

**MALTA**

**ATT Nru. XXIII ta' l-1980**

ATT mahruġ b'ligi mill-Parlament ta' Malta.

ATT biex ikompli jemenda l-Ordinanza dwar il-Mediċini Perikulużi, Kap. 161.

**ACT No. XXIII of 1980**

AN ACT enacted by the Parliament of Malta.

AN ACT further to amend the Dangerous Drugs Ordinance, Cap. 161.

Nagħti l-kunsens tiegħi.

(L.S.)

ANTON BUTTIGIEG  
President

25 ta' Lulju, 1980

### ATT Nru. XXIII ta' l-1980

*ATT biex ikompli jemenda l-Ordinanza dwar il-Mediċini Perikolużi, Kap. 161.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1980 li jemenda l-Ordinanza dwar il-Mediċini Perikolużi, u għandu jinçara u jiftiehem ñaġa waħda ma' l-Ordinanza dwar il-Mediċini Perikolużi, hawnhekk iżjed 'il quddiem imsejha "il-liġi prinċipali".

Emenda ta' l-artikolu 2 tal-liġi prinċipali.

2. Fl-artikolu 2 tal-liġi prinċipali, minflok it-tifsira ta' 'qanneb Indjan' għandu jidhol dan li ġej:

“ ‘qanneb Indjan’ tfisser kull pjanta tal-ġeneru *Cannabis* u kull parti minn dik il-pjanta, iżda ma tinkludix fibra jew żerriegħa li tkun giet magħmula mhux tajba biex tiżviluppa f'xi pjanta oħra bħal dik;”.

Sostituzzjoni ta' l-artikolu 8 tal-liġi prinċipali.

3. Minflok l-artikolu 8 tal-liġi prinċipali għandu jidhol dan li ġej:

“8. Ikun hati ta' reat kontra din l-Ordinanza kull min —

(a) ikollu fil-pussess tiegħu (hlief fil-kors ta' transitu minn dawn il-Gzejjer jew mill-ibħra territorjali tagħhom), ir-raża meħuda mill-pjanta *Cannabis* jew xi preparazzjonijiet li jkollhom bħala bażi din ir-raża; jew

(b) jipproduci, ibiegh jew xort'oħra jittraffika fir-raża meħuda mill-pjanta *Cannabis* jew f'xi preparazzjonijiet li jkollhom bħala bażi din ir-raża; jew

(c) jikkoltiva l-pjanta *Cannabis*; jew

(d) ikollu fil-pussess tiegħu (hlief fil-kors ta' transitu minn dawn il-Gzejjer jew mill-ibħra territorjali tagħhom) il-pjanta *Cannabis* kollha jew biċċa minnha (minbarra l-preparazzjonijiet mediċinali tagħha); jew

(e) ibiegħ jew xort'oħra jittraffika fil-pjanta *Cannabis* kollha jew biċċa minnha (minbarra l-preparazzjonijiet mediċinali tagħha).”.

4. Is-subartikolu (2) ta' l-artikolu 21 tal-liġi prinċipali għandu jithassar.

Emenda ta' l-artikolu 21 tal-liġi prinċipali.

5. L-artikolu 22 tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 22 tal-liġi prinċipali.

(a) minflok is-subartikoli (2) u (3) ta' l-artikolu 22 tal-liġi prinċipali għandu jidhol dan li ġej:

“(2) Kull persuna akkużata b'reat kontra din l-Ordinanza għandha titressaq jew quddiem il-Qorti Kriminali jew quddiem il-Qorti tal-Maġistrati tal-Pulizija Ġudizzjarja skond kif jordna l-Avukat Ġenerali, u jekk tinsab ħatja teħel, għal kull reat —

(a) meta tinsab ħatja mill-Qorti Kriminali prigunerija għal żmien ta' mhux inqas minn tnax-il xahar iżda mhux iżjed minn għaxar snin u multa ta' mhux inqas minn mitejn lira iżda mhux iżjed minn għaxart elef lira; jew

