

**MISUSE OF DRUGS AMENDMENT ACT 1997**

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**BERMUDA**  
**1997 : 6**

**MISUSE OF DRUGS AMENDMENT ACT 1997**

[Date of Assent 20 March 1997]

[Operative Date 20 March 1997]

WHEREAS it is expedient to amend the Misuse of Drugs Act 1972 to provide for increased penalties for certain offences committed in or near certain specified places:

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:—

**Short title**

1 This Act may be cited as the Misuse of Drugs Amendment Act 1997.

**Increased penalty zones**

2 (1) After section 27 of the Misuse of Drugs Act 1972 (prosecution and punishment of offenders) there shall be inserted—

**"Increased penalty zones**

27A (1) Where a person is being sentenced for an offence under any of sections 5 to 11 of this Act which was committed

## **MISUSE OF DRUGS AMENDMENT ACT 1997**

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(whether wholly or partly) in an increased penalty zone, the court shall—

- (a) first determine the sentence ("the basic sentence") in accordance with established principles but without regard to this section; then
- (b) where the basic sentence includes a term of imprisonment or a fine, increase that sentence by adding an additional element determined in accordance with subsection (2).

(2) The additional element shall be—

- (a) a term of imprisonment of at least one year but not more than three years, where the basic sentence includes a term of imprisonment of less than seven years;
- (b) a term of imprisonment of at least three years but not more than five years, where the basic sentence includes a term of imprisonment of seven years or more;
- (c) a fine of at least \$1000 but not more than \$10,000, where the basic sentence includes a fine.

(3) The court shall not add an additional element under this section where the basic sentence is one of imprisonment for life.

(4) For the purposes of this section, "increased penalty zone" means any of the places listed in Schedule 4.

(5) Where the Minister considers it in the public interest to do so, he may, by order made subject to the negative resolution procedure, amend Schedule 4 so as—

- (a) to add to the definition of increased penalty zone any particular place or any description of place; or
- (b) to amend any distances there mentioned."

(2) At the end of the Misuse of Drugs Act 1972 there shall be added—

**MISUSE OF DRUGS AMENDMENT ACT 1997**

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**"SCHEDULE 4**

**Section 27A**

INCREASED PENALTY ZONES

1 For the purposes of section 27A, the following places are increased penalty zones—

(a) any of the following places—

- (i) any premises of a school or nursery, as defined by the Education Act 1996 and the Public Health (Day Nurseries and Nursery Schools) Regulations 1978, respectively;
- (ii) any premises of an approved society, as defined by section 1 of the Protection of Children Act 1943;
- (iii) a playground;
- (iv) the Bermuda College;

and any place within 300 metres of such a place; and

(b) any of the following places—

- (i) a public park, public garden or public beach;
- (ii) a camp site maintained by the Department of Youth Development, Sport and Recreation;
- (iii) a swimming pool intended for use by the public;
- (iv) a video games facility;
- (v) a youth centre;
- (vi) the bus terminal in Washington Street, Hamilton;
- (vii) a drug treatment or rehabilitation facility;
- (viii) the hospitals, as defined by the Bermuda Hospitals Board Act 1970;
- (ix) a prison;

and any place within 100 metres of such a place.

2 In this Schedule—

## **MISUSE OF DRUGS AMENDMENT ACT 1997**

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"drug treatment or rehabilitation facility" means—

- (a) a treatment or rehabilitation centre established by regulations made under section 24; or
- (b) any other place where persons addicted to or dependent upon any controlled drug receive treatment or assistance with rehabilitation;

"playground" means an open area with playground equipment intended for use by the public for recreational purposes;

"prison" means a place declared to be a prison under section 5 of the Prisons Act 1979;

"video games facility" means a place of business where young persons may play video or electronic games;

"youth centre" means any place operated by—

- (a) the Department of Youth Development, Sport and Recreation;
- (b) a church; or
- (c) a sports club;

where young persons may pursue organised sports or leisure activities;

"young persons" means persons under the age of eighteen."