

**SAMOA**

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**2009, No. 17****AN ACT to amend the Narcotics Act 1967, and for related purposes.** *[27<sup>th</sup> October 2009]*

**BE IT ENACTED** by the Legislative Assembly of Samoa in Parliament assembled as follows:

**1. Short title and commencement-**(1) This Act may be cited as the Narcotics Amendment Act 2009 and shall be read together with and form part of the Narcotics Act 1967 (hereinafter referred to as the Principal Act).

(2) This Act commences on a date to be nominated by the Minister.

**2. Interpretation** - Section 2 of the Principal Act is amended by:

(a) inserting the following words and their interpretations in alphabetical order:

““Class A narcotics” means the narcotics specified or described in the First Schedule;

““Class B narcotics” means the narcotics specified or described in the Second Schedule;

““Class C narcotics” means the narcotics specified or described in the Third Schedule;

““Dentist” has the meaning given by the Dental Practitioners Act 2007;

““Medical practitioner” has the meaning given by the Medical Practitioners Act 2007;

““Nurse” has the meaning given by the Nursing and Midwifery Act 2007;

““Pharmacist” has the meaning given by the Pharmacy Act 2007.”

(b) substituting the interpretations of “controlled precursor”, “Narcotic” and “Prohibited plant” with the following interpretations:

““Controlled precursor” means a substance:

- (a) specified or described in the Fourth Schedule; or
- (b) prescribed by the Head of State under section 5(3);

““Narcotic” means a plant, drug, substance, preparation, mixture or article specified or described in the First, Second and Third Schedules and includes a prohibited plant;

““Prohibited plant” means:

- (a) a plant of the genus cannabis; or
- (b) a plant of the species papaver somniferum; or
- (c) erythroxyton coca and erythroxyton novagranatense (syn E truxillense) and every other species of the genus erythroxyton from which a narcotic can be produced; or
- (d) a plant of the species lophophora williamsii or lophophora lewinii; or
- (e) a fungus of the genera conocybe, panaeolus or psilocybe from which a narcotic can be produced or which contains a narcotic; or
- (f) any other plant approved by the Minister by notice issued to that effect.”.

**3. Classification of narcotics** – The Principal Act is amended by inserting after section 4 the following:

**“4A. Classification of narcotics** – When considering the appropriate sentence or any other relevant matter, the classification of narcotics under this Act is based on the risk of harm the narcotic poses to individuals, or to society, by its misuse, and accordingly:

- (a) narcotics that pose a very high risk of harm are classified as Class A narcotics; and
- (b) narcotics that pose a high risk of harm are classified as Class B narcotics; and
- (c) narcotics that pose a moderate risk of harm are classified as Class C narcotics.”

**4. Head of State may amend lists of narcotics or prohibited plants-**(1) Section 5 of the Principal Act is amended by:

- (a) deleting the words “preparation or substance from the list of narcotics set out in the First Schedule or the Second Schedule to this Act,” in subsection (1) and inserting the words “preparation or substance from the list of narcotics specified or described in the First, Second or Third Schedule to this Act,”; and
- (b) deleting subsection (3) and inserting the following:

“(3) The Head of State, acting on the advice of Cabinet, may by order add a new substance to the Fourth Schedule or amend or omit a substance that is listed in the Fourth Schedule.”

**5. Unlawful cultivation of prohibited plants** – Section 6 of the Principal Act is amended by:

- (a) deleting the words “7 years” in subsection (1)(b) and inserting the words “14 years”;
- (b) deleting the words “2 penalty units” and “3 months” in subsection (2) and inserting the words “20 penalty units” and “2 years” respectively.

**6. Possession and use of narcotics** – Section 7 of the Principal Act is deleted and substituted with the following:

**“7. Possession and use of narcotics-**(1) No person shall:

- (a) knowingly be in possession of, or attempt to obtain possession of, any narcotic; or
- (b) knowingly procure, consume, smoke or otherwise use, any narcotic; or
- (c) attempt to supply or administer, or supply or administer, any narcotic to or on any other

person, or otherwise deal in the narcotic in any other manner,

unless expressly exempted under subsection (2).

- (2) A person is exempted from subsection (1) if:
- (a) he or she is entitled to import or export that narcotic; or
  - (b) he or she is licensed to deal in that narcotic; or
  - (c) the narcotic was supplied for his or her use, or for the treatment of some animal under his or her care, by a licensee, or pursuant to the prescription of a licensee, authorised to supply or prescribe narcotics for that purpose; or
  - (d) his or her possession is for or on behalf of a person lawfully entitled to the possession of that narcotic; or
  - (e) his or her possession is permitted by the regulations; or
  - (f) he or she has the narcotic as a sample or for analysis under the Food and Drugs Act 1967; or
  - (g) he or she is in the service or an agent of the Government and his or her possession is for the purpose of investigating an offence or alleged offence or the prosecution of any person; or
  - (h) he or she is lawfully in possession of the narcotic pursuant to an authority or supply granted or issued under section 8 or section 9 of this Act,

and the onus is on the person to prove that the person falls within any of the exemptions in this subsection.”

**7. Supplies of narcotics or controlled precursors for ships, aircraft and first aid kits** - Section 9 of the Principal Act is amended by inserting the words “or controlled precursors” after every mention of the word “narcotics”.

**8. Restrictions on the import and export of narcotics and controlled precursors** - Section 10 of the Principal Act is amended by:

- (a) deleting the heading of the section and inserting **“Restrictions on the import and export of narcotics and controlled precursors”**; and
- (b) deleting the words “any other narcotic named or described in the First Schedule to this Act” in subsection (2) and inserting the words “any narcotic specified or described in the First, Second or Third Schedules to this Act”; and
- (c) deleting subsection (3) and inserting:

**“(3)** No licence under subsections (2) or (3A) to import or export any narcotic or a controlled quantity of a controlled precursor shall be granted except to a person who is licensed under section 11 of this Act to deal in that narcotic or controlled precursor.” and:

- (d) inserting in subsection (3A) the words “or export from” after the words “import into”;
- (e) inserting the following subsections after subsection (3A):

**“(3B)** No person shall import into or export from Samoa any controlled precursor, unless that person proves he has a reasonable excuse to import or export the controlled precursor.

