



Number 18 of 1984

MISUSE OF DRUGS ACT, 1984

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Number 18 of 1984

MISUSE OF DRUGS ACT, 1984

AN ACT TO AMEND AND EXTEND THE LAW RELATING TO THE MISUSE OF CERTAIN DANGEROUS OR OTHERWISE HARMFUL DRUGS. [18th July, 1984]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definition.

1.—In this Act “*the Principal Act*” means the [Misuse of Drugs Act, 1977](#) .

New definition of “*cannabis*” and “*opium poppy*” and other amendments of section 1 (1) of Principal Act.

2.—Section 1 (1) of the Principal Act is hereby amended by—

(a) the substitution of the following definition for the definition of “*cannabis*”:

“‘*cannabis*’ (except in ‘*cannabis resin*’) means any plant of the genus *Cannabis* or any part of any such plant (by whatever name designated) but includes neither cannabis resin nor any of the following products after separation from the rest of any such plant, namely—

- (a) mature stalk of any such plant,
- (b) fibre produced from such mature stalk, or
- (c) seed of any such plant;”;

(b) the substitution of the following definition for the definition of “*opium poppy*”:

“‘*opium poppy*’ means a plant of the species *Papaver somniferum L* or *Papaver bracteatum Lindl.*”;

(c) the substitution of the following definition for the definition of “*temporary direction*”:

“‘*temporary direction*’ means a direction under

[section 9](#) of this Act;” and

(d) the insertion before the definition of “*the Veterinary Council*” of the following definition:

“‘*vessel*’ includes a hovercraft;”.

Investigation of case where
Minister considers there are
grounds for special direction.

3.—The following section is hereby substituted for section 8 of the Principal Act:

“8.—(1) If the Minister considers that there may be grounds for giving a special direction, he shall forthwith establish a committee of inquiry, constituted in accordance with any regulations under [section 12](#) of this Act which apply to it, and as soon as may be after such committee is established he shall refer the matter in question to the committee for investigation and when making the reference send to the committee a statement of such grounds, and it shall be the duty of the committee in accordance with this section to investigate the matter referred to it and to report on it to the Minister.

(2) Where the Minister sends a statement of grounds to a committee of inquiry established pursuant to this section, he shall at the same time send to the respondent a copy of the statement and invite him to submit to the committee in writing, within the period of twenty-one days commencing on the date on which the statement is sent to the committee, any representations relating to the matter to be investigated which he may then wish to make.

(3) (a) Where a committee of inquiry is established under this section, a meeting of the committee of inquiry shall be convened by the Minister who shall at the same time fix a day for the meeting, being a day which is neither earlier than the seventh day after the expiration of the period referred to in *subsection (2)* of this section nor later than the twenty-first day after such expiration.

(b) Where the Minister convenes a meeting under this subsection, he shall at the same time send to the respondent not less than seven days' notice in writing of the date, place and time fixed by the Minister for the meeting and the notice shall also notify the respondent that he may make representations to, and if he so wishes appear in person before, the committee of inquiry concerned, be assisted by another person (whether so

appearing or not) in making such representations or have such representations made by another person (whether so appearing or not) acting on his behalf.

(4) A committee of inquiry established under this section shall report to the Minister on its investigation as soon as may be and shall state in the report whether or not they recommend the giving of a special direction as regards the matter being investigated, and in case the committee recommends the giving of such a direction they shall indicate in their report either the controlled drugs which the committee considers should be specified in the relevant special direction or that the committee considers that such direction should apply to all controlled drugs.

(5) Having considered the report of the committee of inquiry established under this section, the Minister may—

(a) decide to give in respect of the respondent a special direction specifying all or any of the controlled drugs indicated in a recommendation of the committee, or

(b) decide not to give a special direction,

and in case the Minister pursuant to this section decides not to give a special direction, he shall notify the respondent accordingly.

(6) Where the Minister gives a special direction, he shall, as soon as may be, cause a copy of the special direction to be served on the respondent and shall cause a copy of the direction to be published in the *Iris Oifigiúil* and in such other manner (if any) as the Minister may consider appropriate.

