

7. Offences concerned with prohibited plants generally

- (1) Subject to subsection (3), a person who —
- (a) with intent to sell or supply a prohibited plant or any prohibited drug obtainable therefrom to another, has in his possession or cultivates the prohibited plant; or
 - (b) sells or supplies, or offers to sell or supply, a prohibited plant to another,

commits an indictable offence, except when he is authorised by or under this Act or by or under the *Poisons Act 1964* to do so and does so in accordance with that authority.

- (2) Subject to subsection (3), a person who has in his possession or cultivates a prohibited plant commits a simple offence, except when he is authorised by or under this Act or by or under the *Poisons Act 1964* or the *Industrial Hemp Act 2004* to do so and does so in accordance with that authority.

- (3) A person does not commit an indictable offence under subsection (1) or a simple offence under subsection (2) by reason only of his having in his possession a prohibited plant if he proves that he had possession of the prohibited plant only for the purpose of —
- (a) delivering it or any prohibited drug obtainable therefrom to a person authorised —
 - (i) to have possession of the prohibited plant or that prohibited drug, as the case requires, by or under this Act or by or under the *Poisons Act 1964*; or
 - (ii) by or under this Act or by or under the *Poisons Act 1964* to sell or supply the prohibited plant or to manufacture, prepare, sell or supply that prohibited drug, as the case requires,and had possession of the prohibited plant in accordance with the authority in writing of the person so authorised, and that, after taking possession of the prohibited plant, he took all such steps as were reasonably open to him to deliver the prohibited plant or that prohibited drug into the possession of that person; or
 - (b) analysing, examining or otherwise dealing with the prohibited plant or that prohibited drug for the purposes of this Act in his capacity as an analyst, botanist or other expert.

[Section 7 amended by No. 1 of 2004 s. 53.]