**(3C)** Without limiting the generality of subsection (3B), a person has a reasonable excuse if:

- (a) for any controlled precursor he or she imports into Samoa –
  - (i) the controlled precursor is imported by a person and that person has the intention or belief that it will be used for the manufacture or production of a narcotic by a licensed person under this Act;

(ii) the controlled precursor is imported by a person and that person has the intention or belief that it will be used for the treatment of an animal under the care of a licensed person under this Act;

(iii) the controlled precursor is imported by a person and that person has the intention or belief that it will be used for a lawful purpose including but not limited to an agricultural, commercial or industrial purpose or activity;

(iv) the controlled precursor is imported by a person and that person has the intention or belief that it will be used as a sample or for analysis, under the Food and Drugs Act 1967;

(v) the controlled precursor is for the purpose of investigating an offence or alleged offence or the prosecution of any person;

(vi) the controlled precursor is lawfully in his or her possession pursuant to a licence or authority granted under this Act or other law of Samoa in force at the time;

(b) the controlled precursor is exported by a person and that person has the intention or belief that it will be used for a purpose that is lawful under the law of the country to which the controlled precursor is exported.

**(3D)** No person shall import into Samoa any controlled precursor for the purpose of the commission of an offence against this Act by that person or any other person.

**(3E)** No person shall export from Samoa any controlled precursor for the purpose of the commission of an offence against this Act or the law of the country to which the controlled precursor is exported by that person or by any other person.”

**9. Licences to deal in narcotics or any controlled quantity of any controlled precursors** – Section 11 of the Principal Act is deleted and substituted with the following:

**“11. Licences to deal in narcotics or any controlled quantity of any controlled precursors-**(1) Subject to subsection (2), no person shall deal in any narcotic or any controlled quantity of any controlled precursor except pursuant to a licence granted by the Chief Executive Officer.

(2) A licence under subsection (1) shall not be granted unless the person applying for a licence:

- (a) deals in narcotics or any controlled quantity of any controlled precursor in the course of his or her employment or commercial activity; or
- (b) is regarded as a fit and proper person to deal in the controlled precursor and is explicitly authorised to deal in the controlled precursor by the terms of a licence under this Act.

(3) A licence under this section may be granted subject to restrictions and conditions as the Chief Executive Officer thinks fit, and may be either general or apply only to a particular case or matter.”

**10. Miscellaneous offences** - Section 13 of the Principal Act is deleted and substituted with the following:

**“13. Miscellaneous offences** - Every person who:

- (a) uses or permits to be used any premises or vehicle for the purpose of the commission of an offence against this Act; or
- (b) has in his or her possession any needle, syringe, pipe or other utensil for the purpose of the commission of an offence against this Act; or
- (c) without lawful excuse smokes or otherwise uses prepared opium or is on premises being used for the smoking of opium,

commits an offence and is liable to imprisonment for a term not exceeding seven (7) years or to a fine not exceeding 200 penalty units, or both.”

**11. Insertion of “controlled precursor”** - Sections 14(1), 14A(1) and (2), 15(1) and 16(1) of the Principal Act are amended by inserting the words “or controlled precursor” after every mention of the word “narcotic” or “narcotics”.

**12. Penalty for illegal import or export of narcotics** – Section 17 of the Principal Act is deleted and substituted with the following:

**“17. Penalty for illegal import or export of narcotics-**(1) Every person who imports into or exports from, or attempts to import into or export from, Samoa any narcotic in contravention of any provision of this Act is guilty of an offence against this Act, and shall be liable to:

- (a) imprisonment for life where a Class A narcotic was the narcotic or one of the narcotics in relation to which the offence was committed; or
- (b) imprisonment for a term not exceeding 14 years where paragraph (a) of this subsection does not apply but a Class B narcotic was the narcotic or one of the narcotics in relation to which the offence was committed; or
- (c) imprisonment for a term not exceeding seven (7) years where a Class C narcotic was the narcotic in relation to which the offence was committed or any narcotics not listed in any of the Schedules.”

**13. Penalty for illegal import or export of controlled precursors** - The Principal Act is amended by inserting the following section 17A after section 17:

**“17A. Penalty for illegal import or export of controlled precursors-**(1) Every person who imports into or exports from, or attempts to import into or export from, Samoa any controlled precursor without a licence is guilty of an offence against this Act, and shall be liable to

imprisonment for a term not exceeding 14 years or to a fine not exceeding 500 penalty units, or both.

(2) Every person who imports into or exports from Samoa, or attempts to import into or export from Samoa, any controlled precursor for the purpose of unlawfully manufacturing a narcotic under section 18A of this Act shall be liable to:

- (a) imprisonment for life where a Class A narcotic was the narcotic or one of the narcotics in relation to which the offence was committed;  
or
- (b) imprisonment for a term not exceeding 14 years where paragraph (a) of this subsection does not apply but a Class B narcotic was the narcotic or one of the narcotics in relation to which the offence was committed; or
- (c) imprisonment for a term not exceeding seven (7) years where a Class C narcotic was the narcotic in relation to which the offence was committed or any narcotics not listed in any of the Schedules.”

**14. Penalty for unlawful supply or possession of narcotics** - Section 18 of the Principal Act is amended as follows:

- (a) deleting the number “(1)” which indicates a subsection; and
- (b) inserting immediately after paragraph (b) the following:

“(c) procures, consumes, smokes or otherwise uses any narcotic – ”; and

- (c) deleting paragraphs (c) and (d) and inserting the following:

“(d) imprisonment for life where a Class A narcotic was the narcotic or one of the narcotics in relation to which the offence was committed;  
or

- (e) imprisonment for a term not exceeding 14 years where paragraph (a) of this subsection does not apply but a Class B narcotic was the narcotic or one of the narcotics in relation to which the offence was committed; or
  - (f) imprisonment for a term not exceeding seven (7) years where a Class C narcotic was the narcotic in relation to which the offence was committed or any narcotics not listed in any of the Schedules,”; and
- (d) substituting the words “100 penalty units” in the proviso with the words “5 penalty units”.

