



BELIZE

**MISUSE OF DRUGS ACT
CHAPTER 103**

REVISED EDITION 2020

**SHOWING THE SUBSTANTIVE LAWS AS AT
31ST DECEMBER, 2020**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2020.

This edition contains a consolidation of amendments made to the law by Act No. 47 of 2017.



BELIZE

**MISUSE OF DRUGS ACT
CHAPTER 103**

REVISED EDITION 2020

**SHOWING THE SUBSTANTIVE LAWS AS AT
31ST DECEMBER, 2020**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2020.

This edition contains a consolidation of amendments made to the law by Act No. 47 of 2017.

CHAPTER 103

MISUSE OF DRUGS

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title and commencement.
2. Interpretation.

PART II

*Establishment, Powers and Functions, etc., of the National
Drug Abuse Control Council*

3. The National Drug Abuse Control Council.
4. Controlled drugs and their classification.
5. Restriction on importation and exportation of controlled drugs.
6. Restriction on production and supply of controlled drugs.
7. Restriction on possession of controlled drugs.
8. Restriction on cultivation of cannabis, opium poppy, and coca plants.
9. Authorization of activities otherwise unlawful under sections 5, 6 and 7.
10. Occupiers, etc., of premises liable to penalties for permitting certain activities.
11. Allowing premises to be frequented by drug traffickers, etc.
12. Prohibition of certain activities, etc., relating to certain drugs.

PART III*Powers of Minister for Preventing Misuse of Controlled Drugs*

13. Power to make Regulations for preventing misuse of controlled drugs.
14. Power to direct special precautions for safe custody of controlled drugs.
15. Directions prohibiting the prescribing, supplying, etc., of controlled drugs by medical practitioners, etc., convicted of certain offences.
16. Directions prohibiting the prescribing, supplying, etc., of controlled drugs by practitioners in other cases.
17. Power to obtain information from medical practitioners, etc., in certain circumstances.

PART IV*Drug Trafficking, Miscellaneous Offences and Powers*

18. Drug trafficking.
19. Assisting another to retain the benefits of drug trafficking.
20. Miscellaneous offences.
21. Attempts, etc., to commit offences.
22. Assisting in or inducing commission outside Belize of offences punishable under corresponding law.
23. Offences by Corporation.
24. Further powers to make Regulations.

PART V*Law Enforcement and Punishment of Offences*

25. Powers to search and obtain evidence.
26. Arrest without warrant.
27. Committal to the Supreme Court for sentence.
28. Prosecution and punishment of offences.

- 28A. Regulations for violation tickets.
- 28B. Expungement of certain convictions.

PART VI

Forfeiture and Disposal of Aircrafts, Vehicles, Vessels, Proceeds and Other Articles Involved in Drug Trafficking

- 29. Forfeiture of means of conveyance and other articles relating to the offence.
- 30. Forfeiture of assets acquired from drug trafficking.
- 31. Postponed determinations.
- 32. Presumption arising from receipt of proceeds of drug trafficking.
- 33. Assessment of proceeds of drug trafficking.
- 34. Statement relating to drug trafficking.
- 35. Assessment of value of proceeds.
- 36. Provisions supplemental to section 35.
- 37. Reconsideration of case where court has not proceeded under section 30.
- 38. Powers of court where defendant has died or absconded.
- 39. Restraint Order.
- 40. Realisation of property.
- 41. Application of proceeds of realisation and other sums.
- 42. Exercise of powers by court or receiver.
- 43. Variation of forfeiture orders.
- 44. Bankruptcy of defendant.
- 45. Winding up of company holding realizable property.
- 46. Revocation of forfeiture order.
- 47. Search and seizure.
- 48. Concealing or transferring proceeds of criminal conduct.
- 49. Tipping-off.

PART VII

Miscellaneous

- 50. Evidence by certificate of analyst.
- 51. Proof of lack of knowledge, etc., to be a defence in proceedings for certain offences.
- 52. Service of documents.
- 53. Licenses and authorities.
- 54. General provisions as to Regulations.
- 55. Research.
- 56. Repeals.

SCHEDULE I

SCHEDULE II

SCHEDULE III

CHAPTER 103

MISUSE OF DRUGS

22 of 1990.
26 of 1992.
6 of 1994.
18 of 1998.
42 of 1999.
47 of 2017.
S.I. 126 of 1990.
S.I. 5 of 2014.
S.I 132 of 2020.

[12th November, 1990]

PART I

Preliminary

1. This Act may be cited as the Misuse of Drugs Act.

Short title.

2.–(1) In this Act, unless the context otherwise requires—

Interpretation.

“analyst” means the Government analytical chemist, or any other person appointed as such for the purposes of this Act by the Minister by Order published in the *Gazette*;

“*cannabis*” includes any part of the plant of the genus *cannabis sativa*, any resin obtained from that plant and any product of which such resin forms a base, but does not include—

47 of 2017.

(a) medicinal preparations from that plant licensed or otherwise permitted under this Act; and

(b) industrial hemp;

“*cannabinol* derivatives” means the following substances, except where contained in *cannabis* or *cannabis* resin, namely, tetrahydro derivatives of *cannabinol* and 3-alkyl homologues of *cannabinol* or of its tetrahydro derivatives;

CAP. 311.

“chemist and druggist” means a person who is registered as such under the Chemists and Druggists Act;

“cocaine” means methylbenzoylecgonine of which the formula is C₁₇ H₂₁ NO₄ or methylbenzoylecgonine hydrochloride of which the formula is C₁₇ H₂₁ NO₄ HC₁, and includes crack;

“coca leaf” means the leaf of any plant of the genus *erythroxylon* from whose leaves cocaine can be extracted either directly or by chemical transformation;

“concentrate of poppy-straw” means the material produced when poppy-straw has entered into a process for the concentration of its alkaloids;

“contravention” includes failure to comply and “contravene” has a corresponding meaning;

“controlled drug” has the meaning assigned by section 4;

“corresponding law” means a law stated in a certificate purporting to be issued by or on behalf of the Government of a country outside Belize to be a law providing for the control and regulation in that country of the production, supply, use, export and import of dangerous or otherwise harmful drugs in pursuance of any Treaty, Convention or other agreement or arrangement to which the Government of that country and the Government of Belize are for the time being parties; and a statement in any such certificate as aforesaid to the effect that any facts constitute an offence against the law mentioned in the certificate shall be *prima facie* evidence of the matters stated;

“Council” means the National Drug Abuse Control Council established under this Act;

“court” means the Supreme Court or the Magistrate’s Court, as the case may be;

“dentist” means the person whose name is registered in the Dentists Register under the Dentists Act; CAP. 316.

“drug trafficking” means doing or being concerned in any of the following, whether in Belize or elsewhere—

- (a) producing, supplying or otherwise dealing in any controlled drug in contravention of this Act or a corresponding law;
- (b) transporting or storing a controlled drug where possession of that drug contravenes this Act or a corresponding law;
- (c) importing or exporting a controlled drug in contravention of this Act or a corresponding law;
- (d) entering into or being otherwise concerned in an arrangement whereby—
 - (i) the retention or control by or on behalf of another person of the other person’s proceeds of drug trafficking is facilitated; or
 - (ii) the proceeds of drug trafficking by another person are used to secure that funds are placed at the other person’s disposal or are used for the other person’s benefit, to acquire property by way of investment;

“drug trafficking offence” means any of the following—

- (a) an offence under section 5 - importation and exportation of controlled drugs;
- (b) an offence under section 6(2) or (3) - production and supply of controlled drugs;
- (c) an offence under section 7(2) read with section 7(4) - possession of certain controlled drugs in quantities of more than those specified in section 7(4);
- (d) an offence under section 7(3) - possession for supply of controlled drugs;
- (e) an offence under section 8 - cultivation of certain drugs;
- (f) an offence under section 10 - being occupier of premises, to permit certain activities;
- (g) an offence under section 19 - assisting another to retain proceeds of drug trafficking;
- (h) conspiracy to commit any of the offences in paragraphs (a) to (g);
- (i) an offence of attempting to commit any of the offences in paragraphs (a) to (g);
- (j) aiding, abetting, counselling or procuring the commission of any of the offences in paragraphs (a) to (g);

47 of 2017.

“educational institution” means an institution recognised by the Ministry responsible for education as providing schooling or education and training; including an institution that provides pre-school, primary, secondary, post-secondary or tertiary education, within the meaning of the Education and Training Act;

CAP. 036.

“export” with its grammatical variations and cognate expressions, in relation to Belize, means to take or cause to be taken out of Belize by land, air or water;

“forfeiture order” means an order made under section 29 or 30;

“import” with its grammatical variations and cognate expressions, in relation to Belize, means to bring or cause to be brought into Belize by land, air or water;

“industrial hemp” means any part of the plant of the genus *cannabis sativa*, with a tetrahydrocannabinol concentration of such amount as may be prescribed; 47 of 2017.

“interest” in relation to property, includes right;

“magistrate” has the same meaning as in the Inferior Courts Act; CAP. 94.

“medicinal opium” means raw opium which has undergone the process necessary to adapt it for medicinal use in accordance with the requirement of the British Pharmacopoeia, whether in powder form or granulated or is in any other form, and whether it is or is not mixed with neutral substances;

“medical practitioner” means a person who is registered as such under the Medical Practitioners Registration Act; CAP. 318.

“Minister” means the Minister with responsibility for narcotics control;

“morphine” means the principal alkaloid of opium having the chemical formula C₁₇ H₁₉ NO₃;

“opium” means—

- (a) the coagulated juice of the opium poppy; and
- (b) any mixture, with or without any neutral material, of the coagulated juice of the opium

poppy, but does not include any preparation containing not more than 0.2 *per centum* of morphine;

“opium poppy” means the plant of the species *papaver somniferum* L;

CAP. 311.

“person lawfully conducting a retail pharmacy business” means a person lawfully conducting such a business in accordance with the Chemists and Druggists Act;

“poppy straw” means all parts, except the seeds, of the opium poppy, after mowing;

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

“prescribed” means prescribed by the rules or regulations made under this Act;

“proceeds of drug trafficking” means any payments or other rewards, including real or personal property of every description, received by a person at any time in connection with drug trafficking carried on by him or another or in both that connection and in some other connection and such payments or other rewards include the following so received, that is to say—

- (a) deeds and instruments relating to or evidence of title or right to property, or giving a right to recover money, goods or real estate, or any order or other security that entitles or evidences the title of any person—
 - (i) to share an interest in a public stock or fund or in any share or interest of or in a society or company whether incorporated or un-incorporated; or

(ii) to a deposit in any bank;

(b) a document of title to lands, goods or other property wherever situated, money or other valuable security issued by any government, any chose-in-action, or any credit evidencing an interest in property;

“produce” where a reference is to produce a controlled drug, means producing it by manufacture, cultivation or any other method, and “production” has a corresponding meaning;

“raw opium” includes powdered or granulated opium but does not include medicinal opium;

“supplying” includes distributing; and

“veterinary practitioner” means any person in Belize holding a qualification entitling him to practice as a veterinary surgeon in any part of the Commonwealth, or any person who within Belize, with the approval of the Minister responsible for veterinary services, is engaged in the practice and profession of veterinary surgery pursuant to the Veterinary Surgeons Act.

CAP. 326.

