

[AS REPORTED FROM THE DRUGS (PREVENTION OF MISUSE)
BILL COMMITTEE]

House of Representatives, 26 June 1975.

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr Tizard

(DRUGS (PREVENTION OF MISUSE)) MISUSE OF
DRUGS

ANALYSIS

Title	
1. Short Title and commencement	20. Power of Court to restrict publication of name of controlled drug
2. Interpretation	21. Powers of Minister to prohibit import, etc., of controlled drugs
3. Act to bind the Crown	22. Powers of Minister to prohibit prescribing, etc.
4. Amendment of First, Second, and Third Schedules	23. Treatment of persons dependent on controlled drugs
5. Advisory and technical committees	24. Restrictions on supply to particular persons
6. Dealing with controlled drugs	25. Arrest by Customs Officers
7. Possession and use of controlled drugs	26. General penalty
8. Exemptions from sections 6 and 7	27. Legal proceedings
9. Cultivation of prohibited plants	28. When absence of knowledge a defence
10. Aiding offences against corresponding law of another country	29. Burden of proof
11. Theft, etc., of controlled drugs	30. Forfeiture
12. Miscellaneous offences	31. Notification of conviction of medical practitioners, etc.
13. Licences	32. Protection of persons acting under authority of Act
14. False statements	33. Crimes deemed to be included in extradition treaties
15. Obstruction of officers	34. Application of Customs Act 1966
16. Liability of principal for acts of agent, etc.	35. Regulations
17. Search and seizure	36. Effect on Poisons Act 1960
18. Power to demand production of records and to inspect stocks of controlled drugs	37. Repeals
19. Statements regarding drug dependent persons	38. Revocations Schedules

A BILL INTITULED

An Act to consolidate and amend the Narcotics Act 1965 and to make further provision for the prevention of misuse of drugs

No. 28—2

Price 35c

1. Short Title and commencement—(1) This Act may be cited as the (*Drugs (Prevention of Misuse) Act 1974.*) Misuse of Drugs Act 1975.

(2) This Act shall come into force on a date to be appointed for the commencement thereof by the Governor-General by Order in Council. 5

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Carrier” includes every person engaged in carrying goods for hire or reward by any means, and whether 10
by land, water, or air:

“Controlled drug” means any substance, preparation, mixture or article specified or described in the First Schedule, the Second Schedule, or the Third Schedule to this Act, and “Class A controlled drug”, 15
“Class B controlled drug”, and “Class C controlled drug” mean respectively the controlled drugs specified or described in the said First Schedule, the said Second Schedule, or the said Third Schedule:

“Cultivate” includes sow or plant; and “cultivation” has 20
a corresponding meaning:

“Dentist” means a person for the time being registered as a dentist under the Dental Act 1963:

“Dependent” means being in a state of periodic or chronic intoxication, produced by the repeated con- 25
sumption, smoking, or other use of a controlled drug detrimental to the person in relation to whom the word is used, and involving a compulsive desire to continue consuming, smoking, or otherwise using 30
the drug or a tendency to increase the dose of the drug; and “dependency” has a corresponding meaning:

“Medical Officer of Health” means a Medical Officer of Health within the meaning of the Health Act 1956; and includes the officers referred to in section 22 of 35
that Act:

“Medical practitioner” means a person for the time being registered as a medical practitioner under the Medical Practitioners Act 1968 and, subject to the limitations imposed by that Act, includes a person 40
conditionally registered, and a holder of a certificate of probationary registration, and a holder of a certificate of temporary registration, under that Act:

“Minister” means the Minister of Health:

“Pharmacist” means a person for the time being registered as a pharmacist under the Pharmacy Act 1970, who—

5 (a) Keeps, in accordance with the requirements of that Act and the regulations thereunder, an open shop or place of business for the compounding or dispensing of prescriptions, or is employed in any such shop or place of business so kept; or

10 (b) Is employed in a hospital or a licensed hospital within the meaning of the Hospitals Act 1957 or the Mental Health Act 1969:

“Produce” includes compound; and “production” has a corresponding meaning:

“Prohibited plant” means—

15 (a) Any plant of the genus *Cannabis*:

(b) Any plant of the species *Papaver somniferum*:

(c) *Erythroxylon coca* and *Erythroxylon novagranatense* (syn. *E. truxillense*) and every other species of the genus *Erythroxylon* from which a controlled drug can be produced:

20 (d) Any plant of the species *Lophophora williamsii* or *Lophophora lewinii*:

(e) Any plant of the species *Psilocybe mexicana* or *Psilocybe cubensis*:

25 (f) Any other plant which is declared to be a prohibited plant by regulations made under this Act:

“Supply” includes distribute, give, and sell:

30 “Veterinary surgeon” means a person for the time being registered as a veterinary surgeon under the Veterinary Surgeons Act 1956, and includes a person who uses the title or description of a “veterinary practitioner” under the authority of that Act.

(2) For the purposes of this Act, the things which a person has in his possession include any thing subject to his control which is in the custody of another.

35 (3) In calculating for the purposes of this Act the percentage of any substance present in a preparation, the percentage in the case of a liquid preparation shall, unless otherwise prescribed, be calculated on the basis that a preparation containing one part percent of any substance means a preparation in which one gram of the substance, if a solid, or one millilitre of the substance, if a liquid, is contained in every hundred millilitres of the preparation and so in proportion for any greater or less percentage.

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(4) In calculating for the purposes of this Act the percentage of morphine present in a preparation it shall be calculated as in respect of anhydrous morphine.

Cf. 1965, No. 45, s. 2; S.R. 1966/82, regs. 2, 2A, 15 (1), 25A (1); S.R. 1967/173, reg. 2; S.R. 1973/100, reg. 7; Misuse of Drugs Act 1971, s. 37 (3) (U.K.) 5

3. Act to bind the Crown—(1) Subject to subsection (2) of this section, this Act shall bind the Crown.

(2) The Governor-General may, by Order in Council, exempt any instrument of the Executive Government of New Zealand, either absolutely or to such extent and subject to such conditions as may be specified in the Order in Council, from all or any of the provisions of this Act, and in that event, or to that extent and subject to compliance with any such conditions, this Act, or the provisions of this Act so specified, as the case may require, shall not bind the Crown in right of that instrument. 10 15

Cf. 1965, No. 45, s. 3

4. Amendment of First, Second, and Third Schedules—The Governor-General may from time to time, by Order in Council, add to or omit from any Part of the First, Second, or Third Schedules to this Act the name or description of any substance, preparation, mixture, or article, or otherwise amend any such Schedule, or revoke any such Schedule or any such Part and substitute a new Schedule or a new Part, as the case may require, and every such Order in Council shall have effect according to its tenor. 20 25

Cf. 1965, No. 45, s. 4; 1970, No. 27, s. 2

5. Advisory and technical committees—(1) The Minister may from time to time appoint such advisory or technical committees as he thinks fit to advise him for any of the purposes of this Act, and may from time to time determine the functions of any such committee. 30

(2) There may be paid out of money appropriated by Parliament for the purpose to the members of any committee appointed under this section remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the committee were a statutory Board within the meaning of that Act. 35 40

(3) Subject to the provisions of this Act and of any regulations made under this Act, every such committee may regulate its own procedure.

5 **6. Dealing with controlled drugs**—(1) Except as provided in section 8 of this Act, or pursuant to a licence under this Act, or as otherwise permitted by regulations made under this Act, no person shall—

10 (a) Import into or export from New Zealand any controlled drug, other than a controlled drug specified or described in Part IV, Part V, or Part VI of the Third Schedule to this Act; or

(b) Produce or manufacture any controlled drug; or
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15 (c) Supply or administer, or offer to supply or administer, any controlled drug to any other person, or otherwise deal in any controlled drug; or

(d) Have any controlled drug in his possession for any of the purposes set out in paragraph (c) of this subsection.

20 *New*

(c) Supply or administer, or offer to supply or administer, any Class A controlled drug or Class B controlled drug to any other person, or otherwise deal in any such controlled drug; or

25 (ca) Supply or administer, or offer to supply or administer, any Class C controlled drug to a person under 18 years of age; or

(cb) Sell, or offer to sell, any Class C controlled drug to a person of or over 18 years of age; or

30 (d) Have any controlled drug in his possession for any of the purposes set out in paragraphs (c), (ca), or (cb) of this subsection.

(2) *(Subject to section 28 of this Act)* every person who contravenes subsection (1) of this section commits an offence
35 against this Act and is liable on conviction on indictment to imprisonment for a term—

40 (a) Not exceeding 14 years where a Class A controlled drug was the controlled drug or one of the controlled drugs in relation to which the offence was committed:

- (b) Not exceeding 10 years where paragraph (a) of this subsection does not apply but a Class B controlled drug was the controlled drug or one of the controlled drugs in relation to which the offence was committed: 5
- (c) Not exceeding 5 years in any other case.
- (3) Notwithstanding anything in section 7 of the Summary Proceedings Act 1957, where any person is summarily convicted of an offence against this section, the Magistrate's Court may sentence him— 10
- (a) To imprisonment for a term not exceeding 3 years or to a fine not exceeding \$3,000 or to both where he could have been sentenced under paragraph (a) of subsection (2) of this section if he had been convicted on indictment: 15
- (b) To imprisonment for a term not exceeding 2 years or to a fine not exceeding \$2,000 or to both where he could have been sentenced under paragraph (b) of subsection (2) of this section if he had been convicted on indictment: 20
- (c) To imprisonment for a term not exceeding 1 year or to a fine not exceeding \$1,000 or to both in any other case.
- (4) Notwithstanding anything in subsection (2) of section 44 of the Criminal Justice Act 1954, where any person is convicted of an offence relating to a Class A controlled drug— 25
- (a) Against paragraph (c) or paragraph (d) of subsection (1) of this section; or
- (b) Against paragraph (a) or paragraph (b) of subsection (1) of this section committed in circumstances indicating to the Judge or Magistrate an intention to offend against paragraph (c) of that subsection,— 30
- the Judge or Magistrate shall impose a (*sentence of imprisonment on that person unless, having regard to the particular circumstances of the offence or of the offender, he is of the opinion that the offender should not be imprisoned*) custodial 35

New

sentence (being a sentence under which a person is liable to be detained in a penal institution within the meaning of the Penal Institutions Act 1954) unless, having regard to the particular circumstances of the offence or of the offender, including the age of the offender if he is under 20 years of age, the Judge or Magistrate is of the opinion that the offender should not be so sentenced. 40

New

(4A) For the purposes of paragraph (cb) of subsection (1) of this section, if it is proved that a person has supplied a controlled drug to another person he shall until the contrary is proved be deemed to have sold that controlled drug to that other person.