(b) meta tinsab ħatja mill-Qorti tal-Maġistrati —

(i) fil-każ ta' l-ewwel reat, barra minn meta tinsab ħatja ta' reat taħt il-paragrafu (b), (ċ) jew (e) ta' l-artikolu 8, multa ta' mhux inqas minn mitt lira iżda mhux iżjed minn elf lira jew prigunerija għal żmien ta' mhux inqas minn tliet xhur iżda mhux iżjed minn tnax-il xahar, jew dik il-multu u prigunerija flimkien;

u

(ii) fil-każ li tinsab ħatja ta' reat taħt il-paragrafu (b), (ċ) jew (e) ta' l-artikolu 8, u fil-każ li tinsab ħatja t-tieni darba jew drabi oħra wara prigunerija għal żmien ta' mhux inqas minn sitt xhur iżda mhux iżjed minn erba' snin u multa ta' mhux inqas minn mitejn lira iżda mhux iżjed minn elfejn lira;

u f'kull każ li persuna tinsab ħatja ta' reat kontra din l-Ordinanza, l-ogġetti kollha li dwarhom ikun sar ir-reat jiġu konfiskati favur il-Gvern, u kull ogġett hekk ikkonfiskat għandu, jekk il-Qorti hekk tordna, jiġi distrutt jew isir minnu xort'oħra kif jista' jiġi provdut fi-ordni:

Iżda meta l-Avukat Ġenerali jew il-Qorti, skond il-każ, ikunu sodisfatti li min jagħmel ir-reat ma jkunx persuna li tikkoltiva, tipprouċi, tbiegħ jew xort'oħra tittraffika f'xi mediċina, u r-reat jikkonsisti biss fil-pussess ta' mediċina perikoluża għall-użu ta' min jagħmel ir-reat biss, jew ta' strumenti għal dak l-għan, jew jikkonsisti fit-teħid ta' xi mediċina bħal dik —

(i) kull persuna bħal dik ma għandhiex titressaq quddiem il-Qorti Kriminali u ma tkunx sugġetta għall-prigunerija, u

(ii) meta xi persuna kif intqal qabel tkun, fid-data li fiha jkun magħruf li sar ir-reat, registrata bħala persuna li tkun qed tircievi kura għal dipendenza fuq mediċini, f'dak il-mod u skond dawk l-arrangamenti li jkunu saru mill-Ministru responsabbli għas-saħħa, u tkun ċertifikata taħt dawk l-arrangamenti li tkun qed tagħmel il-kura preskritta lilha, dik

il-persuna tkun eżentata minn kull piena dwar kull wieħed mill-imsemmija reati li jkunu saru waqt li tkun registrata kif intqal qabel.

(3) Meta reat kontra din l-Ordinanza li dwaru persuna tkun instabet hatja jkun, jew ikollu x'jaqsam ma', koltivazzjoni ta' pjanta f'għalqa, ġnien jew xi post ieħor bħal dan, il-Qorti għandha, b'żieda ma' kull piena oħra tordna l-konfiska favur il-Gvern tal-proprjetà kollha immobbli li fiha jkun sar ir-reat kif deskritt fl-att ta' l-akkuża jew fl-akkuża :

Iżda meta ebda waħda mill-persuni misjuba hatja kif intqal qabel ma tkun il-proprjetarju assolut jew komproprjetarju jew proprjetarju suġġett għall-użufrutt tal-proprjetà immobbli, u tkun għand min jagħmel ir-reat b'xi titolu ieħor, il-Qorti għandha tordna l-konfiska ta' dak it-titolu favur il-Gvern.”; u

(b) minnufih wara s-subartikolu (5) tiegħu għandhom jiżiedu s-subartikoli godda li ġejjin:

“(6) Meta reat li dwaru persuna tinsab hatja taħt din l-Ordinanza jkun jikkonsisti fil-produzzjoni, il-bejgħ jew traffikar ieħor f'medicina msemmija f'din l-Ordinanza, u dik il-persuna jew ikollha liċenza taħt din l-Ordinanza jew taħt l-Ordinanza dwar il-Professjoni Medika jew il-Professjonijiet li għandhom x'jaqsmu magħha, jew ikollha *warrant* maħruġ taħt dik l-Ordinanza biex teżercita professjoni, jew xogħol jew sengħa, jew ir-reat isir f'post li dwaru jkun hemm liċenza taħt din l-Ordinanza jew taħt l-Ordinanza qabel imsemmija, il-Qorti għandha, fuq it-talba tal-prosekuzzjoni u b'żieda ma' kull piena oħra, tordna r-revoka ta' dik il-liċenza jew ta' dak il-*warrant* u malli jkun sar dak l-ordni kull liċenza bħal dik jew *warrant* bħal dak għandu jieqaf milli jkollu effett għall-finijiet kollha tal-liġi u b'mod partikolari għall-finijiet ta' din l-Ordinanza u ta' l-Ordinanza msemmija qabel.

