

DANGEROUS DRUGS ACT
Act 41 of 2000 – 5 December 2001

Amended 20/11; 9/11; GN 242/13 (cio 10/10/13); GN 179/15 (cio 11/9/15) GN 93/19 (cio 1/6/19); 12/19 (R2/19 – P28/19 (cio 1/8/19); 5/2020 (cio 9/7/2020); 15/21 (cio 5/8/21); 6/19 – P 20/22 (cio 1/6/22); 17/22 – P 34/22 (cio 7/12/22); 17/22 – P 5/23 – Rp 1/23 (cio 10/3/23); 12/23 (cio 20/7/23); 17/22 – P29/23 (cio 1/12/23); GN 175/23 (cio 5/12/23); 20/23 – P10/24 (cio 29/3/24); 8/25 – P4/25 (cio 15/5/25)

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DANGEROUS DRUGS ACT

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Dangerous Drugs Act.

2. Interpretation

“accredited science laboratory” means a science laboratory duly accredited by the Mauritius Accreditation Service under the Mauritius Accreditation Service Act for the purpose of analysing dangerous drugs;
[Inserted 17/22 (cio 10/3/23).]

“ADSU” means the Anti-Drug and Smuggling Unit of the Police organised for the prevention and detection of offences in connection with dangerous drugs;

“ADSU officer” –

(a) means a police officer attached for duty to ADSU; and

(b) includes the Director of ADSU;
[Inserted 17/22 (cio 10/3/23).]

“authorised person” means a medical practitioner, pharmacist, dental surgeon or veterinary surgeon, in the exercise of his profession;

“Authority” means a body or person empowered to grant import and export authorisations and diversion certificates and, in relation to Mauritius, means the Permanent Secretary acting in accordance with sections 12, 13, 14 and 15;

“bank” has the same meaning as in the [Banking Act](#);

“coca leaves” means the leaves of any plant of the genus *erythroxylaceae* from which cocaine can be extracted directly or by chemical



transformation;

“container” means any wrapper or receptacle;

“controlled delivery” has the meaning assigned to it in section 55;

“Conventions” means the United Nations 1961 Single Convention on Narcotic Drugs as amended by the Protocol of 1972 on Narcotic Drugs, 1971 Convention on Psychotropic Substances, and 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;

“corresponding law” means a law stated, in a certificate purporting to be issued by or on behalf of the Government of any country other than Mauritius, to be a law providing for the control and regulation in that country of the manufacture, sale, use, export and import of dangerous drugs in accordance with the Conventions;

“cultivation” includes the entire process of supervising the growth of a plant, from preparation of the soil up to and including harvest;

“Customs Department” means the Customs Department of the Mauritius Revenue Authority;

[Inserted 15/21 (cio 5/8/21).]

“customs officer” means an officer of the Customs Department;

[Inserted 15/21 (cio 5/8/21).]

“dangerous drug” means –

- (a) any plant or part thereof or substance listed in the First, Second or Third Schedule;
- (b) the isomers of the listed drugs, unless specifically excepted, whenever the existence of such isomers is possible within the specific chemical designation;
- (c) the esters and ethers of the drugs listed in the First, Second or Third Schedule whenever their existence is possible;
- (d) the salts and esters of the drugs listed in the First, Second or Third Schedule including the salts of ethers and isomers whenever the existence of such salts is possible;
- (e) the preparations of these substances, other than those listed in the Fifth Schedule;

“Director of ADSU” means a police officer, not below the rank of Deputy



Commissioner of Police, who is the officer-in-charge of ADSU;
[Inserted 17/22 (cio 10/3/23).]

“diversion certificate” means a certificate in the form prescribed, issued by the Authority;

“document” includes –

- (a) a book of account, a record, a bank statement, an invoice, a bill of lading, a bill of entry, a contract, an agreement, a ledger or a register;
- (b) any information or data stored on a mechanical or an electronic data storage device, together with access to the technology, enabling information in electronic form to be retrieved; and
- (c) any matter written, expressed or described on any substance by means of letters, figures or marks;

[Inserted 15/21 (cio 5/8/21).]

“drug offence” means an offence under this Act;

“drug user” means a person who –

- (a) is suspected of having committed an offence under section 34; but
- (b) in lieu of being prosecuted for that offence, is directed to undergo rehabilitation under Part IIIA;

[Inserted 17/22 (cio 10/3/23).]

“export” does not apply to a dangerous drug in transit in Mauritius;

“export authorisation” means an authorisation issued by the Authority in a country from which a dangerous drug is exported;

“family” in relation to a person, means –

- (a) a spouse, concubine or paramour of that person;
- (b) his legitimate, illegitimate, natural or adopted child;
- (c) a brother or sister of that person;
- (d) the lineal ascendant or descendant of that person; or
- (e) a brother, sister, concubine or paramour of the spouse of that person;



“financial institution” means –

- (a) a bank, non-bank deposit taking institution, or cash dealer, licensed or required to be licensed under the [Bank of Mauritius Act](#);
- (b) an institution, or a person, licensed or required to be licensed under the [Insurance Act](#) or the [Securities Act](#);
- (c) a management company, or registered agent, licensed or required to be licensed under the [Financial Services Act](#);

[Repealed and replaced 20/11 (cio 16/07/11).]

“FSL” means the Forensic Science Laboratory of the Ministry responsible for the subject of home affairs;

[Inserted 17/22 (cio 10/3/23).]

“*gandia*” means *bhang*, *babzi*, *siddhi* and all the parts of the plant known as *Cannabis Sativa L* or *Cannabis Indica* but does not include hashish, *charras* or *chiras*;

“Government store” means any place of storage approved by the Permanent Secretary;

“hashish”, “*charras*” or “*chiras*” means the resin obtained from the cannabis plant;

“import” does not apply to a dangerous drug in transit in Mauritius;

“Indian hemp” means the dried flowering or fruiting tops of the cannabis plant from which the resin has not been extracted;

“Judge” means a Judge of the Supreme Court;

“manufacture” means the entire process of producing a substance in consumable state, including extraction, refining and transformation by chemical reaction;

“medicinal cannabis” means a product which is –

- (a) produced from cannabis plant and contains one or more cannabis-based ingredients; and
- (b) presented as a capsule, an oil-based solution or suspension, or an oro-mucosal spray, and having a concentration of not more than 30 milligrammes of tetrahydrocannabinol per millilitre (3% weight per volume) per unit dose and a total volume of not more than 60 millilitres;



[Inserted 17/22 (cio 7/12/22).]

“Minister” means the Minister to whom responsibility for the subject of health is assigned;

“Ministry” means the Ministry responsible for the subject of health;
[Inserted 15/21 (cio 5/8/21).]

“NADC” means the National Agency for Drug Control established under the National Agency for Drug Control Act 2025;
[Inserted 8/25 (cio 15/5/25).]

“Permanent Secretary” means the Permanent Secretary of the Ministry or any officer of that Ministry to whom he has delegated any of his powers under this Act;

“possessions” –

- (a) means property of any kind, nature or description, whether movable or immovable, tangible or intangible; and
- (b) includes –
 - (i) any cash in a bank account or bank deposit, whether in a person’s own name or in a fictitious name;
 - (ii) any currency, whether or not the currency is legal tender in Mauritius, and any bill, security, bond, negotiable instrument or any instrument capable of being negotiated which is payable to bearer or endorsed payable to bearer, whether expressed in Mauritius currency or otherwise;
 - (iii) any balance held in Mauritius currency or in any other currency in accounts with any bank which carries on business in Mauritius or elsewhere;
 - (iv) any balance held in any currency with any bank outside Mauritius;
 - (v) motor vehicles, ships, aircraft, boats, works of art, jewellery, precious metals or any other item of value; and
 - (vi) any right or interest in property;

“precursor” means any substance listed in the Fourth Schedule;

“preparation” means –



- (a) a solution or mixture, in whatever physical state, containing a dangerous drug;
- (b) a dangerous drug in dosage form;

“prescribed” means prescribed by regulations made under section 60;

“prescription” means a prescription given by an authorised person for the supply of a dangerous drug for purposes of treatment given by him in the exercise of his profession;

“production” includes manufacture, processing, testing, mixing, dilution, cutting, packing and labelling;

“raw opium” means the spontaneously coagulated juice obtained from capsules of the *Papaver Somniferum L* whatever its content of morphine, which has been submitted only to the manipulations necessary for packing and transport;

“recipient” means a person to whom a dangerous drug is to be supplied.

[S. 2 amended by s. 3 of [Act 29 of 2003](#) w.e.f. 1 September 2003; s. 9 (a) of [Act 14 of 2009](#) w.e.f. 30 July 2009; s. 9 of [Act 20 of 2011](#) w.e.f. 16 July 2011; s. 21 of [Act 15 of 2021](#) w.e.f. 5 August 2021; s. 3 of [Act 17 of 2022](#) w.e.f. 7 December 2022; s. 3 of [Act 17 of 2022](#) w.e.f. 10 March 2023; s. 27 of [Act 8 of 2025](#) w.e.f. 15 May 2025.]

2A. Non-application of Act

Part II shall not apply to medicinal cannabis.

[S 2A inserted by s. 4 of [Act 17 of 2022](#) w.e.f. 7 December 2022.]

3. Classification of dangerous drugs

(1) Each of the dangerous drugs to which this Act applies is listed in either the First, Second or Third Schedule and different measures of control are specified in this Act according to the classification so adopted, dependent upon the degree of seriousness of the risk to public health of each such dangerous drug and the presence or otherwise of a medical use for it.

(2) All substances used in the manufacture of narcotic drugs and psychotropic substances as classified by the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, or otherwise, are included as precursors in the Fourth Schedule.

(3) Plants and substances are included in the appropriate Schedule under their respective international non-proprietary names, or, lacking such a



name, under their chemical names.

(4) Solid or liquid mixtures containing one or more substances governed by this Act, when divided into dosage units, are deemed to be preparations of dangerous drugs and subject to the same conditions as the substances they contain and preparations containing 2 or more substances subject to different conditions shall be subject to those conditions governing the most strictly controlled of their constituent substances.

(5) The Minister may, by regulations under section 60, exempt preparations containing a substance listed in the Second, Third or Fourth Schedule from such measure of control provided in this Act as may be specified in those regulations, when he is satisfied that those preparations are so compounded as to present no or no significant risk of abuse and that the substance cannot be readily recovered from them in a quantity sufficient to present such a risk.

4. Reference to Pharmacy Act

The substances listed in the Second and Third Schedules and their preparations shall be subject, in addition, to this Act, to the provisions of the [Pharmacy Act](#) to the extent that such provisions are consistent with those contained in this Act.

4A. Agency cooperation

(1) Notwithstanding any other enactment, the Permanent Secretary may, through an electronic system or in such other appropriate manner, share with another public sector agency or statutory body, such information as may be mutually agreed upon and which the public sector agency or statutory body may require for the discharge of its functions in respect of –

- (a) any substance listed in the First, Second, Third and Fourth Schedules;
- (b) the production, manufacture, or import or export transactions in relation to any substance referred to in paragraph (a);
- (c) producers, manufacturers, importers or exporters;
- (d) wholesalers, retailers, distributors or purchasers; or
- (e) data or information which is required for the purpose of enforcement.



(2) No public sector agency or statutory body shall disclose any information obtained pursuant to subsection (1) to a third party.

[S. 4A added by s. 21 of [Act 15 of 2021](#) w.e.f. 5 August 2021.]

PART II – CONTROL OF DANGEROUS DRUGS

5. Cultivation

(1) No person shall cultivate the opium poppy, coca bush or cannabis plant.

(2) A police officer may uproot or otherwise destroy any opium poppy, coca bush or cannabis plant found growing upon any land held or occupied under any title whatever and may take and remove samples for analysis and safe keeping as specified in section 58.

6. Prohibition of substances and preparations listed in First Schedule

Subject to section 7, no person shall at any time produce, manufacture, trade by wholesale or retail, distribute, transport, possess, supply, transfer (free or for payment), purchase, use, import, export or transit across Mauritius any of the plants, substances and preparations listed in the First Schedule.

