64.
  - (d) a person licensed as a pharmacist in accordance with section 5 Pharmacy and Poisons Ordinance 1964; Ordinance 23/64 as amended.

Ordinance 23/64  
as amended.

“authorised seller of poisons” has the meaning assigned by section 2 of the Pharmacy and Poisons Ordinance 1964;

“cannabis” (except in the expression “cannabis resin”) means the flowering or fruiting tops of any plant of the genus *Cannabis* from which the resin has not been extracted, by whatever name they may be designated and includes the leaves and the stem of any such plant;

“cannabis resin” means the separated resin, whether crude or purified, obtained from any plant of the genus *Cannabis*;

“Community Regulation” means Regulation (EC) No. 273/2004 of the European Parliament and of the Council dated 11 February 2004 on drug precursors as amended from time to time;

“contravention” includes failure to comply, and “contravene” shall be construed accordingly;

“controlled drugs” has the meaning assigned by section 3;

“corresponding Law” means an enactment by whatever name called stated in a certificate purporting to be issued by or on behalf of the government of any country outside the Island of Cyprus. A statement in any such certificate to the effect that any facts constitute an offence against the law mentioned in the certificate shall be evidence of the matters stated;

Ordinance 11/64.

“dentist” means a practitioner as defined in the Dentists Ordinance 1964;

Ordinance 10/64.

“medical practitioner” means a practitioner as defined in the Medical Practitioners Ordinance 1964;

Ordinance 23/64  
as amended.

“pharmacist” means a pharmacist as defined in the Pharmacy and Poisons Ordinance 1964;

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

“produce” where the reference is to producing a controlled drug, means producing it by manufacture, cultivation or any other method; and “production” shall be construed accordingly;

Republican  
Law No. 29/77.  
Ordinance 13/80.

“Professional Panel” means the Professional Panel established under the Republican Law;

“repealed Ordinance” means the Narcotic Drugs and Psychotropic Substances Ordinance 1980, as amended;

Republican  
Law No. 29/77.

“Republican Law” means the Narcotic Drugs and Psychotropic Substances Law, 1977 of the Republic or any Law amending or substituted for the same;

“supplying” including distributing;

“Tribunal” means the Tribunal established under the Republican Law;

Ordinance 21/64.

“veterinary surgeon” means a practitioner as defined in the Veterinary Surgeons Ordinance 1964.

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

(3) For the purposes of this Ordinance 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.

3.—(1) In this Ordinance—

- (a) the expression “controlled drug” means any substance or product for the time being specified in Part I, II or III of the First Schedule to the Ordinance; and
- (b) the expression “Class A drug”, “Class B drug” and “Class C drug” means any of the substances and products for the time being specified respectively in Part I, Part II and Part III of that Schedule; and the provisions of Part IV of that Schedule shall have effect with respect to the meanings of expressions used in that Schedule.

Controlled drugs and their classification.

(2) The Administrator may by order to be published in the Gazette amend the First Schedule for the purpose of —

- (a) adding any substance or product to or removing any substance or product from Parts I to III of that Schedule (including an amendment 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 of those Parts in which no substance or product is for the time being specified);
- (b) amending Part IV of that Schedule (whether or not any other Part of that Schedule is also amended).

## PART II

### RESTRICTIONS RELATING TO CONTROLLED DRUGS ETC

4.—(1) Subject to subsection (2)—

- (a) the importation of a controlled drug; and
- (b) the exportation of a controlled drug, is prohibited.

Restriction of importation and exportation of controlled drugs.

(2) Subsection (1) does not apply—

- (a) to the importation or exportation of a controlled drug which is for the time being exempted from paragraph (a) or, as the case may be, paragraph (b) of subsection (1) by any regulations made under section 10; or
- (b) to the importation or exportation of a controlled drug under and in accordance with the terms of a licence issued by the Chief Officer and in compliance with any conditions attached to it.

(3) It is an offence to import or export a controlled drug in contravention of this section.

5.—(1) Subject to any regulations made under section 10, it is unlawful for any person—

- (a) to produce, manufacture, prepare or extract a controlled drug; or

Restriction of production etc. of controlled drugs.

(b) to supply, offer, offer to supply, offer for sale, distribute, sell or deliver under any terms or conditions whatsoever a controlled drug, or to act as an intermediary for the supply of a controlled drug to another person.

(2) Subject to section 35, it is an offence for any person -

(a) to proceed to any act or action in contravention of subsection (1) above; or

(b) to be implicated in any act or action of another person in contravention of that subsection.

Enforcement  
of Community  
Regulation.

**6.—**(1) The Chief Officer shall be the competent authority for the purposes of the application of the provisions of the Community Regulation.

(2) The Chief Officer may by order published in the Gazette, prescribe the fees referred to in paragraph (7) of Article 3 of the Community Regulation.

(3) Any person who contravenes Articles 3, 4, 5, 7 or 8 of the Community Regulation commits an offence and, on conviction, is liable to imprisonment not exceeding 6 months or to a fine not exceeding £500 or to both such penalties.

Restriction of  
possession etc. of  
controlled drugs.

**7.—**(1) Subject to any regulations made under section 10 it is unlawful for a person to be supplied with or to have a controlled drug in his possession.

(2) Subject to section 35 and to subsection (4) below, it is an offence for a person to purchase or to be supplied with or to have a controlled drug in his possession in contravention of subsection (1).

(3) Subject to section 35, it is an offence for a person to purchase or to be supplied with or to have a controlled drug in his possession, whether lawfully or not, with intent to supply it to another in contravention of section 5(1).