(7) Kull deċiżjoni kif imsemmija fis-subartikolu (3) li tordna l-konfiska ta' xi titolu ta' proprjetà immobbli għandha titqies li hi u għandha tiġi eżegwita bħal sentenza Ċivili li tittrasferixxi dak it-titolu favur il-Gvern, u l-Avukat Ġenerali għandu, għall-finijiet ta l-artikolu 237 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, jitqies li hu l-parti nteressata li tista' tikseb ir-registrazzjoni ta' dak it-trasferiment.

(8) Meta jirriżulta lill-Qorti, li min jagħmel ir-reat ma jkunx persuna illi tikkoltiva, tipproduċi, tbiegħ jew xort'oħra tittraffika f'xi medicina, u jkun jinħtieġ ħarsien u għajnuna medika biex jiġi rjabilitat, il-Qorti tista', minflok li tapplika xi waħda mill-pieni provduti fis-subartikoli ta' qabel, tordna li min jagħmel ir-reat jintbagħat f'istituzzjoni msemmija għal dak l-għan mill-Ministru responsabbli għas-saħħa sabiex ikun jista' jingħata l-kura meħtieġa.

Il-Qorti għandha tara li dak l-ordni jintbagħat minnufih lill-Ministru responsabbli għas-saħħa, u l-Ministru għandu jagħti dawk id-direttivi li jidhirlu xierqa għall-ħarsien u kura ta' dik il-persuna.”.

**6.** Fl-artikolu 7 tal-liġi prinċipali, il-kelma “*sativa*” għandha tithassar.

Emenda ta' l-artikolu 7 tal-liġi prinċipali.

7. L-artikolu 10 tal-liġi prinċipali għandu jiġi emendat kif ġej:
- (a) minflok is-subartikolu (1) tiegħu għandu jidhol dan li ġej:
- “(1) Il-mediċini li għalihom tgħodd din it-taqsimha ta’ din l-Ordinanza huma dawk imsemmija fl-Ewwel Skeda li tinsab ma’ din l-Ordinanza.”; u
- (b) minflok is-subartikolu (3) tiegħu għandu jidhol dan li ġej:
- “(3) Jekk il-Ministru responsabbli għas-saħħa pubblika jidhirlu li xi mediċina oħra ta’ kull xorta tkun li tkun, iġġib jew x’aktarx tista’ iġġib, jekk ma tkunx użata kif imiss, jew tista’ tinbidel f’sustanza li iġġib, jew x’aktarx tista’ iġġib, jekk ma tkunx użata kif imiss, effetti nżiena sostanzjalment ta’ l-istess xorta jew natura bħal dawk jew analoga għal dawk li jġibu l-mediċini msemmija fl-Ewwel Skeda li tinsab ma’ din l-Ordinanza, l-imsemmi Ministru jista’ b’ordni fil-Gazzetta jagħmel kull żidiet, varjazzjonijiet jew tibdil għal dik l-Iskeda.”.
8. Minflok il-kelma “Skeda” ku!l fejn tinsab fl-artikoli 12, 13, 14, 16 u 18 tal-liġi prinċipali għandhom jidhlu f’kull każ il-kliem “Tieni Skeda”.
9. Minnufih wara l-artikolu 26 tal-liġi prinċipali għandha tiżdied l-Iskeda ġ

Emenda ta’  
l-artikolu 10  
tal-liġi  
prinċipali.

Emenda ta’  
l-artikoli 12, 13,  
14, 16 u 18  
tal-liġi  
prinċipali.

Żieda ta’ Skeda  
ġdida mal-liġi  
prinċipali.