7. Medical or scientific research or teaching

(1) For the purposes of medical or scientific research or teaching or the use of the forensic science services, the Permanent Secretary may authorise a person to cultivate, produce, manufacture, acquire, import, use or hold plants, substances and preparations listed in the First, Second and Third Schedules in quantities not exceeding those strictly required for the purpose in question.

(2) Any person authorised under subsection (1) shall keep a register in which he shall enter –

- (a) the quantities of listed plants, substances and preparations which he respectively imports, acquires, manufactures and destroys;
- (b) the date or dates of each such operation, together with the names of his respective suppliers.

(3) Any person so authorised shall furnish the Permanent Secretary with an annual report as to the quantities which he has used or destroyed during the preceding year and the quantities which he holds in stock.

(4) Every register maintained under subsection (2) shall be so maintained for a period of 5 years following the making of the last entry therein.



8. Licensing of substances and preparations listed in Second and Third Schedules

(1) Subject to subsection (2), no person shall import, cultivate, produce, manufacture, trade by wholesale or retail, distribute, or use any of the plants, substances and preparations listed in the Second and Third Schedules unless he is expressly licensed for that purpose, and no person shall do so at any establishment or on any premises not expressly licensed for that purpose.

[Amended 17/22 (cio 7/12/22).]

(2) Subsection (1) shall not apply to State-owned enterprises specially authorised in writing by the Minister or to their employees acting in that capacity.

(3) (a) Any person who wishes to engage in the operations mentioned in subsection (1) shall make an application on the prescribed form to the Permanent Secretary.

(b) The Permanent Secretary shall, on receipt of an application, verify the character and professional qualifications of the applicant and of any person responsible for carrying out the obligations laid down in this Act and in the licence and may, subject to subsections (2) and (6), grant the licence.

(c) A licence issued under this subsection shall indicate the substances and preparations involved in the authorised activity, the quantities that may be involved, the form of bookkeeping required, and all other obligations which the licensee must fulfill.

(4) (a) Any person who wishes to use all or part of the establishments and premises of licensed private enterprises or specially authorised State enterprises for the production, manufacture, wholesale trading and distribution, international trading, or use of the plants, substances and preparations listed in the Second and Third Schedules shall make an application on the prescribed form to the Permanent Secretary.

(b) The Permanent Secretary may, on receipt of an application and after verifying that the establishments and premises, or parts thereof to be used, comply with the security standards established by the Ministry, grant the licence.

(5) Every licence issued under this section shall indicate upon its face its period of validity.

(6) The Permanent Secretary may revoke or suspend a licence for any period not exceeding 6 months, in the event of irregularities in the exercise of the authorised activity, of particular breaches of the obligations laid down in the licence or of negligence on the part of the staff, or if the relevant application for the licence contained an inaccurate statement of fact.



(7) No licence shall be issued to any person convicted of an offence under this Act and any licence purporting to be issued to such a person shall be null and void.

(8) Where any person who has been issued with a licence under this section is convicted of an offence under this Act, the Permanent Secretary shall forthwith withdraw and cancel the licence.

(9) Where any person who has been issued with a licence under this section is charged with an offence under this Act, the Permanent Secretary may, in his discretion, suspend the operation of the licence until the final determination of the charge by a Court of law.

[S. 8 amended by s. 5 of [Act 17 of 2022](#) w.e.f. 7 December 2022.]

9. Disciplinary sanctions of Minister

[Amended 12/19 (cio 1/8.19).]

(1) Where the Permanent Secretary has reason to suspect that an authorised person is supplying to or prescribing for any person a dangerous drug otherwise than is properly required or in excess of the amount that is properly required for the medical or dental treatment of that person or the veterinary treatment of an animal, he may, notwithstanding any other provisions of this Act, refer the matter to the appropriate disciplinary body.

[Amended 12/19 (cio 1/8.19).]

(2) –

[R 12/19 (cio 1/8.19).]

(3) –

[R 12/19 (cio 1/8.19).]

(4) Where a matter is referred to the appropriate disciplinary body under subsection (1), that matter shall be dealt, where it is in relation to a –

- (a) dental surgeon, in accordance with the [Dental Council Act](#);
- (b) medical practitioner, in accordance with the [Medical Council Act](#);
- (c) pharmacist, in accordance with the [Pharmacy Council Act 2015](#); or
- (d) veterinary surgeon, in accordance with the [Veterinary Council Act](#).

[RR 12/19 (cio 1/8.19).]



(5) The appropriate disciplinary body shall, after having dealt with the matter referred to in under subsection (1), make its recommendation to the Minister.

[RR 12/19 (cio 1/8.19).]

(6) The Minister may, on the recommendation of the appropriate disciplinary body –

(a) withdraw the authority of the authorised person to supply, procure or be in possession of any dangerous drugs; and
[Amended 12/19 (cio 1/8.19).]

(b) direct that no prescription containing a dangerous drug shall be issued by that authorised person.

(7) Notice of any withdrawal of authority or direction under subsection (6) shall be published in the *Gazette*.

(8) In this subsection –

“appropriate disciplinary body” means –

(a) the Dental Council of Mauritius established under the [Dental Council Act](#);

(b) the Medical Council of Mauritius established under the [Medical Council Act](#);

(c) the Pharmacy Council of Mauritius established under the [Pharmacy Council Act 2015](#);

(d) the Veterinary Council of Mauritius established under the [Veterinary Council Act](#).

[Added 12/19 (cio 1/8.19).]

[S. 9 amended by s. 3 of [Act 12 of 2019](#) w.e.f. 1 August 2019.]

10. Limitation of stocks

(1) On or before 31 December each year, the Permanent Secretary shall, in the light of the prevailing market conditions, lay down the maximum quantities of the various substances and preparations that each licensed private enterprise and specially authorised State-owned enterprise under this Part may manufacture or stock, during the following year, as required for the normal conduct of its business.

(2) The Permanent Secretary may at any time alter the limits laid down



by him in accordance with subsection (1), and shall promptly notify each licensee in writing of the limits applicable to it under subsection (1) or, as the case may be, under this subsection.

(3) The Permanent Secretary may, where he is satisfied that a person authorised to stock a dangerous drug holds a quantity in excess of his annual entitlement, requisition the surplus quantity of the drug upon payment of an amount not less than the amount paid to acquire the drug.

11. Safety measures

Every person authorised under this Act to hold dangerous drugs shall take such safety measures as are necessary for the storage and transport of the drugs, in order to prevent theft or any other form of diversion or loss.

12. Import and export

(1) Any person who exports or imports dangerous drugs shall apply for separate authorisation from the Permanent Secretary on a standard form established by the Commission on Narcotic Drugs of the United Nations Economic and Social Council as specified in regulations made under section 60.

(2) (a) An application for authorisation shall indicate –

- (i) the nature of the operation envisaged;
- (ii) the names and addresses of the importer and exporter and, if known, those of the consignee;
- (iii) the international non-proprietary name of each substance or, failing this, the name of the substance in the Schedules, the pharmaceutical form and, in the case of a preparation, its name if it has one, the quantity of each substance and preparation involved in the operation, the period during which the operation shall take place, the mode of transport or shipment to be used, and the point of entry into, or of departure from, Mauritius.

(b) The import certificate issued by the Government of the importing country or territory shall be attached to every application for export.

(3) (a) An import or export authorisation shall contain the same details as the relevant application regarding the operation that it permits.

(b) The import authorisation shall specify whether the import is to



be effected in a single consignment or may be effected in more than one consignment.

(c) The export authorisation shall also indicate the number and date of the import certificate, affirming that the import of the substance or the preparation has been authorised.

(4) After an imported consignment has entered Mauritius or when the period stipulated in the import authorisation has expired, the Permanent Secretary shall send the export authorisation to the Government of the exporting country or territory, with an endorsement specifying the quantity of each plant, substance and preparation actually imported.

(5) Every dangerous drug shall –

- (a) on importation, be kept at a Government store at the risk and expense of the importer;
- (b) be delivered or taken from the Government store only on production by and in the presence of the authorised person, of a delivery permit signed by the Permanent Secretary in the form prescribed.

(6) Any commercial document, such as an invoice, a cargo manifest or a customs, transport or other shipping document, shall include the names of the plants and substances listed in the Schedules, the names of the preparations, if they have one, the quantities exported from Mauritius or to be imported into it, and the name and address of the exporter, the importer and, where available, the consignee.

(7) Any consignment entering or leaving Mauritius shall –

- (a) be detained by the customs authorities until the legitimacy of the consignment is confirmed or until a Court orders its forfeiture, where it is not accompanied by a proper export or import authorisation; and
- (b) be seized where no export or import authorisation has been granted.

13. Drugs in transit

(1) Subject to subsection (5), no person shall bring any dangerous drug to Mauritius in transit, unless the dangerous drug is accompanied by valid export and import authorisations.



(2) Where a dangerous drug in transit is accompanied by an export authorisation or diversion certificate and the Permanent Secretary has reasonable grounds to believe that the authorisation or certificate is false or has been obtained by fraud or wilful misrepresentation of a material particular, he may seize and detain the dangerous drug to which the authorisation or certificate relates.

(3) The Permanent Secretary shall, on being satisfied that the export authorisation or diversion certificate is valid, release any dangerous drug detained under subsection (2).

(4) Where a dangerous drug brought in transit is landed or transhipped in Mauritius, it shall remain under the control of the Permanent Secretary and be kept in a Government store.

(5) Subsection (1) shall not apply to a dangerous drug in transit by post or to any dangerous drug *bona fide* forming part of the medical stores of any ship or aircraft.

14. Interference with dangerous drugs in transit

No person shall –

- (a) cause a dangerous drug lawfully in transit to be subjected to any process which could alter its nature;
- (b) wilfully open or break any package or container containing any dangerous drug lawfully in transit,

otherwise than in accordance with instructions issued by the Permanent Secretary.

15. Diversion certificates

(1) The Permanent Secretary may, upon production to him of a valid import authorisation issued by an Authority in the country to which it is proposed to divert a dangerous drug, issue a diversion certificate in respect of a dangerous drug in transit.

(2) A diversion certificate shall be in duplicate and –

- (a) one copy shall accompany the dangerous drug when it is sent from Mauritius; and
- (c) the other copy shall be forwarded by the Permanent Secretary to the Authority in the country to which the



consignment has been diverted.

(3) On the issue of a diversion certificate, any person holding the export authorisation or diversion certificate accompanying the dangerous drug on its arrival in Mauritius shall remit it to the Permanent Secretary who shall return it to the Authority issuing it, together with notice of the name of the country to which the consignment has been diverted.

(4) No person shall, except under the authority of a diversion certificate, cause or procure any dangerous drug lawfully brought in transit to be diverted to any destination other than that to which it was originally consigned.

16. Free trade zones and free ports

Notwithstanding the provisions of any other enactment, all free ports and free trade zones shall be subject to the same control and supervision under the provisions of this Act as other parts of Mauritius.

17. Supply of drugs to an authorised person

(1) Every authorised person who requires a supply of a dangerous drug shall make an application to the supplier in a form approved by the Permanent Secretary in triplicate.

(2) Where a supplier receives an application under subsection (1), he shall –

- (a) endorse the original and each copy with –
 - (i) a serial number corresponding to the relevant entry made in the Prescriptions Book kept under the [Pharmacy Act](#); and
 - (ii) a statement of the amount of any dangerous drug actually supplied by him;
- (b) deliver the original and a copy with the dangerous drug to the recipient who shall complete both the original and the copy and return the original to the supplier.

(3) Every original and every copy of an application furnished under this section shall be –

- (a) serially numbered for each year; and
- (b) kept by the supplier and the recipient for inspection



purposes.

(4) No pharmacist shall dispense, prepare, supply or cause to be dispensed, prepared or supplied any dangerous drug under a prescription issued by an authorised person in respect of whom a direction has been given in accordance with section 9 (6) (b).

18. Prescription of drugs by an authorised person

(1) Subject to subsection (3), an authorised person who prescribes a dangerous drug shall –

(a) handwrite, other than for methadone, the prescription, date and sign it;

[Amended 17/22 (cio 7/12/22).]

