

No. S 12

CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))

MISUSE OF DRUGS ACT (AMENDMENT) ORDER, 2012

ARRANGEMENT OF SECTIONS

Section

1. Citation.
 2. Amendment of section 2 of Chapter 27.
 3. Insertion of new section 6B.
 4. Amendment of section 21.
 5. Amendment of section 33.
 6. Insertion of new section 33B.
 7. Substitution of First Schedule.
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TO ALL TO WHOM THESE PRESENTS shall come.

GREETINGS:

WHEREAS by Clause (1) of Article 52 of the Constitution of Brunei Darussalam, it is provided that unless otherwise directed by His Majesty the Sultan and Yang Di-Pertuan, there shall be a session of the Legislative Council once at least in every year, so that a period of more than 12 months shall not intervene between the last sitting in one session and the date appointed for its first sitting in the next session.

AND WHEREAS by Clause (2) of Article 52 of the Constitution of Brunei Darussalam, it is provided that each session of the Legislative Council shall be held at such place and shall commence and end at such time as His Majesty the Sultan and Yang Di-Pertuan may from time to time, by notice published in the *Gazette*, appoint.

NOW THEREFORE WE in exercise of the powers conferred upon US by the Constitution of Brunei Darussalam do hereby appoint the 8th. day of Rabiulakhir, the Hijrah of Prophet Muhammad (on Whom be the benediction and peace of Allah) one thousand, four hundred and thirty-three corresponding to the 1st. day of March two thousand and twelve, to be the date for the commencement of a session of the Legislative Council to be held at the Bangunan Dewan Majlis, Jalan Kebangsaan, Bandar Seri Begawan at 9.00 o'clock in the forenoon.

Done at OUR Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam this 22nd. day of Rabiulawal, the Hijriah of Prophet Muhammad (on Whom be the benediction and peace of ALLAH) one thousand, four hundred and thirty-three corresponding to the 15th. day of February, two thousand and twelve, being the forty-fifth year of OUR Reign in Brunei Darussalam.

CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))

MISUSE OF DRUGS ACT (AMENDMENT) ORDER, 2012

In exercise of the power conferred by Article 83(3) of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

Citation.

1. This Order may be cited as the Misuse of Drugs Act (Amendment) Order, 2012.

Amendment of section 2 of Chapter 27.

2. Section 2 of the Misuse of Drugs Act, in this Order referred to as the Act, is amended —

(a) By deleting the definition of “cannabis” and by substituting the following new definition therefor —

“ “cannabis” means any part of the *genus* cannabis, or any part of such plant, by whatever name it is called;”;

(b) by inserting the following new definition immediately after the new definition of “cannabis” —

“ “cannabis mixtures” means any mixture of vegetable matter containing tetrahydrocannabinol and cannabinal in any quantity;”;

(c) By deleting the definition of “cannabis resin” and by substituting the following new definition therefore —

“ “cannabis resin” means any substances containing resinous material and in which is found tetrahydrocannabinol and cannabinal in any quantity;”.

Insertion of new section 6B.

3. The Act is amended by inserting the following new section immediately after section 6A —

“Place of consumption need not be stated or proven.

6B. (1) Where a person is charged for an offence against section 6(b), it shall be sufficient for the charge to merely state that the person charged has smoked, administered to himself or otherwise consumed a controlled drug, without having to state the place where the offence was committed.

(2) Where a person is being tried for an offence under section 6(b), it shall not be necessary for the prosecution to prove the place where the offence was committed.”.

Amendment of section 21.

4. Section 21 of the Act is amended, in subsection (1), by deleting “Chief” from the first line and by substituting “Senior” therefor.

Amendment of section 33.

5. Section 33 of the Act is amended —

(a) by repealing subsection (4) and by substituting the following new subsection therefor —

“(4) The Director may admit any drug addict for voluntary treatment and rehabilitation at an approved institution subject to such conditions as the Director may determine.”;

(b) by adding the following new subsection —

“(5) Every person who has been admitted to an approved institution under subsection (4) shall be detained in the approved institution for a period of not less than 6 months, unless he is earlier discharged by the Director, where such period shall not exceed 3 years.”.

Insertion of new section 33B.