(5) For the purposes of paragraph (d) of subsection (1) of this section, a person shall until the contrary is proved be deemed to be in possession of a controlled drug for a purpose set out in paragraph (c) paragraph (ca) or paragraph (cb), as the case may require, of that subsection if he is in possession of any of the following:

- (a) Five grams or more of morphine, whether contained in a substance, preparation, or mixture, or not:
- (b) Half a gram or more of cocaine or heroin, whether contained in a substance, preparation, or mixture, or not:
- (c) Two and a half milligrams or more of lysergide, or 25 or more flakes, tablets, capsules, or other drug forms each containing some quantity of lysergide:
- (d) **(One hundred)** two hundred and fifty milligrams or more of a tetrahydrocannabinol, as described in the First Schedule to this Act, whether contained in a substance, preparation, or mixture, or not:
- (e) Five grams or more of cannabis, as described in the Second Schedule to this Act, or 28 grams or more of cannabis plant as described in the Third Schedule to this Act, or 100 or more cigarettes containing cannabis or cannabis plant, as so described:
- (f) Fifty-six grams or more of any other controlled drug.

Cf. 1965, No. 45, s. 5 (1) (a), (b), (d), (e), (2), (3), (6)

7. Possession and use of controlled drugs—

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(1) Except as provided in section 8 of this Act, or pursuant to a licence under this Act, or as otherwise permitted by regulations made under this Act, no person shall procure or have in his possession, or consume, smoke, or otherwise use, any controlled drug.

New

(1) Except as provided in section 8 of this Act, or pursuant to a licence under this Act, or as otherwise permitted by regulations made under this Act, no person shall—

- (a) Procure or have in his possession, or consume, smoke, or otherwise use, any controlled drug; or
- (b) Supply or administer, or offer to supply or administer, any Class C controlled drug to any other person, or otherwise deal in any such controlled drug.

(2) Subject to (*section 28 of this Act, and to*) subsection (3) of this section, but without prejudice to any liability under section 6 of this Act, every person who contravenes subsection (1) of this section commits an offence against this Act and is liable on conviction—

- (a) To imprisonment for a term not exceeding 6 months or to a fine not exceeding \$1,000 or to both where a Class A controlled drug was the controlled drug or one of the controlled drugs in relation to which the offence was committed;
- (b) To imprisonment for a term not exceeding 3 months or to a fine not exceeding \$500 or to both in any other case:

New

Provided that, where any person is convicted of an offence against subsection (1) of this section relating only to a Class C controlled drug and is liable to a penalty under paragraph (b) of this subsection, the Judge or Magistrate shall not impose a custodial sentence (being a sentence under which a person is liable to be detained in a penal institution within the meaning of the Penal Institutions Act 1954) unless, by reason of the offender's previous convictions or of any exceptional circumstances relating to the offence or the offender, the Judge or Magistrate is of the opinion that such a sentence should be imposed.

(3) In any proceedings for an offence against this section in respect of the possession of a controlled drug, in which it is proved that the defendant had a controlled drug in his possession, it shall be a defence for him to prove—

- (a) That, knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of preventing another from committing or continuing to commit an offence in connection with that drug and that as

soon as possible after taking possession of it he took all reasonable steps to destroy the drug or to deliver it into the possession of a person lawfully entitled to have possession of it; or

- 5 (b) That, knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of delivering it into the possession of a person lawfully entitled to have possession of it and that as soon as possible
10 after taking possession of it he took all reasonable steps to deliver it into the possession of such a person.

(4) Nothing in subsection (3) of this section shall prejudice any defence which it is open to a person charged with an offence against this section to raise apart from that sub-
15 section.

Cf. 1965, No. 45, s. 6; Misuse of Drugs Act 1971, s. 5 (4), (6) (U.K.)

8. Exemptions from sections 6 and 7—(1) In subsection (2) of this section, references to a medical practitioner, dentist, veterinary surgeon, or pharmacist mean a medical practitioner, dentist, veterinary surgeon, or pharmacist, acting as
20 such in the course of his practice or employment, and references to the supply of controlled drugs include an offer to supply controlled drugs.

(2) Notwithstanding anything in section 6 or section 7 of this Act, but subject to sections 21 to 24 of this Act and any prohibitions, limitations, restrictions, or conditions, imposed thereby or thereunder or by or pursuant to any regulations under this Act,—

30 (a) Any medical practitioner, dentist or veterinary surgeon may prescribe, produce, manufacture, supply, or administer controlled drugs:

(b) Any pharmacist may produce, manufacture, or supply controlled drugs for the purposes of pharmaceutical benefits within the meaning of the Social Security Act 1964 or of the hospital in which he is employed or pursuant to a prescription or order issued by a medical practitioner, dentist, or veterinary surgeon:

35 (c) Any person for whom a controlled drug is supplied by a medical practitioner or dentist, or prescribed by a medical practitioner or dentist and lawfully supplied, may administer that drug to himself in accordance with the advice of the medical practitioner or dentist who supplied or prescribed it:
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- (d) Any person having the care of a patient for whom a controlled drug is supplied by a medical practitioner or dentist, or prescribed by a medical practitioner or dentist and lawfully supplied, may administer that drug to that patient in accordance with the advice of the medical practitioner or dentist who supplied or prescribed it: 5
- (e) Any person having the care of an animal for which a controlled drug is supplied by a veterinary surgeon, or prescribed by a veterinary surgeon and lawfully supplied, may administer that drug to that animal in accordance with the advice of the veterinary surgeon who supplied or prescribed it: 10
- (f) Any Hospital Board or other corporate body, and any individual person being the manager of or person licensed to carry on a private hospital or other institution, having the care of patients for whom controlled drugs are lawfully prescribed or supplied, may possess those drugs for the purposes of the treatment of those patients: 15
- (g) Any person in the service of the Crown may procure and possess a controlled drug for the purposes of and in connection with his official duties: 20
- (h) Any carrier may possess a controlled drug in the course of carriage to such extent as is necessary or incidental to his business: 25
- (i) Any person who is permitted by or under this Act to import, export, supply, or administer a controlled drug may procure that drug from a person lawfully entitled to supply it and may possess that drug in the manner and for the purposes expressed or implied in that authority: 30
- (j) Any person who is licensed or otherwise permitted under this Act to cultivate a prohibited plant may possess any controlled drug derived from that plant in the manner and for the purposes expressed or implied in that authority: 35
- (k) Any person who is permitted by or under this Act to possess a controlled drug may procure that drug from a person lawfully entitled to supply it, and may supply or use that drug in the manner and for the purposes expressed or implied in that authority. 40

(3) Subject to section 21 of this Act and to any regulations under this Act and to any other enactment or rule of law prohibiting, restricting or regulating the import, export, supply, or administration of drugs, any person may—

5 (a) Import or export any controlled drug specified or described in Part IV, Part V, or Part VI of the Third Schedule to this Act:

(b) Supply or administer any controlled drug specified or described in the said Part VI.

10 Cf. 1965, No. 45, s. 6 (3); S.R. 1966/82, regs. 2 (2), 14, 15, 16 (1), (a), (b), (e), 17 (1), (2)

9. Cultivation of prohibited plants—(1) Except pursuant to a licence under this Act, or as otherwise permitted by regulations made under this Act, no person shall cultivate any
15 prohibited plant.

(2) Subject to (*section 28 of this Act, and to*) subsection (4) of this section, every person who contravenes subsection (1) of this section commits an offence against this Act and is liable on conviction on indictment to imprisonment for a term not
20 exceeding 7 years.

(3) Notwithstanding anything in section 7 of the Summary Proceedings Act 1957, where any person is summarily convicted of an offence against this section, the Magistrate's Court may sentence him to imprisonment for a
25 term not exceeding 2 years or to a fine not exceeding \$2,000 or to both.

(4) It shall be a defence to a charge under subsection (1) of this section if the person charged proves that the prohibited plant to which the charge relates was of the species
30 *Papaver somniferum*, and that it was not intended to be a source of any controlled drug or that it was not being developed as a strain from which a controlled drug could be produced.

Cf. 1965, No. 45, s. 5 (1) (c), (2), (5)

35 **10. Aiding offences against corresponding law of another country—**(1) Every person commits an offence against this Act who, in New Zealand, aids, incites, counsels, or procures the doing or omission in any place outside New Zealand of any act, if that act or omission—

40 (a) Is punishable under the provisions of any law corresponding to section 6 or section 9 of this Act and in force in that place; or

- (b) Would if done or omitted in New Zealand constitute an offence against section 6 or section 9 of this Act.
- (2) Every person who commits an offence against this section is liable on conviction on indictment to imprisonment for a term— 5
- (a) Not exceeding 14 years where the relevant act or omission is punishable under the provisions of any law corresponding to section 6 of this Act or would if done or omitted in New Zealand constitute an offence against that section: 10
- (b) Not exceeding 7 years in any other case.
- (3) Notwithstanding anything in section 7 of the Summary Proceedings Act 1957, where any person is summarily convicted of an offence against this section, the Magistrate's Court may sentence him to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$2,000 or to both. 15
- (4) It is a defence to a charge under paragraph (b) of subsection (1) of this section if the person charged proves that the doing or omission of the act to which the charge relates was not an offence under the law of the place where it was, or was to be, done or omitted. 20
- (5) Nothing in subsection (1) or subsection (4) of this section shall derogate from any provision in the Crimes Act 1961. 25
- (6) The First Schedule to the Extradition Act 1965 (as amended by section 4 (2) of the Extradition Amendment Act 1969 and by section 3 (2) of the Narcotics Amendment Act 1970) is hereby further amended by omitting from Part II so much thereof as relates to the Narcotics Act 1965, and inserting, in their appropriate columns, before the reference to the Insolvency Act 1967, the following words: 30
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|------------------|----|------------------------------|----|
| “The Drugs (Pre- | 6 | Dealing with controlled | |
| vention of | | drugs | |
| Misuse) Act | 9 | Cultivating prohibited | 35 |
| 1973 | | plants | |
| | 10 | Aiding offences against cor- | |
| | | responding law of an- | |
| | | other country.” | |
- Cf. 1965, No. 45, s. 5A; 1970, No. 27, s. 3 40

11. Theft, etc., of controlled drugs—(1) Every person commits an offence against this Act and is liable on conviction on indictment to imprisonment for a term not exceeding 7 years who—

- 5 (a) Steals a controlled drug; or
- (b) With intent to defraud by any false pretence, either directly or through the medium of any contract obtained by the false pretence, obtains possession of or title to a controlled drug, or procures a controlled drug to be delivered to any person other than himself; or
- 10 (c) Receives a controlled drug obtained by any crime, or by any act wherever committed which, if committed in New Zealand, would constitute a crime, knowing that controlled drug to have been dishonestly obtained.