(4) In any proceedings for an offence under subsection (2) in which it is proved that the accused had purchased or had been supplied with or had a controlled drug in his possession, it shall be a defence if he can prove -

(a) that, knowing or suspecting it to be a controlled drug, he purchased or was supplied with or 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 he purchased or was supplied with it or took 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 person lawfully entitled to take custody of it; or

(b) that, knowing or suspecting it to be a controlled drug, he purchased or was supplied with or he took possession of it for the purpose of delivering it into the custody of a person lawfully entitled to take custody of it and that as soon as possible after he purchased or was supplied with it or took possession of it he took all such steps as were reasonably open to him to deliver it into the custody of such a person.

(5) Subsection (4) shall apply in the case of proceedings for an offence under section 24 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, that is to say -

- (a) for reference to the accused having in his possession, and to his purchasing or being supplied with or taking a controlled drug there shall be substituted respectively references to his attempting to get, and his attempting to purchase, or be supplied with or to take, possession of such drug; and
- (b) in paragraphs (a) and (b) of subsection (4) the words from “and that as soon as possible” onwards shall be omitted.

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

**8.—(1)** Subject to any regulations made under section 10 it is unlawful for a person to cultivate—

- (a) any plant of the genus *Cannabis*; or
- (b) any plant of the species *Papaver somniferum L*;
- (c) any plant of the species *erythroxyllum coca*.

Restriction of cultivation of *cannabis*, *papaveris* and *erythroxyllum*.

(2) Subject to section 35, it is an offence to cultivate or to plant any such plants in contravention of subsection (1).

**9.—(1)** Subject to any regulations made under section 10, it is unlawful for a person to supply or offer to supply to another the seeds of any plant of the genus *Cannabis*, knowing that that other intends to use any such seeds to cultivate any plant of the genus *Cannabis*, in contravention of section 8(1)(a).

Prohibition on supply of *Cannabis* seeds.

(2) Subject to section 35, it is an offence for any person—

- (a) to supply or to offer to supply the seeds of any plant of the genus *Cannabis* to another in contravention of subsection (1);
- (b) to be concerned in the supplying or in the making of an offer to supply to another any such seeds in contravention of the said subsection.

(3) An offence under the preceding subsection shall be punishable with imprisonment for a term not exceeding 8 years or with a fine not exceeding £1500 or with both such penalties.

**10.—(1)** The Administrator may by Regulations—

- (a) exempt from paragraph (a) or (b) of section 4(1), paragraph (a) or (b) of section 5(1) and section 7(1) such controlled drugs as may be specified in the Regulations; and
- (b) make such other provision as he thinks fit for the purpose of making it lawful for persons to do things which under any of the following provisions, that is to say section 5(1), section 7, section 8 and section 9, it would otherwise be unlawful for them to do.

Authorisation of activities otherwise unlawful under earlier provisions.

(2) Without prejudice to the generality of subsection (1)(b), Regulations under that subsection authorising the doing of any such thing as is mentioned in that paragraph may in particular provide for the doing of that thing to be lawful—

- (a) if it is done under and in accordance with the terms of a licence or authority issued by the Chief Officer and in compliance with any conditions attached to it; or
- (b) if it is done in compliance with such conditions as may be prescribed.

(3) References in this section to a person “doing” things include references to his having things in his possession.

### PART III

#### MISCELLANEOUS OFFENCES INVOLVING CONTROLLED DRUGS

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

**11.**—(1) A person commits an offence if, being the occupier or concerned in the management of any premises, he knowingly permits or suffers any of the following activities to take place on those premises—

- (a) any act or action performed in contravention of section 5(1)(a) or any attempt to perform such act or action;
- (b) any act or action performed in contravention of section 5(1)(b) or any attempt to perform such act or action;
- (c) preparing opium for smoking;
- (d) smoking or taking by any means cannabis, cannabis resin, prepared opium, cocaine or any other controlled drug.

(2) Any Court which convicts a person for an offence contrary to subsection (1) may, in addition to any other penalty it may impose, order the suspension of the operation of the premises at which the offence was committed for a period not exceeding 3 years.

Prohibition of certain activities relating to opium, cocaine, cannabis & cannabis resin.

**12.** Subject to section 35, it is an offence for a person to—

- (a) smoke or in any other way take or use prepared opium, cocaine, cannabis or cannabis resin or any derivatives of such substances; or
- (b) to frequent any place used for the purpose of smoking, taking or using opium, cocaine, cannabis, cannabis resin or any derivatives of such substances; or
- (c) to have in his possession —
  - (i) any pipe or other utensil made or adapted for use in relation to the smoking, taking or using of any opium, cocaine, cannabis, cannabis resin or any derivatives of such substances, being a pipe or other utensil which has been used by him or with his knowledge and permission in that connection or which he intends to use or permit others to use in that connection; or
  - (ii) any utensils which have been used by him or with his knowledge and permission in connection with the preparation of the smoking of opium, cocaine, cannabis, cannabis resin or any derivatives of such substances; or
- (d) take in any other manner any controlled drug.

**13.—(1)** Any person who supplies or offers to supply any object which may be used or adapted for use by any person, either by itself or in combination with any other object or objects, for the purpose of taking a controlled drug, knowing that such object will be used for the unlawful supplying or taking of a controlled drug, is guilty of an offence punishable in accordance with the provisions of this section.

Supplying any objects for taking narcotics, prohibited.

(2) Any person who supplies or offers to supply any object which may be used for the manufacture of a controlled drug to be taken by any person knowing that the said object will be used for the preparation of a controlled drug, is guilty of an offence punishable in accordance with the provisions of this section.

