SOCIETE DES NATIONS.

Communiqué au Conseil et aux Membres de la Société.

Genève, le 17 décembre 1938.

TRAFIC DE L'OPIUM ET AUTRES DROGUES NUISIBLES.

Lois communiquées par le Gouvernement du Royaume-Uni concernant les ILES SOUS LE VENT (Gouvernement général).

Note du Secrétaire général.

Conformément à l'article 21 de la Convention de 1931 pour limiter la fabrication et réglementer la distribution des stupéfiants, le Secrétaire général a l'honneur de transmettre ci-joint aux États parties à ladite Convention les textes législatifs suivants. Ces textes sont également communiqués aux autres États.

Loi de 1937 sur les drogues nuisibles,
Règlements statutaires et Ordonnances, No. 6 de 1938.

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LEAGUE OF NATIONS.

Communicated to the Council and Members of the League.

Geneva, December 17th, 1938.

TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.

Laws communicated by the Government of the United Kingdom concerning the LEEWARD ISLANDS (General Government).

Note by the Secretary General.

In accordance with Article 21 of the Convention of 1931 for limiting the manufacture and regulating the distribution of narcotic drugs, the Secretary-General has the honour to communicate herewith to the Parties to the Convention the texts of the following laws. The texts are also communicated to other States.

The Dangerous Drugs Act., 1937
Statutory Rules and Orders No. 6 of 1938.

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LEEWARD ISLANDS.

No. 23 of 1937.

An Act to regulate the Importation, Exportation, Production, Manufacture, Sale and Use of Opium and other Dangerous Drugs and Substances, and to provide for the control of the external trade in Dangerous Drugs.

BE IT ENACTED by the Governor and General Legislative Council of the Leeward Islands as follows—

1. This Act may be cited as the Dangerous Drugs Act, 1937.

PART I.

INTERPRETATION AND DEFINITION.

2. In this Act unless the context otherwise requires—

(a) "Cocaine" means methyl-benzoyl laev-o-ecgonine \( (a) \ D 20^\circ = -16^\circ 41/2 \) in 20 per cent. solution of chloroform), of which the formula is \( C_{17} \ H_{21} \ NO_4 \).

(b) "Coca leaves" means the leaves of Erythroxylon Coca Lamarck and the Erythroxylon Novo-Granatense (Morris) Hieronymus and their varieties, belonging to the family of Erythroxylaceæ and the leaf of other species of this genus from which it may be found possible to extract cocaine either directly or by chemical transformation.
(c) "Conveyance" includes ship, motor vehicle, aircraft, train, and any other means of transport by which goods may be brought into or taken from the Colony.

(d) "Corresponding law" means any law stated in a certificate purporting to be issued by or on behalf of the Government of any country outside the Colony to be a law providing for the control and regulation in that country of the manufacture, sale, use, export and import of drugs in accordance with the provisions of the Hague Convention, or of the Geneva Convention (No. 1) or of the Geneva Convention (No. 2) and any statement in any such certificate as to the effect of the law mentioned in the certificate, or any statement in any such certificate that any facts constitute an offence against that law, shall be conclusive.

(e) "Dangerous drug," means—

(i) any substance to which Parts II and IV of this Act apply;

(ii) subject to the provisions of any Order made in accordance with this Act any drug to which Part V of this Act shall for the time being apply.

(f) "Diacetylmorphine" means diacetylmorphine, (diamorphine, heroin) having the formula $C_{21}H_{23}NO_5$.

(g) "Diversion certificate" means a certificate issued by the competent authority of a country through which a dangerous drug passes in transit, authorizing the diversion of such drug to a country other than that specified as the country of ultimate destination in the export authorization, and containing all
the particulars required to be included in an export authorization, together with the name of the country from which the consignment was originally exported.

(k) "Egonine" means laevo-ecgonine ((a) D 20° = —45° 6' in 5 per cent. solution of water) of which the formula is C_9 H_{15} NO_3 H_2 O, and all the derivatives of laevo-ecgonine which might serve industrially for its recovery.

(i) "Export authorization" means an authorization issued by a competent authority in a country from which a dangerous drug is exported, containing full particulars of such drug, and the quantity authorised to be exported together with the names and addresses of the exporter and the person to whom it is to be sent, and stating the country to which and the period within which it is to be exported.

(j) "Export" with its grammatical variations and cognate expressions, in relation to the Colony, means to take or cause to be taken out of the Colony by land, air or water, otherwise than in transit.

(k) "Geneva Convention (No. 1)" means the Convention signed on behalf of His Majesty on the 19th February, 1925, at a conference held at Geneva for the purpose of completing and strengthening the provisions of the Hague Convention.

(l) "Geneva Convention (No. 2)" means the Convention signed on behalf of His Majesty on the 13th July, 1931, for the purposes of limiting the manufacture and regulating the distribution of narcotic drugs.

(m) "Hague Convention" means the International Opium Convention signed at The Hague on the 23rd January, 1912.
(n) "Import authorization" means a licence issued by a competent authority, authorizing the importation of a specified quantity of a dangerous drug and containing full particulars of the drug, together with the name and address of the person authorized to import the drug, the name and address of the person from whom the drug is to be obtained, and specifying the period within which the importation must be effected.

(o) "Import certificate" means a certificate substantially in the Form A set out in the Schedule hereto, issued by a competent authority in a country into which it is intended to import dangerous drugs.

