



Tonga

**ILLICIT DRUGS CONTROL  
(AMENDMENT) ACT 2012**

**Act No. 18 of 2012**





# ILLICIT DRUGS CONTROL (AMENDMENT) ACT 2012

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# ILLICIT DRUGS CONTROL (AMENDMENT) ACT 2012

Act No. 18 of 2012

## AN ACT TO AMEND THE ILLICIT DRUGS CONTROL ACT TO PROVIDE FOR DIFFERENT CLASSES OF DRUGS

I assent,  
TUPOU VI,  
21<sup>st</sup> November 2012.

**BE IT ENACTED** by the King and Legislative Assembly of Tonga in the Legislature of the Kingdom as follows:

### 1 Short Title

This Act may be cited as the Illicit Drugs Control (Amendment) Act 2012.

### 2 Section 2 amended

Section 2 of the Illicit Drugs Control Act is amended by replacing the definition of “illicit drug” with ““**illicit drug**” means any drug of Class A or Class B listed in Schedule I or anything prescribed by regulation to be an illicit drug;”.

### 3 Section 3 replaced

Section 3 of the Illicit Drugs Control Act is repealed and replaced by –

#### “3 Unlawful import or export of illicit drugs

Any person who knowingly without lawful excuse, the proof of which shall lie on him, imports or exports any illicit drug commits an offence and shall be liable upon conviction –

- (a) in respect of a Class B drug in the quantity of less than one ounce, to a fine not exceeding \$5,000 or imprisonment for a term not exceeding 1 year or both;
- (b) in respect of a Class B drug in the quantity of one ounce or more, to a fine not exceeding \$50,000 or imprisonment for a term not exceeding 7 years or both;
- (c) in respect of a Class A drug, to a fine not exceeding \$1,000,000 or imprisonment for a term not exceeding 30 years or both.”.

#### 4 Section 4 replaced

Section 4 of the Illicit Drugs Control Act is repealed and replaced by –

**“4 Unlawful possession, manufacture, cultivation, use and supply**

Any person who knowingly without lawful excuse, the proof of which shall lie on him —

- (a) possesses, manufactures, cultivates, uses or supplies an illicit drug; or
- (b) engages in any dealings with any other person for the import, export, possession, manufacture, use, cultivation, supply, transfer, transport, offer or sale of an illicit drug,  
commits an offence and shall be liable upon conviction –
  - (i) in respect of a Class B drug in the quantity of less than one ounce, to a fine not exceeding \$5,000 or imprisonment for a term not exceeding 1 year or both;
  - (ii) in respect of a Class B drug in the quantity of one ounce or more, to a fine not exceeding \$50,000 or imprisonment for a term not exceeding 7 years or both;
  - (iii) in respect of a Class A drug, to a fine not exceeding \$1,000,000 or imprisonment for a term not exceeding 30 years or both.”.

#### 5 Schedule 1 amended

Schedule 1 of the Illicit Drugs Control Act is amended by –

- (a) inserting “CLASS A” before “(FROM SCHEDULE IV OF THE CONVENTION ON NARCOTIC DRUGS, 1961)”;
- (b) deleting “Cannabis and cannabis resin” from the first table;
- (c) deleting “Cannabis fruit”, and “cannabis plant (whether fresh, dried, or otherwise) that is, any part of any plant of the genus cannabis”, “cannabis seed”, and “cannabis oil” from the category “Other Illicit Drugs”;
- (d) inserting at the end –

“CLASS B

Cannabis and Cannabis resin

Cannabis fruit

Cannabis plant (whether fresh, dried, or otherwise) – that is, any part of any plant of the genus cannabis

Cannabis seed

Cannabis oil”.

Passed by the Legislative Assembly this 12<sup>th</sup> day of October 2012.