

CHAPTER 31

MEDICAL AND KINDRED PROFESSIONS ORDINANCE

To amend and consolidate the law with respect to the practice of the medical and kindred professions.

1st August, 1901

ORDINANCE XVII of 1901 as amended by Ordinances: V of 1906, VIII of 1921; Act V of 1926; Ordinances: XXIII of 1931, XII of 1932, XII of 1934, VIII of 1936, I and XXVII of 1937, XV, XXX and XLII of 1939, XIII of 1942, I and V of 1944, XLII of 1946; Acts: V and XLVII of 1948, IX of 1949, VIII of 1953, VII of 1955, XXII and XXIV of 1957; Emergency Ordinances: XV of 1958, II of 1959; Ordinances: III of 1959, XXVII and XXX of 1961, XXV of 1962; Act III of 1962; Legal Notices: 4 of 1963, 46 of 1965; Acts: V, XI, XXVIII of 1967, XXII of 1968, X, XIV, XXVI of 1969, XXX of 1970, XXXVII of 1972, XVIII of 1973, LVIII of 1974, XXI, XLIX, LVI of 1975; Legal Notice 148 of 1975; Acts: XX, XXII of 1976, XVII, XX of 1977, [XLIX of 1981](#), [IX](#), [XVI of 1982](#), [XIII](#), [XVI of 1983](#), [V of 1985](#), [XVII of 1986](#); Legal Notice [34 of 1986](#); Acts: [XIX of 1987](#), [VIII of 1990](#); Legal Notices [48 of 1990](#), [31 of 1997](#); Act [II of 1998](#); Legal Notice [79 of 1998](#); Acts [VI of 2000](#), [VI of 2001](#); Legal Notice [285 of 2001](#); Act [XXIII of 2001](#); Legal Notices [38](#), [209](#), [222 of 2002](#); Act [III of 2002](#); Legal Notices [212](#), [374 of 2003](#); Acts [III](#), [XII of 2003](#); Legal Notices [135](#), [260 of 2006](#); Act [XVI of 2006](#); Legal Notices [127](#), [404 of 2007](#); Acts [XXIV](#), [XXXI of 2007](#); Legal Notices [407 of 2007](#), [174](#), [423 of 2010](#), [149](#), [412](#), [426 of 2012](#), [362](#), [364](#), [404 of 2013](#); [48 of 2016](#), [357](#), [358 of 2017](#), [231 of 2018](#), [268 of 2018](#) and [190 of 2019](#), [111 of 2021](#), [292](#) and [293](#) of 2021 and [166](#) and [252](#) of 2022 and [155 of 2023](#) and Acts [XXIV of 2014](#), [VIII of 2015](#), [XV of 2018](#), [V of 2019](#) and [XXXVI of 2021](#) and Legal Notices [178](#) and [237 of 2024](#) and Act [VII of 2025](#) and Legal Notice [98 of 2025](#) and Legal Notice [46 of 2026](#).

ARRANGEMENT OF ORDINANCE

	Articles
Title and Interpretation	1-2
Part I. Practice of Medical and Kindred Professions	3-4
Part II. Medical Practitioners	5-12
Part III. (<i>deleted by XXIII.2001.62.</i>)	
Part IV. Apothecaries and Pharmacy Technicians	18-49
Part V. Midwives	50-64
Part VI. Dental Surgeons and Dentists	65-71
Part VII. Registered and Enrolled Nurses	72-80
Part VIII. Hospital Attendants	81-83
Part IX. Professions Supplementary to Medicine	84-87A
Part X. Trades akin to the Sanitary Professions	88-104
Part XI. Offences and Penalties	105-123A
Part XII. Registers	124

SCHEDULES

First Schedule
Second Schedule
Third Schedule

1. The short title of this Ordinance is Medical and Kindred Professions Ordinance. Short title.

2. Repealed by: [XII. 2003.52.](#)

Interpretation.

Added by:

II. 1959.30.

Amended by:

XXII.1968.37;

XIV.1969.19;

XVIII.1973.18;

[XLIX.1981.6;](#)

[XVI. 1983.26;](#)

[II. 1998.2.](#)

PART I

PRACTICE OF MEDICAL AND KINDRED PROFESSIONS

3. Repealed by: [XII. 2003.52.](#)

Professions subject to supervision.

Amended by:

VIII. 1921.2;

V. 1926.2;

XII. 1932.2;

XXII. 1957.2;

XV. 1958;

II. 1959.2;

XXV. 1962;

L.N. 4 of 1963;

L.N. 46 of 1965;

XXII. 1968.2;

XVIII. 1973.2;

[XVI. 1983.2,3;](#)

[XXIII. 2001.62.](#)

4. Repealed by: [XII. 2003.52.](#)

Trades subject to sanitary supervisions.

PART II

MEDICAL PRACTITIONERS

5. Repealed by: [XII. 2003.52.](#)

Licence to practise medical profession.

Amended by:

VIII. 1921.4;

XII. 1932.3;

II. 1959.3.

Substituted by:

XVII. 1977.2.

Amended by:

XX. 1977.2;

[XVI. 1983.4;](#)

[V. 1985.2;](#)

[XIX. 1987.2.](#)

6. Repealed by: [XII. 2003.52.](#)

Medical Register.

Amended by:

VIII. 1921.5;

XXIII. 1931.2;

XXVII. 1937.2;

VIII. 1953.2;

II. 1959.4;

XXVIII. 1967.2;

L.N. 148 of 1975.

Substituted by:

XVII. 1977.2.

Amended by:

[V. 1985.3;](#)

[XIX. 1987.3.](#)

Duties of licensed medical practitioners.
Amended by:
 VIII. 1921.6;
 XXII. 1957.3;
 XXII. 1968.3;
[XVI. 1983.6](#);
[XIX. 1987.4](#);
[II. 1998.3](#).

7. *Repealed by:* [XII. 2003.52](#).

Medical practitioner not to practise pharmacy.
Amended by:
 V. 1906.1;
 XXVII. 1937.3;
 II. 1959.6.

8. *Repealed by:* [XII. 2003.52](#).

Medical practitioners not to have any interest in any dispensary.
Amended by:
 VIII. 1921.7.

9. *Repealed by:* [XII. 2003.52](#).

Medical practitioners not to have any interest in any optician's business.
Added by:
 XXVII. 1961.3.

10. *Repealed by:* [XII. 2003.52](#).

Persons authorized to give prescriptions.
Amended by:
 VIII. 1921.8;
 XII. 1932.4;
 XLVII. 1948.2;
[XXIII. 2001.62](#).

11. *Repealed by:* [XII. 2003.52](#).

Form of prescription.
Amended by:
 VIII. 1921.9;
 XIII. 1942.2;
 XLVII. 1948.3;
 V. 1967.2;
[XVII. 1986.2](#).

12. *Repealed by:* [XII. 2003.52](#).

PART III

VETERINARY SURGEONS

Practice of veterinary surgery.
Substituted by:
 II. 1959.7.
Amended by:
 L.N. 46 of 1965;
 LVIII. 1974.68.

13. *(deleted by* [XXIII. 2001.62](#)*.)*

Qualifications for obtaining licence.
Amended by:
 VIII. 1921.10;
 II. 1959.8;
 XI. 1967.2;
 L.N. 148 of 1975.

14. *(deleted by* [XXIII. 2001.62](#)*.)*

15. (deleted by [XXIII. 2001](#).62.)

Veterinary
Surgeons' Register.
Added by:
II. 1959.9.
Amended by:
L.N. 46 of 1965;
LVIII. 1974.68;
L.N. 148 of 1975.

16. (deleted by [XXIII. 2001](#).62.)

Veterinary surgeon
not to practise
pharmacy.
Added by:
VIII. 1921.11.

17. (deleted by [XXIII. 2001](#).62.)

Applicability of
article 7.
Amended by:
VIII. 1921.12.
Substituted by:
[XLIX.1981](#).6.

PART IV

APOTHECARIES AND PHARMACY TECHNICIANS

Amended by:
VIII. 1921.34;
[XVI. 1983](#).2.

18. Repealed by: [XII. 2003](#).52.

Licence to practise
as apothecary and
pharmacy
technician.
Substituted by:
II. 1959.10.
Amended by:
L.N. 46 of 1965;
LVIII. 1974.68;
[XVI. 1983](#).2.

19. Repealed by: [XII. 2003](#).52.

Qualifications for
licence to practise
as apothecary.
Amended by:
VIII. 1921.13;
VII. 1955.2;
II. 1959.8;
L.N. 46 of 1965;
XXII. 1968.4;
LVIII. 1974.68;
L.N. 148 of 1975;
[XLIX.1981](#).6.

20. Repealed by: [XII. 2003](#).52.

Apothecaries'
Register.
Added by:
II. 1959.11.
Amended by:
L.N. 46 of 1965;
XXII. 1968.5;
LVIII. 1974.68;
L.N. 148 of 1975;
[XVI. 1983](#).2.

- Qualifications for licence to practise as pharmacy technician.
Amended by:
VIII. 1921.14.
Substituted by:
V. 1944.2.
Amended by:
XLVII. 1948.4;
II. 1959.12;
XI. 1967.3;
XXII. 1968.6;
XXXVII. 1972.2;
[XLIX.1981.6](#);
[IX.1982.2](#);
[XVI.1983.2,7](#);
[V.1985.4](#).
- Licence to open a dispensary.
Amended by:
VIII. 1921.15.
Substituted by:
[XVI.1983.8](#).
- Dispensary to be managed by licensed apothecary.
Amended by:
VIII. 1921.16;
XXVII. 1937.4;
II. 1959.12;
XXII. 1968.7;
[V.1985.5](#).
- Employment of pharmacy technician.
Added by:
XLIX. 1975.2.
Amended by:
XX. 1976.2.
- Duties of apothecary.
Amended by:
VIII. 1921.17.
Substituted by:
XXII. 1968.8.
- Apothecary not to carry on business of dispensary on behalf of medical practitioner, etc.
Amended by:
VIII. 1921.18;
XXVII. 1937.5;
[XXIII.2001.62](#).
- Owner of dispensary may employ one or more apothecaries.
Amended by:
VIII. 1921.19;
XXI. 1975.3.
- Where managing apothecary is ill or absent.
Amended by:
XX. 1976.3.
21. *Repealed by:* [XII.2003.52](#).
22. *Repealed by:* [III.2003.108](#).
23. *Repealed by:* [III.2003.108](#).
24. *Repealed by:* [III.2003.108](#).
25. *Repealed by:* [III.2003.108](#).
26. *Repealed by:* [III.2003.108](#).
27. *Repealed by:* [III.2003.108](#).
28. *Repealed by:* [III.2003.108](#).

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29. *Repealed by:* [III. 2003](#).108. Duty of apothecary to render his services in urgent cases.
Amended by:
[XLII. 1939.2](#).
30. *Repealed by:* [III. 2003](#).108. Apothecary cannot refuse to sell medicinal substances on prescription.
Amended by:
[VIII. 1921.20](#);
[XIII. 1942.2](#).
31. *Repealed by:* [III. 2003](#).108. Apothecary not to sell medical substances except on a medical prescription.
Amended by:
[VIII. 1921.21](#);
[XII. 1932.5](#);
[II. 1959.4](#);
[XXIII. 2001.62](#).
32. *Repealed by:* [III. 2003](#).108. Registering of prescriptions.
Amended by:
[VIII. 1921.22](#);
[XII. 1932.6](#);
[XIII. 1942.2](#);
[XLVII. 1948.5](#);
[XXIII. 2001.62](#).
33. *Repealed by:* [III. 2003](#).108. Apothecary not to keep noxious medical substances.
Amended by:
[VIII. 1921.23](#).
Substituted by:
[XX. 1976.4](#).
34. *Repealed by:* [III. 2003](#).108. Premises to be kept thoroughly clean.
Added by:
[VIII. 1921.24](#).
35. *Repealed by:* [III. 2003](#).108. Apothecary to be guided by British Pharmacopoeia.
Amended by:
[VIII. 1921.25](#);
[II. 1959.4](#);
[III. 1959.2](#);
[III. 1962.2](#);
[L.N. 4 of 1963](#).
36. *Repealed by:* [III. 2003](#).108. Poisonous substances.
37. *Repealed by:* [III. 2003](#).108. Substances which are deemed to be poisonous.
Amended by:
[VIII. 1921.26](#);
[II. 1959.4](#);
[L.N. 4 of 1963](#).

Sale of poisonous substances.

Amended by:
VIII. 1921.27;
XIII. 1942.2,3;
XXII. 1968.9.

38. *Repealed by:* [III. 2003.108.](#)

Where the medical substance is for external use.

Amended by:
VIII. 1921.28.
Substituted by:
XXII. 1968.10.

39. *Repealed by:* [III. 2003.108.](#)

Power of Minister to make regulations for controlling drugs or chemical products.
Added by:
V. 1967.3.
Amended by:
XLIX. 1975.3.