#### “L-EWWEL SKEDA

*Preparati li jkun fihom xi waħda mill-mediċini mdaħħlin  
fit-Taqsimit I u II ta’ din l-Iskeda suġġetti għall-eżenzjonijiet  
imniżżla fit-Taqsima III ta’ din l-Iskeda*

#### Taqsima I

ACETORFINA  
ACETYLMETHADOL  
ALLYLPRODINE  
ALPHACETYLMETHADOL  
ALPHAMEPRODINE  
ALPHAMETHADOL  
ALPHAPRODINE  
ANILERIDINE  
BENZETHIDINE  
BENZYLMORPHINE  
BETACETYLMETHADOL  
BETAMEPRODINE  
BETAMETHADOL  
BETAPRODINE  
BEZITRAMIDE  
CANNABIS (Qanneb Indjan) — kull estratt jew tintura tiegħu  
CLONITAZENE  
KOKAJINA

## CODOXIME

Konċentrat tal-ħaxixa tal-pepprin (il-materjal li jkun hemm meta l-ħaxixa tal-pepprin tkun daħlet fi proċess għall-konċentrament ta' l-alkolojdi tiegħu meta dak il-materjal isir disponibbli għall-kummerċ)

## DESOMORFINA

## DEXTROMORAMIDE

## DIAMPROMIDE

## DIETHYLTHIAMBUTENE

## DIFENOXIN

## DIHYDROMORPHINE

## DIMENOXADOL

## DIMEPHEPTANOL

## DIMETHYLTHIAMBUTENE

## DIOXAPHETYL BUTYRATE

## DIPHENOXYLATE

## DIPIANONE

## DROTEBANOL

EKOĠNINA *l-esters* u *d-derivativi* tiegħu li jistgħu jiġu konvertiti f'ekognina u kokajina

## ETHYLMETHYLTHIAMBUTENE

## ETONITAZENE

## ETORFINA

## ETOXERIDINE

## FENTANYL

## FURETHIDINE

## HEROJINA

## HYDROCODONE

## HDROMORPHINOL

## HYDROMORPHONE

## HYDROXYPETHIDINE

## ISOMETHADONE

## KETOBE MIDONE

## LEVOMETHORPHAN \*

## LEVOMORAMIDE

## LEVOPHENACYLMORPHAN

## LEVORPHANOL \*

## OPPJU MEDICINALI

## METAZOCINE

## METHADONE

## METHADONE — INTERMEDJARJU

## METHYLDESORPHINE

## METHYLDIHYDROMORPHINE

## METOPON

## MORAMIDE — INTERMEDJARJU

## MORPHERIDINE

## MORFINA

METHOMBROMIDE TAL-MORFINA u d-derivattivi oħra tan-nitroġenu pentavalenti tal-morfina, inklużi b'mod partikolari d-derivattivi *morphine-N-oxide*, li wieħed minnhom hu *Codeine-N-Oxide*

MORPHINE-N-OXIDE

MYROPHINE

NICOMORPHINE

NORACY METHADOL

NORLEVORPHANOL

NORMETHADONE

NORMORPHINE

NORPIPANONE

OXYCODONE

OXYMORPHONE

PETHIDINE — INTERMEDJARJU — A

PETHIDINE — INTERMEDJARJU — B

PETHIDINE — INTERMEDJARJU — Ċ

PHENADOXONE

PHENAMPROMIDE

PHENAZOCINE

PENOMORPHAN

PHENOPERIDINE

PIMINODINE

PIRITRAMIDE

PROHEPTAZINE

PROPERIDINE

RACEMETHORPHAN

RACEMORAMIDE

RACEMORPHAN

SUFENTANIL

THEBACON

THEBAINE

TILIDINE

TRIMEPERIDINE

*L-isomers*, kemm-il darba ma jkunux esklużi b'mod speċifiku, tal-mediċini f'din it-Taqsima ta' l-Iskeda kull meta jkun possibbli li jeżistu dawk *l-isomers*;

*L-esters* u *l-ethers*, kemm-il darba ma jidhrux f'Taqsima oħra ta' din l-Iskeda, tal-mediċini f'din it-Taqsima ta' l-Iskeda kull meta jkun possibbli li jeżistu dawk *l-esters* jew *l-ethers*;

Il-melħ ta' dawk il-mediċini mniżżlin f'din it-Taqsima ta' l-Iskeda, magħduda l-melħ ta' *l-esters*, *ethers* u *isomers* kif provdut hawn fuq kull meta jkun possibbli li jeżisti dak il-melħ.

\* DEXTROMETHROPHAN u DEXTRORPHAN huma esklużi b'mod speċifiku minn din it-Taqsima ta' l-Iskeda.

