

New Zealand.



ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Opium which may be made suitable for smoking.</p> <p>3. Section 4 of principal Act amended.</p> | <p>4. Onus of proof in certain cases.</p> <p>5. Convicted persons not to sell, &c., opium.</p> <p>6. General penalty for breach of Act.</p> <p>7. Repeal.</p> |
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1910, No. 30.

Title.

AN ACT to amend the Opium Act, 1908.

[21st November, 1910.]

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

Short Title.

1. This Act may be cited as the Opium Amendment Act, 1910, and shall form part of and be read together with the Opium Act, 1908 (hereinafter referred to as the principal Act).

Opium which may be made suitable for smoking.

2. The Governor may from time to time, by Order in Council gazetted, declare any article or preparation containing opium to be opium which, though not suitable for smoking, may yet be made suitable; and the provisions of sections three, four, and five of the principal Act shall apply to any such article or preparation accordingly.

Section 4 of principal Act amended.

3. (1.) Section four of the principal Act is hereby amended by inserting after subsection two the following subsections :—

“(2A.) It shall not be lawful for any person to sell any preparation of opium which may be made suitable for smoking in any larger quantity than is prescribed by regulations.

“(2B.) It shall not be lawful for any person to sell to any person of the Chinese race any preparation of opium which may be made suitable for smoking, except on the order in writing of a medical practitioner or such other person as may be authorized by the Minister of Customs.”

(2.) Subsection one of the said section four is hereby amended by omitting paragraph (b), and substituting the following :—

“(b.) Such particulars as are prescribed by regulations.”

Onus of proof in certain cases.

4. (1.) In any proceedings under the principal Act against any person in which it is proved that he had in his possession opium or

any preparation of opium which is or may be made suitable for smoking, the onus of proof that he came into possession thereof in a manner not prohibited by the principal Act shall lie on the defendant.

(2.) In any such proceedings it shall not be necessary to prove that the opium or preparation thereof was imported into New Zealand since the coming into operation of the principal Act or of the Opium Prohibition Act, 1901.

5. It shall not be lawful for any person who has been convicted of an offence against the principal Act to sell or otherwise dispose of opium or any preparation of opium which is or may be made suitable for smoking, and if such person is the holder of a permit under section three of the principal Act his permit shall *ipso facto* be cancelled:

Convicted persons
not to sell, &c.,
opium.

Provided that the Minister of Customs may, on the recommendation of the convicting Court, renew the permit in the case of the conviction of the holder of a permit, or remove the disability in the case of the conviction of any other person, for an offence against section four of the principal Act, and in that case it shall be lawful for the holder of such renewed permit or other person to sell or otherwise dispose of opium or any preparation thereof in accordance with the principal Act.

6. Every person who commits a breach of any of the provisions of the principal Act or this Act, or of any regulations thereunder, is liable, if no other penalty is prescribed, to a fine not exceeding ten pounds.

General penalty for
breach of Act.

7. Section ten of the principal Act is hereby repealed.

Repeal.