40. The Minister responsible for public health may, after consulting the Council of Health, and so far as he may consider necessary or expedient for the protection of the public health, make regulations for controlling the manufacture, exportation, importation, possession, distribution and sale of such drugs or chemical products as may be deemed by him to require such control in the public interest, and for preventing their improper use, and in particular but without prejudice to the generality of the foregoing power for -

- (a) regulating the issue by the persons mentioned in article 31(1) of prescriptions containing any such drug or chemical product and the dispensing of any such prescription;
- (b) requiring persons engaged in the manufacture, exportation, importation, sale, or distribution of any such drug or chemical product to keep and produce for inspection such books and to furnish such information as may be prescribed; and
- (c) requiring and regulating the labelling and marking of any such drug or chemical product and regulating any advertisement thereof.

Psychotropic drugs.

Added by:
[V. 1985.6.](#)
Amended by:
[XIX. 1987.13.](#)

***40A.** (1) The Minister responsible for public health may, after consulting the Council of Health, and so far as he may consider necessary or expedient for the protection of the public health, make regulations for controlling the manufacture, exportation, importation, possession, distribution and sale of psychotropic drugs as may be deemed by him to require such control in the public interest, and for preventing their improper use, and in particular but without prejudice to the generality of the foregoing powers for -

- (a) regulating the issue by the persons mentioned in article 31(1) of prescriptions containing any such drug or chemical product and the dispensing of any such prescription;
- (b) requiring persons engaged in the manufacture, exportation, importation, sale or distribution of any such drug or chemical product to keep and produce for inspection such books and to furnish such information as may be prescribed;

*See article 16 of Act V of 1985.

- (c) requiring and regulating the labelling and marking of any such psychotropic drug and regulating any advertisement thereof.

(2) For the purpose of this article, the term "psychotropic drug" means any drug or chemical listed in the Third Schedule to this Ordinance.

(3) The Minister responsible for public health may, after consulting the Council of Health, by regulation amend, add to, revoke or substitute the list of psychotropic drugs contained in the Third Schedule to this Ordinance.

40B. (1) Any person who -

- (a) cultivates the plant Khat; or
- (b) imports or brings into, or exports from, Malta the plant Khat; or
- (c) has in his possession (otherwise than in the course of transit through Malta or the territorial waters thereof) the whole or any portion of the plant Khat; or
- (d) sells or otherwise deals in the whole or any portion of the plant Khat; or
- (e) with another one or more persons in Malta or outside Malta conspires for the purposes of selling or dealing in the plant Khat in Malta against the provisions of this article or who promotes, constitutes, organises or finances the conspiracy,

Offences related to
the plant Khat.
Added by:
[XXIV. 2014](#).76.

shall be guilty of an offence against this Ordinance:

Provided that the term "dealing" in this article shall have the same meaning as that assigned to it by article 120A(1B).

(2) Every person charged with an offence against this article shall be tried in the Criminal Court or before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the Attorney General may direct, and if he is found guilty shall, in respect of such offence, be liable -

- (a) on conviction by the Criminal Court to a punishment of imprisonment of not less for a term of not less than twelve months but not exceeding ten years and to a fine (*multa*) of not less than four hundred and sixty-five euro and eighty seven cents (465.87) but not exceeding twenty three thousand and two hundred and ninety-three euro and seventy-three cents (23,293.73); or
- (b) on conviction by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) to imprisonment for a term of not less than three months but not exceeding twelve months or to a fine (*multa*) of not less than four hundred and sixty-five euro and eighty-seven cents (465.87) but not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) or to both such imprisonment and fine.

Power of the Minister to amend the Fourth Schedule.

Added by:
[XXIV. 2014.76.](#)

Inspections of dispensaries.

Substituted by:
[XXII. 1968.11;](#)
Amended by:
[XIV. 1969.19.](#)

Mode of inspection and drawing up of *procès verbal*.

Amended by:
[VIII. 1921.29.](#)
Substituted by:
[XXII. 1968.12.](#)

Seizure of noxious substances found on the premises.

Amended by:
[VIII. 1921.30.](#)

Wrappers of articles seized to be sealed and signed.

Amended by:
[VIII. 1921.31;](#)
[XXII. 1968.13.](#)

Right of apothecary.

Copy of *procès-verbal* of inspection to be forwarded to Superintendent of Public Health.

Amended by:
[VIII. 1921.32.](#)

Document of identity.

Substituted by:
[XXII. 1968.14.](#)

40C. The Minister responsible for Justice may, after consultation with the Minister responsible for the Police and with the Attorney General, amend the Fourth Schedule to this Ordinance.

41. Repealed by: [III. 2003.108.](#)

42. Repealed by: [III. 2003.108.](#)

43. (1) If, in the course of an inspection, any substances kept in the dispensary are found to be imperfect, deteriorated or noxious, the inspecting officer shall forthwith seize such substances, and the manager of such dispensary shall be called upon by the Superintendent of Public Health to give an explanation.

(2) If such explanation is not satisfactory, the necessary proceedings shall be instituted for an offence under article 33.

44. In the case mentioned in the last preceding article, the wrappers or receptacles containing the substances so seized shall be sealed with the seal and the signature of the apothecary or of the person for the time being in charge of the dispensary:

Provided that if such apothecary or person refuses to affix his seal or signature, the signature of the officer effecting the seizure shall be sufficient:

Provided also that if the apothecary or the person for the time being in charge of the dispensary so requires, the inspecting officer shall divide each article so seized into two parts, sealed and signed as aforesaid, and shall deliver one part to the apothecary or the person for the time being in charge of the dispensary.

45. A copy of the *procès-verbal* of each inspection shall be transmitted to the Superintendent of Public Health together with the articles, if any, seized upon such inspection.

46. An authorised apothecary shall, if so required by the owner or manager of the dispensary being inspected or by the person for the time being in charge thereof, produce a document signed by the Minister responsible for public health attesting his authority to act as such.

47. At the end of each year the Superintendent of Public Health shall make to the Minister responsible for public health a report of the result of the inspections carried out in pursuance of the foregoing articles.

Superintendent of Public Health to make report of result of inspections.
Amended by:
VIII. 1921.33;
L.N. 4 of 1963.

48. *Repealed by:* [III. 2003.108.](#)

Opening of dispensaries on prohibited days.
Added by:
XXIV. 1957.12.
Amended by:
XXX. 1961.3.

49. It shall be the duty of the apothecary in charge of a dispensary to keep affixed to the door of the dispensary, in such a way as to be clearly visible from the street and at all times during which the dispensary is closed, a notice showing the name and address of the apothecary in charge of that dispensary.

Name and address of apothecary to be affixed to door of dispensary.
Added by:
XXIV. 1957.12.

PART V

MIDWIVES

50. *Repealed by:* [XII. 2003.52.](#)

Practice of midwifery.
Substituted by:
II. 1959.13.
Amended by:
L.N. 46 of 1965;
LVIII. 1974.68.

51. *Repealed by:* [XII. 2003.52.](#)

Qualifications.
Amended by:
VIII. 1921.35;
XLII. 1946.2;
II. 1959.12;
L.N. 4 of 1963;
XXX. 1970.2;
XVIII. 1973.3;
[XLIX.1981.6;](#)
[XVI. 1983.2.](#)

52. *Repealed by:* [XII. 2003.52.](#)

Register of Midwives.
Added by:
II. 1959.14.
Amended by:
XVIII. 1973.3.

53. *Repealed by:* [XII. 2003.52.](#)

Midwives in actual practice before the commencement of Ordinance.

54. *Repealed by:* [XII. 2003.52.](#)

Duties of midwife.
Amended by:
VIII. 1921.36;
XV. 1958;
II. 1959.12;
L.N. 4 of 1963;
XVIII. 1973.3.

-
- When midwife must summon medical assistance.
Amended by:
[XLIX.1981.6.](#)
55. *Repealed by:* [XII. 2003.52.](#)
- Notification to District Medical Officer of patient's condition.
Amended by:
[XLIX.1981.6.](#)
56. *Repealed by:* [XII. 2003.52.](#)
- Midwife not to use surgical instruments.
57. *Repealed by:* [XII. 2003.52.](#)
- Cases of puerperal fever or other infections.
Amended by:
VIII. 1921.37.
58. *Repealed by:* [XII. 2003.52.](#)
- Where midwife is unable to attend personally.
59. *Repealed by:* [XII. 2003.52.](#)
- Midwife to report to District Medical Officer cases of fever or inflammation.
60. *Repealed by:* [XII. 2003.52.](#)
- Free supply of antiseptic preparations to midwife for attendance on paupers.
61. *Repealed by:* [XII. 2003.52.](#)
- Midwife to give notice of birth.
62. *Repealed by:* [XII. 2003.52.](#)
- Midwife to comply strictly with regulations.
63. *Repealed by:* [XII. 2003.52.](#)
- Power of Minister responsible for public health to make regulations.
Amended by:
VIII. 1921.38;
XV. 1958;
II. 1959.12;
XXV. 1962;
L.N. 4 of 1963;
XXX. 1970.3;
XVIII. 1973.3.
64. *Repealed by:* [XII. 2003.52.](#)
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PART VI

DENTAL SURGEONS AND DENTISTS

65. Repealed by: [XII. 2003.52.](#)

Amended by:
VIII. 1921.39.

Licence to practise dental surgery.
Substituted by:
II. 1959.15.
Amended by:
L.N. 46 of 1965;
LVIII. 1974.68.
Substituted by:
[XVI. 1983.9.](#)
Amended by:
[XIX. 1987.5.](#)

66. Repealed by: [XII. 2003.52.](#)

Register of Dental Surgeons.
Amended by:
VIII. 1921.41;
XII. 1932.8;
XXVII. 1937.6;
II. 1959.4;
L.N. 46 of 1965;
X. 1969.2;
LVIII. 1974.68;
L.N. 148 of 1975;
[XLIX.1981.6.](#)
Substituted by:
[XVI. 1983.11.](#)
Amended by:
[XIX. 1987.6.](#)

67. Repealed by: [XII. 2003.52.](#)

Qualifications to be entered in Register of Dental Surgeons.
Added by:
XII. 1932.9.
Amended by:
XII. 1934.2.
Substituted by:
II. 1959.16.
Amended by:
L.N. 46 of 1965;
LVIII. 1974.68;
L.N. 148 of 1975.
Substituted by:
[XVI. 1983.12.](#)

68. Repealed by: [XII. 2003.52.](#)

Assumption of title and user.
Added by:
XII. 1932.10.
Amended by:
II. 1959.17.

69. Repealed by: [XII. 2003.52.](#)

Dentists not to make agreements with apothecaries for a share of the profits of a dispensary.
Added by:
XXVII. 1937.7.
Amended by:
XXX. 1939.2.

Dentists not to
practise pharmacy.
Added by:
XXVII. 1937.7.
Amended by:
L.N. 46 of 1965;
LVIII. 1974.68.

70. *Repealed by:* [XII. 2003.52.](#)

Vested rights of
dentists practising
before July, 1900.
Amended by:
VIII. 1921.43.

71. *Repealed by:* [XII. 2003.52.](#)

Added by:
VIII. 1936.2.

PART VII

Substituted by:
XXII. 1968.15.

REGISTERED AND ENROLLED NURSES

Register and roll of
nurses.
Added by:
VIII. 1936.2.
Amended by:
II. 1959.19;
L.N. 4 of 1963.
Substituted by:
XXII. 1968.16.
Amended by:
XVIII. 1973.3.
Substituted by:
[XVI. 1983.13.](#)

72. *Repealed by:* [XII. 2003.52.](#)

Contents of
register and roll.
Added by:
XXII. 1968.17.

73. *Repealed by:* [XII. 2003.52.](#)

Conditions for
registration.
Added by:
VIII. 1936.2.
Amended by:
I. 1937.2;
V. 1948.2;
II. 1959.20;
XXII. 1968.18;
XXVI. 1969.2;
XVIII. 1973.4;
[XLIX.1981.6.](#)

74. *Repealed by:* [XII. 2003.52.](#)

Conditions for
enrolment.
Added by:
XXII. 1968.19.
Amended by:
XVIII. 1973.3;
[XIX. 1987.7.](#)

75. *Repealed by:* [XII. 2003.52.](#)

Nurses registered
or enrolled abroad.
Added by:
VIII. 1936.2.
Amended by:
I. 1937.3;
II. 1959.12.
Substituted by:
XXII. 1968.20.
Amended by:
XVIII. 1973.3;
XX. 1976.5;
[XVI. 1983.14;](#)
[V. 1985.7.](#)

76. *Repealed by:* [XII. 2003.52.](#)

77. Repealed by: [XII. 2003](#).52.

Certificate of registration or enrolment.
Added by:
VIII. 1936.2.
Amended by:
II. 1959.21.
Substituted by:
XXII. 1968.21.
Amended by:
XVIII. 1973.3.