(3) For the purposes of this section, any supplying or taking of a controlled drug shall be unlawful, unless -

- (a) the supplying by one person to another of a controlled drug is done under circumstances which do not constitute such supplying unlawful under section 5(1); or
- (b) the taking of a controlled drug by the same person is done under circumstances which do not constitute the possession of the drug unlawful under section 7(1).

(4) In this section, taking a controlled drug also includes taking such drug with the assistance of another person.

(5) Any person who acts in contravention of the provisions of this section shall be liable on conviction to a term of imprisonment not exceeding 6 months or to the payment of a fine not exceeding £1000 or to both such penalties.

## PART IV

### POWERS OF ADMINISTRATOR AND CHIEF OFFICER FOR PREVENTING MISUSE OF DRUGS

**14.—(1)** Subject to the provisions of this Ordinance, the Administrator may by Regulations make such provision as appears to him necessary or expedient for preventing the misuse of controlled drugs.

Power to make regulations for preventing misuse of controlled drugs.

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

- (a) for requiring precautions to be taken for the safe custody of controlled drugs;
- (b) for imposing requirements as to the documentation of transactions involving controlled drugs, and for requiring copies of documents relating to such transactions to be furnished to the prescribed authority;
- (c) for 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 precautions taken or records kept in pursuance of Regulations made under this section;
- (e) with regard to the packaging and labelling of controlled drugs;
- (f) for regulating the transport of controlled drugs and the

methods used for destroying or otherwise disposing of such drugs when no longer required;

- (g) for regulating the issue of prescriptions containing controlled drugs and the supply of controlled drugs on prescriptions, and for requiring persons issuing or dispensing prescriptions containing such drugs to furnish to the prescribed authority such information relating to those prescriptions as may be prescribed;
- (h) for requiring any medical practitioner who attends a person whom he considers, or has reasonable grounds to suspect, is addicted (within the meaning of the Regulations) to controlled drugs of any description to furnish to the prescribed authority such particulars with respect to that person as may be prescribed;
- (i) for prohibiting any medical practitioner from administering, supplying and authorising the administration and supply to persons addicted, and from 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 Chief Officer in pursuance of the Regulations.

Power to direct special prescriptions 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 Chief Officer 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 controlled drugs as may be specified in the notice and which are kept in these premises.

(2) It is an offence to contravene any direction given under subsection (1).

Directions prohibiting prescribing etc. of controlled drugs by certain convicted persons.

**16.—**(1) Where a person who is a medical practitioner, dentist, veterinary surgeon or pharmacist has, after 9<sup>th</sup> August 1980, been convicted—

- (a) of an offence under this Ordinance or under the repealed Ordinance; or
- (b) of an offence under the repealed Customs and Excise Duties Ordinance 1978 (as amended), the Customs Ordinance 2005 or the Excise Duties Ordinance 2006 in connection with a prohibition of or restriction on importation or exportation of a controlled drug having effect by virtue of any provision contained in or repealed by the repealed Ordinance; or
- (c) of any offence contrary to any legislation of the Republic which is certified by the Attorney General and Legal Adviser as being equivalent to any of the offences referred to in subsection (1)(a) or (b),  
the Chief Officer may give a direction under subsection (2) in respect of that person.

(2) A direction under this subsection in respect of a person shall —

- (a) if that person is a medical practitioner, dentist or veterinary surgeon, be a direction prohibiting him from having in his possession, prescribing, administering, manufacturing,

Ordinance 12/78.  
Ordinance 16/05.  
Ordinance 3/06.

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

- (b) if that person is a pharmacist, 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.

(2) The Chief Officer may at any time give a direction cancelling or suspending any direction given by him under subsection (2), or cancelling any direction of his under this subsection by which a direction so given is suspended.

(3) The Chief Officer shall cause a copy of any direction given by him under this section 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) It is an offence to contravene a direction given under subsection (2).

**17.—**(1) In the event of a contravention by a medical practitioner of regulations made in pursuance of section 14(2)(h) or (i), or of the terms of a licence issued under regulations made in pursuance of the said paragraph (i), the Chief Officer may, subject to and in accordance with section 18, give a direction in respect of the medical 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.

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

(2) If the Chief Officer is of the opinion that a medical practitioner, dentist or veterinary surgeon is or has after the coming into operation of this subsection been prescribing, administering or supplying or authorising the administration or supply of any controlled drugs in an irresponsible manner, the Chief Officer may, subject to and in accordance with section 18 or 19, give a direction in respect of the medical practitioner, dentist or veterinary surgeon 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) A contravention such as is mentioned in subsection (1) does not as such constitute an offence, but it is an offence to contravene a direction given under subsection (1) or (2).

**18.—**(1) If the Chief Officer considers that there are grounds for giving a direction under section 17(1), or for giving a direction under subsection (2) of that section he may request and take into account a written opinion on the matter from the Tribunal.

Investigation where grounds for a direction under section 17 are considered to exist.

(2) Where, having regard to any written opinion provided by the Tribunal, the Chief Officer proposes to give a direction in accordance with section 17(1) or (2), he shall serve a notice on the respondent —

- (a) setting out the terms of the proposed direction; and  
 (b) informing the respondent that consideration will be given

to any representations relating to the case which are made by him in writing to the Chief Officer within the period of 28 days beginning with the date of service of the notice.

(3) Where the respondent makes written representations within the said time period the Chief Officer may request and take into account a written opinion on the matter from the Advisory Body.