(p) "Import" with its grammatical variations and cognate expressions, in relation to the Colony, means to bring or cause to be brought into the Colony by land, air or water otherwise than in transit.

(q) "Indian hemp" means the dried fruiting or flowering tops of the pistillate plant known as Cannabis sativa from which the resin has not been extracted, by whatever name such tops are called.

(r) "In transit" means taken or sent from any country and brought into the Colony by land, air or water (whether or not landed or transhipped in the Colony) for the sole purpose of being carried to another country either by the same or another conveyance.

(s) "Medicinal opium" means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, whether it is in the form of powder or is granulated or is in any other form and whether it is or is not mixed with neutral substances.
No. 23 of 1937. The Dangerous Drugs Act, 1937.

5 Leeward Islands.

(t) "Morphine" means the principal alkaloid of opium having the chemical formula C₁₇H₁₉NO₂.

(u) "Prepared opium" means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked.

(v) "Prescribed Port" means the Ports of St. John's, Antigua; Roseau, Dominica; Plymouth, Montserrat; Basseterre, St. Kitts; and Road Town, Virgin Islands respectively.

(w) "Raw opium" means the spontaneously coagulated juice obtained from the capsules of the Papaver somniferum L., which has only been submitted to necessary manipulations for packing and transport, whatever its content of morphine.

(x) "Senior Medical Officer" means the Senior or Chief Medical Officer of each and every of the Presidencies, and, in case there shall be no such officer in any Presidency, any Medical Officer appointed by the Governor for the purposes of the administration of this Act in such Presidency.

(y) "Treasurer" means the Treasurer of each and every of the Presidencies.

PART II.

RAW OPIUM AND COCA LEAVES.

Poppy (Papaver somniferum) or the Coca Plant (Erythroxylum Coca).

4. No person shall import or bring into the Colony any raw opium or coca leaves except in accordance with the provisions of Part VI of this Act, and into a prescribed port.
5. No person shall export from the Colony any raw opium or coca leaves except in accordance with the provisions of Part VI of this Act, and from a prescribed port.

6. The Governor in Council may make rules for controlling or restricting the production, possession, sale and distribution of raw opium or coca leaves, and in particular, but without prejudice to the generality of the foregoing power, for prohibiting the production, possession, sale or distribution of raw opium or coca leaves except by persons licensed or otherwise authorized in that behalf.

PART III.

PREPARED OPIUM.

7. No person shall import or bring into, or export from the Colony any prepared opium.

8. If any person—

(a) manufactures, sells, or otherwise deals in prepared opium; or

(b) has in his possession any prepared opium; or

(c) being the occupier of any premises permits those premises to be used for the purpose of the preparation of opium for smoking or the sale or smoking of prepared opium; or

(d) is concerned in the management of any premises used for any such purpose as aforesaid; or

(e) has in his possession any pipes or other utensils for use in connection with the smoking of opium, or any utensils used in connection with the preparation of opium for smoking; or
No. 23 of 1937.  The Dangerous Drugs Act, 1937.

(f) smokes or otherwise uses prepared opium or frequents any place used for the purpose of smoking opium;

he shall be guilty of an offence against this Act.

PART IV.

INDIAN HEMP.

9. No person shall cultivate the plant Cannabis sativa.

10. No person shall import or bring into, or export from the Colony any resin obtained from the plant Cannabis sativa.

11. If any person—

(a) has in his possession (otherwise than in the course of transit through the Colony), produces, sells or otherwise deals in the resin obtained from the plant Cannabis sativa or any preparations of which such resin formed the base; or

(b) has in his possession (otherwise than in the course of transit through the Colony), sells or otherwise deals in the whole or any portion of the plant Cannabis sativa (excluding its medicinal preparations),

he shall be guilty of an offence against this Ordinance.

PART V.

COCAINE, MORPHINE, ETC.

12. No person shall import or bring into or export from the Colony any drug to which this Part of this Act applies except in accordance with part VI of this Act and at a prescribed port.
13. (1) For the purpose of preventing the improper use of the drugs to which this Part of this Act applies the Governor in Council may make Rules for controlling the manufacture, sale, possession and distribution of those drugs, and in particular, but without prejudice to the generality of the foregoing power, for:

(a) prohibiting the manufacture of any drug to which this part of this Act applies except on premises licensed for the purpose and subject to any conditions specified in the licence; and

(b) prohibiting the manufacture, sale or distribution of any such drug except by persons licensed or otherwise authorized under the rules and subject to any conditions specified in the licence or authority; and

(c) regulating the issue by medical practitioners of prescriptions containing any such drug and the dispensing of any such prescriptions; and

(d) requiring persons engaged in the manufacture, sale or distribution of any such drug to keep such books and furnish such information either in writing or otherwise as may be prescribed.

(2) The rules under this section shall provide for authorizing any person who lawfully keeps open shop for the retailing of poisons in accordance with any law in that behalf for the time being in force—

(a) to manufacture at the shop in the ordinary course of his retail business any preparation, admixture, or extract of any drug to which this Part of this Act applies; or

(b) to carry on at the shop the business of retailing, dispensing, or compounding any such drug;
subject to the power of the Governor in Council to withdraw the authorization in the case of a person who has been convicted of an offence against this Act or against any law relating to the sale of drugs or poisons for the time being in force, and who cannot, in the opinion of the Governor properly be allowed to carry on the business of manufacturing or selling or distributing, as the case may be, any such drug.

