

POISONS, OPIUM, AND DANGEROUS DRUGS

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW RELATING TO POISONS, OPIUM, AND DANGEROUS DRUGS.

Ordinance Nos, [1st January , 1936]

17 of 1929

43 of 1935

12 of 1939

35 of 1939

14 of 1941

Ordinance Nos,

12 of 1952

16 of 1953

42 of 1953

22 of 1955

Act Nos,

13 of 1984

[8th May , 1984]

26 of 1986 [5th September , 1986]

CHAPTER I

PRELIMINARY

Short title. **1.** This Ordinance may be cited as the Poisons, Opium, and Dangerous Drugs Ordinance.*("Until the coming into force of the Code this Ordinance shall have effect subject to the modifications specified in the Schedule to the Ayurveda Act"See section 86 of that Act.)

Interpretation. **2.**

(1) In this Ordinance, unless the context otherwise requires"

" container " includes package, bottle, or other receptacle;

" Director " means the Director of Health Services;

" dispense " includes compound ;

" Government Agent " includes Assistant Government Agent;

" local authority " means"

(a) as respects any area within the administrative limits of a Municipal Council, Urban Council or Town Council, the Mayor or Chairman of such Council;

(b) as respects any place not within the aforesaid administrative limits, the Government Agent in charge thereof;

" medical practitioner ", " dentist", and " pharmacist" respectively means persons registered as such under the Medical Ordinance;

" regulation" means a regulation made under this Ordinance and published in the Gazette, and includes the First, Second, Third, Fourth, Fifth and Sixth Schedules;

" veterinary surgeon " means a veterinary surgeon holding a licence

from the local authority to act as such ;
"wholesale druggist" means any person holding a licence from the local authority to act as such.

(2) For the purposes of this Ordinance, anything in the order, disposition, power, or control of a person is deemed to be in his possession.

Calculation of percentages. **3.** Unless otherwise prescribed by regulation, percentages in the case of liquid preparations shall, for the purposes of this Ordinance, be calculated on the basis that a preparation containing one per centum of any substance means a preparation in which one gramme of the substance, if a solid, or one milliliter of the substance, if a liquid, is contained in every one hundred millilitres of the preparation, and so in proportion for any greater or less percentage.

CHAPTER II POISONS

Meaning of **4.**
poison.

(1) In this Ordinance, unless the context otherwise requires"
" poison " means any article specified in Parts I, II and 111 of the First Schedule;

" poisonous substance " means any of the substances specified in Part IV of the First Schedule.

(2) In this Chapter, unless the context otherwise requires, " medical practitioner " includes an apothecary entitled to practise medicine under section 41 (1) (a) or (b)* of the Medical Ordinance.

Restrictions on **5.**
sale and
dispensing of
poisons.

(1) No person shall dispense or sell any poison except as permitted by, or otherwise than in accordance with, the provisions of this Ordinance.

(2) Where any person, who is permitted by the provisions of this Ordinance to dispense or sell poisons, ceases at any time to be entitled or to be qualified in accordance with those provisions to dispense or sell poisons, all such stock of poisons as may at that time be in his possession shall be disposed of by him within such period, in such manner, and in conformity with such restrictions or conditions, as may be prescribed by regulations. A sale of a stock of poisons effected by any person in accordance with such regulations shall not be deemed to be a contravention of the provisions of subsection (1), notwithstanding that such person may not at the time of the sale be qualified in accordance with the provisions of this Ordinance to sell any poison.

Pharmacists. **6.**

(1) A pharmacist may dispense and sell poisons for the purposes of and in the course of his business or practice as a pharmacist.

(2) Any person who assumes and uses the title of pharmacist under the provisions of subsection

(3) of section 58 of the Medical Ordinance, may sell poisons if he employs a registered pharmacist personally to superintend and manage the sale and the dispensing of poisons.

Medical practitioners and dentist.

7. A medical practitioner or dentist, or a Government apothecary who, under section 41 (1) (a) or (b)* of the Medical Ordinance, is entitled to practise medicine and surgery for gain may dispense and sell poisons for the use of his patients. (* Paragraphs (c), (cc) and (ccr) of section 41 (I) of the Medical Ordinance add further categories of apothecaries who are entitled to practise medicine and surgery.)

Veterinary surgeons.

8. A veterinary surgeon may dispense and sell poisons for the treatment of animals.

Poisons for use in agriculture & c

(1)

(a) A person holding a licence from the local authority to sell specially prepared poisons by retail may sell such poisons subject to such restrictions or exceptions as may be prescribed by regulations.

(b) For the purposes of this section " specially prepared poisons " means poisons designed and intended to be used exclusively"

(i) for the purposes of photography ;

(ii) in agriculture and horticulture;

(iii) for the destruction of insects, fungi, bacteria or weeds;

(iv) for the preservation of skins or timber or for such other industrial purposes as may be prescribed by regulations;

(v) for the veterinary treatment of animals.

(2) Every such licence shall, unless previously revoked, remain in force for one year.

(3) Every such licence shall be charged with a fee of fifteen rupees payable to the local authority.

Wholesale druggists.

10. A wholesale druggist may, in the ordinary course of wholesale dealing"

(a) sell any poison to a pharmacist or to a person who assumes and uses the title of pharmacist under the provisions of subsection (3) of section 58 of the Medical Ordinance, or to a medical practitioner, a dentist, a veterinary surgeon, a vederala, or to an apothecary entitled to dispense and sell poisons for the use of his patients, or sell any poison for the use of an estate hospital or dispensary established under the Medical Wants Ordinance;

(b) sell to a person licensed by a local authority any poison which that person is authorized to sell.

Estate hospitals.

11. A dispenser appointed under the Medical Wants Ordinance, and an estate

dispenser* appointed by a superintendent to an estate or group of estates with the approval of the Director of Health Services, but only during the time he is actually so employed, may dispense poisons for the use of the estate hospital or dispensary to which he is attached. (An estate apothecary is added by an amendment to Section 41(1) (d) to the Medical Ordinance by Act No. 16 of 1965.)

Vederalas. **12.** A vederala may dispense and sell poisons to and for the treatment of his patients, but not in a form unfitted for use as medicine, or in a larger quantity than is necessary for the treatment of the patient to whom it is supplied.

Sale to
persons under
twelve years
of age

13.

(1) No person shall sell, supply, or deliver any poison to a person under twelve years of age, except on the prescription of a medical practitioner prescribing the poison for the use of that person.

(2) Nothing in this section shall prevent a medical practitioner, dentist, vederala, an apothecary entitled to dispense and sell poisons for the use of his patients, or a dispenser* entitled to dispense poisons under section 11 from selling, supplying, or delivering poison to a person under twelve years of age for the purposes of the medical or dental treatment of that person.

Duties with regard
to prescriptions

14.

(1) A person who dispenses any prescription, whether containing a poison or regard to not, shall before delivery"

(a) cause a copy of the prescription to be entered in a book (hereinafter called " the Prescription Book "); and

(b) write his name or initials on, or on a label attached to, the container containing the drug.

(2) A container or label attached thereto having the name or initials of a pharmacist thereon shall be sufficient prima facie evidence that the drug in the container was dispensed or compounded by him.

Excessive
doses. **15.** No person shall dispense any prescription in which the maximum dose of any poison exceeds that laid down in the current edition of the British Pharmacopoeia, unless such dose is specially initiated by the prescriber.

Standard of
strength, & c.
of drugs. **16.** No person shall sell or dispense any drug or poison which is stale or unfit for use, or any drug or poison not of the nature, substance, quantity, or quality demanded by the purchaser or specified in the prescription, or, except in accordance with the prescription of a medical practitioner, any drug not being of the standard of strength, quality and purity laid down in the current edition of the British Pharmacopoeia.