(4) After the expiration of the time limit specified in subsection (2) and after considering any written opinion provided to him by the Advisory Board or the Tribunal (or both) the Chief Officer may –

- (a) give in respect of the respondent a direction under section 17(1) or (2) specifying the controlled drugs to which the direction applies; or
- (b) order that no further proceedings shall be taken in the case

and, in either case, shall cause a written notice to that effect to be served on the respondent.

(5) Where a direction is issued in accordance with section 17(1) or (2) a copy of it shall be published in the Gazette.

Temporary  
directions.

**19.—**(1) Where the Chief Officer considers there are grounds for giving a direction under section 17(2) but that the circumstances of the case require the direction to be given with the minimum delay he may issue a temporary direction in accordance with this section and in considering whether to do so, he may request and take into account a written opinion from the Professional Panel.

(2) Any temporary direction given in accordance with this section shall—

- (a) be for a period not exceeding 6 weeks beginning with the date on which the direction takes effect;
- (b) be served in writing on the person to whom it applies specifying the controlled drugs to which it applies; and
- (c) shall be published in the Gazette.

(3) At the same time as issuing a temporary direction in accordance with this section the Chief Officer shall, with a view to making a full direction in accordance with section 17(2), consider requesting a written opinion on the matter from the Tribunal. Where he does so, the relevant provisions of section 18 shall apply.

(4) Where the Chief Officer refers the matter to the Tribunal in accordance with subsection (3) he may from time to time, by notice in writing served on the person to whom the temporary direction applies, extend or further extend the temporary direction for a further 28 days. A copy of any such extension shall be published in the Gazette.

(5) A temporary direction issued in accordance with this section shall cease to have effect on the occurrence of either of the following events, that is to say—

- (a) the service on the person to whom the temporary direction applies of a notice under section 18(4);
- (b) the expiration of the period of operation of the temporary direction issued in accordance with this section.

**20.—(1)** If it appears to the Chief Officer that there exists a social problem caused by the extensive misuse of dangerous or otherwise harmful drugs, he may by notice in writing served on any medical practitioner or pharmacist or any authorised seller of poisons require him to furnish to the Chief Officer with respect of any drugs specified in the notice and as regards any period so specified, such particulars as may be so specified relating to the quantities, number and frequency of the occasions on which these drugs -

Power to obtain information from medical practitioners etc. in certain circumstances.

- (a) in the case of a medical practitioner, were prescribed, administered or supplied by him; or
- (b) in the case of a pharmacist, were supplied by him; or
- (c) in the case of an authorised seller of poisons were supplied in the course of his business at any premises so situated which may be specified in the notice.

(2) A notice under this section 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 pharmacist or an authorised seller of poisons may require him to furnish the names and addresses of the medical practitioners on whose prescriptions any dangerous or otherwise harmful drugs to which the notice relates were supplied, but shall not require any person to furnish any particulars relating to the identity of any person for or to whom any such drug has been prescribed, administered or supplied.

(3) A person commits an offence if without reasonable excuse (proof of which shall lie on him) he fails to comply with any requirement to which he is subject by virtue of subsection (1).

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

## PART V

### CONTROLLED DRUGS IN TRANSIT FROM OR INTO THE REPUBLIC

**21.—(1)** It is an offence to bring any controlled drugs into the Areas in transit -

Controlled drugs in transit.

- (a) otherwise than from or into the Republic; and
- (b) unless the presence of such drugs in the Republic is permitted under the Republican Law.

(2) Where the Fiscal Officer has reasonable grounds for believing that any controlled drugs are in the course of transit in contravention of subsection (1) or are being transited for any other unlawful purpose or unlawful manner, including for the purpose of being imported into another country in contravention of the laws of that country, it shall be lawful for the Fiscal Officer to seize and detain the drugs.

(3) Nothing in this section shall be deemed to apply to any controlled drug in transit by air if the aircraft passes over the Areas without landing or to such quantities of controlled drugs as may reasonably form part of the medical stores of any ship or aircraft.

## PART VI

## GENERAL PROVISIONS

Miscellaneous offences.

**22.—**(1) Any person who contravenes any regulations made under this Ordinance is guilty of an offence, and shall be liable on conviction to imprisonment not exceeding 6 months or to a fine not exceeding £500 or to both such penalties.

(2) It is an offence for a person to contravene a condition or other term of a licence issued under section 4 or of a licence or other authority issued under regulations made under this Ordinance, other than a licence issued under regulations made in pursuance of section 14(2)(i).

(3) A person commits an offence if, in purported compliance with any obligation to give information to which he is subject under or by virtue of regulations made under this Ordinance, he gives any information which he knows to be false in a material particular or recklessly gives any information which is so false.

(4) A person commits an offence if, for the purpose of obtaining, whether for himself or another, the issue or renewal of a licence or other authority under this Ordinance or under any Regulations made under this Ordinance, he—

- (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 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.

Encouraging and promoting the illegal use of controlled drugs.

**23.—**(1) Any person who—

- (a) encourages, advances or promotes the unlawful use of controlled drugs with the use of printed matter, photographs, cinematographic films, video cassettes or by any other means for the promotion or advertisement of such drugs; or
- (b) provides information concerning the manufacture or supply of controlled drugs; or
- (c) distributes test samples of any controlled drugs, irrespective of the percentage of controlled drugs therein contained, for the specific purpose of unlawfully propagating such controlled drugs,  
shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 4 years.

(2) Expressing a scientific opinion or judgement relating to narcotics shall not constitute an offence in contravention of subsection (1) where this reasonably appears to be done in the social interest while exercising a right or fulfilling a duty, provided it is evident from the manner of formulating such an opinion or judgement or the circumstances under which such act was done, that such action was not aiming at encouraging, promoting or advertising the unlawful use of controlled drugs.