**15. Unlawful manufacture of a narcotic** - Section 18A of the Principal Act is amended as follows:

- (a) by deleting subsection (1) and inserting the following:

“(1) A person who manufactures a narcotic in contravention of this Act commits an offence and is liable to:

- (a) imprisonment for life where a Class A narcotic was the narcotic or one of the narcotics in relation to which the offence was committed; or
- (b) imprisonment for a term not exceeding 14 years where paragraph (a) of this subsection does not apply but a Class B narcotic was the narcotic or one of the narcotics in relation to which the offence was committed; or
- (c) imprisonment for a term not exceeding seven (7) years where a Class C narcotic was the narcotic in relation to which the offence was committed or any narcotics not listed in any of the Schedules.”

- (b) by deleting the words “a person manufactures a narcotic if the person:” inserting the words “a person manufactures a narcotic if the person, whether directly or indirectly,;” immediately after the word “section,” in subsection (3).

**16. Unlawful sale, manufacture, supply or possession of a controlled precursor** - Section 18B of the Principal Act is amended as follows:

- (a) by deleting the heading of the section and substituting with “**Unlawful sale, manufacture, supply or possession of a controlled precursor**”;
- (b) deleting the words “a controlled quantity of” in paragraphs (a), (b) and (c) of subsection (1);
- (c) inserting the word “or” at the end of paragraph (d);
- (d) inserting the following paragraphs immediately after paragraph (d):

- “(e) possesses or attempts to obtain possession of, a controlled quantity of a controlled precursor except pursuant to a licence granted under section 11; or
- (f) supplies or attempts to supply a controlled precursor to any person believing that the person intends to use any of the substances to manufacture a narcotic; or
- (g) deals in a controlled precursor believing that the person intends to use any of the substances to manufacture a narcotic –”

- (e) inserting a new subsection (3) after subsection (2):

“(3) A person who sells a controlled quantity of a controlled precursor to a person who is not licensed under this Act commits an offence and is liable to a fine not exceeding 10 penalty units or to imprisonment for a term not exceeding two (2) years, or both, unless that person

proves that he or she had reason to believe that the person he or she sold the controlled precursor to is licensed under the Act.”

**17. General penalty for breach of Act** – Section 24 of the Principal Act is amended by:

- (a) deleting the words “2 penalty units” and “3 months” and inserting “10 penalty units” and “2 years” respectively in subsection (1); and
- (b) inserting the words “or controlled precursor” after every mention of the word “narcotic” in subsection (2); and
- (c) deleting the words “4 penalty units” and “one year” and inserting the words “200 penalty units” and “7 years” respectively in subsection (2).

**18. Confiscation and forfeiture of tainted property** - Section 25A(2) of the Principal Act is amended by inserting the words “or a controlled precursor” after the word narcotic in the definition of the words “tainted property”.

**19. Mandatory reporting of suspicion of illegal use of a narcotic or controlled precursor** - Section 25B of the Principal Act is deleted and substituted with the following:

**“25B. Mandatory reporting of suspicion of illegal use of a narcotic or controlled precursor-**(1) If a medical practitioner, nurse, pharmacist, dentist or veterinary reasonably suspects that a person they are treating or providing service for has illegally used a narcotic or controlled precursor, that medical practitioner, nurse, pharmacist, dentist or veterinarian must as soon as practicable report to a police officer the name of the person they are treating or serving and the grounds of their suspicion.

(2) A medical practitioner, nurse, pharmacist, dentist or veterinarian who fails to report to a police officer as required under subsection (1), commits an offence and is liable to a fine not exceeding 10 penalty units.”

**20. Insertion of “controlled precursor or controlled quantity of a controlled precursor”-**(1) Sections 26 and 29 of the Principal Act is amended by inserting the words “or controlled precursor or controlled quantity of a controlled precursor” after every mention of the words “narcotic” or “narcotics”.

(2) Section 29(3) of the Principal Act is amended by deleting the words “2 penalty units” and “3 months” and inserting the words “200 penalty units” and “1 year” respectively.

**21. Schedules** - The Schedules to the Principal Act are amended by:

- (a) deleting the First and Second Schedules and inserting the following:

**“FIRST SCHEDULE**

section 2:

**Class A narcotics**

A. The following substances are Class A narcotics -

| Item number | Class A narcotics   |
|-------------|---|
| 1           | ACETORPHINE (03-acetyl-7,8-dihydro-7 $\alpha$ -[1 (R)-hydroxy-1-methyl-butyl]-06-methyl-6,14-endo ethenomorphine) |
| 2           | AMPHETAMINE (2-amino-1-phenylpropane)   |
| 3           | BUFOTENINE (3-(2-dimethylaminoethyl)-5-hydroxyindole)   |
| 4           | CANTHARIDIN (hexahydro-3a,7a-dimethyl-4,7-epoxyisobenzofuran-1,3-dione)   |
| 5           | COCAINE (methyl ester of benzoylecgonine), except when contained in a Class C controlled drug                     |
| 6           | DESOMORPHINE (dihydrodeoxymorphine)   |
| 7           | DET (N, N-diethyltryptamine)  |
| 8           | DMA (2-amino-1-(2,5-dimethoxyphenyl) propane)   |

