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GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

No. R. 222

28 March 2014

DRUGS AND DRUG TRAFFICKING ACT, 1992

AMENDMENT OF SCHEDULES 1 AND 2

Under section 63 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), I, Jeffrey Thamsanqa Radebe, Minister of Justice and Constitutional Development, after consultation with the Minister of Health, hereby amend Schedules 1 and 2 to the said Act as set out in the Schedule.

J. T. RADEBE

MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments

_____ Words underlined with a solid line indicate insertions in existing enactments

Definitions

1. In this Schedule "the Act" means the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992).

Amendment of Part I of Schedule 2 of the Act

2. Part I of Schedule 2 of the Act is hereby amended by the substitution for paragraph 2 of the following paragraph:

"2. Unless expressly excluded, all substances included in this Part include the following:

- (a) The salts and esters of the specified substances, where the existence of such salts and esters is possible; **[and]**
- (b) all preparations and mixtures of the specified substances; or
- (c) all homologues of the listed substances (being any chemically related substances that incorporate a structural fragment into their structures that is similar to the structure of a listed substance or exhibit pharmacodynamic properties similar to the listed substances in this Part of the Schedule), unless listed separately in any Part of Schedule 2."

Amendment of Part II of Schedule 2 of the Act

3. Part II of Schedule 2 of the Act is hereby amended by the substitution for paragraph 2 of the following paragraph:

"2. Unless expressly excluded, all substances or plants included in this Part include the following:

- (a) The isomers of the specified substances or plants, where the existence of such isomers is possible;

- (b) the esters and ethers of the specified substances or plants and of the isomers referred to in subparagraph (a), as well as the isomers of such esters and ethers, where the existence of such esters, ethers and isomers is possible;
- (c) the salts of the specified substances or plants, of the isomers referred to in subparagraph (a) and of the esters, ethers and isomers referred to in subparagraph (b), as well as the isomers of such salts, where the existence of such salts and isomers is possible; **[and]**
- (d) all preparations and mixtures of the specified substances or plants and of the isomers, esters, ethers and salts referred to in this paragraph; or
- (e) all homologues of the listed substances (being any chemically related substances that incorporate a structural fragment into their structures that is similar to the structure of a listed substance or exhibit pharmacodynamic properties similar to the listed substances in this Part of the Schedule), unless listed separately in any Part of Schedule 2.

Amendment of Part III of Schedule 2 of the Act

4. Part III of Schedule 2 of the Act is hereby amended by—

- (a) the insertion in paragraph 1—
 - (i) after the substance "Bufotenine (N,N-dimethylserotonin)." of the substance "Cannabicyclohexanol.";
 - (ii) after the substance " Cathinone." of the substances:
"CP-47,497.
CP 47, 497-C6.
CP 47, 497-C7.
CP 47, 497-C8.
CP 47, 497-C9.";
 - (iii) after the substance "Dimethyltryptamine [3-(2-(dimethylamino)-ethyl)-indole]." of the substance "Etilamfetamine (N-ethylamphetamine)."; and
 - (iv) after the substance "Heroin (diacetylmorphine)." of the substances:
"HU-210.
JWH-018.
JWH-073.

JWH-200."; and

(b) the substitution for paragraph 2 of the following paragraph:

"2. Unless expressly excluded, all substances or plants included in this Part include the following:

- (a) The isomers of the specified substances or plants, where the existence of such isomers is possible;
- (b) the esters and ethers of the specified substances or plants and of the isomers referred to in subparagraph (a), as well as the isomers of such esters and ethers, where the existence of such esters, ethers and isomers is possible;
- (c) the salts of the specified substances or plants, of the isomers referred to in subparagraph (a) and of the esters, ethers and isomers referred to in subparagraph (b), as well as the isomers of such salts, where the existence of such salts and isomers is possible; **[and]**
- (d) all preparations and mixtures of the specified substances or plants and of the isomers, esters, ethers and salts referred to in this paragraph; or
- (e) all homologues of the listed substances (being any chemically related substances that incorporate a structural fragment into their structures that is similar to the structure of a listed substance or exhibit pharmacodynamic properties similar to the listed substances in this Part of the Schedule), unless listed separately in any Part of Schedule 2."

No. R. 222**28 Maart 2014****WET OP DWELMMIDDELS EN DWELMSMOKKELARY, 1992****WYSIGING VAN BYLAES 1 EN 2**

Kragtens artikel 63 van die Wet op Dwelmmiddels en Dwelmsmokkelary, 1992 (Wet No. 140 van 1992), wysig ek, Jeffrey Thamsanqa Radebe, Minister van Justisie en Staatkundige Ontwikkeling, na oorlegpleging met die Minister van Gesondheid, hierby Bylaes 1 en 2 van die genoemde Wet soos in die Bylae uiteengesit.