**24.—**(1) Any person who attempts to commit an offence in contravention of any of the provisions of this Ordinance or who incites another person to commit such an offence shall be guilty of an offence.

Attempt to commit an offence.

(2) The penalties which may be imposed on any person who is convicted for an offence under this section shall be those which under the Second Schedule may be imposed on a person who has been convicted of the principal offence.

(3) In this section “principal offence” means the offence to which the attempt or incitement or attempted incitement refers, as is provided in subsection (1) above.

**25.** A person commits an offence if in the Areas he assists in or induces the commission in the Republic or in any place outside the Island of Cyprus of an offence punishable under the provisions of the Republican Law or of a corresponding law in force in that place.

Assisting in or inducing commission outside the Areas under a corresponding law. Judicial notice to be taken of Republican Law Ordinance 5/06.

**26.** Any Court of the Areas may take judicial notice of the Republican Law for the purposes of any criminal or civil proceedings in the Areas and the provisions of section 27(2) of the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006 shall apply to this subsection as they apply to section 27 of that Ordinance.

**27.** Where an offence under this Ordinance 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 shall be guilty of that offence and shall be liable to be proceeded against accordingly.

Offences by corporate bodies.

**28.** The Administrator may by Regulations make provision—

Further power to make regulations.

(a) for excluding in such cases as may be prescribed—

- (i) the application of any provision of this Ordinance which creates an offence, or
- (ii) the application of any of the provisions of the Customs Ordinance 2005 or the Excise Ordinance 2006, in so far as they apply in relation to a prohibition or restriction on importation or exportation having effect by virtue of section 4 above;

(b) for applying any of the provisions of sections 17 to 19 with such modifications, if any, as may be prescribed -

- (i) in relation to any proposal by the Chief Officer to give a direction under section 16(2); or
- (ii) for such purposes of regulations under this Ordinance as may be prescribed;

(c) for the application of any of the provisions of this Ordinance or Regulations or Orders made under it to servants or agents of the Areas, subject to such exceptions, adaptations and modifications as may be prescribed.

**29.—**(1) A police officer or other person authorised in that behalf by a general or special order of the Chief Officer shall, for the purposes of the execution of this Ordinance, have power to enter the premises of a person carrying on business as a producer or supplier

Power to search and obtain evidence.

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 a person is in possession of a controlled drug in contravention of this Ordinance or of any regulations made under it the police officer may —

- (a) search that person, and detain him for the purpose of searching him;
- (b) search any vehicle or vessel in which the police officer suspects that the drug may be found and for that purpose require the person in control of the vehicle or vessel to stop it;
- (c) seize and detain, for the purposes of proceedings under this Ordinance, anything found in the course of the search which appears to the police officer to be evidence of an offence under this Ordinance.

(3) If a Judge is satisfied by information on oath that there are reasonable grounds for suspecting -

- (a) that controlled drugs are, in contravention of this Ordinance or of any Regulations made under it, 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 Ordinance, or in the case of a transaction or dealing carried out or intended to be carried out in a place outside the Areas, an offence against the provisions of a corresponding law in force in that place, is in the possession of a person on any premises,

he may issue a warrant authorising the person named in the warrant at any time or times within 1 month from the date of the warrant, to enter, if need be by force, the premises named in the warrant, and to search the premises and any persons found in it and, if there are reasonable grounds for suspecting that an offence under this Ordinance 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 of the kind mentioned in paragraph (b) above is in the premises, to seize and detain these drugs or that document (or both), as the case may be.

(4) A person commits an offence if he—

- (a) intentionally obstructs a person in the exercise of his powers under this section; or
- (b) conceals from a person acting in the exercise of his powers under this section any books, documents, stocks or drugs of the kind mentioned in subsection (1); or
- (c) without reasonable excuse (proof of which shall lie on him) fails to produce any books or documents where their production is demanded by a person in the exercise of his powers under this section.

(5) In this section “vessel” includes a hovercraft and nothing in this section shall prejudice any power of search or any power to seize or detain property which is exercisable by a police officer apart from this section.

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

Power of arrest.

- (a) he, with reasonable cause, believes that that person will abscond unless arrested; or
- (b) the name and address of that person are unknown to, and 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 shall not prejudice any power of arrest conferred by law under any other Ordinance.

**31.—**(1) The Second Schedule shall have effect, subject to subsection (2), with respect to the way in which the offences listed in that Schedule are punishable on conviction.

Offences and Penalties.

(2) Notwithstanding subsection (3) and the Second Schedule, where the defendant is convicted of an offence—

- (a) which is in relation to the use, possession or carrying of a controlled drug for personal use; and
- (b) he is of an age not exceeding 25 years; and
- (c) he has not previously been convicted of any offence committed in contravention of the provisions of this Ordinance or the repealed Ordinance,

then the Court shall not impose a heavier penalty than 2 years imprisonment.

(3) In relation to an offence committed in contravention of a provision of this Ordinance, the general nature of which is specified in the first column of the said Schedule—

- (a) the second, third and fourth columns indicate respectively the penalties which may be imposed upon a person who has been convicted of an offence, 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
- (b) the fifth column indicates the penalties which may be imposed upon a person who has been convicted of an offence, irrespective of whether the offence was committed in relation to a controlled drug and, if committed in relation to a controlled drug, irrespective of whether the drug was a Class A drug, a Class B drug or a Class C drug.