(2) Subsections (2) and (3) of section 258 of the Crimes Act 1961 shall apply in respect of any proceedings for an offence against paragraph (c) of subsection (1) of this section.

- 20 (3) The definition of "crime" in section 2, and sections 220, 222, 225, 226, 245, 259, 260 and 261 of the Crimes Act 1961, shall apply, with such modifications as may be necessary, for the purpose of construing subsection (1) of this section.

25 Cf. 1965, No. 45, s. 6A; 1970, No. 27, s. 4 (1)

New

11A. Use of premises or vehicle—(1) Every person commits an offence against this Act who knowingly permits any premises or vehicle to be used for the purpose of the commission of an offence against this Act.

(2) Every person who commits an offence against this section is liable on conviction on indictment to imprisonment for a term—

- 35 (a) Not exceeding 10 years where a Class A controlled drug was the controlled drug or one of the controlled drugs in relation to which the offence was committed;
- (b) Not exceeding 7 years where paragraph (a) of this subsection does not apply but a Class B controlled drug was the controlled drug or one of the controlled drugs in relation to which the offence was committed;
- 40 (c) Not exceeding 3 years in any other case.

New

(3) Notwithstanding anything in section 7 of the Summary Proceedings Act 1957, where any person is summarily convicted of an offence against this section the Magistrate's Court may sentence him—

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(a) To imprisonment for a term not exceeding 2 years or to a fine not exceeding \$1,000 or to both where he could have been sentenced under paragraph (a) of subsection (2) of this section if he had been convicted on indictment:

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(b) To imprisonment for a term not exceeding 1 year or to a fine not exceeding \$1,000 or to both where he could have been sentenced under paragraph (b) of subsection (2) of this section if he had been convicted on indictment:

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(c) To imprisonment for a term not exceeding 6 months or to a fine not exceeding \$500 or to both in any other case.

Cf. 1965, No. 45, s. 7 (1) (a)

12. Miscellaneous offences—(1) (*Subject to section 28 of this Act,*) every person commits an offence against this Act who—

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(a) Permits any premises or vehicle to be used for the purpose of the commission of an offence against this Act; or

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(b) Has in his possession any needle, syringe, pipe, or other utensil, for (*any such purpose*) the purpose of the commission of an offence against this Act; or

(c) Except as may be provided by regulations made under this Act, has in his possession the seed or fruit (not in either case being a controlled drug) of any prohibited plant which he is not authorised under this Act to cultivate; or

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(d) Without lawful excuse, is on premises being used for the smoking of opium.

(2) Subsection (4) of section 9 of this Act shall apply in relation to a charge under paragraph (c) of subsection (1) of this section as if, in the said subsection (4), a reference to the seed or fruit of a prohibited plant were substituted for the reference to the prohibited plant.

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- (3) Every person who commits an offence against paragraph (a) of subsection (1) of this section is liable on conviction on indictment to imprisonment for a term—
- 10 (a) Not exceeding 10 years where a Class A controlled drug was the controlled drug or one of the controlled drugs in relation to which the offence was committed:
- 15 (b) Not exceeding 7 years where paragraph (a) of this subsection does not apply but a Class B controlled drug was the controlled drug or one of the controlled drugs in relation to which the offence was committed:
- 20 (c) Not exceeding 3 years in any other case.
- (4) Notwithstanding anything in section 7 of the Summary Proceedings Act 1957, where any person is summarily convicted of an offence against paragraph (a) of subsection (1) of this section, the Magistrate's Court may sentence him—
- 25 (a) To imprisonment for a term not exceeding 2 years or to a fine not exceeding \$1,000 or to both where he could have been sentenced under paragraph (a) of subsection (3) of this section if he had been convicted on indictment:
- 30 (b) To imprisonment for a term not exceeding 1 year or to a fine not exceeding \$1,000 or to both where he could have been sentenced under paragraph (b) of subsection (3) of this section if he had been convicted on indictment:
- 35 (c) To imprisonment for a term not exceeding 6 months or to a fine not exceeding \$500 or to both in any other case.

(5) Every person who commits an offence against ~~paragraph (b) or paragraph (c) of subsection (1) of~~ this section is liable to imprisonment for a term not exceeding 1 year or to a fine not exceeding \$500 or to both.

Cf. 1965, No. 45, s. 7

13. Licences—(1) Licences granted under this Act shall be in such form and be subject to such conditions as may be prescribed, or permitted to be designed or imposed, and shall be issued by such persons as may be prescribed, by regulations made under this Act. 5

(2) No licence to import into or export from New Zealand opium prepared for smoking shall be granted under this Act.

(3) Except in the case of a licence issued for the purpose of research or study, no licence granted under this Act shall authorise the consumption, injection, or smoking of any controlled drug. 10

(4) Except with the approval of the Minister (*of Health*), no licence shall be granted under this Act to any person who has been convicted of an offence against this Act or any Act repealed by this Act or by the Narcotics Act 1965 or whose licence under any such Act has been revoked by reason of his failure to comply with the conditions thereof or by reason of the breach of the provisions of any such Act or of any regulation made thereunder. 15

(5) If at any time the laws of a country or territory prohibit or restrict the importation of a controlled drug into that country or territory, any licence to export that controlled drug from New Zealand may contain conditions calculated to prevent any contravention of those laws in relation to the controlled drug which is the subject of the licence. 20 25

(6) Without prejudice to his liability under any other provision of this Act, every person commits an offence against this Act who contravenes or fails to comply with any condition of a licence granted to him under this Act.

Cf. 1965, No. 45, s. 8; S.R. 1966/82, reg. 4 (8); S.R. 1973/100, reg. 3 30

14. False statements—Every person commits an offence against this Act and is liable to imprisonment for a term not exceeding 1 year or to a fine not exceeding \$1,000 or to both who, for the purpose of obtaining, whether for himself or any other person, the grant or renewal of any licence under this Act or for any other purpose in relation to this Act,— 35

- (a) Makes any declaration or statement which to his knowledge is false in any particular; or 40
- (b) Utters, produces, or makes use of any declaration or statement which to his knowledge is false in any particular; or
- (c) Knowingly utters, produces, or makes use of any document that is not genuine. 45

Cf. 1965, No. 45, s. 9

15. **Obstruction of officers**—Every person commits an offence against this Act who wilfully obstructs, hinders, resists, or deceives any other person in the execution of any powers conferred on that other person by or pursuant to this Act.

5 Cf. 1965, No. 45, s. 10

16. **Liability of principal for acts of agent, etc.**—(1) Where an offence is committed against this Act or against any regulation made under this Act by any person acting as the agent or servant of another person, or being otherwise subject to the supervision or instructions of another person for the purposes of any employment in the course of which the offence was committed, that other person shall, without prejudice to the liability of the first mentioned person, be liable under this Act in the same manner and to the same extent as if he had personally committed the offence if it is proved that the act which constituted the offence was committed with his consent or connivance or that it was attributable to any neglect on his part.

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20 Provided that in any proceedings which are taken against a person by virtue of this subsection it shall be a defence for the person to prove that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

25 (2) Where any body corporate is convicted of an offence against this Act or against any regulation made under this Act, every director and every person concerned in the management of the company shall be guilty of a like offence

Struck Out

30 unless he proves that the offence was committed without his knowledge or consent.

New

35 if it is proved that the act which constituted the offence was committed with his consent or connivance or that it was attributable to any neglect on his part.

Cf. 1965, No. 45, s. 11

17. Search and seizure—(1) Where a search warrant is issued under section 198 of the Summary Proceedings Act 1957 in respect of an offence which has been or is suspected to have been committed against this Act or which is believed to be intended to be so committed, any constable executing the warrant or any of his assistants may search any person found in or on the building, aircraft, ship, hovercraft, carriage, vehicle, premises, or place which may be entered and searched under the authority of the warrant. 5

(2) Where any member of the Police has reasonable ground for believing that there is in or on any building, aircraft, ship, hovercraft, carriage, vehicle, premises, or place any controlled drug specified or described in the First Schedule or in Part I of the Second Schedule or in Part I of the Third Schedule to this Act and that an offence against this Act has been or is suspected of having been committed in respect of that drug, he, and any assistants who accompany him, may enter and search the building, aircraft, ship, hovercraft, carriage, vehicle, premises, or place and any person found therein or thereon as if authorised to do so by a search warrant issued under section 198 of the Summary Proceedings Act 1957 and by subsection (1) of this section. 10 15 20

New

(2A) Where any member of the Police has reasonable ground for believing that any person is in possession of any controlled drug specified or described in the First Schedule or in Part I of the Second Schedule or in Part I of the Third Schedule to this Act and that an offence against this Act has been or is suspected of having been committed in respect of that drug, he may search and detain that person for the purpose of search and may take possession of any controlled drug found. Nothing in this subsection shall limit the provisions of subsections (1) and (2) of this section or authorise any member of the Police to enter and search any building, aircraft, ship, hovercraft, carriage, vehicle, premises, or place otherwise than in accordance with the provisions of those subsections. 25 30 35

(3) Every member of the Police exercising the power of entry and search conferred by subsection (2) or the power conferred by subsection (2A) of this section shall identify himself to every person searched, and also to any person in or on the building, aircraft, ship, hovercraft, carriage, vehicle, premises, or place who questions his right to enter and search 40

the same, and shall also tell those persons that the search is being made pursuant to the authority of that subsection. He shall also, if not in uniform and if so required, produce evidence that he is a member of the Police.

