

LAWS AND REGULATIONS

COMMUNICATED IN COMPLIANCE WITH THE TERMS OF THE

CONVENTION FOR LIMITING THE MANUFACTURE
AND REGULATING THE DISTRIBUTION
OF NARCOTIC DRUGS OF 13 JULY 1931

AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946



FEDERATION OF MALAYA

E/NL. 1949/21
10 May 1949

Note by the Secretary-General

In accordance with Article 21 of the Convention of 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 forward to the Members of the United Nations and to the other parties to the Convention the following text communicated by the Government of the United Kingdom.

FEDERATION OF MALAYA
No. 31 of 1948

Their Highnesses the Rulers of the
Malay States assent hereto

Rulers'
Seal

I assent

Public Seal
of the
Federation

Witnesses to the affixing of the Rulers' Seal

T. ABDUL RAHMAN (Yang di-Pertuan
)Besar of Negri
(Sembilan.
TENGKU ALAM SHAH Sultan of Selangor.
(In Malay)
6th December, 1948.

HENRY GURNEY,
High Commissioner.
11th December, 1948

An Ordinance to amend the Opium and Chandu Proclamation.

[18th December, 1948.]

IT IS HEREBY ENACTED by the High Commissioner of Malaya and Their Highnesses the Rulers of the Malay States, with the advice and consent of the Legislative Council, as follows:

Short Title.

1. This Ordinance may be cited as the Opium and Chandu Proclamation (Amendment) Ordinance, 1948.

Amendment of
section 4, B.M.A.
Proc. No. 49.

2. Section 4 of the Opium and Chandu Proclamation (hereinafter referred to as "the Proclamation") is hereby amended by the substitution of the following sub-section for sub-section (5) thereof -

"(5) Any person contravening the provisions of sub-section (1) of this section shall be liable to imprisonment for a term not exceeding one year, and any person contravening the provisions of sub-section (2) or sub-section (3) shall be liable to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment."

Amendment of
section 9.

3. Section 9 of the Proclamation is hereby amended by the insertion immediately after the word "exportation" wherever it occurs in line 1 of sub-section (1) and in line 3 of sub-section (2) of the words "or attempted importation or exaporation".

New section
18a.

4. The Proclamation is hereby amended by the insertion immediately after section 18 of the following new section -

"Power of
Court to order
conditional
discharge of
offender.

18A. (1) Where any person is charged with any offence under this Proclamation and the Court thinks that the charge is proved but is of the opinion that the accused is an opium addict and that, having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, the Court may, without proceeding to conviction, make an order discharging the offender conditionally on his entering into a recognizance, with or without sureties -

- (a) to be of good behaviour during such period as may be specified in the order;
- (b) to submit to such treatment of such duration as in the opinion of the Court will be sufficient to enable the accused to overcome such addiction; and
- (c) to appear for conviction and sentence when called

on at any time during such period as may be specified in the order.

- (2) A recognizance ordered to be entered into under this section shall, if the Court so order, contain a condition that the offender be under the supervision of such person as may be named in the order during the period specified in the order, and such other conditions for securing such supervision as may be specified in the order, and an order requiring the insertion of such conditions as aforesaid in the recognizance is in this section referred to as a probation order.
- (3) A recognizance under this section may contain such additional conditions as the Court may, having regard to the particular circumstances of the case, order to be inserted therein, including a condition that the accused shall undergo medical treatment at a specified medical institution, if necessary as an in-patient.
- (4) The Court by which a probation order is made shall furnish to the offender a notice in writing stating in simple terms the conditions he is required to observe.
- (5) In any case in which the Court suspects that the accused is an opium addict or in which the accused so alleges, the Court shall cause the accused to be examined by a Government Medical Officer and the Court may accept the written certificate of such officer as to the existence or not of opium addiction and as to the duration of treatment sufficient to enable the accused to overcome such addiction."

Passed in the Legislative Council on the nineteenth day of November 1948.

Clerk of Council.