**Taqsimi II**

ACETYLDIHYDROCODEINE  
 KODEJINA  
 DEXTROPROPOXYPHENE  
 DIHYDROCODEINE  
 ETHYLMORPHINE  
 NICOCODINE  
 NICODICODINE  
 NORCODEINE  
 PHOLCODINE  
 PROPIRAM

*L-isomers*, kemm-il darba ma jkunux eskluzi b'mod speċifiku, tal-mediċini f'din it-Taqsimi ta' l-Iskeda kull meta jkun possibbli li jeżistu dawk *l-isomers* fl-isem kemikali speċifiku;

Il-melħ tal-mediċini mniżżlin f'din it-Taqsimi ta' l-Iskeda, inkluż il-melħ ta' *l-isomers* kif provdut hawn fuq kull meta jkun possibbli li jeżisti dak il-melħ

**Taqsimi III***Eżenzjonijiet*

1. Preparati ta':  
 ACETYLDIHYDROCODEINE  
 KODEJINA  
 DIHYROCODEINE  
 ETHYLMORPHINE  
 NICOCODINE  
 NICODICODINE  
 NORCODEINE, u  
 PHOLCODINE

meta jkunu komposti ma' ingredjent wieħed jew iktar u jkun fihom mhux aktar minn 100 milligram tal-mediċina f'kull unità ta' doża u b'konċentrament ta' mhux iżjed minn 2.5 fil-mija tal-preparati mhux separati.

2. Preparati ta' *propiram* li jkun fihom mhux iżjed minn 100 mg ta' *propiram* f'kull unità ta' doża u kompost ma' għall-anqas l-istess ammont ta' *methylcellulose*.

3. Preparati ta' kokajina li jkun fihom mhux iżjed minn 0.1 fil-mija ta' kokajina kalkolat bħala bażi ta' kokajina u preparati ta' oppju jew morfina li jkun fihom mhux iżjed minn 0.2 fil-mija ta' morfina kalkolat bħala bażi tal-morfina *anhydrous* u komposti ma' ingredjent wieħed ieħor jew iżjed u b'dak il-mod u l-mediċina ma tkunx tista' tinkiseb b'mezzi li tista' tapplikahom malajr jew f'estratt li jkun ta' ħsara għas-saħħa pubblika.

4. Preparati ta' *difenoxin* li jkun fihom f'kull unità ta' doża, mhux iżjed minn 0.5 mg ta' *difenoxin* u kwantità ta' *atropine sulfate* ekwivalenti għal mill-inqas 5 fil-mija tad-doża ta' *difenoxin*.

5. Preparati ta' *diphenoxylate* li jkun fihom, f'kull unità ta' doża, mhux aktar minn 2.5 milligramm ta' *diphenoxylate* kalkolati bħala bażi ta' kwantità ta' *atropine sulfate* ekwivalenti għal mill-inqas wieħed fil-mija tad-doża ta' *diphenoxylate*.

6. *Pulvis ipecacuanhae et opii compositus* —

10 fil-mija ta' oppju fi trab

10 fil-mija *ipecacuanha root*, fi trab imħawwad sew ma

80 fil-mija ta' kull ingredjent ieħor f'forma ta' trab li ma jkun fih ebda mediċina.

7. Preparati li jkunu jaqblu ma' xi waħda mill-formuli mniz-żlin f'din it-Taqsima ta' l-Iskeda u taħlitiet ta' daww il-preparati ma' xi materjal li ma jkun fih ebda mediċina.”

10. L-Iskeda li tinsab mal-liġi prinċipali għandha tkun magħrufa bħala “It-Tieni Skeda”.

Emenda ta' l-Iskeda li tinsab mal-liġi prinċipali.

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 417 tal-21 ta' Lulju, 1980.

C. AGIUS  
Speaker

C. MIFSUD  
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

ANTON BUTTIGIEG  
President

25th July, 1980

**ACT No. XXIII of 1980**

*AN ACT further to amend the Dangerous Drugs Ordinance, Cap. 161.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

**1.** This Act may be cited as the Dangerous Drugs (Amendment) Act, 1980, and shall be read and construed as one with the Dangerous Drugs Ordinance, hereinafter referred to as “the principal law”.