- 5 (4) Any officer of Customs, or any officer of the Department of Health, or any member of the Police, with such assistants as he thinks necessary, may seize and destroy any prohibited plant except where it is being cultivated either in accordance with the conditions of a licence granted under this Act or in
10 accordance with regulations made under this Act, and may also seize and destroy the seed of any prohibited plant except where that seed is in the possession of any person who is either authorised under this Act to cultivate the plant or who is permitted by regulations made under this Act to have the seed in
15 his possession.

New

- (5) Where any member of the Police exercises the power of entry and search conferred by subsection (2) of this section or the power conferred by subsection (2A) of this section, he
20 shall, within 3 days after the day on which he exercises the power, furnish to the Commissioner of Police a written report on the exercise of the power and the circumstances in which it came to be exercised.

Cf. 1965, No. 45, s. 12

- 25 **18. Power to demand production of records and to inspect stocks of controlled drugs**—(1) Any member of the Police or any other person authorised by the Minister (*of Health*) shall for the purposes of the enforcement of the provisions of this Act have power to enter the premises of any person who carries
30 on the business of a producer, manufacturer, seller, or distributor of any controlled drug, or who otherwise undertakes the supply or administration of any controlled drug, and to demand the production of and to inspect any books or documents relating to dealings in any controlled drug, and to inspect,
35 weigh, measure, and record the stocks of controlled drugs.
- (2) If in the opinion of any Medical Officer of Health there is reasonable ground for suspecting that any person is in possession of any controlled drug for the purpose of sale, or for
40 the purpose of manufacturing any preparation for sale, or for use in or in connection with his profession, trade, or calling, or

any occupation whether paid or unpaid, in breach of this Act or of any regulations made under this Act, the Medical Officer of Health may require that person to produce for his inspection or to produce to any person specially authorised by the Medical Officer of Health in that behalf, any books or documents dealing with the reception, possession, purchase, sale, or delivery of the controlled drug. 5

(3) Any person acting under, or pursuant to an authority under, subsection (1) or subsection (2) of this section may make copies of or extracts from any such books or documents, and the copies or extracts, certified as such by that person, shall be deemed to be true and correct copies or extracts, unless the contrary is proved. 10

(4) Every person commits an offence against this Act who refuses or neglects to comply with any demand or requisition made pursuant to this section. 15

(5) Every person commits an offence against this Act who does not maintain the secrecy of all matters which come to his knowledge in the performance of his official duties under this section, or who communicates any such matter to any other person, except for the purpose of carrying into effect the provisions of this Act. 20

Cf. 1965, No. 45, s. 13

19. Statements regarding drug dependent persons—(1) If a Medical Officer of Health has reason to believe that any person is or is likely to become dependent on any controlled drug, he may, for the purpose of preventing or restricting the supply of controlled drugs to that person, or of assisting in the cure or mitigation or avoidance of the dependence of that person, publish statements relating to that person to all or any of the members of all or any of the classes of persons set out in subsection (3) of this section. 25 30

(2) Every statement made under subsection (1) of this section shall be privileged unless the publication is proved to be made with malice. 35

(3) The classes of persons referred to in subsection (1) of this section are as follows:

- (a) Members, officers, and employees of Hospital Boards constituted under the Hospitals Act 1957:
- (b) Licensees and managers of private hospitals licensed under the Hospitals Act 1957: 40

- (c) Superintendents of penal institutions within the meaning of the Penal Institutions Act 1954:
- (d) Managers and superintendents of institutions within the meaning of the Alcoholism and Drug Addiction Act 1966:
- 5 (e) Medical practitioners:
- (f) Dentists:
- (g) Members of the Police:
- 10 (h) Persons who deal in controlled drugs in the course of business.
- (4) Nothing in subsection (1) or subsection (2) of this section shall limit or affect any right or duty which a Medical Officer of Health may otherwise possess to publish a statement to any person.
- 15 (5) Every person commits an offence against this Act who, except in the course of duty as a member of a class set out in subsection (3) of this section or as an officer or servant of the Crown, publishes any information obtained, whether by him or any other person, from a statement made pursuant to subsection (1) of this section, or any comment on any such statement.
- 20

Cf. 1965, No. 45, s. 20

- 20. Power of Court to restrict publication of name of controlled drug—**(1) Where, in the course of proceedings in any Court or before a Coroner, reference is made to any controlled drug, the Court or Coroner may in its or his discretion order that the name of that drug shall not be published in relation to those proceedings at any time before the expiration of a period of 5 years from the date of the final disposal of those proceedings:
- 30 Provided that no order made under this subsection shall apply to the publication of that name to scientists or to members of the legal, medical, dental, veterinary, nursing, or pharmaceutical professions or to persons studying to become scientists or members of those professions or in any publication of a scientific or technical character solely or mainly intended for circulation among scientists or members of those professions or persons so studying or in any publication published by or on behalf of the Crown.
- 35 (2) Where the publication of the name of a controlled drug is prohibited under this section in relation to any proceedings every person commits an offence against this Act who, within
- 40

the said period of 5 years, publishes the name of that drug or any name or particulars likely to lead to the identification of that drug as the controlled drug to which reference was made in those proceedings.

(3) Nothing in this section shall be construed to limit the provisions of any other enactment relating to the prohibition or regulation of the publication of reports or particulars relating to any judicial proceedings. 5

Cf. 1965, No. 45, s. 20A; 1970, No. 27, s. 5

21. Powers of Minister to prohibit import, etc., of controlled drugs—(1) The Minister may from time to time, by notice in the *Gazette*, prohibit the import, manufacture, production, procuring, possession, supply, administration or other use of any specified controlled drug, either absolutely or subject to such conditions as he thinks fit, for any specified period not exceeding one year: 10 15

Provided that this power shall not be exercised more than once in respect of any controlled drug so specified.

(2) Every person commits an offence against this Act who, being a person permitted by or under this Act to import, manufacture, produce, procure, possess, supply, administer, or otherwise use, as the case may require, a controlled drug specified in a notice under subsection (1) of this section unless prohibited from so doing by any such notice, contravenes or fails to comply with any such notice. 20 25

Cf. 1960, No. 97, s. 28

22. Powers of Minister to prohibit prescribing, etc.—

(1) Subject to subsection (2) of this section, the Minister may at any time by notice in the *Gazette*,—

(a) Prohibit any specified medical practitioner, dentist, or veterinary surgeon from prescribing controlled drugs: 30

(b) Prohibit any specified person from exercising all or any of the rights conferred by section 8 of this Act, whether those rights are so conferred on persons generally or on a particular class of person to which that person belongs. 35

(2) The Minister shall not exercise any power conferred on him by subsection (1) of this section—

(a) In the case of a medical practitioner, except on the recommendation of the Medical Council of New Zealand; or 40

- (b) In the case of a dentist, except on the recommendation of the Dental Council of New Zealand; or
 - (c) In the case of a veterinary surgeon, except on the recommendation of the Veterinary Surgeons Board;
 - 5 or
 - (d) In the case of a pharmacist, except on the recommendation of the Council of the Pharmaceutical Society of New Zealand.
- (3) The Minister may at any time, by notice in the
10 *Gazette*, revoke any notice given under subsection (1) of this section.
- (4) Notwithstanding anything in any other Act, each Council and the Board referred to in subsection (2) of this section shall, for the purpose of considering and determining
15 whether or not to make a recommendation to the Minister under that subsection, have jurisdiction to inquire into any prescribing of or dealing in controlled drugs by a member of the profession with which it is concerned, and any matter incidental thereto, when such prescribing or dealing has been
20 brought or otherwise comes to its attention.
- (5) For the purposes of subsection (4) of this section each such Council and such Board shall have and may exercise any powers with respect to summoning witnesses, administering oaths, hearing evidence, and other matters of procedure,
25 and with respect to the payment and receiving of costs and expenses, conferred on it, in relation to disciplinary proceedings, by the enactment under which it is constituted, including, in the case of the Council of the Pharmaceutical Society of New Zealand, the powers conferred on the Disciplinary
30 Committee of that Society, but it shall not be necessary, unless the Council or Board so requires, for any other body to conduct an investigation or inquiry or to be represented at the inquiry conducted by the Council or Board.
- (6) Without prejudice to the liability of any person
35 under any other provision of this Act, every medical practitioner, dentist, or veterinary surgeon who prescribes any controlled drug in contravention of a notice under subsection (1) of this section commits an offence against this Act and is liable—
- 40 (a) To imprisonment for a term not exceeding 6 months or to a fine not exceeding \$1,000 or to both where a Class A controlled drug or a Class B controlled drug was the controlled drug or one of the controlled drugs in relation to which the offence was
45 committed:

- (b) To imprisonment for a term not exceeding 3 months or to a fine not exceeding \$200 or to both in any other case.

Cf. S.R. 1966/82, regs. 13 (2), 21, 35

23. Treatment of persons dependent on controlled drugs— 5

(1) Every medical practitioner commits an offence against this Act who, except as provided in subsection (2) of this section, prescribes, administers, or supplies any controlled drug for or to any person, whom the practitioner has reason to believe is dependent, in the course, or for the purpose, of treatment for dependency. 10

(2) A medical practitioner may prescribe, administer, or supply any controlled drug for or to any such person if the medical practitioner—

(a) Is for the time being a medical practitioner specified by the Minister under subsection (5) of this section; or 15

(b) Is working in a hospital or health centre, within the meaning of the Hospitals Act 1957, or clinic or other similar place, so specified, and is authorised in writing by a medical practitioner, so specified and working in that hospital, centre, clinic, or place, to prescribe controlled drugs; or 20

(c) Is acting in his capacity as a medical officer employed in a hospital, so specified and carried on by a Hospital Board, and is authorised in writing by the medical superintendent of that hospital, acting under the general or special directions of the principal medical officer of the Board in any case where the medical superintendent is not such principal medical officer, to prescribe controlled drugs; or 25 30

(d) Is acting, with the permission in writing of any such specified medical practitioner or authorised medical officer, in relation to a particular patient, and during such period and in accordance with such terms and conditions, as the medical practitioner or medical officer may in writing specify or impose. 35

(3) Except with the concurrence of the Medical Officer of Health, no permission given under paragraph (d) of subsection (2) of this section shall be expressed to apply for any period longer than 3 months, but any such permission may from time to time be renewed by the specified 40

medical practitioner or by the authorised medical officer, or any other medical officer similarly authorised and employed in the same hospital, for a period not exceeding, except as aforesaid, 3 months at any one time.

