

Queensland



ANNO VICESIMO

ELIZABETHAE SECUNDAE REGINAE

No. 20 of 1971

An Act to Amend the Health Act 1937–1968 in certain particulars

[ASSENTED TO 21ST APRIL, 1971]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title and citation. (1) This Act may be cited as the *Health Act Amendment Act 1971*.

(2) The *Health Act 1937–1968* is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Health Act 1937–1971*.

2. Correction of reference "license". The Principal Act is amended by omitting the word "license" and the word "licenses" wherever either word is used as a noun and inserting in its stead in each case the word "licence" or the word "licences", as the case may require.

3. Discontinuance of use of expression "Convalescent Home" and derivatives.

The Principal Act is amended by—

(a) omitting the words "Convalescent Homes" where they occur in section 3 and in the heading immediately preceding section 76B of the Principal Act and inserting in their stead in each case the words "Nursing Homes";

(b) omitting the words "Convalescent home" where they occur in section 76B of the Principal Act and inserting in their stead the words "Nursing home";

(c) omitting the words "convalescent home" where they occur in sections 76D, 76E, 76F, 76G, 76H, 76I and 76J of the Principal Act and inserting in their stead in each case the words "nursing home";

(d) omitting the words "convalescent homes" where they occur in section 76H of the Principal Act and inserting in their stead the words "nursing homes".

4. Amendment of s. 3. Section 3 of the Principal Act is amended by, in that segment relating to the division of Part IV of the Principal Act,

(a) omitting the line that reads "*Division IV—Dangerous Drugs and Poisons* (ss. 130–131)," and inserting in its stead the following line:—

"Division IV—Dangerous Drugs, Prohibited Plants and Poisons (ss. 130–131B),";

(b) inserting after the line so inserted the following line:—

"Division IVA—Detention Review Tribunal (ss. 131C–131H).

5. Amendment of s. 5. Section 5 of the Principal Act is amended by—

(a) omitting the definition "inspector" and inserting in its stead the following definition:—

"Inspector"—Includes a chief inspector, a medical or engineering inspector, an assistant inspector and a health surveyor;";

(b) inserting after the definition "prohibited article" the following definition:—

"Prohibited plant"—A plant or a species of a genus of plant declared under this Act to be a prohibited plant;";

6. Repeal of s. 60. The Principal Act is amended by repealing section 60.

7. Repeal of and new s. 130. The Principal Act is amended by repealing section 130 and inserting in its stead the following section:—

130. Possession of and trafficking in dangerous drugs restricted.

(1) A person shall not—

(a) have in his possession a dangerous drug, or a prohibited plant save under and in accordance with the authority of a licence or other authorization provided by or under this Act;

- (b) have in his possession a pipe, needle, syringe, or other utensil for use in connexion with the preparation, smoking, administration or consumption of a dangerous drug, or that he has used in connexion with such a purpose, save where that drug is in the possession of himself or of any other person in accordance with the authority of a licence or other authorization provided by or under this Act and he is in possession of the pipe, needle, syringe or other utensil for the purpose of using that drug to carry out the direction of the medical practitioner who prescribed the drug for the bona fide treatment of himself or any other person or any animal or to carry out the direction of the veterinary surgeon who prescribed the drug for the bona fide treatment of any animal.

Penalty: Imprisonment with hard labour for two years or a fine of \$2,000 or both such imprisonment and such fine.

In no case shall the mere possession of a pipe, needle, syringe or other utensil give rise to a presumption that it is in such possession for use in connexion with the preparation, smoking, administration or consumption of a dangerous drug.

(2) Save under and in accordance with the authority of a licence or other authorization provided by or under this Act a person shall not—

- (a) produce, prepare, or manufacture a dangerous drug or attempt so to do;
- (b) cultivate a prohibited plant or attempt so to do;
- (c) sell, give, or supply, or attempt so to do, or offer to sell, give, or supply to another person or otherwise deal or trade in a dangerous drug, or a prohibited plant or attempt so to do;
- (d) have in his possession a dangerous drug, or a prohibited plant for a purpose specified in paragraph (c) of this subsection;
- (e) permit or suffer premises of which he is owner or occupier or in the management whereof he is concerned to be used for the production, preparation, manufacture, sale, supply, distribution, smoking, administration or consumption of a dangerous drug or for the cultivation of a prohibited plant.