(7) Where the Minister gives a special direction, he shall send a copy of the report received by him from the relevant committee of inquiry and the special direction to the respondent and also to—

(a) in case the respondent is a registered dentist, the Dental Board,

(b) in case the respondent is a registered medical practitioner, the Medical Council,

(c) in case the respondent is a registered veterinary surgeon, the Veterinary Council.”.

Temporary direction pending investigation under section 8.

4.—The following section is hereby substituted for section 9 of the Principal Act:

“9.—(1) Where the Minister refers a matter for investigation to a committee of inquiry established under [section 8](#) of this Act, he may give a direction under this section in respect of the respondent prohibiting his prescribing, administering or supplying or authorising the administration or supply of such controlled drugs as may be specified in the direction, and such direction shall come into force on the expiration of the period of seven days beginning on the day on which a copy of the direction is sent by the Minister to the respondent unless, not later than the seventh day following the day on which such copy is so sent, the respondent satisfies the Minister that the direction should not come into force.

(2) In case a copy of a temporary direction is sent by the Minister, the Minister shall at the same time send to the respondent a notice in writing stating that the respondent may, within the time limit specified in *subsection (1)* of this section, make representations to the Minister stating why the temporary direction should not come into force.

(3) A temporary direction shall remain in force until the expiration of the period of twenty-eight days beginning on the day on which it is given or until the Minister makes a decision under [section 8](#) (5) of this Act as regards the relevant case, whichever first occurs.

(4) The Minister may extend or further extend, in either case for a period not exceeding twenty-eight days, the period during which a particular temporary direction is to remain in force.

(5) Where a temporary direction is given, extended or further extended, the Minister shall, as soon as may be, cause a notice of the temporary direction, its extension or further extension, as may be appropriate, to be published in the *Iris Oifigiúil* and in such other manner (if any) as the Minister may consider appropriate.”

Printing etc. of certain books etc., communication of certain information and possession of certain documents an offence.

1.—(1) (a) A person shall not print, publish, cause or procure to be printed or published, sell or expose or offer or keep for sale, distribute or offer or keep for distribution, any book, periodical or other publication which either—

(i) advocates or encourages, or might reasonably be supposed to advocate or encourage, whether

expressly or by implication, the use of any controlled drug prescribed for the purposes of this section, or any product or preparation containing any such controlled drug, otherwise than in the course of professional treatment by a practitioner, or

(ii) contains any advertisement advertising any use of a pipe, utensil or other thing for use by persons, for or in connection with the use of a controlled drug so prescribed or such a product or preparation, which is a use other than a use described in *paragraph (b)* of this subsection.

(b) The use lastly referred to in *paragraph (a)* of this subsection is a use (being the use of a pipe, utensil or other thing)—

(i) which is described in the relevant advertisement, and

(ii) which any person reading the relevant advertisement would—

(I) take to be a use relating to a controlled drug prescribed for the purposes of this section or a product or preparation containing such a controlled drug, and

(II) take to be, and only to be, a use to be availed of in the course of professional treatment by a practitioner.

(2) A person who contravenes *subsection (1)* of this section shall be guilty of an offence under this subsection.

(3) If any person, for the purpose of enabling or assisting another person to obtain, otherwise than on foot of a prescription issued by a practitioner, a controlled drug prescribed for the purposes of this section or a product or preparation containing such a drug communicates to that person any information, he shall be guilty of an offence under this subsection.

(4) If a person, with intent to commit or to aid, abet, cause or procure the commission of an offence under *subsection (3)* of this section, has in his possession or under his control any document of such a nature that the dissemination of copies thereof would constitute such an offence, he shall be guilty of an offence under this subsection.

(5) In any proceedings for an offence under *subsection (2)* of

this section it shall be a defence for the defendant to prove that—

- (a) at the time of the alleged offence he carried on the business of selling or distributing books, periodicals or other publications, and
- (b) the act alleged to constitute such offence was committed by him in the ordinary course of his said business, and
- (c) he could not by the exercise of reasonable care have known or ascertained the contents of the book, periodical or other publication in respect of which such act was committed.