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

(3) For the purposes of this Act, the things which a person has in his possession shall be taken to include anything subject to his control which is in the custody of another.

PART II

*Establishment, Powers and Functions, etc., of the National
Drug Abuse Control Council*

The National
Drug Abuse
Control Council.

3.—(1) There shall be constituted in accordance with Schedule I a Council to be called the National Drug Abuse Control Council of Belize, for the prevention of misuse of drugs.

(2) It shall be the duty of the Council to keep under review the situation in Belize with respect to drugs which are being or appear to them likely to be misused and of which the misuse is having or appears to them capable of having harmful effects sufficient to constitute a social problem, and to give to the Minister, where either the Council considers it expedient to do so or they are consulted by the Minister, advice on measures, whether or not involving alteration of the law, which in the opinion of the Council ought to be taken for preventing the misuse of such drugs or dealing with social problems connected with their misuse, and in particular on measures which in the opinion of the Council, ought to be taken—

- (a) for restricting the availability of drugs or supervising the arrangements for their supply;
- (b) for enabling persons affected by the misuse of drugs to obtain proper advice, and for securing the provision of proper facilities and services for the treatment, rehabilitation and aftercare of such persons;
- (c) for promoting co-operation between the various professional and community services which in the opinion of the Council have a part to play in the dealing with social problems connected with the misuse of drugs;

- (d) for educating the public, and in particular the young, on the dangers of misusing drugs, and for giving publicity to these dangers;
- (e) for promoting research into, or otherwise obtaining information about, any matter which in the opinion of the Council is of relevance for the purpose of preventing the misuse of drugs or dealing with any social problem connected with their misuse; and
- (f) to give advice to farmers, in consultation with the Ministry of Agriculture, on possible alternative crops in areas where controlled drugs are known or suspected to be under cultivation.

(3) It shall also be the duty of the Council to consider any matter relating to drug dependence or the misuse of drugs which may be referred to them by the Minister and to advise the Minister thereon.

4.-(1) In this Act, unless the context otherwise requires—

Controlled drugs
and their
classification.

- (a) the expression “controlled drugs” means any substance or product for the time being specified in Part I, II, or III of Schedule II; and
- (b) the expressions “Class A drug”, “Class B drug”, and “Class C drug” mean any of the substances and products for the time being specified respectively in Parts I, II and III of Schedule II.

(2) The Minister may, after consultation with or on the recommendation of the Council, by Order published in the *Gazette*, make such amendments to Schedule II as may be requisite for the purpose of adding any substance or product to,

or removing any substance or product from, any of Parts I to III of that Schedule.

Restriction on
importation and
exportation of
controlled drugs.

5.—(1) Subject to sub-section (2),—

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

(2) Sub-section (1) does not apply,—

- (a) to the importation or exportation of a controlled drug which is for the time being excepted from paragraph (a) or, as the case may be, paragraph (b) of sub-section (1) by regulations under section 9; or
- (b) to the importation or exportation of a controlled drug under and in accordance with the terms of a licence issued by the Minister and in compliance with any conditions attached thereto.

(3) Any person who imports or exports controlled drugs contrary to sub-section (1), commits an offence and is liable on conviction to the penalties laid down in section 18, for a drug trafficking offence.

Restriction on
production and
supply of
controlled drugs.

6.—(1) Subject to any regulations under section 9 for the time being in force, it shall not be lawful for a person—

- (a) to produce a controlled drug; or
- (b) to supply or offer to supply a controlled drug to another.

(2) Subject to section 51, it is an offence for a person to—

- (a) produce a controlled drug in contravention of sub-section (1); or
- (b) be concerned in the production of such a drug by another.

(3) Subject to section 51, it is an offence for a person—

- (a) to supply or offer to supply a controlled drug to another in contravention of sub-section (1);
- (b) to be concerned in the supply of such a drug to another in contravention of sub-section (1); or
- (c) to be concerned in the making to another, in contravention of sub-section (1) \, of an offer to supply such a drug.

(4) A person who commits an offence under sub-section (2) or (3), is liable on conviction to the penalties set out under section 18 for a drug trafficking offence.

7.—(1) Subject to sub-section (7), and to any regulations under section 9 for the time being in force, it shall not be lawful for a person to have a controlled drug in his possession.

Restriction on possession of controlled drugs. 47 of 2017.

(2) Subject to sub-sections (5) and (7), and to section 51, it is an offence for a person to have a controlled drug in his possession in contravention of sub-section (1).

(3) Subject to section 51, it is an offence for a person to have a controlled drug in his possession, whether lawfully or not, with intent to supply it to another in contravention of section 6(1).

(4) Subject to sub-section (1), a person found in possession of the following controlled drugs in quantities of more than—

- (a) two grammes of diacetylmorphine (heroin);

- (b) one gramme of cocaine;
- (c) thirty grammes of opium;
- (d) three grammes of morphine; or
- (e) sixty grammes of *cannabis* or *cannabis* resin,

shall be deemed to be in possession of the controlled drug for the purpose of supplying it to another for drug trafficking in contravention of section 6 (1), unless the contrary is proved, the burden of proof being on the accused.

(5) Where any drug to which this Act applies is found in any premises occupied by more than one person, the drug shall be deemed to be in the joint possession of all persons and it shall be for the person or persons to prove that it was there without his or their knowledge or consent; and for the purposes of this Act, occupation of any premises may be real or constructive.

(6) A person who commits a drug trafficking offence under this section is liable to the penalties laid down for a drug trafficking offence not including a contravention specified in sub-section (7)(b), to the penalties laid down in section 28.

47 of 2017.

(7) Where the controlled drug in a person's possession is cannabis or cannabis resin in an amount of not more than ten grammes and—

47 of 2017.

- (a) the circumstances are not as specified in sub-section (8) then, notwithstanding section 10, the possession is not unlawful and an offence is not committed;
- (b) the circumstances are as specified in sub-section (8), then—
 - (i) the person contravenes this sub-section, but, subject to sub-section (10), is not

liable to be arrested or detained but may, on the first occasion of such contravention be liable to a warning from the police, and on a second or subsequent occasion the provisions of the violation ticket Regulations made under section 28A shall apply, whereby the offender is liable to being issued with the prescribed violation ticket by an authorized officer requiring the violator to pay a fine of one hundred dollars or such other amount in substitution as may be specified in violation ticket regulations, which amount shall be clearly stated on the face of the violation ticket;

- (ii) sections 26 and 29, shall not apply to the contravention, and
- (iii) the contravention shall not constitute an offence nor form a part of the criminal record of the person.

(8) The circumstances referred to in sub-section (7) (b) are that the possession occurs on the premises of an educational institution, and for greater certainty “premises” includes buildings, playing fields or other facilities appurtenant to the institution, that are established, maintained or used by the institution for the benefit of its students, whether or not the buildings, playing fields or other facilities are within the same curtilage.

47 of 2017.

(9) Where the person found in possession is under the age of eighteen years, he is required to participate in a drug treatment or drug counselling programme approved by the Minister, and with such financial contribution to the cost of the programme being payable by the person or his parents or guardians, as the Minister may determine.

47 of 2017.

Restriction on cultivation of cannabis, opium poppy and coca plants.

8.—(1) Subject to any regulations under section 9 for the time being in force, it shall not be lawful for a person to cultivate any plant of the genus *cannabis*, *papaver somniferum* L or *erythroxylon*.

(2) Subject to section 51, it is an offence punishable under section 18, to cultivate any such plant in contravention of sub-section (1).

Authorization of activities otherwise unlawful under section 5, 6 and 7.

9.—(1) The Minister may by Regulations exclude or except from sections 5, 6 and 7 any controlled drug as may be specified in the Regulations.

(2) Subject to sub-section (3), the Minister shall so exercise his powers to make Regulations under sub-section (1) as to secure—

- (a) that it is not unlawful under section 6(1) for a medical practitioner, dentist or veterinary practitioner acting in his capacity as such, to prescribe, administer, manufacture, compound or supply a controlled drug, or for a chemist and druggist acting in his capacity as such, to manufacture, compound or supply a controlled drug; and
- (b) that it is not unlawful under section 7(1) for a medical practitioner, dentist, veterinary practitioner, or chemist and druggist to have a controlled drug in his possession for the purpose of acting in his capacity as such.

(3) If in the case of a controlled drug the Minister is of the opinion that it is in the public interest—

- (a) for production, supply and possession of that drug to be either wholly unlawful or unlawful except for purposes of research or other special purposes; or

- (b) for it to be unlawful for medical practitioners, dentists, chemists and druggists and veterinary practitioners to do so in relation to that drug any of the things mentioned in sub-section (2) except under a licence or other authority issued by the Minister,

he may by Order designate that drug as a drug to which this sub-section applies and whilst there is in force an Order under this sub-section designating a controlled drug as one to which this sub-section applies, sub-section (2), shall not apply as regards that drug.

(4) An Order made under sub-section (3), shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

(5) The Minister shall not make any Order under sub-section (3) except after consultation with or on the recommendation of the Council.

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

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

Occupiers, etc., of premises liable to penalties for permitting certain activities. 47 of 2017.

- (a) producing or attempting to produce a controlled drug in contravention of section 6(1);
- (b) supplying or attempting to supply a controlled drug to another in contravention of section 6(1), or offering to supply a controlled drug to another in contravention of section 6(1);

(c) preparing *cannabis*, *cannabis* resin or opium for smoking;

(d) smoking *cannabis*, *cannabis* resin or prepared opium; or

(e) smoking or otherwise using cocaine.

26 of 1992.

47 of 2017.

(1A) Nothing in sub-section (1), as relates to knowingly permitting or suffering—

(a) the preparation of cannabis or cannabis resin in contravention of paragraph (c) of that sub-section; or

(b) the smoking of cannabis or cannabis resin in contravention of paragraph (d) of that sub-section, shall apply in the circumstances specified under sub-section (1B).

47 of 2017.

(1B) For the purposes of sub-section (1A), the circumstances are that the total amount of cannabis or cannabis resin in the possession of any person when any activity specified in paragraph (a) or (b) of that sub-section occurs, is not more than ten grammes, and that any person in possession thereof would, by virtue of section 7 (7) (a), not have carried out an unlawful act or committed an offence, or would not be liable to a penalty greater than that specified under section 7 (7) (b).

(2) A person who commits an offence under sub-section (1), is liable on conviction therefor to the penalties prescribed for a drug trafficking offence under section 18 and, in addition, the premises in or on which the offence was committed shall be forfeited.

26 of 1992.

(3) The owner of the premises forfeited under section (2) may, unless he is the occupier convicted under this section, apply to the court which tried the case for a revocation of the order of forfeiture, and if the court is satisfied that he did not

know or believe nor had reasonable grounds to believe that such premises were being used for the commission or attempted commission of an offence under this section, the court may, upon such terms and conditions, if any, as it deems fit, revoke that order.

(4) An application under sub-section (3) for the revocation of a forfeiture order shall be made either at the time when such order is made or within thirty days of the order, unless the court for special reasons to be recorded in writing extends such period.

26 of 1992.

11.—(1) A person commits an offence if, being the owner or occupier of any premises, including any yard appurtenant thereto, he permits or suffers his premises to be frequented by convicted or reputed drug traffickers or drug users.

Allowing premises to be frequented by drug traffickers, etc.
6 of 1994.