Penalty:—

- (a) upon conviction on indictment, imprisonment with hard labour for 10 years or a fine of \$10,000 or both such imprisonment and such fine;
- (b) upon conviction in summary proceedings, imprisonment with hard labour for two years or a fine of \$2,000 or both such imprisonment and such fine.

(3) A person shall not—

- (a) administer, or attempt or offer to administer a dangerous drug to another person save—
 - (i) where he does so under and in accordance with the authority of a licence or other authorization provided by or under this Act; or

- (ii) where, he or such other person being lawfully in possession of the dangerous drug, he administers or attempts or offers to administer it to carry out the direction of the medical practitioner who prescribed the drug for the bona fide treatment of such other person;
- (b) have in his possession a dangerous drug for a purpose specified in paragraph (a) of this subsection that is unlawful.

Penalty:—

- (a) upon conviction on indictment, imprisonment with hard labour for 10 years or a fine of \$10,000 or both such imprisonment and such fine;
- (b) upon conviction in summary proceedings, imprisonment with hard labour for two years or a fine of \$2,000 or both such imprisonment and such fine.”.

8. New s. 130A. The Principal Act is amended by inserting after section 130 the following section:—

“ 130A. **Imprisonment upon non-payment of fine.** Notwithstanding the provisions of *The Criminal Code* or of *The Justices Acts 1886 to 1968* a period of imprisonment to be served in default of payment of a fine in respect of an offence against any provision of section 130 of this Act shall be imposed and served as prescribed by this section to the extent that this section so provides.

Every such period of imprisonment—

- (a) shall be such period as in the court’s opinion satisfies the justice of the case;
- (b) shall not, together with any term of imprisonment otherwise imposed on the offender in respect of that offence, extend for a term longer than the maximum term of imprisonment to which he might be sentenced apart from the imposition of a fine;
- (c) (if the fine or any part thereof is not paid) shall not commence to run until after the expiration of the offender’s imprisonment under a sentence of imprisonment otherwise imposed on the offender in respect of that offence.”.

9. New s. 130B. The Principal Act is amended by inserting after section 130A the following section:—

“ 130B. **Detention of drug offender for treatment.** (1) If the court before which a person is convicted of an offence against any provision of section 130 of this Act—

- (a) is satisfied on evidence adduced before it, either in the course of the hearing or upon the court’s informing itself on the order it should make in relation to the offender, that it is desirable that the offender receive treatment in respect of his smoking, consumption or administration to himself of dangerous drugs; and
- (b) does not sentence the offender to be imprisoned in the first instance,

it may order that the offender be taken to and detained in an institution declared by the Governor in Council by Order in Council to be an institution for the purposes of this section.

Subject to paragraph (b) of this subsection an order may be made under this subsection in addition to or in lieu of any other order that the court may make in relation to the offender.

(2) An order made pursuant to the preceding subsection is sufficient authority—

- (a) for a member of the Police Force or other person directed therein so to do to convey the offender to the institution specified in the order;
- (b) for the person in charge of that institution to admit, detain and provide treatment for the offender.

(3) An offender admitted to an institution under an order made pursuant to this section is liable to be detained therein or in such other place to which he is removed under the authority of the Director-General (he being thereunto empowered) until he is discharged in accordance with this Act.

(4) An offender detained under an order made pursuant to this section may be granted leave of absence or may be released on parole in accordance with this Act but his liability to be detained under the order shall continue notwithstanding that he is absent on leave or is on parole and he may be further detained thereunder as prescribed by this Division of this Part.

(5) A conviction of an offender for a first offence against any provision of section 130 of this Act whereupon he is dealt with pursuant to this section without the imposition of a penalty—

- (a) shall be deemed not to be a conviction for the purposes of any enactment imposing, authorizing or requiring the imposition of any disability or disciplinary measure on a convicted person;
- (b) shall be disregarded in any subsequent proceeding against the offender in respect of an offence, save an offence against any provision of section 130 of this Act, unless—
 - (i) it is relevant to the matters in issue in that proceeding; or
 - (ii) the offender has again been convicted of an offence against any provision of section 130 of this Act.”.