(6) Where in proceedings for an offence under *subsection (4)* of this section it is proved that the defendant had at the time of the alleged offence in his possession or under his control a document described in the said *subsection (4)*, then, unless there is sufficient other evidence to raise an issue as to whether the defendant so had the document with the intent referred to in the said *subsection (4)*, he shall be treated as having had at such time the document in his possession or under his control with such intent.

Penalties.

6.—Section 27 of the Principal Act is hereby amended by the substitution of the following subsections for subsections (1) to (11):

“(1) Subject to section 28 of this Act, every person guilty of an offence under [section 3](#) of this Act shall be liable—

(a) where the relevant controlled drug is cannabis or cannabis resin and the court is satisfied that the person was in possession of such drug for his personal use:

(i) in the case of a first offence,

(I) on summary conviction, to a fine not exceeding £300, or

(II) on conviction on indictment, to a fine not exceeding £500,

(ii) in the case of a second offence,

(I) on summary conviction, to a fine not exceeding £400, or

(II) on conviction on indictment, to a fine

not exceeding £1,000,

(iii) in the case of a third or subsequent offence,

(I) on summary conviction, to a fine not exceeding £1,000 or, at the discretion of the court, to imprisonment for a term not exceeding twelve months, or to both the fine and the imprisonment, or

(II) on conviction on indictment, to a fine of such amount as the court considers appropriate or, at the discretion of the court, to imprisonment for a term not exceeding three years, or to both the fine and the imprisonment;

(b) in any other case—

(i) on summary conviction, to a fine not exceeding £1,000 or, at the discretion of the court, to imprisonment for a term not exceeding twelve months, or to both the fine and the imprisonment, or

(ii) on conviction on indictment, to a fine of such amount as the court considers appropriate or, at the discretion of the court, to imprisonment for a term not exceeding seven years, or to both the fine and the imprisonment.

(2) Subject to section 28 of this Act, every person guilty of an offence under [section 6](#), [7](#), [16](#), 17, 19 or 20 of this Act shall be liable—

(a) on summary conviction, to a fine not exceeding £1,000 or, at the discretion of the court, to imprisonment for a term not exceeding twelve months, or to both the fine and the imprisonment, or

(b) on conviction on indictment, to a fine of such amount as the court considers appropriate or, at the discretion of the court, to imprisonment for a term not exceeding fourteen years, or to both the fine and the imprisonment.

(3) Subject to section 28 of this Act, every person guilty

of an offence under [section 15](#) of this Act shall be liable—

- (a) on summary conviction, to a fine not exceeding £1,000 or, at the discretion of the court, to imprisonment for a term not exceeding twelve months, or to both the fine and the imprisonment, or
- (b) on conviction on indictment, to a fine of such amount as the court considers appropriate or, at the discretion of the court, to imprisonment for life or such lesser period as the court shall determine, or, at such discretion, to both such fine and such lesser period of imprisonment.

(4) Subject to section 28 of this Act, every person guilty of an offence under section 18 of this Act shall be liable—

- (a) on summary conviction, to a fine not exceeding £400 or, at the discretion of the court, to imprisonment for a term not exceeding six months, or to both the fine and the imprisonment, or
- (b) on conviction on indictment, to a fine of such amount as the court considers appropriate or, at the discretion of the court, to imprisonment for a term not exceeding three years, or to both the fine and the imprisonment.

(5) Every person guilty of an offence under section 21 (1) of this Act shall be liable to be punished on summary conviction as if he were guilty of the substantive offence and in case a penalty on conviction on indictment is provided by this Act in relation to the substantive offence, he shall be liable to be proceeded against on indictment and, if convicted, punished as if he were convicted on indictment of the substantive offence.

