

MASTER FILE

UNITED NATIONS

NATIONS UNIES

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



GILBERT AND ELLICE ISLANDS

1949

E/NL.1949/22
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.

GILBERT AND ELLICE ISLANDS COLONY.

No. 6 of 1948.



[L.S.]

L. BRIAN FREESTON,

High Commissioner.

20th October, 1948.

AN ORDINANCE

TO REGULATE THE IMPORTATION, EXPORTATION,
MANUFACTURE, CULTIVATION, SALE OR USE OF
OPIUM AND OTHER DANGEROUS DRUGS.

[20th October, 1948]

WHEREAS at a Conference held at Geneva for the purpose of supplementing the provisions of the International Opium Convention signed at The Hague on the twenty-third day of January one thousand nine hundred and twelve (hereinafter referred to as "The Hague Convention") and the International Opium Convention signed at Geneva on the nineteenth day of February one thousand nine hundred and twenty-five (hereinafter referred to as "The Geneva Convention No. 1") a Convention for the purposes aforesaid (hereinafter referred to as "The Geneva Convention No. 2") was signed on the thirteenth day of July one thousand nine hundred and thirty-one:

And whereas it is desirable to amend the laws relating to dangerous drugs to enable effect to be given to The Geneva Convention No. 2:

And whereas it is expedient to make various other amendments in the said laws and to consolidate them.

BE it therefore enacted by the High Commissioner as follows:—

1. This Ordinance may be cited as the Dangerous Drugs Ordinance, 1948. Short Title.

2. In this Ordinance unless the context otherwise requires— Interpretation.

"cocaine" means methyl-benzoyl lævo-ecgonine ($[a]_D^{20} = -16.4$) in twenty per cent. solution of chloroform of which the formula is $C_{17}H_{21}O_4N$;

"coca leaf" means the leaf of the *Erythroxylon coca* Lamarck and the *Erythroxylon novogranatense* (Morris) Hieronymus and their varieties belonging to the family *Erythroxylaceæ* and the leaf of other species of this genus from which it may be found possible to extract cocaine either directly or by chemical transformation;

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"Convention" means the International Opium Convention signed at The Hague on the twenty-third day of January one thousand nine hundred and twelve (The Hague Convention), the International Opium Convention signed at Geneva on the nineteenth day of February one thousand nine hundred and twenty-five (The Geneva Convention No. 1), and the International Convention for limiting the manufacture and regulating the distribution of narcotic drugs signed at Geneva on the thirteenth day of July one thousand nine hundred and thirty-one (The Geneva Convention No. 2);

"conveyance" includes ship, aircraft and any other means of transport by which goods may be brought into or taken from the Colony;

"corresponding law" means any law stated in a certificate purporting to be issued by or on behalf of the Government of any place outside the Colony, to be a law providing for the control and regulation in that country of the manufacture, sale, use, import and export of drugs or substances in accordance with the provisions of The Hague Convention, The Geneva Convention No. 1 and The Geneva Convention No. 2; and any such statement in any such certificate as to the effect of the law mentioned in the certificate, or any statement in any such certificate that any facts constitute an offence against that law, shall be conclusive;

"crude cocaine" means any extract of the coca leaf which can be used directly or indirectly for the manufacture of cocaine;

"dangerous drug" means any of the substances which may be from time to time subject to the provisions of this Ordinance;

"diacetylmorphine" means diacetylmorphine (diamorphine, heroin) having the formula $C_{21}H_{23}O_5N$ ($C_{17}H_{17}(C_2H_3O)_2O_3N$);

"diversion certificate" means a certificate issued by a competent authority in a country through which a dangerous drug passes in transit, authorizing the diversion of such drug to a country other than that specified as the country of ultimate destination in the export authorization, and containing all the particulars required to be included in an export authorization together with the name of the country from which the consignment was originally exported;

"ecgonine" means levo-ecgonine(α , D 20 $^{\circ}$ = -45 $^{\circ}$ G in five per cent. solution of water) of which the formula is $C_9H_{15}O_3NH_2$ and all the derivatives of levo-ecgonine which may serve industrially for its recovery;

"export" means to take or cause to be taken out of the Colony otherwise than in transit;

"export authorization" means an authorization issued by a competent authority in a country from which a dangerous drug is exported, containing full particulars of such drug and the quantity authorized to be exported, together with the names and addresses of the exporter and the person to whom it is to be sent and stating the country to which, and the period within which, it is to be exported;

"import" means to bring or cause to be brought into the Colony otherwise than in transit;

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"import authorization" means a licence issued by a competent authority authorizing the importation of a specified quantity of a dangerous drug and containing full particulars of the drug, together with the name and address of the person authorized to import the drug and the name and address of the person from whom the drug is to be obtained and specifying the time within which the importation must be effected;

"import certificate" means a certificate substantially in the Form A set out in the Schedule hereto issued by a competent authority in a country into which it is intended to import dangerous drugs;

"Indian hemp" means either of the plants *Cannabis sativa* or *Cannabis indica* or any portion thereof;

"in transit" means taken or sent from any country and brought into the Colony (whether or not landed or transhipped in the Colony) for the sole purpose of being carried to another country, either by the same or another conveyance;

"medicinal opium" means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British pharmacopœia, whether in powder form or granulated or otherwise, or mixed with neutral materials;

"morphine" means the principal alkaloid of opium having the formula $C_{17}H_{19}O_3N$;

"prepared opium" means the product of raw opium obtained by a series of special operations, especially by dissolving, boiling, roasting and fermentation designed to transform it into an extract suitable for consumption, and includes dross and all other residues remaining after opium has been smoked;

"raw opium" means the spontaneously coagulated juice obtained from the capsules of the *Papaver somniferum* which has been submitted only to the necessary manipulations for packing and transport, whatever its morphine content;

"Senior Medical Officer" means the officer for the time being holding the office of Senior Medical Officer;

"store" means a place appointed by the Resident Commissioner for the storage of any drug to which this Ordinance applies on its arrival in the Colony.