78. Repealed by: [XII. 2003](#).52.

Unlawful assumption of title of registered or enrolled nurse.
Added by:
VIII. 1936.2.
Amended by:
XXII. 1957.4.
Substituted by:
XXII. 1968.22.
Amended by:
[XVI. 1983](#).15.

79. Repealed by: [XII. 2003](#).52.

Training schools for nurses.
Added by:
VIII. 1936.2.
Substituted by:
V. 1948.3.
Amended by:
II. 1959.22.
Substituted by:
XXII. 1968.23.
Amended by:
XVIII. 1973.3.

80. Repealed by: [XII. 2003](#).52.

Power of Minister responsible for public health to make regulations.
Added by:
VIII. 1936.2.
Amended by:
V. 1948.4;
II. 1959.12.23;
L.N. 4 of 1963;
XVIII. 1973.3.

PART VIII

HOSPITAL ATTENDANTS

Added by:
V. 1948.5.

81. Repealed by: [XII. 2003](#).52.

Roll of hospital attendants.
Added by:
V. 1948.5.
Amended by:
II. 1959.24;
XVIII. 1973.3.

82. Repealed by: [XII. 2003](#).52.

Conditions for enrolment.
Added by:
V. 1948.5.
Amended by:
II. 1959.25;
XVIII. 1973.3;
[XLIX.1981](#).6.

Unlawful
assumption of title
of hospital
attendant.
Added by:
V. 1948.5.

83. *Repealed by:* [XII. 2003](#).52.

Added by:
IX. 1949.2.

PART IX

Substituted by:
XXII. 1957.5;
[XVI. 1983](#).16.

PROFESSIONS SUPPLEMENTARY TO MEDICINE

Register of medical
auxiliaries.
Added by:
IX. 1949.2.
Amended by:
XXII. 1957.6;
II. 1959.26;
LVI. 1975.2;
[XVI. 1983](#).17.

84. *Repealed by:* [XII. 2003](#).52.

Conditions for
registration.
Added by:
IX. 1949.2.
Amended by:
XXII. 1957.7;
II. 1959.27;
[XLIX.1981](#).6;
[XVI. 1983](#).2.

85. *Repealed by:* [XII. 2003](#).52.

Certificate of
registration.
Added by:
IX. 1949.2.
Amended by:
XXII. 1957.8;
II. 1959.28.
Substituted by:
LVI. 1975.3;
[XVI. 1983](#).18.

86. *Repealed by:* [XII. 2003](#).52.

Unlawful exercise
of profession
supplementary to
medicine.
Added by:
IX. 1949.2.
Substituted by:
XXII. 1957.9;
[XVI. 1983](#).18.

87. *Repealed by:* [XII. 2003](#).52.

Persons registered
in other countries.
Added by:
[V. 1985](#).8.
Amended by:
[XIX. 1987](#).13.

87A. *Repealed by:* [XII. 2003](#).52.

PART X

TRADES AKIN TO THE SANITARY PROFESSIONS

Definition of
"poisons".
Added by:
VIII. 1921.47.
Substituted by:
XX. 1976.6.

88. *Repealed by:* [III. 2003](#).108.

89. *Repealed by: [III. 2003.108.](#)*
90. No person shall sell or distribute -
- (a) any substance or preparation advertised as a secret remedy or specific, which shall not have been approved by the Council of Health; or
 - (b) any substance or any preparation or mixture of substances intended to be used as a drug or remedy or as a solvent, additive or colouring matter unless the box, wrapper, bottle or other container in which it is to be sold or distributed bears the name or designation of the substance or substances of which the preparation or mixture is compounded or composed, and, where any substance is of a poisonous nature in terms of article 88, unless the total or *pro rata* amount of such substance is stated on the said box, wrapper, bottle or other container; or
 - (c) any remedy falsely described on labels or in advertisements as composed of ingredients which are not really those which it contains, or as having any therapeutical qualities or indications which are not recognised by the Council of Health.
- 90A. (1) No person shall advertise or permit or suffer to be advertised in any manner whatsoever, any medical or health service or treatment, not being a service provided by Government, or any other service or treatment which is or is described as being of a medical, therapeutic or curative value or effect, or in any other way beneficial to health, without the approval of the Council of Health.
- (2) For the purposes of sub-article (1), "treatment" shall include any form of advice relating to the treatment or cure of maladies or ailments, or any advice relating to health.
91. The provisions of article 90 shall apply also to apothecaries and to pharmacy technicians, as the case may be.
92. *Repealed by: [III. 2003.108.](#)*
93. *Repealed by: [III. 2003.108.](#)*
94. The provisions of articles 36 and 38 shall apply to any person, not being an apothecary, who holds a licence under the last preceding article.
- Sale of drugs.
Substituted by:
V. 1967.4.
Amended by:
XXII. 1968.24;
[XVI. 1983.2.](#)
- Secret remedies or specifics.
Amended by:
VIII. 1921.44;
II. 1959.12;
V. 1967.5;
[XVI. 1983.19.](#)
- Advertisement of treatment, etc.
Added by:
[V. 1985.9.](#)
- Article 90 to apply to apothecaries.
Amended by:
XXII. 1968.25;
[XVI. 1983.2;](#)
[V. 1985.10.](#)
- Sale of poisons.
Amended by:
VIII. 1921.45.
- Licence for sale of poisons.
Amended by:
VIII. 1921.46.
- Applicability of provisions relating to apothecaries and to persons who are not apothecaries.

Power of
inspection.
Amended by:
VIII. 1921.48.

95. *Repealed by: [III. 2003.108.](#)*

Laboratories of
chemical products.

96. (1) No person shall set up any laboratory of chemical products used in medicine, or of galenic preparations, without a licence from the Superintendent of Public Health.

(2) Such licence shall not be granted unless the Superintendent is satisfied that the laboratory is managed by an apothecary or by a person holding a certificate of competency in chemistry.

(3) The Superintendent of Public Health shall have power to direct any laboratory to be closed, if it ceases to be managed by an apothecary or chemist as provided in sub-article (2).

Certificate of
competency to
practise as chemist.
Amended by:
VIII. 1921.49;
II. 1959.12.
XXII. 1968.26;
L.N. 148 of 1975.

97. The Pharmacy Board shall have power to grant a certificate of competency to practise as a chemist for the purposes of the last preceding article to any applicant who satisfies the Board that he or she -

- (i) has attained majority,
- (ii) has attended the course of chemistry at the University of Malta or at another school recognised by the University of Malta and passed the relative examinations.

Private hospitals,
etc.
Amended by:
VIII. 1921.50;
II. 1959.12.
Substituted by:
XX. 1977.3.
Amended by:
[XIX. 1987.8;](#)
Amended by
XV.2018.32

98. (1) No person shall use any premises as a hospital, clinic, maternity home, medical diagnostic laboratory, X-ray department, or any other similar establishment or institution, by whatever name called, unless there is in respect of such premises a valid licence for the purpose issued by the Minister responsible for public health, and no person may open or carry on any establishment or institution for any of the purposes aforesaid unless he is in possession of a valid licence for the purpose issued by the said Minister.

(2) No licence shall be granted or renewed under sub-article (1) if the premises, equipment and facilities as well as the personnel, whether medical or otherwise, are not such as to provide such standard of medical care or service as the Minister responsible for public health deems to be satisfactory, or as he may, by regulations made under this article, from time to time prescribe.

(3) The said Minister may, in granting or renewing any licence under sub-article (1), impose any such condition as he may deem fit and may restrict the services and the activities that may be provided or carried on in the licensed premises.

(4) Where any premises are used or any act is done in contravention of any condition or restriction, contained in a licence granted or renewed under sub-article (1), any premises so used and any act so done shall be deemed to have been used or done without the licence required by this article.

(5) Any licence granted under the provision of sub-article (1) shall lapse on the 31st December of the year in which it is issued but may be renewed by the said Minister from year to year. Any such licence shall also lapse if there is a declaration of guilt under

article 119 in respect of any offence against this article whether the offence is committed by the person or in the premises licensed under sub-article (1).

99. (1) The Superintendent of Public Health may, in granting a licence under articles 22, 33, 89, 92 or 96, impose any such condition as he may deem fit.

Imposition of conditions to licence.

Added by:

XX. 1976.7.

Amended by:

XX. 1977.4;

XV1. 1983.20.

(2) Any person duly licensed under any of the said articles 22, 33, 89, 92 or 96 who fails to comply with any condition imposed by the Superintendent of Public Health under sub-article (1) shall be deemed to have acted without the necessary licence.

100. (1) No licensee of any premises, establishment or institution licensed under article 98(1) shall charge or make, or allow to be charged or made, any fees or other charges, for any service or thing whatsoever, which is in excess of the fee or charge payable in respect thereof in accordance with such tariff as the Minister responsible for public health may, after consulting the Medical Council, from time to time establish.

Medical practitioners in private hospitals and clinics and fees to be charged.

Added by:

XX. 1977.5.

Amended by:

[*XIX. 1987.9.*](#)

(2) Every licensee of any premises, establishment or other institution licensed under article 98(1) shall display, and keep at all times displayed, in a prominent place in the licensed premises and which is easily accessible to the public, the tariff of fees and charges currently applicable in accordance with sub-article (1).

101. Where any premises are used or any act is done in contravention of any of the provisions of article 98, either because the required licence or authority has not been issued or given, or is deemed not to have been issued or given, or has lapsed or has not been renewed or has been withdrawn, it shall be the duty of the Commissioner of Police to ensure that the premises in question are kept closed and that no further contraventions take place, and it shall be lawful for him to take all appropriate steps for that purpose.

Enforcement of foregoing provisions.

Added by:

XX. 1977.5.

Amended by:

[*XIX. 1987.10.*](#)

102. It is prohibited to sow, cast, put or place, or cause to be sown, cast, put or placed in or upon any land or other exposed place any grain, seed, meal, or flesh which has been so dipped or steeped in poison, or has been so mixed with poison or other ingredient or preparation as to be rendered poisonous and calculated to destroy life.

Poisoned grain, seed, etc.

103. (1) The provisions of the last preceding article shall not apply to any person who sells or offers or exposes for sale or makes use of any ingredient or substance for preparing or protecting any grain or seed for *bona fide* use in agriculture only, or sows or causes to be sown such grain or seed so prepared.

Article 102 not to apply in certain cases.

(2) Nor shall the said provisions apply to the occupier of any dwelling house or other building or the owner of any rick or stack of wheat, barley, oats, beans, peas, clover, seeds or other cultivated vegetable produce who puts or places or causes to be put or placed in any such house or building or in any garden or field attached to such house or building and enclosed by walls not less than three metres and sixty-five centimetres in height, or in the privy of any

such house or building, provided that such privy is so protected as to prevent any dog from entering the same, or in any such rick or stack, any poison or poisonous ingredient or preparation for the purpose of destroying rats, mice or small vermin or insects.

Administering
drugs to domestic
animals.

104. It shall not be lawful for any person, to administer or cause to be administered any poisonous or noxious drug or substance to any horse, cattle or other domestic animal, whereof such person is not the owner, without an order from the owner.

PART XI

OFFENCES AND PENALTIES

Erasure from
registers by
Medical Council
on grounds of
conviction or
infamous conduct.

Added by:

II. 1959.29.

Amended by:

XXII. 1968.27;

XVIII. 1973.5;

[*XLIX.1981.4;*](#)

[*XVI. 1983.21;*](#)

[*XIX. 1987.11;*](#)

[*XXIII. 2001.62.*](#)

105. *Repealed by:* [*XII. 2003.52.*](#)

Erasure by the
Board for the
Professions
Supplementary to
Medicine on
grounds of
conviction or
infamous conduct.

Added by:

II. 1959.29.

Amended by:

XXII. 1968.28;

XVIII. 1973.6;

[*XLIX.1981.4;*](#)

[*XVI. 1983.22.*](#)

106. *Repealed by:* [*XII. 2003.52.*](#)

Erasure by
Pharmacy Board
on grounds of
conviction or
infamous conduct.

Added by:

XXII. 1968.29.

Amended by:

XVIII. 1973.7;

[*XLIX.1981.4;*](#)

[*XVI. 1983.2,23.*](#)

107. *Repealed by:* [*XII. 2003.52.*](#)

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108. *Repealed by:* [XII. 2003.52.](#)
- Erasure by Nursing and Midwifery Board on grounds of conviction or infamous conduct.
Added by: XVIII. 1973.8.
Amended by: [XLIX.1981.4;](#)
[XVI. 1983.24.](#)
109. *Repealed by:* [XII. 2003.52.](#)
- Saving of proceedings under other laws.
Added by: II. 1959.29.
Amended by: XXII. 1968.30;
XVIII. 1973.9;
[XVI. 1983.2.](#)
110. *Repealed by:* [XII. 2003.52.](#)
- Erasure from register or roll on ground of infirmity.
Added by: II. 1959.29.
Amended by: XXII. 1968.31;
XVIII. 1973.10;
[XVI. 1983.2.](#)
111. *Repealed by:* [XII. 2003.52.](#)
- Restoration of names to register.
Added by: II. 1959.29.
Amended by: XXII. 1968.32;
XVIII. 1973.11;
[XVI. 1983.2.](#)
112. *Repealed by:* [XII. 2003.52.](#)
- Fraudulent and incorrect registration.
Added by: II. 1959.29.
Amended by: XXII. 1968.33;
XVIII. 1973. 12;
[XVI. 1983.2.](#)
113. *Repealed by:* [XII. 2003.52.](#)
- Notification of decision of Medical Council and appeal therefrom.
Added by: II. 1959.29.
Amended by: L.N. 148 of 1975;
[VI. 2001.4.](#)
114. *Repealed by:* [XII. 2003.52.](#)
- Notification of decision of Pharmacy Board and appeal therefrom.
Added by: XXII. 1968.34.