(6) Every person guilty of an offence under section 21 (2) of this Act shall be liable—

- (a) in case the regulation in relation to which the offence was committed is a regulation made pursuant to [section 5](#) (1) (a) of this Act, other than a regulation regulating the transportation of controlled drugs,
 - (i) on summary conviction, to a fine not exceeding

£1,000 or, at the discretion of the court, to imprisonment for a term not exceeding twelve months, or to both the fine and the imprisonment, or

(ii) on conviction on indictment, to a fine of such amount as the court considers appropriate or, at the discretion of the court, to imprisonment for a term not exceeding fourteen years, or to both the fine and the imprisonment, and

(b) in case the regulation in relation to which the offence was committed is a regulation made otherwise than under the said section 5 (1) (a) or is a regulation regulating the transportation of controlled drugs—

(i) on summary conviction, to a fine not exceeding £500 or, at the discretion of the court, to imprisonment for a term not exceeding six months, or to both the fine and the imprisonment, or

(ii) on conviction on indictment, to a fine of such amount as the court considers appropriate, or at the discretion of the court, to imprisonment for a term not exceeding two years, or to both the fine and the imprisonment.

(7) Every person guilty of an offence under section 21 of this Act, other than an offence mentioned in subsection (1) or subsection (2) of that section, shall be liable on summary conviction to a fine not exceeding £400 or, at the discretion of the court, to imprisonment for a term not exceeding six months, or to both the fine and the imprisonment.

(8) Every person guilty of an offence under *paragraph (a) or (b) of subsection (1D) of section 23 of this Act, as amended by [section 12](#) of the Misuse of Drugs Act, 1984*, shall be liable on summary conviction to a fine not exceeding £200.

(9) Every person guilty of an offence under [section 5](#) of the *Misuse of Drugs Act, 1984*, shall on summary conviction be liable—

(a) in case the offence is an offence under *subsection (2) of that section*, to a fine not

exceeding £1,000,

(b) in any other case, to a fine not exceeding £500.”.

Penalties for offences under
Customs Acts relating to
controlled drugs.

7.—(1) Where a person is convicted of an offence to which this section applies, subject to [section 8](#) of this Act, the person shall, in lieu of the penalties specified in the enactments relating to the customs which are for the time being in force, be liable to—

- (a) where the court is satisfied that the relevant controlled drug was imported by the person for the purpose of selling or otherwise supplying it to another in contravention of regulations under section 5 of the Principal Act which are for the time being in force—
 - (i) on summary conviction, the penalty specified in paragraph (a) of subsection (3) (inserted by [section 6](#) of this Act) of section 27 of the Principal Act,
 - (ii) on conviction on indictment, the penalty specified in paragraph (b) of the said subsection (3),
- (b) where the relevant controlled drug is cannabis or cannabis resin and the court is satisfied that the person imported such drug for his personal use:
 - (i) in the case of a first offence,
 - (I) on summary conviction, to a fine not exceeding £300, or
 - (II) on conviction on indictment, to a fine not exceeding £500,
 - (ii) in the case of a second offence,
 - (I) on summary conviction, to a fine not exceeding £400, or
 - (II) on conviction on indictment, to a fine not exceeding £1,000,
 - (iii) in the case of a third or subsequent offence,
 - (I) on summary conviction, to a fine not exceeding £1,000 or, at the discretion of the court, to imprisonment for a term not exceeding twelve months, or to both the

fine and the imprisonment, or

- (II) on conviction on indictment, to a fine of such amount as the court considers appropriate or, at the discretion of the court, to imprisonment for a term not exceeding three years, or to both the fine and the imprisonment,

(c) in any other case—

- (i) on summary conviction, to a fine not exceeding £1,000 or, at the discretion of the court, to imprisonment for a term not exceeding twelve months, or to both the fine and the imprisonment, or
- (ii) on conviction on indictment, to a fine of such amount as the court considers appropriate or, at the discretion of the court, to imprisonment for a term not exceeding seven years, or to both the fine and the imprisonment.

(2) This section applies to an offence against the Customs Acts in relation to the importation or exportation of a controlled drug.

Power of court to remand person convicted of offence to which [section 7](#) applies and to obtain a report and in certain cases to arrange for the medical or other treatment or for the care of such person.

8.—(1) Where a person is convicted of an offence to which [section 7](#) of this Act applies, if, having regard to the circumstances of the case, the court considers it appropriate so to do, the court may remand the person for such period as it considers necessary for the purposes of this section (being a period not exceeding eight days in the case of a remand in custody) and request a health board, probation and welfare officer employed in the probation and welfare service of the Department of Justice or such other person or body, considered by the court to be appropriate to furnish to the court—

- (a) a medical report described in subparagraph (i), as amended by [section 14](#) of this Act, of section 28 (1) (a) of the Principal Act, and
- (b) a report described in subparagraph (ii), as so amended, of the said section 28 (1) (a).

