



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.

SWEDEN

Communicated by the Government of Sweden

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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E/NL.1980/73

Released from the
printers on 10 July 1979

Swedish Code of Statutes
1979: 661

ACT (1979: 661)

CONTAINING CERTAIN PROVISIONS CONCERNING THE ADJUDICATION OF CRIMINAL CASES IN CONJUNCTION WITH A TRIAL SCHEME FOR THE CARE OF DRUG ADDICTS

Promulgated on 28 June 1979.

Pursuant to a resolution (a) by Parliament, the following is hereby prescribed:

Section 1. If in a criminal case in which the penalty can be imprisonment, it is found that the accused habitually misuses narcotic drugs, the court may decide to

* English translation supplied by Ministry of Foreign Affairs of Sweden.

suspend the case until the person concerned has been treated for the misuse of such drugs in accordance with a special plan of treatment which, in conjunction with a trial scheme for the care of drug addicts, is provided at a hospital decided upon by the Government.

A decision in accordance with the first paragraph may only be made if:

1. at the hearing of the case, the accused has confessed to a certain act or convincing evidence has been produced that he has committed it;
2. the accused has declared that he is willing to undergo treatment; and,
3. the result of the treatment can be deemed to have a bearing on the choice of sanction for the offence.

Section 2. A case which has been declared suspended pursuant to Section 1, shall be reopened as soon as possible after a year has passed from the date of decision.

However, the case shall be re-opened before that time:

1. if the accused has failed to follow the plan of treatment and if his failure to do so is not of only minor importance;
2. if the plan of treatment cannot be followed for some other reason;
3. if the accused is charged for a fresh offence, and if, in the light of the circumstances, the court does not consider it inappropriate for the case to be re-opened;
4. if there are, otherwise, special reasons why the case should be re-opened.

Section 3. The prosecutor shall notify the court in the event of there being an instance such as is indicated in Section 2, paragraph two.

Section 4. More detailed directives for the enforcement of this Act will be issued by the Government.

This Act is to enter into force on 1 September 1979 and is to remain in force until the end of August 1982.

On behalf of the Government.

OLA ULLSTEN

SVEN ROMANUS
Ministry of Justice

E/NL.1980/74

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Swedish Code of Statutes
1979: 662

ORDINANCE CONCERNING A CERTAIN TRIAL SCHEME FOR THE CARE OF DRUG ADDICTS WHO HAVE
COMMITTED OFFENCES

Promulgated on 28 June 1979.

INTRODUCTORY PROVISIONS

Section 1. The trial scheme referred to in Act 1979:661 with Certain Provisions Concerning the Adjudication of Criminal Cases in Conjunction with the Trial Scheme for the Care of Drug Addicts 1/ is to be organized in accordance with the more detailed directives issued through this Ordinance. The trial scheme is to be carried out under the supervision of the Commission (Ju 1979:06) for the planning and following up of the trial scheme for the care by contract of drug addicts who have committed offences.

The term "medical superintendent" is taken in this Ordinance to be the medical superintendent at the Drug Addiction Clinic (Research Clinic) at Ulleråker Hospital.

PLAN OF TREATMENT, ETC.

Section 2. The plan of treatment referred to in Section 1 in Act 1979:661 with Certain Provisions Concerning the Adjudication of Criminal Cases in Conjunction with the Trial Scheme for the Care of Drug Addicts is to comprise, on the one hand, care at the Drug Addiction Clinic at Ulleråker Hospital or at a Unit associated with it and, on the other, regular return visits for counselling and check-ups at Ulleråker, Danderyd or Huddinge Hospitals. The details of the plan of treatment are to be decided by the medical superintendent. In respect of the guidelines for the formulation of the plan of treatment, the medical superintendent shall consult the Commission referred to in Section 1, paragraph one.

PROCEDURE IN COURT

Section 3. If the question arises that a criminal case may be declared suspended pursuant to Section 1, paragraph one, in Act 1979:661 with Certain Provisions Concerning the Adjudication of Criminal Cases in Conjunction with the Trial Scheme for the Care of Drug Addicts, the court - if this information is not available in the case - shall inquire of the medical superintendent whether the accused can be admitted for care within the frame of the trial scheme.

Section 4. If the accused has been detained in custody in connection with the case when the question of suspending the case arises, the court - if the accused consents - can order that, on his release, the latter shall be transferred to the Drug Addiction Clinic at Ulleråker Hospital through the offices of the superintendent of the jail where he is detained in custody. When such a procedure has been ordered, it is incumbent upon the superintendent of the jail to arrange the removal of the accused without delay. If the accused refuses to go to the Clinic, the superintendent of the jail must at once notify the prosecutor who has brought the charge in the case.

If a decision is made suspending the case without an order pursuant to paragraph one, the court shall inform the accused that he must, of his own accord, report for treatment to the Drug Addiction Clinic at Ulleråker Hospital without delay.