6. The Act is amended by inserting the following new section immediately after section 33A —

“Lawful custody.

33B. Every person who has been admitted to an approved institution shall be deemed to be in the lawful custody of the Director.”.

Substitution of First Schedule.

7. The First Schedule to the Act is repealed and the following new Schedule substituted therefor —

“FIRST SCHEDULE

CONTROLLED DRUGS

PART I

CLASS A DRUGS

1. The following substances and products —

Acetorphine.
Acetylmethadol.
Allylprodine.
Alphacetylmethadol.
Alphameprodine.
Alphamethadol.
Alphaprodine.
2-amino-1-(2, 5-dimethoxy-4-methyl) phenylpropane.
Amphetamine.
Anileridine.
Benzethidine.
Benzylmorphine (3-benzyl-morphine).
Betacetylmethadol.
Betameprodine.
Betamethadol.
Betaprodine.
Bezitramide.
4-Bromo-2,5-Dimethoxy- α -methylphenethylamine (also known as
Brolamfetamine, 2C-B).
4-Bromo-2,5-dimethoxyphenethylamine.
Bufotenine.
Cannabinol.
Cannabinol derivatives.
Cannabis and cannabis resin.
Cathinone.
Clonitazene.
Coca leaf.
Cocaine.
Codoxime.
Desomorphine.
Dextromoramide.
Diamorphine.

Diampromide.
Diethylthiambutene.
Difenoxin.
Dihydroetorphine.
Dihydromorphine.
Dimenoxadole.
Dimepheptanol.
2,5-Dimethoxy- α -methylphenethylamine (also known as DOM, STP).
N, α -dimethyl-3,4-(methylenedioxy) phenethylamine (also known as MDMA).
3-(1, 2-dimethylheptyl)-1-hydroxy-7, 8, 9, 10 tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d] pyran.
Dimethylthiambutene.
Dioxaphetyl butyrate.
Diphenoxylate.
Dipipanone.
Drotebanol.
Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine.
4-Ethyl-2,5-dimethoxy- α -methyphenethylamine (also known as DOET).
N-ethyl- α -methyl-3,4-(methylenedioxy) phenethylamine (also known as MDEA, N-ethyl MDA, MDE).
Ethylmethylthiambutene.
Eticyclidine.
Etonitazene.
Etorphine.
Etoxidine.
Etryptamine.
Furethidine.
Hydrocodone.
Hydromorphinol.
Hydromorphone.
N-[α -methyl-3,4-(methylenedioxy) phenethyl] hydroxylamine (also known as N-hydroxy MDA, MDOH).
Hydroxypethidine.
Isomethadone.
Ketobemidone.
Levomethorphan.
Levomoramide.
Levophenacylmorphan.
Levorphanol.
Lysergamide.
Lysergide and other N-alkyl derivatives of lysergamide.
Mescaline.
Metazocine.
Methadone.
Methadyl acetate.
Methcathinone.

3-methoxy- α -methyl-4, 5-(methylenedioxy) phenethylamine (also known as MDMA).

5-Methoxy-N, N-diisopropyltryptamine.

p-methoxy- α -methylphenethylamine (also known as PMA).

4-methylaminorex.

Methylamphetamine (also known as Methamphetamine).

Methyldesorphine.

N-Methyl- α -ethyl-3, 4-(methylenedioxy) phenethylamine (also known as MBDB).

Methyldihydromorphine (also known as 6-methyldihydromorphine).

4-methylthioamphetamine.

Metopon.

Monoacetylmorphine.

Morpheridine.

Morphine.

Morphine methobromide, morphine N-oxide and other pentavalent nitrogen morphine derivatives.

Myrophine.

Nicomorphine (also known as 3, 6-dinicotinoyl-morphine).

Noracymethadol.

Norlevorphanol.

Normethadone.

Normorphine.

Norpipanone.

Opium.

Oxycodone.

Oxymorphone.

Parahexyl (also known as 3-hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl 6H-dibenzo [b, d] pyran).

Pethidine.

Phenadoxone.

Phenampromide.

Phenazocine.

Phenomorphan.

Phenoperidine.

Piminodine.

Piritramide.

Poppy-straw and concentrate of poppy-straw.

Proheptazine.