(b) give his name and address;

(c) give the name and address of the person for whom the dangerous drug is prescribed, or, where it is given by a veterinary surgeon, of the person to whom the dangerous drug prescribed is to be delivered;

(d) where he is a dentist, write the words "FOR LOCAL DENTAL TREATMENT ONLY", or where he is a veterinary surgeon, write the words "FOR ANIMAL TREATMENT ONLY"; and

(e) specify in figures and words the total amount of the dangerous drug to be supplied, or, where the dangerous drug is packed in ampoules, either the total amount to be supplied or the total amount intended to be administered or injected.

(2) No authorised person shall issue a prescription for the supply of a dangerous drug to himself or for his own use.

(3) No authorised person shall, otherwise than on prescribed forms, prescribe the dangerous drugs listed in the Second Schedule and such other dangerous drugs listed in the Third Schedule as may be specified in regulations.

(4) No authorised person shall prescribe any dangerous drug –

(a) for a period of treatment exceeding 14 days –

[Amended 17/22 (cio 7/12/22).]

(i) in the case of drugs listed in the Second Schedule; and

(ii) in the case of such of the drugs listed in the Third



Schedule as may be prescribed;

- (b) for a period of treatment exceeding one month in the case of all other dangerous drugs listed in the Third Schedule.

[S. 18 amended by s. 6 of [Act 17 of 2022](#) w.e.f. 7 December 2022.]

19. Supply of drugs on prescription

- (1) No person shall supply a dangerous drug on prescription unless –
 - (a) the prescription complies with section 18;
 - (b) he has taken such reasonable steps as may be necessary to ascertain that the prescription is genuine;
 - (c) the prescription is presented for dispensing not later than 7 days after the date of the prescription.
- (2) No person shall supply a dangerous drug more than once on a prescription.
- (3) Every person dispensing a dangerous drug on prescription shall –
 - (a) at the time of dispensing, mark on the prescription the date on which it is dispensed;
 - (b) keep the prescription on the premises where the dangerous drug prescribed has been dispensed;
 - (c) deliver to the person for whose use the dangerous drug was supplied or to his agent a copy of the prescription bearing –
 - (i) the serial number of the prescription;
 - (ii) the date on which the prescription was dispensed;
 - (iii) the stamp of the pharmacy; and
 - (d) forthwith notify the Permanent Secretary of any suspect prescription, specifically as regards the quantity of dangerous drugs prescribed and the repetition of any such prescriptions.



20. Packaging and labelling

(1) Subject to subsection (2), no person shall supply a dangerous drug otherwise than in a container labelled –

- (a) in the case of a powder, solution or ointment, with the total quantity of the dangerous drug supplied and the percentage of the dangerous drug contained in it;
- (b) in the case of tablets and other articles, with the total quantity of the dangerous drug contained in the tablet or article;
- (c) in the case of substances and preparations listed in the Second Schedule, a double red band.

(2) Subsection (1) shall not apply to a dangerous drug dispensed by, or on the prescription of, a medical practitioner, dental surgeon or veterinary surgeon.

(3) The outer wrapping of parcels for consignment containing dangerous drugs shall bear no information other than the names and addresses of the sender and the consignee and shall be sealed with the sender's mark.

21. Possession of drugs

(1) No person shall possess any dangerous drug unless he is authorised to do so under this Act.

(2) A person shall be deemed to possess a dangerous drug if it is in his custody or is held by another person subject to his control, or on his behalf, or if it is in or upon enclosed premises or a vehicle, boat or aircraft which is for the time being subject to his control.

(3) Subject to subsection (4), a person to whom a dangerous drug is lawfully supplied for his own use shall be deemed to be a person authorised to possess the drug so supplied.

(4) Where a dangerous drug is supplied or prescribed by an authorised person for a patient and is also being supplied to the same patient by another authorised person, the patient shall not be deemed to be a person authorised to be in possession of any of those dangerous drugs unless the patient disclosed to the first-mentioned authorised person that he was already being supplied with the dangerous drug by that other authorised person.

(5) An authorised person, any person employed or engaged in dispensing medicines at a hospital or any person in charge of any laboratory



attached to a college, hospital or other institution approved by the Minister for purposes of research or instruction, may possess such dangerous drugs so as may be necessary for the practice of his profession or employment.

22. International carriers

The Minister may authorise ships, aircraft and other public transport conveyances registered in Mauritius and engaged in international travel to carry small quantities of medicines listed in the Second and Third Schedules within the limits required for the provision of first aid in emergency cases.

23. Electronic Drugs Register

(1) For the purpose of this section –

- (a) a pharmacist or a designated person who purchases or otherwise obtains dangerous drugs, or who sells or supplies dangerous drugs;
- (b) a medical practitioner, a dental surgeon, a veterinary surgeon or a designated person who purchases, obtains or supplies dangerous drugs;
- (c) a manufacturer, an importer, an exporter, a wholesaler or a retailer of dangerous drugs,

shall keep a Drugs Register into which entries, in respect of every transaction of dangerous drugs effected by him or any person under his control, shall be made electronically in such manner as the Permanent Secretary may determine.

(2) Where a pharmacist or any person under his control sells or supplies dangerous drugs, he shall, not later than 24 hours after the sale or supply, make entries in the Poisons Register kept by him under the [Pharmacy Act](#) and make entries into the Drugs Register, of the particulars of every dangerous drug sold or supplied by him and a reference for easy identification of each corresponding entry in the Poisons Register.

(3) Where any entry is required to be made into the Drugs Register pursuant to subsection (1) or (2), it shall –

- (a) specify the date of the transaction;
- (b) specify the name and the quantity of the dangerous drugs transacted;
- (c) be expressed –



- (i) in the case of a solid, in grammes;
 - (ii) in the case of a powder, solution or ointment, in terms of the total quantity of the dangerous drugs transacted and the percentage of the dangerous drug contained in it;
 - (iii) in the case of tablets and other articles, in terms of the total quantity of the dangerous drugs contained in the tablet or article; and
 - (iv) in the case of a liquid, in millilitres;
- (d) where a transaction is made by a pharmacist in respect of a dangerous drug listed in the Second, Third and Fifth Schedules, specify the name of the medical practitioner, dental surgeon or veterinary surgeon who issued the prescription and the name of the purchaser; and
 - (e) where a transaction is made by a manufacturer, an importer, an exporter, a wholesaler or a retailer in respect of a substance listed in the Fourth Schedule, specify the name, address and profession of both the purchaser and vendor;
 - (f) specify such other information as the Permanent Secretary may determine.
- (4) No entry made into the Drugs Register under subsection (1) or (2) shall –
- (a) be altered otherwise than by a footnote duly dated by him, giving the particulars of the alteration; and
 - (b) be cancelled or obliterated.
- (5) A separate Drugs Register shall be kept in respect of each place of business where a transaction of dangerous drugs is effected and shall be made available for inspection at all times.
- (6) Every pharmacist shall –
- (a) on or before 15 January in every year, furnish the Permanent Secretary with a statement, electronically in such manner as the Permanent Secretary may determine, containing all information in respect of any dangerous drugs delivered to



him or obtained from him and the stock of dangerous drugs during the preceding year; and

- (b) on request, give to the Permanent Secretary such particulars of his stock of dangerous drugs or of any transaction involving a dangerous drug as the Permanent Secretary may require.

(7) In this section –

“designated person” means such person as the Permanent Secretary may designate.

[S. 23 repealed and replaced by s. 21 of [Act 12 of 2023](#) w.e.f. 20 July 2023.]

24. Access to Drugs Register

Notwithstanding any other enactment, the Permanent Secretary, or any police officer or customs officer acting upon the written authority of the Permanent Secretary, may, for the purposes of this Act, have access to a Drugs Register.

[S. 24 repealed and replaced by s. 21 of [Act 12 of 2023](#) w.e.f. 20 July 2023.]

25. –

[S. 25 repealed by s. 21 of [Act 12 of 2023](#) w.e.f. 20 July 2023.]

26. Retention of documents

Every document required to be obtained or kept under this Act shall be preserved –

- (a) in the case of a register or Drugs Register, as the case may be, book or other like record, for 5 years from the date on which the last entry is made in it; and

[amended 12/23 (cio 20/7/23).]

- (b) in the case of any other document, for 5 years from the date on which it is issued or made.

[S. 26 amended by s. 21 of [Act 12 of 2023](#) w.e.f. 20 July 2023.]

27. Provisions applicable to Fourth Schedule substances (precursors)

(1) The manufacture, retail trading or distribution and international trading of substances listed in the Fourth Schedule shall be subject to the



provisions of sections 8 and 12.

[amended 15/21 (cio 5/8/21).]

(2) An export or import authorisation shall not be granted for a substance listed in the Fourth Schedule if there are reasonable grounds to suspect that the consignment is destined for the illicit manufacture of dangerous drugs.

(3) –

[RR 15/21 (cio 5/8/21); R 12/23 (cio 20/7/23).]

(4) –

[R 12/23 (cio 20/7/23).]

(5) Any manufacturer, importer, exporter, wholesaler and retailer shall forthwith notify the Permanent Secretary of any suspect orders and operations, specifically as regards the quantity of the substance purchased or ordered, the repetition of such orders and purchases, or the modes of payment or transport used in connection therewith.

(6) Where there is serious ground to warrant the suspicion that a substance listed in the Fourth Schedule is to be used in the unlawful manufacture of a dangerous drug, any police officer or customs officer acting upon the written authority of the Permanent Secretary may forthwith seize and impound that substance and may detain it until a competent Court gives further directions as to its disposition.

[amended 15/21 (cio 5/8/21).]

[S 27 amended by s. 21 of [Act 15 of 2021](#) w.e.f. 5 August 2021; s. 21 of [Act 12 of 2023](#) w.e.f. 20 July 2023.]

28. Inspection

(1) Any person or establishment licensed under this Act shall be subject to inspections carried out, at least every 2 years, in accordance with the provisions of the [Pharmacy Act](#).

(2) Notwithstanding any other enactment and subject to section 27(5), an inspection may be carried out by any officer of the Ministry, a police officer, a customs officer and such other person as the Permanent Secretary may determine.

[Added 15/21 (cio 5/8/21).]

[S. 28 amended by s. 21 of [Act 15 of 2021](#) w.e.f. 5 August 2021.]



PART IIA – MEDICINAL CANNABIS

28A. Interpretation of Part IIA

In this Part –

“authorised patient” means a patient who is, pursuant to section 28F, issued with a prescription to be treated with medicinal cannabis;

“authorised pharmacist” means a Government pharmacist who –

- (a) has successfully completed a training course, as approved by the Ministry, on the therapeutic use of medicinal cannabis; and
- (b) is authorised, in writing, by the Ministry to handle and dispense medicinal cannabis;

“authorised specialist” means a specialist who –

- (a) is registered as such under section 20 of the [Medical Council Act](#);
- (b) has successfully completed a training course, as approved by the Ministry, on the therapeutic use of medicinal cannabis; and
- (c) is authorised, in writing, by the Ministry to make a request for, and to issue a prescription to, a patient to be treated with medicinal cannabis;

“specific therapeutic conditions” –

- (a) means –
 - (i) spasticity, associated with multiple sclerosis, that has failed to respond to conventional treatment;
 - (ii) severe refractory epilepsy that has failed to respond to conventional anti-convulsant treatment;
 - (iii) intractable nausea and vomiting, associated with chemotherapy, that has failed to respond to conventional anti-emetic treatment; or
 - (iv) severe intractable pain that has failed to respond to conventional treatment; and
- (b) includes such other therapeutic conditions as may be authorised by



the Medicinal Cannabis Therapeutic Committee based on therapeutic evidence.

[S. 28A inserted by s 7 of [Act 17 of 2022](#) w.e.f. 7 December 2022.]

28B. Lawful use and importation of medicinal cannabis

No person shall use or import medicinal cannabis unless he is authorised to do so under this Part.

