

"Traffic."

(d) "traffic" means to manufacture, sell, export from or import into Canada, transport or deliver, otherwise than under the authority of this Part or the regulations.

Possession of restricted drug.

40. (1) Except as authorized by this Part or the regulations, no person shall have a restricted drug in his possession. 5

Offence.

(2) Every person who violates subsection (1) is guilty of an offence and is liable

(a) upon summary conviction for a first offence to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment, and for a subsequent offence to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment; or 10 15

(b) upon conviction on indictment to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three years or to both fine and imprisonment. 20

Trafficking in restricted drug.

41. (1) No person shall traffic in a restricted drug or any substance represented or held out by him to be a restricted drug.

Possession for the purpose of trafficking.

(2) No person shall have in his possession any restricted drug for the purpose of trafficking. 25

Offence.

(3) Every person who violates subsection (1) or (2) is guilty of an offence and is liable

(a) upon summary conviction, to imprisonment for eighteen months; or 30

(b) upon conviction on indictment, to imprisonment for ten years.

Procedure in prosecution for possession for trafficking.

42. (1) In any prosecution for a violation of subsection (2) of section 41, if the accused does not plead guilty, the trial shall proceed as if the issue to be tried is whether the accused was in possession of a restricted drug contrary to subsection (1) of section 40. 35

Idem.

(2) If, pursuant to subsection (1), the court finds that the accused was not in possession of a restricted drug contrary to subsection (1) of section 40, he shall be acquitted, but, if the court finds that the accused was in possession of a restricted drug contrary to subsection (1) of section 40, he shall be given an opportunity of establishing that he was not in posses- 40