

POLICE OFFENCES AMENDMENT (DRUGS) ACT.

Act No. 37, 1954.

Elizabeth II, No. 37, 1954. An Act to prohibit the manufacture, use, sale, distribution or possession of diamorphine (commonly known as heroin); for these and other purposes to amend the Police Offences (Amendment) Act, 1908, and certain other Acts; and for purposes connected therewith. [Assented to, 2nd December, 1954.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title and commencement. **1.** (1) This Act may be cited as the "Police Offences Amendment (Drugs) Act, 1954."

(2)

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette. No. 37, 1954.

2. The Police Offences (Amendment) Act, 1908, as amended by subsequent Acts, is amended— Amendment of Act No. 12, 1908.

(a) (i) by omitting from paragraph (a) of subsection two of section eighteen the words "ecgonine, and diamorphine (commonly known as heroin)" and by inserting in lieu thereof the words "and ecgonine"; Sec. 18. (Definitions and application of Part VI.)

(ii) by omitting from the same paragraph the words "cocaine, or diamorphine" and by inserting in lieu thereof the words "or cocaine";

(b) by inserting next after section 20B the following new Part:— New Part VI.A.

PART VI.A.

DIAMORPHINE (HEROIN) AND OTHER PROHIBITED DRUGS.

20c. (1) In this section "diamorphine" includes its salts and any preparation, admixture, extract or other substance containing any portion of diamorphine. Prohibition of manufacture, sale, use, etc., of heroin, etc.

(2) If any person—

(a) manufactures, prepares, sells, distributes, supplies, or otherwise deals in diamorphine;

(b) has in his possession any diamorphine; or

(c) uses diamorphine,

he shall be guilty of an offence against this Part of this Act.

Any diamorphine in the order or disposition of any person shall be deemed to be in his possession. (3)

No. 37, 1954.

(3) (a) The Governor may, by proclamation published in the Gazette, declare that this Part of this Act shall apply to any other substance of whatever kind in the same manner as it applies to diamorphine.

(b) The Governor may in like manner repeal, alter, or amend any proclamation issued in pursuance of paragraph (a) of this subsection.

(c) If any such substance is a drug or other preparation, admixture, extract or substance to which Part VI of this Act applies, the provisions of that Part shall not apply to such substance during the time any proclamation under paragraph (a) of this subsection, or any such proclamation as altered or amended under paragraph (b) of this subsection, is in force in respect of such substance.

(d) Any proclamation made under this subsection shall—

- (i) take effect from the date of publication, or from a later date specified in the proclamation; and
- (ii) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sittings days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such proclamation has been laid before such House disallowing any proclamation or part thereof, such proclamation or part shall thereupon cease to have effect.

(4)

(4) If a justice is satisfied by information on oath that there is reasonable ground for suspecting that any diamorphine is in the possession or under the control of any person in any premises such justice may grant a search warrant authorising any constable named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises named in the warrant, and to search the premises and any persons found therein. No. 37, 1954.

(5) If any person wilfully delays or obstructs any constable in the exercise of his powers under subsection four of this section he shall be guilty of an offence against this Part of this Act.

(6) The provisions of subsections one, four, five and seven of section 20B of this Act shall, mutatis mutandis, apply to and in respect of any person guilty of an offence against this Part of this Act.

(7) Any diamorphine in the possession or under the control of any person may be seized by any member of the police force and such diamorphine shall be forfeited to Her Majesty.

(c) by inserting in section one next after the matter relating to Part VI the following new matter:— Sec. 1.
(Consequential.)

PART VI A.—DIAMORPHINE (HEROIN) AND
OTHER PROHIBITED DRUGS.—s. 20C.
