

New Zealand.

O P I U M.

1908, No. 137.

AN ACT to consolidate certain Enactments of the General Assembly relating to the Importation and Use of Opium.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

Short Title.
Enactments
consolidated.

1. (1.) The Short Title of this Act is "The Opium Act, 1908."
(2.) This Act is a consolidation of the enactments mentioned in the Schedule hereto, and with respect to those enactments the following provisions shall apply :—

Savings.

- (a.) All permits, books, regulations, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.
- (b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

As to Opium for Smoking.

Importation for
smoking prohibited.
1901, No. 26, sec. 2
1902, No. 15, sec. 3

2. (1.) It is unlawful to import into New Zealand opium in any form suitable for smoking.

(2.) Every person who commits any breach of this section is liable for each offence to a fine not exceeding five hundred pounds, and in default of payment to imprisonment with hard labour for any period not exceeding twelve months.

3. (1.) It is unlawful to import into New Zealand opium in any form which, though not suitable for smoking, may yet be made suitable, unless the importer holds a permit so to do issued by the Minister of Customs. Permit.
1901, No. 26, sec.
- (2.) Every such permit shall be in such form and issued under such conditions as are prescribed by regulations under this Act.
- (3.) No such permit shall be issued to any person of the Chinese race.
- (4.) Every person who commits any breach of this section is liable for each offence to a fine not exceeding fifty pounds.
4. (1.) The person named in the permit shall from time to time enter, or cause to be entered, in a book kept for that purpose— Transactions under
permit to be
recorded.
Ibid, sec. 4
- (a.) The quantity and description of opium imported by him under the permit, together with the date of such importation, the country whence imported, and the name of the person by whom the same was shipped :
- (b.) Particulars stating how any such opium has been disposed of, whether by process of manufacture or by sale :
- (i.) If by process of manufacture, the entry shall state the amount and description of opium so disposed of, and the nature of the article in the manufacture of which it was used, together with the date of such disposition :
- (ii.) If by sale, the entry shall state the amount and description of opium sold, together with the date of the sale, and the name and address of the purchaser, and every such entry shall be verified by the signature of the purchaser.
- (2.) Every person who purchases opium from the holder of a permit shall from time to time enter or cause to be entered in a book kept for that purpose the like entries and particulars relating to the opium purchased and the disposal thereof as are prescribed by this section in the case of the holder of the permit relating to the opium imported and the disposal thereof. Retailers of opium
to keep book.
1906, No. 3, sec. 2
- (3.) Every person who commits any breach of this section is liable for each offence to a fine not exceeding ten pounds. Penalty.
1901, No. 26, sec. 5
5. (1.) Any opium or preparation of opium imported or purchased in breach of the foregoing provisions of this Act shall be forfeited and dealt with in the manner provided by "The Customs Law Act, 1908," in the case of goods prohibited to be imported. Forfeiture of opium
illegally imported
or purchased.
1902, No. 15, sec. 2
1906, No. 3, sec. 2 (2)
- (2.) Every person in whose possession any such opium or preparation of opium is found is liable to a fine not exceeding fifty pounds. Penalty.
6. (1.) It is unlawful to manufacture opium within New Zealand in any form suitable for smoking. Manufacture of
opium for smoking
prohibited.
1901, No. 26, sec. 6
- (2.) Every person who commits any breach of this section is liable for each offence to a fine not exceeding one hundred pounds.
7. (1.) It is unlawful to smoke opium, or to permit or abet the smoking of opium. Smoking opium
illegal.
Ibid, sec. 7
- (2.) Every person who commits any breach of this section is liable for each offence to a fine not exceeding ten pounds. Penalty.
Ibid, sec. 9

Power of entry.
1901, No. 26, sec. 8

(3.) If any constable has reasonable cause to suspect that the smoking of opium is going on or is permitted or abetted in any house or premises, he may, under a search-warrant issued by a Justice, enter and search such house or premises, and seize and carry away any opium and appliances for the smoking of opium found therein :

Provided that a search-warrant shall not be required in the case of an entry on premises occupied by Chinese.

1902, No. 15, sec. 4

(4.) All opium and appliances seized under this section shall, on conviction for any offence under subsection two hereof of the person in whose possession the same were found, be forfeited.

Customs law
applied.
1901, No. 26, sec. 10
Regulations.
Ibid, sec. 11

8. "The Customs Law Act, 1908," is hereby incorporated with this Act.

9. The Governor may from time to time make such regulations for carrying the foregoing provisions of this Act into effect as he thinks fit.

As to Opium generally.

Importation of
opium.
1882, No. 55, sec. 6

10. (1.) Without in any way limiting the foregoing provisions of this Act, it is hereby enacted that it is unlawful to import into New Zealand opium in any form except—

(a.) In ships of at least forty tons register ; and

(b.) In whole and complete packages, each containing not less than forty-five pounds net weight, and not containing any other goods ; and

(c.) Into such ports as are approved by the Governor for the importation and warehousing of opium.

(2.) Opium imported in breach of this section shall be forfeited and dealt with in the manner provided by "The Customs Law Act, 1908," in the case of goods prohibited to be imported.

SCHEDULE.

ENACTMENTS CONSOLIDATED.

1882, No. 55.—"The Customs Laws Consolidation Act, 1882" : Section 66, so far as applicable.

1901, No. 26.—"The Opium Prohibition Act, 1901."

1902, No. 15.—"The Opium Prohibition Act Amendment Act, 1902."

1906, No. 3.—"The Opium Prohibition Act Amendment Act, 1906."