

**1976/70**

## THE NARCOTICS REGULATIONS 1966, AMENDMENT NO. 5

DENIS BLUNDELL, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 8th day of March 1976

Present:

THE HON. J. B. GORDON PRESIDING IN COUNCIL

PURSUANT to the Narcotics Act 1965, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Narcotics Regulations 1966, Amendment No. 5, and shall be read together with and deemed part of the Narcotics Regulations 1966\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force one month after the date of their notification in the *Gazette*.

**2. Licences to possess narcotics**—The principal regulations are hereby amended by revoking regulation 10, and substituting the following regulation:

“10. (1) Subject to subclause (8) of regulation 4 of these regulations, a licence to possess narcotics may be granted—

“(a) To any person, specified by name or office, in charge of or employed in a laboratory maintained for the purpose of research and study at a university or other institution; or

“(b) To any other person, if the Director-General is of the opinion that—

“(i) That person may not be entitled by or under any other provision of these regulations to possess narcotics for the purpose for which that person requires narcotics; and

“(ii) That purpose is a proper purpose.

“(2) A licence to possess narcotics—

“(a) Shall specify the paragraph of subclause (1) of this regulation under which it is granted:

“(b) Shall specify the purpose for which it is granted:

“(c) Shall specify the narcotics to which it applies:

\*S.R. 1966/82 (Reprinted with Amendments Nos. 1 to 4: S.R. 1974/253)

“(d) May specify the quantities of narcotics which may be in the possession of the licensee at any one time.

“(3) A licence to possess narcotics shall not have the effect of authorising the possession of narcotics of a kind other, or in greater quantity than, the kind or quantity (if any) specified in the licence, or the kind or quantity required for the purposes of the laboratory or other purpose specified in the licence.

“(4) A licence to possess narcotics shall cease to have effect on the expiration of the period (if any) specified therein in that behalf, but any such licence may be granted for an indefinite period.”

**3. Custody of narcotics**—Regulation 28 of the principal regulations (as substituted by regulation 8 of the Narcotics Regulations 1966, Amendment No. 2) is hereby amended by inserting in subclause (2), after the word “possession”, the words “for the purposes of sale or of any profession”.

**4. Exemption for certain prescriptions**—The principal regulations are hereby amended by inserting, after regulation 30, the following regulation:

“30A. If a condition, prohibiting the acquisition of narcotics otherwise than pursuant to the prescription of a practitioner, or of a particular practitioner, or of a practitioner belonging to a particular class of practitioner, is imposed on a licence, paragraphs (d), (e), (f), (j), and (k) of subclause (1) and subclause (3) of regulation 29, and subclauses (1) and (2) of regulation 30, of these regulations shall not apply to the extent that they are inconsistent with the terms of the licence in respect of anything done for the purpose of enabling compliance with that condition.”

P. G. MILLEN,  
Clerk of the Executive Council.

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#### EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force one month after the date of their notification in the *Gazette*, amend the Narcotics Regulations 1966.

Regulation 2 substitutes a new regulation 10 in the principal regulations. The new regulation enlarges the power of the Director-General of Health to grant licences to possess narcotics.

Regulation 3 makes it clear that the provisions of regulation 28 (which requires persons who are in possession of narcotics not to leave unattended and unsecured the premises where the narcotics are kept) apply only where the narcotic is in the possession of a person for the purposes of sale or of any profession.

Regulation 4 inserts a new regulation 30A in the principal regulations. It provides that where there is any inconsistency between certain provisions of the regulations relating to prescriptions and certain conditions imposed on licences, those provisions of the regulations are not to apply to the extent that those provisions are inconsistent with the terms of the licence.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 11 March 1976.

These regulations are administered in the Department of Health.