J. T. RADEBE**MINISTER VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING**

BYLAE**ALGEMENE VERDUIDELIKENDE NOTA:**

- [] Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordeninge aan
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan

Woordomsrywings

1. In hierdie Bylae beteken “die Wet” die Wet op Dwelmmiddels en Dwelmsmokkalary, 1992 (Wet No. 140 van 1992).

Wysiging van Deel I van Bylae 2 van die Wet

2. Deel I van Bylae 2 van die Wet word hierby gewysig deur die vervanging van paragraaf 2 deur die volgende paragraaf:

“2. Tensy uitdruklik uitgesluit, sluit alle stowwe in hierdie Deel opgeneem die volgende in:

- (a) Die soute en esters van vermelde stowwe, waar die bestaan van sodanige soute en esters moontlik is; **[en]**
- (b) alle preparate en mengsels van vermelde stowwe; of
- (c) alle homoloë van die gelyste stowwe (synde enige chemiese verwante stowwe wat 'n strukturele fragment in hulle strukture inkorporeer wat soortgelyk is aan die struktuur van 'n gelyste stof of wat farmakodinamiese eienskappe vertoon wat soortgelyk is aan die gelyste stowwe in hierdie Deel van die Bylae), tensy dit afsonderlik gelys word in enige Deel van Bylae 2.”

Wysiging van Deel II van Bylae 2 van die Wet

3. Deel II van Bylae 2 van die Wet word hierby gewysig deur die vervanging van paragraaf 2 deur die volgende paragraaf:

“2. Tensy uitdruklik uitgesluit, sluit alle stowwe of plante in hierdie Deel opgeneem die volgende in:

- (a) Die isomere van vermelde stowwe of plante, waar die bestaan van sodanige isomere moontlik is;
- (b) die esters en eters van vermelde stowwe of plante en van die isomere in subparagraaf (a) bedoel, asook die isomere van sodanige esters en eters, waar die bestaan van sodanige esters, eters en isomere moontlik is;
- (c) die soute van vermelde stowwe of plante, van die isomere in subparagraaf (a) bedoel en van die esters, eters en isomere in subparagraaf (b) bedoel, asook die isomere van sodanige soute, waar die bestaan van sodanige soute en isomere moontlik is; **[en]**
- (d) alle preparate en mengsels van vermelde stowwe of plante en van die isomere, esters, eters en soute in hierdie paragraaf bedoel; of
- (e) alle homoloë van die gelyste stowwe (synde enige chemiese verwante stowwe wat 'n strukturele fragment in hulle strukture inkorporeer wat soortgelyk is aan die struktuur van 'n gelyste stof of wat farmakodinamiese eienskappe vertoon wat soortgelyk is aan die gelyste stowwe in hierdie Deel van die Bylae), tensy dit afsonderlik gelys word in enige Deel van Bylae 2.

Wysiging van Deel III van Bylae 2 van die Wet

4. Deel III van Bylae 2 van die Wet word hierby gewysig deur-

- (a) die invoeging in paragraaf 1-
 - (i) na die stof "Bufotenien (N,N-dimetielsingeronien)." van die stof "Cannabicyclohexanol.";
 - (ii) na die stof "Cannabis (dagga), die hele plant of enige gedeelte of produk daarvan, uitgesonderd dronabinol [(-)-transdelta-9-tetrahidrokannabinol]." van die stowwe:
 - "CP-47,497.
 - CP 47, 497-C6.
 - CP 47, 497-C7.
 - CP 47, 497-C8.
 - CP 47, 497-C9."

(iii) na die stof "Dimethyltryptamine [3-(2-(dimethylamino)-ethyl)-indole]." van die stof "Etilamfetamine (N-ethylamfetamine)."; en

(iv) na die stof "Heroïen (diasetiëlmorfien)." van die stowwe:

"HU-210.

JWH-018.

JWH-073.

JWH-200."; en

(b) die vervanging van paragraaf 2 deur die volgende paragraaf:

"2. Tensy uitdruklik uitgesluit, sluit alle stowwe of plante in hierdie Deel opgeneem die volgende in:

(a) Die isomere van vermelde stowwe of plante, waar die bestaan van sodanige isomere moontlik is;

(b) die esters en eters van vermelde stowwe of plante en van die isomere in subparagraaf (a) bedoel, asook die isomere van sodanige esters en eters, waar die bestaan van sodanige esters, eters en isomere moontlik is;

(c) die soute van vermelde stowwe of plante, van die isomere in subparagraaf (a) bedoel en van die esters, eters en isomere in subparagraaf (b) bedoel, asook die isomere van sodanige soute, waar die bestaan van sodanige soute en isomere moontlik is; **[en]**

(d) alle preparate en mengsels van vermelde stowwe of plante en van die isomere, esters, eters en soute in hierdie paragraaf bedoel; of

(e) alle homoloë van die gelyste stowwe (synde enige chemiese verwante stowwe wat 'n strukturele fragment in hulle strukture inkorporeer wat soortgelyk is aan die struktuur van 'n gelyste stof of wat farmakodinamiese eienskappe vertoon wat soortgelyk is aan die gelyste stowwe in hierdie Deel van die Bylae), tensy dit afsonderlik gelys word in enige Deel van Bylae 2."

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