



ANALYSIS

Title	2. Legal proceedings
1. Short Title and commencement	3. Evidence of analysis
	4. Forfeiture

1980, No. 64

An Act to amend the Misuse of Drugs Act 1975

[10 December 1980]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Misuse of Drugs Amendment Act 1980, and shall be read together with and deemed part of the Misuse of Drugs Act 1975 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

2. Legal proceedings—Section 28 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) Notwithstanding anything in section 14 of the Summary Proceedings Act 1957 or subsection (2) of this section, any information in respect of any offence against section 6 or section 9 or section 10 of this Act may be laid at any time.”

3. Evidence of analysis—(1) Section 31 (2) of the principal Act is hereby amended by omitting the words “by him, personally or by registered post”, and substituting the words “by him personally in any case or (where the substance, preparation, mixture, or article was delivered in a sealed

package or by registered post) by any other employee of the Department of Scientific and Industrial Research authorised by the Dominion Analyst to do so”.

(2) Section 31 of the principal Act is hereby further amended by adding the following subsection:

“(5) In this section—

“‘Member of the Police’ includes a member of the Regulating Branch of the New Zealand Naval Forces or of the New Zealand Army Military Police or of the Royal New Zealand Air Force Police:

“‘Served’ means served in accordance with sections 24 to 29 of the Summary Proceedings Act 1957.”

4. Forfeiture—Section 32 of the principal Act is hereby amended by adding the following subsections:

“(4) If, on the conviction of any person for an offence against section 6 of this Act, the Court is satisfied that any motor vehicle, aircraft, or ship or boat or other vessel owned by the convicted person (whether solely or as joint tenant or tenant in common with any other person or persons) or in which he has any interest (whether pursuant to a hire purchase agreement, leasing agreement, or otherwise) at the time of his conviction was used by the convicted person in the commission of that offence (whether or not he was the driver or person in charge), the Court shall, unless in the circumstances of the case the Court considers that it would be unjust to do so, order, in addition to any other penalty imposed under this Act, that the motor vehicle, aircraft, or ship or boat or other vessel be forfeited to Her Majesty.

“(5) Where an order for forfeiture is made under subsection (4) of this section, section 44B (except subsection (2)), and sections 44D and 44E of the Criminal Justice Act 1954, so far as they are applicable and with any necessary modifications, shall apply as if the order for forfeiture were an order for confiscation made under the said section 44B:

“Provided that subsection (3) of the said section 44E shall apply as if for paragraphs (c) and (d) of that subsection there were substituted the following paragraph:

“(c) The balance (if any) shall be paid into the Public Account.”