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| 9  | DMHP (3-(1,2-dimethylheptyl)-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6 H-dibenzo[b, d] pyran)                          |
| 10 | DMT (N, N-dimethyltryptamine)   |
| 11 | DOB (2-amino-1-(4-bromo-2, 5-dimethoxyphenyl) propane) (also known as bromo-DMA)  |
| 12 | ETORPHINE (7,8-dihydro-7 $\alpha$ -[1 (R)-hydroxy-1-methylbutyl]-06-methyl-6,14-endo ethenomorphine)                              |
| 13 | HEROIN (diacetylmorphine)   |
| 14 | KETOBEMIDONE (4-meta-hydroxyphenyl-1-methyl-4-propionylpiperidine)  |
| 15 | LYSERGIC ACID (essential precursor for manufacture of LSD)  |
| 16 | LYSERGIC ACID (essential precursor for manufacture of LSD)  |
| 17 | LYSERGIDE (N, N-diethyllysergamide or lysergic acid diethylamide)   |
| 18 | MDA (2-amino-1-(3,4-methylenedioxyphenyl) propane)  |
| 19 | MESCALINE (3,4,5-trimethoxyphenethylamine)  |
| 20 | METHAMPHETAMINE (2-methylamino-1-phenylpropane)   |
| 21 | 5-METHOXYDIMETHYLTRYPTAMINE (5-methoxy-N, N-dimethyl-tryptamine)  |
| 22 | 2-METHOXY-4, 5-METHYLENEDIOXYAMPHETAMINE (2-amino-1-(2-methoxy-4, 5-methylenedioxyphenyl) propane) (also known as MDMA or MDMA-2) |
| 23 | 3-METHOXY-4, 5-METHYLENEDIOXYAMPHETAMINE (2-amino-1-(3-methoxy-4, 5-methylenedioxyphenyl) propane) (also known as MDMA)           |
| 24 | MPTP (1-methyl-4-phenyl-1,2,5,6-tetrahydropyridine)   |
| 25 | PARAHEXYL (3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b, d] pyran)   |
| 26 | PCE (N-ethyl-1-phenylcyclohexylamine)   |
| 27 | PCPY 1-(1-phenylcyclohexyl) pyrrolidine)  |
| 28 | PHP 1-(1-phenylcyclohexyl) pyrrolidine)   |
| 29 | PEPTP (1-(2-phenylethyl)-4-phenyl-1,2,5,6-tetrahydropyridine)   |

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| 30 | PHENCYCLIDINE (1-(1-phenylcyclohexyl) piperidine)  |
| 31 | PIPERIDYL BENZILATES (N-methylpiperidyl benzilates and N-ethylpiperidyl benzilates but excluding the methobromide salts) |
| 32 | PMA (2-amino-1-(4-methoxyphenyl) propane)  |
| 33 | PSILOCINE (3-(2-dimethylaminoethyl)-4-hydroxyindole)   |
| 34 | PSILOTSIN (3-(2-dimethylaminoethyl)-4-hydroxyindole)   |
| 35 | PSILOCYBINE (3-(2-dimethylaminoethyl) indol-4-yl dihydrogen phosphate)   |
| 36 | STP,DOM (2-amino-1-(2,5-dimethoxy-4-methyl) phenylpropane)   |
| 37 | TCP (1-[1-(2-thienyl) cyclohexyl] piperidine)  |
| 38 | THALIDOMIDE ( $\alpha$ -phthalimidoglutarimide)  |
| 39 | TMA (2-amino-1-(3, 4, 5-trimethoxyphenyl) propane)   |

- B. The isomers of the substances mentioned or described in this Schedule whenever the existence of such isomers is possible within the specific chemical designation.
- C. The esters and ethers of the substances mentioned or described in this Schedule and the esters and ethers of the isomers mentioned or described in clause B of this Schedule whenever the existence of such esters or ethers is possible.
- D. The salts of the substances mentioned or described in this Schedule and the salts of the isomers, esters, and ethers mentioned in clause B or C of this Schedule.
- E. Substances containing any proportion of a substance mentioned or described in clause A, B, C or D of this Schedule.

**SECOND SCHEDULE**

section 2:

**Class B narcotics**

A. The following substances are Class B narcotics -

| <b>Item number</b> | <b>Class B narcotics</b>  |
|--------------------|---|
| 1                  | Cannabis preparations: that is, any preparation containing any tetrahydrocannabinols, including cannabis resin (commonly know as hashish) and cannabis oil (commonly known as hash oil), produced by subjecting cannabis plant material to any kind of processing |
| 2                  | Methcathinone   |
| 3                  | MDMA (2-methylamino-1-(3,4-methylenedioxyphenyl) propane)   |
| 4                  | Morphine  |
| 5                  | Opium   |
| 6                  | Tetrahydrocannabinols, except when contained in a Class C Narcotic  |
| 7                  | BENZPHETAMINE<br>(2-benzylmethylamino-1-phenylpropane)  |
| 8                  | CATHINONE (2-amino-1-phenylpropan-1-one)  |
| 9                  | DOET (2-amino-1-(2,5-dimethoxy-4-ethylphenyl) propane)  |
| 10                 | FENCAMFAMINE (N-ethyl-3-phenylbicyclo[2.2.1]heptan-2-amine)   |
| 11                 | FENETHYLLINE (3,7-dihydro-1,3-dimethyl-7-[2-[(1-methyl-2-phenylethyl)-amino]ethyl]-1H-purine-2,6-dione)   |
| 12                 | FENPROPOREX<br>(2-(2-cyanoethylamino)-1-phenylpropane)  |
| 13                 | MEFENOREX (2-(3-chloropropylamino)-1-phenylpropane)   |
| 14                 | METHAQUALONE (2-methyl-3-(2-methylphenyl)-4(3H)-quinazolinone)  |
| 15                 | 4-METHYLAMINOREX (cis -2-amino-4-methyl-5-phenyl-2-oxazoline)   |