(4) Without prejudice to any other relevant provisions and in addition to any such provisions, the Court shall, when imposing a penalty, take into account, among other things, the following circumstances—

- (a) with regard to making the offence particularly serious—

- (i) the involvement in the commission of the offence of an organised group of criminals to which the accused belongs;
  - (ii) the involvement of the accused in international organised criminal activities;
  - (iii) the involvement of the accused in other unlawful activities which are facilitated by the commission of the offence;
  - (iv) the use of violence, firearms or aggressive weapons or objects in the course of committing the offence;
  - (v) the fact that the accused holds a public office or position and the offence committed is related to such office or position;
  - (vi) the victimisation or exploitation of minors or persons who are mentally disabled or who suffer from mental diseases;
  - (vii) the fact that the offence was committed in a prison or in a police detention centre or at a home or institution which is under the control, supervision or case of authorised Welfare Services which may be approved by the Chief Officer or in the vicinity of such homes or institutions or at other places which are frequented by school pupils or students for educational, athletic, social or other activities;
- (b) with regard to making the offence less serious -
- (i) the age of the accused;
  - (ii) the fact that the accused committed the offence because persons who had influence upon him induced him to do so;
  - (iii) that the accused had no involvement whatsoever in drug trafficking and that the offence relates exclusively to the use of narcotics;
  - (iv) the degree of dependence of the accused on narcotics;
  - (v) the proven remorse of the accused which among other things is evidenced by the degree of his co-operation with the authorities in prosecuting the suppliers and by his willingness to be subjected to the appropriate treatment to rid himself of his dependence on narcotics;
  - (vi) the type and quantity of the prohibited drugs which are found in his possession;
  - (vii) the fact that there do not exist any of the circumstances mentioned in subparagraphs (i) to (vii) of paragraph (a) above of this subsection.

Possession with intent to supply.

**32.** Where it is proved that any person cultivated or possessed any controlled drug or substance of the kind set out in Column 1 below, of a quantity which is the same as or exceeds the quantity set out in Column 2 below, it shall be deemed that he cultivated or possessed such controlled drug or substance for the purpose of supplying it to another, unless he satisfies the Court to the contrary.

## Illegal Cultivation

Column 1	Column 2
Any plant of the genus <i>cannabis</i>	3 plants
Any plant of the genus <i>papaver somniferum L</i>	20 plants
Any plant of the genus <i>erythroxyllum coca</i>	5 plants

## Illegal possession

Column 1	Column 2
Cannabis or derivatives of cannabis	30 grams
Prepared opium or derivatives of opium	10 grams
Prepared cocaine or derivatives of cocaine	10 grams
Any controlled drug	20 grams in a solid form or 20 cubic centimetre in a liquid form

**33.—(1)** Subject to subsection (2), the Court by or before which a person is convicted of an offence contrary to this Ordinance or to any Regulations made under it 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.

Forfeiture.

(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, unless an opportunity has first been given to him to show cause why the order should not be made.

**34.—(1)** Any Court before which a person is convicted of any offence under this Ordinance or any regulations made under it may, if the Court deems it necessary, disqualify such person from holding or obtaining a licence to drive a motor vehicle for such period as the Court thinks fit.

Additional powers of the Court.

(2) Where any person who has been disqualified from holding or obtaining a driving licence by virtue of subsection (1) is in possession of a driving licence such licence shall be revoked and shall cease to be valid during the period of disqualification.

(3) Disqualification from holding or obtaining a driving licence as provided in subsection (1), may be imposed either as an additional penalty or in substitution of any other penalty which the Court may impose.

(4) Where the Court has ordered the disqualification of any person from holding a driving licence, details of such disqualification shall be endorsed upon the licence of such person.

**35.—(1)** This section applies to offences under any of the following provisions of this Ordinance, that is to say section 5(2), section 7(2) and (3), section 9(2) and section 12.

Proof of lack of knowledge etc. to be defence in certain proceedings.

(2) Subject to subsection (3), in any proceedings for an offence

to which this section applies it shall be a defence for the accused to prove that he neither knew of nor suspected nor had reason to suspect the existence of any 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 accused 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 accused—

- (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 of such offence—
  - (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.

**36.**—(1) Any notice or other document required or authorised by any provision of this Ordinance to be served on any person may be served on him either by delivering it to him or by leaving it at his proper address or by sending it by 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 clerk of that body.

(3) For the purpose of this Ordinance the proper address of any person shall, in the case of the secretary or clerk of a body corporate, be that of the registered or principal office of that body, and in any other case shall be the last address of the person to be served which is known to the Chief Officer.

(4) Where a notice or direction is served in accordance with any of the provisions of sections 16 to 19 and is served by sending it by registered post or by recorded delivery service, service of it shall be deemed to have been affected at the time when the letter containing it would be delivered in the ordinary course of post.

Licences, directions and authorities.

**37.** A licence, direction or other authority issued by the Chief Officer for the purposes of this Ordinance may be, to any degree, general or specific and issued on such terms and subject to such conditions (including, in the case of licence, the payment of a prescribed fee) as the Chief Officer thinks proper, and may be modified or revoked by him at any time.

**38.** The Administrator may make regulations requiring any person withdrawing from the customs any psychotropic substances specified in the said regulations to deliver a return within a period to be specified in the regulations in respect of such substances. Such return shall be in such form and shall contain such details as may be specified in such regulations.

Regulations in respect of returns for psychotropic substances.

**39.** Regulations made by the Administrator under any provision of this Ordinance—

General provisions as to Regulations.