(1A) For the purposes of sub-section (1), a person who frequents any premises shall not be regarded as a drug user of cannabis or cannabis resin, if his use is within the circumstances specified under section 7(7)(a) or section 12 (2) and (3).

47 of 2017.

(2) A person who commits an offence under sub-section (1), is liable on summary conviction to the following penalties—

- (a) for the first offence a fine of not less than one thousand dollars but which may extend to three thousand dollar;
- (b) for the second offence a fine of not less than ten thousand dollars but which may extend to thirty thousand dollars; or
- (c) for the third or subsequent offence a fine of not less than fifty thousand dollars but which may extend to one hundred thousand dollars.

(3) If a person convicted of an offence under this section on a third or subsequent occasion is unable to pay the fine imposed by the court and the convicted person is also the owner of the

premises in question, the court shall order the premises to be sold by public auction to recover the fine.

(4) Without prejudice to the power of the court in sub-section (3), the court may sentence a person convicted of an offence under this section to imprisonment for a term not exceeding ten years in default of payment of the fine.

Prohibition of certain activities, etc., relating to certain drugs.
47 of 2017.

12.-(1) Subject to sub-section (2) and section 51, it is an offence for a person—

- (a) to smoke or otherwise use prepared opium, or cocaine or heroin or *cannabis*; or
- (b) to have in his possession,
 - (i) any pipes or other utensils made or adapted for use in connection with the smoking of opium, cocaine or heroin or *cannabis*, being pipes or utensils which have been used by him or with his knowledge and permission in that connection; or
 - (ii) any utensils which have been used by him or with his knowledge and permission in that connection with the preparation of opium, cocaine, heroin or *cannabis* for smoking.

47 of 2017.

(2) Nothing in sub-section (1), as relates to—

- (a) smoking or otherwise using cannabis in contravention of paragraph (a) of that sub-section; or
- (b) the possession of pipes or other utensils in connection with the smoking of cannabis in contravention of paragraph (b) of that sub-

section, shall apply in the circumstances specified under sub-section (3).

(3) For the purposes of sub-section (2), the circumstances are that the total amount of the cannabis in the possession of the person is not more than ten grammes, and that the activity referred to in sub-section (2) occurred upon the premises, including, for greater certainty, any yard or grounds appurtenant thereto, of—

- (a) the residence of the person concerned;
- (b) a residence owned or lawfully occupied by another person, and the activity is carried out with the consent of the other person; or
- (c) private sleeping accommodation of guests for reward, whether a hotel room or other lodging, secured by the person concerned, and the activity is carried out with the consent of the proprietor or duly authorized manager of the accommodation,

and where there is more than one household on any premises, each household shall be treated as a separate premises.

PART III

Powers of Minister for Preventing Misuse of Controlled Drugs

13.—(1) Subject to the provisions of this Act, the Minister may by regulations make such provisions as appears to him necessary or expedient for preventing the misuse of controlled drugs.

Power to make Regulations for preventing misuse of controlled drugs.

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

- (a) for requiring precautions to be taken for the safe custody of controlled drugs;
- (b) for imposing requirements as to the documentation of transactions involving controlled drugs, and for requiring copies of documents relating to such transactions to be furnished to the prescribed authority;
- (c) for requiring the keeping of records and the furnishing of information with respect to controlled drugs in such circumstances and in such manner as may be prescribed;
- (d) for the inspection of any precautions taken or records kept in pursuance of regulations under this section;
- (e) for the packaging and labelling of controlled drugs;
- (f) for regulating the transport of controlled drugs and the methods used for destroying or otherwise disposing of such drugs when no longer required;
- (g) for regulating the issue of prescriptions containing controlled drugs and the supply of controlled drugs on prescriptions and for requiring persons issuing or dispensing prescriptions containing such drugs to furnish to the prescribed authority such information relating to those prescriptions as may be prescribed;
- (h) for requiring any medical practitioner who attends to any person whom he considers, or has reasonable grounds to suspect, is addicted, within the meaning of the regulations, to

controlled drugs of any description to furnish to the prescribed authority such particulars with respect to that person as may be prescribed; or

- (i) for prohibiting any medical practitioner from administering, supplying and authorising the administration and supply to persons so addicted, and from prescribing for such persons, such controlled drugs as may be prescribed, except under and in accordance with the terms of a licence issued by the Minister in pursuance of the Regulations.

14.—(1) Without prejudice to any requirement imposed by Regulations made in pursuance of section 13 (2)(a), the Minister may by notice in writing served on the occupier of any premises on which controlled drugs are or are proposed to be kept, give directions as to the taking of precautions or further precautions for the safe custody of any controlled drugs of a description specified in the notice which are or are proposed to be kept on those premises.

Power to direct special precautions for safe custody of controlled drugs.

(2) It is an offence to contravene any directions given under sub-section (1).

15.—(1) Where a person who is a medical practitioner or chemist and druggist has, after the coming into operation of this sub-section, been convicted of an offence under this Act or any enactment repealed by this Act, the Minister may give a direction in writing under sub-section (2) in respect of that person.

Directions prohibiting the prescribing, supplying, etc., of controlled drugs by medical practitioners, etc., convicted of certain offences.

(2) A direction under this sub-section in respect of a person shall—

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

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

- (b) if that person is a chemist and druggist, be a direction prohibiting him from having in his possession, manufacturing, compounding and supplying and from supervising and controlling the manufacture, compounding and supply of such controlled drugs as may be specified in the direction.

(3) The Minister may at any time give a direction cancelling or suspending any direction given by him under sub-section(2), or cancelling any direction of his under this sub-section by which a direction so given is suspended.

(4) The Minister shall cause a copy of any direction by him under this section to be served on the person to whom it applies, and shall cause notice of any such direction to be published in the *Gazette*.

(5) A direction under this section shall take effect when a copy of it is served on the person to whom it applies.

(6) It is an offence to contravene a direction given under sub-section (2).

Directions prohibiting the prescribing, supplying, etc., of controlled drugs by practitioners in other cases.

16.-(1) In the event of a contravention by a medical practitioner of Regulations made in pursuance of paragraphs (h) or (i) of section 13(2), or of the terms of a licence issued under Regulations made in pursuance of paragraph (i), the Minister may give a direction in respect of the medical practitioner concerned, prohibiting him from prescribing, administering and supplying and from authorising the administration and supply of the controlled drugs as may be specified in the direction.

(2) If the Minister is of the opinion that a medical practitioner is or has after the coming into operation of this sub-section been prescribing, administering or supplying or authorising the administration or supply of any controlled drugs in an irresponsible manner, the Minister may, after consultation with the Council, give a direction in respect of the medical practitioner, prohibiting him from prescribing, administering and supplying and from authorising the administration and supply of the controlled drugs as may be specified in the direction.

(3) A contravention such as is mentioned in sub-section (1) does not, as such, constitute an offence, but it is an offence to contravene a direction given under sub-section (1) or (2).

17.—(1) If it appears to the Minister that there exists in any area in Belize a social problem caused by the extensive misuse of dangerous or otherwise harmful drugs in that area, he may by notice in writing served on any medical practitioner or chemist and druggist practising in or in the vicinity of that area, or on any person lawfully conducting a retail pharmacy business at any premises situated in or in the vicinity of that area, require him to furnish to the Minister, with respect to any such drugs specified in the notice and as regards any period so specified, such particulars as may be so specified relating to the quantities in which and the number and frequency of the occasions on which those drugs—

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

- (a) in the case of a medical practitioner, were prescribed, administered or supplied by him;
- (b) in the case of a chemist and druggist, were supplied by him; or
- (c) in the case of a person conducting a retail pharmacy business, were supplied in the course of that business at any premises so situated which may be specified in the notice.

(2) A notice under sub-section (1) may require any such particulars to be furnished in such manner and within such time as may be specified in the notice and, if served on a chemist and druggist or person conducting a retail pharmacy business, may require him to furnish the names and addresses of medical practitioners on whose prescriptions any dangerous or otherwise harmful drugs to which the notice relates were supplied, but shall not require any person to furnish any particulars relating to the identity of any person for or to whom any such drug has been prescribed, administered or supplied.

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

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

PART IV

Drug Trafficking, Miscellaneous Offences and Powers

Drug trafficking.
26 of 1992.
18 of 1998.

18.—(1) A person who is convicted of the offence of drug trafficking, or of being in possession of a controlled drug for the purpose of drug trafficking—

- (a) *on summary conviction*, shall be imprisoned for a term which shall not be less than three years but which may extend to ten years, and in addition, shall be ordered to pay a fine which shall not be less than ten thousand dollars but which may extend to one hundred thousand dollars or three times the street value of the controlled drug (where there is evidence of such value), whichever is the greater,

Provided that where the controlled drug in respect of which the offence is committed is less than—

- (i) one kilogramme of diacetylmorphine (heroin);
- (ii) one kilogramme of cocaine;
- (iii) two kilogrammes of opium;
- (iv) two kilogrammes of morphine; or
- (v) five kilogrammes of *cannabis* or *cannabis* resin,

the court may, for special reasons to be recorded in writing, refrain from imposing a *mandatory* custodial sentence and, instead, order the convicted person to pay a fine to the extent specified above and in default of such payment, to undergo imprisonment for a term specified above;

- (b) *on conviction on indictment*, shall be imprisoned for a term which shall not be less than five years but which may extend to fourteen years and, in addition, shall be ordered to pay a fine which shall not be less than fifty thousand dollars but which may extend to two hundred and fifty thousand dollars or three times the street value of the controlled drug (where there is evidence of such value), whichever is the greater,

Provided that where the controlled drug in respect of which the offence is committed is less in quantity than that specified in the *proviso* to paragraph (a), the court may for special reasons to be recorded in writing, refrain from imposing a *mandatory* custodial sentence and, instead, order the convicted person to pay a fine to the extent specified above and in default of such payment, to undergo imprisonment for a term specified above.

47. of 2017. (2) Subject to sub-section (2A) and any regulations under section 9 for the time being in force, a person found in possession of a controlled drug in any school premises, or any other place of education or training or any centre for the rehabilitation of drug addicts, or in the immediate vicinity of any such premises, is deemed to have the controlled drug for the purpose of drug trafficking unless the contrary is proved, the burden of proof being on the accused.

47 of 2017. (2A) Sub-section (2) does not apply where the total amount of cannabis or cannabis resin found in the possession of any person, is not more than ten grammes, and that any person in possession thereof would, by virtue of section 7 (7) (a), not have carried out an unlawful act or committed an offence, or would not, by virtue of section 7 (7) (b), be liable to a penalty greater than that specified in section 7 (7) (b).

26 of 1992. (3) In sub-section (2), “premises” includes buildings, playing fields or other premises established, maintained or used by a school or other institution for the benefit of its students or inmates, whether or not such buildings, playing fields or other premises are within the curtilage of the school or institution.

(4) A person who supplies or offers to supply or is concerned in supplying any substance other than a controlled drug, which he represents or holds out to be a controlled drug, commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year.

Assisting another to retain the benefits of drug trafficking.