Notification of
decision of the
Board for the
Professions
Supplementary to
Medicine and
appeal therefrom.
Added by:
II. 1959.29.
Amended by:
L.N. 46 of 1965;
XVIII. 1973.13;
LVIII. 1974.68.

115. *Repealed by: [XII. 2003.52.](#)*

Notification of
decision of
Nursing and
Midwifery Board
and appeal
therefrom.
Added by:
XVIII. 1973.14.
Amended by:
[XVI. 1983.2.](#)

116. *Repealed by: [XII. 2003.52.](#)*

Rules of
procedure.
Added by:
II. 1959.29.
Amended by:
L.N. 4 of 1963;
XXII. 1968.35;
XVIII. 1973.15;
[XVI. 1983.2.](#)

117. *Repealed by: [XII. 2003.52.](#)*

Summoning of
witnesses.
Added by:
II. 1959.29.
Amended by:
XXII. 1968.36;
XVIII. 1973.16;
L.N. 148 of 1975;
[XVI. 1982.2;](#)
[XVI. 1983.2.](#)

118. *Repealed by: [XII. 2003.52.](#)*

Definitions.
Added by:
[V.2019.3.](#)

118A. (1) For the purposes of this Ordinance and all regulation and rules thereunder:

- (a) "drug" means any of the following:
 - (i) a substance covered by the 1961 United Nations Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, or by the 1971 United Nations Convention on Psychotropic Substances;
 - (ii) any of the substances listed in the Annex to the Council Framework Directive 2004/757/JHA;
- (b) "new psychoactive substance" means a substance in pure form or in a preparation that is not covered by the 1961 United Nations Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, or by the 1971 United Nations Convention on Psychotropic Substances which may pose health or social risks similar to those posed by the substances covered by those Conventions;

- (c) "preparation" means a mixture containing one or more new psychoactive substances.

(2) All necessary actions required for the implementation of the Council Framework Decision 2004/757/JHA shall be implemented as soon as possible, but no later than six (6) months after the entry into force by the act amending the Annex of the said Decision, and shall include a specific reference to the said Framework Decision.

119. (1) Any person who commits an offence against any of the provisions of article 7(1)(f), article 8, 9, 10, 16 or 24, article 26(a) or (b), article 27, 32 or 34, article 35(2), article 48(2) or (3) or article 49, 62, 69, 70 or 100 shall be liable -

Penalties for certain offences.

Added by:
XX. 1976.9.
Amended by:
XX. 1977.6;
[XIII. 1983.5](#);
[XVI. 1983.2,25](#);
[V. 1985.II](#);
[XIX. 1987.12](#);
[L.N. 407 of 2007](#).

- (a) on a first conviction, to a fine (*multa*) of not less than twenty-three euro and twenty-nine cents (23.29) but not exceeding two hundred and thirty-two euro and ninety-four cents (232.94), and,
- (b) on a second or subsequent conviction, to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) but not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69).

(2) Any person who commits an offence against any of the provisions of article 7 [with the exception of sub-article (1)(f)], article 13, 17, 18 (in so far as it refers to the unlawful practice as a pharmacy technician), 22, 23 or 25, article 26(c), article 28, 29, 30, 31 or 33, article 35(1), article 36, 38 or 39, article 54(1), or article 55, 56, 57, 58, 60, 63, 68, 78, 83, 87, 90, 90A, 91, 94 or 104 shall be liable -

- (a) on a first conviction, to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) but not exceeding four hundred and sixty-five euro and eighty-seven cents (465.87), and
- (b) on a second or subsequent conviction, to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) but not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69), or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

(3) Any person who commits an offence against any of the provisions of article 5, article 11(1), article 18 (in so far as it refers to the unlawful practice as an apothecary), 50, 59, 65, 89, 92, 96, 98 or 102 shall be liable -

- (a) on a first conviction, to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) but not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69), or to imprisonment for a term of not less than one month but not exceeding three months, or to both such fine and imprisonment, and

- (b) on a second or subsequent conviction, to imprisonment for a term of not less than two months but not exceeding six months, with or without the addition of a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) but not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69).

Offence under article 40.
 Added by:
 XLIX. 1975.5.
 Amended by:
 XX. 1976.10;
[XIII. 1983.5](#);
[L.N. 407 of 2007](#).

120. Any person who contravenes the provisions of any regulations under article 40 shall be liable -

- (a) on the first conviction to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) but not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69), or to imprisonment for a term of not less than one month but not exceeding three months, or to both such fine and imprisonment, and
- (b) to a fine (*multa*) of not less than two hundred and thirty-two euro and ninety-four cents (232.94) but not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69).

Offences under article 40A.
 Added by:
[V. 1985.12](#).
 Amended by:
[XVII. 1986.3](#);
[XIX. 1987.13](#);
[VIII. 1990.3](#);
[II. 1998.4](#);
[VI. 2000.8](#);
[III. 2002.159](#);
[XVI. 2006.27](#);
[L.N. 407 of 2007](#);
[XXXI. 2007.29](#);
[XXIV. 2014.77](#);
[VIII. 2015.40](#);
[XXXVI. 2021.3](#).

***120A.** (1) Any person -

- (a) who acts in contravention of, or fails to comply with any provision of any regulation made under article 40A; or
- (b) who acts in contravention of, or fails to comply with the conditions of any licence or permit or authority granted under the provisions of any regulation made under article 40A; or
- (c) who for the purpose of obtaining, whether for himself or for any other person, the issue, grant or renewal of any such licence, permit or authority as aforesaid, makes any declaration, or statement which is false in any particular, or knowingly utters, produces or makes use of any such declaration or statement or any document containing the same; or
- (d) who in Malta aids, abets, counsels, or procures the commission in any place outside Malta of any offence punishable under the provisions of any corresponding law in force in that place, or who with another one or more persons conspires in Malta for the purpose of committing such an offence, does any act preparatory to, or in furtherance of, any act which if committed in Malta would constitute an offence against any such regulations; or
- (e) being a citizen of Malta or a permanent resident in Malta, who in any place outside Malta does any act which if committed in Malta would constitute an

*See article 16 of Act V of 1985.

offence of selling or dealing in a drug against this article or an offence under paragraph (f); or

- (f) who with another one or more persons in Malta or outside Malta conspires for the purposes of selling or dealing in a drug in Malta against the provisions of this article or who promotes, constitutes, organises or finances the conspiracy,

shall be guilty of an offence against this article.

For the purposes of paragraph (e) the expression "permanent resident" means a person in favour of whom a permit of residence has been issued in accordance with the provisions contained in article 7 of the [Immigration Act](#).

Cap. 217.

(1A) The conspiracy referred to in sub-article (1)(d) and (f) shall subsist from the moment in which any mode of action whatsoever is planned or agreed upon between such persons.

(1B) For the purposes of this article the word "dealing" (with its grammatical variations and cognate expressions) with reference to dealing in a drug, includes cultivation, importation in such circumstances that the Court is satisfied that such importation was not for the exclusive use of the offender, manufacture, exportation, distribution, production, administration, supply, the offer to do any of these acts, and the giving of information intended to lead to the purchase of such a drug contrary to the provisions of this Ordinance:

Provided that in the case of importation in such circumstances that the Court is satisfied that such importation was for the exclusive use of the offender, the provisions of the [Probation Act](#) and of article 21 of the [Criminal Code](#) shall not apply.

Cap. 446.
Cap. 9.

(1C) A person shall also be guilty of an offence against this Ordinance who manufactures, transports or distributes any equipment or materials knowing that they are to be used in or for the production or manufacture of any drug contrary to the provisions of this Ordinance and any such conduct as is prohibited under this sub-article shall be deemed for the purposes of this Ordinance as constituting an offence of selling or dealing in a drug against this Ordinance.

- (1D) (a) A person shall also be guilty of an offence against this Ordinance who uses, transfers the possession of, sends or delivers to any person or place, acquires, receives, keeps, transports, transmits, alters, disposes of or otherwise deals with, in any manner or by any means, any money, property (whether movable or immovable) or any proceeds of any such money or property with intent to conceal or convert that money or property or those proceeds and knowing or suspecting that all or a part of that money or property, or of those proceeds, was obtained or received, directly or indirectly, as a result of -

- (i) the commission of any of the offences

- mentioned in sub-articles (1) and (1C); or
- (ii) any act of commission or omission in any place outside these Islands which if committed in these Islands would constitute an offence under sub-articles (1) or (1C).

- (b) In proceedings for an offence under paragraph (a), where the prosecution produces evidence that no reasonable explanation was given by the person charged or accused showing that such money, property or proceeds was not money, property or proceeds described in the said paragraph, the burden of showing the lawful origin of such money, property or proceeds shall lie with the person charged or accused.

Cap. 101.

(1E) A person shall also be guilty of an offence against this Ordinance who sells or otherwise deals in a substance mentioned in the Third Schedule to the [Dangerous Drugs Ordinance](#) knowing or suspecting that the substance is to be used in or for the production of a drug listed under Part A of the Third Schedule contrary to the provisions of this Ordinance; and the definition of "dealing" in sub-article (1B) shall apply, *mutatis mutandis*, to this sub-article.

(1F) Any person who lands in Malta and is in possession of a drug against the provisions of this Ordinance shall be exempt from any criminal liability if the conditions mentioned in sub-article (1G) are satisfied.

(1G) The conditions to which reference is made in sub-article (1F) are the following:

- (a) the person in possession of the drug is not ordinarily resident in Malta and has come from a place outside Malta;
- (b) at the first opportunity after landing in Malta that person surrenders the said drug to a Police officer or to a customs officer and declares that the same drug was for his exclusive personal use; and
- (c) the said drug is in such a quantity and is in possession of that person under such circumstances as to reasonably lead to the inference that the same drug was destined for the exclusive personal use of that person.

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

- (a) on conviction by the Criminal Court -
 - (i) where the offence consists in selling or dealing in a drug listed under Part A of the Third Schedule contrary to the provisions of this article, or in an offence under sub-article (1)(f), or of the offence of possession of a drug, contrary to the provisions of this Ordinance,

under such circumstances that the court is satisfied that such possession was not for the exclusive use of the offender, or of the offences mentioned in sub-articles (1C) or (1D) or (1E), to imprisonment for life:

Provided that:

(aa) where the Court is of the opinion that, when it takes into account the age of the offender, the previous conduct of the offender, the quantity of the drug and the nature and quantity of the equipment or materials, if any, involved in the offence and all other circumstances of the offence, the punishment of imprisonment for life would not be appropriate; or

(bb) where the verdict of the jury is not unanimous,

then the Court may sentence the person convicted to the punishment of imprisonment for a term of not less than four years but not exceeding thirty years and to a fine (*multa*) of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) but not exceeding one hundred and sixteen thousand and four hundred and sixty-eight euro and sixty-seven cents (116,468.67); and

(ii) for any other offence to imprisonment for a term of not less than twelve months but not exceeding ten years and to a fine (*multa*) of not less than four hundred and sixty-five euro and eighty-seven cents (465.87), but not exceeding twenty-three thousand and two hundred and ninety-three euro and seventy-three cents (23,293.73); or

(b) on conviction by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) -

(i) where the offence consists in selling or dealing in a drug listed under Part A of the Third Schedule to this Ordinance contrary to the provisions of this article, or in an offence under sub-article (1)(f), or of the offence of possession of a drug, contrary to the provisions of this Ordinance, under such circumstances that the court is satisfied that such possession was not for the exclusive use of the offender, or of the offences mentioned in sub-articles (1C) or (1D) or (1E), to imprisonment for a term of not less than six months but not exceeding ten years and to a fine (*multa*) of not less than four hundred and sixty-five euro and eighty-seven cents (465.87) but not exceeding eleven thousand and

six hundred and forty-six euro and eighty-seven cents (11,646.87); and

- (ii) for any other offence, to imprisonment for a term of not less than three months but not exceeding twelve months, or to a fine (*multa*) of not less than four hundred and sixty-five euro and eighty-seven cents (465.87) but not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) or to both such imprisonment and fine,

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

Provided that for the purposes of this sub-article, when the person charged has not attained the age of sixteen years and unless he is charged jointly with any other person who has attained the age of sixteen years, any reference to the Court of Magistrates (Malta) or to the Court of Magistrates (Gozo) shall be construed as a reference to the Juvenile Court:

Provided further that where a person is convicted as provided in paragraph (a)(i) or paragraph (b)(i) and the offence has taken place in, or within one hundred metres of the perimeter of, a school, youth club or centre, or such other place where young people habitually meet, or the offence consists in the sale, supply, administration or offer to do any of these acts, to a minor, to a woman with child or to a person who is following a programme for cure or rehabilitation from drug dependence, the punishment shall be increased by one degree.