3. No person shall import, export, tranship or divert dangerous drugs except through ports approved by the Resident Commissioner.

Dangerous drugs to be dealt with through approved ports.

PART I.

RAW OPIUM, INDIAN HEMP AND COCA LEAF.

4.—(1) The provisions of this part of this Ordinance shall apply to raw opium, coca leaf and Indian hemp and resins obtained from Indian hemp and preparations of which such resins form the base.

Application of Part I

(2) No person shall import or export any of the substances to which this part of this Ordinance applies.

Import and export of certain substances prohibited.

5. No person shall import or export any seed of the opium poppy or any seed of Indian hemp or any seed of the coca leaf or any portion of the aforesaid plants.

Import and export of certain seeds prohibited.

6. If any substance to which this part of this Ordinance applies is unlawfully imported or exported, the same shall be seized and forfeited, and shall be disposed of in any way the Collector of Customs may direct, without any further proceedings.

Forfeiture of articles.

7. No person shall cultivate in the Colony the opium poppy or Indian hemp or coca leaf plant.

Cultivation of certain plants prohibited.

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Offences.

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 selling, or who shall have given or sold, to any person any substance to which this part of this Ordinance applies;

shall be guilty of an offence against this Ordinance.

Power of entry and power of arrest of police.

9.—(1) Any member of the constabulary may, upon a warrant, enter any place in which there is a reasonable ground for suspicion that raw opium, Indian hemp or coca leaf is kept or may be found so as to constitute an offence against this Ordinance and may seize any raw opium, Indian hemp or coca leaf found there, together with baskets, jars or packages holding the same, and apprehend and detain any person suspected of owning the same.

(2) Any member of the constabulary may without warrant apprehend and detain any person carrying or conveying any raw opium, Indian hemp or coca leaf.

(3) Any person apprehended under the provisions of the foregoing subsections shall be taken as soon as may be possible before the court to be dealt with according to law.

Seizure and destruction of certain plants.

10. All opium poppy, Indian hemp or coca leaf found upon any plantation, whether growing or not, may be seized and destroyed by the owner or manager or any person duly authorized by either of them.

PART II.

PREPARED OPIUM.

Importation or exportation of prepared opium prohibited.

11. No person shall import or export any prepared opium, or any pipes or other utensils for use in connexion with the smoking of opium, or any utensil for use in connexion with the preparation of opium for consumption.

Manufacturing, selling or using prepared opium.

12.—(1) If any person—

- (a) manufactures, sells or otherwise deals in 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 the sale 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 for use in connexion with the smoking of opium, or any utensil used in connexion 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 against this Ordinance.

(2) If any prepared opium, or any article used in the preparation of or used in connexion with the smoking of prepared opium, is imported or exported or found in the Colony, the same shall be seized and forfeited and shall be disposed of in such manner as the Collector of Customs may direct, without further proceedings.

PART III.

MEDICINAL OPIUM, MORPHINE, COCAINE AND CERTAIN OTHER DRUGS.

Application.

13.—(1) The provisions of this part of this Ordinance shall apply to the following substances:—

- (a) medicinal opium;
- (b) any extract or tincture of Indian hemp;

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- (c) morphine and its salts and diacetylmorphine (commonly known as diamorphine or heroin) and the other esters of morphine and their respective salts;
- (d) cocaine (including synthetic cocaine) and ecgonine and their respective salts and the esters of ecgonine and their respective salts;
- (e) any dilution or solution of morphine or cocaine or their salts in an inert substance, whether liquid or solid, containing any proportion of morphine or cocaine, and any preparation, admixture, extract or other substance (not being such a dilution or solution as aforesaid) containing not less than one-fifth per centum of morphine or one-tenth per centum of cocaine or of ecgonine;
- (f) any preparation, admixture, extract or other substance containing any proportion of diacetylmorphine;
- (g) dihydrohydroxycodeinone, dihydrocodeinone, dihydromorphinone, acetyldihydrocodeinone, dihydromorphine, their esters and the salts of any of these substances and of their esters, morphine-N-oxide (commonly known as genomorphine), the morphine-N-oxide derivatives and any other pentavalent nitrogen morphine derivatives;
- (h) thebaine and its salts and (with the exception of methylmorphine, commonly known as codeine, and ethylmorphine, commonly known as dionin, and their respective salts) benzylmorphine and other ethers of morphine and pethidine and its salts (Demerol) and their respective salts;
- (i) any preparation, admixture, extract or other substance containing any preparation of any of the substances mentioned in paragraph (g) or in paragraph (h) of this subsection.

For the purpose of the foregoing provision—

- (i) the expression "ecgonine" means lævo-ecgonine and includes any derivatives of ecgonine from which it may be recovered industrially; and the percentage in the case of morphine shall be calculated as in respect of anhydrous morphine;
- (ii) percentages in the case of liquid preparations shall be calculated on the basis that a preparation containing one per cent. of any substance means a preparation in which one gramme of the substance, if a solid, or one millilitre of the substance, if a liquid, is contained in every one hundred millilitres of the preparation, and so in proportion for any greater or less percentage.