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| 16 | METHYLPHENIDATE ( $\alpha$ -phenyl-2-piperidineacetic acid methyl ester)   |
| 17 | 4-METHYLTHIOAMPHETAMINE  |
| 18 | N-ETHYL MDA (2-ethylamino-1-(3, 4-methylenedioxyphenyl) propane)   |
| 19 | N-ETHYLAMPHETAMINE (2-ethylamino-1-phenylpropane)  |
| 20 | N-HYDROXY MDA (2-hydroxyamino-1-(3, 4-methylenedioxyphenyl) propane)   |
| 21 | NORPSEUDOEPHEDRINE (threo -2-amino-1-hydroxy-1-phenylpropane), including cathine   |
| 22 | PROPYLHEXEDRINE (1-cyclohexyl-2-methylaminopropane)  |
| 23 | PYROVALERONE (1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-pentanone)   |
| 24 | ACETYLMETHADOL (3-acetoxy-6-dimethylamino-4,4-diphenylheptane)   |
| 25 | ACETYL- $\alpha$ -METHYLFENTANYL (N-[1-( $\alpha$ -methylphenethyl)-4-piperidyl] acetanilide)                                    |
| 26 | ALFENTANIL (N -[1-[2-(4-ethyl-4,5-dihydro-5-oxo-1H-(tetrazol- 1-yl)ethyl]-4-(methoxymethyl)-4-piperidinyl]-N -phenylpropanamide) |
| 27 | ALLYLPRODINE (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine)  |
| 28 | ALPHACETYLMETHADOL ( $\alpha$ -3-acetoxy-6-dimethylamino-4,4-diphenylheptane)  |
| 29 | ALPHAMEPRODINE ( $\alpha$ -3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)   |
| 30 | ALPHAMETHADOL ( $\alpha$ -6-dimethylamino-4,4-diphenyl-3-heptanol)   |
| 31 | ALPHAPRODINE ( $\alpha$ -1,3-dimethyl-4-phenyl-4-propionoxy-piperidine)  |
| 32 | ANILERIDINE (1-para -aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)  |
| 33 | BENZETHIDINE (1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)   |
| 34 | BENZYLMORPHINE (3-benzylmorphine)  |
| 35 | BETACETYLMETHADOL ( $\beta$ -3-acetoxy-6-dimethylamino-4,4-diphenylheptane)  |
| 36 | BETAMEPRODINE ( $\beta$ -3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)   |

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| 37 | BETAMETHADOL ( $\beta$ -6-dimethylamino-4,4-diphenyl-3-heptanol)  |
| 38 | BETAPRODINE ( $\beta$ -1,3-dimethyl-4-phenyl-4-propionoxypiperidine)  |
| 39 | BEZITRAMIDE (1-(3-cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazoliny) piperidine)   |
| 40 | CANNABIS being any leaf, seed, stalk, root, fruit, blossom, or part thereof of any plant of the genus cannabis ( <i>Cannabis sativa</i> L)  |
| 41 | CAANABIS RESIN  |
| 42 | CLONITAZENE (2-para -chlorbenzyl-1-diethylaminoethyl-5-nitrobenzimidazole)  |
| 43 | CODOXIME (dihydrocodeinone-6-carboxymethyloxime)  |
| 44 | CONCENTRATE OF POPPY STRAW—that is, the material arising when parts of any plant of the species <i>Papaver somniferum</i> have entered a process for the concentration of the alkaloids |
| 45 | DEXTROMORAMIDE ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)  |
| 46 | DIAMPROMIDE<br>(N -[2-(methylphenethylamino) propyl] propionanilide)  |
| 47 | DIETHYLTHIAMBUTENE<br>(3-diethylamino-1,1-di-(2'-thienyl)-1-butene)   |
| 48 | DIFENOXIN (1-(3-cyano-3,3-diphenylpropyl)-4-phenylisonipecotic acid)  |
| 49 | DIHYDROMORPHINE   |
| 50 | DIMENOXADOL (2-dimethylaminoethyl 1-ethoxy-1,1-diphenylacetate)   |
| 51 | DIMEPHEPTANOL (6-dimethylamino-4,4-diphenyl-3-heptanol)   |
| 52 | DIMETHYLTHIAMBUTENE<br>(3-dimethylamino-1,1-di-(2'-thienyl)-1-butene)   |
| 53 | DIOXAPHETYL BUTYRATE (ethyl 4-morpholino-2,2-diphenylbutyrate)  |
| 54 | DIPHENOXYLATE (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)   |
| 55 | DIPIANONE (4,4-diphenyl-6-piperidine-3-heptanone)   |
| 56 | DROTEBANOL (3,4-dimethoxy-17-methylmorphinan-6 $\beta$ , 14-diol)   |

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| 57 | EGGONINE, its esters and derivatives which are convertible to ecgonine and cocaine, except when contained in a Class C controlled drug                                  |
| 58 | ETHYLMETHYLTHIAMBUTENE<br>(3-ethylmethylamino-1,1-di-(2'-thienyl)-1-butene)   |
| 59 | ETONITAZENE (1-diethylaminoethyl-2-para - ethoxybenzyl-5-nitrobenzimidazole)  |
| 60 | ETOXERIDINE<br>(1-[2-(2-hydroxyethoxy)ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester)  |
| 61 | FENTANYL (1-phenethyl-4-(N-propionylanilino)piperidine)   |
| 62 | p-FLUOROFENTANYL (4'-fluoro-N-1-(phenethyl-4-piperidyl) propionanilide)   |
| 63 | FURETHIDINE<br>(1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)  |
| 64 | HYDROCODONE (dihydrocodeinone)  |
| 65 | HYDROMORPHINOL<br>(14-hydroxydihydromorphine)   |
| 66 | HYDROMORPHONE (dihydromorphinone)   |
| 67 | $\beta$ -HYDROXYFENTANYL<br>(N-[1-( $\beta$ -hydroxyphenethyl)-4-piperidyl] propionanilide)   |
| 68 | $\beta$ -HYDROXY-3-METHYLFENTANYL (N-[1-( $\beta$ -hydroxyphenethyl)-3-methyl-4-piperidyl] propionanilide)  |
| 69 | HYDROXPETHIDINE<br>(4-meta -hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester)   |
| 70 | ISOMETHADONE (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)   |
| 71 | LEVOMETHORPHAN ((-)-3-methoxy-N-methylmorphinan) but not including dextromethorphan ((+)-3-methoxy-N-methylmorphinan) and dextrorphan ((+)-3-hydroxy-N-methylmorphinan) |
| 72 | LEVOMORAMIDE ((-)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)butyl] morpholine)   |
| 73 | LEVOPHENACYLMORPHAN<br>((-)-3-hydroxy-N -phenacylmorphinan)   |