(3) Nothing in any rule made under this section shall be taken to authorize the sale, or the keeping of an open shop for the retailing, dispensing or compounding of poisons by any person who is not qualified in that behalf under, or otherwise than in accordance with any law in that behalf for the time being in force, or to be in derogation of the provisions of any such law for prohibiting, restricting or regulating the sale of poisons.

14. (1) The drugs to which this Part of this Act applies are—

(a) medicinal opium;

(b) any extract or tincture of Indian hemp;

(c) morphine and its salts, and diacetyl-morphine (commonly known as diamorphine or heroin) and other esters of morphine and their respective salts;

(d) cocaine (including synthetic cocaine) and ecgonine and their respective salts, and the esters of ecgonine and their respective salts;

(e) any solution or dilution of morphine or cocaine or their salts in an inert substance whether liquid or solid, containing any proportion of morphine or cocaine, and any preparation, admixture, extract or other substance (not being such a solution or dilution as aforesaid) containing not less than one-fifth
per cent. of morphine or one-tenth per cent.
of cocaine or of ecgonine;

(r) any preparation, admixture, extract
or other substance containing any proportion
of diacetylmorphine;

(g) dihydrohydroxycodine, dihydro-
codeine, dihydromorphinone, acetyldihydro-
codeine, dihydromorphine, their esters and
the salts of any of these substances and of their
esters, morphine-N-oxide (commonly known
as genorphon), the morphine-N-oxide
derivatives, and any other pentavalent nitrogen
morphine derivatives;

(h) thebaine and its salts, and (with the
exception of methylmorphine, commonly
known as codeine, and ethylmorphine, com-
monly known as dionin, and their respective
salts) benzylmorphine and the other esters of
morphine and their respective salts;

(i) any preparation, admixture, extract
or other substance containing any proportion
of any of the substances mentioned in
paragraph (g) or (h) of this sub-section.

For the purposes of the foregoing provision—

(i) the percentage in the case of
morphine shall be calculated as in respect
of anhydrous morphine; and

(ii) percentages in the case of liquid
preparations shall, unless other provision
in that behalf is made by rules, be calcu-
lated on the basis that a preparation
containing one per cent. of any substance
means a preparation in which one gramme
of the substance, if a solid, or one milli-
litre of the substance, if a liquid, is
contained in every one hundred millilitres
of the preparation, and so in proportion
for any greater or less percentage.
(2) If it appears to the Governor-in-Council that any new derivative of morphine or cocaine or of any salts of morphine or cocaine or any other alkaloid of opium or any other drug of whatever kind is or is likely to be productive, if improperly used, or is capable of being converted into a substance which is or is likely to be productive, if improperly used, of ill-effects substantially of the same character or nature as or analogous to those produced by morphine or cocaine, the Governor-in-Council may by order declare that this Part of this Act shall apply to that new derivative or alkaloid or other drug in the same manner as it applies to the drugs mentioned in sub-section (1) of this section and may make verbal alterations in the list of drugs specified in sub-section (1) incidental to the declaration contained in such order.

(3) If the Governor-in-Council thinks fit, by Order, to declare that a finding with respect to any preparation containing any of the drugs to which this Part of this Act applies has, in pursuance of Article 8 of the Geneva Convention (No. 1) been communicated by the Council of the League of Nations to the parties to the said Convention, the provisions of this Part of this Act shall as from such date as may be specified in the order cease to apply to the preparation specified therein.

15. (1) It shall not be lawful for any person to trade in or manufacture for the purpose of trade any products obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not being a product which was on the thirteenth day of July, nineteen hundred and thirty-one, being used for medical or scientific purposes: Provided that if the Governor is at any time satisfied as respects any such product that it is of medical or scientific value he may by Order-in-Council direct that this sub-section shall cease to apply to that product.

If any person acts in contravention of this sub-section, he shall be guilty of an offence against this Act.
(2) If it is made to appear to the Governor that a decision with respect to any such product as is mentioned in sub-section (1) of this section has in pursuance of Article 11 of the Geneva Convention (No. 2) been communicated by the Secretary General of the League of Nations to the parties of the said Convention, the Governor may, as the case requires, by Order-in-Council, either declare that the provisions of this Part of this Act shall apply to that product in the same manner as they apply to the drugs mentioned in sub-section (1) or apply the said Part to that product with such modifications as may be specified in the Order.

(3) The Governor may, by Order-in-Council, apply this part of this Act with such modifications as may be specified in the Order, to any of the following drugs, that is to say, methylmorphine (commonly known as codeine) ethylmorphine (commonly known as dionin) and their respective salts.

**PART VI.**

**CONTROL OF EXTERNAL TRADE.**

16. (1) Upon the production of an import certificate duly issued by the competent authority in any country, it shall be lawful for the Senior Medical Officer to issue an export authorization in the Form B set out in the Schedule hereto in respect of any drug referred to in the import certificate to any person who is named as the exporter in such certificate, and is, under the provisions of this Act, otherwise lawfully entitled to export such drug from the Colony. The export authorization shall be prepared in triplicate and two copies shall be issued to the exporter who shall send one copy with the drug to which it refers when such drug is exported. The Senior Medical Officer shall send the third copy direct to the appropriate authority of the country of ultimate destination. Where the intended exportation is to a country which is not a party to the Geneva Convention (No. 1) it shall not be necessary to
produce an import certificate as aforesaid. Subject to the provisions of Sub-section (2) of this section, it shall be in the absolute discretion of the Senior Medical Officer in all cases to issue or refuse an export authorization, as he may see fit.

