



LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

NEW ZEALAND

Communicated by the Government of New Zealand

NOTE BY THE SECRETARIAT

- a) International non-proprietary names in the text have been underlined by the Secretariat.
- b) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [] have been added or changed by the Secretariat.
- c) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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THE MISUSE OF DRUGS REGULATIONS 1977, AMENDMENT (No. 3)

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 17th day of December 1979

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Misuse of Drugs Act 1975, 1/ 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 Misuse of Drugs Regulations 1977, Amendment No. 3, and shall be read together with and deemed part of the Misuse of Drugs Regulations 1977 a/ 2/ (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 14th day after the date of their notification in the Gazette.

2. Conditions of supply to agents. Regulation 23 (1) of the principal regulations is hereby amended by inserting, after the words "supply any", the words "Class A controlled drug or Class B".

3. Labelling of containers. Regulation 25 (1) of the principal regulations is hereby amended by inserting, after subclause (3), the following subclause:

"(3A) Subclause (1) of this regulation shall not apply in respect of any controlled drug supplied pursuant to a prescription signed by a medical practitioner or a dentist or a veterinary surgeon."

4. Custody of controlled drugs. (1) Regulation 28 of the principal regulations is hereby amended by adding to paragraph (c) of subclause (1) the following proviso:

"Provided that this paragraph shall not apply if the cupboard or compartment is fitted with a combination lock and is of an approved type."

(2) The said regulation 28 is hereby further amended by inserting in subclause (2), after the expression "paragraph (a)", the expression "and paragraph (c)".

5. Exemption from Part VI. (1) Regulation 48 of the principal regulations is hereby amended by revoking subclause (2), and substituting the following subclause:

"(2) Nothing in this Part of the regulations shall apply in respect of any exempted drug, or any controlled drug for the time being named or described in any of Parts II to V of the Third Schedule to the Act."

(2) Regulation 6 of the Misuse of Drugs Regulations 1977, Amendment No. 2 is hereby consequentially revoked.

6. Amendment of First Schedule. Form 2 in the First Schedule to the principal regulations is hereby amended by omitting the expression "1976", and substituting the expression "1977".

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

Explanatory Note

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

These regulations are made pursuant to the Misuse of Drugs Act 1975, and amend the Misuse of Drugs Regulations 1977.

Regulation 1 relates to the Title and commencement.

a/ S.R. 1977/37.
Amendment No. 1: S.R. 1977/135.
Amendment No. 2: S.R. 1978/142.

Regulation 2 amends regulation 23 of the principal regulations. This provides that no person shall supply any controlled drug unless he holds a written authority setting out the information specified in subclause (1). The amendment provides that this requirement shall not apply in respect of Class C controlled drugs.

Regulation 3 exempts from the present labelling requirements in regulation 25 of the principal regulations controlled drugs supplied pursuant to a prescription.

Regulation 4 amends regulation 28 of the principal regulations relating to the custody of controlled drugs that are not required for immediate use. The present provision requires the drugs to be kept in a locked cupboard or compartment, and the key to that cupboard or compartment to be kept in a different place if the place in which the cupboard or compartment is situated is left unattended. The amendments provide, in effect, that a combination lock may be fitted to the cupboard or compartment as an alternative to the use of a key.

Regulation 5 amends regulation 48 of the principal regulations relating to the keeping of detailed records in respect of the supply of controlled drugs. The amendment excludes these requirements in respect of most Class C controlled drugs.

Regulation 6 corrects a typographical error in the principal regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in Gazette: 20 December 1979.

These regulations are administered in the Department of Health.

E/NL.1980/4

ANALYSIS

Title
1. Short Title

2. Inadmissibility of evidence of private communications unlawfully intercepted.
3. Application of certain provisions of Summary Proceedings Act 1957.

AN ACT TO AMEND THE MISUSE OF DRUGS ACT 1975 (No. 2)
20 June 1979

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. This Act may be cited as the Misuse of Drugs Amendment Act 1979, and shall be read together with and deemed part of the Misuse of Drugs Act 1975. 1/

2. Inadmissibility of evidence of private communications unlawfully intercepted. Section 25 (1) of the Misuse of Drugs Amendment Act 1978 is hereby amended:

- (a) By inserting, after the words "no evidence" where they first occur, the words "so acquired";
- (b) By inserting, after the words "and no", the word "other".

3. Application of certain provisions of Summary Proceedings Act 1957. Section 34 of the Misuse of Drugs Amendment Act 1978 3/ is hereby amended by repealing subsection (1), and substituting the following subsection:

"(1) Nothing in section 46 of the Summary Proceedings Act 1957 so far as it authorises a Court or Justice to allow a defendant to go at large, or in sections 49 (1), 51 to 54, 56, 125, 126, and 153 (d), (f), and (g) of that Act, shall apply in respect of any person charged with or convicted of a drug dealing offence."

This Act is administered in the Department of Justice.

