

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



MACAO

COMMUNICATED BY THE GOVERNMENT OF

PORTUGAL

1948

E/NL.1948/10
1 September 1948

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 law communicated by the Government of Portugal.

LEGISLATIVE DECREE NO. 933*

of 28 May 1946 as amended by Legislative Decree No. 986
of 29 March 1947

CHAPTER VI

Contraventions

Article 31. The services and authorities referred to in Article 28 shall, on discovering any offence, take the following action:

1. Any person or persons guilty of an offence for which a penalty is provided under Articles 32, 33, 34, 35, 36 and 37 shall be immediately arrested and brought before the Administration of the Council by the person discovering the offence who shall, if necessary, call for the assistance of the police for this purpose and draw up the requisite documents as provided in section 166 of the Code of Penal Procedure.

2. The narcotic drugs and utensils and in the case of opium houses and smoking establishments, the furnishings, objects and utensils found on any premises or in any smoking establishment or in the possession of the offender, shall be removed and delivered to the warehouse of the finance department together with the inventories extracted from the writ of seizure, and shall be placed in the custody of the competent finance official.

3. The writ of seizure, drawn up in proper legal form, shall also contain a clear and detailed report of the furnishings, objects and utensils and their state of repair and of the weight of the narcotic drugs.

4. The offender or offenders may be released on payment of the fine imposed by the authority referred to in paragraph 1 above, without prejudice to any proceedings which the Governor of the Colony may take under the provisions of this Decree; the documents in the case and the offenders shall, if the fine is not paid voluntarily, be delivered to the competent Court.

5. The documents referred to in paragraph 1 above shall be recorded in a special register (model 5) the pages containing the opening and closing entries in which shall be signed by the Head of the Central Department of the Civil Administrative Service to whom the Government of the Colony shall delegate powers for that purpose. The finance official concerned shall, on receiving notification of the decision of the court without delay transfer the goods seized to the departments referred to in this Decree.

6. The goods shall be transferred in accordance with inventories in duplicate which shall also indicate the number of the case and the names of the offender or offenders. The originals shall be retained by the services concerned and the duplicates, after signature by the recipient, shall be filed in the Administration of the Council or the finance department, as appropriate.

7. The deportation of the offender or offenders shall be effected through the Civil Administration Services in accordance with the provisions of Article 211, paragraph 1 of the Organic Charter of the Portuguese Colonial Empire and of Article 5, paragraph 2 of Decree No. 23:241 as amended by Decree No. 31:216 of 14 April 1941.

8. In the cases mentioned in Article 43, paragraphs 1 and 3, the certificates stating that the goods have been rendered unserviceable shall be filed in the Secretariat of the Health Service.

CHAPTER VII

Penal Provisions

Article 32. A contravention of any of the provisions of this Decree respecting the possession and consumption of narcotic drugs and the utensils therefor shall be punishable by a fine of not less than \$100 and more than \$1,000.

Article 33. If any person, not being legally authorized for that purpose, prepares, purchases or sells, attempts to purchase, or in any manner supplies narcotic drugs of any kind whatever, he shall be liable to a fine of not less than \$1,000 and not more than \$10,000.

* Note by the Secretariat: Articles 1-30, 47-53 and the list of drugs referred to by sole paragraph of Article 1 were reproduced in the document E/CS.7/7. These articles and list were not affected by the amendments of the Legislative Decree No. 986 of 29 March 1947.

Article 34. If the owner of a laboratory or pharmacy purchases, sells or supplies to the public any narcotic drug whatever except on a production of a prescription from a medical practitioner, or does so to an amount greater than that specified in the prescription, he shall be liable to a fine of not less than \$5,000 nor more than \$10,000. The laboratories or pharmacies may be closed for a period of 60 days.

Sole paragraph. The establishment shall be closed permanently in the case of a third offence or if the value of the narcotic drugs concerned exceeds \$50,000.

Article 35. The technical directors of laboratories or pharmacies shall be liable to a fine of not less than \$500 nor more than \$5,000, without prejudice to any proceedings which may be taken against the laboratories or pharmacies in accordance with the preceding Article.

Sole paragraph. In the circumstances mentioned in the sole paragraph of the preceding Article, the owners of the laboratories or pharmacies and their technical directors shall in every case be deported from the Colony.

Article 36. As in E/CS.7/7.

Article 37. If a person is guilty of an irregularity in the keeping of the registers referred to in the sole paragraph of Article 14 and in Article 19 he shall be liable to a fine of not less than \$500 nor more than \$5,000 in cases where the penalties prescribed in Article 34 and Article 35 are not applicable.

Article 38. The Head of the Pharmaceutical Section and the Director of the central depot of medical supplies and surgical materials of the Health Service shall be liable to a fine of not less than \$200 nor more than \$1,000 on proof of any irregularity in the keeping of the account books referred to in Articles 19 and 24, without prejudice to any disciplinary action to which they may be liable.

Sole paragraph. The fines shall be imposed by order of the Governor of the Colony and deducted from the salary of the official responsible in accordance with the provisions of Article 822, paragraph 14 of the Code of Civil Procedure.

Article 39. The fines prescribed in this Decree shall be imposed in accordance with the provisions of Article 553 of the Code of Criminal Procedure, in so far as the latter was not amended by Article 22 of Decree No. 19:271 of 24 January 1931.

Article 40. If the fine is converted into a sentence of imprisonment, the Governor of the Colony shall apply the provisions of Article 37, paragraph 13 of the Organic Charter.

Sole paragraph. A fine shall be converted into a prison sentence at the rate of one day's imprisonment for each \$10 of the fine.

Article 41. As in E/CS.7/7.

Article 42. The imposition of any one of the fines applicable in the case of the trade in, manufacture or consumption of narcotic drugs shall entail in every case the confiscation for the benefit of the Colony of the narcotic drugs, utensils and furnishings seized and may be followed by deportation in cases other than those in which deportation is specifically prescribed.

Sole paragraph. In all proceedings for a contravention of the provisions of this Decree, a certified extract shall be made from the sentence or order imposing fine for voluntary payment and shall be submitted to the Government of the Colony through the Civil Administration Service.

Article 43. Goods seized shall be disposed of as follows:

1. Narcotic drugs and utensils shall be placed in the hands of the Health Service of the Colony to be added to its stock or to be used for such purpose as the Governor may determine, if legal use may be made of them, otherwise they shall be burned by the Committee referred to in Article 46 of which the Head of the Health Service shall be a permanent member.

2. The furnishings shall be handed over to the finance services and sold by public auction, the proceeds of the sale, covered by an advice note, being credited to the finance department.

3. Opium utensils, other than those which the Government of the Colony may decide, at the instance of the Committee, to be of ethnographic interest and worthy of being collected and preserved in the Museum of the Colony, shall in all cases be rendered un-serviceable.

Article 46. In addition to the Head of the Health Service, the Heads of the Civil Administration Service, the Treasury and Comptroller's Office shall be permanent members of the Committee, and they shall be entitled to co-opt any expert on this subject who may be deemed necessary.