(2) If at any time the importation of any dangerous drug into a foreign country which is not a party to the Geneva Convention (No. 2) is prohibited or restricted by the laws of that country no export authorization may lawfully be issued authorizing the exportation thereof to such country in contravention of such laws.

(3) No dangerous drug shall be exported from the Colony unless the consignor is in possession of a valid and subsisting export authorization relating to such drug granted under this Act.

(4) At the time of the exportation of any dangerous drug the exporter shall produce to the Treasurer the dangerous drug, the export authorization relating thereto, and such other evidence as the Treasurer may require to satisfy him that the drug is being lawfully exported to the place and person named in the authorization which refers to it.

(5) No person shall export, cause to be exported, or take any steps preparatory to exporting any dangerous drug from the Colony except in pursuance of and in accordance with the provisions of this Act.

17. (1) An import authorization in the Form C set out in the Schedule hereto permitting the importation into the Colony of any dangerous drug specified therein may be granted by the Senior Medical Officer subject to such conditions as he shall deem fit to any person who may lawfully import such drug.

(2) Where an import authorization is issued in pursuance of sub-section (1) of this section, the Senior Medical Officer shall also issue in relation to
the dangerous drug intended to be imported, an import certificate (Form A) which shall be forwarded by the intending importer to the person from whom the drug is to be obtained. When the importer to whom an import authorization is issued under this section intends to import the drug or drugs to which such authorization relates in more than one consignment, a separate import certificate shall be issued to him in respect of each such consignment.

(3) No dangerous drug shall be imported into the Colony unless the person to whom the drug is consigned is in possession of a valid and subsisting import authorizing granted in pursuance of this section.

(4) Every dangerous drug imported into the Colony from a country which is a party to the Geneva Convention (No. 1) shall be accompanied by a valid and subsisting export authorization or diversion certificate.

(5) No person shall import, cause to be imported, or take any steps preparatory to importing any dangerous drug into the Colony except in pursuance of and in accordance with the provisions of this Act.

18. (1) No person shall bring any dangerous drug to the Colony in transit unless—

(a) the drug is in course of transit from a country from which it may lawfully be exported, to another country into which such drug may lawfully be imported; and

(b) except where the drug comes from a country not a party to the Geneva Convention (No. 1) it is accompanied by a valid and subsisting export authorization or diversion certificate, as the case may be.
(2) Where any dangerous drug in transit is accompanied by an export authorization or diversion certificate and the Treasurer has reasonable grounds for believing that such authorization or certificate is false, or that it has been obtained by fraud or wilful misrepresentation of a material particular, it shall be lawful for the Treasurer to seize and detain the drug to which such authorization or certificate relates. Upon being satisfied that such authorization or certificate is valid or has not been obtained by fraud or misrepresentation as aforesaid the Treasurer shall authorise the release of the drug.

(3) Where the dangerous drug in transit is not accompanied by an export authorization or diversion certificate by reason of the fact that the drug comes from a country not a party to the Geneva Convention (No. 1) and the Treasurer has reasonable grounds for believing that such drug is being conveyed in an unlawful manner or for an unlawful purpose or is in course of transit for the purpose of being imported into another country in contravention of the laws of that country it shall be lawful for the Treasurer to seize and detain the drug.

(4) Where a dangerous drug brought into the Colony in transit is landed, or transhipped in the Colony, it shall remain under the control of the Treasurer and shall be moved only under and in accordance with a removal licence granted in pursuance of section 19 hereof.

(5) Nothing in this section contained shall be deemed to apply to any dangerous drug in transit by post, or in transit by air if the aircraft passes over the Colony without landing, or to such quantities of dangerous drugs as may, bona fide, reasonably form part of the medical stores of any ship or aircraft.

19. (1) No person shall—

(a) remove any dangerous drug from the conveyance by which it is brought into the Colony in transit; or
(b) in any way move any such drug in the Colony at any time after removal from such conveyance, except under and in accordance with a licence (in Form D set out in the Schedule hereto and in this Act referred to as a "Removal Licence") issued by the Treasurer. In all cases it shall be in the absolute discretion of the Treasurer to issue or refuse a removal licence as he shall deem fit.

(2) No removal licence for the transfer of any such drug to any conveyance for removal out of the Colony shall be issued unless and until a valid and subsisting export authorization or diversion certificate relating to it is produced to the Treasurer save that where the drug has come from a country not a party to the Geneva Convention (No. 1) this sub-section shall not apply.

(3) The provisions of this section shall not apply to dangerous drugs in transit by post.

20. It shall be unlawful for any person to cause any dangerous drug in transit to be subjected to any process which would alter its nature, or wilfully to open or break any package containing a dangerous drug in transit except upon the instructions of the Treasurer and in such manner as he may direct.

21. (1) No person shall, except under the authority of a diversion certificate in the Form E set out in the Schedule hereto, cause or procure any dangerous drug brought into the Colony in transit to be diverted to any destination other than that to which it was originally consigned. In the case of any drug in transit accompanied by an export authorization or a diversion certificate issued by a competent authority of some other country, the country to which the drug was originally consigned shall be deemed to be the country stated in such export authorization or diversion certificate to be the country of destination.
(2) The Senior Medical Officer may in his absolute discretion issue a diversion certificate in respect of any dangerous drug in transit upon production to him of a valid and subsisting import certificate issued by a competent authority in the country to which it is proposed to divert the drug, or if that country is not a party to the Geneva Convention (No. 1) upon such evidence as may satisfy him that the drug is to be sent in a lawful manner and for a proper purpose.

