

**Reprint
as at 1 August 2012**



**Misuse of Drugs Amendment Act
2011**

Public Act 2011 No 40
Date of assent 22 July 2011
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Misuse of Drugs Amendment Act 2011.

2 Commencement

- (1) This Act comes into force on a date appointed by the Governor-General by Order in Council, and 1 or more orders may

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry of Justice.

be made bringing different provisions into force on different dates.

- (2) Any provisions of this Act that are not in force on the expiry of the period of 15 months that starts on the date on which this Act receives the Royal assent come into force (despite subsection (1)) on that expiry.

Section 2: this Act brought into force, on 1 August 2012, by the Misuse of Drugs Amendment Act 2011 Commencement Order 2012 (SR 2012/129).

3 Principal Act amended

This Act amends the Misuse of Drugs Act 1975.

4 Forfeiture

Section 32 is amended by repealing subsection (5) and substituting the following subsections:

- “(5) If the Court is considering whether to make an order for forfeiture under subsection (4), sections 128(5), 130, and 131 of the Sentencing Act 2002 apply to the extent that they are applicable and subject to any necessary modifications.
- “(6) If an order for forfeiture is made under subsection (4), the following provisions of the Sentencing Act 2002 apply to the extent that they are applicable and subject to any necessary modifications and the exception in paragraph (b):
- “(a) sections 132 to 136:
 - “(b) section 137, except that section 137(3)(c) and (g) do not apply and, instead, any proceeds of sale remaining after payment in accordance with section 137(3)(a), (b), and (d) to (fb) must be paid into a Crown Bank Account:
 - “(c) sections 138, 138A, and 140:
 - “(d) section 140A (including section 140A(4), which applies despite section 137(3)(c) not otherwise being applicable):
 - “(e) sections 141A and 142.”
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Notes

1 *General*

This is a reprint of the Misuse of Drugs Amendment Act 2011. The reprint incorporates all the amendments to the Act as at 1 August 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Misuse of Drugs Amendment Act 2011 Commencement Order 2012 (SR 2012/129)