(2A) Where a person is charged under the provisions of this article with selling or dealing in a drug listed under Part A of the Third Schedule, or with promoting, constituting organising or financing a conspiracy under sub-article (1)(f) in respect of such drug, or with the offence of possession of a drug, contrary to the provisions of this Ordinance, under such circumstances that the court is satisfied that such possession was not for the exclusive use of the offender, or with the offences mentioned in sub-articles (1C) or (1D), the provisions of articles 22A, 22B, 22E, 27 and 30 of the [Dangerous Drugs Ordinance](#) shall apply.

Cap. 101.

(2A bis) Where a person is charged under the provisions of this article with an offence mentioned in sub-article (2A) and that person is a person as is referred to in sub-article (5) or is a person in possession of a licence, permit or authority issued to him by a competent authority in or in connection with the exercise of any art, trade, calling or other occupation and the offence is committed in a place licensed under this Ordinance, under the [Dangerous Drugs Ordinance](#) or under any other law, the Court may, without prejudice to any other order that it may make under the provisions of this article, at the request of the prosecution make an order, hereinafter referred to as a "suspension order", suspending such licence, permit

Cap. 101.

or authority and the provisions of article 22B bis (2) and (3) of the [Dangerous Drugs Ordinance](#) shall *mutatis mutandis* apply.

(2B) Where an offence against this article in respect of which a person has been found guilty consists in an offence mentioned in sub-article (2A) the provisions of article 22(3A), (3B) and (7) and the provisions of articles 22C, 22D, 28 and 29 of the [Dangerous Drugs Ordinance](#) shall apply.

Cap. 101.

(2C) Notwithstanding that the Attorney General has directed in accordance with the provisions of sub-article (2), that a person be tried in the Criminal Court, he may, at any time before the filing of the bill of indictment, or at any time after filing the bill of indictment before the jury is empanelled, and with the consent of the accused, direct that that person be tried before the Court of Magistrates, and upon such direction the Court of Magistrates as a court of criminal judicature shall become competent to try that person as if no previous direction had been given. Where the Attorney General has given such new direction after the filing of the bill of indictment, the registrar of the Criminal Court shall cause the record to be transmitted to the Court of Magistrates, and shall cause a copy of the Attorney General's direction to be served on the Commissioner of Police.

(2D) Notwithstanding the provisions of article 370 of the [Criminal Code](#) and without prejudice to the provisions of sub-article (2C), the Court of Magistrates shall be competent to try all offences against this article as directed by the Attorney General in accordance with the provisions of sub-article (2).

Cap. 9.

(2E) (a) In giving a direction in accordance with sub-article (2), the Attorney General shall give due consideration to the guidelines included in the Fourth Schedule to this Ordinance.

(b) Where the Attorney General has directed that the person accused is to be tried in the Criminal Court in accordance with sub-article (2), upon the termination of the inquiry, if the Court of Magistrates as a Court of Criminal Inquiry, decides that there are sufficient grounds for committing the accused for trial on indictment, the accused may by application to be filed in the Criminal Court within seven days from the conclusion of the inquiry or within seven days from the date on which the accused is served with the bill of indictment, demand of the said court to order that he be tried in the Court of Magistrates and the Criminal Court shall, after ordering the service of the application upon the Attorney General and granting him at least seven days to reply and after having heard oral submissions from the accused and the Attorney General if it considers this necessary, decide upon the court in which the accused is to be tried and the accused shall be tried in accordance with the decision of the Criminal Court:

Provided that an application in terms of this paragraph may only be filed once in the course of any

proceedings:

Provided further that persons, who on the date of the coming into force of this sub-article, are awaiting trial in the Criminal Court further to a direction given in terms of sub-article (2) may, notwithstanding the other provisions of this paragraph, file an application in the said court in terms of this paragraph by not later than the 30th April 2015:

Cap. 9. For the purposes of this sub-article the words "the conclusion of the inquiry" include any conclusion of an inquiry referred to in article 407 of the [Criminal Code](#).

Cap. 446. (2F) Where, upon conviction by the Criminal Court as provided in sub-article (2)(a), after considering all the circumstances of the case including the amount and nature of the drug involved, the character of the person concerned, the number and nature of any previous convictions, including convictions in respect of which an order was made under the [Probation Act](#) and the provisions of the Fourth Schedule, the court is of the opinion that the punishment provided for in sub-article (2)(a) would be disproportionate it may, giving reasons, apply the punishment provided in sub-article (2)(b).

Cap. 9. (2G) Where it is established that an offence under this Ordinance was committed by an officer of a body corporate as is referred to in article 121D of the [Criminal Code](#) or by a person having a power of representation or having such authority as is referred to in that article and the offence was committed for the benefit, in part or in whole, of that body corporate, the said person shall for the purposes of this Ordinance be deemed to be vested with the legal representation of the same body corporate which shall be liable to a fine (*multa*) not exceeding two million and five hundred thousand euro (€2,500,000):

Provided that where legal representation no longer vests in the said person, for purposes of this article, legal representation shall vest in the person occupying the office in his stead or in such person as is referred to in that article.

(3) No person shall, on conviction for any offence of contravening or failing to comply with any regulation under article 40A relating to the keeping of books or the issuing or dispensing of prescriptions containing psychotropic drugs to which that article applies, be sentenced to imprisonment without the option of "a fine or to pay a fine exceeding one hundred and sixteen euro and forty-seven cents (116.47), if the court dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to or committed in the course of or in connection with the commission or intended commission of any other offence against this article.

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

(5) Where the offence in respect of which a person is found guilty under this article consists in the importation, manufacture, selling or otherwise dealing in a psychotropic drug, and such person is either licensed under this Ordinance or under the [Dangerous Drugs Ordinance](#), or is in possession of a warrant issued under this Ordinance to practise a profession, or a calling or a trade, or the offence is committed in a place licensed under this Ordinance or the Ordinance aforesaid, the court shall, at the request of the prosecution and in addition to any other punishment, order the revocation of such licence or warrant and upon such order being made any such licence or warrant shall cease to have effect for all purposes of law and in particular for the purposes of this Ordinance and of the Ordinance aforesaid.

Cap. 101.

(6) Where it results to the court that the offender, other than an offender convicted of an offence as is referred to in sub-article (2)(a)(i) or (b)(i), is in need of care and assistance for his rehabilitation from dependence on any drug listed in the Third Schedule to this Ordinance the court may, instead of applying any of the punishments provided for in the foregoing sub-articles, place the offender on probation in accordance with the provisions of the [Probation Act](#), so however that such probation order may be made notwithstanding that the offender, who has attained the age of fourteen years, has not expressed his willingness to comply with the requirements thereof as provided in article 7 of that Act.

Cap. 446.

(7) The provisions of articles 21 and 28A of the [Criminal Code](#) and the provisions of the [Probation Act](#) shall not be applicable in respect of any person convicted of an offence as is referred to in sub-article (2)(a)(i) or (b)(i):

Cap. 9.

Cap. 446.

Provided that where, in respect of any offence mentioned in this sub-article, after considering all the circumstances of the case including the amount and nature of the drug involved, the character of the person concerned, the number and nature of any previous convictions, including convictions in respect of which an order was made under the [Probation Act](#), the court is of the opinion that the offender intended to consume the drug on the spot with others, or procured a small quantity of drugs to be consumed on the spot for and upon the request of persons in his company at a single event at no profit, the court may decide not to apply the provisions of this sub-article:

Cap. 446.

Provided further that an offender may only benefit once from the provisions of the above proviso.

(8) Where, in the case of a person convicted of an offence referred to in sub-article (7), the court is satisfied that such person is in need of treatment for his rehabilitation from dependence on any drug listed in the Third Schedule, the provisions of article 22(10) to (14) of the [Dangerous Drugs Ordinance](#) shall be applicable in the same manner and to the same extent as if that person were a person convicted of an offence referred to in the said article 22(10).

Cap. 101.

Cap. 9.

Definition of
expression
"corresponding
law".

Added by:
[II. 1998.5.](#)
Cap. 101.

Additional powers
of investigation.

Added by:
[II. 1998.5.](#)
[XXXI. 2007.30;](#)
[XXXVI.2021.4.](#)

(9) Where an offence against this Ordinance in respect of which a person has been found guilty consists in any of the offences referred to in article 120C(1) or of the offence of possession of a drug contrary to the provisions of this Ordinance under such circumstances that the court is satisfied that such possession was not for the exclusive use of the offender, the provisions of articles 121D and 248E(4) of the [Criminal Code](#) shall apply *mutatis mutandis*.

120B. For the purposes of articles 120A and 121C the expression "corresponding law" shall have the same meaning assigned to it by article 23 of the [Dangerous Drugs Ordinance](#) and the provisions of the said article 23 shall apply thereto.

120C. (1) Where, upon information received, the Attorney General has reasonable cause to suspect that a person (hereinafter referred to as "the suspect") -

- (a) is guilty of selling or dealing in a drug contrary to the provisions of this Ordinance; or
- (b) is guilty of any of the offences mentioned in article 120A(1)(e) or (f); or
- (c) is guilty of an offence mentioned in article 120A(1)(d) with reference to any of the offences referred to in the foregoing paragraphs of this sub-article, or
- (d) is guilty of the offence mentioned in article 120A(1D); or
- (e) is guilty of the offence of possession of a drug contrary to the provisions of this Ordinance, under such circumstances that the court is satisfied that such possession was not for the exclusive use of the offender,

Cap. 101.

the Attorney General may apply to the Criminal Court for an investigation order or an attachment order or for both and the provisions of article 24A of the [Dangerous Drugs Ordinance](#) shall *mutatis mutandis* apply to that application and to the suspect and to any investigation or attachment order made by the court as a result of that application.

Cap. 101.

(2) The words "investigation order" in article 24A(2) and (5) of the [Dangerous Drugs Ordinance](#) shall be read and construed as including an investigation order made under the provisions of this article.

Cap. 101.

(3) The words "attachment order" in article 24A(6A) of the [Dangerous Drugs Ordinance](#) shall be read and construed as including an attachment order made under the provisions of this article.

(4) In the course of any investigation of an offence against this Ordinance, the Executive Police may request a magistrate to hear on oath any person who they believe may have information regarding such offence; and the magistrate shall forthwith hear that person on oath.

(5) For the purpose of hearing on oath a person as provided in sub-article (4) the magistrate shall have the same powers as are by law vested in the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) as a Court of Criminal Inquiry as well as the powers mentioned in article 554 of the [Criminal Code](#); provided that such hearing shall always take place behind closed doors.

Cap. 9.

120D. (1) Where the Attorney General receives a request made by the judicial or prosecuting authority of any place outside Malta for investigations to take place in Malta in respect of a person (hereinafter referred to as "the suspect") suspected by that authority of an act or omission which if committed in these Islands, or in corresponding circumstances, would constitute any of the offences mentioned in article 120C(1)(a), (b), (c), (d) and (e) the Attorney General may apply to the Criminal Court for an investigation order or an attachment order or for both and the provisions of article 24A of the [Dangerous Drugs Ordinance](#) shall *mutatis mutandis* apply to that application and to the suspect and to any investigation or attachment order made by the court as a result of that application.

Powers of investigation in connection with offences cognizable by courts outside Malta.
Added by:
[II. 1998.5.](#)
Amended by:
[XXXI. 2007.31.](#)

Cap. 101.

(2) The words "investigation order" in article 24A(2) and (5) of the [Dangerous Drugs Ordinance](#) shall be read and construed as including an investigation order made under the provisions of this article.

Cap. 101.

(3) The words "attachment order" in article 24A(6A) of the [Dangerous Drugs Ordinance](#) shall be read and construed as including an attachment order made under the provisions of this article.

Cap. 101.

120E. (1) Where the Attorney General receives a request made by a judicial or prosecuting authority of any place outside Malta for the temporary seizure of all or any of the moneys or property, movable or immovable, of a person (hereinafter in this article referred to as "the accused") charged or accused in proceedings before the courts of that place of an offence consisting in an act or an omission which if committed in these Islands, or in corresponding circumstances, would constitute any of the offences mentioned in article 120C(1)(a), (b), (c), (d) and (e), the Attorney General may apply to the Criminal Court for an order (hereinafter referred to as a "freezing order") having the same effect as an order as is referred to in article 22A(1) of the [Dangerous Drugs Ordinance](#) and the provisions of the said article 22A shall, subject to the provisions of sub-article (2) of this article, apply *mutatis mutandis* to that order.

