

FINANCIAL DEPARTMENT.

(Rules Under The Opium Act, 1878 (The Notified Areas))

No. 20

Dated Rangoon, the 25th February 1907.

No.20.- In exercise of the powers conferred by sections 5 and 13 of the Opium Act, 1878 (1 of 1878), as extended to the notified areas of Taunggyi and Lashio and the civil station of Loilem by Political Department Notification No.5, dated the 22nd January 1907, and with the previous sanction of the Governor-General in Council, the Lieutenant-Governor makes the following rules to regulate within the said areas the matters referred to in the said sections. These rules shall come into force on the 1st April 1907, and with effect from the same date and in exercise of the like powers and with the like sanction, the under-mentioned notifications of this Government shall be superseded, namely:-

Financial Department No. 38, dated 21st June 1900.

Financial Department No. 67, dated 30th November 1900.

Financial Department No. 104, dated 5th December 1905.

RULES.

Definitions.

1. (1) "Opium" means the inspissated juice of the poppy and beinsi and beinchi, but does not include poppy-heads, nor kunbon, nor beinye, nor any preparation or admixture thereof, nor any other intoxicating or narcotic preparation of opium or of the poppy.
- (2) "Medical preparation" means any preparation or admixture of opium intended for medical purposes only.
- (3) "Viss" means 365 pounds avoirdupois.
- (4) "Import," "export," and "transport" have the respective meanings assigned to them in the Opium Act, 1878.
- (5) "Civil Surgeon" means a Civil Surgeon or other Principal Medical Officer of a District.
- (6) "Headman" means any local official entrusted with the collection of the thathameda or town tax within the notified area of Taunggyi or Lashio, or the civil station of Loilem.

Possession.

2. Any person may possess poppy-heads not exceeding 5 viss in weight, opium not exceeding half a viss in weight, and medical preparations not exceeding half a viss in weight.

Manufacture.

3. Any person may manufacture opium and medical preparations up to the quantity which he may legally possess.

Sale.

4. Any person may sell opium, medical preparations, or poppy-heads, to any other person in quantity not exceeding that which the purchaser is entitled to possess.

Transport.

5. Any person may transport opium, medical preparations, or poppy-heads, which he may legally possess, from one place to another.

Import.

6. Any person may import opium, medical preparations, and poppy-heads not exceeding the quantity which he may legally possess.

Disposal of things confiscated.

7. (1) All things confiscated under the Opium Act, 1878, except opium, medical preparations, poppy-heads, and the preparations and admixtures provided for in clause (4) of this rule, shall be disposed of under the orders of the Superintendent by public auction.
- (2) Opium and medical preparations so confiscated shall be sent for examination to the Civil Surgeon, and, if declared by him to be fit for use, shall be disposed of in such manner as the Lieutenant-Governor may by general or special order direct. If declared to be unfit for use, it or they shall be immediately destroyed in the presence of the Headquarters Magistrate at Taunggyi or Lashio or of the Assistant Superintendent of Shan States at Loilem.
- (3) Poppy-heads so confiscated shall be disposed of as may be directed by the Superintendent.
- (4) All preparations and admixtures of opium or of the poppy not included in the definition of "opium" or of "medical preparations" in these rules shall, when so confiscated, be immediately destroyed.

Rewards to be paid out of the proceeds of Fines and Confiscations.

8. (1) The Magistrate convicting an offender under section 9, or the Magistrate or Superintendent ordering the confiscation of anything under section 12 of the Opium Act, 1878, may grant, in such proportions as he thinks fit, to any person or persons who have contributed to the conviction of the offender or to the

seizure of the things or thing confiscated, a reward or rewards not exceeding in the aggregate the value of the things confiscated plus the amount of any fine imposed.

(2) If in any case the fine is not realised or is only realised in part, or if the value of the confiscated articles is not realised or is only realised in part, and if the total sum realised appears to the convicting Magistrate or to the Superintendent ordering confiscation, as the case may be, to be insufficient for the purpose of rewarding the person or persons who have contributed to the conviction of the offender, or the seizure of the thing or things confiscated, the Superintendent may, on the application of the said Magistrate or of his own motion, as the case may be, grant to the said person or persons any reasonable reward or rewards, not exceeding Rs. 200 in the aggregate, as may seem fit. In like manner the Lieutenant-Governor may grant rewards not exceeding Rs.500.

Appeal and Revision.

9. (1) Appeals shall lie from the original or appellate orders of the Headquarters Magistrate or of the Assistant Superintendent of Shan States or from the Superintendent as follows:-

- (a) To the Superintendent, -when the order is made by the Headquarters Magistrate or Assistant Superintendent of Shan States.
- (b) To the Lieutenant-Governor, - when the order is made by the Superintendent.

Provided that, when the Superintendent confirms on appeal the order of the Headquarters Magistrate, a further appeal shall not lie.

(2) The period of limitation for an appeal under sub-rule (1) shall run from the date of the order appealed against and shall be as follows:-

- (a) When the appeal lies to the Superintendent, - 30 days.
- (b) When the appeal lies to the Lieutenant-Governor, - 60 days.

10. The Lieutenant-Governor may revise any order passed by the Headquarters Magistrate or Assistant Superintendent of Shan States or the Superintendent under these rules.

11. A petition of appeal from, or an application for revision of, an order must be accompanied by an authenticated copy of the order, or the omission to produce such copy must be explained.

12. Any officer who has passed an order under these rules other than an order in the course of a judicial proceeding may, of his own motion or on the application of any person concerned, cancel or modify such order.

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G. F. ARNOLD,

Offg. Rev. Secy. to the Govt. of Burma.

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