- 5 (4) Any authority or permission given or renewed pursuant to subsection (2) or subsection (3) of this section may, by notice in writing to the person to whom the authority or permission was given, be withdrawn at any time by the person who gave or renewed the authority or permission,
10 and shall be deemed to have been so withdrawn when the notice specifying the hospital, health centre, clinic, or place, in or from which the authority or permission was given or renewed, or specifying the medical practitioner by whom the authority or permission was given, as the case may
15 require, is revoked, or, in the case of an authority under paragraph (b) of the said subsection (2), such medical practitioner dies or ceases to work in the hospital, health centre, clinic, or place to which the authority relates.

20 (5) The Minister may from time to time, by notice in the *Gazette*, specify—

- (a) By name, any medical practitioner as a medical practitioner who may prescribe, administer, or supply controlled drugs for the purposes of this section:
25 (b) By name or description, any hospital carried on by a Hospital Board, or any hospital, health centre, clinic, or other place in which a medical practitioner, for the time being specified by the Minister under paragraph (a) of this subsection, works,
30 as a hospital, health centre, clinic, or place at which controlled drugs may be prescribed, administered, or supplied for the purposes of this section; and may in like manner revoke or amend any such notice.

35 (6) Nothing in the preceding provisions of this section shall apply to—

- (a) The treatment of a patient, within the meaning of the Alcoholism and Drug Addiction Act 1966, while he is in an institution, within the meaning of that Act:
40 (b) The emergency treatment of a patient in any hospital within the meaning of the Hospitals Act 1957, for a period not exceeding 3 days:

(c) The treatment of any restricted person within the meaning of section 24 of this Act.

Cf. S.R. 1966/82, regs. 13 (2), 25A; S.R. 1973/100, reg. 7

24. Restrictions on supply to particular persons—(1) In this section “restricted person” means a person who is the subject of a notice given under subsection (3) of this section and for the time being in force. 5

(2) Every person commits an offence against this Act who,— 10

(a) In contravention of a notice which has been served on him pursuant to subsection (3) or subsection (4) of this section, or which has otherwise come to his attention, prescribes for or supplies to a restricted person, knowing him to be a restricted person, any controlled drug; or 15

(b) Knowing himself to be a restricted person, procures or attempts to procure a prescription or a controlled drug from a person who is for the time being prohibited, by a notice under subsection (3) or subsection (4) of this section, from issuing the prescription or supplying the controlled drug to him. 20

(3) Where a Medical Officer of Health is satisfied that any person has been obtaining a controlled drug over a prolonged period and is likely to seek further supplies of a controlled drug, or prescriptions for the supply of a controlled drug, he may from time to time, by notice in such form as he thinks fit, given generally or to any person authorised by or under this Act to supply controlled drugs, prohibit every medical practitioner and dentist from issuing prescriptions for the supply of, and every person from supplying, any controlled drugs to the first-mentioned person, subject to such exceptions, relating to particular medical practitioners or dentists or sources of supply, or particular controlled drugs, or the frequency or quantity of prescriptions or supply, as may be specified in the notice. 25 30 35

(4) The Medical Officer of Health may at any time by a like notice revoke, or vary, or modify any prohibition, condition, or exception contained in a notice given by him under this section. 40

(5) A copy of any notice under subsection (3) or subsection (4) of this section shall be served, either personally or by registered post, on the restricted person, but failure to comply with this requirement shall not invalidate the notice.

(6) Any person who is aggrieved by the issue of a notice under this section, or by the refusal of the Medical Officer of Health to revoke, vary, or modify, any prohibition, condition, or exception contained in any such notice, may appeal in writing to the Minister whose decision shall be final.

Cf. S.R. 1966/82, regs. 13 (2), 26

25. Arrest by Customs Officers—If any officer of Customs has reasonable cause to believe or suspect that any person, in contravention of this Act, has imported into or exported from New Zealand any controlled drug, or has been concerned in such import or export, he may arrest that person without a warrant.

Cf. 1965, No. 45, s. 14

26. General penalty—Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section is liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$500 or to both.

Cf. 1965, No. 45, s. 15

27. Legal proceedings—(1) Except where this Act otherwise provides, every offence against this Act or against any regulations made under this Act shall be punishable on summary conviction.

(2) Notwithstanding anything in section 14 of the Summary Proceedings Act 1957, any information in respect of any offence against this Act or against any regulations made under this Act may be laid at any time within 4 years from the time when the matter of the information arose.

(3) The First Schedule to the Summary Proceedings Act 1957 (as amended by section 4 (2) of the Narcotics Amendment Act 1970) is hereby further amended by omitting from Part II so much thereof as relates to the Narcotics Act 1965, and inserting, in their appropriate

columns, after the reference to the Companies Special Investigations Act 1958 (as inserted by section 28 (3) of the Companies Special Investigations Act 1958) the following words:

"The Drugs (Prevention of Misuse) Act 1973	6	Dealing with controlled drugs	5
	9	Cultivation of prohibited plants	
	10	Aiding offences against corresponding law of another country	10
	11	Theft, etc., of controlled drugs.	
	12 (1) (a)	Permitting use of premises or vehicle for commission of offences."	15

Cf. 1965, No. 45, s. 16

Struck Out

28. When absence of knowledge a defence—(1) Subject to subsection (4) of this section, this section applies to any offence against any of the provisions of sections 6, 7, 9, or 12 of this Act. 20

(2) Subject to subsection (3) of this section, in any proceedings for an offence to which this section applies, it shall be a defence for the defendant to prove that he neither knew of nor suspected nor had reason to suspect the existence of some fact alleged by the prosecution which it is necessary for the prosecution to prove if he is to be convicted of the offence charged. 25

(3) Where in any proceedings for an offence to which this section applies it is necessary, if the defendant is to be convicted of the offence charged, for the prosecution to prove that some substance, preparation, mixture, or article involved in the alleged offence was the controlled drug which the prosecution alleges it to have been, and it is proved that the substance, preparation, mixture, or article was that controlled drug, the defendant— 30

(a) Shall not be acquitted of the offence charged by reason only of proving that he neither knew nor suspected nor had reason to suspect that the substance, preparation, mixture, or article in question was the particular controlled drug alleged; but 35 40

Struck Out

(b) Shall be acquitted if he proves—

5 (i) That he neither believed nor suspected nor had reason to suspect that the substance, preparation, mixture, or article in question was a controlled drug; or

10 (ii) That he believed the substance, preparation, mixture, or article to be a controlled drug, or a controlled drug of a description such that, if it had in fact been that controlled drug or a controlled drug of that description, he would not at the material time have been committing any offence to which this section applies.

15 (4) Nothing in this section shall prejudice any defence which it is open to a person charged with an offence to raise apart from this section, whether or not the offence is an offence to which this section applies.

Cf. Misuse of Drugs Act 1971, s. 28 (U.K.)

New

20 **28. Mistake as to nature of controlled drug**—Where, in any proceedings for an offence against any of the provisions of section 6 or section 7 of this Act, it is necessary, if the defendant is to be convicted of the offence charged, for the prosecution to prove that some substance, preparation, 25 mixture, or article involved in the alleged offence was the controlled drug which the prosecution alleges it to have been, and it is proved that the substance, preparation, mixture, or article was that controlled drug, the defendant shall not be acquitted of the offence charged by reason only of the fact 30 that he did not know or may not have known that the substance, preparation, mixture, or article in question was the particular controlled drug alleged.

29. Burden of proof—Without prejudice to subsection (8) of section 67 of the Summary Proceedings Act 1957, in any 35 proceedings against any person in respect of any offence against this Act or against any regulations made under this Act in which it is proved that he had in his possession any controlled drug, or did any act in relation to a controlled drug which would have amounted to that offence if such 40 act were not done pursuant to section 8 of this Act or to a licence under this Act or as otherwise permitted by

regulations under this Act, the burden of proving that he had such controlled drug in his possession, or did such act, pursuant to the said section 8 or to any such licence or as so permitted shall lie on him.

Cf. 1965, No. 45, s. 17

5

New

29A. Evidence of analysis—(1) For the purposes of this section the term “analyst” means the Dominion Analyst or a Government Analyst or an officer of the Department of Scientific and Industrial Research authorised in that behalf by the Dominion Analyst or a Government Analyst, either generally or in any particular case. 10

(2) Subject to subsections (3) and (4) of this section, in any proceedings for an offence against this Act a certificate purporting to be signed by an analyst, and certifying that, on a date stated in the certificate, the substance, preparation, mixture, or article to which the certificate relates was received by him, personally or by registered post, from the member of the Police or officer of Customs named in the certificate, and that upon analysis that substance, preparation, mixture, or article was found to be or to contain a particular controlled drug, or a particular prohibited plant, or a particular part of a particular prohibited plant, or a seed or fruit of a particular prohibited plant, specified or described in the certificate, shall until the contrary is proved be sufficient evidence— 20 25

(a) Of the qualifications and authority of the person by whom the analysis was carried out; and

(b) Of the authority of the person who signed the certificate to sign that certificate; and

(c) Of the facts stated in the certificate. 30

(3) A certificate referred to in subsection (2) of this section shall be admissible in evidence only if—

(a) At least 7 clear days before the hearing at which the certificate is tendered, a copy of that certificate is served, by or on behalf of the prosecutor, on the defendant and the defendant is at the same time informed in writing that the prosecutor does not propose to call the person who made the analysis as a witness at the hearing; and 35

(b) The defendant does not, by notice in writing given to the prosecutor at least 3 clear days before the hearing, require the person who made the analysis to be called by the prosecutor as a witness at the hearing. 40

New

(4) Notwithstanding anything in subsection (3) of this section, a certificate referred to in subsection (2) of this section shall not be admissible in evidence if the Court, either of its own motion or on the application of the defendant made either before or after the commencement of the hearing, in its discretion directs that the result of the analysis shall be disregarded unless that result is proved by the oral evidence of the person who made the analysis.