[S. 28B inserted by s. 7 of [Act 7 of 2022](#) w.e.f. 7 December 2022.]

28C. Medicinal Cannabis Therapeutic Committee

(1) There shall be, in every regional hospital, a Medicinal Cannabis Therapeutic Committee which shall determine, on a request made by an authorised specialist, whether a patient needs treatment with medicinal cannabis.

(2) Every Medicinal Cannabis Therapeutic Committee shall consist of –

- (a) a Regional Health Director, as chairperson;
- (b) 2 Government authorised specialists; and
- (c) an authorised pharmacist.

(3) Every Medicinal Cannabis Therapeutic Committee shall regulate its meetings in such manner as it thinks fit and may co-opt such other person as it may determine.

[S. 28C inserted by s. 7 of [Act 17 of 2022](#) w.e.f. 7 December 2022.]

28D. Request for treatment with medicinal cannabis

(1) No person, other than an authorised specialist, shall make a request to the Medicinal Cannabis Therapeutic Committee for a patient to be treated with medicinal cannabis.

(2) Where an authorised specialist assesses that a patient who suffers from specific therapeutic conditions requires treatment with medicinal cannabis, he shall make a request, in such form as may be prescribed, to the Medicinal Cannabis Therapeutic Committee of the regional hospital which is nearest to the place of residence of the patient.

(3) Notwithstanding this section, no authorised specialist shall make a



request for himself to be treated with medicinal cannabis.

[S. 28D inserted by s. 7 of [Act 17 of 2022](#) w.e.f. 7 December 2022.]

28E. Approval or rejection of request

(1) The Medicinal Cannabis Therapeutic Committee shall, on receipt of a request made under section 28D, approve or reject the request.

(2) Where, pursuant to a request made under section 28D, the Medicinal Cannabis Therapeutic Committee approves or rejects the request, it shall convey, in writing, its approval or rejection, as the case may be, to the authorised specialist.

[S. 28E inserted by s. 7 of [Act 17 of 2022](#) w.e.f. 7 December 2022.]

28F. Prescription for treatment with medicinal cannabis

(1) On receipt of an approval under section 28E, the authorised specialist may issue a prescription, in such form as may be prescribed, to the patient to be treated with medicinal cannabis.

(2) The treatment with medicinal cannabis may be prescribed for a renewable period not exceeding 3 months and on such other terms and conditions as the Medicinal Cannabis Therapeutic Committee may determine.

[S. 28F inserted by s. 7 of [Act 17 of 2022](#) w.e.f. 7 December 2022.]

28G. Dispensing medicinal cannabis

(1) No medicinal cannabis shall be dispensed –

- (a) other than in a regional hospital;
- (b) other than by an authorised pharmacist;
- (c) other than to the authorised patient, unless a person acting on behalf of the patient is authorised by the Medicinal Cannabis Therapeutic Committee;
- (d) more than once on a prescription for medicinal cannabis.

(2) On receipt of a prescription for medicinal cannabis, an authorised pharmacist shall take such reasonable steps as may be necessary to ascertain that the Medicinal Cannabis Therapeutic Committee approved the request for medicinal cannabis.



(3) An authorised pharmacist who dispenses medicinal cannabis on a prescription for medicinal cannabis shall –

- (a) at the time of dispensing, mark on the prescription the date on which it is dispensed;
- (b) keep the prescription on the premises where the medicinal cannabis prescribed has been dispensed;
- (c) deliver to the authorised patient for whose use the medicinal cannabis was supplied, or to the person acting on his behalf, a copy of the prescription bearing –
 - (i) the date on which the prescription was dispensed; and
 - (ii) the stamp of the hospital;
- (d) enter into the register of medicinal cannabis the details of the patient required under section 28H(2); and
- (e) forthwith notify the Consultant-in-Charge of the hospital for record purposes.

[S. 28G inserted by s. 7 of [Act 17 of 2022](#) w.e.f. 7 December 2022.]

28H. Register of medicinal cannabis

(1) There shall be, in every regional hospital, a register of medicinal cannabis, to be kept in such manner as the Permanent Secretary may determine.

(2) An authorised pharmacist who dispenses medicinal cannabis to an authorised patient, or to a person acting on behalf of the patient, shall forthwith enter into the register of medicinal cannabis –

- (a) the name, address, National Identity Card number and contact details of the patient or the person acting on behalf of the patient;
- (b) the name of the authorised specialist who issued the prescription for medicinal cannabis;
- (c) the prescription of medicinal cannabis in respect of the authorised patient;
- (d) the medicinal cannabis dispensed;
- (e) the quantity of medicinal cannabis dispensed;



- (f) the date on which the medicinal cannabis is dispensed;
- (g) such other particulars as the Permanent Secretary may deem necessary.

[S. 28H inserted by s. 7 of [Act 17 of 2022](#) w.e.f. 7 December 2022.]

28J. Importation of medicinal cannabis

- (1) No person shall import medicinal cannabis unless –
 - (a) the medicinal cannabis is imported on behalf of the Ministry; and
 - (b) the person is authorised, in writing, by the Ministry.

(2) Where medicinal cannabis is imported, the importer shall, under the strict supervision of the Police, deliver the medicinal cannabis to the Ministry.

[S. 28J inserted by s. 7 of [Act 17 of 2022](#) w.e.f. 7 December 2022.]

28K. Patients coming from abroad

It shall not be an offence for a person who travels into Mauritius to be in possession of medicinal cannabis where he –

- (a) has a prescription to be treated with that medicinal cannabis; and
- (b) is authorised as such by the Ministry.

[S. 28K inserted by s. 7 of [Act 17 of 2022](#) w.e.f. 7 December 2022.]

28L. Guidelines

The Ministry may issue such guidelines as may be necessary for the purposes of this Part.

[S. 28L inserted by s. 7 of [Act 17 of 2022](#) w.e.f. 7 December 2022.]

PART III – OFFENCES

29. Penalty for unlawful activities

- (1) Any person who –
 - (a) contravenes any provision of Part II or Part IIA; or
[Amended 17/22 (cio 7/12/22).]



- (b) obstructs a public officer carrying out his functions under this Act,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 15 years.

- (2) Any person who –

- (a) in Mauritius, aids, abets, counsels or procures the commission in any place outside Mauritius of an offence, which if committed in Mauritius would be an offence against this Act and which is punishable under any corresponding law in force in that place;
- (b) in any place outside Mauritius, does any act preparatory to or in furtherance of the commission in Mauritius of an offence against this Act,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 15 years.

[S. 29 amended by s. 3 of [Act 30 of 2008](#) w.e.f. 20 February 2009; s. 8 of [Act 17 of 2022](#) w.e.f. 7 December 2022.]

30. Drug dealing offences

- (1) Any person who unlawfully –

- (a) organises, manages, or finances any of the offences specified in this section;
- (b) imports, exports, causes to be imported or exported, aids, abets, counsels or procures the importation or exportation of any dangerous drug;
- (c) produces, manufactures, extracts, prepares or transforms any dangerous drug;
- (d) offers, offers for sale, distributes, sells, brokers, delivers or transports on any terms whatsoever, dispatches, or dispatches in transit any dangerous drug;
- (e) cultivates opium poppy, coca bush or cannabis plant;
- (f) possesses, purchases or offers to purchase any dangerous drug for the purpose of any activity in this section,



shall commit an offence and shall, on conviction, be liable –

- (i) where the offence is in respect of a dangerous drug specified in Part I of the First Schedule, Second Schedule or Third Schedule, to a fine not exceeding one million rupees and to penal servitude for a term not exceeding 25 years;
- (ii) where the offence is in respect of a dangerous drug specified in Part II of the First Schedule, to a fine not exceeding one million rupees together with penal servitude for a term which shall not be less than 5 years and not more than 25 years.

(2) –
[R 17/22 (cio 10/3/23).]

(3) Where on the trial of a person charged with an offence under subsection (1) (f), it is proved that the possession, purchase or offer to purchase, as the case may be, was not for the purpose of any activity specified in subsection (1), he shall not by reason thereof be acquitted but the Court may find such person guilty of an offence of possession, purchase or offer to purchase, as the case may be, under section 34 (1) (b).

[S. 30 amended by s. 4 of [Act 29 of 2003](#) w.e.f. 1 September 2003; s. 4 of [Act 30 of 2008](#) w.e.f. 20 February 2009; s. 9 of [Act 17 of 2022](#) w.e.f. 10 March 2023.]

31. Detention for drug dealing

(1) Where any person is arrested under reasonable suspicion of having committed any offence under section 30, 33, 35, 36, 38 or 39, a police officer not below the rank of Superintendent of Police may, subject to this section, direct that the person arrested be detained in police custody for a period not exceeding 36 hours from his arrest, without having access to any person other than a police officer not below the rank of Inspector or a Government Medical Officer and, in any such case, that person shall be detained accordingly.

(2) No direction under subsection (1) shall be issued unless the police officer has reasonable grounds to believe that giving access to any person other than the police officer not below the rank of Inspector or the Government Medical Officer specified in that subsection –

- (a) will lead to interference with or harm to evidence connected with an offence under section 30 or 39 or interference with or physical injury to other persons; or
- (b) will lead to the alerting of other persons suspected of having



committed such an offence but not yet arrested for it; or

- (c) will hinder the recovery of property obtained as a result of such an offence; or
- (d) will hinder the recovery of the value of the detained person's proceeds of drug trafficking.

(3) As soon as a direction is issued under subsection (1), the person detained shall be informed that he may, if he so wishes, be examined by a Government Medical Officer.

(4) A custody record containing the information specified in the Sixth Schedule to this Act shall be kept in respect of any person detained pursuant to the powers conferred by this section.

(5) A video recording shall be kept in the manner specified in the Seventh Schedule to this Act in respect of any person detained pursuant to the powers conferred by this section.

(6) A video recording under this section shall, notwithstanding the common law rule against hearsay, be admissible in evidence in the course of any judicial proceedings to the same extent and in the same manner as documentary evidence would be admissible.

(7) In this section, "video recording" includes the recording of visual images or sound by electronic or other technological means.

32. –

[S. 32 repealed by s. 5 of [Act 30 of 2008](#) w.e.f. 20 February 2009.]

33. Precursors, materials and equipment

Any person who unlawfully produces, manufactures, imports, exports, transports, offers, sells, distributes, delivers on any terms whatsoever, consigns, dispatches, purchases or offers to purchase or holds precursors, equipment or materials –

- (a) for the purpose of using them in or for the unlawful cultivation, production or manufacture of dangerous drugs; or
- (b) knowing that the precursors, equipment and materials are to be used for any of the purposes specified in paragraph (a),

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding



15 years.

[S. 33 amended by s. 6 of [Act 30 of 2008](#) w.e.f. 20 February 2009.]

34. Unlawful use of drugs

- (1) Any person who unlawfully –
- (a) smokes, inhales, sniffs, consumes or administers to himself in any way whatsoever, any dangerous drug;
 - (b) possesses, purchases, offers to purchase or transports any dangerous drug;
 - (c) has in his possession any pipe, syringe, utensil, apparatus or other article for use in connection with smoking, inhaling, sniffing, consuming or the administration of any dangerous drug,

shall commit an offence and shall, on conviction, and subject to subsections (2) and (5), be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.

(2) –
[R 17/22 (cio 10/3/23).]

(3) –
[R 17/22 (cio 10/3/23).]

(4) –
[R 17/22 (cio 10/3/23).]

(5) A person convicted of an offence under subsection (1) (b) and found to have purchased, offered to purchase, transported or been in possession of any dangerous drugs –

[Amended 17/22 (cio 10/3/23).]

- (a) listed in Part I of the First Schedule, Second Schedule or Third Schedule, the street value of which is 5,000 rupees or more; or
- (b) listed in Part II of the First Schedule, the street value of which is 10,000 rupees or more,

shall be liable to double the maximum penalties specified in respect of that offence under subsection (1).



(6) The repealed subsections (3) and (4) shall continue to apply where a Court order under the repealed subsection (2) has been made prior to the commencement of this subsection.

[Added 17/22 (cio 10/3/23).]