Sale to
unknown
persons.

17. No person shall sell a poison specified in Part I of the First Schedule to a person unknown to the vendor unless the purchaser is introduced by some person known to the vendor, or, where the vendor is a pharmacist, unless the purchaser either is introduced by some person known to the vendor or produces the prescription of a medical practitioner prescribing the poison and the vendor has no reason to suspect that the prescription is not genuine or that the purchaser is not the person for whom the poison was prescribed.

Sale of poisons in Pan III of the First Schedule. **18.**

(1) No person shall sell any poison included in Part III of the First Schedule, except on and in accordance with a prescription given by a medical practitioner, dentist, or veterinary surgeon, or by a Government apothecary who, under section 41 (1) (a) or (b)* of the Medical Ordinance is entitled to practise medicine and surgery for gain. (* Paragraphs (c) and (ccc) of section 41 (I) of the Medical Ordinance add further categories of Government apothecaries who are entitled to practise medicine and surgery.)

(2) Subsection (1) shall not apply to a sale of any of the poisons referred to therein to a pharmacist by a wholesale druggist in the ordinary course of wholesale dealing.

(3) For the purpose of this section a prescription shall"

(a) be in writing, dated and signed by the prescriber with his usual signature, set out his surname and address, and specify the name and address of the person for whose use the prescription is given, the total amount of the poison to be supplied on the prescription, and the dose to be taken;

(b) where it is marked given by a dentist, be "For dental treatment only" or, where it is given by a veterinary surgeon, be marked " For animal treatment only ".

(4) The person dispensing the prescription shall comply with the following requirements:"

(a) the prescription must not be dispensed more than once unless the prescriber has stated thereon that it may be dispensed more than once;

(b) if the prescription contains a direction that it may be dispensed a stated number of times or at stated intervals, it must not be dispensed otherwise than in accordance with such direction;

(c) at the time of the dispensing there must be noted on the prescription, above the signature of the prescriber, the name and address of the person dispensing the prescription and the date on which it is so dispensed.

Vendor to enter particulars of sale of poisons in a book. **19.**

(1) On every sale of poison, the vendor shall, before delivery, cause the particulars specified in Part V of the First Schedule to be entered in a book (hereinafter called "the Sale of Poisons Book ") and to be signed by himself or the person who dispensed or sold the poison and by the purchaser and his introducer, if any.

(2)Subsection(1) shall not apply to poison supplied"

(a) by a medical practitioner for the treatment of his

patient; or

(b) by a pharmacist on the prescription of a medical practitioner, if the prescription and the name and address of the patient or the purchaser, or the name of the patient and the name and address of the person to whom the poison is delivered, are forthwith entered in the Prescription Book ; or

(c) by a wholesale druggist in the ordinary course of wholesale dealing to a pharmacist keeping open shop for the sale of drugs by retail.

(3) It shall not be necessary for an entry in the Sale of Poisons Book to be signed by the purchaser where the purchaser is a medical practitioner, and the purchase is made for the purpose of his profession and the following conditions are fulfilled, namely:"

(a) there must have been received by the vendor before the sale an order in writing signed by the purchaser stating his name and address and the name and quantity of the article to be purchased;

(b) the vendor must be reasonably satisfied that the signature affixed to the order is in fact the signature of the person purporting to sign it, and that that person is a medical practitioner;

(c) the vendor must enter in the Sale of Poisons Book, in the column assigned to the signatures of purchasers, the words " signed order" followed by the date on which the order is executed, and must preserve the order for a period of two years from the date on which the final entry in the book is made:

Provided that, if a vendor is reasonably satisfied that a medical practitioner desiring to purchase a poison urgently requires it for the purpose of his profession, but is, by reason of some emergency, unable, before delivery, either to furnish to the vendor an order in writing duly signed, or to attend and sign the book, the vendor may send the poison to the purchaser to be handed over to him either in exchange for such an order or on an undertaking by the purchaser to furnish such an order to the vendor within the forty-eight hours next following.

(4) If any purchaser by whom any such undertaking as aforesaid has been given fails to deliver to the vendor a signed order in accordance with the undertaking, or if any person for the purpose of obtaining delivery of any poison under the foregoing proviso makes a statement which is to his knowledge false, he shall be deemed to have contravened the provisions of this Ordinance.

(5) This section applies to dentists and veterinary surgeons in

like manner as it applies to medical practitioners.

Labeling of poisons for sale. **20.**

(1) No person shall sell any poison unless the container is distinctly labelled or marked with the name and address of the vendor, with the word " Poison" or " Poisonous " in Sinhala, Tamil and English, and with the name of the poison and, in the case of a preparation which contains a poison as one of the ingredients thereof, with such particulars as to the proportion which the poison contained in the preparation bears to the other ingredients as may be prescribed by regulation.

(2) Subsection (1) shall not apply to sales by or on the prescription of a medical practitioner"

(a) of poison intended for internal use as a medicine if the name and address of the vendor and explicit directions for its use are written on the container in Sinhala, Tamil, or English at the discretion of the pharmacist;

(b) of poison intended for external use as a medicine if the name and address of the vendor and explicit directions for its use are written on the container in Sinhala, Tamil or English at the discretion of the pharmacist, and the word " Poison " or " Poisonous " in Sinhala, Tamil and English is written on the container.

(3) No person shall sell any liquid containing poison in a container containing less than one reputed quart unless the container is rendered distinguishable by touch from ordinary containers.

(4) Subsection (3) shall not apply to sales of poison intended for internal use as medicine if explicit directions for its use and the word " Poison " or " Poisonous " in Sinhala, Tamil and English are written on the container, or to sales of poisons by wholesale druggists in the ordinary course of wholesale dealings.

Labeling of poisonous substances for sale **21.**

(1) No person shall sell any poisonous substance except in a container labelled or marked with the name of the substance, the words " Poison" or " Poisonous, not to be taken " in Sinhala, Tamil and English, and with the name and address of the vendor.

(2) No person shall sell any liquid poisonous substance in a container containing less than one reputed quart unless the container is rendered distinguishable by touch from ordinary containers.

(3) Subsection (2) shall not apply to sales of poisonous substances by wholesale druggists in the ordinary course of wholesale dealings.

Storage of poisons. **22.** No person shall keep any poison in any warehouse, shop, or dispensary, unless"

(a) the container is labelled or marked with the word " Poison" or "

Poisonous " in Sinhala, Tamil and English, and with the name of the article; and

(b) such poison is kept in one or other of the following ways, namely :"

(i) in a bottle or vessel tied over, capped, locked, or otherwise secured in a manner different from that in which bottles or vessels containing other articles are secured in the same warehouse, shop, or dispensary; or

(ii) in a bottle or vessel rendered distinguishable by touch from the bottles or vessels in which other articles are kept in the same warehouse, shop, or dispensary; or

(iii) in a bottle, vessel, box, or package in a room or cupboard set apart for the storage of poisons.

Arsenic. **23.**

(1) No person shall sell any arsenic which is not before the sale mixed with soot or indigo in the proportion of not less than one ounce of soot or half an ounce of indigo to one pound of the arsenic, and so in proportion for any greater or less quantity.

(2) In this section " arsenic" means arsenious oxide or arsenious acid (commonly known as white arsenic) in the form of lumps or powder, and whether chemically pure or not.

(3) This section shall not apply to sales"

(a) by wholesale druggists to medical practitioners, dentists, veterinary surgeons, pharmacists, vedaralas, or apothecaries; or

(b) by or on the prescription of a medical practitioner or dentist.

Regulations for the purposes of this Chapter.