19.-(1) If a person enters into or is otherwise concerned in an arrangement whereby—

- (a) the retention of control by or on behalf of another (call him “A”) of the proceeds of drug trafficking by A is facilitated (whether by concealment, removal from the jurisdiction, transfer to nominees or otherwise); or

- (b) the proceeds of drug trafficking by A—
 - (i) are used to secure that funds are placed at A's disposal; or
 - (ii) are used for A's benefit to acquire property by way of investment,

knowing or having reasonable grounds to believe that A is a person who carries on or has carried on drug trafficking, proof whereof, commits an offence and is liable on conviction therefor to the penalties prescribed in section 18 for a drug trafficking offence.

(2) In this section, references to the proceeds of drug trafficking by any person include a reference to any property which in whole or in part directly or indirectly represented in his hands the proceeds of drug trafficking by him.

(3) Where a person discloses to a police officer a suspicion or belief that any funds or investments are derived from or used in connection with drug trafficking or any matter on which such a suspicion or belief is based—

- (a) the disclosure shall not be treated as a breach of any restriction upon the disclosure of information imposed by contract; and
- (b) if he does any act in contravention of subsection (1) and the disclosure relates to the arrangement concerned, he does not commit an offence under this section if the disclosure is made in accordance with this paragraph, that is—
 - (i) it is made before he does the act concerned, being an act done with the consent of the police officer; or

- (ii) it is made after he does the act, but is made on his initiative and as soon as it is reasonable for him to make it.

Miscellaneous
offences.

20.—(1) It is an offence for a person to contravene any regulations made under this Act other than regulations made in pursuance of section 13(2) (*h*) or (*i*).

(2) It is an offence for a person to contravene a condition or other term of a licence issued under section 5 or of a licence or other authority issued under regulations made under this Act, not being a licence issued under regulations made in pursuance of section 13(2)(*i*).

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

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

- (a) makes any statement or gives any information which he knows to be false in a material particular or recklessly gives any information which is so false; or
- (b) produces or otherwise makes use of any book, record or other document which to his knowledge contains any statement or information which he knows to be false in a material particular.

Attempts, etc., to
commit offences.

21. It is an offence for a person to attempt to commit an offence under any other provision of this Act or to incite or attempt to incite another to commit such an offence.

22. A person commits an offence if in Belize he assists in or induces the commission in any place outside Belize of an offence punishable under the provisions of a corresponding law in force in that place.

Assisting in or inducing commission outside Belize of offences punishable under corresponding law.

Offences by Corporation.

23. Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate, commits that offence and is liable to be proceeded against accordingly.

24. The Minister may by regulations make provision—

Further powers to make regulations.

- (a) for excluding in such cases as may be prescribed the application of any provision of this Act which creates an offence;
- (b) for the application of any provisions of this Act or regulations or orders thereunder to servants or agents of the Government of Belize, subject to such exceptions, adaptations and modifications as may be prescribed;
- (c) for the disposal or destruction of controlled drugs seized or forfeited under this Act, whether or not under a court order.

PART V

Law Enforcement and Punishment of Offences

25.—(1) A member of the Belize Police Department or other person authorised in that behalf by a general or special Order of the Commissioner of Police shall for the purposes of the execution of this Act, have power to enter the premises of a person carrying on business as a producer or supplier of any

Powers to search and obtain evidence.
42 of 1999.

controlled drugs and to demand the production of, and to inspect, any books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs.

(2) If a member of the Belize Police Department has reasonable grounds to suspect that any person is in possession of a controlled drug in contravention of this Act, or of any regulations made thereunder, the member of the Belize Police Department may, subject to sub-section (3)–

- (a) search that person, and detain him for the purpose of searching him;
- (b) search any ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description in which the member of the Belize Police Department suspects that the drug may be found, or which has been used or employed in the commission or attempted commission of any such offence, and for that purpose require the person in control of the ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description to stop it;
- (c) seize and detain for the purpose of proceedings under this Act–
 - (i) anything found in the course of the search which appears to the member of the Belize Police Department to be evidence of an offence under this Act; and
 - (ii) any ship, vessel, boat, aircraft, vehicle or other means of conveyance, stopped under paragraph (b) in pursuance of his search.

(3) Nothing in sub-section (2), shall derogate from any power of search or any power to seize or detain property which is otherwise exercisable by a member of the Belize Police Department.

(4) If a magistrate in the case of paragraph (a), or a Judge of the Supreme Court in the case of paragraph (b), is satisfied by information on oath that there is reasonable ground for suspecting—

- (a) that any controlled drug is, in contravention of this Act, in the possession of a person on any premises or in any place; or
- (b) that a document directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would if carried out be, an offence under this Act, or in the case of a transaction or dealing carried out or intended to be carried out in a place outside Belize, an offence against the provisions of a corresponding law in force in that place, is in the possession of a person on any premises or in any place;

he may issue a warrant authorising any member of the Belize Police Department at any time or times within one month from the date of issue of the warrant, to enter, if need be by force, the premises or place named in the warrant, and to search such premises or place and any persons found therein and, if there is reasonable ground for suspecting that an offence under this Act has been committed in relation to any controlled drugs found on the premises or place or in the possession of any such person, or that a document so found is such a document as is mentioned in paragraph (b), to seize and detain those drugs or that document, as the case may be.

(5) A person commits an offence if he—

42 of 1999.

- (a) intentionally obstructs a person in the exercise of his powers under this section;
- (b) being the person in control of the ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description, fails to stop it when required to do so by a member of the Belize Police Department under sub-section (2)(b);
- (c) being a person being conveyed in a ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description, prevents or intimidates the person operating the ship, vessel, aircraft, vehicle or other means of conveyance of any description from stopping when required to do so by a member of the Belize Police Department under sub-section (2)(b);

42 of 1999.

- (d) without the permission of the member of the Belize Police Department concerned, leaves a ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description which has been stopped by a member of the Belize Police Department under sub-section (2)(b);
- (e) conceals from a person acting in the exercise of his powers under sub-section (1) any such books, documents, stocks or drugs as are mentioned in that sub-section; or
- (f) without reasonable excuse, proof of which shall lie on him, fails to produce any such books or documents as are so mentioned where their production is demanded by a person in the exercise of his powers under that sub-section.

(6) Any person acting under the warrant granted under subsection (4), shall not be liable to any suit or other proceeding for seizing or detaining any of the articles which he is entitled to seize or detain by virtue of the said warrant.

26.-(1) A member of the Belize Police Department may arrest without warrant any person who has committed or is about to commit, or whom a member of the Belize Police Department, with reasonable cause, suspects to have committed or is about to commit, an offence under this Act.

Arrest without
warrant.
42 of 1999.

(2) Where any controlled drug is found on any premises searched pursuant to section 25(1), or in any ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description stopped under section 25(2), the member of the Belize Police Department who has made the search or stopped the ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description, as the case may be, may arrest without warrant any person in such premises, or in such ship, vessel, boat, aircraft, vehicle or other means of conveyance of any description whom he has reason to believe to have committed an offence under this Act.

(3) This section shall not prejudice any power of arrest conferred by law apart from this section.

(4) Reference to an offence in this section means any offence under this Act or any regulations made thereunder.

27.-(1) Where on the summary trial of an offence committed under this Act and triable either summarily or on indictment, a person who is not less than eighteen years of age is convicted of the offence, then, if on obtaining information that his character and antecedents are such that in the opinion of the Magistrate greater punishment should be inflicted for the offence than the Magistrate has power to inflict, the Magistrate may commit that person in custody to the Supreme Court for sentence and shall, as soon as practicable, transmit to the Registrar of the Supreme Court the record of the proceedings.

Committal to the
Supreme Court
for sentence.

(2) On receipt of the record, the Registrar of the Supreme Court shall issue an order to the gaoler to bring the convicted person before a Judge of the Supreme Court at a time to be fixed by the Judge of the Supreme Court.

(3) The Judge of the Supreme Court shall enquire into the circumstances of the case and shall have power to deal with the convicted person as if he had just been convicted of the offence on indictment before the Supreme Court.

Prosecution and
punishment of
offences.

28.-(1) Except where expressly otherwise provided, Schedule III shall have effect, in accordance with sub-section (2), with respect to the way in which offences under this Act are punishable on conviction.

(2) In relation to an offence under a provision of this Act specified in the first column of the Schedule III, the general nature of the offence being described in the second column—

- (a) the third column shows whether an offence is punishable on summary conviction or on indictment or in either way;
- (b) the fourth, fifth and sixth columns show respectively the punishments which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column, that is to say, summarily or on indictment, according to whether the controlled drug in relation to which the offence was committed was a Class A drug, a Class B drug or a Class C drug; and
- (c) the seventh column shows the punishments which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column (that is to say, summarily or on indictment), whether or not the offence was committed in relation to a

controlled drug, and if it was so committed, irrespective of whether the drug was a Class A drug, a Class B drug or a Class C drug;

and in the fourth, fifth, sixth and seventh columns a reference to a period gives the maximum term of imprisonment, and a reference to a sum of money, the maximum fine.

(3) Subject to the provisions of this Act relating to drug trafficking, an offence under section 21 shall be punishable on summary conviction, on indictment or in either way according to whether, under Schedule III, the substantive offence is punishable on summary conviction, on indictment or in either way; and the punishments which may be imposed on a person convicted of an offence under that section are the same as those which, under that Schedule, may be imposed on a person convicted of the substantive offence.

(4) In sub-section (3), “the substantive offence” means the offence under this Act to which the attempt or, as the case may be, the incitement or attempted incitement mentioned in section 21 was directed.

(5) Notwithstanding anything contained in the Summary Jurisdiction (Procedure) Act, or any other enactment, a magistrate’s court may try on information or on complaint an offence under this Act if the information or complaint was laid, or, as the case may be, made at any time within 24 months from the commission of the offence.

CAP. 99.

(6) Notwithstanding anything contained in this Act, in the case of an offence under this Act other than a drug trafficking offence, where the convicted person is a first time offender and is proved to be addicted to drugs, the court shall pass a suspended sentence and refer the convicted person to a drug rehabilitation centre for treatment on the condition that if such person shall leave the rehabilitation centre before the completion of the treatment, or shall otherwise misbehave, he shall be required to serve the sentence passed on him.

Regulations for
violation tickets.

47 of 2017.

28A. The Minister may make regulations to provide for the issue of controlled drug violation tickets and all matters connected therewith or incidental thereto, and without limiting the generality of the foregoing, the regulations may provide for all or any of the following matters—

- (a) the type of offences for which a controlled drug violation ticket may be issued;
- (b) the form of the violation ticket;
- (c) the fine to be stated on the violation ticket;
- (d) persons by whom the violation ticket may be issued;
- (e) the place or places where the fine stated on the violation ticket may be paid;
- (f) the time for paying such fines;
- (g) the penalty for failure to pay the fine within the time specified; or
- (h) the procedure for requesting a court hearing by a person who has been issued with the violation ticket.

Expungement of
certain
convictions.

47 of 2017.

28B.—(1) Sub-section (2) applies to a person, in this section referred to as a “specified person”, convicted of an offence under section 7 relating to the possession of cannabis or cannabis resin, whether the conviction was before or after the coming into effect of this section, where the sentence imposed on conviction of the offence is a fine not exceeding one thousand dollars or such other amount as the Minister may by order prescribe.

(2) A specified person is entitled to the expungement from the records of the Belize Police Department of any conviction

referred to in sub-section (1), upon the person making an application therefor in such manner as may be prescribed.

