



UNITED NATIONS

E/NL. 1960/9  
5 July 1960  
ENGLISH ONLY

## LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE CONVENTION OF 13 JULY 1931 FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

### UNION OF SOUTH AFRICA

Communicated by the Government of the Union of South Africa

NOTE BY THE SECRETARY-GENERAL-- In accordance with Article 21 of the Convention of 13 July 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 communicate the following legislative text.

ACT No. 11 of 1957

TO AMEND THE MEDICAL, DENTAL AND PHARMACY ACT, 1928

(English text signed by the Governor-General)

(Assented to 8 March 1957)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:

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Amendment of section 61 of Act 13 of 1928, as substituted by section 17 of Act 29 of 1954.

4. Section sixty-one of the principal Act is hereby amended:

(a) by the insertion in paragraph (c) of sub-section (1) after the word "receive" of the words "for the purpose of sale or supply"; and

(b) by the substitution for sub-section (2) of the following sub-section:

"(2) Any person who contravenes any provision of sub-section (1) shall be guilty of an offence, and liable:

(a) in the case of a contravention of any provision of paragraph (a), (b) or (c) of the said sub-section:

(i) on a first conviction to a fine not exceeding five hundred pounds or imprisonment for a period not exceeding five years or to both such fine and such imprisonment; and

(ii) on a second or subsequent conviction to imprisonment for a period of not less than twelve months but not exceeding five years and a fine not exceeding five hundred pounds, or to such imprisonment only; and

(b) in the case of a contravention of any provision of paragraph (d) of the said sub-section, to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

1/ Note by the Secretariat: The sections of the Act which do not relate to narcotic drugs have been omitted in this document.

(2)bis. For the purposes of sub-section (2) a conviction under a provision which was in force prior to the commencement of section seventeen of the Medical, Dental and Pharmacy Amendment Act, 1954<sup>2</sup>/ (Act No. 29 of 1954), shall be deemed to be a conviction for a contravention of the corresponding provision (if any) of sub-section (1) of this section.

(2)ter. Notwithstanding anything to the contrary contained in any law, the court convicting any person of having possessed, kept, used, cultivated or conveyed in contravention of this Act, any drug, plant or portion thereof, pipe, receptacle or appliance seized under sub-section (2) of section seventy-one, shall declare such drug, plant or portion thereof, pipe, receptacle or appliance to be forfeited to the State.

(2)quat. Notwithstanding anything to the contrary contained in the Criminal Procedure Act, 1955 (Act No. 56 of 1955), or in any other law, the court convicting any person of any offence under sub-section (2) shall declare any vehicle or receptacle used for the purpose of or in connection with the commission of such offence, or the convicted person's rights thereto, to be forfeited to the State: Provided that such declaration shall not affect any rights which any person other than the convicted person may have to the vehicle or receptacle in question, if it is proved that he did not know that it was being used or would be used for the purpose of, or in connection with, the commission of such offence, or that he could not prevent such use.

(2)quin. The provisions of sub-sections (4) and (5) of section three hundred and sixty of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall mutatis mutandis apply to any confiscation under sub-section (2)quat of this section".

Amendment of section 65bis of Act 13 of 1928, as inserted by section 20 of Act 29 of 1954.

5. Section sixty-five bis of the principal Act is hereby amended:
- (a) by the insertion at the end of paragraph (c) of sub-section (4) of the word "or"; and
  - (b) by the addition to that sub-section of the following paragraph:
    - "(d) to any person or organization which has been authorized in writing by the Secretary for Health to acquire such drugs for scientific, research or educational purposes".

Amendment of section 71 of Act 13 of 1928, as substituted by section 23 of Act 29 of 1954.

6. Section seventy-one of the principal Act is hereby amended by the deletion of sub-section (3).

Amendment of section 72 of Act 13 of 1928.

7. Section seventy-two of the principal Act is hereby amended by the insertion after paragraph (i) of the following paragraph:
  - "(i)bis prescribing the manner in which packages containing potentially harmful drugs shall be labelled when sold or supplied;".

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Amendment of section 96 of Act 13 of 1928, as amended by section 35 of Act 30 of 1945, section 9 of Act 14 of 1946 and section 13 of Act 13 of 1950.

Short title.

12. Section ninety-six of the principal Act is hereby amended by the addition at the end of the definition of "medicinal purpose" in sub-section (1) of the following proviso:

"Provided that the Minister may grant authority, subject to compliance with such conditions or requirements as may be stated in such authority, for the administration outside a hospital or institution as aforesaid of a habit-forming drug for the satisfaction or relief of a habit or craving for the drug administered or for any other habit-forming drug, to the particular person referred to in such authority."

13. This Act shall be called the Medical, Dental and Pharmacy Amendment Act, 1957.