(2) The High Commissioner may by proclamation apply this part of this Ordinance to any new derivatives of morphine or cocaine, or of any salts of morphine or cocaine, or any alkaloid of opium, or any other drug of whatever kind, which is, or is likely to be, or which is capable of being, changed into any drug which is, or is likely to be, productive, if improperly used, of ill effects substantially of the same character or nature as, or analogous to, those produced by morphine or cocaine.

(3) If the High Commissioner thinks fit by Order to declare that a finding with respect to any preparation containing any of the drugs to which this part of the Ordinance applies has, in pursuance of Article 8 of the Geneva Convention No. 1, been communicated by the Council of the League of Nations or its successor to the parties to the said Convention, the provisions of this part of this Ordinance shall, as from such date as may be specified in the Order, cease to apply to the preparation specified therein.

14. No person shall import or export any substance to which this part of this Ordinance applies except in accordance with sections twenty-two to thirty of this Ordinance.

Importation
or exportation
of certain
substances
prohibited.

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Rules.

15.—(1) For the purpose of preventing the improper use of the dangerous drugs to which this part of this Ordinance applies, the High Commissioner may make rules not inconsistent with the provisions of this Ordinance for controlling the manufacture, sale, possession, distribution and custody of any or all the dangerous drugs to which this part relates; and in particular, but without prejudice to the generality of the foregoing power, for—

- (a) prohibiting the manufacture of any dangerous drugs to which this part of this Ordinance applies, except on premises licensed for the purpose and subject to any conditions specified in the licence;
- (b) prohibiting the manufacture, sale or distribution of any such dangerous drugs, except by persons licensed or otherwise authorized under the rules and subject to any conditions specified in the licence or authority;
- (c) regulating the issue by medical practitioners of prescriptions containing any such dangerous drug and the dispensing of any such prescription;
- (d) requiring persons engaged in the manufacture, sale or distribution of any such dangerous drug to keep such books and to furnish such information, either in writing or otherwise, as may be prescribed; and
- (e) requiring persons engaged in the manufacture, sale or distribution of any such dangerous drug to furnish such estimates of amounts of any such dangerous drug as are likely to be required annually.

(2) The rules under this section shall provide for authorizing any person lawfully carrying on the business of a pharmaceutical chemist or chemist and druggist in accordance with the Pharmacy and Poisons Ordinance, 1948.

- (a) to manufacture at his shop in the ordinary course of his retail business, any preparation, admixture or extract of any dangerous drug to which this part of this Ordinance applies; and
- (b) to carry on at his shop the business of retailing, dispensing or compounding any such dangerous drug;

subject to the power of the Resident Commissioner to withdraw the authorization in the case of any person convicted of an offence against this Ordinance.

(3) Nothing in any rules made under this section shall be taken to authorize the sale or the keeping of an open shop for the retailing, dispensing or compounding of poisons by any person who is not qualified in that behalf under, or otherwise than in accordance with, the provisions of the Pharmacy and Poisons Ordinance, 1948; or to be in derogation of the provisions of the said Ordinance for prohibiting, restricting or regulating the sale of poisons.

Certain drugs
to be depos-
ited in store

16. (1) All dangerous drugs to which this part of this Ordinance applies imported into the Colony shall be deposited at the cost, risk and peril of the persons importing the same, in such store as shall be appointed by the Resident Commissioner for that purpose.

(2) Any person in possession of any dangerous drug to which this part of this Ordinance applies, shall keep a stock book in such form as shall be prescribed by rule.

Drugs may be
withdrawn on
authority
of Senior
Medical
Officer.

17. No dangerous drug to which this part of this Ordinance applies shall be delivered or withdrawn from the appointed store except on the written authority of the Senior Medical Officer or an officer authorized by him as hereinafter provided.

Senior Medical
Officer may
delegate
authority.

18. The Senior Medical Officer may authorize in writing an officer in his department to sign the authority required by this Ordinance for the withdrawal from the store of the dangerous drugs to which this part of this Ordinance applies.

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19. No officer shall authorize the withdrawal of any dangerous drug to which this part of this Ordinance applies from the store, except to a registered medical practitioner, licensed pharmacist, registered dentist, qualified veterinary surgeon, or to a hospital attendant approved by the Senior Medical Officer, at a plantation hospital, or to a person approved by the Senior Medical Officer engaged in medical work under the control of a recognized Mission.

Withdrawals.

20. When any dangerous drug to which this part of this Ordinance applies is found in the possession of any person or kept in any place other than the appointed store, such person or the occupier of such place, unless he can prove that such drug was obtained under the authority of this Ordinance, or in accordance with the prescription of a registered medical practitioner, or from a person having authority to sell it, or was deposited there without his knowledge or consent; and also the owner of, or any person guilty of keeping, the said dangerous drug, shall be guilty of an offence against this Ordinance.

Drugs not to be kept in a place other than the store without authority.

21.—(1) No person shall trade in, or manufacture for the purpose of trade, any products obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not being a product which was, on the thirteenth day of July one thousand nine hundred and thirty-one, being used for medical or scientific purposes.

Prohibition of trade in new drugs.

Provided that if the High Commissioner is at any time satisfied as respects any such product that it is of medical or scientific value, he may by proclamation direct that this subsection shall cease to apply to that product.

