



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.

FIJI

Communicated by the Government of Fiji

NOTE BY THE SECRETARIAT

- (a) 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.
- (b) 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 [...].

GOVERNMENT OF THE REPUBLIC OF FIJI DECREE NO. 4

DANGEROUS DRUGS ACT (AMENDMENT) DECREE, 1990

A DECREE TO AMEND THE DANGEROUS DRUGS ACT

In exercise of the powers vested in me as President and Commander-in-Chief of the Republic of Fiji and acting in accordance with the advice of the Prime Minister and the Cabinet, I hereby make the following Decree:

Short title, etc.

1. (1) This Decree may be cited as the Dangerous Drugs Act (Amendment) Decree, 1990.
- (2) In this Decree, the Dangerous Drugs Act (Chapter 114) is referred to as "the principal Act".

Section 2 amended

2. Section 2 of the principal Act is amended by:

(a) Deleting the full stop at the end of the definition of "store" and substituting a semi-colon;

(b) Inserting after the definition of "store" the following:

"'traffic' means:

(a) to sell, give, administer, transport, send, deliver or distribute; or

(b) to offer to do anything mentioned in paragraph (a),

otherwise than under the authority of this Act or the regulations made thereunder; and 'trafficking' has a corresponding meaning."

Section 8 amended

3. Section 8 of the principal Act is repealed and the following substituted:

"8. Every person:

- (a) growing opium poppy, Indian hemp or coca leaf, whether for private use or otherwise; or
- (b) found in possession of or sells or otherwise traffics or engages in the trafficking of any substance to which this part applies,

shall be guilty of an offence and upon conviction shall be sentenced to imprisonment in accordance with the Third Schedule of this Act -

Provided that a sentence imposed under this section shall be custodial."

Section 12(1) amended

4. Section 12(1) of the principal Act is repealed and the following substituted:

"12. (1) If any person:

- (a) manufactures, sells or otherwise traffics or engages in the trafficking of prepared opium, or
- (b) has in his possession any prepared opium; or
- (c) being the occupier of any premises, permits those premises to be used for the preparation of opium for consumption or for the sale, trafficking or smoking of prepared opium; or
- (d) is concerned in the management of any premises used for any such purposes as aforesaid; or
- (e) has in his possession any pipes or other utensils used in connection with the smoking of opium or any utensils used in connection with the preparation of opium for smoking; or
- (f) smokes or otherwise uses prepared opium or frequents any place used for the purpose of opium smoking;

he shall be guilty of an offence and upon conviction shall be sentenced to imprisonment in accordance with the Third Schedule of this Act -

Provided that a sentence imposed under this Section shall be custodial."

New Schedule

5. The principal Act is amended by the addition of a 'Third Schedule' contained in the Schedule to this Decree, after the 'Second Schedule'.

Commencement

6. This Decree shall come into force on the first day of March 1990.

Dated this 15th day of February 1990.

PENAIA K. GANILAU
President and Commander-in-Chief

SCHEDULE
"THIRD SCHEDULE
OFFENCES PUNISHABLE ON CONVICTION

Section creating offence	General nature of offence	Quantities of drugs	Penalty
8(a)	Growing and cultivation of Indian hemp	Not exceeding 10 plants	Maximum of 12 months Minimum of 3 months
		Not exceeding 50 plants	Maximum of 3 years Minimum of 12 months
		Exceeding 50 plants	Maximum of 14 years Minimum of 2 years
8(b)	Possession of Indian hemp	Not exceeding 100 grams	Maximum of 24 months Minimum of 3 months
		Not exceeding 500 grams	Maximum of 3 years Minimum of 12 months
		Exceeding 500 grams	Maximum of 20 years Minimum of 5 years
8(b)	Selling or trafficking in Indian hemp	Not exceeding 10 grams	Maximum of 2 years Minimum of 6 months
		Not exceeding 50 grams	Maximum of 4 years Minimum of 18 months
		Not exceeding 100 grams	Maximum of 7 years Minimum of 3 years
		Exceeding 100 grams	Maximum of 14 years Minimum of 5 years
8(a)	Growing and cultivation of opium poppy or coca plant	Not exceeding 10 plants	Maximum of 5 years Minimum of 6 months
		More than 10 plants	Maximum of 10 years Minimum of 2 years
8(b)	Possession of opium poppy or coca leaf	Not exceeding 10 grams	Maximum of 3 years Minimum of 3 months
		More than 10 grams	Maximum of 7 years Minimum of 12 months
8(b)	Selling or trafficking in opium poppy or coca leaf	Not exceeding 10 grams	Maximum of 7 years Minimum of 2 years
		More than 10 grams	Maximum of 20 years Minimum of 3 years
12(a)	Manufactures prepared opium	Not exceeding 10 grams	Maximum of 5 years Minimum of 18 months
12(a)	Selling and/or trafficking in prepared opium	Not exceeding 10 grams	Maximum of 15 years Minimum of 5 years
		More than 10 grams	Maximum of life imprisonment Minimum of 7 years
12(b)	Possession of prepared opium	Not exceeding 10 grams	Maximum of 5 years Minimum of 12 months
		More than 10 grams	Maximum of 10 years Minimum of 3 years

Section creating offence	General nature of offence	Quantities of drugs	Penalty
12(c)	Occupier of premises used for preparation, consumption or sale of prepared opium		Maximum of 10 years Minimum of 18 months
12(d)	Management of premises used for preparation, consumption or sale of 30 prepared opium		Maximum of 5 years Minimum of 3 months
12(e)	Possession of pipes, utensils, etc.		Maximum of 5 years Minimum of 6 months
12(f)	Smoking, using prepared opium	Not exceeding 10 grams	Maximum of 10 years Minimum of 18 months
		More than 10 grams	Maximum of 20 years Minimum of 3 years"