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PART I : SECTION (I) — GENERAL

Government Notifications

L.D-B. 6/2023

POISON, OPIUM AND DANGEROUS DRUGS ORDINANCE (CHAPTER 218)

REGULATIONS made by the Minister of Justice, Prison Affairs and Constitutional Reforms under section 80 of the Poison, Opium and Dangerous Drugs Ordinance (Chapter 218) read with subsection (6) of section 77A of that Act.

Dr. WIJEYADASA RAJAPAKSHE, PC,
Minister of Justice, Prison Affairs and
Constitutional Reforms.

Colombo,
23rd November, 2023.

Regulations

1. These regulations may be cited as the Poison, Opium and Dangerous Drugs (Disposal of court productions) Regulations of 2023.
2. The Registrar of the relevant Magistrate's court or a competent court shall for the purposes of these regulations prepare monthly reports containing the following:-
 - (a) Cases in respect of which the report of the Government Analyst is received in terms of subsection (2) of section 77A of the Ordinance;



- (b) Cases in respect of which the report of the Government Analyst is not received in terms of subsection (2) of section 77A of the Ordinance;
 - (c) Cases in respect of which the Police Narcotics Bureau or the person authorized by the relevant Magistrate or the judge of the competent court (hereinafter referred to as the “authorized person”) has sought any orders to dispose of any drug, substance, article or preparation in terms of subsection (5) of section 77A of the Ordinance (hereinafter referred to as the “disposal order”);
 - (d) Cases in respect of which the Police Narcotics Bureau or the authorized person has not sought any disposal order in terms of subsection (5) of section 77A of the Ordinance;
 - (e) Cases in respect of which disposal orders have been issued by the relevant Magistrate or the judge of the competent court, as the case may be, in terms of paragraph (a) of subsection (5) of section 77A of the Ordinance;
 - (f) Cases in respect of which disposal orders have not been issued by the relevant Magistrate or the judge of the competent court, as the case may be, in terms of paragraph (a) of subsection (5) of section 77A of the Ordinance and reasons therefor;
 - (g) Cases in respect of which disposal orders issued by the relevant Magistrate or the judge of the competent court have been executed in terms of subsection (5) of section 77A of the Ordinance;
 - (h) Cases in respect of which disposal orders issued by the relevant Magistrate or the judge of the competent court have not been executed in terms of subsection (5) of section 77A of the Ordinance and reasons therefore; and
 - (i) any other information which the relevant Magistrate or the judge of the competent court may require the Registrar to be submitted for the purposes of these regulations.
3. The Registrar of the relevant court shall submit the monthly report referred to in regulation 2 to the relevant Magistrate or the judge of the competent court within the first week of every month.
 4. (1) The relevant Magistrate or the judge of the competent court shall, within a period of seven days from the date of receipt of such monthly report, make appropriate orders in respect thereof.
 - (2) Any order to destroy any drug, substance, article or preparation (hereinafter referred to as the “production”) under this regulation shall be in conformity with the specifications for disposal specified in the First Schedule.
 5. Subject to the provisions of regulation 6, the relevant Magistrate or the judge of the competent court shall make an order to destroy any production in terms of subsection (5) of section 77A of the Ordinance, after being satisfied that –
 - (a) any objection to the destruction of any such production by –
 - (i) the prosecuting counsel or the police officer conducting the prosecution or his representative;
 - (ii) the defence counsel or his representative;
 - (iii) the suspect,

has been considered or that no objection has been raised by any such person and that the order would not be contrary to the ends of justice.

- (b) the photographs and the necessary evidence including the packages and seals of the production are in compliance with the provisions of the Ordinance.
 - (c) the necessary evidence including the packages, and seals relating to the production are preserved and protected enabling the same to be presented as evidence during the proceedings of such court.
6. The relevant Magistrate or the judge of the competent court shall, after obtaining observations from the Attorney-General and the relevant police officer who has submitted the production to the Government Analyst for examination, have the power to release appropriate amounts of such production ordered to be destroyed for any investigation, training, research and preparation of medicinal drugs, if necessary:

Provided however, the production released in terms of this regulation –

- (a) shall not in any event exceed the weight required for such investigation, training, research and preparation of medicinal drugs; and
- (b) shall be a drug, substance, article or preparation that can be obtained and possessed under the authority of a licence issued in that behalf:

Provided further, any production which cannot be obtained or possessed under the authority of a licence issued under any written law, shall be only released subject to appropriate conditions issued by the relevant Magistrate or the judge of the competent court who releases such production for investigation, training and research.