(2) If it is made to appear to the High Commissioner that a decision with respect to any such product as is mentioned in subsection (1) of this section has, in pursuance of Article 11 of The Geneva Convention No. 2 been communicated by the Secretary-General of the League of Nations or by the officer corresponding to him in the United Nations Organisation to the parties to the said Convention, the High Commissioner by proclamation may, as the case requires, either declare that the provisions of this part of this Ordinance shall apply to that product in the same manner as they apply to the drugs mentioned in subsection (1) of section thirteen of this Ordinance, or apply the said part to that product, with such modifications as may be specified in the proclamation.

(3) The High Commissioner may by proclamation apply this part of this Ordinance, with such modifications as may be specified in the proclamation, to any of the following drugs, that is to say, methylmorphine (commonly known as codeine) and ethylmorphine (commonly known as dionin) and their respective salts.

22. Upon the production of an import certificate duly signed by the competent authority in any country, it shall be lawful for the Senior Medical Officer to issue an export authorization, in the Form B set out in the Schedule hereto, in respect of any dangerous drugs to which this part of this Ordinance applies referred to in the import certificate, to any person who is named as the exporter in such certificate, and is, under the provisions of this Ordinance, otherwise lawfully entitled to export such drugs from the Colony. The export authorization shall be prepared in triplicate and two copies shall be issued to the exporter, who shall send one copy with the drug to which it refers, when such drug is exported. The Senior Medical Officer shall send the third copy direct to the appropriate authority of the country of ultimate destination. Where the intended exportation is to a country which is not a party to the Convention, it shall not be necessary to produce an import certificate as aforesaid. In all cases it shall be in the absolute discretion of the Senior Medical Officer to issue or refuse an export authorization, as he may deem fit.

Export of dangerous drugs.

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Export without authorization prohibited. 23. No dangerous drug to which this part of this Ordinance applies shall be exported from the Colony unless the exporter is in possession of a valid and subsisting export authorization relating to such drug granted under this Ordinance.

Export authorization to be produced. 24. At the time of exportation of any dangerous drug, the exporter shall produce to the Collector of Customs, the dangerous drug, the export authorization relating thereto, and such other evidence as the Collector of Customs may require to satisfy him that the dangerous drug is being lawfully exported to the place and person named in the authorization which refers to it.

Export to be in accordance with Ordinance. 25. No person shall export, cause to be exported, or take any steps preparatory to exporting, any dangerous drug from the Colony except in accordance with and in pursuance of the provisions of this Ordinance.

Importation of dangerous drugs. 26.—(1) An import authorization, in the Form C set out in the Schedule hereto, permitting the importation into the Colony of any dangerous drug specified therein, may be granted by the Senior Medical Officer, subject to such conditions as he shall deem fit, to any person who may lawfully import such drug.

(2) When an import authorization is issued in pursuance of subsection (1) of this section, the Senior Medical Officer shall also issue in relation to the dangerous drug intended to be imported, an import certificate as set out in Form A in the Schedule hereto, which shall be forwarded by the intending importer to the person from whom the drug is to be obtained. When an importer to whom an import authorization is issued under this section, intends to import the drug or drugs to which such authorization related in more than one consignment, a separate import certificate shall be issued to him in respect of each such consignment.

Permission to withdraw drugs from store. 27. Upon the arrival of any dangerous drugs in the Colony, the person to whom such drugs are sent shall apply in writing to the Senior Medical Officer for permission to withdraw such drugs from the appointed store. Such application shall state the manner in which the drugs were imported, the number and date of import authorization and the quantity of such drugs. The Senior Medical Officer, or the officer authorized by him under section eighteen of this Ordinance if satisfied that the said drugs agree in all particulars with the drugs specified in the import authorization, may grant permission, in the Form F in the Schedule hereto, for the removal of the said drugs from the store.

Importation without authorization prohibited. 28. No dangerous drug shall be imported into the Colony unless the person to whom the drug is consigned is in the possession of a valid and subsisting import authorization granted in pursuance of this Ordinance.

Export authorization or diversion certificate to accompany drug. 29. Every dangerous drug imported into the Colony from a country which is a party to the Convention, shall be accompanied by a valid and subsisting export authorization or diversion certificate.

Importation to be in accordance with Ordinance. 30. No person shall import, cause to be imported, or take any steps preparatory to importing, any dangerous drug to which this part of this Ordinance applies into the Colony except in accordance with the provisions of this Ordinance.

PART IV.

DANGEROUS DRUGS IN TRANSIT AND DIVERSION OF DANGEROUS DRUGS.

Dangerous drugs in transit. 31.—(1) No person shall bring any dangerous drug to the Colony in transit unless—

(a) the drug is in course of transit from a country from which it may lawfully be exported to another country into which such drug may lawfully be imported; and

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(b) except where the drug comes from a country not a party to the Convention, it is accompanied by a valid and subsisting export authorization or diversion certificate, as the case may be.

(2) When any dangerous drug in transit is accompanied by an export authorization or diversion certificate and the Collector of Customs has reasonable grounds for believing that such authorization or certificate is false, or that it has been obtained by fraud or wilful misrepresentation of a material particular, the Collector of Customs may seize and detain the drug to which such authorization or certificate relates. Upon being satisfied that such authorization or certificate is valid or has not been obtained by fraud or misrepresentation as aforesaid, the Collector of Customs shall release the drug.