[S. 34 repealed and replaced by s. 5 of [Act 29 of 2003](#) w.e.f. 1 September 2003; amended by s. 7 of [Act 30 of 2008](#) w.e.f. 20 February 2009; s 10 of [Act 17 of 2022](#) w.e.f. 10 march 2023.]

35. Offering or selling for personal consumption

(1) Any person who unlawfully offers, offers to buy, sells, offers to sell, distributes or offers to distribute any dangerous drug to a person for his personal consumption shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 15 years.

(2) –

[R 17/22 (cio 10/3/23).]

[S. 35 amended by s. 8 of [Act 30 of 2008](#) w.e.f. 20 February 2009; s. 11 of [Act 17 of 2022](#) w.e.f. 10 March 2023.]

36. Facilitating or permitting drug offences

Any person who unlawfully –

- (a) facilitates for any other person the unlawful use of dangerous drugs, against payment or free of charge, either by procuring premises for that purpose or by any other means or while being a proprietor, manager, director, operator, on any terms whatsoever, of a hotel, furnished house, boarding house, drinking establishment, restaurant, club, society, dancing hall, entertainment hall or any other premises whatsoever open to the public or used by the public, connives at or permits the use of dangerous drugs in the said establishment or premises;
- (b) prescribes dangerous drugs as acts of complaisance, that is to say in the absence of any genuine belief that such a prescription is necessary or desirable in the interests of the health of the person for whom they are prescribed;
- (c) issues dangerous drugs on presentation of a prescription knowing the fictitious or complaisant nature of any such prescription;
- (d) obtains delivery or supply of dangerous drugs or who attempts to have such drugs delivered or supplied to him by means of a prescription of fictitious or complaisant nature;



- (e) administers to, or adds to the food or beverages of, a person without his knowledge, dangerous drugs;
- (f) knowingly or negligently permits premises of which he is the owner or which are under his occupation, management or charge to be used –
 - (i) for concealing or storing any dangerous drug;
 - (ii) for preparing or manufacturing any dangerous drug; or
 - (iii) for the sale of any dangerous drug;
- (g) knowingly or negligently permits any land of which he is owner or which is under his occupation, management or charge, to be planted with opium poppy, coca bush or cannabis plant,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 15 years.

[S. 36 amended by s. 9 of [Act 30 of 2008](#) w.e.f. 20 February 2009.]

37. Making false declaration

Any person who for the purposes of obtaining for himself or for any person the issue, grant or renewal under this Act of a permit, licence, certificate or authorisation or for any other purpose relevant to this Act –

- (a) knowingly or recklessly makes a declaration or statement which is false or misleading in any material particular; or
- (b) knowingly utters, produces or makes use of any such declaration or statement or any document containing the same,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 10 years.

[S. 37 amended by s. 10 of [Act 30 of 2008](#) w.e.f. 20 February 2009.]

38. Incitement to drug offences and unlawful use

Any person who unlawfully –

- (a) by any means whatsoever, directly or indirectly incites others to commit any of the offences specified in this Act, even when such incitement is without effect;



- (b) by any means whatsoever, directly or indirectly incites others to make unlawful use of dangerous drugs or of substances presented as having the effects of such drugs,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 15 years.

[S. 38 amended by s. 11 of [Act 30 of 2008](#) w.e.f. 20 February 2009.]

39. Money laundering

- (1) Every person who unlawfully –
 - (a) acquires, possesses, uses, converts or transfers goods, resources or rights thereto derived or realised, in whole or in part, directly or indirectly, from any offence under this Act;
 - (b) conceals or disguises the genuine nature, origin, location, disposition, movement or ownership of the goods, resources or rights thereto derived or realised, in whole or in part, directly or indirectly, from any offence under this Act,

where he suspects or has reasonable grounds for suspecting that the goods, resources or rights thereto are derived or realised, in whole or in part, directly or indirectly, from any offence under this Act, shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 20 years.

(2) A person may be convicted of an offence under this section notwithstanding the absence of a conviction in respect of an offence under this Act, which generated the goods, resources or rights thereto alleged to have been laundered.

- (3) In this section, “goods” or “resources” includes possessions.

[S. 39 repealed and replaced by s. 9 (b) of [Act 14 of 2009](#) w.e.f. 30 July 2009.]

39A. Conspiracy to commit drug offence

Notwithstanding section 109 of the [Criminal Code \(Supplementary\) Act](#), any person who agrees with one or more other persons to commit an offence under this Act shall commit an offence and shall, on conviction, be liable to the same penalty as would have been applicable to that offence.

[S 39A inserted by s 12 of [Act 17 of 2022](#) w.e.f. 10 March 2023.]



40. Steering or flying while under influence of a dangerous drug

[Amended 6/19 (cio 1/6/22).]

(1) Any person who steers a motor-powered marine craft or flies a motor-powered aircraft while under the influence of a dangerous drug which he has used in an unlawful manner, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees or to a term of imprisonment not exceeding 5 years.

[Amended 6/19 (cio 1/6/22).]

(2) Where an offence under subsection (1) results in death of or serious injury to any other person, the person convicted thereof shall be liable to double the maximum penalties specified in subsection (1).

(3) Any person who refuses to submit to such detection tests and verification procedures as may be prescribed in respect of any offence under subsection (1), shall commit an offence and shall, on conviction, be liable to the same penalties as those specified in subsection (1) or (2).

[S. 40 amended by s. 21 of [Act 6 of 2019](#) w.e.f. 1 June 2022.]

41. Aggravating circumstances

(1) For the purposes of this section, aggravating circumstances shall be deemed to exist whenever –

- (a) the offender belongs to a criminal organisation or ring;
- (b) he participated in other unlawful activities facilitated by commission of the offence;
- (c) he used violence or a weapon in its commission;
- (d) he held public office and committed the offence in the purported exercise of that office;
- (e) he was a medical practitioner, nurse, dental surgeon, veterinary surgeon or a person responsible for combating the abuse of or traffic in dangerous drugs;
- (f) another person under the age of 18 years was concerned in the offence;
- (g) the drug was offered or delivered to a person under the age of 18 years or to a mentally handicapped person, or a person undergoing treatment involving withdrawal from drug abuse;



- (h) the drugs delivered caused death or serious injury to health of some person;
- (i) the offence was committed in Court premises, a rehabilitation institution, a penal institution, a police establishment, a school, university or teaching institution, a hospital or clinic, a place of resort used by school children or students for social or recreational purposes or in the immediate vicinity of any such institution, establishment or place;
[Amended 17/22 (cio 10/3/23).]
- (j) the offender mixed with the drugs additional substances which aggravated their dangers to health;
- (k) the offender was previously convicted, either in Mauritius or elsewhere, of an offence connected with dangerous drugs.

(2) Any person who is convicted of an offence under section 29 (2), 30, 33, 34, 35, 36, 37, 38 or 39 shall, if aggravating circumstances exist, be liable to double the penalties specified in respect of that offence.

(3) Notwithstanding subsection (2), any person convicted of an offence under section 29 (2) or 30 shall be sentenced to a fine not exceeding 10 million rupees together with penal servitude for a term not exceeding 60 years, where it is averred and proved that, having regard to all the circumstances of the case, the person was a drug trafficker.

[Amended 17/22 (cio 10/3/23).]

(4) Without prejudice to the generality of subsection (3), a person shall be deemed to be a drug trafficker where the street value of the drugs, the subject matter of the offence, exceeds one million rupees or such other value as may be prescribed.

[S. 41 amended by s. 4 (2) (a) of [Act 6 of 2007](#) w.e.f. 18 June 2007; s. 12 of [Act 30 of 2008](#) w.e.f. 20 February 2009; s. 6 of [Act 36 of 2008](#) w.e.f. 6 December 2008; s 13 of [Act 17 of 2022](#) w. e. f 10 March 2023.]

42. Giving false statements or false evidence

(1) Any person who, in connection with any drug offence or for any other purpose relevant to this Act –

- (a) knowingly or recklessly makes a declaration or statement which is false or misleading;
- (b) knowingly produces or makes use of any declaration or document which is false or misleading;



- (c) causes a person, whether directly or indirectly, to make a declaration or statement which is wholly or partly false or misleading;
- (d) causes a person to alter the content of a previous statement or declaration with a view to avoiding the prosecution of another person,

shall commit an offence.

- (2) Any person who, in relation to a drug offence –
 - (a) gives false or misleading evidence in Court;
 - (b) causes threats or inducement, or persuades or influences, any witness to give false or misleading evidence in Court,

shall commit an offence.

(3) Any person who, whether personally or through another person and in relation to a drug offence, threatens or interferes with a witness or any other person related to the witness, shall commit an offence.

(4) Any person convicted of an offence under subsection (1), (2), or (3) shall be liable to a fine of not less than 100,000 rupees and not exceeding one million rupees together with a term of imprisonment of not less than 5 years and not more than 10 years.

[Amended 17/22 (cio 10/3/23).]

[S. 42 amended by s 14 of [Act 17 of 2022](#) w.e.f. 10 March 2023.]

43. Exemption and mitigation of penalties

(1) Any person who has been convicted of a conspiracy to commit any of the offences under section 29 (2), 30, 33, 34, 35, 36, 37, 38 or 39 shall be exempted from penalty and absolutely discharged if, having revealed the conspiracy to the police or to a Court, he has made it possible to prevent the commission of the offence and to identify the other persons involved in the conspiracy.

(2) Notwithstanding section 41, the penalty incurred by any person convicted of an offence under that section shall be reduced in such manner as the Court thinks just where that person has, before any proceedings, made possible or facilitated the identification of the other guilty persons, or who, after the commencement of proceedings, has made possible or facilitated the arrest of such persons.



[S. 43 amended by s. 13 of [Act 30 of 2008](#) w.e.f. 20 February 2009.]

44. Additional penalties

A Court which convicts any person of an offence under section 40 may, in addition to any penalty prescribed by that section –

- (a) in the case of a convicted person who is not deemed to belong to Mauritius under the [Deportation Act](#), recommend to the Minister responsible for internal security that he be deported from Mauritius and that Minister may, in any such case, without further enquiry, make a deportation order in his case under that Act;
- (b) order that the convicted person be prohibited, for any period not exceeding 10 years after his release from any term of imprisonment imposed upon him, from driving any motor-powered land vehicle, steering any motor-powered marine craft or flying any motor-powered aircraft and, in any such case, direct that any relevant licence or permit issued to the convicted person be impounded or suspended.

45. –

[S. 45 amended by s. 6 of [Act 29 of 2003](#) w.e.f. 1 September 2003; s. 14 of [Act 30 of 2008](#) w.e.f. 20 February 2009; s. 9 (c) of [Act 14 of 2009](#) w.e.f. 30 July 2009; repealed by s. 65 of [Act 9 of 2011](#) w.e.f. 1 February 2012.]

45A. –

[S. 45A inserted by s. 7 of [Act 29 of 2003](#) w.e.f. 1 September 2003; repealed by s. 65 of [Act 9 of 2011](#) w.e.f. 1 February 2012.]

46. Burden of proof

Notwithstanding any other enactment, where in any proceedings for an offence under this Act, a question arises as to whether any person was or was not authorised to be in possession of any dangerous drug, the burden of proof that such a person was authorised to be in possession of such drug, shall lie on that person.

47. Jurisdiction

(1) Subject to subsection (2), a prosecution for an offence under this Act shall take place, at the sole discretion of the Director of Public Prosecutions, before a Judge without a jury, the Intermediate Court or the District Court.

(2) A prosecution for an offence under sections 30, 39 in so far as it



relates to the financing of the offences specified in that section and 41 (3) shall take place before a Judge without a jury where it is averred that the accused person is a drug trafficker.

[Amended 5/20 (cio 9/7/2020).]

(3) Notwithstanding any other enactment, the Intermediate Court shall have –

- (a) jurisdiction to inflict any fine provided under this Act or imprisonment for a term not exceeding 20 years;
- (b) power to order sentences of imprisonment imposed under this Act to be served consecutively provided that the terms of such sentences shall not in the aggregate exceed 30 years.