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|----|---|
| 74 | LEVORPHANOL<br>(-)-3-hydroxy-N-methylmorphinan)   |
| 75 | MECLOQUALONE (3-(2-chlorophenyl)-2-methyl-4-(3H)-quinazolinone)   |
| 76 | METAZOCINE (2'-hydroxy-2,5,9-trimethyl-6,7-benzomorphan)  |
| 77 | METHADONE (6-dimethylamino-4,4-diphenyl-3-heptanone)  |
| 78 | METHADONE-INTERMEDIATE<br>(4-cyano-2-dimethylamino-4,4-diphenylbutane)  |
| 79 | 1-METHYL-4-PHENYL-4-PIPERIDINOL   |
| 80 | METHYLDESORPHINE<br>(6-methyl- $\Delta$ 6-deoxymorphine)  |
| 81 | METHYLDIHYDROMORPHINE<br>(6-methyldihydromorphine)  |
| 82 | $\alpha$ -METHYLFENTANYL<br>(N-[1-( $\alpha$ -methylphenethyl)-4-piperidyl] propionanilide)                           |
| 83 | $\alpha$ -METHYLTHIOFENTANYL<br>(N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl] propionanilide)                      |
| 84 | 3-METHYLFENTANYL (N-[3-methyl-1-phenethyl-4-piperidyl] propionanilide)  |
| 85 | 3-METHYLTHIOFENTANYL<br>(N-[3-methyl-1-[2-(2-thienyl)ethyl]-4-piperidyl]propionanilide)                               |
| 86 | METOPON (5-methyldihydromorphinone)   |
| 87 | MORAMIDE-INTERMEDIATE<br>(2-methyl-3-morpholino-1,1-diphenylpropanecarboxylic acid)                                   |
| 88 | MORPHERIDINE (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)                                 |
| 89 | MORPHINE METHOBROMIDE and other pentavalent nitrogen morphine derivatives   |
| 90 | MORPHINE-N-OXIDE  |
| 91 | MPPP (1-methyl-4-phenyl-4-piperidinol propionate (ester))   |
| 92 | MYROPHINE (myristylbenzylmorphine)  |
| 93 | NABILONE (trans -3-(1-1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d] pyran-9-one) |
| 94 | NICOMORPHINE<br>(3,6-dinicotinylmorphine)   |

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| 95  | NORACYMETHADOL ( $\alpha$ -3-acetoxy-6-methylamino-4,4-diphenyl-heptane)                      |
| 96  | NORLEVORPHANOL<br>(-)-3-hydroxymorphinan)   |
| 97  | NORMETHADONE (6-dimethylamino-4,4-diphenyl-3-hexanone)  |
| 98  | NORMORPHINE (demethylmorphine)  |
| 99  | NORPIPANONE<br>(4,4-diphenyl-6-piperidino-3-hexanone)   |
| 100 | OXYCODONE<br>(14-hydroxydihydrocodeinone)   |
| 101 | OXYMORPHONE<br>(14-hydroxydihydromorphinone)  |
| 102 | PEPAP (1-phenethyl-4-phenyl-4-piperidinol acetate (ester))                                    |
| 103 | PETHIDINE<br>(1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)                      |
| 104 | PETHIDINE-INTERMEDIATE-A<br>(4-cyano-1-methyl-4-phenylpiperidine)                             |
| 105 | PETHIDINE-INTERMEDIATE-B<br>(4-phenylpiperidine-4-carboxylic acid ethyl ester)                |
| 106 | PETHIDINE-INTERMEDIATE-C<br>(1-methyl-4-phenylpiperidine-4-carboxylic acid)                   |
| 107 | PHENADOXONE<br>(6-morpholino-4,4diphenyl-3-heptanone)   |
| 108 | PHENAMPROMIDE (N-(1-methyl-2-piperidinoethyl) propionanilide)                                 |
| 109 | PHENAZOCINE (2'-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphan)                            |
| 110 | PHENDIMETRAZINE (3,4-dimethyl-2-phenylmorpholine)   |
| 111 | 1-PHENETHYL-4-PHENYL-4-PIPERIDINOL  |
| 112 | PHENMETRAZINE<br>(3-methyl-2-phenylmorpholine)  |
| 113 | PHENOMORPHAN<br>(3-hydroxy-N -phenethylmorphinan)   |
| 114 | PHENOPERIDINE (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester) |
| 115 | PIMINODINE (4-phenyl-1-(3-phenylaminopropyl)piperidine-4-carboxylic acid ethyl ester)         |

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| 116 | PIRITRAMIDE (1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino)piperidine-4-carboxylic acid amide)                   |
| 117 | PROHEPTAZINE (1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane)  |
| 118 | PROPERIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)                                       |
| 119 | RACEMETHORPHAN ((-)-3-methoxy-N - methylmorphinan)  |
| 120 | RACEMORAMIDE ((-)-4-[2-methyl-4-oxo-3, 3-diphenyl-4- (1-pyrrolidiny) butyl] morpholine)                           |
| 121 | RACEMORPHAN ((-)-3-hydroxy-N - methylmorphinan)   |
| 122 | REMIFENTANIL<br>(1-(2-methoxycarbonyl-ethyl)-4-(phenylpropionyl-amino)-piperidine-4-carboxylic acid methyl ester) |
| 123 | SUFENTANIL (N-[4-(methoxymethyl)-1-[2-(2-thienyl)ethyl]-4-piperidyl] propionanilide)                              |
| 124 | THEBACON (acetyldihydrocodeinone)   |
| 125 | THEBAINE  |
| 126 | THIOFENTANYL (N -[1-[2-(2-thienyl)ethyl]-4-piperidyl]propionanilide)  |
| 127 | TILIDINE ((-ethyl trans -2-(dimethylamino)-1-phenyl-3-cyclo-hexene-1-carboxylate)                                 |
| 128 | TRIMEPERIDINE (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine)   |

- B. The isomers of the substances mentioned or described in this Schedule whenever the existence of such isomers is possible within the specific chemical designation.
- C. The esters and ethers of the substances mentioned or described in this Schedule and the esters and ethers of the isomers mentioned or described in clause B of this Schedule whenever the existence of such esters or ethers is possible.
- D. The salts of the substances mentioned or described in this Schedule and the salts of the isomers, esters, and ethers mentioned or described in clause B or clause C of this Schedule.