Amendment of section 2 of the principal law.

**2.** In section 2 of the principal law, for the definition of ‘Indian hemp’ there shall be substituted the following:

“ ‘Indian hemp’ means any plant of the genus *Cannabis* or any part of any such plant, but does not include fibre or seed which has been rendered not capable of developing into another such plant;”.

Substitution of section 8 of the principal law.

**3.** For section 8 of the principal law there shall be substituted the following:

“8. If any person —

(a) has in his possession (otherwise than in the course of transit through these Islands or the territorial waters thereof) the resin obtain from the plant *Cannabis* or any preparations of which such resin formed the base; or

(b) produces, sells or otherwise deals in the resin obtain from the plant *Cannabis* or any preparations of which such resin formed the base; or

(c) cultivates the plant *Cannabis*; or

(d) has in his possession (otherwise than in the course of transit through these Islands or the territorial waters thereof) the whole or any portion of the plant *Cannabis* (excluding its medicinal preparations); or

(e) sells or otherwise deals in the whole or any portion of the plant *Cannabis* (excluding its medicinal preparations),

he shall be guilty of an offence against this Ordinance.”.

4. Subsection (2) of section 21 of the principal law shall be deleted.

Amendment of section 21 of the principal law.

5. Section 22 of the principal law shall be amended as follows:

Amendment of section 22 of the principal law.

(a) for subsections (2) and (3) of section 22 of the principal law there shall be substituted the following:

“(2) Every person charged with an offence against this Ordinance shall be tried in the Criminal Court or before the Court of Magistrates of Judicial Police as the Attorney General may direct and if he is found guilty shall, in respect of each offence, be liable —

(a) on conviction by the Criminal Court to imprisonment for a term of not less than twelve months but not exceeding ten years and to a fine (*multa*) of not less than two hundred pounds but not exceeding ten thousand pounds; or

(b) on conviction by the Court of Magistrates —

(i) in the case of a first conviction, other than a conviction for an offence under paragraph (b), (c) or (e) of section 8, to a fine (*multa*) of not less than hundred pounds but not exceeding one thousand pounds or to imprisonment for a term of not less than three months but not exceeding twelve months, or to both such fines and imprisonment; and

(ii) in case of a conviction for an offence under paragraph (b), (c) or (e) of section 8, and in the case of a second or subsequent conviction to imprisonment for a term of not less than six months but not exceeding four years and to a fine (*multa*) of not less than two hundred pounds but not exceeding two thousand pounds;

and in every case of conviction for an offence against this Ordinance, all articles in respect of which the offence was committed shall be forfeited to the Government, and any such forfeited article shall, if the Court so orders, be destroyed or otherwise disposed of as may be provided in the order:

Provided that where the Attorney General or the Court, as the case may be, is satisfied that the offender is not a person who cultivates, produces, sells or otherwise deals in any drug, and the offence consists only in the possession of a dangerous drug for the exclusive use of the offender, or of utensils for that purpose, or consists in the taking of any such drug —

(i) any such person shall not be tried before the Criminal Court and shall not be liable to imprisonment, and

(ii) where any such person as aforesaid is, on the date on which the offence is discovered, registered as a person who is under treatment for addiction to drugs, in such manner and in accordance with such

arrangements as may have been made by the Minister responsible for health, and, is certified under those arrangements to be following the treatment prescribed to him, such person shall be exempt from any punishment in respect of any of the said offences committed while he was registered as aforesaid.

(3) Where an offence against this Ordinance in respect of which a person has been found guilty consists in or refers to the cultivation of a plant in a field, garden or similar tenement, the Court shall, in addition to any other punishment order the forfeiture in favour of the Government of the entire immovable property in which the offence took place as described in the bill of indictment or in the charge:

Provided that where none of the persons found guilty as aforesaid is an absolute owner or co-owner or bare-owner of the immovable property, and the offender holds it on any other title, the Court shall order the forfeiture of such title in favour of the Government.”; and

(b) immediately after subsection (5) thereof there shall be added the following new subsection:

“(6) Where the offence in respect of which a person is found guilty under this Ordinance consists in the production, selling or otherwise dealing in a drug mentioned in this Ordinance, and such person is either licensed under this Ordinance or under the Medical and Kindred Professions Ordinance, or is in possession of a warrant issued under that Ordinance to practise a profession, or a calling or a trade, or the offence is committed in a place licensed under this Ordinance or the Ordinance aforesaid, the Court shall, at the request of the prosecution and in addition to any other punishment, order the revocation of such licence or warrant, and upon such order being made any such licence or warrant shall cease to have effect for all purposes of law and in particular for the purposes of this Ordinance and of the Ordinance aforesaid.