(3) When a dangerous drug in course of transit is not accompanied by an export authorization or diversion certificate by reason of the fact that the drug comes from a country not a party to the Convention, and the Collector of Customs has reasonable grounds for believing it is being conveyed in an unlawful manner, or for an unlawful purpose, or is in course of transit for the purpose of being imported into another country in contravention of the laws of that country, the Collector of Customs may seize and detain the drug.

(4) When a dangerous drug in course of transit is landed or transhipped in the Colony, it shall remain under the control of the Senior Medical Officer and shall be moved only under and in accordance with a removal licence granted in pursuance of section thirty-two hereof.

(5) Nothing in this section contained shall be deemed to apply to any dangerous drug in transit by post or in transit by air, if the aircraft passes over the Colony without landing; or to such quantities of dangerous drugs as may *bona fide* reasonably form part of the medical stores of any ship or aircraft.

32.—(1) No person shall—

(a) remove any dangerous drug from any conveyance in which it is brought into the Colony in transit; or

(b) in any way move any such drug in the Colony at any time after removal from such conveyance;

except under and in accordance with a licence (in the Form D set out in the Schedule hereto and in this Ordinance referred to as a "removal licence") issued by the Senior Medical Officer. In all cases it shall be in the absolute discretion of the Senior Medical Officer to issue or refuse a removal licence as he shall deem fit.

Removal
licences.

(2) No removal licence for the transfer of any such drug to any conveyance for removal out of the Colony shall be issued unless and until a valid and subsisting export authorization or diversion certificate relating to it is produced to the Senior Medical Officer; save that when the drug has come from a country not a party to the Convention, this subsection shall not apply.

(3) The provisions of this section shall not apply to dangerous drugs in transit by post.

33. No person shall cause any dangerous drug in transit to be subjected to any process which would alter its nature, or wilfully open or break any package containing any dangerous drug in transit, except upon the instructions of the Senior Medical Officer, and in such a manner as he may direct.

Dangerous
drugs not to
be tampered
with.

34.—(1) No person shall, except under the authority of a diversion certificate in the Form E in the Schedule hereto, cause or procure any dangerous drug brought into the Colony in transit to be diverted to any destination other than that to which it was originally

Diversion of
dangerous
drugs.

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consigned. In the case of any dangerous drug in transit accompanied by an export authorization or a diversion certificate issued by a competent authority of some other country, the country stated in such export authorization or diversion certificate, as the case may be, to be the country of destination, shall be deemed to be the country to which the drug was originally consigned.

(2) The Senior Medical Officer may, in his absolute discretion, issue a diversion certificate in respect of any dangerous drug in transit, on the production to him of a valid and subsisting import certificate issued by a competent authority in the country to which it is intended to divert the drugs; or, if that country is not a party to the Convention, on such evidence as may satisfy him that the drug is to be sent in a lawful manner and for a proper purpose.

(3) A diversion certificate shall be issued in duplicate and one copy thereof shall accompany the drug when it is exported from the Colony, and another copy shall be despatched by the Senior Medical Officer to the proper authority in the country to which the dangerous drug has been diverted.

(4) Upon the issue of a diversion certificate, the export authorization or diversion certificate (if any) accompanying the drug on its arrival in the Colony shall be detained by the Senior Medical Officer and returned to the authority issuing such authorization or diversion certificate, together with a notification of the name of the country to which such drug has been diverted.

PART V.

LEGAL PROCEEDINGS, PENALTIES AND GENERAL.

Application of
Gilbert and
Ellice
(Customs)
Regulation
1912.
K.R. 2
of 1912.

35.—(1) Articles the importation of which is prohibited by this Ordinance and, to the extent to which their importation is prohibited, articles the importation of which is restricted by this Ordinance, shall be deemed to be goods the importation of which is prohibited under the Gilbert and Ellice (Customs) Regulation 1912; and, subject to the provisions of this Ordinance, the said Regulation and any Regulation or Ordinance amending the same shall apply to such articles.

(2) If any goods the exportation of which is prohibited or restricted by this Ordinance are exported from the Colony in contravention thereof, or brought to a wharf or other place to be shipped in any conveyance, the exporter or his agent shall be liable for each offence, to forfeit either treble the value of the goods or one hundred pounds, at the option of the Collector of Customs.

Search
warrant.

36.—(1) A Deputy Commissioner, if satisfied by information on oath that any drug or other substance to which this Ordinance applies is being unlawfully kept, landed, conveyed or sold in contravention of this Ordinance, in any place, whether a building or not, or in any ship not having the status of a ship of war, or in any vehicle, may grant a warrant to enter at any time, and if needs be by force, on Sundays as well as any other days, the place, ship or vehicle named in such warrant, and every part thereof to examine and to search for any such drug or other article unlawfully kept therein, and to demand from the owner or occupier thereof the production of the authority for being in possession of the same.

Seizure of
drugs.

(2) When the officer or other person executing such warrant has reasonable cause to believe that any drug or other article to which this part of this Ordinance applies, found by him in any place, ship or vehicle, is being kept, conveyed, landed or sold in contravention of this Ordinance, he may seize and detain the same until the Court has decided whether the same is liable to be forfeited or not.

Procedure.

(3) Proceedings in the Court shall be commenced as soon as possible after the seizure.

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37. Any person acting under the aforementioned warrant shall not be liable to any suit for seizing or detaining any drug or other article to which this Ordinance applies. Exemption from liability.

38.—(1) Any Government Medical Officer, Officer of Customs or Officer of the Constabulary, or other person authorized in that behalf by any general or special order of the Resident Commissioner, shall, for the purposes of this Ordinance, have power to enter the premises of any person carrying on the business of a producer, manufacturer, seller or distributor of any drug to which this Ordinance applies, and to demand the production of, and to inspect, any books or documents relating to dealings in any such drugs, and to inspect any stocks of any such drugs. Powers of inspection and search.