(3) A diversion certificate shall be issued in duplicate. One copy thereof shall accompany the drug when it is exported from the Colony. Another copy shall be despatched by the Senior Medical Officer direct to the proper authority in the country to which the consignment has been diverted.

(4) Upon the issue of a diversion certificate the export authorization or diversion certificate (if any) accompanying the drug on its arrival in the Colony shall be detained by the Senior Medical Officer and returned to the authority issuing such authorization or diversion certificate together with a notification of the name of the country to which such drug has been diverted.

PART VII.

CONTROL OF INTER-PRESIDENTIAL TRADE.

22. No person shall import, or bring or cause to be brought into any Presidency of the Colony from any other Presidency thereof, or export or take or cause to be taken out of any Presidency of the Colony to any other Presidency thereof any drug, substance, article or thing prohibited to be imported into or exported out of the Colony by virtue of this Act.
Restriction of trading between the Presidencies in respect of articles the import and export of which are restricted.

23. No person shall, except under licence, import or bring or cause to be brought into any Presidency of the Colony from any other Presidency thereof, or export or take or cause to be taken out of any Presidency of the Colony to any other Presidency thereof any of the drugs, substances, articles or things to which Parts II and V of this Act apply or of which the importation into and exportation out of the Colony are in any way restricted by virtue of this Act.

Part VIII.

General.

24. Licences or authorities for the purposes of this Act may be issued or granted by the Senior Medical Officer on such terms and subject to such conditions (including in the case of a licence the payment of a fee) as the Governor-in-Council may by rule prescribe.

25. (1) Any police officer or other person authorized in that behalf by any general or special order of the Commissioner of Police or of a Superintendent or Assistant Superintendent of Police shall, for the purposes of the execution of this Act, have power to enter the land or building of any person carrying on the business of a producer, manufacturer, seller or distributor of any drugs to which this Act applies, 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 Magistrate is satisfied by information on oath that there is reasonable ground for suspecting that any drugs to which this Act applies are, in contravention of the provisions of this Act or of any rules made thereunder, in the possession or under the control of any person in any place, or that any document directly or indirectly relating to or connected with any transaction or dealing which was, or any intended transaction or dealing
which would if carried out be an offence against this Act, or in the case of a transaction or dealing carried out or intended to be carried out in any country outside the Colony, an offence against the provisions of any corresponding law in force in that country, is in the possession or under the control of any person in any place, he may grant a search warrant authorizing any police officer named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by force, the place named in the warrant and to search the place and any person found therein, and if there is reasonable ground for suspecting that an offence against this Act has been committed in relation to any such drugs which may be found in the place or in the possession of any such persons, or that any document which may be so found is such a document as aforesaid, to seize and detain those drugs or that document as the case may be.

(3) If any person wilfully delays or obstructs any police officer or other authorised person in the exercise of his powers under this section or fails to produce or conceals or attempts to conceal any such books, stocks, drugs or documents as aforesaid, he shall be guilty of an offence against this Act.

26. When any drugs to which this Act applies are found in possession of any person or deposited in a dwelling place, ship, vehicle, shop or store, there being no proper authority for their being in such possession or place, such person or the occupier of such dwelling place, ship, vehicle, shop or store, unless he can prove that the same were deposited there without his knowledge or consent, and also the owner of, or other person guilty of keeping the drugs shall be guilty of an offence against this Act.

27. (1) Any person who—

(a) acts in contravention of, or fails to comply with any of the provisions of this

Improper possession of dangerous drugs.

Offences and penalties.
The Dangerous Drugs Act, 1937.

Act or any rules or regulations made under this Act; or

(b) acts in contravention of, or fails to comply with the conditions of any licence issued or authority granted under or in pursuance of this Act; or

(c) for the purpose of obtaining, whether for himself or for any other person the issue, grant or renewal of any such licence or authority as aforesaid, makes any declaration or statement which is false in any particular, or knowingly utters, produces or makes use of any such declaration or statement or any document containing the same; or

(d) in the Colony aids, abets, counsels or procures the commission in any country outside the Colony of any offence punishable under the provisions of any corresponding law in force in that country, or does any act preparatory to or in furtherance of any act which if committed in the Colony would constitute an offence against this Act;

shall be guilty of an offence against this Act.

(2) Every person guilty of an offence against this Act shall, in respect of each offence, be liable—

(a) on conviction upon indictment, to a fine not exceeding one thousand pounds or to imprisonment for a period not exceeding ten years, with or without hard labour or to both such fine and imprisonment; or

(b) on summary conviction, to a fine not exceeding two hundred pounds or to imprisonment with or without hard labour for a period not exceeding six months or to both such fine and imprisonment;

and shall, in every case of conviction for the offence forfeit to His Majesty all articles in respect of which the offence was committed and the Court
before which the offender was convicted may order any forfeited articles to be destroyed or otherwise disposed of as the Court may think fit.