Propidine (also known as 1-methyl-4-phenyl-piperidine-4-carboxylic acid isopropyl ester).

Psilocin.

Psilocybine.

Racemethorphan.

Racemoramide.

Racemorphan.

Remifentanil.

Rolicyclidine.

α -Methyl-3,4-(methylenedioxy) phenethylamine (also known as Tenamfetamine).
Tenocyclidine.
Thebacon.
Thebaine.
Tilidine.
Trimeperidine.
3,4,5-Trimethoxy- α -methylphenethylamine (also known as TMA).
4-Cyano-2-dimethylamino-4, 4-diphenylbutane.
4-Cyano-1-methyl-4-phenyl-piperidine.
N, N-Diethyltryptamine.
2,5-Dimethoxy-4, α -dimethylphenethylamine.
N, N-Dimethyltryptamine.
1-Hydroxy-3-pentyl-6a, 7, 10, 10a-tetra hydro-6, 6, 9-trimethyl-6-H-dibenzo [b, d] pyran.
1-Methyl-4-phenylpiperidine-4-carboxylic acid.
2-Methyl-3-morpholino-1, 1-diphenylpropanecarboxylic acid.
3-methylthiofentanyl.
4-Phenylpiperidine-4-carboxylic acid ethyl ester.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 not being dextromethorphan or dextrorphan.

3. Any ester or ether of a substance for the time being specified in paragraph 1 or 2 not being a substance for the time being specified in Part II.

4. Any salt of a substance for the time being specified in any of paragraphs 1 to 3.

5. Any preparation or other products containing a substance or product for the time being specified in any of paragraphs 1 to 4.

6. Any preparation designed for administration by injection which includes a substance or product for the time being specified in any of paragraphs 1 to 3 of Part II.

7. Fentanyl and any compounds structurally derived from *N*-(1-Methyl-4-piperidyl)-*N*-phenylformamide by substitution of any of the hydrogen atoms, including the following; and any salt of any substance falling within this item —

Alfentanil.
Alpha-Methyl fentanyl.
Alpha-Methyl fentanyl Acetanilide.
Alpha-Methylthiofentanyl.
Benzyl fentanyl.
Beta-hydroxy fentanyl.
Carfentanil.
Lofentanil.

3-Methyl fentanyl.
para-fluorofentanyl.
Sufentanil.
Thiofentanyl.

PART II

CLASS B DRUGS

1. The following substances and products —

Acetyldihydrocodeine.
Codeine.
Dextropropoxyphene.
Dihydrocodeine.
Ethylmorphine (3-ethylmorphine).
Fenetylline.
Ketamine.
Methylphenidate.
Nicocodine.
Nicodicodine.
Nimetazepam.
Nitrazepam.
Norcodeine.
Norketamine and its dehydro derivatives.
Phencyclidine.
Phenmetrazine.
Pholcodine.
Propiram.
Zipeprol.

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

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

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

PART III

CLASS C DRUGS

1. The following substances —

Benzphetamine.
Chlorphentermine.
Mephentermine.
Methaqualone.
Phendimetrazine.
Pipradrol.

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

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

4. Any preparation or other product containing a substance for the time being specified in any of paragraphs 1 to 3.

PART IIIA

CLASS D DRUGS

1. The following substances, namely —

Bromazepam.
Buprenorphine.
Diazepam.
Dimethylamphetamine.
Flunitrazepam.
Flurazepam.
Gamma hydroxybutyric acid (GHB).
Mecloqualone.
Mitragynine.
Norbuprenorphine.
Perphenazine.
Secobarbital.
Triazolam.

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

3. Any salt of a substance for the time being specified in paragraphs 1 and 2 of this Part.

4. Any preparation or other product containing a substance for the time being specified in any of paragraphs 1 to 3 to this Part.

PART IV

MEANING OF CERTAIN EXPRESSIONS USED IN THIS SCHEDULE

For the purposes of this Schedule —

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

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

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

“opium poppy” means any plant from which morphine may be produced;

“preparation” means a mixture, solid or liquid, containing a controlled drug;

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

Made this 22nd. day of Rabiulawal, 1433 Hijriah corresponding to the 15th. day of February, 2012 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

**HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM**