

34. Penalties

- (1) Subject to subsection (2), a person who is convicted of —
 - (a) a crime under section 6(1) or 7(1) is liable to a fine not exceeding \$100 000 or to imprisonment for a term not exceeding 25 years or both;
 - (b) conspiring with another to commit a crime under section 6(1) or 7(1) is liable to a fine not exceeding \$75 000 or to imprisonment for a term not exceeding 20 years or both;
 - (c) an offence under section 7A(1) is liable —
 - (i) if convicted on indictment, to a fine not exceeding \$20 000 or to imprisonment for a term not exceeding 5 years or both;
 - (ii) if convicted by a summary court, to a fine not exceeding \$2 000 or to imprisonment for a term not exceeding 2 years or both;
 - (d) a simple offence under section 5(1) (other than a simple offence under section 5(1)(e)), 8, 25(2) or 29 is liable to a fine not exceeding \$3 000 or to imprisonment for a term not exceeding 3 years or both;
 - (e) a simple offence under section 5(1)(e), 6(2), 7(2), 7A(3) or 31(4) is liable to a fine not exceeding \$2 000 or to imprisonment for a term not exceeding 2 years or both; or
 - (f) a simple offence under section 15(1), (2) or (3), 16(1) or (2), 17(1) or (2), or 18(1) or (2) is liable to a fine not exceeding \$5 000 for a first offence and to a fine not exceeding \$15 000 for any subsequent offence under the same provision.
- (2) A person who is convicted of a crime referred to in subsection (1)(a) —
 - (a) being a crime —
 - (i) relating only to cannabis; and
 - (ii) not relating to cannabis resin or any other cannabis derivative or to any prohibited drug or a prohibited plant other than cannabis,

is liable, if sentenced by the District Court or the Supreme Court, to a fine not exceeding \$20 000 or to imprisonment for a term not exceeding 10 years or both; or
 - (b) is liable, if sentenced by a summary court, to a fine not exceeding \$5 000 or to imprisonment for a term not exceeding 4 years or both.

[Section 34 amended by No. 44 of 1995 s. 12; No. 52 of 2003 s. 31; No. 4 of 2004 s. 58; No. 62 of 2004 s. 6.]