10 **30. Forfeiture**—(1) Every person convicted of an offence against this Act shall, in addition to any penalty imposed pursuant to this Act, forfeit to Her Majesty, by virtue of such conviction, all articles, if any, in respect of which the offence was committed and in the possession of such person.

15 (2) Articles forfeited under the provisions of subsection (1) of this section shall be sold, destroyed, or otherwise disposed of as the Minister (*of Health*) directs.

New

20 (3) If, on the conviction of any person for an offence against section 6 of this Act, the Judge or Magistrate is satisfied that money found in the possession of that person was received by that person in the course of or consequent upon the commission of that offence, or was in the possession of that person for the purpose of facilitating the commission of an offence against that section, the Judge or Magistrate may, in addition to any other penalty imposed pursuant to this Act, order that that money be forfeited to the Crown.

Cf. 1965, No. 45, s. 18

30 **31. Notification of conviction of medical practitioners, etc.**—Where any person being a medical practitioner, pharmacist, dentist, or veterinary surgeon is convicted of any offence against this Act or against any regulations made under this Act, the Court shall cause particulars of the conviction to be sent to the person charged with the duty of keeping the register on which the name of the convicted person appears as a registered medical practitioner, pharmacist, dentist, or veterinary surgeon, as the case may be.

40 Cf. 1965, No. 45, s. 19

32. Protection of persons acting under authority of Act—

A person who does any act in pursuance or intended pursuance of any of the functions conferred on him by or under this Act shall not be under any civil or criminal liability in respect thereof, whether on the ground of want of jurisdiction, or mistake of law or fact, or on any other ground, unless he has acted in bad faith or without reasonable care. 5

Cf. 1965, No. 45, s. 21

33. Crimes deemed to be included in extradition treaties— 10

(1) For the purposes of the Extradition Act 1965 and every Order in Council made under section 3 of that Act or referred to in section 21 of that Act, every crime described in section 6 or section 9 of this Act (including attempting or conspiring to commit that crime, aiding, abetting, inciting, counselling, or procuring any person to commit that crime and every crime described in section 10 of this Act shall, if not already described in the treaty, be deemed to be an offence described in any extradition treaty concluded before the commencement of this section and for the time being in force between New Zealand and any foreign country which is a party to the Single Convention on Narcotic Drugs 1961, as amended by the Protocol amending that Convention, done at Geneva on 25 March 1972, or to the Convention on Psychotropic Substances 1971. A certificate given under the hand of the Minister of Foreign Affairs that any foreign country is a party as aforesaid shall be sufficient evidence of that fact. 15 20 25

(2) Where, pursuant to the provisions of subsection (1) of this section, any crime is deemed to be an offence described in an extradition treaty, a person whose surrender is sought under the Extradition Act 1965 in respect of an act or omission which amounts to that crime shall be liable to be surrendered in accordance with the provisions of that Act, whether the act or omission occurred before or after the date on which the crime was deemed to be an offence described in the extradition treaty. 30 35

(3) For the purposes of this section, the expression "foreign country" includes any territory for whose international relations the Government of a foreign country is responsible and to which the extradition treaty and the Single Convention on Narcotic Drugs as amended by the Protocol amending that Convention or, as the case may be, the Convention on Psychotropic Substances, extends. 40

34. **Application of Customs Act 1966**—Sections 212 to 215, 270, 271, 274 to 282, and 285 to 287, of the Customs Act 1966 shall apply in relation to the importation and exportation of controlled drugs, except controlled drugs
5 specified or described in Part IV, Part V, or Part VI of the Third Schedule to this Act, as if such controlled drugs were restricted goods within the meaning of that Act.

Cf. 1965, No. 45, s. 22

10 35. **Regulations**—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- 15 (a) Providing for the issue of licences for the import, export, possession, production, manufacture, procuring, supply, administration, or use of controlled drugs and the cultivation of prohibited plants:
- 20 (b) Prescribing the form, duration, terms, and conditions of any licence under this Act and enabling additional conditions to be imposed:
- 25 (c) Prescribing the fees payable for licences under this Act and providing for the cancellation and suspension of such licences:
- 30 (d) Permitting the import, export, possession, production, manufacture, procuring, supply, administration, or use of controlled drugs, and the cultivation of prohibited plants, otherwise than pursuant to a licence under this Act but subject to such conditions or restrictions as may be prescribed by or imposed under the regulations:
- 35 (e) Prohibiting, limiting, restricting, and imposing conditions on, either generally or in relation to particular cases or classes of case or particular classes of person, the prescribing, production, manufacture, procuring, supply, use, or possession of controlled drugs pursuant to any provision of section 8 of this Act:
- 40 (f) Requiring persons who are engaged in the import, export, production, manufacture, procuring, supply, or administration of any controlled drug, or who utilise any controlled drug in the course of or in connection with their profession, trade, or calling, or any occupation whether paid or unpaid, or who otherwise undertake the supply or administration of any controlled drug, to keep records in such form and manner and to furnish information
45 with respect to such matters as may be prescribed:

- (g) Regulating the issue by medical practitioners, dentists, and veterinary surgeons of prescriptions for the supply of any controlled drug, and requiring persons issuing or dispensing prescriptions in respect of any such drug to furnish such information relating to those prescriptions as may be prescribed: 5
- (h) Requiring any medical practitioner who attends a person whom he considers, or has reasonable grounds to suspect, is dependent on controlled drugs of any description to furnish such particulars with respect to that person as may be prescribed: 10
- (i) Prohibiting, regulating, or restricting the supply of controlled drugs to any person so dependent and the issue of prescriptions for such supply: 15
- (j) Regulating the dispensing and compounding of controlled drugs:
- (k) Regulating the packing, labelling, storage, carriage, and destruction of controlled drugs:
- (l) Declaring plants to be prohibited plants: 20
- (m) Controlling or restricting the cultivation and destruction of prohibited plants and the sale, distribution, possession, and destruction of the seeds or fruit of prohibited plants:
- (n) Providing for the weighing, counting, measuring, sealing, seizing, and taking of samples of controlled drugs: 25
- (o) Prohibiting, regulating, or restricting advertisements for controlled drugs, and statements made in any such advertisement: 30
- (p) Providing for the waiver of fees in whole or in part in particular cases or classes of cases and for the total or partial refund of fees:
- (q) Prescribing offences in respect of the contravention of or non-compliance with any regulations made under this Act, and the amounts of fines that may be imposed in respect of any such offences, which fines shall be an amount not exceeding \$500 and, where the offence is a continuing one, a further amount not exceeding \$20 for every day or part of a day during which the offence has continued: 40
- (r) Exempting, or providing for the exemption of, any persons or classes of persons, or excepting any controlled drugs, from any provision of any regulation made under this Act which imposes conditions or obligations: 45

- (s) Generally for prohibiting, controlling, or restricting the import, export, possession, production, manufacture, procuring, supply, administration, and use of controlled drugs:
- 5 (t) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.
- (2) Any regulations made under subsection (1) of this section may—

Struck Out

- (a) Be expressed to apply to controlled drugs generally or to particular classes, specified or described in the regulations, of controlled drugs, and may make different provision for different classes, so specified or described, of controlled drugs:

New

- (a) Be expressed to apply to controlled drugs generally, or to particular controlled drugs or classes of controlled drugs specified or described in the regulations, and may make different provision for different controlled drugs or classes of controlled drugs so specified or described:

- (b) Provide for depriving persons of any rights, privileges, or exemptions, conferred on any class of person to which those persons belong, by any such regulations.

Cf. 1965, No. 45, s. 23; 1960, No. 97, s. 53 (2) (h), (o); Misuse of Drugs Act 1971, s. 10 (2) (g), (h), (i) (U.K.)

- 30 **36. Effect on Poisons Act 1960**—Notwithstanding anything in the Poisons Act 1960, no controlled drug shall be a poison, poisonous substance or toxic substance for the purposes of that Act.

- 35 **37. Repeals**—(1) The Narcotics Act 1965 and the Narcotics Amendment Act 1970 are hereby repealed.

- (2) Any reference in any enactment or in any document to a narcotic within the meaning of the Narcotics Act 1965 shall hereafter, unless the context otherwise requires, be read as a reference to a controlled drug within the meaning of this
- 40 Act.

38. Revocations—The following Orders in Council are hereby revoked, namely:

- (a) The Narcotics Order 1966:
- (b) The Narcotics Order 1967:
- (c) The Narcotics Order (No. 2) 1967: 5
- (d) The Narcotics Order 1968.

New

38A. Application to Niue—Whereas in accordance with Article 36 of the Constitution of Niue (as set out in the Second Schedule to the Niue Constitution Act 1974) the Niue Assembly has by resolution requested and consented to the enactment of a provision extending the provisions of this Act to Niue as part of the law of Niue: Be it therefore enacted as follows: 10

The Niue Act 1966 is hereby amended by inserting, after section 689, the following section: 15

“689A. Misuse of Drugs Act in force in Niue—(1) Subject to subsection (2) of this section and to the provisions of this Act, the Misuse of Drugs Act 1975 (so far as it is applicable) shall extend to and be in force in Niue. 20

“(2) In the application of the Misuse of Drugs Act 1975 to Niue, unless the context otherwise requires,—

“(a) Every reference in that Act to New Zealand shall be read as a reference to Niue:

“(b) Every reference in section 33 of that Act to an extradition treaty for the time being in force between New Zealand and any foreign country which is a party to the Single Convention on Narcotic Drugs 1961, as amended by the Protocol amending that Convention done at Geneva on 25 March 1972, or to the Convention on Psychotropic Substances 1971, shall be read as a reference to an extradition treaty for the time being in force between New Zealand and any such foreign country which extends to Niue: 25 30 35

“(c) Every reference in that Act to the Court, or to a Judge, or to a Magistrate or Justice, shall be read as a reference to the High Court of Niue or a Judge of that Court or a Commissioner of that Court: 40

New

- 5 “(d) Every reference in that Act to the Minister of Health shall be read as a reference to the Minister in charge of Health in Niue acting with the concurrence of the Chief Medical Officer of Niue:
- “(e) Every reference in that Act to the Medical Officer of Health shall be read as a reference to the Chief Medical Officer of Niue:
- 10 “(f) Every reference in that Act to a constable or a member of the Police shall be read as a reference to an officer of police of the Niue Public Service:
- “(g) The references in section 6 of that Act to subsection (2) of section 44 of the Criminal Justice Act 1954 shall be read as references to section 240 of the Niue Act 1966:
- 15 “(h) The references in section 17 of that Act to section 198 of the Summary Proceedings Act 1957 shall be read as references to section 284 of the Niue Act 1966:
- 20 “(i) The references in section 37 to the repeal of the Narcotics Act 1965 and the Narcotics Amendment Act 1970 shall be read as a reference to the repeal in Niue of the Narcotics Act 1965 and the Narcotics Amendment Act 1970.”