Provided always that no person shall on conviction for any offence of contravening or failing to comply with any regulation under this Act relating to the keeping of books or the issuing or dispensing of prescriptions containing drugs to which this Act applies, be sentenced to imprisonment without the option of a fine or to pay a fine exceeding fifty pounds, if the Court dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to or committed in the course of, or in connection with the commission or intended commission of any other offence against this Act.

(3) If any person attempts to commit an offence against this Act or solicits or incites another person to commit such an offence, he shall without prejudice to any other liability be liable to the same punishment and forfeiture as if he had committed an offence under this Act.

(4) Where a person convicted of an offence under this Act is a company, the chairman and every director and every officer concerned in the management of the company shall be guilty of the like offence unless he proves that the act constituting the offence took place without his knowledge or consent.

(5) Where the person convicted of an offence under this Act is a firm, every partner in the firm and every person concerned in the management of the firm shall, unless he proves that the act or omission constituting the offence occurred without his knowledge and consent, be guilty of the like offence, and shall be liable to all the penalties and consequences to which a natural person would be liable upon conviction of the said offence.
The Dangerous Drugs Act, 1937.

(6) Whenever any person to whom any licence or authority has been issued or granted under this Act would be liable under the provisions of this Act or of any regulations made thereunder to any punishment, penalty or forfeiture for any act, omission, neglect, or default he shall be liable to the same punishment, penalty or forfeiture for every similar act, omission, neglect or default of any agent or servant employed by him in the course of his business, and every agent or servant employed by him in the course of his business, shall also be liable to every punishment, penalty or forfeiture prescribed for such acts, omissions, neglects or defaults contrary to the provisions of this Act as fully and effectually as if such agent or servant had been the person to whom the licence or authority has been issued or granted.

28. Any police officer may arrest without warrant any person who has committed, or attempted to commit, or is reasonably suspected by the police officer of having committed or attempted to commit, an offence against this Act, if he has reasonable grounds for believing that that person will abscond unless arrested, or if the name and address of that person are unknown to and cannot be ascertained by him.

29. For the purposes of this Act any article shall be deemed to be imported under licence or exported under licence if the importer or exporter, as the case may be, is the holder of a licence or authorisation issued under this Act authorizing the importation or exportation, as the case may be, of the article and complies with the conditions, if any, of the licence or authorization, but not otherwise.

30. In any proceedings against any person for an offence against this Act, it shall not be necessary to negative by evidence any licence, authority or other matter of exception or defence,
and the burden of proving any such matter shall lie on the person seeking to avail himself thereof.

31. The Ordinances specified in the Second Schedule hereto are hereby repealed.

32. This Act shall come into operation on a date to be fixed by the Governor by Proclamation in the Gazette.

G. J. LETHEM,  
President.

Passed the General Legislative Council the 24th day of November, 1937.

W. S. ARCHER,  
Clerk of the Council.
LEEWARD ISLANDS.

The Dangerous Drugs Act, 1937.

No. 23 of 1937.

FIRST SCHEDULE.

FORM A.

Colony of the Leeward Islands
President of.................................

THE DANGEROUS DRUGS ACT, 1937.

IMPORT CERTIFICATE (Section 17 (2))
issued by the Government of the Leeward Islands.

INTERNATIONAL OPIUM CONVENTIONS.

Certificate of Official Approval of Import No...........

I, being the person charged with the administration of the law relating to dangerous drugs to which the International Opium Conventions apply, hereby certify that I have approved the importation by:

(a) Name, address and business of Importer

(b) Exact description and amount of drug to be imported

(c) Name and address of firm in exporting country from which the drug is to be obtained

(d) State any special conditions to be observed—e.g., not to be imported through the post subject to the following conditions (d)

(e) State, if possible, Customs Office through which the goods will be imported

(f) State, if possible, route to be followed by the goods

(g) Period within which the import is to be effected

and am satisfied that the consignment proposed to be imported is required:

(1) for legitimate purposes (in the case of raw opium and the coca leaf),

(2) solely for medical or scientific purposes (in the case of drugs to which Chapter III, of the 1925 Convention and Article I, of the 1931 Convention apply, and also for Indian hemp).

Signature........................................

Official rank....................................

Date...........................................
No. 23 of 1937. The Dangerous Drugs Act, 1937.

FORM B.

Colony of the Leeward Islands
Presidency of...........................................

THE DANGEROUS DRUGS ACT, 1937.

No. of 19... Section 16 (1).

EXPORT AUTHORIZATION.

Official Authorization of Export No............

In pursuance of the Dangerous Drugs Act, 1937, the Senior Medical Officer has approved the exportation by:

(a) Name address and business of exporter (a) ...........................................
(b) Exact description and amount of drug to be exported of (b) ..............................
(c) Name and address of firm in importing country requiring the drug to (c) ..............................
(d) Number and date of import certificate and indication of the authority issuing this certificate ..........................................................
(e) State any special conditions to be observed—e.g., not to be imported through the post—see also general conditions below subject to the following conditions (e) ..........................................................
(f) Customs Office through which the goods will be exported ..........................................................
(g) State, if possible, route to be followed by the goods ..........................................................
(h) Period within which the export is to be effected ..........................................................

Signature......................................................

Official rank .............................................

Date..........................................................