- E. Substances containing any proportion of a substance mentioned or described in clause A, clause B, clause C or clause D of this Schedule.

### THIRD SCHEDULE

section 2:

#### Class C narcotics

- A. The following substances are Class C narcotics –

| Item number | Class C narcotics   |
|-------------|---|
| 1           | CATHA EDULIS PLANT  |
| 2           | COCA LEAF—That is, the leaf of any plant of any species of the genus <i>Erythroxylon</i> , except a leaf from which all ecgonine, cocaine, and any other ecgonine alkaloids have been removed   |
| 3           | CODEINE (3-methylmorphine); its isomers, esters, and ethers, if any; its salts, and the salts of its isomers, esters, or ethers, if any; and any substance, preparation or mixture containing any proportion of the said substance or of any such isomer, ester, ether, or salt |
| 4           | DIHYDROCODEINE; its isomers, esters, and ethers, if any; its salts, and the salts of its isomers, esters, or ethers, if any; and any substance, preparation, or mixture containing any proportion of the said substance or of any such isomer, ester, ether, or salt            |
| 5           | PROPOXYPHENE ( $\alpha$ -4 (N, N-dimethylamino)-1, 2-diphenyl-3-methyl-2-propionoxybutane); its isomers, esters, and ethers, if any; its salts and the salts of its isomers, esters, or ethers, if any  |
| 6           | ACETYLDIHYDROCODEINE  |
| 7           | ETHYLMORPHINE (3-ethylmorphine)   |
| 8           | NICOCODINE (6-nicotinylcodeine)   |
| 9           | NICODICODINE<br>(6-nicotinyldihydrocodeine or nicotinic acid ester of dihydrocodeine)   |
| 10          | NORCODEINE (N -demethylcodeine)   |
| 11          | PHOLCODINE (morpholinylethylmorphine)   |
| 12          | PROPIRAM (N -(1-methyl-2-piperidinoethyl)-N -2-pyridylpropionamide)   |
| 13          | ALPRAZOLAM  |

|    |  |
|----|--|
| 14 | AMFEPRAMONE (2-(diethylamino) propiophenone)                                 |
| 15 | AMINOREX   |
| 16 | BARBITAL (5,5-diethylbarbituric acid)  |
| 17 | BROMAZEPAM   |
| 18 | BROTIZOLAM   |
| 19 | CAMAZEPAM  |
| 20 | CHLORDIAZEPOXIDE   |
| 21 | CLOBAZAM   |
| 22 | CLONAZEPAM   |
| 23 | CLORAZEPATE  |
| 24 | CLOTIAZEPAM  |
| 25 | CLOXAZOLAM   |
| 26 | DELORAZEPAM  |
| 27 | DIAZEPAM   |
| 28 | EPHEDRINE  |
| 29 | ESTAZOLAM  |
| 30 | ETHCHLORVYNOL (ethyl-2-chlorovinylethynyl-carbinol)                          |
| 31 | ETHINAMATE (1-ethynylcyclohexanol carbamate)                                 |
| 32 | ETHYL LOFLAZEPATE  |
| 33 | FLUDIAZEPAM  |
| 34 | FLUNITRAZEPAM  |
| 35 | FLURAZEPAM   |
| 36 | HALAZEPAM  |
| 37 | HALOXAZOLAM  |
| 38 | KETAZOLAM  |
| 39 | LOPRAZOLAM   |
| 40 | LORAZEPAM  |
| 41 | LORMETAZEPAM   |
| 42 | MAZINDOL (5-(4-chlorophenyl)-2, 5-dihydro-3H-imidazo [2, 1-a]-isoindol-5-ol) |
| 43 | MEDAZEPAM  |
| 44 | MEPROBAMATE (2-methyl-2-propyl-1,3-propanediol dicarbamate)                  |
| 45 | METHYLPHENOBARBITAL (5-ethyl-1-methyl-5-phenylbarbituric acid)               |
| 46 | METHYLPRYLON (3,3-diethyl-5-methylpiperidine-2,4-dione)                      |
| 47 | MIDAZOLAM  |
| 48 | NIMETAZEPAM  |
| 49 | NITRAZEPAM   |

|    |   |
|----|---|
| 50 | NORDAZEPAM  |
| 51 | OXAZEPAM  |
| 52 | OXAZOLAM  |
| 53 | PEMOLINE  |
| 54 | PHENOBARBITAL (5-ethyl-5-phenylbarbituric acid)   |
| 55 | PHENTERMINE (2-amino-2-methyl-1-phenylpropane)  |
| 56 | PINAZEPAM   |
| 57 | PIPRADROL (1,1-diphenyl-1-(2-piperidyl)methanol)  |
| 58 | PRAZEPAM  |
| 59 | PSEUDOEPHEDRINE   |
| 60 | SPA ((-)-1-dimethylamino-1,2-diphenylethane)  |
| 61 | TEMAZEPAM   |
| 62 | TRIAZOLAM   |
| 63 | ALLOBARBITAL (5,5-diallylbarbituric acid)   |
| 64 | AMOBARBITAL (5-ethyl-5-(3-methylbutyl) barbituric acid)   |
| 65 | BUPRENORPHINE (17-cyclopropylmethyl-7,8-dihydro-7-(1-hydroxy-1,2,2-trimethylpropyl) -6-0-methyl-6,14-ethano-17-normorphine)   |
| 66 | BUTALBITAL<br>(5-allyl-5-isobutylbarbituric acid)   |
| 67 | BUTOBARBITONE<br>(5-butyl-5-ethylbarbituric acid)   |
| 68 | CYCLOBARBITAL (5-(1-cyclohexen-1-yl)-5-ethylbarbituric acid)  |
| 69 | GLUTETHIMIDE<br>(2-ethyl-2-phenylglutarimide)   |
| 70 | NEALBARBITONE<br>(5-allyl-5-neopentylbarbituric acid)   |
| 71 | PENTOBARBITAL<br>(5-ethyl-5-(1-methylbutyl) barbituric acid)  |
| 72 | SECBUTABARBITAL<br>(5-sec-butyl-5-ethylbarbituric acid)   |
| 73 | SECOBARBITAL<br>(5-allyl-5-(1-methylbutyl) barbituric acid)   |
| 74 | VINYLBITAL<br>(5-(1-methylbutyl)-5-vinylbarbituric acid)  |
| 75 | Preparations containing any proportion of the following substances or of any salt of any such substance, namely, acetyldihydrocodeine, codeine, dihydrocodeine, ethylmorphine, and pholcodine when: |