10. New ss. 130C to 130F. The Principal Act is amended by inserting after section 130B the following sections:—

“ **130C. Examination of drug offender detained for treatment.**

(1) At least once in each period of six months of his detention (calculated by reference to the date when he was first admitted to detention under the order whereby he is detained) a person detained under an order made pursuant to section 130B of this Act shall be examined by a medical practitioner appointed by the Director-General either generally or in a particular case.

A medical practitioner for the time being charged with the treatment of a person detained under an order made pursuant to section 130B of this Act at an institution or other place wherein that person is for the time being detained under the order may at any time examine that person with a view to making a report referred to in subsection (2) of this section.

(2) The examining medical practitioner shall make to the Director-General a full and accurate report as to whether, in his opinion, the best interests of the detainee require that—

- (a) he continue to be detained;
- (b) he be classified as a person to whom leave of absence may be granted;
- (c) he be released on parole; or
- (d) he be discharged.

130D. Order made upon medical practitioner's recommendation.

(1) The Director-General shall, upon receipt of a recommendation made pursuant to subsection (2) of section 130C of this Act, or of a recommendation made pursuant to section 131F of this Act make an order—

- (a) that gives effect to the recommendation;
- (b) that rejects the recommendation; or
- (c) that the person liable to be detained be dealt with in such of the ways specified in subsection (2) of section 130C of this Act as the Director-General thinks fit,

and the person in charge of the place where the detainee then is shall give effect to the order.

(2) Where a detainee is, pursuant to the order of the Director-General, classified as a person to whom leave of absence may be granted the person or persons designated by the Director-General at the place where the detainee is at the material time may from time to time grant leave of absence to the detainee for such period as the person in charge thinks fit.

(3) Where the Director-General orders that a detainee be released on parole he shall specify in the order the period for which such parole is to continue.

Such period may, from time to time, be extended by the Director-General upon the recommendation of any medical practitioner.

130E. Conditional leave of absence or release on parole.

(1) The Director-General may, in relation to a particular case, stipulate conditions on which leave of absence or release on parole shall be granted to a detainee and may, from time to time, vary those conditions whether the detainee to whom they apply has or has not been granted such leave or release.

Any variation in the conditions on which a detainee has been granted leave of absence or release on parole shall be notified in writing to the person to whom the conditions apply.

(2) Where the Director-General makes an order under section 130D of this Act that a detainee be classified as a person to whom leave of absence may be granted or that a detainee be released on parole and stipulates conditions on which the leave or release shall be granted he shall specify the conditions in his order.

(3) In stipulating conditions on which leave of absence or release on parole shall be granted and in varying those conditions the Director-General shall have regard to the interests of the detainee concerned and to the protection of other members of the community.

(4) Leave of absence or release on parole granted to a detainee shall be subject—

- (a) in the case of leave of absence, to such conditions as the person who grants the leave thinks fit;
- (b) in either case, to such conditions as are prescribed by regulation made under section 152 of this Act and to such conditions as are stipulated by the Director-General and specified in his order or, in the case of such stipulated conditions, those conditions as varied at the material time by the Director-General where the variation has been notified in writing to the detainee who is then on leave or parole.

130F. Liability to further detention of person released on leave or on parole. (1) A person on leave of absence or released on parole may again be further detained under the court's order whereby he is liable to be detained—

- (a) if he fails to comply with any condition to which such leave or parole is for the time being subject; or
- (b) if he absents himself from the place where he previously was detained beyond the expiration of the time specified as the period for which such leave or parole was to continue or, as the case may be, the time to which such specified period was last extended.

(2) If the Director-General is satisfied that a person referred to in the preceding subsection should in accordance with this section, be detained he may certify accordingly and such certificate shall be sufficient authority—

- (a) for a member of the Police Force, or other person authorized by the Director-General in that behalf to arrest the person named in the certificate and to convey him to the declared institution specified in the certificate; and
- (b) for the person in charge of that declared institution to admit, detain and provide treatment for the person named in the certificate.

