

**5. Offences concerned with prohibited drugs and prohibited plants in relation to premises and utensils**

- (1) A person who —
- (a) being the occupier of any premises, knowingly permits those premises to be used for the purpose of —
    - (i) the manufacture or preparation of a prohibited drug or prohibited plant for use; or
    - (ii) the manufacture, preparation, sale, supply or use of a prohibited drug or prohibited plant;
  - (b) being the owner or lessee of any premises, knowingly permits those premises to be used for the purpose of using a prohibited drug or prohibited plant;
  - (c) is knowingly concerned in the management of any premises used for any of the purposes referred to in paragraphs (a) and (b);
  - (d) has in his possession —
    - (i) any pipes or other utensils for use in connection with the smoking of a prohibited drug or prohibited plant; or
    - (ii) any utensils used in connection with the manufacture or preparation of a prohibited drug or prohibited plant for smoking,in or on which pipes or utensils there are detectable traces of a prohibited drug or prohibited plant; or
  - (e) is found in any place which is then being used for the purpose of smoking a prohibited drug or prohibited plant other than cannabis,

except when he is authorised by or under this Act or by or under the *Poisons Act 1964* to do so, commits a simple offence.

- (2) In subsection (1) —
- “owner”**, in relation to any premises, includes the person entitled to receive the rent of those premises and the person to whom the rent of those premises is paid.

[Section 5 amended by No. 52 of 2003 s. 28.]