CHAPTER II

ESTABLISHMENT OF THE PRECURSOR CONTROL AUTHORITY FOR THE MONITORING OF THE SUBSTANCES SPECIFIED IN TABLE I AND TABLE II USED IN THE ILLICIT MANUFACTURE OF NARCOTIC DRUGS OR PSYAIOTROPIC SUBSTANCES

Convention country

17. For the purposes of this Chapter "convention country" shall be any country certified for the purposes of section 9.

Precursor Control Authority to be responsible for the administration of this part.

18. The Minister shall appoint a person or a body of persons as the Precursor control Authority (hereinafter referred to as "the Authority") who shall be charged with the responsibility of administering the provisions of this Part of this Act. The Authority shall implement within Sri Lanka, in respect of the substances specified in Table I and Table II of the First Schedule to the Act, such measures as are required for monitoring the manufacture and distribution of the aforesaid substances as required by the provisions of the 1988 United Nations Convention in such manner as shall be prescribed by regulations made under the Act.

Duties of Authority.

19. The Authority shall ensure—

(a) that persons seeking to import or export the substances specified in Table I and Table II of the First Schedule to the Act do so in terms of a valid licence in the manner prescribed, taking into consideration the requirements of the respective industries;

(b) the taking of such measures as are necessary for the registration of the premises from which the licensee will carry on the activities relating to the import or export of the substances specified in Table I and Table II of the First Schedule to the Act;

(c) that the substances specified in Table I and Table II of the First Schedule to the Act are used only for the purposes they are imported or exported;

(d) that any illicit manufacture of any narcotic drug or psychotropic substances using the substances

specified in Table I and Table II of the First Schedule to the Act be duly reported and appropriate action taken to punish the offenders;

(e) that every importer or exporter of any of the substances specified in Table I and Table II of the First Schedule to the Act submit to the Authority, quarterly returns reflecting the import, export, use, manufacture and distribution of such substances;

(f) that details of all suspicious transactions in relation to any of the substances specified in Table I Table II of the First Schedule to the Act are notified to the Authority without delay by persons connected with the manufacture, import or export of any of such substances;

(g) that proper records of matters prescribed are maintained and that such activities and records are monitored in the manner prescribed.

All substances in table I and Table II to be imported or exported on a licence.

20. (1) No person shall import or export any substance specified in Table I and Table II of the First Schedule to the Act, except under the authority of a license issued in that behalf in terms of the Import and Export Act, No. 1 of 1969, on application made in that behalf in the prescribed manner.

(2) The Controller of Imports and Exports shall, on receipt of an application for a licnece for the import or export of any substance specified in Table I and Table II of the First Schedule to the Act, refer such application to the Authority for an endorsement to the effect that the substances and the quantities in respect of which the application is being made are in keeping with the requirements of the respective industry.

(3) The Authority shall forward its endorsement within ten days of the application being referred to it. The endorsement shall be based on the actual requirements of the respective industries, verified on the basis of the quarterly returns submitted to it by every importer or exporter.

(4) the Controller of Imports and Exports shall thereupon grant or for reasons stated refuse to grant, the licence to which the application and endorsement relates.

(5) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall on conviction after trial on indictment before the High Court, be punished with imprisonment for a term not less than three years and not exceeding five years.

Inspection of records.

21. (1) The Authority shall have the power to enter and inspect at all reasonable hours after due notice, the premises where the licensee will carry on the activities relating to the import or export, use, manufacture and distribution of the substances specified in Table I and Table II of the First Schedule to the Act, and inspect any equipment being used, or books, documents or other records kept, relating to the same.

(2) Any person who resists or obstructs the Authority in the course of carrying out its duties in terms of subsection (1) shall be guilty of an offence and shall on conviction after trial on indictment before the High Court, be punished with imprisonment for term not less than one month and not exceeding three years.

Avoidance of doubts

22. For the avoidance of doubts it is hereby stated that the provisions of this Part shall not apply to pharmaceutical preparations not to other preparations containing substances specified in Table I and Table II of the-First Schedule to the Act that are compounded in such a way that such substances cannot be easily used or recovered, and in a yield which could constitute a risk to public health.