(2) Where the court makes a request under *subsection (1)* of this section, subsections (2) to (9) of section 28, as amended by [section 14](#) of this Act, of the Principal Act, shall with the necessary modifications apply as regards the relevant case, and without prejudice to the generality of the foregoing—

- (a) each of the references in the said subsections (2) to (9) to section 27 of the Principal Act shall be construed as a reference to that section as applied by this subsection,
- (b) the references to a report in subsections (3) and (4) of the said section 28 shall each be construed as including a reference to a report furnished under *subsection (1)* of this section,
- (c) the reference in subsection (6) of the said section 28 to a person's being detained under the Principal Act shall be construed as a reference to detention imposed by virtue of this subsection,
- (d) references in subsection (6) or (7) of the said section 28 to a decision or order under subsection (2) of that section shall be construed as including references to a decision or order under the said subsection (2) as applied by this subsection.

Offences to which [section 7](#) applies; presumption, defences, etc.

9.—(1) Subject to *subsection (4)* of this section, in any proceedings for an offence to which [section 7](#) of this Act applies, where it is proved that a person imported a controlled drug and the court, having regard to the quantity of the controlled drug which the person imported and to such other matter as the court considers relevant, is satisfied that it is reasonable to assume that the controlled drug was not intended for the immediate personal use of the person, then for the purposes of [section 7 \(1\) \(a\)](#) of this Act, he shall be regarded by the court, until the court is satisfied to the contrary, as having imported the controlled drug for the purpose of selling or otherwise supplying it to another in contravention of regulations referred to in that section.

(2) In any proceedings for an offence to which [section 7](#) of this Act applies, the defendant shall not be acquitted of the offence charged by reason only of proving that he neither knew nor suspected nor had reason to suspect that the substance, product or preparation in question was the particular controlled drug alleged.

(3) In proceedings for an offence to which [section 7](#) of this Act applies in which it is proved that the defendant imported or exported the relevant controlled drug in contravention of the Customs Acts, it shall be a defence to prove that—

- (a) he did not know and had no reasonable ground for suspecting that what he so imported or exported, as may be appropriate, was a controlled drug, or
- (b) he believed the relevant substance, product or preparation

to be a controlled drug, or a controlled drug of a particular class or description, and that, if the substance, product or preparation had in fact been that controlled drug or a controlled drug of that class or description, he would not at the material time have been committing an offence against the Customs Acts.

(4) In any proceedings for an offence to which [section 7](#) of this Act applies a defendant may rebut the presumption raised by *subsection (1)* of this section by showing that at the time of the alleged offence he was by virtue of regulations made under section 4 of the Principal Act lawfully in possession of the controlled drug to which the proceedings relate.

(5) In any proceedings for an attempt to commit an offence to which [section 7](#) of this Act applies the defences mentioned in *subsection (3)* of this section shall, with the necessary modifications, be open to the defendant.

(6) Subject to *subsection (2)* of this section, nothing in this section shall prevent a person raising a defence which, apart from this section, would be open to him to raise in proceedings for an offence to which [section 7](#) of this Act applies.

Evidential value of certain certificates.

10.—In any proceedings for an offence under the Principal Act or [section 5](#) of this Act, the production of a certificate purporting to be signed by an officer of the Forensic Science Laboratory of the Department of Justice and relating to an examination, inspection, test or analysis, as the case may be, specified in the certificate of a controlled drug or other substance, product or preparation so specified shall, until the contrary is proved, be evidence of any fact thereby certified without proof of any signature thereon or that any such signature is that of such an officer.

Amendment of sections 17 and 19 of Principal Act.

11.—(1) The following subsections are hereby substituted for subsections (1) and (2) of section 17 of the Principal Act:

“(1) A person shall not cultivate opium poppy, any plant of the genus *Cannabis* or any plant of the genus *Erythroxylon* except under and in accordance with a licence issued in that behalf by the Minister.