(3) For the purposes of the detention pursuant to subsection (3) of section 130B of this Act of a person admitted to a declared institution pursuant to the preceding subsection, and of the examination of such a person pursuant to subsection (1) of section 130C of this Act, and of the operation of section 131E of this Act with respect to an application made in respect of such a person under Division IVA of this Act, such a person shall be deemed to be first admitted to detention under the court's order made pursuant to section 130B of this Act on the date when he is last admitted pursuant to the preceding subsection."

11. **New ss. 130G and 130H.** The Principal Act is amended by inserting after section 130F the following sections:—

“ **130G. Discharge of person on parole.** The Director-General may at any time for reason that appears to him sufficient order that a person released on parole under an order made pursuant to section 130D of this Act be discharged.

The person to whom the order of discharge relates shall not thereafter be liable to be detained under the court's order whereby he previously was liable to be detained.

130H. Absence without leave. A person who without leave of absence duly granted absents himself from the place where he is for the time being liable to be detained under a court's order made pursuant to section 130B of this Act may be arrested and conveyed to that place by any member of the Police Force, or other person authorized by the Director-General in that behalf.

12. **New ss. 130I to 130L.** The Principal Act is amended by inserting after section 130H the following sections:—

“ **130I. Form of proceedings for offences.** (1) A charge of an offence against any provision of section 130 of this Act may be prosecuted upon indictment or by way of summary proceedings before a stipendiary magistrate sitting alone.

Where proceedings are taken in respect of such an offence in a court of summary jurisdiction and the court is of opinion that the matter should not be determined summarily the court shall abstain from exercising its jurisdiction therein and shall commit the defendant for trial or, as the case may be, for sentence before a court of competent jurisdiction and may exercise in respect of the defendant all the powers conferred by law as if it were a justice taking an examination of witnesses in relation to an indictable offence.

(2) A conviction upon a charge of an offence against any provision of section 130 of this Act shall have effect in law as a conviction for an indictable offence irrespective of the manner in which the charge is prosecuted, save in a case to which subsection (5) of section 130B of this Act applies.

130J. Matters of proof respecting possession of drugs. (1) In a proceeding brought for an offence in relation to possession of a dangerous drug, a person who, contrary to section 130 of this Act, has in possession a quantity of that drug in excess of a quantity prescribed under this Act in respect of that drug shall be deemed to have possession of that drug for a purpose specified in paragraph (c) of subsection (2) of section 130 of this Act unless he shows the contrary.

(2) In respect of a charge of an offence against any provision of section 130 of this Act,

- (a) it is not necessary to particularize the dangerous drug in respect of which the offence is alleged to have been committed;
- (b) proof that a dangerous drug was at the material time upon premises occupied by or under the control of any person is proof that the drug was then in his possession unless he shows that he then neither knew nor had reason to suspect that the drug was upon the premises;

- (c) the burden of proving any licence or other authorization provided by or under this Act lies on the defendant who claims the authority of such licence or authorization;
- (d) the operation of section 24 of *The Criminal Code* is excluded unless the defendant shows his honest and reasonable belief in the existence of any state of things material to the charge.

(3) A person charged with an offence against any provision of section 130 of this Act shall be liable to be convicted as charged notwithstanding that the identity of the dangerous drug to which the charge relates is not proved to the satisfaction of the court that hears the charge if the court is satisfied that the substance to which the charge relates was at the material time a dangerous drug.

A person charged with an offence against paragraph (d) of subsection (2) of section 130 of this Act shall be liable to be convicted of the charge notwithstanding that the purpose for which the drug or plant was had in possession as alleged in or in connexion with the charge is not proved to the satisfaction of the court that hears the charge if the court is satisfied that the drug or plant was had in possession for a purpose specified in paragraph (c) of that subsection.

Where a person is charged with an offence against paragraph (d) of subsection (2) of section 130 of this Act by reason only of the quantity of dangerous drug in his possession and there is no evidence of the purpose of the possession charged, a court shall not order particulars of such purpose to be supplied and the absence of such particulars shall in no way affect the taking of proceedings upon the charge.