(7) Any decision as is mentioned in subsection (3) ordering the forfeiture of any title to immovable property shall be deemed to be and shall be enforceable as a Civil judgment transferring that title in favour of the Government, and the Attorney General shall, for the purposes of section 237 of the Code of Organisation and Civil Procedure, be considered as the interested party that may obtain the registration of such transfer.

(8) Where it results to the Court, that the offender, not being a person who cultivates, produces, sells or otherwise deals in any drug, is in need of medical care and assistance for his rehabilitation, the Court may, instead of applying any of the punishments provided for in the foregoing subsections, order that the offender be remitted to an institution designated for the purpose by the Minister responsible for health in order that he may be given the necessary treatment.

The Court shall cause such order to be forthwith conveyed to the Minister responsible for health, who will give such directives as he may deem fit for the care and treatment of any such person.”.

6. In section 7 of the principal law, the word “*sativa*” shall be deleted. Amendment of section 7 of the principal law.

7. Section 10 of the principal law shall be amended as follows: Amendment of section 10 of the principal law.  
 (a) for subsection (1) thereof there shall be substituted the following:

“(1) The drugs to which this Part of this Ordinance applies are those mentioned in the First Schedule hereto.”; and

(b) for subsection (3) thereof there shall be substituted the following:

“(3) Where it appears to the Minister responsible for public health that any other drug of whatever kind is or is likely to be productive, if improperly used, or is capable of being converted into a substance which is, or is likely to be productive, if improperly used, of ill-effects substantially of the same character or nature as or analogous to those produced by the drugs mentioned in the First Schedule hereto, the said Minister may by order in the Gazette make any additions, variations or alterations to such Schedule.”.

8. For the word “Schedule” wherever it occurs in sections 12, 13, 14, 15 and 18 of the principal law, there shall be substituted in each case the words “Second Schedule”. Amendment of sections 12, 13, 14, 16 and 18 of the principal law.

9. Immediately after section 26 of the principal law there shall be added the following new Schedule: Addition of new Schedule to the principal law.

#### “FIRST SCHEDULE

*Preparations containing any of the drugs included in Parts I and II of this Schedule subject to the exemptions listed in Part III of this Schedule.*

#### Part I

ACETORPHINE  
 ACETYLMETHADOL  
 ALLYLPRODINE  
 ALPHACETYLMETHADOL  
 ALPHAMEPRODINE  
 ALPHAMETHADOL  
 ALPHAPRODINE  
 ANILERIDINE  
 BENZETHIDINE  
 BENZYL MORPHINE  
 BETACETYLMETHADOL  
 BETAMEPRODINE  
 BETAMETHADOL  
 BETAPRODINE  
 BEZITRAMIDE  
 CANNABIS (Indian Hemp) — any extract or tincture thereof  
 CLONITAZENE

COCAINE  
CODOXIME  
Concentrate of poppy straw (the material arising when poppy  
straw has entered into a process for the concentration of  
its alkaloid when such material is made available in trade)  
DESOMORPHINE  
DXTROMORAMIDE  
DIAMPROMIDE  
DIETHYLTHIAMBUTENE  
DIFENOXIN  
DIHYDROMORPHINE  
DIMENOXADOL  
DIMEPHEPTANOL  
DIMETHYLTHIAMBUTENE  
DIOXAPHETYL BUTYRATE  
DIPHENOXYLATE  
DIPIANONE  
DROTEBANOL  
ECGONINE, its esters and derivatives which are convertible  
to ecgonine and cocaine  
ETHYLMETHYLTHIAMBUTENE  
ETONITAZENE  
ETORPHINE  
ETOXERIDINE  
FENTANYL  
FURETHIDINE  
HEROIN  
HYDROCODONE  
HDROMORPHINOL  
HYDROMORPHONE  
HYDROXPETHIDINE  
ISOMETHADONE  
KETOBEMIDONE  
LEVOMETHORPHAN \*  
LEVOMORAMIDE  
LEVOPHENACYLMORPHAN  
LEVORPHANOL \*  
MEDICINAL OPIUM  
METAZOCINE  
METHADONE  
METHADONE — INTERMEDIATE  
METHYLDESORPHINE  
METHYLDIHYDROMORPHINE  
METOPON  
MORAMIDE — INTERMEDIATE  
MORPHERIDINE  
MORPHINE