PART VI

Forfeiture and Disposal of Aircrafts, Vehicles, Vessels, Proceeds and Other Articles Involved in Drug Trafficking

29.—(1) Where a person is convicted of an offence or of an attempt to commit an offence or of soliciting or inciting the commission of an offence under this Act and the court by which such person is convicted finds that any aircraft, vessel, vehicle or any other means of conveyance of whatever description was used or employed by such person in the commission or to facilitate the commission of the offence of which he is convicted, such aircraft, vessel, vehicle or other means of conveyance of whatever description shall be forfeited.

Forfeiture of means of conveyance and other articles relating to the offence.

(2) Without prejudice to sub-section (1), where a person is convicted of an offence under this Act, the court shall, in passing sentence, order forfeiture to the Government, of any article, money or other valuable consideration relating to the offence.

(3) The owner of any aircraft, vessel, vehicle or any other means of conveyance of whatever description in respect of which an order of forfeiture has been made under sub-section (1), shall have the right of appeal of an accused person and may appeal to the court to which the appeals normally lie from the decisions of the court which made the order of forfeiture.

(4) Where any substance, article, vehicle, vessel, boat, aircraft or any other means of conveyance of whatever description is seized and detained by a member of the Belize Police Department under section 25(2)(c), a magistrate shall, upon the written application by the Commissioner of Police, made after the expiry of 30 days, inquire into the circumstances in which such substance, article, vehicle, vessel, boat, aircraft or other means of conveyance of whatever description was seized

and detained and the Magistrate shall determine whether or not an offence against this Act has been committed in respect of it and whether or not it was used or employed in the commission of any such offence; and if the magistrate so determines, such substance, article, vehicle, vessel, aircraft or any other means of conveyance of whatever description shall be forfeited.

(5) For the purposes of this section, “aircraft”, “vessel” and “vehicle” respectively include everything contained in, being on or attached to any aircraft, vessel or vehicle as the case may be, which, in the opinion of the court, forms part of the equipment of such aircraft, vessel or vehicle.

(6) The proceeds of forfeitures made under this section and under section 30, other than controlled drugs, may be—

- (a) applied to the treatment and rehabilitation of persons addicted, within the meaning of the regulations, to controlled drugs of any description;
- (b) applied to the use of the National Drug Abuse Control Council for the performance of its functions under this Act; and
- (c) made available to the Belize Police Department for the prevention and detection of offences under this Act,

Provided that not less than 25% of such proceeds in any year shall be applied for the purpose mentioned in (c) of this subsection.

(7) Subject to any regulations made under this Act, controlled drugs under this section shall be destroyed or disposed of in accordance with the directions of the court, provided that a senior police officer designated by the Commissioner of Police shall be present at the time of the destruction or disposal.

(8) Where any person is discharged or acquitted of an offence against this Act, the court which tried the case may thereafter make such order as it thinks fit for the forfeiture and destruction or other disposal of all drugs, substances and articles in respect of which the said person was charged.

(9) At any stage of a criminal proceeding pending against an accused person, the court hearing the case may, on the written application of a police officer of or above the rank of assistant inspector, order the destruction or other disposal of all or any of the substances in respect of which the said person had been charged, if it is a controlled drug and if the court is of the opinion that this can be done consistently with the interests of justice.

(10) If, upon the application of any person, other than the accused person, prejudiced by a forfeiture order made under this Part, the court is satisfied that neither he nor his agent or servant knew or believed or had reasonable grounds to believe that any such vehicle, vessel, boat, aircraft or any other means of conveyance, , was used or employed in the commission of any offence, the court may, upon such terms and conditions, as it deems fit, revoke that forfeiture order.

(11) An application under sub-section (10), shall be made either at the time when such order is made or within thirty days of the date of the order.

30.—(1) Where a person, has been convicted of a drug trafficking offence the court before which the defendant is convicted shall, before passing sentence, determine whether he has benefitted from drug trafficking and if the court so determines, the court shall, upon the application of the prosecution or, if it considers that even though the prosecution has not asked it to do so, it is appropriate for it to proceed under this section—

Forfeiture of assets from drug trafficking.
6 of 1994.

- (a) determine in accordance with section 35, the value of the defendant's proceeds of drug trafficking; and

- (b) in addition to any other punishment, order the forfeiture of such amount as represents the value of the defendant's proceeds of drug trafficking as so determined.

(2) A person against whom proceedings have been instituted for a drug trafficking offence is referred to in this Part, whether or not he has been convicted, as "the defendant".

(3) The standard of proof required to determine any question arising under this Act as to—

- (a) whether a person has benefited from drug trafficking; or
- (b) the amount to be recovered in his case by virtue of this Act,

shall be that applicable in civil proceedings.

Postponed
determinations.
6 of 1994.

31.—(1) Where the court is acting under section 30 but considers that it requires further information before—

- (a) determining whether the defendant has benefited from drug trafficking; or
- (b) determining the amount to be recovered in his case by virtue of section 30,

it may, for the purpose of enabling that information to be obtained, postpone making the determination for such period as it may specify.

(2) More than one postponement may be made under subsection (1), in relation to the same case.

(3) Unless it is satisfied that there are exceptional circumstances, the court shall not specify a period under subsection (1) which—

- (a) by itself; or
- (b) where there have been one or more previous postponements under sub-section (1) or (4), when taken together with the earlier specified period or periods, exceeds six months beginning with the date of conviction.

(4) Where the defendant appeals against his conviction, the court may, on that account—

- (a) postpone making either or both of the determinations mentioned in sub-section (1) for such period as it may specify; or
- (b) where it has already exercised its powers under this section to postpone, extend the specified period.

(5) A postponement or extension under sub-section (1) or (4) may be made—

- (a) on application by the defendant or the prosecutor; or
- (b) by the court of its own motion.

(6) Unless the court is satisfied that there are exceptional circumstances, any postponement or extension under sub-section (4), shall not exceed the period ending three months after the date on which the appeal is determined or otherwise disposed of.

(7) Where the court exercises its power under sub-section (1) or (4), it may nevertheless proceed to sentence, or otherwise deal with, the defendant in respect of the relevant offence or any of the relevant offences.

(8) Where the court has so proceeded, section 30 (1) shall have effect as if the words “before passing sentence” were omitted.

(9) In this section—

- (a) “the relevant offence” means the drug trafficking offence in respect of which the defendant appears, as mentioned in section 30(1) before the court; and
- (b) “the date of conviction” means—
 - (i) the date on which the defendant was convicted; or
 - (ii) where he appeared to be sentenced in respect of more than one conviction, and those convictions were not all on the same date, the date of the latest of those convictions.

Presumption arising from receipt of proceeds of drug trafficking.

32. For the purposes of this Part, a person who knowingly receives any proceeds of drug trafficking shall be presumed to have benefited from drug trafficking.

Assessment of proceeds of drug trafficking.

33.—(1) The court may, for the purpose of—

- (a) determining whether the defendant has benefited from drug trafficking; and
- (b) if he has, of assessing the value of the proceeds of drug trafficking for the purpose of making a forfeiture order under this Part,

make assumptions set out in sub-section (2) except to the extent that any of the assumptions are shown to be incorrect in the defendant’s case.

(2) The assumptions referred to in sub-section (1) are—

- (a) that any property appearing to the court—
 - (i) to have been held by the defendant at any time since he was charged with a drug trafficking offence; or
 - (ii) to have been transferred to him at any time since the beginning of the period of six years ending when the proceedings were instituted against him, being proceedings for the drug trafficking offence in respect of which an application for forfeiture is made pursuant to this Part, hereinafter referred to as “the relevant proceedings”,

was received by him, at the earliest time at which he appears to the court to have held it, as a payment or reward in connection with drug trafficking carried on by him,

Provided that the period of six years mentioned in this sub-section shall not include any period prior to the commencement of this Act—

- (b) that any expenditure of his since the beginning of that period was met out of payments received by him in connection with drug trafficking carried on by him; and
- (c) that, for the purpose of valuing any property received or assumed to have been received by him, such property was received by him free of any other interests in it.

(3) For the purpose of assessing the value of the defendant’s proceeds of drug trafficking in a case where a forfeiture order has previously been made against him, the court shall leave out

of account any of the proceeds of drug trafficking that are shown to the court to have been taken into account in determining the amount to be recovered from him under the forfeiture order.

Statement
relating to drug
trafficking.
6 of 1994.

34.—(1) Where the prosecutor asks the court to proceed under section 30 he shall give the court, within such period as it may direct, a statement of matters which he considers relevant in connection with—

- (a) determining whether the defendant has benefited from drug trafficking; or
- (b) assessing the value of his proceeds of drug trafficking.

(2) In this section, such a statement is referred to as a “prosecutor’s statement”.

(3) Where the court proceeds under section 30 without the prosecutor having asked it to do so, it may require him to give it a prosecutor’s statement, within such period as it may direct.

(4) Where the prosecutor has given a prosecutor’s statement—

- (a) he may at any time give the court a further such statement; and
- (b) the court may at any time require him to give it a further such statement, within such period as it may direct.

(5) Where any prosecutor’s statement has been given and the court is satisfied that a copy of the statement has been served on the defendant, it may require the defendant—

- (a) to indicate to it, within such period as it may direct, the extent to which he accepts each allegation in the statement; and

- (b) so far as he does not accept any such allegation, to give particulars of any matters on which he proposes to rely.

(6) Where the court has given a direction under this section it may at anytime vary it by giving further direction.

(7) Where the defendant accepts to any extent any allegation in any prosecutor's statement, the court may, for the purposes of—

- (a) determining whether the defendant has benefited from drug trafficking; or
- (b) assessing the value of his proceeds of drug trafficking, treat his acceptance as conclusive of the matters to which it relates.

(8) Where—

- (a) there is tendered to the court by the defendant a statement as to any matters relevant to determining the amount that might be realised at the time the forfeiture order under this Part is made; and
- (b) the prosecution accepts to any extent any allegation in such statement,

the court may, for the purposes of that determination, treat the acceptance by the prosecution as conclusive of the matters to which it relates.

(9) An obligation may be accepted, or particulars of any matter may be given, for the purpose of this section, in such manner as may be prescribed by rules of court or as the court may direct.

Assessment of
value of
proceeds.

35.-(1) Subject to the provisions of this section, for the purposes of this Act, the value of property, other than cash, in relation to any person holding the property is—

- (a) where any other person holds an interest in the property, the market value of the first mentioned person's beneficial interest in the property, less the amount required to discharge any encumbrance on that interest, other than a charging order; and
- (b) in any other case, the market value of the property.

(2) Subject to section 36(6), references in this Act to the value at any time, in this section referred to as the material time, of a gift caught by this Act or of any payment or reward, are references to—

- (a) the value of the gift, payment or reward to the recipient when he received it, adjusted to take account of subsequent changes in the value of money; or
- (b) where sub-section (3) applies, the value mentioned in that sub-section,

whichever is the greater.

(3) Subject to section 36(6), if at the material time the recipient holds—

- (a) the property which he received, not being cash; or
- (b) the property which, in whole or in part, directly or indirectly represents, in his hands, the property which he received,

the value referred to in sub-section (2)(b) is the value to him at the material time of the property mentioned in paragraph (a) or (b) so far as it so represents the property which he received, but disregarding in either case any charging order.