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SCHEDULES

Section 2 (1)

FIRST SCHEDULE

CLASS A CONTROLLED DRUGS

1. The following substances, namely:

ACETORPHINE (*O*³-acetyl-7,8-dihydro-7 α -[1(*R*)-hydroxy-1-methylbutyl]-0⁶-methyl-6,14-endoethenomorphine).

BUFOTENINE (3-(2-dimethylaminoethyl)-5-indolol).

CANTHARIDIN (hexahydro-3a,7a-dimethyl-4,7-epoxyisobenzofuran-1,3-dione).

DESOMORPHINE (dihydrodeoxymorphine).

DET (*N,N*-diethyltryptamine).

DIACETYLMORPHINE (heroin).

DMHP (3-(1,2-dimethylheptyl)-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6*H*-dibenzo [*b,d*] pyran).

DMT (*N,N*-dimethyltryptamine).

ETORPHINE (7,8-dihydro-7 α -[1(*R*)-hydroxy-1-methylbutyl]-0⁶-methyl-6,14-endoethenomorphine).

KETOBEMIDONE (4-*meta*-hydroxyphenyl-1-methyl-4-propionylpiperidine).

LYSERGIDE (*N,N*-diethyllysergamide or lysergic acid diethylamide).

MDA (3,4-methylenedioxyamphetamine).

MESCALINE (3,4,5-trimethoxyphenethylamine).

5-METHOXYDIMETHYLTRYPTAMINE).

PARAHEXYL (3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6*H*-dibenzo [*b,d*] pyran).

PHENCYCLIDINE (1-(1-phenylcyclohexyl)piperidine).

PIPERIDINE BENZILATE.

PSILOCINE } (3-(2-dimethylaminoethyl)-4-hydroxyindole).

PSILOTSIN }

PSILOCYBINE (3-(2-dimethylaminoethyl)indol-4-yl dihydrogen phosphate).

STP,DOM (2-amino-1-(2,5-dimethoxy-4-methyl) phenylpropane).

TETRAHYDROCANNABINOLS, except when contained in a Class B or a Class C controlled drug.

THALIDOMIDE (α -phthalimidoglutarimide).

2. The isomers of the substances mentioned in this Schedule whenever the existence of such isomers is possible within the specific chemical designation.

3. The esters and ethers of the substances mentioned in this Schedule and the esters and ethers of the isomers mentioned in clause 2 of this Schedule whenever the existence of such esters or ethers is possible.

4. The salts of the substances mentioned in this Schedule and the salts of the isomers, esters, and ethers mentioned in clause 2 or clause 3 of this Schedule.

5. Substances containing any proportion of a substance mentioned in clause 1, clause 2, clause 3, or clause 4 of this Schedule.

SECOND SCHEDULE

Section 2 (1)

CLASS B CONTROLLED DRUGS

Part I

1. The following substances, namely:

CANNABIS resin and extracts and tinctures of cannabis, except when (contained) occurring in natural proportions in a Class C controlled drug.

COCAINE (methyl ester of benzoylecgonine), except when contained in a Class C controlled drug.

MORPHINE.

OPIUM.

2. The isomers of the substances mentioned in this Part of this Schedule whenever the existence of such isomers is possible within the specific chemical designation.

3. The esters and ethers of the substances mentioned in this Part of this Schedule and the esters and ethers of the isomers mentioned in clause 2 of this Part of this Schedule whenever the existence of such esters or ethers is possible.

4. The salts of the substances mentioned in this Part of this Schedule and the salts of the isomers, esters, and ethers mentioned in clause 2 or clause 3 of this Part of this Schedule.

5. Substances containing any proportion of a substance mentioned in clause 1, clause 2, clause 3, or clause 4 of this Part of this Schedule.

Part II

1. The following substances, namely:

AMPHETAMINE (2-amino-1-phenylpropane).

BENZPHETAMINE (N-benzyl-N, α dimethylphenethylamine).

DEXAMPHETAMINE ((+)-2-amino-1-phenylpropane).

METHAMPHETAMINE (2-methylamino-1-phenylpropane).

METHAQUALONE (2-methyl-3-ortho-tolyl-4(3H)-quinazolinone).

METHYLPHENIDATE (2-phenyl-2-(2-piperidyl) acetic acid methyl ester).

2. The isomers of the substances mentioned in this Part of this Schedule whenever the existence of such isomers is possible within the specific chemical designation.

3. The esters and ethers of the substances mentioned in this Part of this Schedule and the esters and ethers of the isomers mentioned in clause 2 of this Part of this Schedule whenever the existence of such esters or ethers is possible.

4. The salts of the substances mentioned in this Part of this Schedule and the salts of the isomers, esters, and ethers mentioned in clause 2 or clause 3 of this Part of this Schedule.

5. Substances containing any proportion of a substance mentioned in clause 1, clause 2, clause 3, or clause 4 of this Part of this Schedule.

SECOND SCHEDULE—*continued*

Part III

1. The following substances, namely:

- ACETYLMETHADOL (3-acetoxy-6-dimethylamino-4,4-diphenylheptane).
- ALLYLPRODINE (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine).
- ALPHACETYLMETHADOL (α -3-acetoxy-6-dimethylamino-4,4-diphenylheptane).
- ALPHAMEPRODINE (α -3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine).
- ALPHAMETHADOL (α -6-dimethylamino-4,4-diphenyl-3-heptanol).
- ALPHAPRODINE (α -1,3-dimethyl-4-phenyl-4-propionoxypiperidine).
- ANILERIDINE (1-*para*-aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester).
- BENZETHIDINE (1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).
- BENZYL MORPHINE (3-benzylmorphine).
- BETACETYLMETHADOL (β -3-acetoxy-6-dimethylamino-4,4-diphenylheptane).
- BETAMEPRODINE (β -3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine).
- BETAMETHADOL (β -6-dimethylamino-4,4-diphenyl-3-heptanol).
- BETAPRODINE (β -1,3-dimethyl-4-phenyl-4-propionoxypiperidine).
- BEZITRAMIDE (1-(3-cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazolyl) piperidine).
- CLONITAZENE (2-*para*-chlorbenzyl-1-diethylaminoethyl-5-nitrobenzimidazole).
- CODOXIME (dihydrocodeinone-6-carboxymethyloxime).
- CONCENTRATE OF POPPY STRAW—that is, the material arising when parts of any plant of the species *Papaver somniferum* have entered a process for the concentration of the alkaloids.
- DEXTROMORAMIDE ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine).
- DIAMPROMIDE (*N*-[2-(methylphenethylamino) propyl] propionanilide).
- DIETHYLTHIAMBUTENE (3-diethylamino-1,1-di-(2'-thienyl)-1-butene).
- DIHYDROMORPHINE.
- DIMENOXADOL (2-dimethylaminoethyl 1-ethoxy-1, 1-diphenylacetate).
- DIMEPHEPTANOL (6-dimethylamino-4,4-diphenyl-3-heptanol).
- DIMETHYLTHIAMBUTENE (3-dimethylamino-1,1-di-(2'-thienyl)-1-butene).
- DIOXAPHETYL BUTYRATE (ethyl 4-morpholino-2, 2-diphenylbutyrate).
- DIPHENOXYLATE (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).
- DIPIANONE (4,4-diphenyl-6-piperidine-3-heptanone).
- DROTEBANOL (14-hydroxydihydro-6 β -1-thebainol-4-methyl ether).

SECOND SCHEDULE—*continued*

- ECGONINE, its esters and derivatives which are convertible to ecgonine and cocaine, except when contained in a Class C controlled drug.
- ETHYLMETHYLTHIAMBUTENE (3-ethylmethylamino-1,1-di-(2'-thienyl)-1-butene).
- ETONITAZENE (1-diethylaminoethyl-2-*para*-ethoxybenzyl-5-nitrobenzimidazole).
- ETOXERIDINE (1-[2-(2-hydroxyethoxy)ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester).
- FENTANYL (1-phenethyl-4-(*N*-propionylanilino)piperidine).
- FURETHIDINE (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).
- HYDROCODONE (dihydrocodeinone).
- HYDROMORPHINOL (14-hydroxydihydromorphine).
- HYDROMORPHONE (dihydromorphine).
- HYDROXPETHIDINE (4-*meta*-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester).
- ISOMETHADONE (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone).
- LEVOMETHORPHAN ((-)-3-methoxy-*N*-methylmorphinan) but not including dextromethorphan ((+)-3-methoxy-*N*-methylmorphinan) and dextrorphan ((+)-3-hydroxy-*N*-methylmorphinan).
- LEVOMORAMIDE ((-)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)butyl]morpholine).
- LEVOPHENACYLMORPHAN ((-)-3-hydroxy-*N*-phenacylmorphinan).
- LEVORPHANOL ((-)-3-hydroxy-*N*-methylmorphinan).
- METAZOCINE (2'-hydroxy-2,5,9-trimethyl-6,7-benzomorphan).
- METHADONE (6-dimethylamino-4,4-diphenyl-3-heptanone).
- METHADONE-INTERMEDIATE (4-cyano-2-dimethylamino-4,4-diphenylbutane).
- METHYLDESORPHINE (6-methyl- Δ^6 -deoxymorphine).
- METHYLDIHYDROMORPHINE (6-methyldihydromorphine).
- METOPON (5-methyldihydromorphinone).
- MORAMIDE-INTERMEDIATE (2-methyl-3-morpholino-1,1-diphenylpropanecarboxylic acid).
- MORPHERIDINE (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).
- MORPHINE METHOBROMIDE and other pentavalent nitrogen morphine derivatives.
- MORPHINE-N-OXIDE.
- MYROPHINE (myristylbenzylmorphine).
- NICOMORPHINE (3,6-dinicotinylmorphine).
- NORACYMETHADOL (α -3-acetoxy-6-methylamino-4,4-diphenylheptane).
- NORLEVORPHANOL ((-)-3-hydroxymorphinan).
- NORMETHADONE (6-dimethylamino-4,4-diphenyl-3-hexanone).
- NORMORPHINE (demethylmorphine).
- NORPIANONE (4,4-diphenyl-6-piperidino-3-hexanone).
- OXYCODONE (14-hydroxydihydrocodeinone).
- OXYMORPHONE (14-hydroxydihydromorphinone).