- (a) may make different provisions in relation to different controlled drugs, different classes of persons, different provisions of this Ordinance or other different cases or circumstances;
- (b) may make the opinion, consent or approval of a prescribed authority or of any person authorised in the prescribed manner, material for purposes of any provision of the Regulations; and
- (c) may contain such supplementary, incidental and transitional provisions as appear expedient to the Administrator.

**40.—(1)** The Narcotics Drugs and Psychotropic Substances Ordinance 1980 is repealed.

Repeal and saving.

(2) Nothing in this Ordinance shall affect any Regulations made, licence issued, authority or warrant granted or any other thing done under the repealed Ordinance, but any such Regulations, licence, authority, warrant or thing which is in force at the commencement of this Ordinance shall continue in force and so far as it would have been made, issued, granted or done under the corresponding provision of this Ordinance shall have effect as if it had been made, issued, granted or done under the corresponding provision of this Ordinance.

(3) Any document referring to an enactment repealed by this Ordinance shall be construed as referring to the corresponding provision of this Ordinance.

**41.** This Ordinance does not apply to —

- (a) the performance of any act (including any failure to act) regulated by this Ordinance where it is carried out by an authorised person in the discharge of his duties; and
- (b) the possession and use of any controlled drugs by any person where that person has been supplied with those drugs by an authorised person in the discharge of his duties.

Exemption for authorised persons.

**42.** This Ordinance shall come into force on the day of its publication in the Gazette.

Commencement.

## FIRST SCHEDULE

### CONTROLLED DRUGS

#### PART I

#### Class A Drugs

1. The following substances and products namely—

Acetorphine  
Acetyl-alpha-methylfentanyl  
Acetylmethadol

Alfentanil  
Allylprodine  
Alphacetylmethadol  
Alphameprodine  
Alphamethadol  
Alpha-methylfentanyl  
Alpha-methylthiofentanyl  
Alphaprodine  
Anileridine  
Benzethidine  
Benzylmorphine (3-benzylmorphine)  
Betacetylmethadol  
Beta-hydroxyfentanyl  
Beta-hydroxy-3-methylfentanyl  
Betameprodine  
Betamethadol  
Betaprodine  
Bezitramide  
Brolampheta mine (DOB)  
Bufotenine  
Cannabinol, except where contained in cannabis or cannabis resin  
Cannabinol derivatives  
Cathinone  
Clonitazene  
Coca leaf  
Cocaine  
Codoxime  
Desomorphine  
Dextromoramide  
Diamorphine (diacetylmorphine, heroin)  
Diampromide  
Diethylthiambutene  
Difenoxin  
Dihydromorphine  
Dimenoxadol  
Dimepheptanol  
Dimethylthiambutene

Dioxaphetyl butyrate

Diphenoxylate

Dipipanone

Drotebanol

Ecgonine, its esters and derivatives which are convertible to ecgonine and cocaine

N-Ethyl MDA ( $\pm$ ) – N-ethyl- $\alpha$ -methyl-3,4-(methylenedioxy)phenethylamine)

Ethylmethylthiambutene

Eticyclidine(PCE)

Etonitazene

Etorphine

Etoxadine

Etryptamine

Fentanyl

Furethidine

Hydrocodone

Hydromorphanol

Hydromorphone

N-Hydroxy MDA ( $\pm$ ) – N- [ $\alpha$ -methyl-3,4-(methylenedioxy)phenethyl] hydroxylamine`

Hydroxypethidine

Isomethadone

Ketobemidone

Levomethorphan

Levomoramide

Levophenacymorphan

Levorphanol

Lofentanyl

Lysergamide

Lysergide (LSD) and other N-alkyl derivatives of lysergamide

Mescaline (3,4,5-trimethoxyphenethylamine

Metazocine

Methadone

Methadone Intermediate (4-cyano-2-dimethylamino-4,4-diphenylbutane)

Methadyl acetate

Methcathinone

4- Methylaminorex ( $\pm$ ) –cis- 2-amino-4-methyl-5-phenyl-2-oxazoline

Methyldesorphine

Methyldihydromorphine

3- Methylfentanyl

3- Methylthiofentanyl

Metopon

Moramide Intermediate (2-methyl-3-morpholino-1,1-diphenylpropane carboxylic acid)

Morpheridine

Morphine

Morphine methobromide and other pentavalent nitrogen morphine derivatives, including in particular the morphine –N-oxide derivatives, one of which is Codeine- N-oxide

Morphine-N-oxide

MPPP(1-methyl-4-phenyl-4-piperidinol propionate (ester))

Myrorphine

Nalbuphine

Nicomorphine (3, 6-dinicotinylmorphine)

Noracymethadol

Norlevorphanol

Normethadone

Normorphine

Norpipanone

Opium

Oxycodone

Oxymorphone

Para-fluorofentanyl

Parahexyl (3 hexyl-7,8,9,10-tetrahydro-6,6,9-trimethyl 6H- dibenzo [b,d ] pyran-1-ol)

Pentazocine

PEPAP (1-phenethyl-4-phenyl-4-piperidinol acetate (ester))