MORPHINE METHOBROMIDE and other pentavalent nitrogen morphine derivatives, including in particular the morphine-N-oxide derivatives, one of which is Codeine-N-Oxide

MORPHINE-N-OXIDE

MYROPHINE

NICOMORPHINE

NORACYMETHADOL

NORLEVORPHANOL

NORMETHADONE

NORMORPHINE

NORPIPANONE

OXYCODONE

OXYMORPHONE

PETHIDINE

PETHIDINE — INTERMEDIATE — A

PETHIDINE — INTERMEDIATE — B

PETHIDINE — INTERMEDIATE — C

PHENADOXONE

PHENAMPROMIDE

PHENAZOCINE

PHENOMORPHAN

PHENOPERIDINE

PIMINODINE

PIRITRAMIDE

PROHEPTAZINE

PROPERIDINE

RACEMETHORPHAN

RACEMORAMIDE

RACEMORPHAN

SUFENTANIL

THEBACON

THEBAINE

TILIDINE

TRIMEPERIDINE

The isomers, unless specifically excepted, of the drugs in this Part of the Schedule whenever the existence of such isomers is possible;

The esters and ethers, unless appearing in another Part of this Schedule, of the drugs in this Part of the Schedule whenever the existence of such esters or ethers is possible;

The salts of the drugs listed in this Part of the Schedule, including the salts of esters, ethers and isomers as provided above whenever the existence of such salts is possible.

\* DEXTROMETHORPHAN and DEXTRORPHAN are specifically excluded from this Part of the Schedule.

**Part II**

ACETYLDIHYDROCODEINE  
CODEINE  
DEXTROPROPOXYPHENE  
DIHYDROCODEINE  
ETHYLMORPHINE  
NICOCODINE  
NICODICODINE  
NORCODEINE  
PHOLCODINE  
PROPIRAM

The isomers, unless specifically excepted, of the drugs in this Part of the Schedule whenever the existence of such isomers is possible within the specific chemical designation;

The salts of the drugs listed in this Part of the Schedule, including the salts of the isomers as provided above whenever the existence of such salts is possible.

**Part III**

*Exemptions*

1. Preparations of:  
ACETYLDIHYDROCODEINE  
CODEINE  
DIHYDROCODEINE  
ETHYLMORPHINE  
NICOCODINE  
NICODICODINE  
NORCODEINE, and  
PHOLCODINE

when compounded with one or more other ingredients and containing not more than 100 milligrammes of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations.

2. Preparations of propiram containing not more than 100mg of propiram per dosage unit and compounded with at least the same amount of methylcellulose.

3. Preparations of cocaine containing not more than 0.1 per cent of cocaine calculated as cocaine base and preparations of opium or morphine containing not more than 0.2 per cent of morphine calculated as anhydrous morphine base and compounded with one or more other ingredients and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health.

4. Preparations of difenoxin containing, per dosage unit, not more than 0.5mg of difenoxin and a quantity of atropine sulfate equivalent to at least 5 per cent of the dose of difenoxin.

5. Preparations of dephenoxylate containing, per dosage unit, not more than 2.5 milligrammes of diphenoxylate calculated as base and a quantity of atropine sulfate equivalent to at least one per cent of the dose of diphenoxylate.

6. *Pulvis ipecacuanhae et opii compositus*

10 per cent opium in powder

10 per cent ipecacuanha root, in powder well mixed with

80 per cent of any other powdered ingredient containing no drug.

7. Preparations conforming to any of the formulae listed in this Part of the Schedule and mixtures of such preparations with any material which contains no drug.”.

10. The Schedule to the principal law shall be designated “Second Amendment of Schedule to the principal law.”.

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Passed by the House of Representatives at Sitting No. 417 of the 21st July, 1980.

C. AGIUS  
*Speaker*

C. MIFSUD  
*Clerk to the House of Representatives*