(4) For the purposes of this Act, a “charging order” is an order made by the court imposing on any such realisable property as may be specified in the order a charge for securing the payment of money to the Government.

36.—(1) In this Act, “realisable property” means, subject to sub-section (2)—

Provisions supplemental to section 35.

- (a) any property held by the defendant; and
- (b) any property held by a person to whom the defendant has directly or indirectly made a gift caught by this Act.

(2) Property is not realisable property if an order under section 29 is in force in respect of that property or, , if section 56 of the Customs Regulation Act, applies to such property.

CAP. 49.

(3) For the purpose of sections 33 and 34, the amount that might be realised at the time when a forfeiture order is made shall be calculated in accordance with the following table,

Total of the values at that time of all realisable property held by the defendant.....	\$
Deduct the total amount payable in pursuance of such obligations, if any, as may have priority at that time. \$	

Add the total of the values at that time of all gifts caught by this Act	\$.....
Net amount realisable.....	\$.....

(4) For the purposes of sub-section (3), an obligation has priority at anytime if it is an obligation of the defendant to—

(a) pay an amount due in respect of a fine, or other order of a court, imposed or made before the forfeiture order; or

(b) pay any sum which, if the defendant had been adjudged bankrupt or was being wound up, would be—

(i) in the case of bankruptcy, the debts to be paid in priority in accordance with section 36 of the Bankruptcy Act;

(ii) in the case of winding up, the preferential payments to be paid in priority in accordance with section 199 of the Companies Act.

CAP. 244.

CAP. 250.

(5) A gift is caught by this Act if—

(a) it was made by the defendant at any time since the beginning of the period of six years ending when the relevant proceedings were instituted against him; or

(b) it was made by the defendant at any time and was a gift of property—

(i) received by the defendant in connection with drug trafficking carried on by him or another; or

(ii) which in whole or in part directly or indirectly represented in the defendant's hands, property received by him in that connection,

Provided that the period of six years mentioned in this subsection shall not include any period prior to the commencement of this Act.

(6) For the purposes of this Act—

- (a) the circumstances in which the defendant is to be treated as making a gift include those where he transfers property to another person directly or indirectly for a consideration the value of which is significantly less than the value of the consideration provided by the defendant; and
- (b) in those circumstances, the preceding provisions of this section shall apply as if the defendant made a gift of such share in the property as bears to the whole property the same proportion as the difference between the values referred to in paragraph (a) as bears to the value of the consideration provided by the defendant.

37.—(1) This section applies where the defendant has appeared before the court to be sentenced in respect of one or more drug trafficking offences but the court has not proceeded under section 30.

Reconsideration where court has not proceeded under section 30. 6 of 1994.

(2) If the prosecutor has evidence—

- (a) which was not available to him when the defendant appeared to be sentenced, and accordingly was not considered by the court; but
- (b) which the prosecutor believes would have led the court to determine that the defendant had benefited from drug trafficking if—

- (i) the prosecutor has asked the court to proceed under section 30; and
- (ii) the evidence had been considered by the court,

he may apply to the court for it to consider the evidence.

(3) The court shall proceed under section 30, if having considered the evidence, it is satisfied that it is appropriate to do so.

(4) In considering whether it is appropriate to proceed under section 30, the court shall have regard to all the circumstances of the case.

(5) Where, having decided to proceed under section 30, the court proposes to make a forfeiture order against the defendant, it shall order the payment of such amount as it thinks just in all the circumstances of the case.

(6) In considering the circumstances of any case the court shall have regard, in particular, to the amount of any fine imposed on the defendant in respect of the offence or offences in question.

(7) Where the court is proceeding under this section, section 30(1), shall have effect as if the words “before passing sentence” were omitted.

(8) The court may take into account any payment or other reward received by the defendant on or after the date of conviction, but only if the prosecutor shows that it was received by the defendant in connection with drug trafficking carried on by the defendant or another on or before that date.

(9) In considering any evidence under this section which related to any payment or reward to which sub-section (8)

applies, the court shall not make the assumptions which would otherwise be required by section 33.

(10) No application shall be entertained by the court under this section if it is made after the end of the period of six years beginning with the date of conviction.

(11) In this section “the date of conviction” means—

- (a) the date on which the defendant was convicted; or
- (b) where he appeared to be sentenced in respect of more than one conviction, and those convictions were not all on the same date, the date of the latest of those convictions.

38.-(1) Sub-section (2), applies where a person has been convicted of one or more drug trafficking offences.

Powers of court where defendant has died or absconded. 6 of 1994.

(2) If the prosecutor asks it to proceed under this section, the court may make a forfeiture order against the defendant if satisfied that the defendant has died or absconded.

(3) Sub-section (4) applies where proceedings for one or more drug trafficking offences have been instituted against a person but have not been concluded.

(4) If the prosecutor asks it to proceed under this section, the court may make a forfeiture order against the defendant if satisfied that the defendant has absconded notwithstanding that the defendant has not yet been convicted.

(5) The power conferred by sub-section (4) may not be exercised at anytime before the end of the period of two years beginning with the date which is, in the opinion of the court, the date on which the defendant absconded.

(6) In any proceedings on an application under this section—

- (a) the court shall not make a forfeiture order against a person who has absconded unless it is satisfied that the prosecutor has taken reasonable steps to contact him; and
- (b) any person appearing to the court to be likely to be affected by the making of a forfeiture order by the court shall be entitled to appear before the court and make representations.

Restraint Order.

39.-(1) Subject to the provisions of this section, where a person is charged with a drug trafficking offence, a judge of the Supreme Court, on being satisfied by affidavit evidence or otherwise that there is a *prima facie* case against the defendant, may by order, hereinafter referred to as a restraint order, prohibit any person from disposing of or otherwise dealing with any realisable property, otherwise than in any manner as may be specified in the order.

(2) A restraint order may apply—

- (a) to all realisable property held by a specified person, whether the property is described in the order or not; or
- (b) to realisable property held by a specified person, being property transferred to him after the making of the order.

(3) A restraint order—

- (a) may be made only on an application by the prosecution to a Judge in chambers; and
- (b) shall provide for notice to be given to persons affected by the order.

(4) A restraint order—

- (a) may be discharged or varied in relation to any property; and
- (b) shall be discharged when proceedings for the offence are concluded.

(5) Where a restraint order has been made the court or Judge may at any time appoint a receiver—

- (a) to take possession of any realisable property; and
- (b) to manage or otherwise deal with the property in accordance with directions given by the court or Judge,

subject to any exceptions and conditions as may be specified by the court or Judge; and the court or Judge may require any person having possession of property, in respect of which a receiver is appointed under this sub-section, to give possession of it to the receiver.

(6) For the purposes of this section, dealing with realisable property held by any person includes, without prejudice to the generality of the expression—

- (a) where a debt is owed to that person, making a payment to any person in reduction of the amount of the debt; and
- (b) removing the property from Belize.

42 of 1999.

(7) Where a restraint order has been made, a member of the Belize Police Department may, for the purpose of preventing the removal of any realisable property from Belize, seize the property.

(8) Property seized under sub-section (7) shall be dealt with in accordance with the court's directions.

Realisation of
property.

40.-(1) Where—

- (a) a forfeiture order is made in a trial of any person for a drug trafficking offence;
- (b) the time within which notice of appeal against the order may be given has expired or, as the case may be, no appeal is pending; and
- (c) the trial is not concluded,

the court may, on an application by the prosecution, exercise the powers specified in sub-sections (2) to (5).

(2) The court may appoint a receiver in respect of all realisable property.

(3) The court may empower a receiver appointed under sub-section (2) or, as the case may be, under section 39, to take possession of the property subject to such conditions or exceptions as the court may specify.

(4) The court may—

- (a) order any person having possession of realisable property to give possession of it to any such receiver; or
- (b) empower any receiver to realise any realisable property in any manner as the court may direct.

(5) The court may order any person holding an interest in realisable property to make payment to the receiver in respect of any beneficial interest held by the defendant or, as the case may be, the recipient of a gift caught by this Act, as the court may direct; and the court may, on the payment being made, by order transfer, grant or extinguish any interest in the property.

(6) The court shall not, in respect of any property, exercise the powers specified in sub-section (4)(b) or (5) unless a reasonable opportunity has been given for persons holding any interest in the property to make representations to the court.

41.—(1) Subject to sub-section (2), any sums in the hands of a receiver appointed under section 39 or 40, shall, after the payments, if any, as the court may direct have been made out of those sums, be applied on the defendant's behalf towards the satisfaction of a forfeiture order made against that defendant.

Application of proceeds of realisation and other sums.

(2) If after the amount recoverable under a forfeiture order has been fully paid, any sums remaining in the hands of a receiver, the receiver shall distribute those sums—

(a) among those who held property which has been realised; and

(b) in the proportions,

as the court may direct after giving a reasonable opportunity for the persons to make representations to the court.

Exercise of
powers by court
or receiver.

42.—(1) The provisions of this section apply to powers conferred on the court by sections 39 to 41, or on a receiver appointed under section 39 or 40.

(2) Subject to the following provisions of this section, the powers shall be exercised with a view to making available for satisfying the forfeiture order the value for the time being of realisable property held by any person by the realisation of the property.

(3) In the case of realisable property held by a person to whom the defendant has directly or indirectly made a gift caught by this Act, the powers shall be exercised with a view to realising no more than the value for the time being of the gift.

(4) The powers shall be exercised with a view to allowing any person other than the defendant or the recipient of any gift to retain or recover the value of any property held by him.

(5) In exercising those powers, no account shall be taken of any obligations of the defendant or of the recipient of any gift which conflict with the obligation to satisfy the forfeiture order.

Variation of
forfeiture orders.

43.—(1) If the court is satisfied as to any matter relevant for determining the amount which might be realised at the time when the forfeiture order is made, whether by acceptance under section 33 or otherwise, the court may issue a certificate stating the court's opinion as to the matters concerned.

(2) If, on an application by the defendant in respect of a forfeiture order, the court is satisfied that the realisable property is inadequate for the payment of any amount remaining to be recovered under the order, the court shall issue a certificate to that effect, giving the court's reasons.

(3) For the purposes of sub-section (2)—

(a) in the case of realisable property held by a person who has been adjudged bankrupt or

whose estate has been sequestrated, the court shall take into account the extent to which any property held by him may be distributed among creditors; and

- (b) the court may disregard any inadequacy in the realisable property which appears to the court to be attributed wholly or partly to anything done by the defendant for the purpose of preserving any property held by a person to whom the defendant had directly or indirectly made a gift caught by this Act from any risk or realisation under this Act.

(4) Where the court issues a certificate under sub-section (1), the court shall substitute for the amount to be recovered under the forfeiture order such lesser amount as the court thinks just in all the circumstances of the case.

44.—(1) Where a person who holds realisable property is adjudged bankrupt, there shall be excluded from his estate for the purposes of section 4, 45 or 46 of the Bankruptcy Act—

Bankruptcy of defendant.

CAP. 244.

- (a) property for the time being subject to a restraint order made before the order adjudging him bankrupt; and
- (b) any proceeds of property realised by virtue of section 39(6) or 40(4)(b) for the time being in the hands of a receiver appointed under section 39 or 40.