General conditions governing the use of this export authorization:—

1. This authorization is not a licence to obtain or be in possession of the drugs named herein.

2. This authorization is available only for drugs of the exact quantity, kind and form specified above.

3. This authorization does not relieve the exporter from compliance with any Customs or
Revenue Ordinances or regulations in force for the time being relating to the exportation of goods from the Presidency of nor from any provisions of the Post Office Act (Cap. 125) or Post Office Regulations for the time being in force, nor from any rules or regulations respecting the transmission of articles by post which may for the time being be in force, whether within the said Presidency or elsewhere.

4. If the drugs are authorized to be exported by ship the duplicate copy, which is attached, shall accompany the consignment to the place of destination and for this purpose the exporter shall cause it to be delivered to the master of the vessel by which the consignment is despatched. (See footnote (3)).

5. If the drugs are authorized to be exported by post the attached duplicate copy shall be placed inside the outer wrapper of the parcel containing the drugs. If the drugs are contained in more than one parcel, the duplicate copy shall be placed inside the outer wrapper of one of them; the parcels shall be consecutively numbered on the outer wrapper, and on each parcel there shall be legibly stated the number of the parcel in which the duplicate copy is to be found. (See footnote (2)).

6. The exporter, if so required by the Treasurer shall produce to him within such time as he may allow proof, to his satisfaction that the said drugs were duly delivered at the destination named in the authorization and in the event of non-compliance with this condition the authorization shall be deemed void and of no effect.

7. The exporter shall furnish to the Senior Medical Officer such returns of the goods exported by him in pursuance of this authorization as may from time to time be required.
8. This authorization is valid only for the exporter named above and may be revoked at any time by the Senior Medical Officer. It shall be produced for inspection when required by any duly authorized person.

9. This authorization, unless sooner revoked, shall continue in force for three calendar months from the date hereof. It must be produced at the time of export to an officer of the Customs or the Post Office, whichever is applicable, who will retain it.

If not used it shall be surrendered to the Senior Medical Officer within seven days of the date of its expiry.

NOTE.—

(1) If any alteration is desired in this authorization it must be returned with a request for amendment and a statement of the reasons therefor. No unauthorized alteration is permissible.

(2) In the case of drugs exported by post, failure to comply with this condition may lead to delay or confiscation of the parcels in the country of destination.

(3) In the case of drugs exported by ship this document is required in pursuance of the International Opium Convention, 1925, Article 15, to be produced to the competent authorities of any country through which the consignment passes, whether it is transhipped or not. Failure to comply with the condition may lead to delay or confiscation of the consignment.
FORM C.

Colony of the Leeward Islands
Presidency of.............................

THE DANGEROUS DRUGS ACT, 1937.

Section 17 (1).

IMPORT AUTHORIZATION.

In pursuance of the Dangerous Drugs Act, 1937, (hereinafter called the Act) the Senior Medical Officer of the Presidency of hereby authorizes—

Insert name & full postal address of importer.

(hereinafter called “the importer”) to import the drugs specified in the Schedule hereto from—

Insert name & full postal address of exporter.

This authorization is subject to the following conditions:

1. The drugs shall be imported before (date).

2. This authorization is not a licence to be in possession of or to supply the drug imported.

3. This authorization does not relieve the importer from compliance with any Customs or Revenue Ordinances or regulations in force for the time being relating to the importation of goods into or transhipment of goods in the Presidency of or any Post Office Act or Post Office regulations for the time being in force in the Leeward Islands.
4. This authorization is valid only for the importer and may be revoked at any time by the Senior Medical Officer, to whom it shall in that event be immediately surrendered. It shall be produced for inspection when required by any duly authorized person.

5. This authorization unless sooner revoked shall be produced to the Customs officer at the time of importation and shall be surrendered to the Customs officer at the time when the last consignment of drugs is imported.

6. If the importation of all the drugs specified in the Schedule is not effected before the date specified in condition No. 1 this authorization shall immediately after that date be surrendered to the Senior Medical officer.

7. The copy of the export authorization, if any, which accompanies the drugs shall be forwarded to the Senior Medical Officer immediately the importation of the drugs has been effected.

Signature

Official Rank

(Date)

Schedule specifying the drugs and quantities thereof to be imported:

(Here follows Schedule)

This Authorization is not to leave the possession of the importer until it is surrendered to the Senior Medical Officer or to the Customs Officer (who will complete the certificate on the back and return the Authorization to the Senior Medical Officer).
LEEWARD ISLANDS.

The Dangerous Drugs Act, 1937.

No. 23 of 1937.

ENDORSEMENT BY CUSTOMS OFFICER,

at the time of importation.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description of drugs imported</th>
<th>No. and date of Export Authorization</th>
<th>Quantity</th>
<th>How Imported</th>
<th>Customs entry or Parcel No.</th>
<th>Signature mark and station of Customs Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>e.g. in the case of a ship or by registered or insured post.</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

This Authorization when all the drugs to which it relates have been imported must be returned by the Customs Officer to the Senior Medical Officer.

FORM D.

Colony of the Leeward Islands

President of..............................

THE DANGEROUS DRUGS ACT, 1937.

Section 19 (1).

LICENCE FOR REMOVAL OF DANGEROUS DRUGS IN TRANSIT.

.................................is hereby authorized to move the dangerous drugs described hereunder from.................................to.................................

Nature and quantity of dangerous drugs............................

Particulars of export authorization (or diversion certificate) if any relating thereto............................

Name of ship on which the drugs were brought into the Presidency of............................

Date of arrival............................

Number of packages............................

Marks and numbers on packages............................