(4) Sections 151, 152, 153 and 197 of the [Criminal Procedure Act](#), sections 50 and 51 of the Reform Institutions Act and the Probation of Offenders Act shall not apply to a conviction for an offence under any of the provisions of this Act other than section 34.

(5) The Court before which a person is convicted of an offence –

- (a) shall, in addition to any penalty imposed by the Court and subject to any Order made under the Financial Crimes Commission Act 2023, order any dangerous drug or any article, utensil or any instrument in respect or by means of which the offence was committed or any money obtained from the commission of the offence to be forfeited;

[amended 15/21 (cio 5/8/21); 20/23 (cio 29/3/24).]

- (b) may, in addition to any penalty imposed by the Court, order any vehicle or other conveyance used in the unlawful transport or distribution of any dangerous drug to be forfeited;
- (c) may, in addition to any penalty imposed by the Court, upon the production of a certificate under the hand of the Commissioner of Police, stating that a specified quantity of drugs is required in order to be used for the purpose of training sniffer dogs, order that such quantity from the dangerous drugs forfeited under paragraph (a) shall be so used.

[S. 47 amended by s. 8 of [Act 29 of 2003](#) w.e.f. 1 September 2003; s. 3 of [Act 20 of 2004](#) w.e.f. 7 August 2004; s. 4 (2) (b) of [Act 6 of 2007](#) w.e.f. 18 June 2007; s. 6 of [Act 5 of 2020](#) w.e.f. 9 July 2020; s. 21 of [Act 15 of 2021](#) w.e.f. 5 August 2021; s 166 of [Act 20 of 2023](#) w.e.f. 29 March 2024.]



48. Minimum penalty

Where a Court convicts a person of an offence under section 33, 35, 36, 38 or 39, it shall, notwithstanding the other provisions of this Act but subject to the maximum penalty specified in respect of any such offence, inflict a fine of not less than 10,000 rupees together with imprisonment for a term of not less than 12 months.

[S. 48 amended by s. 15 of [Act 30 of 2008](#) w.e.f. 20 February 2009.]

49. Powers of entry and search

The Permanent Secretary, or any police officer not below the rank of Inspector of Police authorised by the Commissioner of Police, may, for the purposes of this Act –

- (a) enter the premises of any authorised person or of any person carrying on the business of a producer, manufacturer, seller or distributor of any dangerous drug;
- (b) require the production of and inspect any book or document required to be kept under this Act or any regulations made under section 60;
- (c) inspect any stock of any dangerous drug.

50. Issue of search warrant and presumptions

(1) Where a Magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence has been or may be committed against this Act, he may grant a search warrant authorising any police officer named in the warrant, at any time, within one month from the date of the warrant, to enter, with assistants and if need be by force, the premises named in the warrant and to search them and any person found there and, if there is reasonable ground for suspecting that an offence against this Act has been committed, to seize any drug, pipe, utensil, article or related thing found on the premises or in the possession of any such person.

(2) Where upon entry into any premises under subsection (1) it is found that such premises are equipped with such unusual or unusually numerous contrivances or means as are calculated to prevent or obstruct an entry or to enable persons therein to observe or ascertain the approach of any person, or to give alarm or facilitate escape from such premises, or if all doors, windows and means of entry are so bolted or obstructed that, even with the use of force, access to the premises is abnormally delayed, it shall be presumed, until the contrary is proved, that the premises are used for the smoking, inhaling, sniffing or consumption of dangerous drugs and that the occupier, if any, of those



premises has facilitated such use.

- (3) Where upon entry into any premises under subsection (1) –
 - (a) any dangerous drug or any pipe, utensil or thing for use in connection with the smoking, inhaling, sniffing or consumption of dangerous drugs is found therein;
 - (b) any person is seen to escape from those premises on the approach or entry of a police officer; or
 - (c) any person having authority under the search warrant to enter such premises is unlawfully prevented from or obstructed or delayed in entering or approaching such premises,

it shall be presumed, until the contrary is proved, that the premises are used for the smoking, inhaling, sniffing or consumption of dangerous drugs.

51. Powers of seizure

(1) Where any person is arrested either in pursuance of a warrant for his arrest or of the powers conferred by section 57, any police officer or customs officer may seize and detain any plant or substance reasonably suspected by him to be a dangerous drug and found in the possession of the arrested person or in such circumstances that it may reasonably be inferred that the arrested person was in possession of it shortly before his arrest.

(2) The powers of seizure and detention conferred by subsection (1) shall also extend to any materials, equipment, devices and other movables fit and intended for use in connection with the commission of the offence for which the person is arrested or reasonably suspected of having been used in its commission and which may be found in the possession of the arrested person or in the circumstances mentioned in that subsection.

(3) Any dangerous drug seized in pursuance of this subsection shall be dealt with in accordance with section 58.

52. Unlawful consignment by post

(1) Where a Magistrate is satisfied by information on oath that there is reasonable ground to suspect that an unlawful consignment of dangerous drugs is being forwarded through postal services, he may grant a warrant authorising any police officer or customs officer to carry out, at any time, inspections in the postal services in order to detect that consignment and whenever such inspections disclose a reasonable suspicion that a particular postal package is in



fact such a consignment, a police officer or customs officer may proceed to open and detain the consignment for further investigation.

[amended 15/21 (cio 5/8/21).]

(2) –

[Repealed 15/21 (cio 5/8/21).]

[S. 52 amended by s. 10 of [Act 17 of 2007](#) w.e.f. 22 August 2007; s. 21 of [Act 15 of 2021](#) w.e.f. 5 August 2021.]

53. Body and luggage searches

(1) Subject to subsection (2), any police officer or customs officer may at any point of entry into Mauritius carry out body searches and searches of luggage whenever he has reason to suspect that a person seeking to enter Mauritius may be concerned in the commission of an offence against this Act.

(2) No woman shall be subjected to body search except by a woman police officer, woman customs officer or a police wardress.

54. Drugs concealed in body

(1) Where a person is reasonably suspected of having concealed any dangerous drug inside his body, a Government medical officer shall, on the recommendation of a police officer not below the rank of Superintendent of Police, conduct –

(a) such medical examination, including X-ray or other tests, as may be necessary to detect the substance; and

(b) such other medical treatment as may be considered appropriate in the circumstances.

[RR 17/22 (cio 10/3/23).]

(2) The medical practitioner who conducts any examination under subsection (1) (a) shall forthwith submit an official report thereon to the police officer.

(3) Any person who refuses to submit to such a medical examination shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 10 years.

[Amended 17/22 (cio 10/3/23).]

[S. 54 amended by s. 16 of [Act 30 of 2008](#) w.e.f. 20 February 2009; s. 15 of [Act 17 of 2022](#) w.e.f. 10 March 2023.]



55. Controlled delivery

(1) A police officer not below the rank of Superintendent of Police may authorise the passage or entry into Mauritius of any consignment of dangerous drugs suspected of being dispatched with a view to the commission of an offence under this Act, for the purpose of identifying the persons involved in the commission of such an offence.

(2) The police officer may, if he thinks fit, cause the consignment of dangerous drugs to be lawfully intercepted and allowed to proceed its way either intact or by replacing the drugs, or part of the drugs, with substances other than dangerous drugs.

[RR 17/22 (cio 10/3/23).]

(3) The exercise of any of the powers contained in this section shall afford no defence to any person charged with an offence under section 30 or with conspiracy to commit any such offence.

[S. 55 amended by s. 16 of [Act 17 of 2022](#) w.e.f. 10 March 2023.]

56. Powers of investigation

(1) Where a Judge in Chambers is satisfied by information on oath that there is reasonable ground to suspect that an offence under section 30, 33, 35, 36 or 39 has been or is likely to be committed, he may issue a warrant authorising any police officer to –

- (a) tap or place under surveillance, for a period not exceeding 6 months, the telephone lines used by persons suspected of participation in any of those offences;
- (b) have access to the computer systems used by persons suspected of participation in any of the offences referred to and place them under surveillance;
- (c) place a bank account under surveillance when it is suspected of being used for operations related to any of the offences referred to;
- (d) have access to all bank, financial and commercial records that may reasonably concern transactions related to any of those offences.

(2) Notwithstanding any other enactment, no person shall, on grounds of professional secrecy or otherwise, refuse to comply with the requirements of a warrant issued under subsection (1).



57. Arrest without warrant and detention

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

57A. Lawful acts of police officer

(1) Subject to subsection (2), nothing in this Act shall render unlawful the act of a police officer who, in the discharge of his functions for the detection of an offence under this Act, transports, dispatches, possesses, purchases or offers to purchase any dangerous drug.

(2) A police officer referred to under subsection (1) shall not transport, dispatch, possess, purchase or offer to purchase any dangerous drug unless he is authorised in writing by, and acts under the supervision of, an officer not below the rank of Superintendent of Police.

[S. 57A inserted by s. 17 of [Act 17 of 2022](#) w.e.f. 10 March 2023.]

58. Conservation and sample-taking

(1) (a) Any person who effects a seizure under section 5 or 51 shall –

- (i) as soon as they are discovered, place any drugs under seal in the presence of the accused, or if that is impossible, in the presence of 2 witnesses;
- (ii) secure the drugs and other items of evidentiary value in such manner as to prevent fraudulent removal;
- (iii) number sealed item and keep it in a place of safety in police custody;
- (iv) write on its wrapping or on a label affixed thereon, the description of the dangerous drugs that it contains, together with an indication of their nature and weight, as well as, where appropriate, the number of the packages in which the dangerous drugs are contained.

(b) Any such person shall immediately draw up and sign a written report which shall –

- (i) the date, place and circumstances of the discovery;



- (ii) the dangerous drugs seized;
- (iii) their weight;
- (iv) give the number of evidentiary items prepared; and
- (v) state the place at which the evidentiary items will be deposited.

(c) The items of evidentiary value shall be stored in appropriate conditions for the prevention of theft and other forms of misappropriation, as well as of accidental deterioration.

(d) Any subsequent movement of the evidentiary items shall require the preparation of a written report describing it, specifying its purpose and stating either that the evidentiary items and wrappings are unbroken and that their number corresponds to that indicated in the report on the seizure, or that evidentiary items have disappeared or deteriorated and the changes that they have undergone.

(2) The police officer in charge of the investigation shall, as soon as possible, request FSL to analyse the dangerous drugs seized to determine its nature, identity and weight.

[RR 17/22 (cio 10/3/23).]

(3) (a) An accused may, on being informed in writing of the contents of the report of FSL, request –

- (i) another sample of the dangerous drugs to be analysed by FSL or an accredited science laboratory to determine the nature, identity and weight of the drugs; or
- (ii) the net amount of the dangerous drugs to be analysed by an accredited science laboratory to determine the nature, identity and net weight of the drugs.

(b) The request under paragraph (a) shall be made in writing to the police officer in charge of the investigation not later than 14 days after the accused is informed of the contents of the report of FSL.

(c) The accused shall, not later than 30 days after making the request, cause, under the supervision of the police officer in charge of the investigation, another sample of the dangerous drugs or the net amount of the dangerous drugs, as the case may be, to be analysed.

(d) The costs of the analysis to be carried out under this



subsection shall be borne by the accused.

[RR 17/22 (cio 10/3/23).]

(4) Every other item of evidentiary value seized, other than the dangerous drugs seized, shall be kept in a place of safety in police custody until they are produced in Court.

[Added 17/22 (cio 10/3/23).]

(5) Subsections (3) and (4) shall apply to any dangerous drugs which have, on the commencement of these subsections, not been analysed by FSL.

[Added 17/22 (cio 10/3/23).]

[S. 58 amended by s. 18 of [Act 17 of 2022](#) w.e.f 10 March 2023.]

58A. Destruction of dangerous drugs

(1) Where –

(a) a sample of dangerous drugs is analysed by FSL under section 58(2) and no request for a further analysis is made under section 58(3);

(b) a further analysis of dangerous drugs is made under section 58(3),

the police officer in charge of the investigation shall, on the written direction of a police officer not below the rank of Superintendent of Police, make an application, in such form as may be prescribed, to the District Court where the accused was or is provisionally charged for the destruction of the dangerous drugs seized.

