

31. Undercover officers

- (1) The Commissioner may authorise in writing a person to act as an undercover officer and may in writing revoke that authority.
- (2) An authorised person may, whilst acting as an undercover officer and subject to section 26(2) or to subsection (4), as the case requires, acquire and have in his possession a prohibited drug or prohibited plant for the purpose of detecting the commission of an offence.
- (3) An authorised person who exercises the power conferred on him by subsection (2) is not an accomplice in respect of, and does not commit, any offence detected by that exercise and his evidence in any proceedings against another person for that offence is not the evidence of an accomplice.
- (4) An authorised person who —
 - (a) is not a police officer; and
 - (b) after having been warned under subsection (5), acquires a prohibited drug or prohibited plant whilst acting as an undercover officer for the purpose of detecting the commission of an offence and does not deliver the prohibited drug or prohibited plant to a police officer as soon as is reasonably practicable after that acquisition,
commits a simple offence.
- (5) The Commissioner shall warn in writing an authorised person who is not a police officer that if, having acquired a prohibited drug or prohibited plant whilst acting as an undercover officer for the purpose of detecting the commission of an offence, that authorised person does not deliver the prohibited drug or prohibited plant to a police officer as soon as is reasonably practicable after that acquisition, that authorised person commits a simple offence under subsection (4).
- (6) A certificate signed by the Commissioner and stating that the person named in that certificate was, at the time or during the period specified in that certificate, an authorised person acting as an undercover officer shall, for the purposes of this section, be sufficient evidence of that fact unless the contrary is proved.
- (7) The Commissioner shall, whenever requested to do so by the Minister, furnish the Minister with a report in writing containing such particulars of the activities of authorised persons as the Minister requires.
- (8) In this section —

“authorised person” means person authorised under subsection (1) to act as an undercover officer, which authority has not been revoked under that subsection;

“undercover officer” means person whose identity or purpose is for the time being concealed for the purpose of detecting the commission of an offence.

[Section 31 amended by No. 44 of 1995 s. 11.]