This licence is issued subject to the following conditions:—

(1) This licence is valid only for the removal of the drugs specified above.
(2) The removal of the drugs shall take place between .......... a.m. and .......... a.m.  
   p.m.  p.m.  
on the...........................19...

(3) If the removal of the drugs does not take place within the hours and on the day specified, this licence must be returned to the Treasurer forthwith; and in any case shall be surrendered when the removal has taken place.

(4) The drugs must not be moved unless an officer of the Customs Department is present.

(5) This licence does not authorize the person named above to be in possession of the drugs otherwise than for the purpose of removing them in accordance with this licence.

(6) The packages containing the drugs are not to be opened or broken in the course of the removal.

(7) This licence shall be produced at any time when required by a duly authorized person.

Signature.........................

Official Rank.........................

......................(Date)

FORM E.

Colony of the Leeward Islands
Presidency of..............................

Section 21 (1).

INTERNATIONAL OPIUM CONVENTION.

DIVERSION CERTIFICATE.

I, being a person charged with the administration of the law relating to the dangerous drugs to which the International Opium Conven-
tions apply, hereby certify that I have authorized the diversion of the consignment of drugs, of which particulars are given below, to the destination stated below.

Description and quantity of drugs.............................
Name of vessel on which the consignment was brought to the Presidency of..........................
Name and address of exporter..............................
Number and date of export authorization and authority by whom issued..........................
Name and address of original consignee named in the export authorization..........................
Name and address of consignee to whom the consignment is authorised to be diverted..........................
Number and date of import certificate (and authority by whom issued) by virtue of which this diversion is authorized..........................
Name of vessel on which the consignment is authorized to be carried from the Presidency of..........................

This certificate is issued subject to the following conditions:

(1) The duplicate copy of this certificate shall accompany the consignment to the place of destination and for this purpose shall be delivered to the master of the vessel by which the consignment is despatched.

(2) This certificate does not relieve any person who may be concerned with the carriage of the consignment of drugs specified above from compliance with any Customs regulations in force for the time being relating to the exportation of goods from the Presidency of..........................

(3) This certificate is valid only for the consignment and for the period specified above, and may be revoked at any time.

(4) If the consignment of drugs is not carried from the Presidency of..........................
within the period specified above, this certificate shall be surrendered to the Chief Medical Officer.

(5) This certificate shall be produced at any time when required by a duly authorized person.

Signature.............................

Official rank..........................

............................(date)

NOTE.—

(1) If any alteration is desired in this authorization, it must be returned with a request for amendment and a statement of the reasons therefor. No unauthorized alteration is permissible.

(2) This document is required in pursuance of the International Opium Convention, 1925, Article 15, to be produced to the competent authorities of any country through which the consignment passes, whether it is transhipped or not. Failure to comply with this condition may lead to delay or confiscation of the consignment.
## SECOND SCHEDULE.

**ORDINANCES REPEALED.**

<table>
<thead>
<tr>
<th>Presidency</th>
<th>Short Title</th>
<th>No. and Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antigua</td>
<td>The Dangerous Drugs Ordinance, 1926</td>
<td>13/1926</td>
</tr>
<tr>
<td></td>
<td>The Dangerous Drugs Ordinance, 1926, Amendment Ordinance, 1928</td>
<td>11/1928</td>
</tr>
<tr>
<td>Dominica</td>
<td>The Dangerous Drugs Ordinance, 1927</td>
<td>3/1927</td>
</tr>
<tr>
<td>Montserrat</td>
<td>The Dangerous Drugs Ordinance, 1927</td>
<td>2/1927</td>
</tr>
<tr>
<td></td>
<td>The Dangerous Drugs Ordinance, 1927, Amendment Ordinance, 1929</td>
<td>2/1929</td>
</tr>
<tr>
<td>St. Christopher and Nevis</td>
<td>The Dangerous Drugs Ordinance, 1927</td>
<td>3/1927</td>
</tr>
<tr>
<td></td>
<td>The Dangerous Drugs Ordinance, 1927, Amendment Ordinance, 1928</td>
<td>7/1928</td>
</tr>
<tr>
<td>Virgin Islands</td>
<td>The Dangerous Drugs Ordinance, 1927</td>
<td>5/1927</td>
</tr>
</tbody>
</table>

**ANTIGUA.**


2341/36.—300—12.37.  [Price 9d.]
LEEWARD ISLANDS
GENERAL GOVERNMENT.
STATUTORY RULES AND ORDERS.
1938, No. 6.

THE DANGEROUS DRUGS ACT, 1937.

Proclamation dated February 2, 1938, bringing the Dangerous Drugs Act, into operation.

BY THE GOVERNOR OF THE LEEWARD ISLANDS.

A PROCLAMATION.

G. J. LETHEM.
Governor.

WHEREAS by section 32 of the Dangerous Drugs Act, 1937, (No. 23 of 1937) it is provided that the said Act shall come into operation on a date to be fixed by the Governor by Proclamation in the Gazette;

NOW, THEREFORE, I, GORDON JAMES LETHEM, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of the Leeward Islands and Vice Admiral of the same, do by this my Proclamation declare that the said Act shall come into operation on the fifteenth day of February, 1938.

AND all His Majesty's loving subjects in the said Colony and all others whom it may concern are hereby required to take due notice thereof and to give their ready obedience accordingly.

GIVEN at the Government House, Antigua, this second day of February, 1938, in the second year of His Majesty's reign.

GOD SAVE THE KING!