Freezing of property of person accused with offences cognizable by courts outside Malta.
Added by:
[II. 1998.5.](#)
Amended by:
[XXXI. 2007.32.](#)

Cap. 101.

(2) The provisions of article 24C(2) to (5) of the [Dangerous Drugs Ordinance](#) shall apply to an order made under this article as if it were an order made under the said article 24C.

Cap. 101.

(3) Article 22B of the [Dangerous Drugs Ordinance](#) shall also apply to any person who acts in contravention of a freezing order under this article.

Cap. 101.

Enforcement of
confiscation orders
made by courts
outside Malta
following
conviction for
offences
cognizable by
those courts.
Added by:
[II. 1998.5.](#)
Amended by:
[XXXI. 2007.33.](#)
Cap. 101.

120F. (1) A confiscation order made by a court outside Malta providing or purporting to provide for the confiscation or forfeiture of proceeds from the commission of a relevant offence shall be enforceable in Malta in accordance with the provisions of article 24D(2) to (11) of the [Dangerous Drugs Ordinance](#).

(2) For the purposes of this article, but subject to the provisions of sub-article (3), "confiscation order" and "proceeds" shall have the same meanings assigned to them by article 24D(12) of the [Dangerous Drugs Ordinance](#) which meanings shall be construed in accordance with the meaning assigned to "property" by the same sub-article (12) and in accordance with the meaning assigned to "relevant offence" in sub-article (3).

(3) For the purposes of this article "relevant offence" means any offence consisting in any act or omission which if committed in these Islands, or in corresponding circumstances, would constitute any of the offences mentioned in article 120C(1)(a), (b), (c), (d) and (e).

Unlawful
obstruction, etc.
Added by:
[XX. 1976.11.](#)
Amended by:
[XIII. 1983.5;](#)
[L.N. 407 of 2007.](#)

121. Any person who prevents any other person from doing what he is enjoined or permitted to do under the provisions of this Ordinance or of any order or regulations made thereunder, or who undoes or frustrates anything which any other person may have done in compliance with any of the said provisions, shall be guilty of an offence and shall be liable -

- (a) on a first conviction, to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) but not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69), and
- (b) on a second or subsequent conviction, to imprisonment for a term of not less than one month but not exceeding six months, with or without the addition of a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) but not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69).

Burden of proof.
Added by:
[II. 1998.6.](#)

121A. (1) In any proceedings against any person for an offence against this Ordinance, it shall not be necessary to negative by evidence any licence, authority or other matter of exception or defence, and the burden of proving any such matter shall lie on the person seeking to avail himself thereof.

(2) When the offence charged is that of possession of, or of selling or dealing in, a drug contrary to the provisions of this Ordinance it shall not be a defence to such charge for the accused to prove that he believed that he was in possession of, or was selling or dealing in, some thing other than the drug mentioned in the charge if the possession of, or the selling or dealing in, that other thing would have been, in the circumstances, in breach of any other provision of this Ordinance or of any other law.

121B. Notwithstanding the provisions of article 661 of the [Criminal Code](#), where a person is involved in any offence against this Ordinance, any statement made by such person and confirmed on oath before a magistrate and any evidence given by such person before any court may be received in evidence against any other person charged with an offence against the said Ordinance, provided it appears that such statement or evidence was made or given voluntarily, and not extorted or obtained by means of threats or intimidation, or of any promise or suggestion of favour.

Statement may be admitted as evidence.
Added by:
[II. 1998.6.](#)
Cap. 9.

121C. The provisions of article 30B of the [Dangerous Drugs Ordinance](#) shall apply *mutatis mutandis* to a controlled delivery of any drug listed under the Third Schedule to this Ordinance or of money, property or proceeds as referred to in article 120A(1D)(a) with a view to identifying persons involved in the commission of offences under this Ordinance or under the corresponding law in force in the territory of another country and the same provisions shall also apply *mutatis mutandis* to the acquisition or procurement of any such drug by the Executive Police.

Controlled delivery and purchase.
Added by:
[II. 1998.6.](#)
Amended by:
[VI. 2000.8.](#)
Cap. 101.

121D. The provisions of article 30C of the [Dangerous Drugs Ordinance](#) shall apply *mutatis mutandis* to a witness, expert or other person in a foreign country who consents, in respect of an offence contrary to the provisions of this Ordinance, to give evidence or to assist as provided in that article following a request for assistance as also provided in the same article.

Persons transferred to Malta from abroad for the purpose of giving evidence or assisting in an investigation, etc.
Added by:
[II. 1998.6.](#)
Cap. 101.

121E. (1) Where the Attorney General receives, or is informed about, a request made by or on behalf of a judicial, prosecuting, law enforcement, administrative or other competent authority of any State or place other than or outside Malta (hereinafter in this article referred to as the "requesting authority") seeking authorisation for the competent authorities of that State or place to take appropriate measures in regard to a relevant vessel reasonably suspected to be engaged in the commission of a relevant offence the Attorney General may, with the concurrence of the Prime Minister, authorise the taking of the said measures by the aforesaid competent authorities subject to such conditions as may have been agreed by Malta with that State or as may be agreed between the requesting authority and the Attorney General with the concurrence of the Prime Minister.

Co-operation in the suppression of relevant offences at sea.
Added by:
[II. 1998.6.](#)
Amended by:
[XVI. 2006.27;](#)
[XXIV. 2007.8.](#)

(2) Where authorisation has been given by the Attorney General as aforesaid the competent authorities referred to in sub-article (1), subject to the conditions as may have been agreed upon as provided in the same sub-article, shall be authorised to take the appropriate measures and to exercise on board the vessel in regard to which appropriate measures have been authorised under this article all such powers of arrest, entry, search and seizure as are vested in the Executive Police of Malta.

(3) For the purposes of this article -

"appropriate measures" with regard to a vessel include the boarding of and carrying a search on such vessel as well as such other appropriate action with respect to the vessel, persons and cargo on board such vessel if evidence of involvement of the vessel

in a relevant offence is found;

"relevant offence" shall have the same meaning assigned to it by article 120F(3); and

"relevant vessel" means a ship or any other floating craft of any description, including hovercrafts and submersible crafts, flying the flag of Malta or displaying the marks of registry of Malta and exercising freedom of navigation in accordance with international law.

More serious
offence.
Added by:
[XX.1976.11.](#)
Cap. 9.

122. Where the act committed by an offender constitutes a more serious offence under the [Criminal Code](#) or any other law, the provisions of that Code or other law shall apply, in respect of that act.

Interdiction.

123. Any person sentenced for an offence under article 33, 38 or 90 who commits another offence against the provisions of any of such articles may, in addition to the punishment prescribed for such other offence, be sentenced to interdiction from the practice of his profession or trade for a term not exceeding three months.

Right of appeal.
Added by:
[XVII. 1986.4.](#)
Amended by:
[VIII. 1990.3.](#)
Cap. 9.

123A. Notwithstanding the provisions of the [Criminal Code](#), the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgment given by the Court of Magistrates in respect of criminal proceedings arising out of the provisions of article 120A.

Added by:
[II. 1959.30.](#)

PART XII

REGISTERS

Inspection of
registers.
Added by:
[II. 1959.30.](#)
Amended by:
[V. 1985.13.](#)

124. *Repealed by:* [XII. 2003.52.](#)

FIRST SCHEDULE

Added by:
[XVI. 1983.27.](#)

(Article 7)

PART I

- A Lead poisoning
 - Phosphorus poisoning
 - Manganese poisoning
 - Arsenical poisoning
 - Mercury poisoning
 - Carbon-bisulphide poisoning
 - Benzene poisoning and poisoning from Nitro and Amido derivatives of Benzene and its homologues
 - Aniline poisoning
 - Compressed air illness (Caisson Disease)
 - Anthrax
 - Epitheliomatous ulceration or chrome ulceration
 - Poisoning attributed to occupational exposure to pesticides
 - Brucellosis attributed to occupational exposure
 - Cadmium poisoning
 - Cancer of occupation origin
 - Blood dyscrasias of occupational origin
 - Toxic jaundice
 - Acute or chronic effects of exposure to radiation
 - Asthma of occupational origin

- B "Gassing" incidents in which a person is affected as a result of occupational exposure to gasses or fumes

Part 2

DEPARTMENT OF HEALTH

Notification of Occupational Disease or Incident

(Article 7)

1. Name of patient
2. Age Sex
3. Address
4. Present/last occupation
5. Name and address of present/last employer
.....
6. Name and address of previous employer (if previous
employment is suspected to be the cause)
.....
7. Type of disease/poisoning/incident
8. Harmful agent/process suspected to be the cause of disease
poisoning / incident
9. Dates (even approximate) of beginning and cessation of
exposure to risk
.....

Signature of Medical Practitioner

Date.....

Name and Address

SECOND SCHEDULE

(Article 7)

CERTIFICATE OF DEATH AND CAUSE THEREOF

Added by:
XXII. 1957.11.
Amended by:
[XVI. 1983.6.](#)
Substituted by:
[V. 1985.14.](#)
Amended by:
L.N. [426 of 2012.](#)

1. Name and surname
2. Age and sex..... Legally valid identification document
number
(if dead person had a legally valid
identification document)
3. Place of birth
4. Residence
5. Profession, trade or other status
6. Name and surname of parents and whether living or dead
7. Whether bachelor or spinster, married, widower or widow, and
in the latter two cases the name and surname of the husband
or wife
8. Hour, day, month and year of death
9. Place where death occurred
- *10. Cause of death:

I

Approximate interval
between onset and death

Disease or condition
directly leading to
death

(a).....
(due to or as a
consequence of)

Antecedent causes; morbid
conditions, if any, giving
rise to the above cause,
stating the underlying
condition last

(b)
(due to or as a
consequence of).....
(c)

II

Other significant conditions
contributing to the death
but not related to the
disease or condition
causing it

11. Place of interment
12. Signature of the Medical Practitioner
- Date
- Name in Block Letters
- Address

TO THE POLICE OFFICER IN CHARGE OF THE ACTS OF
DEATH IN

*NOTES:

The certifier should enter under -

I. (a) The disease or injury which initiated the train of morbid events leading to death, i.e. the disease, injury or complication which was the direct cause of death. This does not mean the mode of dying e.g. heart failure, asthenia, etc.

(b) The condition, if any, considered to have been antecedent to the direct cause, both in respect of time and of etiological or pathological relationship. A condition can be entered as antecedent even though a long interval of time has elapsed since its onset or since the occurrence of symptoms of it.

(c) Any other condition which is considered to be antecedent to (b) in the same sense as described above.

If it is thought that there has not been any antecedent condition as defined above, lines I (b) and I (c) should be left blank.

On no account must the starting point of the sequence of disease be entered in Part II because of lack of space for it in Part I.

II. Any other conditions which, though not in the causal sequence in Part I, appear to have contributed something to the fatal outcome.

THIRD SCHEDULE

(Article 40a)

LIST OF PSYCHOTROPIC DRUGS

PART A

Added by:

[V.1985.15.](#)

Amended by:

[XVII.1986.5;](#)

[L.N. 34 of 1986.](#)

Substituted by:

[L.N. 48 of 1990.](#)

Amended by:

[L.N. 31 of 1997;](#)

[L.N. 79 of 1998;](#)

[L.N. 285 of 2001;](#)

[L.N. 38 of 2002;](#)

[L.N. 209 of 2002;](#)

[L.N. 222 of 2002;](#)

[L.N. 212 of 2003;](#)

[L.N. 374 of 2003;](#)

[L.N. 135 of 2006;](#)

[L.N. 260 of 2006;](#)

[L.N. 127 of 2007;](#)

[L.N. 404 of 2007;](#)

[L.N. 174 of 2010;](#)

[L.N. 423 of 2010;](#)

[L.N. 149 of 2012;](#)

[L.N. 412 of 2012;](#)

[L.N. 362 of 2013;](#)

[L.N. 364 of 2013;](#)

[L.N. 404 of 2013;](#)

[L.N. 48 of 2016;](#)

[L.N. 357 of 2017;](#)

[L.N. 358 of 2017;](#)

[L.N. 231 of 2018;](#)

[L.N. 268 of 2018;](#)

[L.N. 190 of 2019](#)

[L.N. 111 of 2021;](#)

[L.N. 292 of 2021;](#)

[L.N. 293 of 2021;](#)

[L.N. 166 of 2022;](#)

[L.N. 252 of 2022;](#)

[L.N. 155 of 2023;](#)

[L.N. 178 of 2024;](#)

[L.N. 237 of 2024;](#)

[L.N. 98 of 2025;](#)

[L.N. 46 of 2026.](#)