7. The Police Narcotics Bureau or the authorized person, as the case may be, shall destroy or cause to be destroyed such production under the supervision of the relevant Magistrate or the judge of the relevant court, as the case may be, and report to such court of such destruction.
8. upon the Magistrate or the judge of the competent court making an order to release the production or destroys the production or any part thereof, the Police Narcotics Bureau or the authorized person shall –
- (a) seek a suitable date and time from the Magistrate or the judge of the competent court to carry out the activities specified in paragraphs (b) and (c) of Sub-section (5) of Section 77A; and
 - (b) inform the Government Analyst to be present at destruction site:

Provided however, where disposal weight of any form of drug, substance, article or preparation of Morphine, Heroin, Cocaine, Methamphetamine and Cannabis and plant based drugs, or the disposal of any form of drug, substance, article or preparation of other synthetic or semisynthetic dangerous drugs specified in Part I and II of Schedule II of the Ordinance exceeds 1000g, an officer of the National Dangerous Drug Control Board authorized by such Board shall be present at the destruction site.

- (c) ensure that the necessary security and transportation of such production (if necessary) are arranged;
- (d) certify the accuracy of the Productions Inventory;
- (e) take necessary photographs of the packages and seals and other evidence and return the same to the court production clerk;

- (f) permit the National Dangerous Drug Control Board to obtain a sample of such productions the weight of which is not exceeding 1g for scientific research and mapping; and
 - (g) transfer the product to suitable disposable containers and seal the same in preparation for disposal in Keeping with the order issued by the relevant Magistrate or the judge of the competent court.
9. (1) On the destruction or release of the production, as the case may be, following the court order, the police Narcotics Bureau or the authorized person shall submit a certificate of destruction or release, as the case may be, to the relevant court in the format specified in the Second Schedule.
- (2) The certificate of destruction or release, as the case may be, shall be prepared in such number of copies as may be required, and signed by all the parties present at the destruction or release.
- (3) The original of such certificate shall be filed in the relevant court, and –
- (a) in the case of disposal of the production, the balance number of copies of such certificate shall be sent to the Police Narcotics Bureau or the authorized person, as the case may be, the National Dangerous Drug Control Board and the Government Analyst's Department; and
 - (b) in the case of release of any product, a copy of such certificate shall be sent to the person authorized by the order issued by the court to collect the released narcotic drugs, psychotropic substances and controlled substances.
10. For the purpose of these regulations, the relevant Magistrate or the judge of the competent court shall have regard to the possibility of disposal of any production soon after the Government Analyst has examined such production:
- Provided that, if there is a specific requirement to preserve such production until the end of the relevant trial or the court decides to preserve the production until the end of the trial due to exceptional circumstances, the Magistrate or the judge of the competent court shall record such requirement or circumstances.
11. For the effective and efficient coordination of the measures specified in these regulations, the relevant court, Police Narcotics Bureau, the Government Analyst Department and the National Dangerous Drug Control Board shall –
- (a) appoint a focal point to whom all correspondence relating to these regulations shall be addressed;
 - (b) maintain and follow up on the correspondence; and
 - (c) use in correspondence, the specialized Government email address or a secured email address.
12. For the purposes of these regulations –

“competent court” means the court which has the jurisdiction to try an offence committed under Chapter V of the Poisons, Opium and Dangerous Drugs Ordinance (Chapter 218);

“disposal site” means the court premises, a cultivation land, crematorium or the incineration facility of the National Dangerous Drugs Control Board at which the court productions are to be destroyed;

“National Dangerous Drugs Control Board” means the National Dangerous Drug Control Board established under the National Dangerous Drug Control Board Act, No. 11 of 1984; and

“Ordinance” means the Poisons, Opium and Dangerous Drugs Ordinance (Chapter 218)

Regulation 4

FIRST SCHEDULE

SPECIFICATION FOR DISPOSAL

Morphine/ Heroin/Cocaine

<i>Disposal Weight</i>	<i>Method</i>
Below 1000g	1. High Temperature (Min. 800°C- Max. 1100°C) Incineration
	2. Burning in a crematorium at high temperature (Min. 800°C).
	3. Dissolved in boiled water and flushed to a suitable sewage system.
Above 1000g	High Temperature (Min. 800°C- Max.1100°C) Incineration