(2) Every person who cultivates opium poppy, a plant of the genus *Cannabis* or a plant of the genus *Erythroxylon* in contravention of subsection (1) of this section shall be guilty of an offence.”.

(2) Section 19 of the Principal Act shall be construed and have

effect as if the reference in subsection (1) (a) thereof to the cultivation contrary to section 17 of that Act of opium poppy included a reference to the cultivation contrary to the said section 17, as amended by *subsection (1)* of this section, of any plant of the genus *Erythroxylon*.

Amendment of section 23 of
Principal Act.

12.—Section 23 of the Principal Act is hereby amended by—

(a) the insertion of “(and any substance, article or other thing on or in the vehicle, vessel or aircraft)” before “and for the purpose” in paragraph (b) of subsection (1);

(b) the insertion of “examine (by opening or otherwise) and” before “seize” in paragraph (c) of subsection (1);

(c) the insertion of the following subsections after subsection (1);

“(1A) Where a member of the Garda Síochána decides to search a person under this section, he may require the person to accompany him to a Garda Station for the purpose of being so searched at that station.

(1B) Where a member of the Garda Síochána decides to search a vehicle, vessel or aircraft under this section he may as regards the person who appears to him to be the owner or in control or charge for the time being of the vehicle, vessel or aircraft make any one or more or all of the following requirements:

(a) require such person, pending the commencement of the search, not to remove from the vehicle, vessel or aircraft, as may be appropriate, any substance, article or other thing,

(b) in case the decision relates to a vehicle and the place at which he finds the vehicle is in his reasonable opinion unsuitable for such search, require such person forthwith to take the vehicle or cause it to be taken to a place which he considers suitable for such search and which is specified by him,

(c) require the person to be in or on or to

accompany the vehicle, vessel or aircraft, as may be appropriate, for so long as the requirement under this paragraph remains in force.

- (1C) Where there is a failure to comply with a requirement made under this section the following provisions shall apply—
- (a) in case the requirement was made under *subsection (1A)* of this section, the member of the Garda Síochána concerned may arrest without warrant the person of whom the requirement was made, and
 - (b) in case the requirement is a requirement mentioned in *paragraph (b)* of *subsection (1B)* of this section, such member may take the vehicle concerned, or cause it to be taken, to a place which he considers suitable for a search under this section.
- (1D) Where a requirement is made of a person under this section—
- (a) in case the requirement is a requirement mentioned in *paragraph (c)* of *subsection (1B)* of this section, if at any time while the requirement is in force the person of whom it was made is neither in nor on nor accompanying the vehicle, vessel or aircraft, as may be appropriate, in relation to which the requirement was made, he shall be guilty of an offence,
 - (b) in case of any other requirement under this section the person who fails to comply with the requirement shall be guilty of an offence.
- (1E) A requirement mentioned in *paragraph (c)* of *subsection (1B)* of this section shall remain in force until the search in relation to which it is made is completed.
- (1F) Where a requirement described in *paragraph (a)* of *subsection (1B)* of this section is made of a person, the search in relation to which the requirement is made shall be carried out as soon

as is practicable.”,

and the said paragraphs (b) and (c), as so amended, are set out in paragraphs 1 and 2, respectively, of the Table to this section.

TABLE

1. (b) search any vehicle, vessel or aircraft in which he suspects that such drug may be found (and any substance, article or other thing on or in the vehicle, vessel or aircraft) and for the purpose of carrying out the search may, if he thinks fit, require the person who for the time being is in control of such vehicle, vessel or aircraft to bring it to a stop and when stopped to refrain from moving it, or in case such vehicle, vessel or aircraft is already stationary, to refrain from moving it, or

2. (c) examine (by opening or otherwise) and seize and detain anything found in the course of a search under this section which with such cause appears to him to be something which might be required as evidence in proceedings for an offence under this Act.

Amendment of section 26 of
Principal Act.