(2) Where, on an application made under subsection (1), the District Magistrate is satisfied that –

(a) a sample of the dangerous drugs has been analysed by FSL under section 58(2) and no request for a further analysis has been made under section 58(3);

(b) a further analysis of the dangerous drugs has been made under section 58(3),

he shall order the destruction of the dangerous drugs to be carried out under his supervision and in presence of the police officer in charge of the investigation, at such place and time as he may determine.

(3) Where the dangerous drugs seized are not the subject matter of any prosecution, they shall, notwithstanding this section, be destroyed forthwith.



(4) The police officer in charge of carrying out the destruction under subsection (3) shall certify in a written report that the dangerous drugs have been destroyed.

[S 58A inserted by s.19 of [Act 17 of 2022](#) w.e.f. 10 March 2023.]

59. Admissibility of certain evidence

(1) Notwithstanding any other enactment, it shall be competent for any ADSU officer or any police officer who has been attached for duty to ADSU to give evidence in any Court upon a prosecution for an offence under this Act as to the street value in Mauritius of any dangerous drug and as to the demand for, availability of and other circumstances pertaining to its sale and distribution and the Court may, if it thinks fit, act upon that evidence.

[Amended 17/22 (cio 10/3/23).]

(2) Notwithstanding section 181 of the [Courts Act](#), in any proceedings for an offence under this Act, a certificate under the hand of an expert witness of FSL regarding the results of an analysis performed on a sample of the dangerous drugs shall constitute evidence of the nature, identity and weight of the drugs stated therein without proof of the handwriting of such expert.

[Added 17/22 (cio 10/3/23).]

[S. 59 amended by s. 20 of [Act 17 of 2022](#) w.e.f. 10 March 2023.]

PART IIIA – NON-PROSECUTION AND REHABILITATION OF DRUG USERS

[Inserted 17/22 (cio 1/12/23).]

59A. Drug Users Administrative Panel

(1) There shall be, within the Ministry, a Panel to be known as the Drug Users Administrative Panel (DUAP).

(2) With the assistance of NADC, the Panel –

[Amended 8/25 (cio 15/5/25).]

(a) may direct a drug user to undergo rehabilitation such as medical or pharmacological therapy, counselling, psychotherapy, aftercare or such other therapy as may be necessary to assist him to overcome his addictive behaviours to drugs;

[RR 8/25 (cio 15/5/25).]

(b) shall monitor the progress of a drug user during the period of rehabilitation; and

(c) shall do such other things as may be necessary to assist a



drug user to overcome his addiction to drugs.

- (3) The Panel shall consist of –
- (a) a retired Judge of the Supreme Court, or a barrister having not less than 15 years' standing, as Chairperson;
 - (b) a barrister having not less than 10 years' standing, as Vice-chairperson;
 - (c) 2 retired Government medical officers having knowledge and experience in the field of drug dependence; and
 - (d) 2 social workers having knowledge and experience in the field of drug dependence.

(4) The members of the Panel shall be appointed by the Prime Minister, after consultation with the Minister, on such terms and conditions as he may determine.

(5) (a) The Panel shall sit in 2 divisions.

(b) A division shall consist of the Chairperson, or the Vice-chairperson, and a retired Government medical officer and a social worker selected by the Chairperson.

(c) The Panel may co-opt such other persons as it deems necessary.

[S. 59A inserted by s. 21 of [Act 17 of 2022](#) w.e.f. 1 December 2023; amended by s. 27 of [Act 8 of 2025](#) w.e.f. 15 May 2025.]

59B. Suspension of prosecution

(1) Where, in respect of an offence committed by a drug user under section 34, the Commissioner of Police is of the opinion that –

- (a) the offence was committed by the drug user for his personal consumption;
- (b) no aggravating circumstances exist in the commission of the offence; and
- (c) the drug user is not a drug trafficker,

he shall make a recommendation to the Director of Public Prosecutions for the drug user to undergo rehabilitation in lieu of being prosecuted for that offence.



(2) Where, on the recommendation of the Commissioner of Police, the Director of Public Prosecutions is satisfied that a drug user may undergo rehabilitation in lieu of being prosecuted, he may advise the Commissioner of Police to refer the drug user to the Panel.

(3) The Commissioner of Police shall, on the advice of the Director of Public Prosecutions, forthwith refer the drug user to the Panel.

[S. 59B inserted by s. 21 of [Act 17 of 2022](#) w.e.f. 1 December 2023.]

59C. Rehabilitation of drug users

(1) Where a drug user is referred to the Panel, it shall assess the drug user and if he is willing to overcome his addiction to drugs, it shall, on such terms and conditions as it may determine, direct the drug user to undergo such rehabilitation as may be appropriate for him at a public health institution or such other institutions as the Ministry may approve.

(2) Where a drug user is referred to an institution under subsection (1), the person in charge of that institution shall –

- (a) regularly monitor the progress of the drug user during the rehabilitation period and make a report to the Panel as and when required by it;
- (b) forthwith notify the Panel of any failure, if any, by the drug user to comply with the terms and conditions of the Panel;
- (c) at the end of the rehabilitation period, make a comprehensive report to the Panel with regard to the rehabilitation undergone by the drug user, including whether the drug user has complied with all the terms and conditions of the Panel.

(3) The Panel shall make a report to the Director of Public Prosecutions and NADC, certifying the rehabilitation undergone by the drug user and whether he has complied with all terms and conditions of the rehabilitation.

[Amended 8/25 (cio 15/5/25).]

(4) Where a drug user fails to appear before the Panel as and when required or fails to comply with the terms and conditions of a direction of the Panel under subsection (1), it shall refer the matter to the Director of Public Prosecutions for such prosecution or legal proceedings as he may deem appropriate.

[S. 59C inserted by s. 21 of [Act 17 of 2022](#) w.e.f. 1 December 2023; amended by s. 27 of [Act 8 of 2025](#) w.e.f. 15 May 2025.]



59D. Protection of drug users

No evidence given by a drug user before the Panel shall –

- (a) give rise to any civil or criminal proceedings against the drug user; and
- (b) be admissible against the drug user in any civil or criminal proceedings.

[S. 59D inserted by s. 21 of [Act 17 of 2022](#) w.e.f. 1 December 2023.]

PART IV – MISCELLANEOUS

60. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Regulations made by the Minister under this Act may provide for the –

[Amended 17/22 (cio 7/12/22).]

- (a) prescribing of anything which by this Act may be or is to be prescribed;
- (b) amendment of the Schedules, other than the Sixth and Seventh Schedules;
[Amended 17/22 (cio 7/12/22).]
- (c) conferment of exemptions from measures of control as provided by section 3 (5);
- (d) levying of fees and the issuing of licences.

(3) The Attorney-General may, after consultation with the Director of Public Prosecutions and the Commissioner of Police, amend, by regulations, the Sixth and Seventh Schedules.

[Added 17/22 (cio 7/12/22).]

[S. 60 amended by s. 22 of [Act 17 of 2022](#) w.e.f. 7 December 2022.]

61. – 63. –



FIRST SCHEDULE
[Sections 2, 3, 6, 7, 12 and 30]

PART I

Amphetamine

Mecloqualone

Cannabis (also named as *Gandia* or Indian Hemp), excluding medicinal cannabis

Methaqualone

[RR 17/22 (cio 7/12/22).]

Dexamphetamine

Secobarbital

Fenetylline

Khat

[Inserted GN 179/15 (cio 11/9/15).]

Lisdexamphetamine

[Inserted GN 179/15 (cio 11/9/15).]

Methoxetamine

[Inserted GN 179/15 (cio 11/9/15).]

N-benzylpiperazine (also named BZP)

[Inserted GN 179/15 (cio 11/9/15).]



PART II

Acetyl-alpha-methylfentanyl	DMT
Alphacetylmethadol	DOET
Alpha-methylfentanyl	Ecgonine, its esters and derivatives
– [R GN 93/19 (cio 1/6/19).]	Ethylphenidate (EPH) [Inserted GN 93/19 (cio 1/6/19).]
Beta-hydroxyfentanyl [Inserted GN 93/19 (cio 1/6/19).]	Eticyclidine
Beta-hydroxy-3-methylfentanyl	Etorphine
Brolamfetamine	Etryptamine
Cannabis Resin, excluding medicinal cannabis [RR 17/22 (cio 7/12/22).]	Heroin
Cathinone	Ketobemidone
Coca bush	Levamfetamine
Coca leaf	Levomethamphetamine
Cocaine	(+) – Lysergide
Concentrate of Poppy Straw	MDMA
Desomorphine (also named dihydro deoxymorphine) [Inserted GN 93/19 (cio 1/6/19).]	
– [R GN 93/19 (cio 1/6/19).]	Mescaline
DET	Metamfetamine
DMA	Metamfetmine Racemate
DMHP	
Drorabinol [Inserted GN 93/19 (cio 1/6/19).]	
Methcathinone	PHP
4-methylaminorex	Phencyclidine



3-methylfentanyl

Phenmetrazine

3-methylthiofentanyl

PMA

MMDA

Psilocine

MPPP

Psilocybine

N-ethyl MDA

Psilotsin

N-hydroxy MDA

Rolicyclidine

Opium

STP, DOM

–

[Inserted GN 242/13 (cio 10/10/13); R GN 93/19 (cio 1/6/19).]

Synthetic Cannabinoids, their chemical diversities and analogues, including –

- (a) 5-Chloro-AKB48 (also named as 5-Chloro-APINACA)
- (b) 5F-AKB-48 (also named as 5F-APINACA)
- (c) 5-fluoro-AB PINACA
- (d) 5-Fluoro-AEB (also named as 5F-EMB-PINACA)
- (e) 5-Fluoro-AMB
- (f) 5-Fluoro-MDMB-PICA
- (g) 5F-MDMB-PINACA
- (h) 5F-PB22
- (i) AB FUBINACA
- (j) AB-CHMINACA
- (k) AB-PINACA



- (l) ADB-CHIMINACA
- (m) ADB-CHMICA
- (n) ADB-FUBINACA
- (o) AKB-48 (also named as APINACA)
- (p) AM 2201 Benzimidazole Analogue
- (q) FUB-AKB48 (also named as FUB-APINACA, AFUBINACA, AKB48-N-(4-Fluorobenzyl Analog, AFB-48)
- (r) FUB-AMB (also named as AMB-FUBINACA, MMB-FUBINACA)
- (s) JWH-018
- (t) JWH-018 Indazole Analogue (also named as THJ-018)
- (u) JWH-073
- (v) MAM 2201
- (w) MDMB-FUBICA
- (x) MDMB-CHMICA
- (y) MDMB-CHMINACA
- (z) MDMB-FUBINACA
- (aa) Methyl 1-(5-fluoropentyl) – 1H-indole-3-carboxylate
- (ab) Methyl 1-(Cyclohexylmethyl) – 1H-indole-3-carboxylate
- (ac) MMB CHMICA



(ad) NM 2201

(ae) PB 22

(af) SDB 005

(ae) STS-135

(af) UR 144

(ag) XLR-11

Synthetic Cathinones, their chemical diversities and analogues, including –

- (a) 4-Fluoromethcathinone (also named flephedrone or 4-FMC)
- (b) 3, 4-Methylenedioxypropylamphetamine (also named MDPV)
- (c) 4-Methylethcathinone (also named 4 MEC)
- (d) 4-Methyl cathinone (also named nor-mephedrone or 4MC)
- (e) 4-Methylmethcathinone (also named 4MMC or mephedone)
- (f) Alpha-Pyrrolidinovalerophenone (alpha-PVP)
- (g) Ethylone
- (h) Methylone (also named bk – MDMA)
- (i) Pentadrone (α -Methylaminovalerophenone)



Synthetic opioids including fentanyl analogues and their chemical diversities –

- (a) AH-7921
- (b) AM-2201
- (c) MT-45
- (d) U-47700
- (e) Acetylfentanyl
- (f) Acryloylfentanyl
(Acrylfentanyl)
- (g) Butyrfentanyl
- (h) Carfentanil
- (i) 4-fluoroisobutyrfentanyl (para-Fluoroisobutyrfentanyl, 4-FIBF, pFIBF)
- (j) Furanylfentanyl (Fu-F)
- (k) Ocfentanil
- (l) Tetrahydrofuranylfentanyl
(THF-F)

Phenethylamines and their chemical diversities including –

- (a) 25B-NBOMe
- (b) 25C-NBOMe
- (c) 25I-NBOMe
- (d) 4-fluoroamphetamine (4-FA)
- (e) para-Methoxymethylamphetamine



(PMMA)

Tetrahydrocannabinol (THC)
[Inserted GN 93/19 (cio 1/6/19).]