Pethidine

Pethidine Intermediate A

Pethidine Intermediate B

Pethidine Intermediate C

Phenadoxone

Phenampromide

Phenazocine  
 Phenomorphan  
 Phenoperidine  
 Piminodine  
 Piritramide  
 Poppy-straw and concentrate of poppy-straw  
 Proheptazine  
 Properidine  
 Psilocin (3-[ 2-(dimethylamino )- ethyl] indol-4o1)  
 Psilocybine  
 Racemethorphan  
 Racemoramide  
 Racemorphan  
 Rolicyclidine (PHP, PCPY)  
 Sufentanil  
 Tenamfentamine (MDA)  
 Tenocyclidine (TCP)  
 Thebacon  
 Thebaine  
 Thiofentanyl  
 Tilidine  
 Trimeperidine  
 Zipeprol  
 3-[ 2-(diethylamino ) ethyl] indole(DET)  
 2,5-Dimethoxy-a,4 –dimethylphene-thylamine(STP, DOM)  
 (±) -2,5 –dimethoxy-a-methylphenethylamine (DMA)  
 3-[ 2- (Dimethylamino) ethyl ] indole (DMT)  
 3-(1,2- Dimethylheptyl)-7,8,9,10- tetrahydro-6,6,9-trimethyl-  
 6H-dibenzo [b,d] pyran-1-o1 (DMHP)  
 (±) –N,a-Dimethyl-3,4-(methylene-dioxy)phenethylamine  
 (MDMA)  
 (±) -4-Ethyl-2,5-dimethoxy-a-phenethylamine (DOET)  
 2-Methoxy-a-methyl-4-5-(methylene-dioxy) phenethylamine  
 (MMDA)  
 (±) -3,4,5- Trimethoxy-a-methyl-phenethylamine (TMA)  
 4-cyano-2-dimethylamino-4, 4-diphenylbutane  
 4-cyano-1-methyl-4-phenyl-piperidine  
 N, N-diethyltrytamine  
 N, N-dimethyltryptamine

2,5 Dimethoxy-a, 4 dimethyl-phenethylamine

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 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 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 product containing a substance or product 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 product for the time being specified in any paragraph 1 to 3 of Part II of this Schedule.

## PART II

### Class B Drugs

1. The following substances and products, namely:—

Acetyldihydrocodeine

Amphetamine

4-bromo-2,5-dimethoxyphenethylamine (2-C-B)

Cannabis and cannabis resin

Codeine

Dexamphetamine

Dextropropoxyphene

Dihydrocodeine

2C-T-2 (2,5-dimethoxy-4-ethylthiophenethylamine)

2C-I (2,5 –dimethoxy-4-iodophenethylamine)

2C-T-7 (2,5 –dimethoxy-4-(n)-propylthiophenethylamine)

Ethylmorphine

Fenethylamine

Levamphetamine

Levomethamphetamine

Mecloqualone

Metamphetamine

Metamphetamine racemate

Methaqualone

Methylphenidate

Nicocodine

Nicodicodine

Norcodeine

Phencyclidine (PCP)

Phenmetrazine

Pholcodine

PMMA (Paramethoxymethyl-amphetamine or N-methyl-1-(4-Methoxyphenyl)-2-aminopropane)

Propiram

Secobarbital

Tradamol

4-MTA (P-Methylthioamphetamine or 4-Methylthioamphetamine)

TMA -2 (2,4,5-trimethoxyamphetamine)

2. Any stereoisometric 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 product 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:—

Amobarbital

Buprenorphine

Butalbital

Cathine

Cyclobarbital

Flunitrazepam

g-hydroxybutyric acid (GHB)

Glutethimide

Pentobarbital

2. Any stereoisometric 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 for

the time being specified in any of paragraphs 1 to 3 of this Part of this Schedule.

## PART IV

### 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” mean 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 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 powder or granulated opium but does not include medicinal opium.

## SECOND SCHEDULE (section 31)

### OFFENCES AND PENALTIES

Offences in contravention of sections:	Penalties			
	Class A drug involved	Class B drug involved	Class C drug involved	General
4(3)	Life imprisonment or a fine or both penalties	Life imprisonment or a fine or both penalties	8 years imprisonment or a fine or both penalties	-----
5(2)	Life imprisonment or a fine or both penalties	Life imprisonment or a fine or both penalties	8 years imprisonment or a fine or both penalties	-----
7(2)	12 years imprisonment or a fine or both penalties	8 years imprisonment or a fine or both penalties	4 years imprisonment or a fine or both penalties	-----

7(3)	Life imprisonment or a fine or both penalties	Life imprisonment or a fine or both penalties	4 years imprisonment or a fine or both penalties	-----
8(2)	-----	-----	Life imprisonment or a fine or both penalties	Life imprisonment or a fine or both penalties
11	Life imprisonment or a fine or both penalties	Life imprisonment or a fine or both penalties	8 years imprisonment or a fine or both penalties	-----
12	-----	-----	-----	Life imprisonment or a fine or both penalties
15	-----	-----	-----	4 years imprisonment or a fine or both penalties
16(6)	Life imprisonment or a fine or both penalties	Life imprisonment or a fine or both penalties	8 years imprisonment or a fine or both penalties	-----
17(3)	Life imprisonment or a fine or both penalties	Life imprisonment or a fine or both penalties	8 years imprisonment or a fine or both penalties	-----
20(3)	-----	-----	-----	£100
20(4)	-----	-----	-----	4 years imprisonment or a fine or both penalties
21(1)	Life imprisonment or a fine or both penalties	Life imprisonment or a fine or both penalties	8 years imprisonment or a fine or both penalties	-----
22(2)	-----	-----	-----	4 years imprisonment or a fine or both penalties
22(3)	-----	-----	-----	4 years imprisonment or a fine or both penalties
22(4)	-----	-----	-----	4 years imprisonment or a fine or both penalties
25	-----	-----	-----	Life imprisonment or a fine or both penalties
29(4)	-----	-----	-----	4 years imprisonment or a fine or both penalties

3rd October 2006  
(SBA/AG/2/CR/208)

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P. D. Draycott  
Chief Officer.

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