24. Regulations may be made for the purposes of this Chapter"

(a) prescribing the period within which, the manner in which, and the restrictions and conditions in conformity with which, any stock of poisons in the possession of any person referred to in section 5 (2) shall be disposed of by such person;

(b) imposing the restrictions or exceptions, and prescribing the industrial purposes, referred to in section 9;

(c) restricting and regulating the possession and transport of poisons by persons who are wholesale druggists or holders of licences to sell specially prepared poisons by retail; and

(d) prescribing the nature or description and the quantities of the poisons which may be kept for sale and sold by persons who are wholesale druggists or holders of licenses to sell specially prepared poisons by retail and the precautions to be taken in relation to such poisons by such persons.

Analysis of **25.** samples.

(1) Any medical practitioner serving in the Department of Health, or any Collector of Customs, or any Superintendent or Assistant Superintendent of Police, or any person authorised in writing by any

such medical practitioner, Collector, Superintendent, or Assistant Superintendent, may purchase a sample of any drug or poison for analysis by an authorized analyst.

(2) The person purchasing the sample shall forthwith notify to the seller, or his agent selling the article, his intention to have the same analysed by an authorized analyst, and shall divide the article into two parts to be then and there separated and cause each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall deliver one of such parts to the seller or his agent, and the other, if he deems it right to have the article analysed, to an authorized analyst. The seller of any such article so sold may affix his own private seal to the sample so obtained in such a manner as not to interfere with the seal affixed by the authorized person.

(3) If two or more articles, purporting to be of the same nature, size, or weight, and quality, are purchased for analysis"

(a) the purchaser, instead of dividing each article into two parts, may, if he thinks fit, cause, as near as may be, half the number of such articles to be separated, fastened up, marked, sealed, and delivered to the seller or his agent and cause, as near as may be, half the number of such articles to be separated, fastened up, marked, sealed, and delivered to an authorized analyst for analysis;

(b) the authorized analyst, if any such article singly is too small to be conveniently analysed as a separate sample, may mix together two or more of such articles and analyse them as a single sample.

(4) No pharmacist keeping open shop for the sale or dispensing of drugs shall refuse to sell for analysis under the foregoing provisions of this section any drug or poison exposed or kept for sale or apparently intended for use in dispensing medicines.

(5) In any proceedings under this Ordinance, the production of a certificate signed by an authorized analyst with regard to any sample procured for analysis under this section shall be prima facie evidence of the facts therein stated, and no proof need be given of the signature or appointment of the person signing the certificate.

(6) In this section " authorized analyst" means the Government Analyst, an Assistant Government Analyst, and any other person authorized by the Minister by notice in the Gazette to act as such.

CHAPTER III

POPPY, COCA, AND INDIAN HEMP PLANTS

Definitions- poppy plant coca plant, and hemp plant. **26.** In this Ordinance, unless the context otherwise requires"

" poppy plant " means the plant known as Papaver somniferum L;

" coca plant" means any plant of the genus Erythroxylum from which cocaine can be extracted, either directly or by chemical transformation;

" hemp plant " means the plant known as Cannabis saliva L,

Prohibition against **27.** No person shall, without the licence of the Minister, sow, plant,

cultivation of poppy & c. cultivate, obtain, or have in his possession any poppy plant, coca plant, or hemp plant, or collect or have in his possession the seeds, pods, leaves, flowers, or any part of any such plant.

Prohibition against import and export of poppy, & c. **28.** No poppy plant, coca plant, or hemp plant, or seeds, pods, leaves, flowers, or any part of any such plant or any preparation thereof, shall be imported or brought into or exported from Sri Lanka. [2,13 of 1984]

Prohibition against possession, use, & c, of any preparation. & c, from the hemp plant, poppy plant or the coca plant. **29.** Except as provided for in Chapters IV and V hereafter, no person shall collect, prepare, process, sell or offer for sale, manufacture, store, obtain or have in his possession, consume, distribute or use [2,13 of 1984]

(a) any resin obtained from the hemp plant for the preparations or extracts from the hemp plant commonly known as bhang, hashish or ganja or any other preparation of which such resin forms apart;

(b) any exudate obtained from the poppy plant or the preparation of or extracts from the poppy plant commonly known as opium, morphine, heroin or any other preparations of which such resin forms a part, and

(c) any preparations, alkaloids and salts from the coca plant."

Exception in favour of preparations and cordage. **30.** Nothing in this Chapter shall affect the lawful import, export, supply, manufacture, use, or possession of galenical preparations (extract and tincture) of the hemp plant under Chapter V, or of hemp rope or cordage, or of hemp fibre suitable for manufacture into rope or cordage, or the transit, in accordance with the provisions of Chapter VI, of any article referred to in sections 27, 28 and 29, through Sri Lanka or the territorial waters* or any port of Sri Lanka, whether with or without transshipment or unshipment. (* See also sections 2 and 11 of the Maritime Zones Law)

CHAPTER IV

RAW AND PREPARED OPIUM

Definitions of raw opium " prepared opium ", and " registered consumer ". **31.** In this Ordinance, unless the context otherwise requires"

" raw opium " means the spontaneously coagulated juice obtained from the capsules of the *Papaver somniferum* L, which has only been submitted to the necessary manipulations for packing and transport, whatever its content of morphine;

" prepared opium" means raw opium which has undergone the processes necessary to adapt it for smoking, and includes opium dross and any other residues remaining after opium has been smoked ;

" registered consumer" means a person who, on the date on which this Ordinance comes into operation, is a consumer of opium registered under the Opium Ordinance, 1910. (*Repealed by Ordinance No. 17 of 1929.)

Restriction on import and export of raw or prepared **32.** (1) No person, except the Director acting under the authority

opium.

of the Minister, shall import or bring into Sri Lanka any raw or prepared opium.

(2) The Minister may, from time to time, authorize the Director to purchase and import on behalf of the Government such quantities of raw and prepared opium as may be required in Sri Lanka for medical or scientific purposes or for supply to registered consumers or registered vederalas. In importing such opium the Director shall comply with the regulations in Part II of the Third Schedule so far as applicable.

(3) No person shall export any raw or prepared opium from Sri Lanka.

(4) The Director may, subject to such conditions as he may think fit to impose, supply and grant licences for the use of raw or prepared opium for scientific purposes.

Restriction on possession of raw opium and opium dross.

33. No person shall prepare, treat, or have in his possession any raw or prepared opium except as allowed by this Ordinance or by regulation or otherwise than in accordance with the terms of any licence for its use for scientific purposes granted by the Director.

Restriction on supply of raw supply or prepared opium

34. No person shall supply or procure, or offer to supply or procure, raw or supply or prepared opium to or for any person, whether in Sri Lanka or elsewhere, except as permitted by, or otherwise than in accordance with, the provisions of this Ordinance or any regulation.

Distribution of raw or prepared opium among registered Consumers, & c.

[2.26 of 1986]

35.

(1) The Director may in his discretion distribute raw or prepared opium to registered consumers or registered ayurvedic practitioners as provided for in the Act.

(2) Such distribution shall be effected through opium officers who shall be- (a) public officers in the Department of Health specially appointed by the Director to be opium officers; and (b) officers in charge of all hospitals and dispensaries of the Department of Ayurveda appointed by the Commissioner for Ayurveda to be opium officers.

(3) The Director shall keep and revise, from time to time, a register of all opium officers.

(4) An opium officer may on behalf of the Government deliver, on payment of the prescribed price and in accordance with any regulations applicable, raw or prepared opium to"

(a) a registered consumer for his personal consumption;

(b) a registered vederala for the treatment of his patients.

(5) an opium officer shall not receive any commission on, or profit from, the distribution of opium.

Restriction on consumption of raw or prepared opium.

36. No person shall consume raw or prepared opium, whether by

eating or smoking, except, in accordance with the provisions of this Ordinance"

- (a) opium supplied to him as a registered consumer; or
- (b) opium supplied to him by a registered vederala for his treatment when ill.

