

HABIT-FORMING DRUGS (AMENDMENT) ACT, 1983

No. 8



of 1983

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 3 of Cap. 63:04
3. Amendment of section 9 of principal Act

An Act to amend the Habit-Forming Drugs Act

Date of Assent: 18.8.83

Date of Commencement: 23.8.83

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Habit-Forming Drugs (Amendment) Act, 1983. Short title
2. Section 3 of the Habit-Forming Drugs Act (in this Act referred to as "the principal Act") is hereby amended — Amendment of section 3 of Cap. 63:04
 - (a) by substituting for subsection (1) thereof the following new subsection —

"(1) Except as provided in this Act, no person shall —

 - (a) deal in any habit-forming drug or any plant from which such habit-forming drug can be manufactured; or
 - (b) have in his possession or use any such drug or plant."; and
 - (b) by inserting immediately after subsection (2) the following new subsections —

"(3) Any person who contravenes the provisions of this section shall be guilty of an offence and on conviction thereof shall be liable —

 - (a) in the case of a contravention of the provisions of subsection (1) (a) to a term of imprisonment of not less than 2 years but not more than 15 years and to a fine of not less than P15 000 and in

default of payment of such fine, to an additional term of imprisonment of not less than 3 years but not more than 5 years:

Provided that the total terms of imprisonment imposed under this paragraph shall not exceed 15 years; or

- (b) in the case of a contravention of the provisions of subsection (1) (b), to a fine of not less than P1 500 but not more than P5 000 and in default of payment of such fine, to a term of imprisonment of not less than one year but not more than 5 years:

Provided that if the contravention of which a person is convicted under subsection (1) relates only to dagga such person shall be liable for the penalty specified in section 9.

- (4) For the purposes of this section —

“deal in” in relation to habit-forming drugs or any plant from which such drugs can be manufactured, includes performing any act in connection with the collection, importation, supply, transshipment, administration, exportation, cultivation, manufacture, transmission or prescription, thereof;

“possess” includes keeping, storing or having in custody or under control or supervision and “possession” has a corresponding meaning.

Cap. 01:02

- (5) Section 53 (2) of the Interpretation and General Provisions Act shall not apply in construing the provisions of subsection (3) (a).”

Amendment
of section 9
of principal
Act

3. Section 9 of the principal Act is hereby amended in subsection (1) thereof by substituting for the figure “3” which appears therein, the figure “3 (2)”.

PASSED by the National Assembly this 2nd day of August, 1983.

B.K. TEMANE

Clerk of the National Assembly