<i>International or other nonproprietary name or other trivial name</i>	<i>Chemical name</i>
α-PVP	1-phenyl-2-(1-pyrrolidin-1-yl)pentan-1-one
1-BENZYLPIPERAZINE	1-benzyl-1, 4-diazacyclohexane
2C-1	(2,5-dimethoxy-4-iodophenethylamine)
2C-T-2	(2,5-dimethoxy-4-ethylthiophenethylamine)
2C-T-7	(2,5-dimethoxy-4-(n)-propylthiophenethylamine)
TMA-2	(2,4,5,-trimethoxyamphetamine)
CATHINONE	(-)-a-aminopropiophenone
DET	N,N-diethyltryptamine
DMA	dl-2,5-dimethoxy-a-methylphenyl-ethylamine
DMHP	3- (1,2-dimethylheptyl)-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6 H - dibenzo [b,d] pyran
DMT	N,N-dimethyltryptamine
DOB,BROLAMFETAMINE	2,5-dimethoxy-4-bromoamphetamine
(+)LYSERGIDE, LSD, LSD-25	(+)-N,N-diethyllysergamide (d-lysergic acid diethylamide)
DOET	dl-2, 5-dimethoxy-4-ethyl-a-methylphenylethylamine

mCPP	1-(3-chlorophenyl)piperazine
oCPP	1-(2-chlorophenyl)piperazine
pCPP	1-(4-chlorophenyl)piperazine
MDA, METHYLENE DIOXYAMPHETAMINE	3, 4, methylenedioxyamphetamine
MDMA, TENAMFETAMINE	dl-3,4-methylenedioxy-N, a- dimethyl-phenylethylamine
4,4'-DMAR	4-methyl-5-(4-methylphenyl)-4,5- dihydro-1,3-oxazol-2-amine
4-MA	4-methylamphetamine
mephedrone (4-methylmethcathinone)	2-methylamino-1-(4- methylphenyl)propan-1-one
MESCALINE, MESCAL BUTTON, PEYOTE, PEYOTL	3, 4, 5-trimethoxyphenethylamine
MMDA	2-methoxy-alpha-methyl-4-5- (methylenedioxy)phenethylamine
PARAHEXYL	3-hexyl-1-hydroxy-7, 8, 9, 10-tet- rahydro-6,6,9-trimethyl-6H- dibenzo [b, d] pyran
PCE, ETICYCLIDINE	N-ethyl-1-phenylcyclohexylamine
PHP, PCPY, ROLICYCLIDINE	1-(1-phenylcyclohexyl) pyrrolidine
PMA	4-methoxy-a-methylphenylethyl- amine
PMMA	paramethoxymethylamphetamine or N-methyl-1-(4-methoxy-phenyl)-2- aminopropane
PSILOCINE, PSILOTSIN	3-(2-dimethylaminoethyl)-4- hydroxyindole
PSILOCYBINE	3-(2-dimethylaminoethyl)-indol-4- yl di hydrogen phosphate
STP. DOM	2-amino-1-(2, 5-dimethoxy- 4- methyl) phenylpropane
TETRAHYDROCANNABINOL, following isomers and their stereo chemical variants	7, 8, 9, 10 - tetrahydro-6,6,9-trimethyl- thepentyl- 6H-dibenzo[b,d]pyran-1-ol (9R,10aR)-8,9,10,10a- tetrahydro- 6,6,9-trimethyl-3-pentyl-6H-ibenzo [b,d]pyran-1-ol (6aR,9R,10aR)- 6a,9,10,10a- tetrahydro-6, 6,9-trimethyl-3pentyl- 6H-ibenzo[b,d]pyran-1-ol (6aR,10aR)- 6a,7,10,10a-tetrahydro-6, 6,9-trimethyl-3pentyl-6H-dibenzo [b,d]pyran-1-ol 6a,7,8,9-tetrahydro-6, 6,9-trimethyl- 3pentyl-6H-dibenzo[b,d]pyran-1-ol (6aR,10aR)- 6a,7,8,9,10,10a- hexahydro-6, 6-dimethyl-9- methylene-3-pentyl-6H- dibenzo[b,d]pyran-1-ol
TCP, TENOCYCLIDNE	1-[1-(2-thienyl) cyclohexyl] piperi- dine
TMA	dl-3, 4, 5-trimethoxy-a-methylphe- nylethylamine
4-MTA	(α -methyl-4-

	methylthiophenethylamine)
5-IT	5-(2-aminopropyl)indole
Methcathinone	2-(methylamino)-1-phenylpropan-1-one
Methoxetamine	2-(ethylamino)-2-(3-methoxyphenyl)cyclohexanone
25I-NBOMe (2C-I-NBOMe)	2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
25B-NBOMe (2C-B-NBOMe)	2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
25C-NBOMe (2C-C-NBOMe)	2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine
3,4-methylenedioxypyrovalerone (MDPV)	(RS)-1-(Benzo[d][1,3]dioxol-5-yl)-2-(pyrrolidin-1-yl)pentan-1-one
Methylone (beta-keto-MDMA)	(±)-2-Methylamino-1-(3,4-methylenedioxyphenyl)propan-1-one
JWH-018	Naphthalen-1-yl-(1-pentylindol-3-yl)methanone
AM-2201	1-[(5-Fluoropentyl)-1H-indol-3-yl]-(naphthalene-1-yl)methanone
4-MEC (4-methylethcathinone)	2-(ethylamino)-1-(4-methylphenyl)propan-1-one
Ethylone	1-(2 <i>H</i> -1,3-benzodioxol-5-yl)-2-(ethylamino)propan-1-one
Pentedrone	2-(methylamino)-1-phenylpentan-1-(α-methylaminovalerophenone)one
Ethylphenidate (EPH)	ethyl phenyl(piperidin-2-yl)acetate
Methiopropamine (MPA)	<i>N</i> -methyl-1-(thiophen-2-yl)propan-2-amine
MDMB-CHMICA	methyl <i>N</i> -{[1-(cyclohexylmethyl)-1 <i>H</i> -indol-3-yl]carbonyl}-3-methyl-L-valinate
5F-APINACA (5F-AKB-48)	<i>N</i> -(adamantan-1-yl)-1-(5-fluoropentyl)-1 <i>H</i> -indazole-3-carboxamide
XLR-11	[1-(5-fluoropentyl)-1 <i>H</i> -indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone
AB-CHMINACA	<i>N</i> -[(2 <i>S</i>)-1-Amino-3-methyl-1-oxobutan-2-yl]-1-(cyclohexylmethyl)-1 <i>H</i> -indazole-3-carboxamide
5F-ADB (5F-MDMB-PINACA)	Methyl(2 <i>S</i>)-2-{[1-(5-fluoropentyl)-1 <i>H</i> -indazole-3-carbonyl]amino}-3,3-dimethylbutanoate
AB-PINACA	<i>N</i> -[(2 <i>S</i>)-1-Amino-3-methyl-1-oxobutan-2-yl]-1-pentyl)-1 <i>H</i> -indazole-3-

	carboxamide
UR-144	(1-Pentyl-1 <i>H</i> -indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone
5F-PB-22	Quinolin-8-yl 1-(5-fluoropentyl)-1 <i>H</i> -indole-3-carboxylate
4-Fluoroamphetamine	(4-FA)1-(4-Fluorophenyl)propan-2-amine
ADB-CHMINACA	<i>N</i> -(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1 <i>H</i> -indazole-3-carboxamide
CUMYL-4CN-BINACA	1-(4-cyanobutyl)- <i>N</i> -(2-phenylpropan-2-yl)-1 <i>H</i> -indazole-3-carboxamide
ADB-FUBINACA	<i>N</i> -(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1 <i>H</i> -indazole-3-carboxamide
FUB-AMB (MMB- or AMB-FUBINACA)	Methyl (2 <i>S</i>)-2- {[1-[(4-fluorophenyl)methyl]indazole-3-carbonyl]amino}-3-methylbutanoate
<i>N</i> -ethylnorpentylone	1-(2 <i>H</i> -1,3-benzodioxol-5-yl)-2-(ethylamino)pentan-1-one
DOC	1-(4-chloro-2,5-dimethoxyphenyl)propan-2-amine
HHC, hexahydrocannabinol	6,6,9-Trimethyl-3-pentyl-6a,7,8,9,10,10a-hexahydro-6 <i>H</i> -benzo[<i>c</i>]chromen-1-ol
HHC-O acetate, HHCO, HHCOA, hexahydrocannabinol O-Acetate	(6,6,9-trimethyl-3-pentyl-6a,7,8,9,10,10a-hexahydrobenzo[<i>c</i>]chromen-1-yl) acetate; 6,6,9-trimethyl-3-pentyl-6a,7,8,9,10,10a-hexahydro-6 <i>H</i> -benzo[<i>c</i>]chromen-1-yl acetate
HHC-P, hexahydrocannabiphorol	3-Heptyl-6a,7,8,9,10,10a-hexahydro-6,6,9-trimethyl-6 <i>H</i> -dibenzo[<i>b,d</i>]pyran-1-ol; 3-heptyl-6,6,9-trimethyl-6a,7,8,9,10,10a-hexahydro-6 <i>H</i> -benzo[<i>c</i>]chromen-1-ol
H4-CBD, tetrahydrocannabidiol, Hydrogenated CBD, THD, cyclohexyl CBD	2-(2-Isopropyl-5-methylcyclohexyl)-5-pentylbenzene-1,3-diol
THC-P, tetrahydrocannabiphorol, Delta-9-THCP	3-Heptyl-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-6 <i>H</i> -dibenzo[<i>b,d</i>]pyran-1-ol; 3-Heptyl-6,6,9-trimethyl-6a,7,8,10a-tetrahydrobenzo[<i>c</i>]chromen-1-ol

HHCH, hexahydrocannabinhexol, HHC-H	3-Hexyl-6,6,9-trimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol; 3-hexyl-6a,7,8,9,10,10a-hexahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran-1-ol
Delta-8-THCP, delta-8-Tetrahydrocannabiphorol, JWH 091, THC-heptyl	3-heptyl-6aR,7,10,10aR-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran-1-ol; 3-heptyl-6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol
THCB, Tetrahydrocannabutol, Delta-9-THCB, Delta-9-THC-C4, Delta-9-THC-butyl	3-butyl-6,6,9-trimethyl-6a,7,8,10a-tetrahydro-6H-dibenzo[b,d]pyran-1-ol; 3-butyl-6,6,9-trimethyl-6a,7,8,10a-tetrahydrobenzo[c]chromen-1-ol
9-OH-HHC, 9-Hydroxyhexahydrocannabinol, 9-hydroxy-HHC	6,6,9-trimethyl-3-pentyl-6a,7,8,9,10,10a-hexahydro-6H-benzo[c]chromene-1,9-diol; 6a,7,8,9,10,10a-hexahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1,9-diol
delta-8-THC acetate, Δ 8-Tetrahydrocannabinol Acetate Δ 8-THC-O-Acetate	6aR,7,10,10aR-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, 1-acetate
Delta-8-THC methylether, 1-methyl- Δ 8-THC; Δ 8-Tetrahydrocannabinol methylether	6aR,7,10,10aR-tetrahydro-1-methoxy-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran
Delta-9-THCP acetate, Δ 9-Tetrahydrocannabiphorol Acetate; delta-9-THC-C7-Acetate	3-heptyl-6aR,7,8,10aR-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran-1-ol, 1-acetate
delta-9-THCH, delta-9-Tetrahydrocannabinhexol, delta-9-THC-C6	(6aR,10aR)-3-hexyl-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran-1-ol
HHC-P-O-acetate, hexahydrocannabiphorol acetate	(6aR,10aR)-6,6,9-trimethyl-3-heptyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-yl acetate
Delta-8-THCH, delta-8-tetrahydrocannabinhexol delta-8-THC-C6	(6aR,10aR)-3-hexyl-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran-1-ol".

HHC-C9 or CC9

3-nonyl-6a,7,8,9,10,10a-hexahydro-
6,6,9-trimethyl-6H-dibenzo[b,d]pyran-
1-ol

And any derivatives, salts, or esters of the above.