Prohibition against use of **37**. No person shall knowingly suffer or permit any premises in his possession to be used as a place of resort for the purpose of eating, smoking, storing, consuming or administering any opium or any preparation thereof.

& c. of opium.

[3.13 of 1984]

Special directions as **38**.
to quantity and
reduction of
allowance.

(1) The Minister may, from time to time, give directions as to the quantity of reduction of opium which may be allowed to a registered consumer, and in particular for the gradual reduction of the allowance of opium to an addict. Certificate of registration.

(2) The Government Agent of the area where any registered consumer ordinarily resides shall issue to that consumer a certificate of registration"

- (a) specifying his allowance of opium, and the opium officer from whom it may be obtained,
- (b) stating whether the allowance is intended to be used for smoking or eating, and
- (c) including also such special directions or restrictions as the Minister may have given or imposed by order made in that behalf.

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Quantity **39**.
permitted.

(1) No registered consumer shall have in his possession at any one time any quantity of opium in excess of five weeks' supply, computed on the basis of the allowance specified in the certificate of registration issued to him and in accordance with such directions as may be given by the Minister under section 38.

(2) No registered consumer shall"

- (a) part with the possession of the certificate of registration issued to him or of any opium supplied to him, or
- (b) be party or privy to the use by any other person of such certificate or opium.

Cancellation of **40**.
registration.

(1) The Minister may at any time Cancellation of direct the registration of a consumer to be cancelled.

(2) A Government Agent shall cancel the registration of a consumer who has not been supplied with opium for six consecutive months.

(3) A Government Agent may, if he thinks fit, cancel the

registration of a consumer who is convicted of an offence which, in the opinion of the Government Agent, shows him to have abused his privilege of obtaining opium.

(4) Every decision of a Government Agent under this section shall be subject to appeal to the Minister.

Consumer to
surrender certificate
on cancellation. **41.**

(1) Whenever the registration of a consumer is cancelled or his allowance of opium is altered or suspended, the Government Agent shall forthwith inform the consumer, who shall within fourteen days of being so informed surrender his certificate to the Government Agent.

(2) A Government Agent shall keep and revise, from time to time, a register of all consumers of opium registered in his district.

Registration
of vederalas **42.**

(1) In this Ordinance, "registered vederala " means a person who at the commencement of this Ordinance is registered as a vederala under the Opium Ordinance, 1910.* or who is registered as a vederala under this Ordinance.

(2) The Minister shall, from time to time, appoint for each province, or, if he thinks fit, for any administrative district, a board consisting of the Government Agent, who shall be chairman, and such other persons as the Minister shall think fit to appoint. Any board appointed under the corresponding provisions of the Opium Ordinance, 1910.* shall be deemed to have been appointed under this section.

(3) It shall be the duty of every such board to deal with applications for registration by vederalas, and to direct or refuse registration in their discretion, and from time to time, to fix the amount of opium which may be supplied to any registered vederala.

(4) The board shall cancel the registration of a vederala who ceases to practise or is convicted of an offence which, in the opinion of the board, shows him to be unfitted to be entrusted with opium.

(5) Every decision of the board under this section shall be subject to appeal to the Minister.

(6) A Government Agent shall keep and revise, from time to time, a register of vederalas registered in his district.

Supply to
vederalas. **43.**

(1) The Government Agent shall issue a certificate of registration to every registered vederala specifying the quantity of opium which may be supplied to him and the opium officer from whom it may be obtained.

(2) Whenever the registration of a vederala is cancelled or his allowance of opium is altered, the Government Agent shall forthwith inform the vederala, who shall within fourteen days of

being so informed surrender his certificate to the Government Agent.

(3)

(a) No registered vederala shall have in his possession, at any time, any quantity of opium in excess of eight months' supply, computed on the basis of the rate or quantity specified in the certificate of registration issued to him.

(b) No registered vederala shall supply opium for eating or smoking or for any purpose other than the treatment of disease ; and in the treatment of disease, no opium shall be supplied to any patient in any form other than that of a medicinal preparation, or in any quantity at any one time exceeding the total of the doses prescribed for that patient for three days.

Proof of registers. **44.**

(1) An extract from or copy of any register kept by a Government Agent or the Director under this Chapter or under any regulations contained in the Second Schedule certified as correct by the Government Agent or, in the case of a register kept by the Director, by the Director, shall be admissible in evidence without proof and shall be sufficient prima facie evidence of the facts stated therein.

(2) The certificate of the Government Agent or the Director that the name of any person does or does not appear in such register shall be admissible in evidence and shall be sufficient prima facie evidence of the fact.

(3) For the purposes of this section, no proof need be given unless the court otherwise requires, of the signature of the Government Agent or Director or of his appointment.

Regulations for giving effect to this Chapter.

45. The provisions of this Chapter shall Regulations for be carried into effect in accordance with the regulations contained in the Second Schedule.

Savings for raw opium transit.

47. Nothing in this Chapter shall affect the transit, in accordance with the in provisions of Chapter VI, of any raw opium through Sri Lanka, or the territorial waters or any port of Sri Lanka, whether with or without transshipment or unshipment. (* Section 46 is omitted, as it is a transitory provision.)

CHAPTER V

DANGEROUS DRUGS

Definitions. **48.** For the purposes of this Ordinance unless the context otherwise requires"

(1) the drugs, substances, articles or preparations, specified for the time being in Groups A, B, C, D and E in Part I of the Third Schedule, shall be deemed to be dangerous drugs; and

(2) no person shall be deemed to be a veterinary surgeon unless he holds a licence from the local authority to act as such and, in addition, a licence from the Director to exercise the privileges conferred on veterinary surgeons by this Chapter.

Restrictions on wholesale trade of dangerous drugs. **51.**

(1) All wholesale trade within Sri Lanka in any of the drugs, substances, articles or preparations, specified for the time being in Groups B and C, and all retail trade in any of the drugs, substances, articles or preparations, specified for the time being in Group B, in Part I of the Third Schedule, shall be subject to the regulations made in that behalf.

(2) No person shall conduct or participate in the wholesale trade referred to in subsection (1) until regulations are made as aforesaid or otherwise than in accordance with those regulations.

(3) The sale, dispensing, possession, and use of dangerous drugs are subject to the same restrictions as are other poisons under Chapter II, and, in addition, to the provisions of this Chapter and such regulations as may be made in that behalf.

Restriction on possession and consumption, **52.**

(1) No person shall obtain or have in his possession any dangerous drug except as permitted by, or otherwise than in accordance with, the provisions of this Chapter or a licence of the Director.

(2) No person shall knowingly consume any dangerous drug, unless it is supplied to him for the purpose by a medical practitioner or by a pharmacist in accordance with the prescription of a medical practitioner.

(3) Every person who has in his possession any dangerous drug which has been supplied to him for his use by or on the prescription of a medical practitioner shall be guilty of an offence against this Ordinance, if he was at the time of the supply receiving treatment from another medical practitioner, and had in the course of such treatment been supplied with any of the drugs by or on the prescription of such last-mentioned medical practitioner, and did not disclose that fact to the first-mentioned practitioner before the drug was supplied to him.

Prohibition against manufacture.

53. No person shall manufacture or carry on any process in the manufacture of any dangerous drug.

Restriction on sale and supply. **54.**

(1) No person shall administer, sell, supply, or procure or offer to sell, supply, or procure any dangerous drug to or for any person, whether in Sri Lanka or elsewhere, or advertise any such drug for sale, except as permitted by, or otherwise than in accordance with, the provisions of this Ordinance and a licence in that behalf from the Director.

(2) Where any person, who is permitted by this Ordinance and by a licence from the Director to administer, sell or supply dangerous drugs, ceases at any time to be entitled or to be qualified in accordance with the provisions of this Ordinance to administer,

sell or supply dangerous drugs, all such stock of dangerous drugs as may at that time be in his possession shall be disposed of by him within such period, in such manner, and in conformity with such restrictions or conditions, as may be prescribed by regulations. A sale of a stock of dangerous drugs effected by any person in accordance with such regulations shall not be deemed to be a contravention of the provisions of subsection (1), notwithstanding that such person may not at the time of the sale be qualified in accordance with the provisions of this Ordinance to sell any dangerous drug.

Prohibition against manufacture, trafficking, import or export and possession of dangerous drugs.

[5.13 of 1984]

54A. Any person who

(a) manufactures any of the following dangerous drugs, namely heroin or cocaine or morphine or opium shall be guilty of an offence against this Ordinance and shall on conviction by the High Court without a jury be liable to a sentence of death or life imprisonment;

(b) except as permitted by or otherwise than in accordance with the provisions of this Chapter or a licence of the Director, trafficks in any dangerous drug set out in Column II of Part III of the Third Schedule in excess of the amount set out in the said Column II shall be guilty of an offence against this Ordinance and shall on conviction by the High Court without a jury be liable to the penalty set out in the corresponding entry in Column III of that Part;

(c) except as permitted by or otherwise than in accordance with the provisions of this Chapter or a licence of the Director, imports or exports any dangerous drug set out in Column II of Part III of the Third Schedule in excess of the amount set out in the said Column II shall be guilty of an offence against this Ordinance and shall on conviction by the High Court without a jury be liable to the penalty set out in the corresponding entry in Column III of that Part;

(d) except as permitted by or otherwise than in accordance with the provisions of this Chapter or a licence of the Director, possesses any dangerous drug set out in Column II of Part III of the Third Schedule in excess of the amount set out in the said Column II shall be guilty of an offence against this Ordinance and shall on conviction by the High Court without a jury be liable to the penalty set out in the corresponding entry in Column III of that Part.

In this section:

" manufacture " in relation to a dangerous drug includes any process of producing such drug and the refining or transformation of one drug into another;

" traffick" means

(a) to sell, give, procure, store, administer, transport, send, deliver or

distribute; or

(b) to offer to do anything mentioned in paragraph (a).

Abetting in the commission of an offence under section 54A.

[5.13 of 1984]

Supply to medical practitioners and others.

54B. Any person who abets the commission of or who attempts to commit or does any act preparatory to or in furtherance of the commission of any offence under section 54A. shall be guilty of such offence and shall be liable on conviction to the punishment provided for such offence.

(1) The Director may in his discretion, on payment of the prescribed price, supply in accordance with the regulations contained in the Second Schedule any dangerous drug"

(a) to a medical practitioner, dentist, pharmacist, or veterinary surgeon for use in accordance with the provisions of this Chapter; and

(b) for use in estate hospitals or dispensaries established under the Medical Wants Ordinance in accordance with the conditions or provisions contained in any licence issued by the Director for the use of dangerous drugs in such hospital or dispensary; and

(c) to the master of any ship not carrying a medical practitioner as part of her complement so far as is necessary to comply with the requirements of the Merchant Shipping Act or any regulations made thereunder,

(2) Every person to whom any dangerous drug is supplied under the provisions of this section shall keep the same in a locked receptacle of which the key shall be kept by himself or a qualified assistant.

(3) Unless a price is prescribed by regulation, the prescribed price of a dangerous drug means its cost with an addition of ten/ per centum of such cost. The cost includes freight and insurance and any import duty which would be payable thereon if it were imported by a person other than the Director.

Supply by medical practitioners, dentists, and veterinary surgeons.

56.

(1) A medical practitioner may administer, prescribe or supply any dangerous drug for the treatment of his patients, but shall not supply to any patient more than the amount to be taken by him during three days.

(2) A dentist may administer, prescribe, or supply any dangerous drug for the dental treatment of his patients by local application, but shall not supply to any patient more than the amount to be used by him during three days.

(3) A dentist may, for the purpose of dental treatment, administer a dangerous drug by hypodermic injection.

(4) A veterinary surgeon may administer, prescribe, or supply any dangerous drug for the treatment of animals,

but shall not supply to any person more than the amount to be taken by the animal during three days.

(5) Any person may administer any dangerous drug by and in accordance with the orders of a medical practitioner, dentist, or veterinary surgeon.

Supply by pharmacists.

57. A pharmacist may on premises licensed for the purpose by the Director supply a dangerous drug to any person on the prescription of a medical practitioner, dentist, or veterinary surgeon.

Power to withdraw authorization.

58.

(1) If any person authorized by this Ordinance to administer, supply, prescribe, or be in possession of dangerous drugs is convicted of an offence against this Ordinance or of an offence under any enactment relating to the customs as applied by this Ordinance, the Director may by notice in the Gazette withdraw the authorization in respect of any such person, if, in the opinion of the Director, such person cannot properly be allowed to administer, supply, prescribe, or be in the possession of any such drug.

(2) If the Director is of opinion that there is reason to think that a medical practitioner or a dentist is supplying, administering, or prescribing any dangerous drug, either to or for himself, or to or for any other person otherwise than as properly required for purposes of medical or dental treatment, he may refer the case to the Ceylon Medical Council as constituted by section 12 of the Medical Ordinance, and if after consideration the Medical Council so recommends, the Director may act in all respects as if such medical practitioner had been convicted of any of the offences mentioned in subsection (1).

(3) Every decision of the Director under this section shall be subject to appeal to the Minister.

Prescriptions. **59.**

(1) No person other than a medical practitioner, dentist, or veterinary surgeon shall give any prescription for the supply of a dangerous drug.

(2) A prescription for the supply of dangerous drugs shall comply with the following conditions, namely:"

(a) it shall be in writing, dated, and signed by the prescriber with his usual signature, including his surname, and address, and shall specify the name and address of the person for whose use the prescription is given, and the total amount of the drug to be supplied on the prescription; no dangerous drug shall be prescribed for the prescriber's own use;

(b) if a form for use in giving prescriptions of dangerous drugs is prescribed by regulation, the prescription shall be given on such form; but on an emergency, where such form is not available, an

emergency prescription may be given without using the form, the prescription being marked with the words "Official form not available " or to that effect;

(c) the total amount of the drug prescribed shall not exceed the amount to be taken by the patient during three days: Provided that the prescription may direct that the amount prescribed may be supplied on more than one but not more than three occasions at intervals to be specified in the prescription;

(d) a prescription shall be given by a dentist only for the purposes of dental treatment by local application, and shall be marked " For local dental treatment only " ;

(e) a prescription shall be given by a veterinary surgeon only for the purposes of treatment of animals and shall be marked " For animal treatment only ";

(f) a medical practitioner, dentist, or veterinary surgeon shall not give a prescription for the supply of a dangerous drug otherwise than in accordance with the foregoing conditions;

(g) a medical practitioner who dispenses any dangerous drug shall enter particulars thereof in his daybook or in the register hereinafter specified.

(3) The following conditions shall be observed by persons dispensing a prescription for any dangerous drug, namely:"

(a) he shall not dispense any prescripton which does not comply with the provisions of this Ordinance;

(b) if an official form is not prescribed, he shall not dispense a prescription, unless the prescription complies with the provisions of this Ordinance, and he"

(i) either knows and recognizes the signature of the prescriber and has no reason to suppose that the prescription is not genuine; or

(ii) has taken reasonably sufficient steps to satisfy himself that the prescription is genuine;

(c) he shall not dispense an emergency prescription, unless the prescription complies with the provisions of this Ordinance, and he knows and recognizes the signature of the prescriber or knows the person for whose use the prescription is given and has no reason to suppose that the prescription is not genuine ;

(d) the drug shall not be supplied more than once on the same prescription :

Provided that, if the prescription so directs, the drug may be supplied on more than one but not more than three occasions, as directed in the prescription, at intervals to be specified on the prescription ;

(e) the prescription shall be marked with the date or

each date on which it is dispensed, and shall be retained by the person by whom the prescription is dispensed, and shall be kept on the premises where it is dispensed and shall be available for inspection.

Marking of containers. **60.**

(1) No person shall supply any dangerous drug unless the container is plainly marked with the amount of such dangerous drug in the container.

(2) No person shall supply any liquid or substance containing any dangerous drug unless the container is plainly marked"

(a) in the case of a powder, solution, or ointment, with the total amount thereof in the container and the percentage of the drug in the powder, solution, or ointment;

(b) in the case of tablets or other articles, with the amount of the drug in each tablet or article and the number of tablets or articles in the container.

(3) This section shall not apply to a preparation dispensed by or on the prescription of a medical practitioner.

Duties of person supplying dangerous drugs. **61.**

(1) Every person who supplies any dangerous drug shall comply with the following provisions:"

(a) he shall enter or cause to be entered in a register kept for the sole purpose all supplies of the drug purchased or otherwise obtained by him and all dealings in the drug effected by him (including sales or supplies to persons outside Sri Lanka) in the form and containing the particulars shown in the Fourth Schedule ;

(b) separate registers or separate parts of the register shall be used for"

(i) cocaine and ecgonine and substances containing them

(ii) morphine and substances containing it,

(iii) diamorphine and substances containing it,

(iv) medicinal opium,

(v) extract or tincture of the hemp plant or of the resin obtained from the hemp plant, and

(vi) other drugs, substances, articles or preparations deemed to be dangerous drugs under section 48 and substances containing them, or any of them :

Provided that with the approval of the Director separate registers may be kept for separate departments of a business ;

(c) he shall make the entry with respect to any of the drugs purchased or otherwise obtained by him on the day on which the drug is received, and with respect to any sale or supply by him of the drug on the day on which the transaction is effected; or where that is not reasonably convenient, on the day following the day on which the drug is received or the transaction is effected;

(d) where he carries on business at more than one set of premises, he shall keep a separate register or registers in respect of each set of premises ;

(e) he shall keep the register or registers in some part of the premises to which it relates so that it shall at all times be available for inspection in accordance with the provisions of this Ordinance;

(f) he shall not cancel, obliterate, or alter any entry in the register or make therein any entry which is untrue in any particular. Any mistake in an entry may be corrected by a marginal note or footnote giving the correct particulars, dated and signed;

(g) he shall furnish to the Director or to any person authorized by any order of the Director for the purpose all information in regard to any purchases by him of the drugs, all stocks held by him of the drugs, and all transactions effected by him in the drugs as may be required by the Director for the purpose of seeing that the provisions of this Ordinance are observed.

(2) A medical practitioner who records in a daybook particulars of any dangerous drug supplied by him to any patient, together with the name and address of the patient and date of the supply, may, in lieu of keeping the register required by subsection (1) of dangerous drugs sold or supplied by him, enter separately for each of the drugs in a book to be kept for the purpose references under the appropriate dates to the records in the daybook of any supply of the drug-

(3) A pharmacist may, in lieu of keeping the register required by subsection (1) of dangerous drugs sold or supplied by him, enter separately for each of the drugs in a book to be kept for the purpose references under the appropriate dates to the entries in the Sale of Poisons Book or Prescription Book kept by him in pursuance of this Ordinance.

Records to be preserved for two years.

62. Prescriptions, books, records, or registers required to be retained or kept in pursuance of this Chapter shall be preserved for not less than two years from the date of the prescription or the last entry in the book, record, or register, as the case may be.

Delivery to messengers.

63.

(1) No person shall deliver any dangerous drug to a person not

licensed or otherwise authorized to be in possession of the drug who purports to be sent by or on behalf of a person so licensed or authorized, unless such person produces an authority in writing signed by the person so licensed or authorized to receive the drug on his behalf, and unless the person supplying the drug is satisfied that the authority is genuine.

(2) This section shall not apply to a dangerous drug supplied by or on the prescription of a medical practitioner.

Disposal of dangerous drugs on death. **64.** On the death of any person having any dangerous drug in his possession, his executor, administrator, next of kin, or other person into whose possession the dangerous drug shall come shall forthwith inform the Director of the fact, and subject to any conditions which may be imposed by the Director, it shall be lawful for the executor, administrator, or next of kin of the deceased to dispose of such dangerous drug to any person authorized to possess the same, and pending such disposal, shall, if so required by the Director, deposit the drug for safe custody with such person as shall be appointed for the purpose by the Director, and shall inform the Director in writing of the name and address of the person to whom the drug is disposed of.

Hypodermic syringes - **65.**
(1) No person not being a medical practitioner, dentist, veterinary surgeon, or pharmacist, or wholesale druggist shall make, import, or possess any hypodermic syringe or other apparatus for injecting any dangerous drug.
(2) This section shall not prevent a person from obtaining, possessing, and using a hypodermic syringe by and in accordance with the orders of a medical practitioner.

Supply to hospital, laboratories, and apothecaries. **66.**
(1) The Director may supply dangerous drugs for the use of public or other hospitals, or dispensaries, and for the purpose of instruction or research in a laboratory attached to any university, college, hospital, or other institution, and may exempt any such hospital, dispensary, or laboratory from all or any of the restrictions in the Ordinance on the dispensing and use of such drugs.
(2) The Director may grant a licence to any apothecary entitled to practise under section 41 (1) (a) or (b)* of the Medical Ordinance, to obtain and use in the medical treatment of his patients any of the drugs specified in the Fifth Schedule ;(* Paragraphs (c) (cc) and (ccc) of Section 41 (1) of the Medical Ordinance add further categories of apothecaries who are entitled to practise medicine and surgery.)
Provided that an apothecary obtaining or using any such drug shall be subject in all respects to the provisions of this Ordinance relating to dangerous drugs in like manner as if he were a medical practitioner.

Application of this Chapter to certain specified drugs

67. None of the provisions of this chapter, save only those relating to importation and exportation, shall apply to any of the drugs, substances, articles, or preparations specified for the time being in Group D in Part I of the Third Schedule.

Regulations. **68.** Regulations may be made"

(a) for the restriction, control or supervision of the wholesale trade in any of the drugs, substances, articles or preparations, specified for the time being in Groups B and C, and of the retail trade in any of the drugs, substances, articles or preparations, specified for the time being in Group B, in Part I of the Third Schedule;

(b) for prescribing the manner in which the drugs, substances, articles or preparations, specified for the time being in Part I of the Third Schedule, shall be kept or stored ;

(c) for prescribing the period within which, the manner in which, and the restrictions and conditions in conformity with which, any stock of dangerous drugs in the possession of any person referred to in section 54 (2) shall be disposed of by such person; and

(d) for exempting any drug, substance, article or preparation from all or any of the provisions of this Chapter, either absolutely or subject to such conditions as may be specified in the regulations.

CHAPTER VI

TRANSIT AND TRANSHIPMENT OF OPIUM AND DANGEROUS DRUGS AND PLANTS

Definition of " restricted articles " . **69.** In this Ordinance, unless the context otherwise requires, " restricted articles " means"

(a) raw opium;

(b) poppy plants, coca plants, and hemp plants, and the seeds, pods, leaves, flowers, roots, and any part of any such plant or any preparation thereof, other than hemp rope or cordage or hemp fibre suitable for manufacture into rope or cordage or for the purposes of any industry;

(c) the resin obtained from the hemp plant, and the preparations of the hemp plant known as bhang, hashish, or ganja, or any other preparation of which such resin forms a part;

(d) dangerous drugs.

Restriction on transit and transshipment

70.

(1) It shall be unlawful to carry through Sri Lanka or the territorial waters or any port of Sri Lanka, whether with or without transshipment or unshipment, or to bring into the territorial waters or any port of Sri Lanka with a view to its being carried through Sri Lanka or any port of Sri Lanka"

(a) any restricted article except in accordance with the regulations in the Sixth Schedule; or

(b) any prepared opium.

(2) This section does not apply to any restricted article lawfully carried through Sri Lanka by post without being

opened in accordance with any rules for the time being applicable to the carriage of such articles by post.

Restriction on treatment and repacking in bonded warehouse. **71.** No restricted article shall, while in the territorial waters or any port of Sri Lanka for the purpose of transit or transshipment, be subjected to any process which will in any way alter its nature or composition, or, except with the permission of the Principal Collector of Customs, be repacked or unpacked.

Seizure and forfeiture **72.** If there shall be any contravention of or attempt to contravene any provision of this Chapter or any regulation contained in the Sixth Schedule with respect to a restricted article, such article shall be liable to seizure and forfeiture under the Customs Ordinance, as if it were a prohibited import unlawfully imported into Sri Lanka.

CHAPTER VII SUPPLEMENTARY

Application of Customs Ordinance. **73.** Articles of which the importation is by this Ordinance prohibited or restricted shall be deemed to be included in the table of prohibitions and restrictions inwards in Schedule B to the Customs Ordinance, and articles of which the exportation is by this Ordinance prohibited or restricted shall be deemed to be included in the table of prohibitions and restrictions outwards in that Schedule.

Prohibition against false other person- **74.** No person shall for the purpose of obtaining, whether for himself or for any declarations.

(a) the issue, grant, delivery, alteration, or renewal of any licence, permit, authority, authorization, or certificate under this Ordinance or any regulation,

(b) registration as a consumer of opium or as a vederala,

(c) any increased allowance or supply of opium,

(d) an appointment as an opium officer, or

(e) any supply or delivery of opium or any dangerous drug, make any declaration or statement, whether oral or in writing, which is false in any particular, or knowingly utter, produce, or make use of any such declaration or statement or any document containing the same.

Refusal and cancellation of licences, & c and imposition of fees. **75.**

(1) Where under this Ordinance or any regulation any person has power to grant any licence, he may, in his discretion"

(a) insert such conditions therein as he may consider expedient;

(b) refuse to grant or cancel the licence.

(2) Every decision under this section shall be subject to appeal to the Minister.

(3) Regulations may be made prescribing the form of any licence under this Ordinance, imposing a fee for the grant of any such licence and providing for the disposal

of any such fee.

(4) This section applies to a permit, authority, authorization, or certificate in like manner as it applies to a licence, and applies to a local authority in like manner as it applies to a person.

Powers of inspection. **76.**

(1) The Director or an officer authorized by him in writing, or any member of the police force of or above the rank of Sub-Inspector or, in the case of premises of a medical practitioner, of or above the rank of Assistant Superintendent may, between the hours of 8 a.m. and 4 p.m. of any week day, enter any premises where poisons or dangerous drugs are stored, dispensed, or sold and inspect and take extracts from or copies of the Sale of Poisons Book and any book, document, or register relating to dangerous drugs kept on the premises and inspect any stocks of poisons or dangerous drugs on the premises.

(2) No person shall wilfully delay or obstruct any person in the exercise of his powers under this section or fail to produce or conceal any such book, document, register, or stocks as aforesaid which may be in his possession.

Search warrants. **77.**

(1) If a Government Agent or Magistrate is satisfied by information on oath that there is reason to suspect that anything is, in contravention, kept, possessed, Ordinance or any regulation, kept, possessed, sold, or manufactured in any place or premises, or that any document directly or indirectly relating to or connected with any transaction or dealing which was, or any intended transaction or dealing which, if carried out, would be an offence against this Ordinance, or in the case of a transaction or dealing carried out or intended to be carried out in any place outside Sri Lanka, would be an offence against the provisions of any corresponding law in force in that place, is in any place or premises, he may grant a search warrant authorizing any person named in the warrant, at any time or times within one month from the date of the warrant, to enter, with or without his assistants, if need be by force, the place or premises named in the warrant, and to search the place or premises and any person found therein, and, if there is reason to suspect that an offence against this Ordinance has been committed in relation to anything found in the place or premises or in the possession of any such person or that any document so found is such a document as aforesaid, to seize and detain such thing or document and, if he thinks fit, to arrest any person found in the place or premises whom he has reason to suspect is guilty of an offence against this Ordinance.

(2) Where any police officer not below the rank of Sergeant or any excise officer not below the rank of Inspector or any officer of the excise striking force not below the rank of Preventive Officer has reason to believe that anything is, in contravention of this Ordinance or any regulation, kept, possessed, sold, or manufactured in any place

or premises, or that any document directly or indirectly relating to or connected with any transaction or dealing which was, or any intended transaction or dealing which, if carried out, would be, an offence against this Ordinance, or in the case of a transaction or dealing carried out or intended to be carried out in any place outside Sri Lanka, would be an offence against the provisions of any corresponding law in force in that place, is in any place or premises, and that a search warrant cannot be obtained under subsection (1) without affording the offender an opportunity of escape or of concealing evidence of the offence, he may after recording the grounds of his belief and at any time within the next twelve hours exercise all or any of the powers which could have been conferred on him by subsection (1).

(3) Any Magistrate, peace officer, excise officer, or officer of the excise striking force may, subject to such restrictions as may be imposed by regulations, arrest without warrant any person reasonably suspected of having committed an offence against this Ordinance, and may search any person upon whom, and any vessel, boat, vehicle, animal, package, receptacle, or covering in or upon which there is reason to suspect that anything is carried or concealed in contravention of this Ordinance or any regulation, and seize and detain any such thing so found.

(4) For the purpose of any search under subsection (3), all such measures may be taken and such devices and such force used as may be necessary to stop any vessel, boat, animal or vehicle, which is not brought to a halt by the person in charge thereof in compliance with any order, direction or signal given in that behalf by any of the officers mentioned in that subsection.

(5) The person in charge of any vessel, boat, animal or vehicle, which is not brought to a halt in compliance with any order, direction or signal given in that behalf by any of the officers mentioned in subsection (3), shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(6) In this section"

" person in charge " of a vehicle means the driver thereof, and, in the case of a motor cycle, or a bicycle, the rider thereof;

" signal" includes one or more blasts of a whistle; and

" vehicle " includes any carriage, coach, cart, motorcar, motor cycle, omnibus, lorry, bicycle, or other mechanically propelled vehicle.

Analysis. **77A.**

[8,13 of
1984]

(1) Notwithstanding anything to the contrary in section 116 of the Code of Criminal Procedure Act, a police officer may submit any drug, substance, article or preparation seized by him or any portion thereof or any sample taken by him in relation to an offence committed under Chapter III or Chapter V of this Ordinance to the

Government Analyst for examination.

(2) Where the Government Analyst has made an examination of any drug, substance, article or preparation submitted to him under subsection (1). he shall send to the police officer who submitted such drug, substance, article, preparation or any portion or sample thereof for examination, a report setting out the result of his examination and he shall forward a copy thereof to the Police Narcotics Bureau.

(3) A report submitted to the police officer under subsection (2) shall be received in evidence in any inquiry, trial or other proceeding under this Ordinance.

(4) The Government Analyst to whom any drug, substance, article, preparation or any portion or sample thereof had been submitted for examination under subsection (1) shall, after submitting his report thereon under subsection (2), send such drug, substance, article, preparation or the portion or sample thereof to the Police Narcotics Bureau, which shall upon an order issued by the Magistrate for its destruction, forthwith cause such drug, substance, article, preparation or portion or sample thereof to be destroyed.

Protection of the identity of an informer.

[8,13 of 1984]

77B, In any proceedings before any court for an offence under Chapter III or Chapter V of this Ordinance, unless the court makes an order to the contrary, if it is of the opinion that justice demands such an order being made, no witness shall be obliged to disclose the name and identity of the informer who has given information with respect to the commission of such offence or to answer any question if the answer thereto would lead or would tend to lead to the discovery of the identity of the informer.

General penalty. **78.**

(1) Every person who"

(a) contravenes or fails to comply with any provisions of this Ordinance or any regulation, or any order or direction lawfully given under this Ordinance or any regulation, or any condition or provision contained in any licence, authorization, permit, or authority granted under this Ordinance or any regulation ; or

(b) in Sri Lanka aids, abets, counsels, or procures the commission in any place outside Sri Lanka of any offence punishable under the provisions of any corresponding law in force in that place, or does any act preparatory to, or in furtherance of, any act which if committed in Sri Lanka would constitute an offence against this Ordinance, shall be guilty of an offence against this Ordinance.

(2) The expression " corresponding law " in this Chapter means any law stated in a certificate purporting to be issued by or on behalf of the Government of any country outside Sri Lanka to be a law providing for the control and regulation in that country of the manufacture, sale, use, export, and import of drugs in accordance with the provisions of the International Opium Convention signed at the Hague on the 23rd day of January, 1912, or a Convention signed at Geneva on behalf of His Majesty the King of the United Kingdom

on the 19th day of February, 1925, and any statement in any such certificate as to the effect of the law mentioned in the certificate, or any statement in any such certificate that any facts constitute an offence against that law, shall be conclusive.

(3) Every person who attempts to commit or abets the commission of an offence against this Ordinance shall himself be guilty of the same offence.

(4) When a company commits an offence against this Ordinance, the chairman and every director and every officer concerned in the management of the company shall be guilty of the like offence unless the act constituting the offence took place without his knowledge or consent.

(5) Every person guilty of an offence against this Ordinance, other than a person guilty of an offence under section 54A, shall for each offence, be liable

(a) on summary conviction by a Magistrate, to a fine not less than one thousand rupees and not exceeding ten thousand rupees or to imprisonment of either description for a period not exceeding five years or to both such fine and imprisonment;

(b) on conviction before the High Court, to a fine not less than ten thousand rupees and not exceeding twenty-five thousand rupees or to imprisonment of either description for a period not less than six months and not exceeding seven years, or to both such fine and imprisonment.

(6) No non-summary proceedings shall be commenced for an offence against this Ordinance without the written consent of the Attorney-General.

(7) No person shall be sentenced to imprisonment without the option of a fine or a fine exceeding five hundred rupees for failing to comply with any provision of this Ordinance relating to the keeping of books or the issuing or dispensing of prescriptions, if the court is satisfied that the offence was committed through inadvertence and was not preparatory to, or committed in the course of, or in connexion with, the commission or intended commission of any other offence against this Ordinance.

Payment of certain fines to the police Reward Fund,

[10,13 of 1984]

Forfeiture.79.

[11,13 of 1984]

78A. There shall be paid to the Police Reward Fund established under section 73 of the Police Ordinance one-third of each and every fine recovered for any offence committed under Chapter in or Chapter V of this Ordinance.

(1) Where any person is convicted of an offence against this Ordinance or any regulation made thereunder the court shall order that all or any articles in respect of which the offence was committed and any boat, vessel, vehicle, aircraft or airborne craft or equipment which has been used for the conveyance of such article shall, by reason of such conviction, be forfeited to the State.

- (2) Any property forfeited to the State under subsection (1) shall
- (a) if no appeal has been preferred to the Court of Appeal against the relevant conviction, vest absolutely in the State with effect from the date on which the period prescribed for preferring an appeal against such conviction expires ;
 - (b) if an appeal has been preferred to the Court of Appeal against the relevant conviction, vest absolutely in the State with effect from the date on which such conviction is affirmed on appeal.

In this subsection " relevant conviction" means the conviction in consequence of which any property is forfeited to the State under subsection (1).

Control of
acetylating
substance.
[12,13 of 1984]

79A.

- (1) Any person who has in his possession an acetylating substance shall be guilty of an offence against this Ordinance unless he proves
- (a) that he is licensed to possess such substance under this Ordinance;
 - (b) that he is authorized to possess such substance under this Ordinance : or
 - (c) that the acetylating substance is in his possession for a lawful purpose.

(2) In any prosecution for an offence under this section, any person who is found to have in his custody or under his control any acetylating substance shall be deemed to have been in possession of the substance and to have known the nature of the substance, unless he proves to the contrary.

(3) In this section " acetylating substance " means a substance which can introduce one or more acetyl groups (Ch. 3. Co-) into another substance by a chemical process. '.

Regulations **80.**

(1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for all or any of the following purposes;"

- (a) for prescribing the terms, conditions, limits or other restrictions in respect of any matter for which regulations are required or authorized by this Ordinance;
- (b) for adding any item to or deleting any item from, or altering, varying or amending in any other way, any of the lists or Groups of poisons and dangerous drugs set out in the First and Third Schedules;
- (c) for amending, altering, varying, or rescinding any of the regulations contained in the First, Second, Third,

Fourth, Fifth, and Sixth Schedules; and

(d) generally for all matters incidental to or connected with the matters or subjects mentioned in this subsection.

(3) No regulation so made shall have effect unless it has been approved by Parliament and notification of such approval has been published in the Gazette.

(4) Every regulation shall, upon the publication of the approval as provided for in subsection (3), be as valid and effectual as if it were herein enacted.

Protection of public officers. **81.** No action shall lie against the Government or against any public officer for damages in any civil court for any act in good faith done or ordered to be done in pursuance of this Ordinance; and all prosecutions of any public officer, and all actions which may be lawfully brought against the Government or against any public officer, in respect of anything done in pursuance of this Ordinance, shall be instituted within a period of six months reckoned from the date of the act complained of, and not afterwards.

Special provisions regarding persons arrested under Chapter V. **82.**
[13,13 of 1984]

(1) The provisions of sections 36, 37 and 38 of the Code of Criminal Procedure Act shall not apply in relation to persons being suspected or accused of contravening any provision of Chapter V of this Ordinance.

(2) A police officer making an arrest without a warrant of any person suspected or accused of committing an offence under Chapter V of this Ordinance, shall without unnecessary delay and within twenty-four hours of his arrest, produce such person before a Magistrate having jurisdiction in the case.

(3) The magistrate may, upon a certificate being filed by a police officer not below the rank of a Superintendent of Police or in his absence the officer acting on his behalf to the effect that it is necessary to detain such person in custody for the purpose of in vein gallon, make an order permitting the detention of such person in police custody for a period not exceeding seven days.

(4) Upon the conclusion of the investigation or upon the completion of the period of detention, whichever occurs first, such person shall be produced before the Magistrate and subject to the provisions of section 83 of this Ordinance the provisions of the Code of Criminal Procedure Act shall apply to and in relation to such person.

No bail for an offence under sections 54A or 54B except in exceptional circumstances. **83.**
[13,13 of 1984]

(1) No person suspected or accused of an offence under section 54A or section 54B of this Ordinance shall be released on bail, except by the High Court in exceptional circumstances.

(2) Notwithstanding the provisions of subsection (1), the provisions of the Criminal Procedure (Special Provisions) Law, No. 15 of 1978,* shall, so long as that

law is in force, apply to and in relation to any person suspected or accused of an offence under this Ordinance."(See List of enactment omitted from the Revised Edition.)