(2) Where a person has been adjudged bankrupt, the powers conferred on the court by sections 39 to 42 or on a receiver appointed under section 39 or 40 shall not be exercised in relation to—

CAP. 244.

- (a) property for the time being comprised in the bankrupt's estate for the purposes of the Bankruptcy Act; and
- (b) property which is to be applied for the benefit of creditors of the bankrupt by virtue of a condition imposed under the Bankruptcy Act.

CAP. 244.

Winding up of
company holding
realisable
property.

45.—(1) Where realisable property is held by a company and an order for the winding up of the company has been made or a resolution has been passed by the company for the voluntary winding up, the functions of the liquidator or, as the case may be, any provisional liquidator shall not be exercisable in relation to—

- (a) property for the time being subject to a restraint order made before the relevant time; and
- (b) any proceeds of property realised by virtue of section 39(6) or 40(4)(b) or (5) for the time being in the hands of a receiver appointed under section 39 or 40,

but there shall be payable out of the property any expenses, including the remuneration of the liquidator or provisional liquidator, properly incurred in the winding up in respect of the property.

(2) Where, in the case of a company, an order has been made or a resolution has been passed, the powers conferred on the court by sections 39 to 41 or on a receiver appointed under section 39 or 40, shall not be exercised in relation to any realisable property held by the company in relation to which the functions of the liquidator are exercisable—

- (a) so as to inhibit him from exercising those functions for the purpose of distributing any

property held by the company to the company's creditors; or

- (b) so as to prevent the payment out of any property of expenses, including the remuneration of the liquidator or any provisional liquidator, properly incurred in the winding up in respect of the property.

(3) In this section—

“company” means a company incorporated or registered under the Companies Act;

CAP. 250.

“the relevant time” means—

- (a) where no order for the winding up of the company has been made, the time of the passing of the resolution for voluntary winding up;
- (b) where an order has been made and, before the presentation of the petition for the winding up of the company by the court, a resolution had been passed by the company, the time of the passing of the resolution; and
- (c) in any other case where an order has been made, the time of the making of the order.

46.—(1) If, upon the application of any person, other than the defendant, prejudiced by a forfeiture order made under this Part, the court is satisfied that it is just to revoke the order, the court may, upon the terms and conditions, if any, as it deems fit, revoke that order.

Revocation of
forfeiture order.

(2) An application under sub-section (1) for the revocation of a forfeiture order shall be made either at the time when the order is made or within three months of the date of the order,

Provided that where the applicant satisfies the court that, in the special circumstances of the case, it was not reasonably practicable for him to make the application within the period of three months, the time, whether expired or not, for making that application may be extended by the court as it thinks fit.

Search and
seizure.
42 of 1999.

47.—(1) If a magistrate is satisfied on information on oath that there is reasonable ground for suspecting that an offence under section 19 is being, has been or is about to be committed on any premises, he may issue a warrant in writing authorising any member of the Belize Police Department to enter those premises at any time, by day or night, with the assistance and by such force as may be necessary and search the premises, and any member of the Belize Police Department who enters under the authority of the warrant may—

- (a) seize and remove—
 - (i) any books, records, accounts or other documents (hereinafter referred to as “documents”);
 - (ii) any money, valuable thing, or any other thing, found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of any offence; and
- (b) arrest and search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any offence.

(2) Where the court is satisfied that any person has in his possession any documents which will be required for the purpose of proceedings in respect of an offence under section 19, the court may, upon application by the prosecution, make an

order requiring that person to produce the books, records, accounts or other documents.

(3) Where the court is satisfied that—

- (a) anything seized pursuant to a warrant issued under sub-section (1); or
- (b) any documents produced under sub-section (2),

will not be required for the purpose mentioned in sub-sections (1) and (2), the court may order the thing or documents to be returned to the owner or, as the case may be, the person who is entitled to possession of it.

(4) Any person who, being served with an order under sub-section (2), fails to produce documents pursuant to the order, commits an offence and is liable—

- (a) on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year, or to both fine and term of imprisonment; or
- (b) on conviction on indictment, to a fine not exceeding ten thousand dollars, or to imprisonment for a term not exceeding seven years, or to both fine and term of imprisonment.

48.—(1) A person commits an offence if he—

- (a) conceals or disguises any property which is, or in whole or in part directly or indirectly represents, his proceeds of criminal conduct; or

Concealing or transferring proceeds of criminal conduct. 6 of 1994.

- (b) converts or transfers that property or removes it from the jurisdiction,

for the purpose of avoiding prosecution for a drug trafficking offence or the making or enforcement in his case of a forfeiture order.

(2) A person commits an offence if, knowing or having reasonable grounds to suspect that any property is, or in whole or in part directly or indirectly represents, another person's proceeds of criminal conduct, he—

- (a) conceals or disguises that property; or
- (b) converts or transfers that property or removes it from the jurisdiction,

for the purpose of assisting any person to avoid prosecution for a drug trafficking offence or the making or enforcement in his case of a forfeiture order.

(3) In sub-sections (1) and (2), the references to concealing or disguising any property include references to concealing or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it.

(4) A person who commits an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand dollars, or to both fine and term of imprisonment; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding ten years or a fine not exceeding fifty thousand dollars, or to both fine and term of imprisonment.

(5) In this section, “criminal conduct” means conduct which constitutes an offence under this Act.

49.—(1) A person commits an offence if—

Tipping-off.
6 of 1994.
42 of 1999.

- (a) he knows or suspects that a member of the Belize Police Department is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted into a drug trafficking offence; and
- (b) he discloses to any other person information or any other matter which is likely to prejudice that investigation, or proposed investigation.

(2) Nothing in sub-section (1) makes it an offence for a professional legal adviser to disclose any information or other matter—

- (a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or
- (b) to any person—
 - (i) in contemplation of, or in connection with, legal proceedings; and
 - (ii) for the purpose of those proceedings.

(3) Sub-section (2) does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.

(4) In proceedings against a person for an offence under sub-section (1), it is a defence to prove that he did not know or suspect that the disclosure was likely to be prejudicial in the way mentioned in that sub-section.

(5) A person who commits an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand dollars, or to both fine and term of imprisonment; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding five years or a fine not exceeding fifty thousand dollars, or to both fine and term of imprisonment.

42 of 1999.

(6) No member of the Belize Police Department or other person commits an offence under this section in respect of anything done by him in the course of acting in connection with the enforcement, or intended enforcement, of any provision of this Act.

PART VII

Miscellaneous

Evidence by
certificate of
analyst.

50.—(1) Subject to sub-section (3), a certificate of an analyst purporting to be signed by him stating that he has analysed or examined a substance and stating the result of such analysis or examination shall be admissible in evidence in any prosecution under this Act of the matters stated therein.

(2) No evidence shall be required by the court as to the signature or qualifications of the person purporting to have signed the certificate.

(3) In any prosecution under this Act either of the parties may require the attendance of the analyst to give evidence provided such analyst is within Belize; and in any such case the costs of his attendance shall, unless the Judge or Magistrate orders otherwise, be payable by the party so requiring.

51.—(1) This section applies to offences under any of the following provisions of this Act, that is to say, section 6(2) and (3), section 7(2) and (3), section 8(2) and section 12.

Proof of lack of knowledge, etc., to be a defence in proceedings for certain offences.

(2) Subject to sub-section (3), in any proceedings for an offence to which this section applies, it shall be a defence for the person charged to prove that he neither knew of nor suspected nor had reason to suspect the existence of some fact alleged by the prosecution which it is necessary for the prosecution to prove if he is to be convicted of the offence charged.

(3) Where in any proceedings for an offence to which this section applies it is necessary, if the accused is to be convicted of the offence charged, for the prosecution to prove that some substance or product involved in the alleged offence was the controlled drug which the prosecution alleges it to have been, and it is proved that the substance or product in question was that controlled drug, the accused—

- (a) shall not be acquitted of the offence charged by reason only of proving that he neither knew nor suspected nor had reason to suspect that the substance in question was the particular controlled drug alleged; or
- (b) shall be acquitted thereof if he proves that he neither believed nor suspected nor had reason to suspect that the substance or product in question was a controlled drug.

(4) Nothing in this section shall prejudice any defence which it is open to a person charged with an offence to which this section applies to raise apart from this section.

52.—(1) Any notice or other document required or authorised by any provision of this Act to be served on any person may be served on him either by delivering it to him or by leaving it at his proper address or by sending it by registered post.

Service of documents.

(2) Any notice or other document so required or authorised to be served on a body corporate shall be duly served if it is served on the secretary or clerk of the body.

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

Licences and
authorities.

53. A licence or other authority issued by the Minister for the purpose of this Act or of regulations made under this Act may be, to any degree, general or specific, issued on the terms and subject to such conditions, including in the case of a licence the payment of a prescribed fee, as the Minister thinks proper, and may be modified or revoked by him at any time.

General
provisions as to
regulations.

54.-(1) Regulations made by the Minister under any provisions of this Act—

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

(2) The Minister shall not make any regulations under this Act except after consultation with the National Drug Abuse Control Council.

(3) Any regulations made under this Act by the Minister shall be laid before the National Assembly and shall be subject to negative resolution.

55. The Minister may conduct or assist in conducting research into any matter relating to the misuse of dangerous or otherwise harmful drugs.

Research.

56. The Dangerous Drugs Act, is hereby repealed and any subsidiary legislation made thereunder is hereby revoked,

Repeals.
CAP. 87.
R.E. 1980-1990.

Provided that notwithstanding the repeal and revocation, any subsidiary legislation may be continued to the extent as may be prescribed by the Minister by Order published in the *Gazette*.

SCHEDULE I

MISUSE OF DRUGS ACT

Constitution, etc., of the National Drug Abuse Control
Council

[section 3]

1.-(1) The members of the Council, of whom there shall be not more than eleven nor less than seven, shall be appointed by the Minister after consultation with any organisations as he considers appropriate, and shall include—

- (a) in relation to each of the activities specified in sub-paragraph (2), at least one person appearing to the Minister to have wide and recent experience of that activity; and
- (b) persons appearing to the Minister to have wide and recent experience of social problems connected with the misuse of drugs.

(2) The activities referred to in sub-paragraph (1)(a) are—

- (a) the practice of medicine, other than veterinary medicine;
- (b) the practice of dentistry;
- (c) the practice of veterinary medicine; or
- (d) the practice of pharmacy.

(3) The Minister shall appoint one of the members of the Council to be chairman of the Council.

2. The Council may appoint committees, which may consist in part of persons who are not members of the Council to consider and report to the Council on any matter referred to them by the Council.
3. At meetings of the Council the quorum shall be four and subject to that, the Council may determine their own procedure.

SCHEDULE II¹

MISUSE OF DRUGS ACT

Controlled Drugs

[section 4]

PART I

Class A Drugs

1. The following substances and products, namely,

Acetorphine.	Alphameprodine.
Alfentanil.	Alphamethadol.
Allylprodine.	Alphaprodine.
Alphacetylmethadol.	Anileridine.
Benzethidine.	Methadone.
Benzylmorphine (3-benzylmorphine)	Methadylacetate.
Betacetylmethadol.	Methyldesorphine.
Betameprodine.	Methyldihydromorphine
	(6-
Betamethadol.	morphine).
Betaprodine.	Metopon.
Bezitramide.	Morpheridine.
Bufotenine.	Morphine.

