

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 34 of 1975

TO AMEND the Dangerous Drugs Joint Regulation No. 12 of 1939 as amended.

MADE by the Resident Commissioners under the provisions of Articles 2:2 and 7 of the Anglo-French Protocol of 1914.

Replacement  
of s.13 of  
J.R. 12 of  
1939

1. Section 13 of the Dangerous Drugs Joint Regulation No. 12 of 1939 is hereby repealed and replaced by the following new sections -

"Evidence 13. A certificate of contents purporting to be signed by or on behalf of the Government analyst of any country approved for the purpose by the Resident Commissioners by Joint Rules, if it relates to any prohibited drug or to any traces of a prohibited drug found on any syringe, pipe, utensil or other material whatsoever which appears to have been used for the smoking, consumption, ingestion or injection of any of the substances listed in section 2 shall be admissible in any proceedings and shall be evidence of the facts stated therein.

Forfeiture of vessel etc used for carrying drugs 14. (1) Any aircraft, ship not exceeding 500 tons burden, or vehicle used for the unlawful importation, landing, removal, carriage or conveyance of any of the substances listed in section 2 with the knowledge of the captain, master or driver thereof shall be liable in the discretion of the Court to forfeiture.

(2) The master of any ship, the captain of any aircraft or the driver of any vehicle on or in which any of the substances listed in section 2 may be discovered shall, in the absence of any proof to the contrary, the burden of which shall fall on him, be deemed to be in possession of such substance and to have knowledge of the importation, landing, removal, carriage or conveyance of any substance found thereon or therein.

Penalties 15. Every contravention of the provisions of this Regulation shall constitute an offence punishable by

a fine not exceeding 75,000 FNH or the equivalent thereof in Australian dollars at the official rate of exchange or to a term of imprisonment not exceeding five years or to both such fine and imprisonment.

Condemnation

16. (1) Where any person is prosecuted for any offence against this Regulation and any substance, material or thing is liable to forfeiture by reason of the commission of such offence, then upon the conviction of such person of such offence, the same shall without further order, be condemned.

(2) Where any person is prosecuted for any offence against this Regulation and any substance, material or thing is liable to forfeiture by reason of the commission of such offence, then, upon the acquittal of such person, the court may order such substance, material or thing -

(a) to be released to the person from whom it was seized or to the owner thereof; or

(b) to be surrendered to the Chief Condominium Medical Officer; or

(c) to be condemned. " .

Citation and commencement

2. This Regulation may be cited as the Dangerous Drugs (Amendment) Regulation No. 34 of 1975 and shall come into operation on the date of its publication in the Condominium Gazette.

MADE at Vila this fourteenth day of October, 1975.

The Resident Commissioner  
for the French Republic

Her Britannic Majesty's  
Acting Resident Commissioner

R. GAUGER

J.A. BURGESS