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|----|---|
|    | <p>(i) Compounded with one or more other pharmacologically active ingredients in such a way that the substance cannot be recovered by readily applicable means or in a yield which would constitute a risk to health; and</p> <p>(ii) Containing not more than 100 milligrams of the substance in each dosage unit and with a concentration of not more than 2.5 percent in undivided preparations.</p> |
| 76 | Preparations of cocaine containing not more than 0.1 percent of cocaine base, being preparations compounded with one or more other pharmacologically active ingredients.  |
| 77 | Preparations of difenoxin containing, per dosage unit, not more than 0.5mg of difenoxin and a quantity of atropine sulphate equivalent to at least 5 percent of the dose of difenoxin.  |
| 78 | Preparations of opium or morphine containing not more than 0.2 percent of morphine, being preparations compounded with one or more other pharmacologically active ingredients (none of which are substances named or described in the First or Second Schedule to this Act.   |
| 79 | Single dosage units of diphenoxylate containing in each unit not more than 2.5 milligrams of diphenoxylate calculated as base and not less than 25 micrograms of atropine sulphate.   |
| 80 | Liquid preparations of diphenoxylate containing, in each millilitre, not more than 0.5 milligrams of diphenoxylate calculated as base and not less than 5 micrograms of atropine sulphate.  |
| 81 | Preparations of propiram containing not more than 100 mg of propiram per dosage unit and compounded with at least the same amount of methylcellulose.   |
| 82 | Ipecacuanha and opium powder containing 10 percent of opium in powder and 10 percent of ipecacuanha root in powder intimately mixed with finely powdered lactose  |

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| 83 | Mixtures containing not more than one of the preparations specified in paragraphs (a) to (g) of this Schedule, being mixtures whereof none of the other ingredients is a substance named or described in the First or the Second Schedule to this Act. |
|----|--|

- B. The isomers of the substances mentioned or described in this Schedule whenever the existence of such isomers is possible within the specific chemical designation.
- C. The esters and ethers of the substances mentioned or described in this Schedule and the esters and the ethers of the isomers mentioned or described in clause B of this Schedule whenever the existence of such esters or ethers is possible.
- D. The salts of the substances mentioned or described in this Schedule and the salts of the isomers, esters, and ethers mentioned or described in clause B or clause C of this Schedule.
- E. Substances containing any proportion of a substance mentioned or described in clause A, clause B, clause C or clause D of this Schedule.
- F. Preparations of pseudoephedrine, its salts, isomers, esters, and ethers (if any), and the salts of its isomers, esters, and ethers (if any), being preparations:
- (a) in solid or liquid form; and
  - (b) containing not more than 60 mg of pseudoephedrine per dosage unit; and
  - (c) containing either a single ingredient or being in combination with other pharmacologically active ingredients, being ingredients that are not mentioned or described in the First or the Second Schedule of this Act.

**FOURTH SCHEDULE**

section 2:

**Controlled precursors**

A. The following are controlled precursors -

| <b>Item number</b> | <b>Controlled precursors</b>           |
|--------------------|--|
| 1                  | acetic anhydride                       |
| 2                  | acetone                                |
| 3                  | n-acetylanthranilic acid               |
| 4                  | anthranilic acid                       |
| 5                  | ephedrine                              |
| 6                  | ergometrine                            |
| 7                  | ergotamine                             |
| 8                  | ethyl ether                            |
| 9                  | hydrochloric acid                      |
| 10                 | isosafrole                             |
| 11                 | lysergic acid                          |
| 12                 | 3, 4,-methylenedioxyphenyl-2 propanone |
| 13                 | methyl ethyl ketone                    |
| 14                 | phenylacetic acid                      |
| 15                 | 1-phenyl-2-propanone                   |
| 16                 | piperidine                             |
| 17                 | piperonal                              |
| 18                 | potassium permanganate                 |
| 19                 | pseudoephedrine                        |
| 20                 | safrole                                |
| 21                 | sulphuric acid                         |
| 22                 | toluene                                |

B. Any preparation, admixture, extract or other substance containing any proportion of a precursor specified in the Third Schedule controlled precursors and including all salts, isomers, esters, ethers, ketals, acetals, acetates, hydroxides, oximes, amides, imines, acid chlorides, nitriles, anhydrides, halogen substituent, epoxides, diols and any other analogues or derivatives of a precursor specified in the Third Schedule controlled precursors.”

**22. Consequential amendment** – Section 87 of the Criminal Procedure Act 1972 is amended by:

- (a) by deleting the full stop sign at the end of the proviso; and
- (b) by inserting a semi colon sign and the following proviso:

**“AND PROVIDED FURTHER THAT** any person charged with an offence under the Narcotics Act 1967 for which the punishment is imprisonment for a term not exceeding 14 years shall be tried by a Judge of the Supreme Court sitting alone.”.

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**The Narcotics Amendment Act 2009  
is administered by the Ministry of Health.**

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