SECOND SCHEDULE—*continued*

- PETHIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester).
- PETHIDINE-INTERMEDIATE-A (4-cyano-1-methyl-4-phenylpiperidine).
- PETHIDINE-INTERMEDIATE-B (4-phenylpiperidine-4-carboxylic acid ethyl ester).
- PETHIDINE-INTERMEDIATE-C (1-methyl-4-phenylpiperidine-4-carboxylic acid).
- PHENADOXONE (6-morpholino-4,4-diphenyl-3-heptanone).
- PHENAMPROMIDE (*N*-(1-methyl-2-piperidinoethyl)propionanilide).
- PHENAZOCINE (2'-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphan).
- PHENDIMETRAZINE (3,4-dimethyl-2-phenylmorpholine).
- PHENMETRAZINE (3-methyl-2-phenylmorpholine).
- PHENOMORPHAN (3-hydroxy-*N*-phenethylmorphinan).
- PHENOPERIDINE (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).
- PIMINODINE (4-phenyl-1-(3-phenylaminopropyl)piperidine-4-carboxylic acid ethyl ester).
- PIRITRAMIDE (1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino)piperidine-4-carboxylic acid amide).
- PROHEPTAZINE (1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane).
- PROPERIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester).
- RACEMETHORPHAN ((±)-3-methoxy-*N*-methylmorphinan).
- RACEMORAMIDE ((±)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)butyl]morpholine).
- RACEMORPHAN ((±)-3-hydroxy-*N*-methylmorphinan).
- THEBACON (acetyldihydrocodeinone).
- THEBAINE.
- TRIMEPERIDINE (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine).
2. The isomers of the substances mentioned in this Part of this Schedule whenever the existence of such isomers is possible within the specific chemical designation.
3. The esters and ethers of the substances mentioned in this Part of this Schedule and the esters and ethers of the isomers mentioned in clause 2 of this Part of this Schedule whenever the existence of such esters or ethers is possible.
4. The salts of the substances mentioned in this Part of this Schedule and the salts of the isomers, esters, and ethers mentioned in clause 2 or clause 3 of this Part of this Schedule.
5. Substances containing any proportion of a substance mentioned in clause 1, clause 2, clause 3, or clause 4 of this Part of this Schedule.

THIRD SCHEDULE

Section 2 (1)

CLASS C CONTROLLED DRUGS

Part I

CANNABIS FRUIT.

CANNABIS PLANT (fresh and dried)—That is, any part of any plant of the genus *Cannabis* except a part from which all the resin has been extracted.

CANNABIS SEED.

COCA LEAF—That is, the leaf of any plant of any species of the genus *Erythroxylon*, except a leaf from which all ecgonine, cocaine, and any other ecgonine alkaloids have been removed.

Part II

CODEINE (3-methylmorphine); its isomers, esters, and ethers, if any; its salts, and the salts of its isomers, esters, or ethers, if any; and any substance, preparation or mixture containing any proportion of the said substance or of any such isomer, ester, ether, or salt, other than a preparation or mixture named or described in Part VI of this Schedule.

Part III

1. The following substances, namely:

ACETYLDIHYDROCODEINE.

DIHYDROCODEINE.

ETHYLMORPHINE (3-ethylmorphine).

NICOCODINE (6-nicotinylcodeine).

NICODICODINE (6-nicotinyldihydrocodeine or nicotinic acid ester of dihydrocodeine).

NORCODEINE (*N*-demethylcodeine).

PHOLCODINE (morpholinylethylmorphine).

PROPIRAM (*N*-(1-methyl-2-piperidinoethyl)-*N*-2-pyridylpropionamide).

2. The isomers of the substances mentioned in this Part of this Schedule whenever the existence of such isomers is possible within the specific chemical designation.

3. The esters and ethers of the substances mentioned in this Part of this Schedule and the esters and the ethers of the isomers mentioned in clause 2 of this Part of this Schedule whenever the existence of such esters or ethers is possible.

4. The salts of the substances mentioned in this Part of this Schedule and the salts of the isomers, esters, and ethers mentioned in clause 2 or clause 3 of this Part of this Schedule.

5. Substances containing any proportion of a substance mentioned in clause 1, clause 2, clause 3, or clause 4 of this Part of this Schedule, other than a preparation or mixture named or described in Part VI of this Schedule.

THIRD SCHEDULE—*continued**Part IV*

1. The following substances, namely:

AMOBARBITAL (5-ethyl-5-(3-methylbutyl) barbituric acid).
 BUTOBARBITONE (5-butyl-5-ethylbarbituric acid).
 CYCLOBARBITAL (5-(1-cyclohexen-1-yl)-5-ethylbarbituric acid).
 GLUTETHIMIDE (2-ethyl-2-phenylglutarimide).
 NEALBARBITONE (5-allyl-5-neopentylbarbituric acid).
 PENTOBARBITAL (5-ethyl-5-(1-methylbutyl) barbituric acid).
 SECOBARBITAL (5-allyl-5-(1-methylbutyl) barbituric acid).

2. The isomers of the substances mentioned in this Part of this Schedule whenever the existence of such isomers is possible within the specific chemical designation.

3. The esters and ethers of the substances mentioned in this Part of this Schedule and the esters and the ethers of the isomers mentioned in clause 2 of this Part of this Schedule whenever the existence of such esters or ethers is possible.

4. The salts of the substances mentioned in this Part of this Schedule and the salts of the isomers, esters, and ethers mentioned in clause 2 or clause 3 of this Part of this Schedule.

5. Substances containing any proportion of a substance mentioned in clause 1, clause 2, clause 3, or clause 4 of this Part of this Schedule.

Part V

1. The following substances, namely:

AMFEPRAMONE (2-(diethylamino) propiophenone).
 BARBITAL (5,5-diethylbarbituric acid).
 ETHCHLORVYNOL (ethyl-2-chlorovinylethynyl-carbinol).
 ETHINAMATE (1-ethynylcyclohexanol carbamate).
 MEPROBAMATE (2-methyl-2-propyl-1,3-propanediol dicarbamate).
 METHYLPHENOBARBITAL (5-ethyl-1-methyl-5-phenylbarbituric acid).
 METHYLPRYLON (3,3-diethyl-5-methylpiperidine-2,4-dione).
 PHENOBARBITAL (5-ethyl-5-phenylbarbituric acid).
 PIPRADROL (1,1-diphenyl-1-(2-piperidyl)methanol).
 SPA ((-)-1-dimethylamino-1,2-diphenylethane).

2. The isomers of the substances mentioned in this Part of this Schedule whenever the existence of such isomers is possible within the specific chemical designation.

3. The esters and ethers of the substances mentioned in this Part of this Schedule and the esters and ethers of the isomers mentioned in clause 2 of this Part of this Schedule whenever the existence of such esters or ethers is possible.

4. The salts of the substances mentioned in this Part of this Schedule and the salts of the isomers, esters, and ethers mentioned in clause 2 or clause 3 of this Part of this Schedule.

5. Substances containing any proportion of a substance mentioned in clause 1, clause 2, clause 3, or clause 4 of this Part of this Schedule.

THIRD SCHEDULE—*continued*

Part VI

The following preparations and mixtures, namely:

- (a) Preparations containing any proportion of the following substances or of any salt of any such substance, namely, acetyldihydrocodeine, codeine, dihydrocodeine, ethylmorphine, and pholcodine when:
 - (i) Compounded with one or more other pharmacologically active ingredients in such a way that the substance cannot be recovered by readily applicable means or in a yield which would constitute a risk to health; and
 - (ii) Containing not more than 100 milligrams of the substance in each dosage unit and with a concentration of not more than 2.5 percent in undivided preparations:
- (b) Preparations of cocaine containing not more than 0.1 percent of cocaine base, being preparations compounded with one or more other pharmacologically active ingredients (none of which are substances named or described in the First or Second Schedules to this Act or in Parts I to V of this Schedule) in such a way that the preparation has no, or a negligible, risk of abuse, and in such a way that the cocaine cannot be recovered by readily applicable means or in a yield which would constitute a risk to health:
- (c) Preparations of opium or morphine containing not more than 0.2 percent of morphine, being preparations compounded with one or more other pharmacologically active ingredients (none of which are substances named or described in the First or Second Schedules to this Act or in Parts I to V of this Schedule) in such a way that the opium or the morphine, as the case may be, cannot be recovered by readily applicable means or in a yield which would constitute a risk to health:
- (d) Single dosage units of diphenoxylate containing in each unit not more than 2.5 milligrams of diphenoxylate calculated as base and not less than 25 micrograms of atropine sulphate:
- (e) Liquid preparations of diphenoxylate containing, in each millilitre, not more than 0.5 milligrams of diphenoxylate calculated as base and not less than 5 micrograms of atropine sulphate:
- (f) Ipecacuanha and opium powder containing 10 percent of opium in powder and 10 percent of ipecacuanha root in powder intimately mixed with finely powdered lactose:
- (g) Mixtures containing not more than one of the preparations specified in paragraphs (a) to (f) of this Part of this Schedule, being mixtures whereof none of the other ingredients is a substance named or described in the First or Second Schedules to this Act or in Parts I to V of this Schedule.