(2) If a Deputy Commissioner is satisfied by information on oath that there is a reasonable ground for suspecting that any drugs to which this Ordinance applies are, in contravention of the provisions of this Ordinance or any rules made thereunder, in the possession of or under the control of any person in any premises, or that any document relating to, or connected with, any transaction or dealing which was, or any intended transaction or dealing which would, if carried out, be, an offence against this Ordinance, or, in the case of a transaction or dealing carried out or intended to be carried out in any place outside the Colony, an offence against the provisions of any corresponding law in force in that place, is in the possession of, or under the control of, any person in any premises, he may grant a search warrant, authorizing any member of the constabulary named in the warrant to enter, if need be by force, the premises named in the warrant, and to search the premises and any person found therein, and if there be reasonable ground for suspecting that an offence has been committed against this Ordinance in relation to any such drugs which may be found in the premises or in the possession of any such persons, or that any document which may be so found is such a document as aforesaid, to seize and detain those substances and that document (as the case may be).

(3) If any person wilfully delays or obstructs any person in the exercise of his powers under this section, or fails to produce, or conceals, or attempts to conceal, any such books, drugs, stocks or documents as aforesaid, he shall be guilty of an offence against this Ordinance.

(4) Where any search is made upon a female it shall be conducted by a female.

39.—(1) Any person who—

- (a) acts in contravention of or fails to comply with any rule made under this Ordinance; or
- (b) acts in contravention of or fails to comply with the conditions of any licence issued or any authority granted under or in pursuance of this Ordinance;
- (c) for the purpose of obtaining for himself or for any other person, the issue, grant or renewal of any such licence or authority as aforesaid, makes any declaration or statement which is false in any particular, or knowingly utters, produces or makes use of, any such statement or declaration or any document confirming the same; or
- (d) in the Colony aids, abets, counsels or procures the commission in any place outside the Colony of any offence punishable under the provisions of any corresponding law in force in that place, or does any act preparatory to or in furtherance of, any act which, if committed in the Colony would constitute an offence against this Ordinance;

shall be guilty of an offence against this Ordinance.

Offences and penalties.

Dangerous Drugs Ordinance—6 of 1948.

(2) Every person guilty of an offence against this Ordinance shall, in respect of each offence for which no penalty is otherwise prescribed, be liable—

- (a) on conviction by the Court sitting with assessors, to a fine not exceeding one thousand pounds, or to penal servitude for a term not exceeding ten years, or to both such fine and penal servitude; or
- (b) on summary conviction, to a fine not exceeding two hundred and fifty pounds, or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment;

and shall in every case, on conviction for the offence, forfeit to His Majesty all articles in respect of which the offence was committed: and the Court before which the offender was convicted may order the forfeited article to be destroyed or otherwise disposed of, as the Court deems fit.

(3) No person shall be proceeded against under paragraph (a) of subsection (2) of this section unless the proceedings are instituted by, or with the consent of, the Resident Commissioner: and no person, on conviction for any offence of contravening or failing to comply with any rules made under this Ordinance, relating to the keeping of books, or the issuing or dispensing of prescriptions containing drugs to which this Ordinance applies, shall be sentenced to imprisonment without the option of a fine, or to pay a fine exceeding fifty pounds, if the Court dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to, or committed in the course of, or in connexion with, the commission of, or intended commission of, any other offence against this Ordinance.

(4) If any person attempts to commit an offence against this Ordinance, or solicits or incites another person to commit such an offence, he shall, without prejudice to any other liability, be liable to the same punishment and forfeiture as if he had committed an offence against this Ordinance.

(5) When a person convicted of an offence against this Ordinance is a company, the chairman and every director and every officer concerned in the management of the company shall be guilty of the like offence, unless he proves that the act constituting the offence took place without his knowledge or consent.

(6) Notwithstanding any enactment prescribing the time within which such proceedings may be brought, any such proceedings for an offence against this Ordinance may be brought either within the time so specified or three months from the date on which evidence sufficient in the opinion of the Resident Commissioner to justify a prosecution for the offence, comes to his knowledge, whichever is the longer; and for the purposes of this subsection, a certificate purporting to be signed by the Resident Commissioner as to that date on which such evidence as aforesaid comes to his knowledge, shall be conclusive evidence thereof. This provision of this subsection shall apply to proceedings for attempting or soliciting or inciting another person to commit such an offence, as they apply to proceedings for such an offence.

Power of
arrest.

40. Any Officer of Customs or member of the Constabulary may arrest without warrant any person who has committed, or attempted to commit, or is reasonably suspected by an Officer of the Customs or member of the Constabulary of having committed or attempted to commit, an offence against this Ordinance, if he has reasonable ground for believing that that person will abscond unless arrested, or if the name and address of that person are unknown to him and cannot be ascertained by him.

Dangerous Drugs Ordinance—8 of 1948.

41. The Court before which any person is convicted for any offence against this Ordinance may direct a portion of the fine actually paid in to Court, and not exceeding one-half, to be paid to an informer. Reward to informer.

42. In any proceedings under this Ordinance the production of a certificate purporting to be signed by a Government chemist shall be prima facie evidence of the facts therein stated. Certificate as evidence.