13.—Section 26 of the Principal Act is hereby amended by—

(a) the insertion of “or other land” after “premises” in paragraph (a);

(b) the insertion of the following paragraph after paragraph (a):

“(aa) opium poppy, a plant of the genus *Cannabis* or a plant of the genus *Erythroxylon* is being cultivated contrary to section 17 of this Act on or in any premises or other land, or”;

(c) the substitution of the following subsections for subsection (2):

“(2) A search warrant issued under this section shall be expressed and operate to authorise a named member of the Garda Síochána, accompanied by such other members of the Garda Síochána and such other persons as may be necessary, at any time or times within one month of the date of issue of the warrant, to enter (if need be by force) the premises or other land named in the warrant, to search such premises or other land and any persons found therein, to examine any substance, article or other thing found thereon or therein, to inspect any book, record or other document found thereon and, if there is reasonable ground for suspecting that an offence is being or has been committed under this Act in relation to a substance, article or other thing

found on such premises or other land or that a document so found is a document mentioned in subsection (1) (b) of this section or is a record or other document which the member has reasonable cause to believe to be a document which may be required as evidence in proceedings for an offence under this Act, to seize and detain the substance, article, document or other thing, as the case may be.

(3) Where any premises or other land is entered pursuant to a warrant issued under this section, the member of the Garda Síochána named in the warrant may do either or both of the following:

(a) arrest without warrant any person or persons found on such premises or other land for the purpose of searching him or them,

(b) so arrest any such person or persons and keep him or them, as may be appropriate, under arrest until such time as such of the powers of search or examination as he wishes to exercise pursuant to the warrant have been exercised by him.

(4) In this section—

‘land’ includes any structure on land;

‘structure’ means building, structure or any other thing constructed, erected, placed or made on, in or under any land.”,

and the said paragraph (a), as so amended, is set out in the Table to this section.

TABLE

(a) a person is in possession in contravention of this Act on any premises or other land of a controlled drug, a forged prescription or a duly issued prescription which has been wrongfully altered and that such drug or prescription is on a particular premises or other land, or

Miscellaneous amendments of Principal Act.

14.—The Principal Act is hereby amended by—

(a) the insertion of “or 3” after “section 2” in paragraph (a) of section 22 (1);

(b) the substitution of “if, having regard to the circumstances

of the case, the court considers it appropriate so to do, the court may” for “the court shall” in paragraph (a) of section 28(1);

- (c) the insertion of “, arising because of his being dependent on drugs,” after “needs” in both subparagraph (i) of section 28 (1) (a) and subparagraph (i) of section 28 (1) (b);
- (d) the substitution of “probation and welfare” for “court welfare” in section 28 (1) (a);
- (e) the substitution of “on bail or, unless a penalty falls to be imposed on the person under paragraph (a) of section 27 (1) of this Act, in custody” and “probation and welfare” for “on bail” and “court welfare”, respectively, in section 28 (1) (b);
- (f) the insertion in section 28 (2) (a) of the following subparagraph after subparagraph (i):
 - “(ia) in case the person concerned is placed under such supervision, a condition requiring such person, at the place at which he normally resides or at such other place as may be specified in the order and during such period and at such intervals as shall be so specified, to receive visits from and permit visits by—
 - (I) in case such person is placed under the supervision of a body, an officer of that body,
 - (II) in case such person is placed under the supervision of a person, that person,”;
- (g) the insertion of “or other” before “treatment” in subparagraph (ii) of section 28 (2) (a);
- (h) the insertion of “or the person who is for the time being in charge of such centre” after “medical practitioner” in subsection (6) of section 28;
- (i) the substitution in subsection (8) of section 28 of “medical or other treatment” for “medical treatment” and “the medical practitioner or other person” for “the medical practitioner” in each place where it occurs; and
- (j) the insertion in section 28 (11) of the following definition after the definition of “*authorised medical practitioner*”:

“*probation and welfare officer*’ means an officer employed in the probation and welfare service of the Department of Justice;”,

and the said paragraph (a) of the said section 22 (1), the said section 28 (1), the said subparagraph (ii), the said subsection (6) and the said subsection (8), as amended by this section, are set out in paragraphs 1, 2, 3, 4 and 5, respectively, of the Table to this section.