E/NL.1980/5

ANALYSIS

Title	
1. Short Title and commencement	4. Power to declare substances to be restricted drugs, etc.
2. Altering Short Titles of principal Act and amending Acts	5. Restricted Drugs Committee
3. Interpretation	6. Consequential amendments
	7. Food and Drug Act 1969 consequentially amended Schedule

AN ACT TO AMEND THE POISONS ACT 1960 (No. 28)
RESTRICTED DRUGS AMENDMENT

19 October 1979

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 Restricted Drugs Amendment Act 1978, and shall be read together with and deemed part of the Act heretofore known as the Poisons Act 1960 (hereinafter referred to as the principal Act).

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

2. Altering Short Titles of principal Act and amending Acts. (1) The principal Act may hereafter be cited as the Restricted Drugs Act 1960.

(2) The Short Title of the principal Act and the Short Titles of -

- (a) The Poisons Amendment Act 1962:
- (b) The Poisons Amendment Act 1964:
- (c) The Poisons Amendment Act 1967:
- (d) The Poisons Amendment Act 1969:

are hereby consequentially amended, in each case, by omitting the word "Poisons", and substituting the words "Restricted Drugs".

(3) Every reference in any enactment to any of the said Acts is hereby consequentially amended by omitting the word "Poisons", and substituting the words "Restricted Drugs".

3. Interpretation. (1) Section 2 (1) of the principal Act is hereby amended by omitting the definitions of the terms "drug", "poison", "poisonous substance", "prescription poison", "restricted poison", and "toxic substance".

(2) The said section 2 (1) is hereby further amended by inserting, before the definition of the term "Registrar", the following definition:

"'Prescription drug' means any substance declared under section 4 of this Act to be a prescription drug:".

(3) The said section 2 (1) is hereby further amended by omitting from the definition of the term "Registrar" the words "Public Health", and substituting the words "Clinical Services".

(4) The said section 2 (1) is hereby further amended by inserting, before the definition of the term "sale", the following definition:

"'Restricted drug' means any substance declared under section 4 of this Act to be a restricted drug; and includes any substance declared under that section to be a prescription drug:".

(5) Section 2 of the principal Act is hereby further amended by repealing subsection (1A) (as inserted by section 2 (2) of the Restricted Drugs Amendment Act 1969), and substituting the following subsections:

"(1A) Every reference in this Act to a poison (other than a prescription poison) or a poisonous substance shall be deemed to be a reference to a restricted drug.

"(1B) Every reference in this Act to a prescription poison shall be deemed to be a reference to a prescription drug.

"(1C) Every reference in this Act to a poison or poisonous substance (restricted drug), including a reference to a prescription poison (prescription drug), shall be deemed to include a reference to any substance, preparation, mixture, compound, or article comprising, otherwise than in an insignificant quantity, the restricted drug or prescription drug."

(6) Section 2 of the Restricted Drugs Amendment Act 1969 is hereby consequentially repealed.

4. Power to declare substances to be restricted drugs, etc. The principal Act is hereby amended by repealing section 4, and substituting the following section:

"4. (1) For the purposes of this Act, but subject to the provisions of subsection (2) of this section, the Governor-General may from time to time, by Order in Council, declare any substance to be a restricted drug or a prescription drug.

"(2) A substance shall be declared to be a prescription drug under subsection (1) of this section only on the recommendation of the Minister after consultation by him with the Restricted Drugs Committee appointed under this Act.

"(3) Any order under this section may relate to any substance specified by its name or trade name, or to any class of substances identified by a description of that class; and any such substance or class may be identified in the order by reference to its registration under any enactment, or to its pharmacological action, or to its use or the purpose for which it is intended to be used.

"(4) Any order under this section may specify the circumstances in which any substance is or is not to be a restricted drug or a prescription drug."

5. Restricted Drugs Committee. (1) Section 6 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

"(1) There shall be appointed under section 5 of this Act an advisory committee to be called the Restricted Drugs Committee, whose duty it shall be to consult with the Minister before any substance is declared to be a prescription drug under section 4 of this Act, and to consider the regulations which it is proposed to make under paragraph (m) or paragraph (n) of section 53 (2) of this Act and to consult with the Minister thereon."

(2) Every person who, immediately before the commencement of this Act, was a member of the Poisons Committee appointed under section 5 of the principal Act, shall be deemed to have been appointed as a member of the Restricted Drugs Committee.

(3) For the purposes of section 6 (4) (b) of the principal Act, every person to whom subsection (2) of this section applies shall be deemed to have been appointed as a member of the Restricted Drugs Committee on the date on which he was appointed as a member of the Poisons Committee.

6. Consequential amendments. (1) The provisions of the principal Act specified in the first column of the Schedule to this Act are hereby consequentially amended in the manner indicated in the second column of that Schedule.

(2) Sections 5, 8, and 9 of the Restricted Drugs Amendment Act 1969 are hereby consequentially repealed.

