



UNITED NATIONS

E/NL.1964/3

15 June 1964

ENGLISH ONLY

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE CONVENTION OF 13 JULY 1931 FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

BRITISH HONDURAS

Communicated by the Government of the United Kingdom of Great Britain and Northern Ireland

NOTE BY THE SECRETARY-GENERAL-- In accordance with Article 21 of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to communicate the following legislative text.

E/NL.1964/3

No. 24 of 1963

I assent,
P.H.G. STALLARD,
Governor.

10th October, 1963

AN ORDINANCE

TO AMEND THE DANGEROUS DRUGS ORDINANCE,^{1/} CHAPTER 85 OF THE LAWS OF BRITISH HONDURAS
(19th October, 1963)

Enacted by the Legislature of British Honduras

Short title.

1. This Ordinance may be cited as the

DANGEROUS DRUGS (AMENDMENT) ORDINANCE 1963,

and shall be read as one with the Dangerous Drugs Ordinance, hereinafter referred to as the principal Ordinance.

2. Subsection (1) of section 2 of the principal Ordinance is amended as follows:

Amendment of
section 2 of
principal
Ordinance.

- (a) by substituting for the definition "Indian Hemp"
[cannabis]^{2/} appearing therein a new definition
as follows:

"'Indian Hemp' [cannabis] includes any part of the pistillate plant *cannabis sativa* L. from which the resin has not been extracted, any resin obtained from that plant and any produce of which such resin forms the base."

- (b) by substituting in the definition of "medicinal opium" appearing therein the word "British" for the word "national".

^{1/} Note by the Secretariat: E/NL.1956/59.

^{2/} Note by the Secretariat: The words in square brackets have been inserted by the Secretariat.

Amendment of
section 3 of
principal
Ordinance.

3. Section 3 of the principal Ordinance is amended by substituting for subsection (1) thereof a new subsection as follows:

"(1) No person shall cultivate, have in his possession, sell or otherwise deal with the whole or any part of any plant from which raw opium or coca leaves are obtained."

Amendment of
section 4 of
principal
Ordinance.

4. Sub-paragraph (c) of subsection (1) of section 4 of the principal Ordinance is amended by deleting therefrom the words "or the resin obtained from Indian hemp [cannabis] or from the growing plant from which Indian hemp is obtained or products of which resin forms the base" appearing therein.

Amendment of
section 5 of
principal
Ordinance.

5. Sub-paragraph (a) of section 5 of the principal Ordinance is amended by inserting before the word "manufactures" appearing therein the word "cultivates".

Amendment of
section 19 of
principal
Ordinance.

6. Section 19 of the principal Ordinance is amended as follows:

- (a) by adding at the end of subsection (2) thereof the following:

"It shall be within the discretion of the Attorney General whether any offence under this Ordinance be prosecuted summarily or on indictment.";

- (b) by substituting for subsection (7) thereof a new subsection as follows:

"(7) In any proceedings for an offence against this Ordinance, the production of a certificate signed by the Government chemist of Jamaica or an analyst appointed under the law of Jamaica shall be sufficient evidence of all the facts therein stated, unless the defendant requires that such analyst be called as a witness, in which case the court shall take such steps as may be necessary to secure the attendance of such analyst as a witness and no proof need be given of the signature or official character of such analyst where a certificate is produced as evidence."

Addition of
new section to
principal
Ordinance.

7. The principal Ordinance is amended by inserting immediately after section 19 thereof a new section as follows:

"19A. (1) Where any person is convicted of an offence or of an attempt to commit an offence or of soliciting or inciting the commission of an offence under this Ordinance and the court by which such person is convicted finds that any aircraft, vessel or vehicle was used or employed by such person in the commission or to facilitate the commission of the offence of which he is convicted, such aircraft, vessel or vehicle may be forfeited.

Chapter 59.

(2) Where any aircraft, vessel or vehicle is detained by any police officer under section 44 of the Police Ordinance and no person is, within seven days, charged with any offence under subsection (1) of this section a magistrate shall, upon the written application of a police officer of or above the rank of Inspector, inquire into the circumstances in which such aircraft, vessel or vehicle was detained and shall determine whether or

not it was used for or employed in the commission or attempted commission of any such offence; and, if the magistrate finds that it was so used or employed, such aircraft, vessel or vehicle may be forfeited;

Provided that no forfeiture of any such aircraft, vessel or vehicle shall take place if, on the trial of any person mentioned in subsection (1) of this section or in any inquiry held under subsection (2) of this section, the court finds that neither the owner nor any of his agents or servants was aware that such aircraft, vessel or vehicle was being so used or employed, or, if he was, that he used all reasonable diligence to prevent it being so used or employed.

Chapter 5.

(3) The owner of any such aircraft, vessel or vehicle shall have all the rights of appeal of an accused person under Part VIII of the Supreme Court of Judicature Ordinance.

(4) For the purposes of this section "aircraft", "vessel" and "vehicle" respectively include everything contained in, being on or attached to any aircraft, vessel or vehicle, as the case may be, which, in the opinion of the court, forms part of the equipment of such aircraft, vessel or vehicle."

Passed the Legislative Assembly this 27th day of September, 1963.

S. E. HULSE

Clerk of the Legislative Assembly