43. All proclamations, orders, or rules relating to the drugs to which this Ordinance applies made under the Drugs and Poisons Ordinance 1927 and in force at the commencement of this Ordinance shall, so far as they are consistent with this Ordinance, remain in full force until repealed or revoked by proclamation, order or rule made under this Ordinance. Savings. No. 8 of 1927.

44. The Drugs and Poisons Ordinance, 1927 and the Drugs and Poisons (Amendment) Ordinance 1931, are hereby repealed. Repeal. No. 8 of 1927. No. 3 of 1931.

(F. 52/14/12.)

THE SCHEDULES.

GILBERT AND ELLICE ISLANDS COLONY

FORM A.—(Section 2.)

Import Certificate issued by the Government of the Gilbert and Ellice Islands Colony. Serial No.
File No.

**INTERNATIONAL OPIUM CONVENTION.
CERTIFICATE OF OFFICIAL APPROVAL TO IMPORT.**

I, being the person charged with the administration of the law relating to Dangerous Drugs to which the International Opium Conventions apply, hereby certify that I have approved the importation by *[here insert name, address and business of importer]* of *[here insert exact description and amount of drug to be imported]* from *[here insert name and address of firm in exporting country from which drugs are to be obtained]* subject to the conditions, that:

- (1) the consignment shall be imported before the; and
(2) the consignment shall be imported by
and that I am satisfied that the consignment proposed to be imported is required—
(1) for legitimate purposes;
(2) solely for medicinal or scientific purposes.

Date

*Signature and Stamp of
Issuing Authority.*

This document is solely for production to the Government of the country from which the drug is proposed to be exported.

Dangerous Drugs Ordinance—8 of 1948.

FORM B.—(Section 22.)

Serial No.

File No.

Applicant's reference No.

GILBERT AND ELLICE ISLANDS COLONY.

DANGEROUS DRUGS ORDINANCE, 1948.

EXPORT AUTHORIZATION.

In pursuance of the Dangerous Drugs Ordinance 1948, the Senior Medical Officer hereby authorizes..... hereinafter called "the exporter" to export from—

(1) the port of..... by s.s. ;
(2) the Colony by parcel post in parcels from the General Post Office in..... ;
to..... in virtue of Import Certificate No..... dated..... issued by..... the following drugs, namely:—

This authorization is issued subject to the following conditions:—

1. This authorization is not a licence to obtain or be in possession of the drugs named herein.

2. This authorization is available only for drugs of the exact quantity, kind and form specified above.

3. This authorization does not relieve the exporter from compliance with any Customs Regulations in force for the time being, relating to the exportation of goods from the Colony, nor from any provision of the Postal Regulations, or of any Post Office Rules, for the time being in force, nor from any rules or regulations, respecting the transmission of articles by post, which may for the time being be in force within the Colony or elsewhere.

4. If the drugs are authorized to be exported by ship, the duplicate copy which is attached, shall accompany the consignment to the place of destination, and for this purpose the exporter shall cause it to be delivered to the Master of the vessel by which the consignment is despatched. (*see footnote 3*).

5. If the drugs are authorized to be despatched by post, the attached duplicate copy shall be placed inside the outer wrapper of the parcel containing the drugs. If the drugs are contained in more than one parcel, the duplicate copy shall be placed inside the outer wrapper of one of them, the parcels shall be consecutively numbered on the outer wrapper, and on each parcel shall be legibly stated the number of the parcel in which the duplicate copy is to be found (*see footnote 2*).

6. The exporter, if so required by the Collector of Customs, shall produce to him within such time as he may allow, proof to his satisfaction that the said drugs were duly delivered at the destination named in the authorization; and in the event of non-compliance with this condition, the authorization shall be deemed void and of no effect.

7. The exporter shall furnish to the Senior Medical Officer returns of the goods exported by him in pursuance of this authorization, as may from time to time be required.

8. The authorization is valid only for the exporter named above and may be revoked at any time by the Senior Medical Officer. It shall be produced for inspection when required by any authorized person.

9. This authorization, unless sooner revoked, shall continue in force for three calendar months from the date thereof. It must be produced at the time of export to an officer of—

- (1) the Customs Department; or
(2) the Post Office;

who will retain it; if not used it shall be surrendered to the Senior Medical Officer within seven days of the date of expiry.

Signature and stamp.....

Date.....

Title.....

NOTE.—(1) If any alteration is desired in this authorization it must be returned with a request for amendment and a statement of the reasons therefor. No unauthorized alteration is permissible.

(2) In the case of a drug to be exported by post, failure to comply with this condition may lead to delay or confiscation of the parcels in the country of destination.

(3) In the case of drugs exported by ship, this document is required in pursuance of the International Opium Convention of 1925, Article 25, to be presented to the competent authority of the country through which the consignment passes whether it is transhipped or not. Failure to comply with this condition may lead to delay or confiscation of the consignment.

Dangerous Drugs Ordinance—6 of 1948.

FORM C. (Section 26.)

Authorization No.

File No.

GILBERT AND ELLICE ISLANDS COLONY.

DANGEROUS DRUGS ORDINANCE, 1948.

IMPORT AUTHORIZATION.

