SOCIETE DES NATIONS

Communiqué au Conseil et aux Nombres de la Société.

Genève, le 21 janvier 1937.

TRAFIC DE L'OPIUM ET AUTRES DROGUEs NULLES

Ordonnance No.10, de 1936, du Territoire de Nauru. (Ordonnance de prohibition relative aux armes, aux spiritueux et à l'opium).

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Communiqué par le Gouvernement du Commonwealth d'Australie.

Note du Secrétaire général.

Conformément à l'article 21 de la Convention de 1931 pour limiter la fabrication et réglementer la distribution des stupéfiants, le Secrétaire général a l'honneur de transmettre ci-joint, aux Etats parties à ladite Convention ainsi qu'aux autres Etats, le texte de l'Ordonnance sus-mentionnée.

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LEAGUE OF NATIONS.

TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS

Ordinance No.10 of 1936 of the Territory of Nauru (Arms, Liquor and Opium Prohibition Ordinance).

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Communicated by the Government of the Commonwealth of Australia.

Note by the Secretary-General.

In accordance with Article 21 of the Convention for limiting the manufacture and regulating the distribution of narcotic drugs of 1931, the Secretary-General has the honour to communicate herewith to the Parties to the Convention and to the other States the text of the above-mentioned Ordinance.

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I, the Administrator of the Island of Nauru, do hereby enact, order and proclaim as under:

1. Ordinance No. 9 of 1921 made on 31st August, 1921, is hereby repealed.

2. This Ordinance may be cited as the Arms, Liquor and Opium Prohibition Ordinance, 1936, and shall come into operation forthwith.

3. In this Ordinance:

"Native" shall mean an aboriginal native of any Island of the Pacific Ocean, or of any of the East India Islands, or of Malaysia, and shall include also any person who is wholly or partly descended from any aboriginal native or natives aforesaid.

"Chinaman" shall mean a native of China.

4. In this Ordinance unless the contrary intention appears

"Ammunition" means and includes all varieties of gunpowder and any other explosive agent used or that can be used with firearms, and all shot or other projectile, and any other articles ordinarily used with firearms, as well as all materials that can be used in the preparation of ammunition.

"Firearms" means every kind and variety of gun or pistol use or intended for the discharge of projectiles of any kind, and also any part of any such gun or pistol.

"Intoxicating Liquor" means and includes all spirituous compounds and beverages and all fermented liquors, and any mixture, part whereof is spirituous, or which contains fermented liquors, or any mixture or preparation containing any drug capable of producing intoxication.

"Opium" shall include every preparation of opium and every article containing any of the active ingredients of opium.

5. No person shall supply to any native by sale, gift, or in any other way either directly or indirectly, or furnish or entrust any native with any firearm, ammunition, intoxicating liquor or opium: and any person contravening any provision of this section shall be guilty of an offence.

Penalty: £200 or imprisonment for two years.

6. No person shall supply to any Chinaman by sale, gift, or in any other way directly or indirectly, or furnish or entrust any Chinaman with any firearm, ammunition, opium or intoxicating liquor, except in the case of intoxicating liquor where such supply is made under licence from the Administrator to supply such ration as the Administrator may permit; or in cases where intoxicating liquor is entrusted to a Chinaman in the performance of his duties in transporting goods including intoxicating liquors on behalf of persons who are not prohibited from intoxicating liquors under this Ordinance.

Penalty: £200 or imprisonment for two years.
7. It shall not be lawful for any native or Chinaman to have in his possession any firearm, ammunition, intoxicating liquor or opium, except in the case of the ration of intoxicating liquor permitted to a Chinaman, which the said Chinaman may have in his possession only within the precincts of the Chinese Location, Demigomodu, the European Settlement of Yangor, and in the case of Government employees and other employees connected with the Government, within the Government Station, and any such article found in the possession of any native or Chinaman contrary to the provisions of this Ordinance may be seized by any officer in the service of the Administration or by any native placed in authority by the Administration, and be brought before the Administrator, who shall in a summary way direct that any such article be confiscated and that it be destroyed or otherwise disposed of according to his discretion.

8. If any native or Chinaman who is not expressly permitted under this Ordinance so to do shall drink or have in his possession any intoxicating liquor, or, unless expressly permitted as aforesaid shall use or have in his possession any opium, firearm or ammunition he shall be guilty of an offence.

Penalty: A fine not exceeding £20 or imprisonment with or without hard labour for a period not exceeding one year, or both.

9. Nothing in this Ordinance shall be held to prevent the Administrator from supplying any native with any firearm and ammunition should the Administrator be of opinion that such a course can be adopted with safety in the interests of good order and government, and that any native as aforesaid has urgent need of firearms and ammunition for the purposes of self defence and any firearm or ammunition given to any native as herein permitted may be retained by such native until withdrawn by order of the Administrator.

10. It shall not be an offence under this Ordinance for a person to give intoxicating liquor to a native or Chinaman for any urgent cause or necessity and without recompense and remuneration when such intoxicating liquor is given solely and purely for medicinal purposes, but the onus of proof of the existence of urgent necessity shall lie upon the person so giving intoxicating liquor, and in the absence of proof of the existence of urgent necessity, the said person shall be guilty of an offence against sections 5 or 6 of this Ordinance.

11. No person shall be guilty of an offence against this Ordinance for giving opium to a native or Chinaman when the same is given for medicinal purposes in the usual medicinal form and in the quantities ordinarily prescribed for medical treatment.

GIVEN under my hand at Administration Headquarters, Nauru, Central Pacific, this Fifteenth day of August in the year One thousand nine hundred and thirty-six.

Rupert C. Garstia,
Administrator of the Island of Nauru.