PART B

<i>International or other nonproprietary name or other trivial name</i>	<i>Chemical name</i>
ALLOBARBITAL	5, 5-diallylbarbituric acid
AMFEPRAMONE, DIETHYLPROPION	2-(diethylamino) propiophenone
AMOBARBITAL	5-ethyl-5-(3-methylbutyl) barbituric acid
AMINEPTINE	(7-[(10, 11-dihydro-5H-dibenzo [a,d.] cyclohepten-5-y-5-yl)amino] heptanoic acid)
AMPHETAMINE	(±)-2-amino-1-phenylpropane
BARBITAL	5, 5-diethylbarbituric acid
BENZPHETAMINE	N-benzyl-N,α-dimethylphenethylamine
BUTALBITAL	5-allyl-5-isobutylbarbituric acid
BUTOBARBITAL	5-butyl-5-ethylbarbituric acid
CATHINE	d-threo-2-amino-1-hydroxy-1-phenylpropane
CHLORAL HYDRATE	2, 2, 2- trichloroethane-1,1-diol
CHLORDIAZEPOXIDE	7-chloro-2-(methylamino)-5-phenyl-3H-1, 4-benzodiazepine-4-oxide
CHLORMETHIAZOLE	5-(2-chloroethyl)-4-methyl-1,3-thiazole
CHLORPHENTERMINE	p-chloro-α-dimethylphenethylamine
CYCLOBARBITAL	5-(1-cyclohexen-1-yl)-5-ethylbarbituric acid
CUMYL-PEGACLONE 3-methoxyphencyclidine (also known as 3-MeO-PCP)	5-pentyl-2-(-phenylpropan-2-yl)-2,5-dihydro-1H-pyrido[4,3-b]indol-1-one 1-(1-(3-methoxyphenyl)cyclohexyl)piperidine
DIPHENIDINE	1-(1,2-diphenylethyl)piperidine
CLONAZOLAM (also known as clonitrazolam)	6-(2-chlorophenyl)-1-methyl-8-nitro-4Hbenzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine)
DICLAZEPAM (also known as Ro 5-3448)	7-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2H-benzo[e][1,4]diazepin-2-one
FLUBROMAZOLAM	8-bromo-6-(2-fluorophenyl)-1-methyl-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine
DEXAMPHETAMINE	(+)-2-amino-1-phenylpropane

DIAZEPAM and other	compounds containing the chemical structure of DIHYDRO-1:4 BENZODIAZEPINE or of DIHYDRO-1:5 BENZODIAZEPINE substituted to any degree 7-chloro-1, 3-dihydro-1-methyl-5-phenyl-2H-1,4-benzodiazepine-2-one
ETHCHLORVYNOL	ethyl-2-chlorovinylethynylcarbinol
ETHINAMATE	1-ethynylcyclohexanolcarbamate
FENCAMFAMIN	dl-N-ethyl-3-phenylbicyclo (2,2,1)-heptan-2-amine
FENETYLLINE	dl-3, 7-dihydro-1, 3 dimethyl-7-(2-[(1-methyl-2-phenylethyl) amino] ethyl)-1H-purine-2, 6-dione
FENFLURAMINE	N-ethyl- α -methyl-m(trifluoromethyl) phenethylamine
FENPROPOREX	dl-3-[(a-methylphenethyl)amino] propionitrile
GLUTETHIMIDE	2-ethyl-2-phenylglutarimide
KETAMINE	($\pm$)-2-(2-Chlorophenyl)-2-methylaminocyclohexanone
LEVAMPHETAMINE	1-a-methylphenethylamine
LEVOMETHAMPHETAMINE	1-N,a-dimethylphenethylamine
MAZINDOL	5-(p-chlorophenyl)-2, 5-dihydro-3H-imidazo [2, 1- a] isoindol -5-ol
MDMB-4-en-PINACA	methyl 3,3-dimethyl-2- {[1-(pent-4-en-1-yl)-1H-indazole-3-carbonyl] amino} butanoate
4F-MDMB-BICA	methyl 2- {[1-(4-fluorobutyl)-1H-indole-3-carbonyl] amino} -3,3-dimethylbutanoate
MECLOQUALONE	3-(o-chlorophenyl)-2-methyl-4 (3H)-quinazolinone
MEFENOREX	dl-N-(3-chloropropyl)-a-methylphenethylamine
MEPHENTERMINE	N- α -trimethylphenethylamine
MEPROBAMATE	2-methyl-2-propyl-1, 3-propanediol dicarbamate
METHAMPHETAMINE	(+)-2-methylamino-1-phenylpropane
METHAMPHETAMINE RACEMATE METHAQUALONE	2-methyl-3-o-tolyl-4(3H)-quinazolinone
METHYLPHENIDATE	2-phenyl-2(2-piperidyl) acetic acid, methylester
METHYLPHENOBARBITAL	5-ethyl-1-methyl-5-phenylbarbituric acid
METHYPRYLON	3, 3-diethyl- 5-methyl-2, 4-piperidine-dione
N-ETHYLAMPHETAMINE	dl-N-ethyl-a-methylphenylethyl-

	amine
PARALDEHYDE	acetaldehyde trimer
PENTAZOCINE	1, 2, 3, 4, 5, 6, hexahydro-6, 11-dimethyl-3-(3-methyl-2-butenyl)-2, 6-methano-3-benzazocin-8-ol
PENTOBARBITAL	5-ethyl-5-(1-methylbutyl) barbituric acid
PHENCYCLIDINE	1-(1-phenylcyclohexyl) piperidine
PHENDIMETRAZINE	(+)-3, 4-dimethyl -2-phenylmorpholine
PHENMETRAZINE	3-methyl-2-phenylmorpholine
PHENOBARBITAL	5-ethyl-5-phenylbarbituric acid
PHENTERMINE	a, a-dimethylphenethylamine
PIPRADROL	1,1-diphenyl-1-(2-piperidyl) methanol
PROPYLHEXEDRINE	dl-1-cyclohexyl-2-methylamino-propane
PYROVALERONE	dl-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-pentanone
SECBUTABARBITAL	5-sec-butyl-5-ethylbarbituric acid
SECOBARBITAL	5-allyl-5-(1-methylbutyl) barbituric acid
SPA, LEFETAMINE	(-)-1-dimethylamine-1, 2, diphenylethane
TIANEPTINE	7-[(3-Chloro-6,11-dihydro-5,5-dioxo-6-methyldibenzo[c,f][1,2]thiazepin-11-yl) amino] heptanoic acid
TRAMADOL	(±)-trans-2-Dimethylaminomethyl-1-(3-methoxyphenyl) cyclohexanol
VINYLBITAL	5-(1-methyl-butyl)-5-vinylbarbituric acid.
ZOLPIDEM	(N,N,6-trimethyl-2-p-tolylimidazo [1,2-α]pyridine-3-acetamide)
2C-B	(4-bromo-2,5-dimethoxyphenethylamine)
GHB	(γ-hydroxybutyric acid)
AMINOREX	2-amino-5-phenyl-2-oxazoline
BROTIZOLAM	2-bromo-4(o-chlorophenyl)-9-methyl-6H-thieno [3,2-f]-s-triazolo [4,3-a] [1,4] Diazepine
BUPRENORPHINE	21-cyclopropyl-7-α-[(S)-lhydroxy-1,2,2-trimethylpropyl]-6,14-endoethano-6,7,8,14-tetrahydrooripavine
MESOCARB	3-(α-methylphenethyl)-Nphenylcarbamoyl sydnone imine
PEMOLINE	2-amino-5-phenyl-2-oxazolin-4-one or 2-imino-5-phenyl-4-oxazolidinone

ZIPEPROL	α -(α -methoxybenzyl)-4-((8methoxyphenethyl)-1-Piperazineethanol	
DRONABINOL delta-9-tetrahydrocannabinol and its stereochemical variants (This item refers to only one of the stereochemical variants of delta-9-tetrahydrocannabinol, namely (-)-trans-delta-9-tetrahydrocannabinol.)	(6aR, 10aR)-6a7, 8, 10a-tetrahydro-6,6,9-trimethyl-3-penatyl-6H-dibenzo [b,d]pyran-1-ol	
AB-FUBINACA (or FUB-AMB)	N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide	
5F-AMB-PINACA (or 5F-AMB or 5F-MMB-PINACA)	methyl 2-({[1-(5-fluoropentyl)-1H-indazole-3-yl]carbonyl} amino)-3-methylbutanoate	
5F-MDMB-PICA (or 5F-MDMB-2201)	methyl 2-{[1-(5-fluoropentyl)-1H-indole-3-carbonyl]amino}-3,3-dimethylbutanoate	
4F-MDMB-BINACA (or 4F-MDMB-BUTINACA)	methyl 2-{[1-(4-fluorobutyl)-1H-indazole-3-carbonyl]amino}-3,3-dimethylbutanoate	
4-BMC,	4-bromomethcathinone	1-(4-Bromophenyl)-2-(methylamino)propan-1-one
4-CMC (or 4-chloromethcathinone or clephedrone)	1-(4-chlorophenyl)-2-(methylamino)propan-1-one	
N-ethylhexedrone (or NEH, Hexen, Ethyl-Hex, Ethyl-hexedrone)		2-(ethylamino)-1-phenylhexan-1-one
NEP,	N-Ethylnorpentedrone, 1-phenylpentan-1-one	2-(Ethylamino)-
Alpha-PHP (or PV-7, α -PHP, α -pyrrolidinohexanophenone)	1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one	
Flualprazolam (or Ro 11-5073/000)	8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine	
Etizolam (or Y-7131 or Depas)	4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine	
EUTYLONE	1-(1,3-benzodioxol-5-yl)-2-(ethylamino)butan-1-one	
2-MMC,	2-methylmethcathinone, (Methylamino)-1-(2-methylphenyl)propan-1-one	2-
3-methylmethcathinone, 3-MMC	2-(methylamino)-1-(3-methylphenyl)propan-1-one	
3-chloromethcathinone, 3-CMC	1-(3-chlorophenyl)-2-(methylamino)propan-1-one	
ADB-BUTINACA	N-[1-(aminocarbonyl)-2,2-dimethylpropyl]-1-butyl-1H-indazole-3-carboxamide)	

Alpha-PiHP, α -PiHP 4-methyl-1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one)

BROMAZOLAM 8-bromo-1-methyl-6-phenyl-4*H*-[1,2,4]triazolo[4,3-*a*][1,4]benzodiazepine

DIPENTYLONE 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)pentan-1-one

2-FLUORODESCHLOROKETAMINE (2-FDCK) 2-(2-fluorophenyl)-2-methylamino-cyclohexanone

CARISOPRODOL (2*RS*)-2-[(carbamoyloxy)methyl]-2-methylpentyl (1-methylethyl)carbamate

And any salts or esters of the above.

FOURTH SCHEDULE (Article 120A)

Added by:
[XXIV. 2014. 78;](#)
[VII. 2025. 5.](#)

Guidelines on the exercise of discretion under article 120A

These guidelines apply to all accused persons aged 16 and over.

In determining the court in which a person accused of an offence against this Ordinance is to be tried the harm or the potential harm caused by the offence charged shall be the principal consideration.

The quantity of the drug is a principal consideration in assessing harm. The purity need not necessarily be taken into account at the initial stage but it may be considered in determining whether a person initially referred for trial before the Criminal Court is to be referred for trial before the Court of Magistrates at a later stage.

The role played by the accused in the crime shall if sufficient information is available, also be taken into consideration.

In such cases a distinction should be made between persons who played a leading role, a significant role or a lesser role in the commission of the offence.

A leading role in the commission of the offence may be indicated by the following:

- that the accused organized or directed buying and selling of a drug on a commercial scale;
- that the accused had substantial links to and significant influence on other persons in a chain;
- that the accused had close links to the original source of the drugs;
- that the accused made substantial financial gain or had an expectation of substantial financial gain;
- that the accused used a legitimate business as a cover for buying or selling drugs;
- that the accused has abused a position of trust or of significant responsibility in the commission of the

offence, for example when the accused is a prison employee or a legal or medical professional.

A significant role in the commission of the offence may be indicated by the following:

- that the accused had an operational or a management function within a chain;
- that the accused involved others in the operation either by exerting pressure or influence upon them or by intimidation or offer of reward;
- that the accused was motivated by the prospect of financial or other advantage, irrespective of whether the accused was acting alone or with others;
- that the accused appeared to be aware and to understand the scale of the operation;
- that the accused, not being a person abusing a position of trust or responsibility, supplied the drug to a prisoner for gain but without coercion.

A lesser role in the commission of the offence may be indicated by the following:

- that the accused has performed a limited role in the commission of the offence and has acted under the direction of others;
- that the accused was engaged by others to commit the offence by pressure, coercion or intimidation;
- that the accused got involved in the commission of the offence because of his naivete or because he was exploited by others;
- that the accused had no influence on those above him in a chain;
- that the accused had very little, if any, understanding of the scale of the operation;
- that taking all circumstances into account it is reasonable to conclude that the accused was involved in the commission of the offence solely for the purpose of obtaining drugs for his own use;
- that the accused made no financial gain from the offence, for example in cases involving a common purchase of a minimal quantity for no profit or the sharing of a minimal quantity between friends on a non-commercial basis.

Aggravating factors resulting from the law shall be taken into consideration.

Other aggravating factors that may be taken into consideration may include:

- the sophisticated nature of concealment of the drug and the nature of any attempts to avoid detection;
- any attempts made to conceal or to dispose of

evidence;

- the exposure of others to exceptional danger such as when a drug is cut with harmful substances;
- high purity of the drug;
- that the accused has targeted places intended to locate vulnerable persons or has sought to supply drugs to minors;
- that others, especially children and non-users were present when the accused committed the offence.

The following amounts involved in the offence, when the said amounts are known, can be taken as indicative that a person should not be referred for trial before the Criminal Court:

ecstasy: less than 500 pills

LSD: less than 300 squares

amphetamine: less than 300 grams

ketamine: less than 150 grams.

Any assistance which the accused may have rendered to the Police or to the prosecution may also be taken into account.
