



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

POISONS, OPIUM AND DANGEROUS
DRUGS (AMENDMENT)
ACT, No. 13 OF 1984

(Certified on 11th April, 1984)

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Poisons, Opium, and Dangerous Drugs (Amendment)
Act, No. 13 of 1934

[Certified on 11th April, 1934]

L. D.—O 26/82

AN ACT TO AMEND THE POISONS, OPIUM, AND DANGEROUS
DRUGS ORDINANCE.

BE it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka as follows :—

1. This Act may be cited as the Poisons, Opium, and
Dangerous Drugs (Amendment) Act, No. 13 of 1934, and
shall come into operation on such date as the Minister may
appoint by Order published in the *Gazette*.

Short title &
date of
operation.

2. Sections 28 and 29 of the Poisons, Opium, and
Dangerous Drugs Ordinance (hereinafter referred to as the
"principal enactment") are hereby repealed and the following
sections substituted therefor :—

Replacement
sections 28
and 29 of
Chapter 218.

" 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.

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, manufac-
ture, store, obtain or have in his possession,
consume, distribute or use—

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

(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. "

3. Section 37 of the principal enactment is hereby repealed
and the following section substituted therefor :—

Replacement of
section 37
of the principal
enactment

" Prohibition
against use of
premises for
consuming &c.
of opium.

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 adminis-
tering any opium or any preparation thereof."

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Repeal of sections 49 and 50 of the principal enactment

4. Sections 49 and 50 of the principal enactment are hereby repealed.

Insertion of new sections 54A and 54B in the principal enactment

5. The following new sections are hereby inserted immediately after section 54, and shall have effect as section 54A and section 54B, of the principal enactment:—

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

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

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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.

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.

6. Section 69 of the principal enactment is hereby amended in paragraph (b) thereof by the substitution for the words “any such plant other than hemp rope”, of the words “any such plant or any preparation thereof, other than hemp rope”.

Amendment of section 69 of the principal enactment.

7. Section 77 of the principal enactment is hereby amended in subsection (5) of that section by the substitution for the words “fine not exceeding five hundred rupees”, of the words “fine not exceeding five thousand rupees”.

Amendment of section 77 of the principal enactment.

8. The following new sections are hereby inserted immediately after section 77, and shall have effect as section 77A and section 77B, of the principal enactment:—

Insertion of new sections 77A and 77B in the principal enactment.

“Analysis.

77A. (1) Notwithstanding anything to the contrary in section 116 of the Code of Criminal Procedure Act, No. 15 of 1979, 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.

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."

9. Section 78 of the principal enactment is hereby amended by the repeal of subsection (5) of that section and the substitution thereof of the following subsection :—

Amendment of
section 78 of the
principal
enactment.

"(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."

10. The following new section is hereby inserted immediately after section 78, and shall have effect as section 78A, of the principal enactment :—

Insertion of
new section 78A
in the
principal
enactment.

"Payment of
certain
fines to the
Police Reward
Fund.

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 III or Chapter V of this Ordinance."

11. Section 79 of the principal enactment is hereby repealed and the following section substituted therefor :—

Replacement of
section 79 of the
principal
enactment.

Forfeiture.

70. (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 air-borne 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).

12. The following new section is hereby inserted immediately after section 79, and shall have effect as section 79A, of the principal enactment:—

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.

13. The following new sections are hereby inserted immediately after section 81, and shall have effect as section 82 and section 83, of the principal enactment:—

"Special provisions regarding persons arrested under Chapter V.

82. (1) The provisions of sections 36, 37 and 38 of the Code of Criminal Procedure Act, No. 15 of 1970, 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 investigation, 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, No. 15 of 1970, shall apply to and in relation to such person.

83. (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."

No bail for an offence under sections 54A or 54B except in exceptional circumstances.

Insertion of new sections 82 and 83 in the principal enactment.

Insertion of new section 79A in the principal enactment.

Control of acetylating substances.

Amendment of
Third Schedule
to the
principal
enactment.

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14. The Third Schedule to the principal enactment is hereby amended as follows:—

(1) by the substitution, for Group B of Part I of that Schedule of the following:—

Group B
(Sections 48, 51, and 68)

Drug, substances, articles or preparations to which the provisions as to importation, exportation and wholesale and retail trade apply.

Opium.

Any extract or tincture of the hemp plant.

Morphine and its salts.

Cocaine (including synthetic cocaine) ecgonine and their respective salts. Any solution or dilution of morphine or cocaine or their salts in an inert substance whether liquids or solids containing any proportion of morphine or cocaine and any preparation, admixture, extract or other substances (not being such a solution or dilution as aforesaid) containing not less than 1/5 per centum of morphine or 1/10 per centum of cocaine or ecgonine.

Acetorphine
Acetyl methadol
Allylprodine
Alphaacetyl methadol
Alphamoprodine
Alphamethadol
Alphaprodine
Amphetamine
Aniteridine
Benzethidine
Betaacetyl methadol
Betameprodine
Betamethadol
Betaprodine
Beziramide
Cannabis and Cannabis resin
Clonitazene
Cocaine (methyl ester of benzoyl ecgonine)
Codeine (Methyl morphine)
Codoxine
Desomorphine
DET
Dexamphetamine
Dextromoramide
Diampromide
Diethyl Thiambutane
Difexoxin
Dimenoxadol
Dimethyl thiambutine
Dioxaphetylbutyrato
Diphenoxylate
Dipipanone
• D M H P
• D H T
Drotebaol

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Ecgonine, its esters and derivatives which are convertible to ecgonine and cocaine

Ethyl methyl thiambutane

Etonitazene

Etorphine

Etoxeridine

Fentanyl

Furethidine

Heroin (diacetyl morphine)

Hydrocodone

Hydromorphanol

Hydromorphone

Hydroxy pethidine

Isomethadone

Ketobemidone

Lavomethorphan

Leromoramide

Lerophenacyl morphan

Leroverphanol

• (+) - Lysergide +

• Mescaline

Metazocine

Methadone

• Methadone - Intermediate (4-oxano-2 dimethyl amino-4, 4-diphenylbutane)

• Methamphetamine

Methyl desorphine

Methyl dihydro morphine

• Methyl phenidate

Tetrahydrocannabinol.

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(2) by the addition at the end of Part II of that Schedule, of the following new Part :-

(Section 51A)

Column I Nature of Offence	Column II Quantities	PART III	Column III Penalty
Traffics, possess, imports or exports	500 grammes of Opium and above	..	Death or life imprisonment.
Do.	3 grammes of Morphine and above	..	do.
Do.	2 grammes of Cocaine and above	..	do.
Do.	2 grammes of Heroin and above	..	do.
Do.	50 to 500 grammes of Opium	..	Fine not less than two thousand five hundred rupees and not exceeding twenty five thousand rupees or imprisonment of either description for a period not less than one year and not exceeding ten years or to both such fine and imprisonment
Do.	Not exceeding 1 gramme of Morphine	..	Fine not less than ten thousand rupees and not exceeding twenty five thousand rupees or imprisonment of either description for a period not less than two years and not exceeding five years or to both such fine and imprisonment.
Do.	1 to 3 grammes of Morphine	..	Fine not less than twenty five thousand rupees and not exceeding one hundred thousand rupees, or imprisonment of either description for a period not less than five years and not exceeding ten years or both such fine and imprisonment.
Do.	Not exceeding 1 gramme of Heroin	..	Fine not less than fifteen thousand rupees and not exceeding fifty thousand rupees and or imprisonment of either description for a period not less than three years and not exceeding seven years.
Do.	1 to 2 grammes of Heroin	..	Fine not less than one hundred thousand rupees and not exceeding five hundred thousand rupees and imprisonment of either description for a period not less than seven years and not exceeding twenty years.
Do.	Not exceeding 1 gramme of Cocaine	..	Fine not less than ten thousand rupees and not exceeding twenty five thousand rupees or imprisonment of either description for a period not less than two years and not exceeding five years or to both such fine and imprisonment.
Do.	1 to 2 grammes of Cocaine	..	Fine not less than twenty five thousand rupees and not exceeding one hundred thousand rupees or imprisonment of either description for a period not less than five years and not exceeding ten years or to both such fine and imprisonment.
Do.	5 kilogrammes of cannabis and above	..	Fine not less than twenty five thousand rupees and not exceeding fifty thousand rupees or imprisonment of either description for a period not less than two years and not exceeding five years.
Do.	Not exceeding 5 kilogrammes of cannabis	..	Fine not exceeding twenty five thousand rupees or imprisonment of either description for a period not exceeding one year."

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