¹ This Schedule was amended by Statutory Instrument No. 5 of 2014 and Statutory Instrument No 132 of 2020.

Cannabinol, except where contained in cannabis or cannabis resin	Morphine methobromide, morphine N-oxide and other Cannabinol derivatives. pentavalent nitrogen morphine
Carfentanil.	Myrophine.
Clonitazene.	Nicomorphine(3,6-dinicotinoylmorphine).
Coca leaf.	Noracymethadol.
Cocaine.	Norlevorphanol.
Desomorphine.	Normethadone.
Dextromoramide.	Normorphine
Diamorphine, (heroin).	Norpipanone
Diampromide.	Opium, whether raw, prepared or medicinal
Diethylthiambutene.	Oxycodone.
Difenoxin (1-(3-cyano-3, 3- diphenylpropyl)-4-phenylpiperidine-4-carboxylic).	Oxymorphone.
Dihydrocodeinone.	Pethidine.
O-carboxymethyloxime.	Phenadoxone.
Dihydromorphine.	Phenampromode.
Dimenoxadole.	Phenazocine.
Dimepheptanol.	Phencyclidine.
Dimethylthiambutene.	Phenomorphane.
Dioxaphetyl butyrate.	Phenoperidine
Diphenoxylate.	Piminodine
Dipipanone.	Piritramide.
Drotebanol (3,4-dimethoxy-17-methylmorphinan-6,14-diol).	Poppy-straw and poppy-straw.
Ecgonine, and any derivative ecgonine which is convertible to ecgonine or to cocaine.	Propriidine (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropylester).
Ethylmethylthiambutene.	Psilocin.
Elicyclidine.	Racemethorphan.
Etonitazene.	Racemoramide.
	Rolicyclidine.

Etorphine.	Sufentanil.
	Tenamphetamine(methle edioxyomphetamine).
Etixeridine.	Tenocyclidine.
Fentanyl.	Thebacon.
Furethidine.	Thebaine.
Hydrocodone.	Tilidate
Hydromorphinol.	Trimeperidine
Hydromorphone.	4-Bromo-2,5-dimethoxy- a-methylphenthylamine.
Hydroxypethidine.	4-Cyano-2-
Isomethadone.	4-diphenylbutane.
Ketobemidone.	4-Cyano-1-methyl-4-
Levomethorphan.	phenylpiperidine.
	N,N-Diethyltryptamine.
Levomoramide.	N,N-
Levophenacylmorphane.	2,5-Dimethoxy-a,4-
Levorphanol.	dimethylphenethylamine.
	1-Methyl-4-
Lofentanil.	4-carboxylic acid.
Lysergamide.	2-Methyl-3-morpholino-
Lysergide and other N-alkyl derivatives of Lysergamide.	1-diphenylpropane.
	carboxylic acid.
	4-Phenylpiperidine-4-
	carboxylic acid ethyl
Mescaline.	
Metazocine.	
N-acetylanthranilic acid.	
Ephedrine.	
Ergometrine.	
Ergotamine.	
Isosafrole.	
Lysergic acid.	
3, 4-methylenedioxyphenyl-2-propanone.	
1-phenyl-2-propanone.	
Piperonal.	
Pseudoephedrine.	

Safrole.
Acetic anhydride.
Acetone.
Anthmnilicacid.
Ethyl ether.
Hydrochloric acid.
Methyl ethyl ketone.
Pheylacetic acid.
Piperidine.
Potassium permanganate.
Sulphuric acid.
Toluene.
4-anilino-N-phenethylpiperidine.
N-phenethyl-4-piperidone.
4-anilinopiperidine.
4-piperidone.
1-benzyl-4-piperidone.
Benzylfentanyl.
3, 4-MDP-2-P-methyl glycidic acid.
3, 4-MDP-2-P-methyl glycidate.
alpha-phenylacetoacetamide.
alpha-phenylacetoneitrile.
Norephedrine.
Methyl alpha-phenylacetoacetate.
Chloropseudoephedrine.
Choloroephedrine.
Methylamine.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 not being dextromethorphan or dextrophan.
3. Any ester or ether of a substance for the time being specified in paragraph 1 or 2, not being a substance for the time being specified in Part II.
4. Any salt of a substance for the time being specified in any of paragraphs 1 to 3 except the salts of hydrochloric acid and sulphuric acid.
5. Any preparation or other product containing a substance or product for the time being specified in any of paragraphs 1 to 4.
6. Any preparation designed for administration by injection which includes a substance or product for the time being specified in any of paragraphs 1 to 3 of Part II.

PART II

Class B Drugs

1. The following substances and products, namely,

Acetyldihydrocodeine.	(b) Any 5,5 disubstituted barbituric acid.
Amphetamine.	Methylphenidate.
Cannabis and cannabis resin.	Methylphenobarbitone.
Codeine.	Nicodicodeine(6-
Dexamphetamine.	nicotinoyldihydrocodeine)
Dihydrocodeine.	Nicocodeine.
Ethylmorphine (3-ethylmorphine).	Norcodeine.
Glutethimide.	Pentazocine.
Lefetamine.	Phenmetrazine.
Mecloqualone.	Pholcodine.

Methaqualone.

Propiram.

Methylamphetamine.

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

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

4. Any preparation or other product containing a substance or product for the time being specified in any of paragraphs 1 to 3, but not being a preparation falling within paragraph 6 of Part I.

PART III

Class C Drugs

1. The following substances, namely,

Alprazolam.

Haloxazolam.

Benzphetamine.

Ketazolam.

Bromazepam.

Loprazolam.

Camazepam.

Lorazepam.

Cathine.

Lormetazepam.

Cathinone.

Mazindol.

Chlordiazepoxide.

Medazepam.

Chlorphentermine.

Mefenorex.

Clobazam.

Mephentermine.

Clonazepam.

Meprobamate.

Clorazepic acid.

Methyprylone.

Clotiazepam.

N-Ethylamphetamine

Cloxazolam.

Nimetazepam.

Delorazepam.

Nitrazepam.

Dextropropoxyphene.

Nordazepam.

Diazepam.

Oxazepam.

Diethylpropion.	Oxazolam.
Estazolam.	Pemoline.
Ethchlorvynol.	Phendimetrazine.
Ethinamate.	Phentermine.
Ethyl loflazepate.	Pinazepam.
Fencamfamin.	Pipradol.
Fenethylline.	Prazepam.
Fenproporex.	Prolintane.
Fludiazepam.	Propylhexedrine.
Flunitrazepam.	Pyrovalerone.
Flurazepam.	Temazepam.
Halazepam.	Tetrazepam.
	Triazolam.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 not being phenylpropanolamine.
3. Any salt of a substance for the time being specified in paragraph 1 or 2.
4. Any preparation or other product containing a substance for the time being specified in any of paragraphs 1 to 3.

SCHEDULE III

MISUSE OF DRUGS ACT

Prosecution and Punishment of Offences (other than drug trafficking offences)

[section 28]

Section Creating Offence	General Nature of Offence	Mode of prosecution	PUNISHMENT			
			Class A Drug Involved	Class B Drug Involved	Class C Drug Involved	General
Section 7 (2) (except drug trafficking offence)	Having possession of a controlled drug (other than for drug trafficking)	Summary	5 years or \$100,000, or both.	3 years or \$50,000, or both.	2 years or \$40,000, or both.	
Section 12	Offences relating to opium, cocaine, heroin or cannabis, etc.	(a) Summary (b) On indictment	-	-	-	2 years or \$75,000, or both. 14 years or \$200,000, or both.
Section 13	Contravention of directions relating to safe custody of controlled drugs.	(a) Summary (b) On indictment	-	-	-	3 years or \$100,000, or both. 10 years or \$200,000, or both.

<i>Section Creating Offence</i>	<i>General Nature of Offence</i>	<i>Mode of Prosecution</i>	<i>PUNISHMENT</i>			
			<i>Class A Drug Involved</i>	<i>Class B Drug Involved</i>	<i>Class C Drug Involved</i>	<i>General</i>
Section 15 (6)	Contravention of direction prohibiting practitioner, etc., from possessing, supplying, etc., controlled drugs.	Summary	5 years or \$150,000, or both.	5 years or \$100,000, or both.	2 years or \$75,000, or both.	
		On indictment	15 years or \$300,000, or both.	10 years or \$200,000, or both.	7 years or \$150,000, or both.	
Section 16 (3)	Contravention of direction prohibiting practitioner, etc., from prescribing, supplying, etc., controlled drugs.	Summary	5 years or \$150,000, or both.	3 years or \$100,000, or both.	2 years or \$75,000, or both.	
		On indictment	15 years or \$300,000, or both.	10 years or \$200,000, or both.	7 years or \$150,000, or both.	

Section Creating Offence	General Nature of Offence	Mode of Offence	PUNISHMENT			
			Class A Drug Involved	Class B Drug Involved	Class C Drug Involved	General
Section 17(3)	Failure to comply with notice requiring information relating to prescribing, supplying, etc., of drugs.	Summary				\$75,000.
Section 17 (4)	Giving false information in purported compliance with notice.	(a) Summary				3 years or \$100,000. or both.
	Requiring information relating to prescribing, supplying, etc., of drugs.	(b) On indictment	-	-	-	7 years or \$150,000, or both.

<i>Section Creating Offence</i>	<i>General Nature of Offence</i>	<i>Mode of Prosecution</i>	<i>PUNISHMENT</i>			
			<i>Class A Drug Involved</i>	<i>Class B Drug Involved</i>	<i>Class C Drug Involved</i>	<i>General</i>
Section 20 (1)	Contravention of regulations (other than regulations relating to addicts)	(a) Summary	-	-	-	3 years or \$100,000, or both.
		(b) On indictment	-	-	-	7 years or \$150,000, or both.
Section 20 (2)	Contravention of terms of licence or other authority (other than licence issued under regulations relating to addicts).	(a) Summary	-	-	-	3 years or \$100,000, or both.
		(b) On indictment	-	-	-	7 years or \$150,000, or both.

Section creating Offence	General Nature of Offence	Mode of Probation	PUNISHMENT			
			Class A Drug Involved	Class B Drug Involved	Class C Drug Involved	General
Section 20(3)	Giving false information in purported compliance with obligation to give information imposed under or by virtue of regulations.	(a) Summary (b) On indictment				3 years or \$100,000, or both. 10 years or \$200,000, or both.
Section 20(4)	Giving False information, or producing document, etc., containing false statement, etc., for purposes of obtaining issue or renewal of a licence or other authority.	(a) Summary (b) On indictment				3 years or \$100,000, or both. 10 years or \$200,000, or both.

<i>Section Creating Offence</i>	<i>General Nature of Offence</i>	<i>Mode of Prosecution</i>	<i>PUNISHMENT</i>			
			<i>Class A Drug Involved</i>	<i>Class B Drug Involved</i>	<i>Class C Drug Involved</i>	<i>General</i>
Section 22	Assisting in or inducing commission outside Belize of an offence punishable under a corresponding law.	(a) Summary (b) On indictment	-	-	-	3 years or \$100,000, or both. 10 years or \$200,000, or both.
Section 25 (5)	Obstructing exercise of power of search, etc., or concealing books, drugs, etc.	(a) Summary (b) On indictment	-	-	-	3 years or \$100,000, or both. 10 years or \$200,000, or both.