130K. Conviction of offence simpliciter where aggravated offence charged. If a court before which a person is charged with an offence against paragraph (d) of subsection (2) of section 130 of this Act is not satisfied that the possession charged was for any purpose specified in paragraph (c) of that subsection the defendant shall not thereby be entitled to be acquitted but may be convicted of the offence of having in his possession a dangerous drug or prohibited plant if that offence be established by the evidence.

130L. Forfeiture to Crown. (1) Where a person is convicted of an offence against any provision of section 130 of this Act any prohibited plant, dangerous drug, pipe, needle, syringe or other utensil in respect of which the offence was committed shall by virtue of such conviction be forfeited to Her Majesty.

(2) Where a person charged with an offence against any provision of section 130 of this Act is not convicted of any offence on that charge the court before which he was charged may order that any prohibited plant or dangerous drug or any pipe, needle, syringe or other utensil capable of being used in connexion with the preparation, smoking, administration or consumption of any dangerous drug, found under his cultivation or in his possession at or about the time of his being charged with the offence be forfeited to Her Majesty and any such thing in respect of which the order is made shall thereby be forfeited accordingly.

(3) Any thing forfeited pursuant to this section may be taken and disposed of as the Minister directs, and for that purpose a person authorized by the Director-General, either generally or in a particular case, may, with such assistants and by such means as he considers necessary, enter upon any premises upon which he knows or suspects the thing so forfeited to be.”

13. New s. 130M. The Principal Act is amended by inserting after section 130L the following section:—

“**130M. Power to detain, search, seize and arrest.** (1) A member of the Police Force, or any person authorized by the Director-General in writing for the purposes of this section may—

- (a) detain any person whom he reasonably suspects to have in possession or on any premises in contravention of any provision of section 130 of this Act any dangerous drug, prohibited plant, or pipe, needle, syringe or other utensil for use in connexion with the preparation, smoking, administration, or consumption of any dangerous drug;
- (b) search the person and possessions of any person so detained and anything carried by such person and any premises wherein such person is found and any premises wherein such person has or is suspected of having any thing specified in the preceding paragraph (a) and for the purpose of such search open by such means as he finds necessary any room, package, container or receptacle;
- (c) seize and retain any thing specified in paragraph (a) of this subsection found in the course of such search;
- (d) arrest without warrant any person who has or who he reasonably suspects has contravened any provision of section 130 of this Act and deal with him according to law.

(2) Where a person has been arrested on a charge of any offence against any provision of section 130 of this Act the member of the Police Force in charge of the police station, watch-house or lock-up to which the person is taken after arrest may take or cause to be taken all such particulars as he thinks necessary for the identification of the person including his photograph and finger prints and palm prints.

If proceedings are not taken against the arrested person in respect of any offence against any provision of section 130 of this Act or if he is acquitted in respect of all offences of which he might be convicted upon the charge made against him all photographs, finger prints and palm prints taken pursuant to this subsection shall be destroyed in his presence.”

14. New ss. 130N and 130O. The Principal Act is amended by inserting after section 130M the following sections:—

“**130N. Declaration of dangerous drugs and prohibited plants.**

- (1) The Governor in Council may, by Order in Council,
 - (a) declare any article or substance other than a dangerous drug to be a dangerous drug for the purposes of section 130 of this Act;
 - (b) declare any plant or any species of a genus of plant to be a prohibited plant for the purposes of this Act.

130O. Meaning of certain expressions in this Division. Save where the contrary appears, the following expressions when used as referred to in this section have the meanings respectively assigned to them by this section, that is to say—

- (a) “dangerous drug” or “dangerous drugs” when used in sections 130, 130B, 130I, 130K, 130L, 130M, 131A and 131B of this Act includes any dangerous drug and any article or substance declared to be a dangerous drug pursuant to section 130N of this Act.
- (b) “declared institution” when used in section 130F of this Act means an institution declared by the Governor in Council to be an institution for the purposes of section 130B of this Act.
- (c) “treatment” when used in sections 130A, 130B and 130F of this Act includes medical treatment, care, training, education, supervision, social rehabilitation, help and advice.”.