7. Food and Drug Act 1969 consequentially amended. Section 18 (3) (g) of the Food and Drug Act 1969 is hereby amended by repealing subparagraph (ii), and substituting the following subparagraph:

"(ii) Of any drug not being or containing a toxic substance within the meaning of the Toxic Substances Act 1979; or"

Section 6

SCHEDULE

Amendments to Principal Act

Section	Amendments
Section 2	By omitting from subsection (2), and also from subsection (3), the words "or toxic substance".
Section 8	By repealing subsection (3).
Section 22	By repealing subsection (3).
Section 26 (as substituted by section 7 of the Restricted Drugs Amendment Act 1969)	By omitting from subsection (1) the words "prescription poison or restricted poison", and substituting the words "prescription drug". To omit from paragraph (a) of subsection (2) the word "poison", and substitute the words "prescription drug". To omit from paragraph (c), and from paragraph (d), and from paragraph (e), and from paragraph (f), of that subsection the words "Poison, being a prescription poison,", and substitute in each case the words "prescription drug".

Section	Amendments
Section 26 (as substituted by section 7 of the Restricted Drugs Amendment Act 1969) (continued)	<p>To omit from subsection (3) the words "prescription poison or any restricted poison", and substitute the words "prescription drug".</p> <p>To omit from subsection (4) the words "prescription poison or a restricted poison, as the case may require," and substitute the words "prescription drug".</p>
Section 27	By repealing the section.
Section 28	<p>By omitting from subsection (1) the words "toxic substance", and substituting the words "restricted drug".</p> <p>By repealing subsection (2).</p>
Section 29	By repealing the section.
Section 30	<p>By omitting from subsection (2), and also from paragraphs (b), (c), and (d) of subsection (3), the words "poison or poisonous substance or toxic substance", and substituting in every case the words "restricted drug".</p>
Section 31	<p>By omitting from subsection (1) the words "poison or poisonous substance or toxic substance", and substituting the words "restricted drug".</p>
Section 33	<p>By omitting from subsection (1) the words "poison or a poisonous substance or a toxic substance", and substituting the words "restricted drug".</p>
Section 40	<p>By repealing subsection (6).</p> <p>By omitting from subsection (1) the words "poison or poisonous substance or toxic substance", and substituting the words "restricted drug"; and also by omitting from that subsection the words "poison, poisonous substance, toxic substance," and substituting the words "restricted drug".</p>
Section 41	<p>By omitting from subsection (1) the words "poison or poisonous substance or toxic substance", and substituting the words "restricted drug".</p>
Section 51	<p>By omitting from subsection (1) the words "poison or poisonous substance or toxic substance", and substituting the words "restricted drug".</p>
Section 53	<p>By omitting from paragraph (c) of subsection (2) the words "poison, poisonous substance, or toxic substance", and substituting the words "restricted drug".</p> <p>By omitting from paragraph (d) of that subsection the words "poison or poisonous substance or toxic substance", and substituting the words "restricted drug".</p> <p>By omitting from paragraph (e) of that subsection the words "poisons or poisonous substances or toxic substances" in both places where they occur, and substituting in each case the words "restricted drugs".</p> <p>By omitting from paragraph (f) of that subsection the words "poisons or poisonous substances or toxic substances", and substituting the words "restricted drugs".</p>

Section	Amendments
Section 53 (continued)	<p>By omitting from paragraph (h) of that subsection the words "poisons or poisonous substances or toxic substances", and substituting the words "restricted drugs".</p> <p>By omitting from paragraph (i) of that subsection the words "poisons or poisonous substances or toxic substances" in both places where they occur, and substituting in each case the words "restricted drugs".</p> <p>By omitting from paragraph (j) of that subsection the words "poison or poisonous substance or toxic substance", and substituting the words "restricted drug".</p> <p>By repealing paragraph (p) of that subsection, and substituting the following paragraph: "(p) Providing for the exemption of restricted drugs, either wholly or partly, from any of the provisions of this Act or of the regulations:".</p> <p>By omitting from subsection (3) the word "Poisons", and substituting the words "Restricted Drugs".</p> <p>By repealing subsection (4), and substituting the following subsection: "(4) Notwithstanding anything in any regulation made under this Act, it shall be lawful for any person, at any time within 12 months after the commencement of the regulation, to sell any restricted drug, not being a prescription drug, as if the regulation had not been enacted, if at the said date the restricted drug was part of the existing stock-in-trade in New Zealand of any person lawfully carrying on business there, and since the said date no act has been done whereby the restricted drug fails to conform to the regulation. For the purpose of this subsection any goods purchased before the said date for importation into New Zealand shall be deemed to be part of the purchaser's stock-in-trade in New Zealand."</p>

This Act is administered in the Department of Health.

Notes

- 1/ E/NL.1977/9.
- 2/ E/NL.1978/36.
- 3/ E/NL.1979/11.