In pursuance of the Dangerous Drugs Ordinance, 1948 (hereinafter called "the Ordinance") the Senior Medical Officer hereby authorizes (hereinafter called the "Importer") to import the drugs referred to in the Schedule hereto from

This authorization is issued subject to the following conditions:

1. The drugs shall be imported before
2. This authorization is not a licence to be in possession of or to supply the drug imported.
3. This authorization is valid only for the importer and may be revoked at any time by the Senior Medical Officer to whom it shall in that event be immediately surrendered. It shall be produced for inspection when required by any duly authorized person.
4. This authorization does not relieve the importer from compliance with any Customs regulations in force for the time being relating to the importation of goods into or transhipment of goods in the Colony or any Post Office Rules for the time being in force in the Colony.
5. This authorization unless sooner revoked shall be produced to the Customs Officer at the time of importation and shall be surrendered to the Customs Officer at the time when the last consignment of drugs is imported.
6. If the importation of all the drugs specified in the Schedule is not effected before the date specified in condition No. 1 this authorization shall immediately after that date be surrendered to the Senior Medical Officer.
7. The copy of the export authorization, if any, which accompanies the drugs shall be forwarded to the Senior Medical Officer immediately the importation of the drugs has been effected.

Date *Senior Medical Officer.*

Schedule specifying the drugs and quantities thereof to be imported.

Name of drug.	Quantity.
1	
2	
3	
4	
5	
6	

This authorization is not to leave the possession of the importer until it is surrendered to the Senior Medical Officer or to the Customs officer who will complete the indorsement on the back and return the authorization to the Senior Medical Officer.

Indorsement by Customs Officer at the time of Importation.

Date.	Description of drugs imported.	No. and date of Export Authorization.	Quantity.	How imported.	Customs' entry or parcel No.	Signature, rank and station of Customs Officer.

This authorization, when all the drugs to which it refers have been imported, must be returned by the Customs Officer to the Senior Medical Officer.

Dangerous Drugs Ordinance—6 of 1948.

FORM D. (Section 32.)

GILBERT AND ELLICE ISLANDS COLONY.

DANGEROUS DRUGS ORDINANCE, 1948.

LICENCE FOR THE REMOVAL OF DANGEROUS DRUGS IN TRANSIT.

..... is hereby authorized to move the dangerous drugs described hereunder from to
Nature and quantity of dangerous drugs
Particulars of export authorization or diversion certificate (if any) relating thereto
Name of ship in which the drugs were brought into the Gilbert and Ellice Islands Colony
Number of packages
Date of arrival
Marks and numbers on packages

This licence is issued subject to the following conditions:—

1. This licence is valid only for the removal of the drugs specified above.
2. The removal of the drugs shall take place between a.m. 'p.m. a.m. 'p.m. on the, 19
3. If the removal of the drugs does not take place within the hours and on the day specified this licence must be returned to the Senior Medical Officer forthwith; and in any case shall be surrendered when the removal has taken place.
4. The drugs must not be removed unless an officer of the Customs Department is present.
5. This licence does not authorize the person named above to be in possession of the drugs, otherwise than for the purpose of removing them in accordance with this licence.
6. The packages containing the drugs are not to be opened or broken in the course of the removal.
7. This licence must be produced at any time when required by a duly authorized person.

Signed

Date

Title

FORM E.—(Section 34.)

GILBERT AND ELLICE ISLANDS COLONY.

INTERNATIONAL OPIUM CONVENTION.

DIVERSION CERTIFICATE.

I, being the person charged with the administration of the law relating to the dangerous drugs to which the International Opium Conventions apply hereby certify that I have authorized the diversion of the consignment of drugs of which particulars are given below, to the destination stated below.

Description and quantity of drugs
Name of vessel in which the consignment was brought to the Gilbert and Ellice Islands Colony
Name and address of exporter
Number and date of export authorization and authority by whom issued
Name and address of the original consignee named in the export authorization
Name and address of the consignee to whom the consignment is authorized to be diverted
Number and date of import certificate (and authority by whom issued) by virtue of which this diversion is authorized
Name of vessel on which the consignment is authorized to be carried from [Name of Port.]
Period within which the consignment is to be carried from the Gilbert and Ellice Islands Colony

This certificate is issued subject to the following conditions:—

1. The duplicate copy of this certificate must accompany the consignment to the place of destination and for this purpose must be delivered to the Master of the vessel by which the consignment is despatched.
2. This certificate does not relieve any person who is concerned with the carriage of the consignment of the drugs specified above from compliance with the Customs Regulations in force for the time being relating to the exportation of goods from the Colony.

Dangerous Drugs Ordinance—6 of 1948.

3. This certificate is valid only for the consignment and for the period specified above and may be revoked at any time.

4. If the consignment is not carried from the Colony within the period specified above this certificate must be surrendered to the Senior Medical Officer.

5. This certificate must be produced at any time when required by a duly authorized person.

Signed.....

Date.....

Title.....

NOTE.—(1) If any alteration is desired in this certificate it must be returned with a request for amendment. No unauthorized alteration is permissible.

(2) This document is required in pursuance to the International Opium Convention, 1925, Article 15, to be produced to the competent authorities of the country through which the dangerous drug passes, whether it is transhipped or not. Failure to comply with the conditions may lead to delay or confiscation of the consignment.

FORM F.—(Section 27.)

(In duplicate.)

No.....

GILBERT AND ELLICE ISLANDS COLONY.

DAINGEROUS DRUGS ORDINANCE, 1948.

To the Customs Officer in Charge,

Dangerous Drugs Store,.....

Permission is hereby granted.....[business].....
of.....to withdraw from the Dangerous Drugs store the under-
mentioned drugs:—

Import authorization { File No.....
Serial No.....
Date.....

How imported

Name of drug.	Quantity.
1	
2	
3	
4	
5	
6	

Date.....

.....
Senior Medical Officer.