Section 5. When a decision ordering the suspension of the case has been made, a copy of the decision shall immediately be sent: *

1. to the medical superintendent;

2. to the probation officer who has made arrangements for a personal case study of the accused in the case or, if the accused is serving a sentence of non-custodial, correctional treatment and is in that connection on probation, to the probation officer who is in charge of him in that respect;

3. the superintendent of the jail where the accused is detained in custody if it has been so ordered as is set out in Section 4, paragraph one.

THE DUTIES OF THE PROBATION OFFICER AND THE PERSON MAKING THE PERSONAL CASE STUDY

Section 6. The probation officer and the person who makes, or assists in making, the personal case study of the accused shall consider the question of whether it can be presumed that pre-conditions exist for a decision to suspend the case in respect of an accused who misuses narcotic drugs and who, by residence or some other circumstance, has a connection with a locality of such a kind that it can be appropriate to make a decision to that effect. If it is considered that the pre-conditions for such a decision exist, the accused shall be asked if he is willing to be submitted to care within the frame of the trial scheme and it must be ascertained from the medical superintendent whether the accused can be received by the hospital for treatment. Information relating to the aspects referred to here should, where appropriate, be supplied in the report on the personal case study or in a statement to the court.

If a decision ordering the suspension of the case has been made and if the accused is not on probation, the probation officer - if this has not already been done - shall immediately consider the question of appointing a suitable person to represent the person sentenced pursuant to Section 4, paragraph two, in Act 1964:542 on Personal Case Studies in Criminal Cases.

THE DUTIES OF DOCTORS TAKING PART IN THE TRIAL SCHEME

Section 7. If a decision is made suspending the case without an order pursuant to Section 4, paragraph one, the medical superintendent - if the accused does not report of his own accord to the Drug Addiction Clinic at Ulleråker Hospital - shall call on him as soon as possible to attend the Clinic for treatment. If, notwithstanding, the accused fails to report at the Clinic, the medical superintendent shall immediately notify the prosecutor who has brought the charge in the case.

Section 8. The medical superintendent is responsible for seeing that the trial scheme is implemented. When the accused has to make return visits to Danderyd Hospital or Huddinge Hospital, the doctor responsible for the trial scheme there shall see that the medical superintendent is kept continually informed about the treatment and is immediately informed if the accused fails to follow the plan of treatment.

If the accused fails to follow the plan of treatment and if his failure to do so is not of only minor importance, the medical superintendent shall immediately notify the prosecutor who has brought the charge in the case. The medical superintendent must similarly notify him if the plan of treatment cannot be carried out for some other reason.

Section 9. When asked to do so by the court, the medical superintendent shall give his opinion on the outcome of the treatment. When a year has passed from the date

of the decision suspending the case, the medical superintendent - if the case has not been resumed in the meantime - shall automatically inform the court of his opinion without being specially requested to do.

Section 10. When so requested, it is incumbent upon the medical superintendent to furnish the courts and other authorities concerned with the trial scheme with a written report on the nature and organization of the activities involved.

Section 11. The medical superintendent may ask another doctor at Ulleråker Hospital to carry out what is required of him by this Ordinance.

FINAL PROVISION

Section 12. This Ordinance does not apply to activities concerning drug addicts carried out on a trial basis at Ulleråker Hospital in connection with the application of Section 34 in the Custody in Prison Act (1974:203).

This Ordinance is to enter into force on 1 September 1979.

On behalf of the Government.

SVEN ROMANUS

Bo Svensson
Ministry of Justice

E/NL.1980/75

ORDINANCE CONCERNING A CHANGE IN PROCLAMATION (1972:113) 2/ ISSUED ACCORDING TO SECTION 1 OF THE ORDINANCE ON NARCOTIC DRUGS (1962:704) 3/

Issued 12 June 1980.

The Government decides that the proclamation (1972:113) issued according to Section 1 of the Ordinance on Narcotic Drugs (1962:704) shall have the following wording:

Central Stimulants

Ethylamphetamine (2-ethylamino-1-phenylpropane)

Fenethylamine

N-Hydroxyamphetamine

Phendimetrazine

Phentermine

Propylhexedrine

1-Phenyl-1-(2'-piperidyl)methyl acetate

Hallucinogens

Hydroxy-3-pentyl-6,6,9-trimethyl-6a,7,10,10a-tetrahydro-6H-dibenzo [b,d]-pyranol-1-ol(hydroxytetrahydrocannabinols)

Hypnotics and Sedatives

Allobarbital

Aprobarbital

Brallobarbital

Chloral Hydrate

Chloralodol

Chlordiazepoxide

Clomethiazole

Clonazepam

Diazepam

Dipotassium clorazepate

Flunitrazepam

Heptabarbital

Hexapropymate

Hexobarbital

Lorazepam

Methohexital

Methylpentynol

Nitrazepam

Oxazepam

Tybamate

Vinbarbital

In addition, when interpreting the ordinance, the expression cannabis should be understood as the parts above the soil of all plants belonging to the Cannabis family (with the exception of seeds) and from which plants the resin has not been extracted, no matter what names they go under.

On behalf of the Swedish Government.

Karin Söder

Björn Sjöberg
Ministry of Health and Social Affairs

Notes

1/ E/NL.1980/73.

2/ E/NL.1973/27.

3/ E/NL.1964/26.