

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3389 of 29 January, 2004



I ASSENT,
FRANCIS RICHARDS,
GOVERNOR.

28th January, 2004.



GIBRALTAR

No. 2 of 2004

AN ACT to amend the Drugs (Misuse) Act to comply with the provisions of the Schengen Convention.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Act may be cited as the Drugs (Misuse) (Amendment) Act 2004.

Amendments to the Drugs (Misuse) Act.

2. The Drugs (Misuse) Act is amended by–

- (a) inserting after the definition of “Director” the following–

““doctor” means a person who is registered as a medical practitioner under the Medical and Health Act 1997;”

- (b) adding the following after section 14(3)(b)–

“(c) it is necessary in order to give effect to Gibraltar’s European Union obligations.”;

- (c) replacing section 23 with the following–

“Attempts and incitement.

23.(1) It is an offence for a person–

- (a) to attempt to commit an offence against any other provision of this Act, or
- (b) to incite or attempt to incite another to commit such an offence.

(2) For the purposes of subsection (1) a person may be guilty of attempting to commit an offence to which this section applies even though the facts are such that the commission of the offence is impossible.”;

- (d) in sections 26(1), 26(2), 26(3) and 26(3)(a) after the words “controlled drug(s)” inserting the words “or Scheduled Substance”;

- (e) adding the following after section 15(1)(e)–

“(f) prohibiting the importation or exportation of certain Scheduled Substances, or prohibiting the importation

or exportation of certain scheduled substances other than in a particular form.”;

- (f) deleting at the end of section 14(3)(b) the full-stop and replacing it with a semi-colon;
- (g) deleting at the end of section 15(1)(e) the full-stop and replacing it with a semi-colon.

Passed by the Gibraltar House of Assembly on the 22nd day of January, 2004.

D. J. REYES,

Clerk to the Assembly.