15. Amendment of s. 131A. Section 131A of the Principal Act is amended by—

(a) in the first paragraph, omitting subparagraph (i) and inserting in its stead the following subparagraph:—

“(i) Any dangerous drug or prohibited plant;”;

(b) in the last paragraph, omitting the words “subsection three of section one hundred and thirty” and inserting in their stead the words “section 130M”.

16. New s. 131B. The Principal Act is amended by inserting after section 131A the following section:—

“**131B. Obstruction of officers.** A person shall not assault or obstruct, or attempt so to do, a member of the Police Force or other person in the exercise by such member or other person, in relation to an offence or suspected offence concerning any dangerous drug, prohibited plant, pipe, needle, syringe or other utensil, of any power or function permitted to or required of him by this Act.

Penalty: \$1,000.”.

17. New Division IVA of Part IV of Act. The Principal Act is amended by inserting after section 131B the following heading and sections:—

Division IVA—Detention Review Tribunal

131C. Tribunal to be constituted. (1) There shall be constituted a tribunal to be called the Detention Review Tribunal for the purpose of dealing with applications by or in respect of persons liable to be detained under a court’s order made pursuant to section 130B of this Act.

(2) The tribunal shall consist of three or more members appointed by the Governor in Council to hold office at his pleasure of whom—

- (a) one shall be a barrister-at-law, a solicitor, a stipendiary magistrate, or a person qualified to hold the appointment as a stipendiary magistrate;

- (b) one shall be a medical practitioner; and
- (c) the remainder shall be such as the Minister recommends to the Governor in Council as suitable.

(3) One of the members of the tribunal shall be appointed by the Governor in Council and shall act as chairman of the tribunal.

131D. Applications to tribunal. An application for discharge from his liability to be detained under a court's order made pursuant to section 130B of this Act may be made to the tribunal by the person so liable or by another on his behalf.

All proceedings in connexion with the application shall be taken and conducted as prescribed.

131E. Restricted number of applications. (1) An application shall not be made to or considered by the tribunal at any time within six months after the date when the person liable to be detained by or on behalf of whom the application is or is sought to be made was first admitted to detention under the court's order.

(2) Subject to the preceding subsection, an application may be made by or on behalf of the person to whom it relates once only within each period of six months subsequent to the date when he was first admitted to detention under the court's order.

131F. Tribunal's determination of application. (1) Where an application is duly made by or on behalf of a person liable to be detained the tribunal—

- (a) may refuse the application for any reason that appears to the tribunal sufficient; or
- (b) if it is satisfied that the welfare of the person liable to be detained and the protection of others do not require that the person liable to be detained continue to be so liable, may recommend to the Director-General that such person be discharged;
- (c) if it is not satisfied of the matters specified in paragraph (b) of this section but is satisfied that the welfare of the person liable to be detained and the protection of others will not be prejudiced by his being dealt with in one of the ways specified in paragraph (b) or (c) of subsection (2) of section 130C of this Act, may recommend to the Director-General that such person be dealt with in one or other of those ways.

(2) A recommendation made under the preceding subsection shall include reference to the matter as to which the tribunal is satisfied.

131G. Procedure of tribunal. (1) For the purpose of any proceeding before it the tribunal may admit as evidence and act upon such information or evidence as it thinks sufficient whether the same is or is not otherwise admissible in law.

(2) The proceedings and determination of the tribunal shall in no way be affected by the fact that all or some of its members were not present throughout the whole of the proceeding before the tribunal or that some of its members were not present upon the determination of the proceeding.

131H. Rules of practice of tribunal. (1) The Director-General may make rules, not inconsistent with this Division—

- (a) regulating the practice and procedure of the tribunal with respect to the making, conduct and determination of applications under this Division;
- (b) prescribing the powers of the tribunal in relation to applications under this Division;
- (c) prescribing forms to be used in connexion with applications under this Division and the uses of such forms;
- (d) prescribing all matters that he thinks necessary or convenient to give effect to this Division.

(2) The provisions of this Act that apply to the making of regulations apply in like manner to the making of rules pursuant to the preceding subsection.

18. Amendment of s. 133. Section 133 of the Principal Act is amended by adding the following subsection:—

“(5) The taking or obtaining of a sample of any food or drug or article and the payment or offer of the current market value or, as the case may be, of the rate of payment prescribed shall, in circumstances that do not constitute an actual sale, for the purposes of this Act be deemed to be a sale of the sample to the officer by the person firstmentioned in subsection (1) of this section and, as the case may be, by his agent or servant or the person apparently in charge of the food or drug or article.”.

19. New s. 134A. The Principal Act is amended by inserting after section 134 the following section:—

“**134A. Manner of dealing with particular samples.** (1) This section applies only in respect of a food, drug or article declared by the Governor in Council to be within the application of this section, he being hereby empowered so to do by notification published in the Gazette.

(2) Where a sample of any food, drug or article is taken or obtained in the form of separate or severable objects it shall not be necessary in dividing such sample into parts pursuant to subsection (1) of section 134 of this Act to divide any one of such objects and it shall be a sufficient compliance with that subsection if the person who takes or obtains such sample takes or obtains a number of such objects, divides the number so taken or obtained into the requisite number of parts so that each part consists of a number of such separate or severable objects and deals with each part in the manner provided by that section.

(3) A provision in this Act relating to a part of any food, drug or article shall be construed and applied as if each part of a sample duly dealt with in accordance with subsection (2) of this section were a part of the food, drug or article comprising the sample.”.

20. Amendment of s. 144. Section 144 of the Principal Act is amended by, in subsection (1), omitting from the third paragraph the words “dangerous drug”.

21. Amendment of s. 145. Section 145 of the Principal Act is amended by—

(a) in subsection (1), omitting the word “All” and inserting in its stead the words “Save where specific provision is otherwise made in this Part, all”;

(b) in subsection (4), inserting after the word “analysis” the words “pursuant to Division V of this Part of this Act”;

(c) in subsection (5), omitting the words “by a member of the Police Force”.

22. Amendment of s. 149. Section 149 of the Principal Act is amended by adding the following subsection:—

“(4) In any proceeding in respect of any food, drug or article comprising a sample taken or obtained for submission for analysis each of the parts into which such food, drug or article is divided pursuant to any provision of this Act shall be deemed to be of uniform composition with the other such parts until the contrary is proved.”.

23. Amendment of s. 152. Section 152 of the Principal Act is amended by, in subsection (1), inserting in paragraph (xvii)—

(a) after the word “manufacture” the word “, cultivation”;

(b) after the words “biological preparations” where they firstly, fourthly and fifthly occur the words, “, prohibited plants”;

(c) after the words “biological preparations” where they secondly and thirdly occur the words “, or prohibited plants”.

24. Amendment of s. 176. Section 176 of the Principal Act is amended by omitting the last paragraph and inserting in its stead the following paragraphs:—

“No provision of this section shall be construed to require the consent of the Attorney-General to proceedings against a person arrested under this Act had or taken by the member of the Police Force or other person duly authorized who arrested that person or by another member of the Police Force.

Proceedings against a person so arrested may be had or taken by any member of the Police Force.”.

25. Repeal of and new s. 177. The Principal Act is amended by repealing section 177 and inserting in its stead the following section:—

“177. **Limitation of time for summary proceedings to be taken.** Save where it is otherwise prescribed, proceedings in respect of an offence against any provision of this Act may be taken in a summary manner

(a) within the time limited therefor by *The Justices Acts 1886 to 1968*;

(b) within six months after the Director-General or, where a proceeding is taken by a Local Authority, that Local Authority first became aware of the offence,

whichever time is the later to expire.

A certificate purporting to be signed by the Director-General or by the clerk or chairman of a Local Authority stating the date on which the Director-General or, as the case may be, the Local Authority first became aware of an offence shall be accepted in any proceeding as evidence of the matters contained therein.”.

26. Continuing authority of licence for convalescent home. A person who at the date of commencement of this Act is authorized to conduct premises as a convalescent home pursuant to a licence issued under section 76C of the Principal Act is authorized, for so long as that licence subsists, to conduct thereunder those premises as a nursing home.