

22. (1) Every person who imports into or exports from, or attempts to import into or export from, Samoa any dangerous drug in contravention of the provisions of Part I of this Order is guilty of an offence against this Order, and shall be liable to a fine of £500 or to imprisonment for two years, or to both such fine and imprisonment.

(2) Without affecting any other liability he may have incurred under this Order, any person found in possession of any dangerous drug imported in contravention of the provisions of this Order shall be liable to a fine of £500 or to imprisonment for two years, or to both such fine and imprisonment, unless he proves—

(a) That he obtained possession thereof without knowledge that it was illegally imported; or

(b) That he obtained possession thereof with some other lawful justification.

23. Every person who produces, manufactures, sells, distributes, or otherwise deals in any dangerous drug in contravention of the provisions of Part II of this Order is guilty of an offence against this Order, and shall be liable to a fine of £500 or to imprisonment for two years, or to both such fine and imprisonment.

24. Every person who in Samoa aids, abets, counsels, or procures the commission in any place outside Samoa of any offence punishable under the provisions of any law corresponding with or having objects similar to this Order, and in force in that place, or who does any act preparatory to or in furtherance of the commission out of Samoa of any act which, if committed in Samoa, would constitute an offence against this Order, is guilty of an offence, and shall be liable to a fine of £500 or to imprisonment for two years, or to both such fine and imprisonment.

25. Every person who acts in contravention of or fails to comply with the terms or conditions of any license issued under or in pursuance of this Order is guilty of an offence, and shall be liable to a fine of £100.

26. (1) Every person who for the purpose of obtaining, whether for himself or any other person, the grant or renewal of any license under this Order, or for any other purpose in relation to this Order makes any declaration or statement which to his knowledge is false in any particular, or utters, produces, or makes use of any such declaration or statement or any document containing the same, or knowingly utters, produces, or makes use of any document which is not genuine, is guilty of an offence against this Order, and shall be liable to a fine of £200 or to imprisonment for twelve months, or to both such fine and imprisonment.

(2) Every person who for any purpose under this Order makes any declaration or statement which is erroneous is guilty of an offence against this order.

27. Every person who fails or refuses to answer any question put to him for the purposes of this Order by an officer of the Customs or Police, or to any person authorized by the Administrator, or who does not truly answer the same, is guilty of an offence against this Order.

28. (1) Every person who commits any breach of the provisions of this Order is guilty of an offence against this Order.

(2) Every person guilty of an offence against this Order shall be liable, where no other penalty is fixed by this Order, to a fine of £50.

29. (1) If any person is convicted of an offence, then, in addition to any penalty imposed pursuant to this Order, there shall be forfeited to His 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.

(2) Articles forfeited under the provisions of the last preceding subclause shall be sold, destroyed, or otherwise disposed of as the Administrator shall direct.

30. (1) In any proceedings under this Order against any person in which it is proved that he had in his possession any dangerous drug, the onus of proving (where such proof would constitute an answer to the charge) that he came into possession thereof in a manner not prohibited by this Order shall lie on the person charged.

(2) In any such proceedings under this Order it shall not be necessary to prove that the dangerous drug was imported into Samoa since the coming into operation of this Order.

31. Where a person convicted of an offence against this Order is a company, every director and every officer concerned in the management of the company shall be guilty of the like offence, unless he proves that the act constituting the offence took place without his knowledge or consent.

32. This Order shall not apply to the preparations named in the Second Schedule hereto.

33. The Order in Council of the 3rd day of September, 1923, known as "The Samoa Customs Consolidation Order, 1923," is hereby amended as follows:—

(a) By deleting the second sentence in clause 8 and substituting therefor the following: "The Customs Act, as defined in section three of the Customs Act, 1913, other than the Opium Act, 1908, shall be in force in Samoa, and shall be read along with and shall be deemed to form part of this Order accordingly."

(b) By deleting the third sentence in the said clause 8.

(c) By deleting the words "the Opium Act, 1908, or," from the last sentence of the said clause 8.

34. This Order shall be deemed to be part of the Samoa Customs Consolidation Order, 1923, and the said Order and this Order shall operate accordingly.