Note:

- *Pre-Treatment process - Dissolve and mix the drug thoroughly with boiling water in a metal or plastic barrel or drum, until no sediments are present.*
- *Once the mixed solution is transferred into the sewage system, the same must be flushed with high-pressure water.*
- *The dissolution process must be repeated for the remaining residuals with boiled water in the barrel or drum.*

Methamphetamine

<i>Disposal Weight</i>	<i>Method</i>
Below 1000g	1. High Temperature (Min. 800°C- Max. 1100°C) Incineration
	2. Burning in a crematorium at high temperature (Min. 800°C).
Above 1000g	High Temperature (Min. 800°C- Max.1100°C) Incineration

Note:

- *Pre-Treatment process - Dissolve and mix the drug thoroughly with normal water in a metal or plastic barrel, until no sediments are present.*
- *Wearing advanced safety wears at the site is recommended.*

Cannabis

<i>Disposal Weight</i>	<i>Method</i>
N/A	1. High Temperature (Min. 800°C- Max. 1100°C) Incineration
	2. Open Air Burning

Note:

- *Use a metal barrel (200 litres) or open pits or trenches (no more than 12 cubic meters) for burning drug materials.*
- *Keep all personnel upwind from fumes.*
- *It is recommended that,*
 - *Maximum weight of 100kg per day by considering the long-term environmental issues.*
 - *To grind the drug materials and mix them with at least an equal amount (1:1 ratio) of combustible other waste materials (e.g. cardboard, paper, dried food waste, yard waste, vegetable-based oils or grease) and/or mixed with more flammable liquids (or other fuels such as kerosene or diesel) before burning to ensure complete combustion.*
 - *In the selection of the site consider the following:-*

- *Minimum 500m away from human habitation, waterways, wells, electrical lines, forested and food growing/producing/gazing area.*
- *Elevate and remote flat terrain, away from waterways and hard surfaces.*

Other Synthetic or semisynthetic drugs

<i>Disposal Weight</i>	<i>Method</i>
Max: 50 Kg per Hour	High Temperature (Min. 800°C- Max.1100°C) Incineration

Other plant-based drugs

<i>Disposal Weight</i>	<i>Method</i>
N/A	1. High Temperature (Min. 800°C- Max.1100°C) Incineration
	2. Open Air Burning

Note:

- *Use a mental barrel (200 litres) or open pits or trenches (no more than 12 cubic meters) for burning drug materials.*
- *Keep all personnel upwind from fumes.*
- *It is recommended that,*
 - *Maximum weight of 100kg per day by considering the long-term environmental issues.*
 - *To grind the drug materials and mix them with at least an equal amount (1:1 ratio) of combustible other waste materials (e.g. cardboard, paper; dried food waste, yard waste, vegetable-based oils or grease) and/or mixed with more flammable liquids (or other fuels such as kerosene or diesel) before burning to ensure complete combustion.*
 - *In the selection of the site consider the following:-*
 - *Minimum 500m away from human habitation, waterways, wells, electrical lines, forested and food growing/producing/gazing area.*
 - *Elevate and remote flat terrain, away from waterways and hard surfaces.*

SECOND SCHEDULE

Regulation 9

Certificate of Destruction/Release

This is to certify that the following narcotics drugs, psychotropic substances, and controlled substances, were destroyed or released.

1. Case No.:
2. Type of narcotics drugs, psychotropic substances, and controlled substances:
3. The gross weight of the drugs produced at the court:
4. Net wight of the narcotics drugs, psychotropic substances, and controlled substances destroyed/ released (after taking samples, etc.):
5. Correctness of the description confirmed: Yes/ No
6. Disposal/ Release Site:
7. Method of Disposal/ Release:
8. Date:
9. Started Time:
10. End Time:

Details of the Officer Authorized by the court

Signature

Name

Designation

In witness that the disposal/release of the aforesaid narcotics drugs, psychotropic substances, and controlled substances was disposed of /releed at the aforementioned site as described.

1. Signature and Name of the relevant Magistrate or the judge of the competent court supervising
2. Signature (s) and Name(s) of the Government Analyst or his representatives
3. Signature (s) and Name(s) of the representatives of the National Dangerous Drugs Control Board.
4. Signature (s) and Name(s) of the authorized person
5. Signature (s) and Name(s) of the authorized officer collected the released narcotice drugs, psychotropic substances, and controlled substances, in case of a release

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