TABLE

1. (a) order made under [section 2](#) or [3](#) of this Act.
2. (1) (a) Where a person is convicted of an offence under [section 3](#) of this Act, other than a first or second offence in relation to which a penalty may be imposed under section 27 (1) (a) of this Act, or an offence under [section 15](#) or [16](#) of this Act, or of attempting to commit any such offence, if, having regard to the circumstances of the case, the court considers it appropriate so to do, the court may remand the person for such period as it considers necessary for the purposes of this section (being a period not exceeding eight days in the case of a remand in custody), and request a health board, probation and welfare officer or other body or person, considered by the court to be appropriate, to—
 - (i) cause to be furnished to the court a medical report in writing on the convicted person together with such recommendations (if any) as to medical treatment which the person making the report considers appropriate to the needs, arising because of his being dependent on drugs, of the convicted person, and
 - (ii) furnish to the court a report in writing as to the vocational and educational circumstances and social background of the convicted person together with such recommendations (if any) as to care which the body or person making the report considers appropriate to the said needs.
- (b) Where a person is convicted of a first or second offence under [section 3](#) of this Act in relation to which a penalty may be imposed under the said section 27 (1) (a) or an offence under section 17 or 18 of this Act, or of attempting to commit any such offence, and the court, having regard to the circumstances of the case, considers it appropriate so to do, the court may remand the person on bail or, unless a penalty falls to be imposed on the person under paragraph (a) of section 27 (1) of this Act, in custody for such period as it considers necessary for the purposes of this section, and request a health board, probation and welfare officer or other body or person, considered by the court to be appropriate, to—

- (i) cause to be furnished to the court a medical report in writing on the convicted person together with such recommendations (if any) as to medical treatment which the person making the report considers appropriate to the needs, arising because of his being dependent on drugs, of the convicted person, and
 - (ii) furnish to the court a report in writing as to the vocational and educational circumstances and social background of the convicted person together with such recommendations (if any) as to care which the body or person making the report considers appropriate to the said needs.
3. (ii) a condition requiring such person to undergo medical or other treatment recommended in the report,
4. (6) If at any time during a period of detention in a designated custodial treatment centre it appears to the court, on an application made by or on behalf either of the prosecutor or the person who is being detained, or on receipt of a message, in a form approved of by the Minister, from an authorised medical practitioner or the person who is for the time being in charge of such centre, that the person being detained under this Act is not then, or may not then be, in further need of the treatment or care of which the court formerly considered him to be in need, or that his continued detention in custody in the designated custodial treatment centre is not then, or may not then be, in his best interests or in the best interests of other persons in that centre, the court, notwithstanding its decision under subsection (2) of this section, may order the person to be brought before the court.
5. (8) The court shall not under this section either,
- (a) permit a person to enter into a recognisance containing a condition requiring him for medical or other treatment to remain in a specified hospital, clinic or other place, or
 - (b) order a person to be detained in a custodial treatment centre, unless, after consultation with, or consideration of a report of, either the medical practitioner or other person in charge of the hospital, clinic, custodial treatment centre or other place concerned or a medical practitioner or other person nominated by the medical practitioner or other person so in charge, the court is satisfied that the giving or making of the permission or order would be an appropriate course having regard to the needs of the person and would not prejudicially affect the ability of such hospital, clinic, custodial treatment centre or other place to provide for the treatment or care of persons.

Repeals.

15.—The following provisions of the Principal Act are hereby repealed—

- (a) the words “*import, export, transport,*” in section 5 (2)
- (b);

(b) the words “, after consultation with the registration authority concerned,” in both subsection (3) and subsection (4) of section 7;

(c) section 10;

(d) the words “, *advisory committees or advisory panels*” and “*or 9*” in section 12 (1); and

(e) the words “*or advisory panel*” in section 12 (2).

Short title, commencement,
collective citation and
construction.

16.—(1) This Act may be cited as the Misuse of Drugs Act, 1984.

(2) This Act shall come into operation on such day or days as may be fixed therefor by order or orders of the Minister, either generally or with reference to any particular purpose or provision of this Act, and different days may be so fixed for different such purposes or provisions.

(3) The Principal Act and this Act may be cited together as the Misuse of Drugs Acts, 1977 and 1984, and shall be construed together as one Act.