Opium Poppy

TCP

—
[R GN 93/19 (cio 1/6/19).]

Tenamfetamine

Parafluorofentanyl

Tenocyclidine

Parahexyl

Thiofentanyl

para-Methyl-4-methylaminorex (4,4'-
DMAR)

[Inserted GN 93/19 (cio 1/6/19).]

PCE

TMA

PCPY

Zipeprol

PEPAP

Phenazepam

[Inserted GN 93/19 (cio 1/6/19).]

—

4-Methyl cathinone (also named
mephedrone)

4-Methylmethcathinone (also
named 4MMC)

—

[R GN 93/19 (cio 1/6/19).]

—

[R GN 93/19 (cio 1/6/19).]

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[Inserted GN 179/15 (cio 11/9/15).]

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[Inserted GN 179/15 (cio 11/9/15); R GN 93/19
(cio 1/6/19).]

[First Sch. amended by GN 188 of 2004; GN 242 of 2013 w.e.f. 10 October 2013; GN 179 of 2015 w.e.f. 11 September 2015; reg. 3 of GN 93 of 2019 w.e.f. 1 June 2019; s 23 of Act 17 of 2022 w.e.f. 7 December 2022.]



SECOND SCHEDULE

[Sections 2, 3, 4, 7, 8, 12, 18, 20 and 22]

Acetyldihydrocodeine	Drotebanol	Norcodeine
Acetylmethadol	Ethylmethilthiambutene	Norlevorphanol
Alfentanil	Ethylmorphine	Normethadone
Allylprodine	Etonitazene	Normorphine
Alphameprodine	Etoxeridine	Norpipanone
Alphamethadol	Fentanyl	Oxycodone
	Flunitrazepam [Inserted GN 179/15 (cio 11/9/15).]	
Alpha-methylthiofentanyl	Furethidine	Oxymorphone
Alphaprodine	Hydrocodone	Pethidine
Anileridine	Hydromorphinol	Pethidine-Intermediate A
Benzylmorphine	Hydroxypethidine	Pethidine-Intermediate B
Betameprodine	Levomethorphan	Pethidine-Intermediate C
Betaprodine	Levophenacymorphan	Phenadoxone
Bezitramide	Levorphanol	Phenampromide
	Medicinal cannabis [Inserted 17/22 (cio 7/12/22).]	
Buprenorphine	Metazocine	Phenazocine
Clonitazene	Methadone	Phenomorphan
Codeine	Methadone-Intermediate	Phenoperidine
Codoxime	Methyldesorphine	Pholcodine
Dextromoramide	Methyldihydromorphine	Piminodine
Dextropropoxyphene	Methylphenidate	Piritramide
Diampromide	Metopon	Proheptazine



Diethylthiambutene	Moramide-Intermediate	Properidine
Difenoxin	Morpheridine	Propiram
Dihydrocodeine	Morphine	Racemethorphan
Dihydromorphine	Morphine Methabromide	Racemoramide
Dimenoxadol	Morphine-N-Oxide	Racemorphan
		Remifentanil [Inserted GN 93/19 (cio 1/6/19).]
Dimephepatanol	Myrophine	Sufentanil
Dimethylthiambutene	Nicodene	Thebacon
Dioxaphevybutyrate	Nicodicodine	Thebaine
Diphenoxylate	Nicomorphine	Tilidine
Dipipanone	Noracymethadol	Trimeperidine
		Xylazine (including their salts, isomers and salts of isomers [Amended GN 175/23 (cio 5/12/23).]

[Second Sch. amended by GN 188 of 2004; GN 179 of 2015 w.e.f. 11 September 2015; reg 4 of GN 93 of 2019 w.e.f. 1 June 2019; s. 24 of [Act 17 of 2022](#) w.e.f. 7 December 2022; reg 3 of [GN 175 of 2023](#) w.e.f. 5 December 2023.]



THIRD SCHEDULE
[Sections 2, 3, 4, 7, 8, 12, 18 and 22]

Allobarbital	Ethchlorvynol	Nimetazepam
Alprazolam	Ethinamate	Nitrazepam
Amfepramone	Ethyl Loflazepate	Nordazepam
Aminorex	Etilamfetamine	Oxazepam
Amobarbital	Fencamfarmin	Oxazolam
Barbital	Fenproporex	Pemoline
Benzfetamine	Fludiazepam	Pentazocine
Bromazepam		Pentobarbital
Brotizolam	Flurazepam	Phendimetrazine
Butalbital	Glutethimide	Phenobarbital
Butobarbital	Haloxazolam	Phentermine
	Ketamine [Inserted GN 93/19 (cio 1/6/19).]	
Camazepam	Ketazolam	Pinazepam
Cathine	Lefetamine	Prazepam
		Pregabalin (its chemical diversities, including its derivatives and related substance) [Inserted GN 179/15 (cio 11/9/15).]
Chlordiazepoxide	Loprazolam	Pyrovalerone
Clobazam	Lorazepam	Secbutabarbital
Clobenzofex	Lormetazepam	Temazepam
Clonazepam	Mazindol	Tetrazepam



Clorazepate	Medazepam	Tramadol
Clotiazepam	Mefenorex	Triazolam
Cloxazolam	Meprobamate	Vinylbital
Cyclobarbital	Mesocarb	Zolpidem
Delorazepam	Methylphenobarbital	Zopiclone
Diazepam	Methyprylon	
Estazolam	Midazolam	

[Third Sch. amended by reg 5 of GN 93 of 2019 w.e.f. 1 June 2019; GN 179 of 2015 w.e.f. 11 September 2015.]



FOURTH SCHEDULE
[Sections 2, 3, 12 and 27]

Acetic anhydride	Methyl Ethyl Ketone
Acetone	N-Acetylanthranilic acid
Anthranilic acid	Phenylacetic acid
1,4 Butanediol (also named 1,4BD) (its chemical diversities, including its derivatives and related substances) [Inserted GN 179/15 (cio 11/9/15).]	
Ephedrine	Piperidine
Ergometrine	Piperonal
Ergotamine	Potassium permanganate
Ethyl Ether	Pseudoephedrine
Hydrochloric acid	Safrole
Gamma-butyrolactone (also named GBL) (its chemical diversities, including its derivatives and related substances) [Inserted GN 179/15 (cio 11/9/15).]	
Isosafrole	Sulfuric acid
1 phenil-2-propanone	Toluene
Lysergic acid	3,4 Methylendioxy-phenyl-2
Propanone	

[Fourth Sch. amended by GN 179 of 2015 w.e.f. 11 September 2015.]



FIFTH SCHEDULE
[Sections 2 and 3]

1. Preparations of –
Acetyldihydrocodeine;
Codeine;
Dihydrocodeine;
Ethylnorphine;
Nicodicodine;
Norcodeine; and
Pholcodine,

when compounded with one or more other ingredients and containing not more than 100 milligrams 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 100 milligrams of propiram per dosage unit and compounded with at least the same amount of methyl-cellulose.

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 0.5 milligram of difenoxin and a quantity of atropine sulphate equivalent to at least 5 per cent of the dose of difenoxin.

5. Preparations of diphenoxylate containing, per dosage unit, not more than 2.5 milligrams of diphenoxylate calculated as base and a quantity of atropine sulphate 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 Schedule and mixtures of such preparations with any material which contains no drug.

8. Preparations of dextropropoxyphene for oral use containing not more than 135 milligrams of dextropropoxyphene base per dosage unit or with a concentration of not more than 2.5 per cent in undivided preparations, provided that such preparations do not contain any substance controlled under the 1971 Convention on Psychotropic Substances.



SIXTH SCHEDULE

[Section 31]

CUSTODY RECORD

1. Custody Record entries shall be made in the Custody Record in respect of all matters relevant to the detention of the arrested person. In particular, the entries shall be made in respect of the following –

- (a) an accurate record of the time and place of –
 - (i) the arrest;
 - (ii) the issue of the direction under section 31; and
 - (iii) each interview, including any interview immediately following his arrest, of the person detained;
- (b) the place or places where the interview takes place;
- (c) the time at which the interview begins and the time at which it ends;
- (d) any break during the interview;
- (e) the names of persons present at the interviews;
- (f) the time and reason for any transfer of the detained person from one place of custody to another as well as the time at which the detention ends;
- (g) any property secured from the person on his arrest or during his detention;
- (h) the name and rank of the police officer upon whose authority any action in relation to the detained person is taken; and
- (i) the ground or grounds, set out in section 31 (2), on which the detention is based.

2. The Custody Record shall be opened as soon as practicable after the start of a person's detention under section 31.

3. The person making an entry in the Custody Record shall insert the time at which the entry is made and his signature against the entry made.

4. The Custody Record or copy of the Record shall accompany a detained



person to any other place where he is transferred.

5. A copy of the Custody Record shall be supplied to the person detained or his legal representative as soon as is practicable after he or the representative makes a request upon his release from detention or his being taken to Court.

6. The person detained shall be allowed to check and made to insert his signature in respect of any entry in the Custody Record.

7. Any entry shall be made in respect of any refusal of the person detained to insert his signature where such signature is required.

8. Entries in the Custody Record shall be made as soon as practicable after the occurrence of the events to which they relate.

9. A police officer not below the rank of Inspector shall be responsible for ensuring the accuracy and completeness of the Custody Record and that the Custody Record or a copy of the Record accompanies the detained person on his transfer.

10. Entries in a computerised Custody Record shall be timed and contain evidence of the computer operator's identity.



SEVENTH SCHEDULE

[Section 31 (5)]

VIDEO RECORDING

1. The video recording of the detained person during his period of detention under section 31 shall be carried out in such manner as to constitute an accurate, continuous and uninterrupted record of the whole period of his detention, including his movements, interviews and statements.
2. When issuing the direction for detention under section 31, the police officer shall make arrangements for the video recording of the person detained during the whole of the period of his detention.
3. The police officer shall, for the purposes of the video recording, designate a recording officer under whose responsibility and control the video recording shall be conducted.
4. The recording officer shall be responsible to start, without delay and immediately after a direction is issued under section 31, and continue the video recording without any interruption during the whole of the period of detention.
5. The recording officer shall, in respect of the video recording, keep a written record of the following –
 - (a) the name of the person detained;
 - (b) the name and rank of the recording officer;
 - (c) the name of the police officer who issued the direction under section 31;
 - (d) the names of all the persons involved in the video recording;
 - (e) the identification numbers of the video records used for video recording;
 - (f) the date, time of commencement, duration and place of –
 - (i) the detention; and
 - (ii) the recording;
 - (g) the place at which the video records are kept;
 - (h) particulars for the movement of the video records.



6. Where the person detained raises any objection during his period of detention or makes any statement, the whole of his objection or statement shall be recorded.

7. (a) The video record, referred to herein as the master video record, shall be sealed, with a label specifying that the record is a master video record, in the presence of the detained person at the end of his period of detention.

(b) The recording officer shall sign the label and ask the detained person and any third party present to sign the label.

(c) Where the detained person or the third party refuses to sign the label, another person may be asked to sign it.

8. (a) Where more than one video record is used, the recording officer shall ensure that all the video records are properly identified and labelled.

(b) This shall be done by marking the video records with an identification number immediately after they are removed from the recorder.

9. The recording officer shall make arrangements for the video records to be kept securely under lock and key under the responsibility of an officer designated for that purpose.

