



UNITED NATIONS

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English
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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

VIET - NAM

Communicated by the Government of Viet-Nam

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.

ORDINANCE No. 60 of 27 September 1955 prohibiting the import, transit, trans-shipment, possession, cultivation, manufacture, transport, sale and consumption of smoking-opium⁽¹⁾ in all the territory of Viet-Nam.

THE CHIEF OF STATE OF VIET - NAM

HAVING CONSIDERED

Ordinance No. 1 of 1 July 1949 defining matters relating to the organisation and operation of public institutions;

Ordinance No. 2 of 1 July 1949, as amended by Ordinance No. 21 of 4 August, determining the Constitution of public administrative bodies;

Ordinance No. 15 of 19 June 1954 concerning the appointment of Mr. NGO DINH DIEM, as Prime Minister with full civil and military powers;

Decree No. 145-CP of 10 May 1955 determining the composition of the Government;

Decree No. 35-YT-S of 19 September 1949 defining the functions of the Secretary of State for Health;

The body of enactments regulating the sale of opium, in particular Ordinance No. 33 of 12 November 1953 introducing a personal treatment book for chronic opium addicts;

Order No. 689-PTT-TTK of 17 June 1954 setting up a special committee for the prevention of opium addiction;

On the proposal of the Minister of Social Welfare and Public Health;

After hearing the Cabinet,

HEREBY ORDERS:

GENERAL PROVISIONS

Article 1. -

The import, transit, trans-shipment, cultivation, manufacture, transport, possession, sale and consumption of smoking-opium in all the territory of Viet-Nam are hereby prohibited.

(1) Original text in Viet-namese

PART I

Cultivation of the opium poppy; smoking-opium manufacture and traffic

Article 2. -

The import, transit, stocking, trans-shipment, cultivation, transport, possession and transfer, with or without consideration of raw or processed opium, the manufacture of opium and the cultivation of the opium poppy shall be punishable by a fine of ten thousand piastres (10,000\$00) to two hundred thousand piastres (200,000\$00) or by imprisonment for three (3) months to five (5) years or by both.

Article 3. -

The opium, the means of transport, and the goods, if any used for concealing the offence shall be confiscated.

The products of manufacture, the utensils used therein, and the receptacles containing the seized products shall also be confiscated.

Article 4. -

Any person convicted of being an accessory to one of the offences enumerated in article 2 above shall be liable to the same penalties as the principal offender.

CHAPTER II

Opium dens and opium-smokers

Article 5. -

Opium dens in any form are hereby prohibited throughout the territory of Viet-Nam.

An opium den is any public or private place in which individuals may obtain opium or narcotic drugs for consumption in the place with the special equipment supplied to them by the keeper.

Any person keeping an opium den shall be punished by a fine of ten thousand piastres (10,000\$00) to sixty thousand piastres (60,000\$00) or imprisonment for three (3) months to three (3) years or both.

The special equipment, furniture, opium, utensils and narcotic drugs used in the opium den shall be confiscated.

The Court shall also order the opium den to be closed.

Article 6. -

Except in the cases provided for in articles 12 and 13, any person convicted of the wilful use of opium in any form shall be punished by imprisonment for three (3) months to three (3) years. Any person receiving smoking-opium, opium utensils, pipes or the like shall be liable to the same penalty.

Appliances for the use of opium, such as opium sets or pipes, shall be confiscated.

In addition to the aforesaid penalties, an alien offender may be expelled from the territory of Viet-Nam.

An addict who is a civil servant and who after a disintoxication period of six (6) months continues to smoke opium shall be dismissed from the service.

An offender shall be granted suspension of sentence and the benefit of extenuating circumstances only if over 55 years of age.

CHAPTER III

Disintoxication

Article 7. -

Compulsory courses of detoxication treatment are given in the special departments set up by order of the regional delegates of the Government in State hospitals and in certain private clinics authorized according to need.

Article 8. -

The said departments shall admit without further order all addicts, whether registered or not, and uncured holders of the personal treatment book introduced by Ordinance No. 33 of 12 November 1953.

Article 9. -

Any person seeking to evade this duty shall be punished by the penalties provided in article 6.

Article 10. -

Medical practitioners and pharmacists convicted of unlawful prescription and sale of narcotic drugs shall be punished by a fine of five thousand piastres (5,000\$00) to one hundred thousand piastres (100,000\$00) or by imprisonment for three (3) months to three (3) years or by both.

The Minister of Social Welfare and Public Health may also call upon the Medical Council and the Pharmaceutical Council to subject offenders to professional discipline.

CHAPTER IV

Miscellaneous Provisions

Article 11. -

The provisions of the penal code relating to suspended sentence and extenuating circumstances shall not apply to persons guilty of the offences specified in articles 2, 4, 5 and 10.

Second or subsequent offences shall be punished by imprisonment.

Article 12. -

Stocks of opium seized in accordance with articles 2, 3, 5 and 6 shall be used only for the manufacture of narcotic drugs intended for medical institutions.

Article 13. -

The stock of opium now held in the opium factory shall be converted into pharmaceutical products and used under the direction of the Ministry of Finance and the Ministry of Social Welfare and Public Health.

Article 14. -

As a transitional measure, within one month from the date of publication of this Ordinance, holders of monopoly opium shall surrender the same to the Customs and Excise Department at the official rate.

Article 15. -

All provisions of statute and regulation contrary to this Ordinance are hereby repealed.

Article 16. -

The Minister of Social Welfare and Public Health, the Minister of the Interior, the Minister of Justice, the Minister of Finance and Economy and regional delegates of the Government shall, each within his own competence, give effect to this Ordinance, which shall be published in the Official Gazette of Viet-Nam.

Done at Saigon on 27 September 1955

By order of the Chief of State

(signed) NGO DINH DIEM

Prime Minister