



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

GOVERNMENT ANALYST
(DISPOSAL OF ARTICLES)

ACT, No. 69 OF 1988

[Certified on 17th December, 1988]

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Government Analyst (Disposal of Articles)
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L. D.—O. 44/85

AN ACT TO PROVIDE FOR THE DISPOSAL OF ARTICLES FORWARDED TO THE GOVERNMENT ANALYST FOR ANALYSIS AND REPORT; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the Government Analyst (Disposal of Articles) Act, No. 69 of 1988.

Short title.

2. (1) Where any article is forwarded by a court to the Government Analyst for purpose of analysis and report, such court shall, within one month of the receipt of the report, make an order relating to the custody or disposal by the Government Analyst as the case may be, of such article. A copy of such order shall be served on the Government Analyst and it shall be the duty of the Government Analyst to carry out such order.

Court to make order relating to the custody or disposal of an article sent to the Government Analyst.

(2) Where an order is made under subsection (1) for the disposal of an article, the manner of disposal shall be specified in the order, and where disposal is to be by way of a sale, the Government Analyst shall remit the proceeds of the sale to the court which made the order.

3. (1) Where a court makes an order relating to the custody of an article, a copy of such order shall be sent to the person to whom the custody of that article is given, and it shall be his duty to remove the same from the possession of the Government Analyst, within a period of two months from the date of receipt of such copy.

Where court makes an order relating to the custody of an article.

(2) If the person to whom the custody of an article is given fails to remove the same within the specified period, the Government Analyst may, where he considers it appropriate to do so—

(a) transmit such article to any Government department or public corporation for its use; or

(b) dispose of such article in any manner as he may deem fit, notwithstanding the provisions of any law to the contrary.

(3) A person who fails to remove the article within the time specified in subsection (1) shall thereafter have no further right to such article or to claim the value of such article except as provided in section 7.

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(4) Where a court fails to make an order under subsection (1) of section 2 for the custody or disposal of an article, within six months of the forwarding of a report with respect to such article, by the Government Analyst to such court, it shall be lawful for the Government Analyst to dispose of the same in the manner set out in subsection (2) of section 3.

Article is forwarded by any individual or authority to the Government Analyst.

4. (1) Where any article is forwarded by any individual or authority to the Government Analyst for purpose of analysis and report, it shall be the duty of such individual or authority to remove the same from the possession of the Government Analyst, within a period of one month from the date of receipt of the report, by such individual or authority, as the case may be.

(2) If the individual or authority fails to remove an article within the specified period, the Government Analyst shall, by written notice, call upon such individual or authority to remove the same from his possession within two weeks of the date of receipt of such notice, and if not removed within that period, he shall take all necessary steps to dispose of the same and the provisions of subsections (2) and (3) of section 3 shall apply in respect of such disposal.

Government Analyst to maintain a register to enter particulars of any article being disposed of, by him.

5. (1) Where the Government Analyst disposes of any article under the provisions of this Act, he shall, prior to such disposal, enter in a register especially maintained for that purpose, all particulars relating to such article as may appear to him to be relevant for purposes of record.

(2) An extract from the register maintained under subsection (1), certified by the Government Analyst shall be admissible in evidence in any legal proceedings and shall be *prima facie* proof of the matters stated therein.

Government Analyst to maintain a special account.

6. Where the Government Analyst disposes of any article by way of a sale, under subsection (2) of section 3 he shall credit the amount of money realised from such sale to a special account maintained for that purpose, (hereinafter referred to as the "special account") after deducting any expenses he may have incurred in carrying out such sale.

Payments to be made from the special account.

7. Where any article is sold—
(a) under subsection (2) of section 4 or section 11 and a request is made within six months of such sale, by the individual or authority forwarding the article for report, for a remittance of the proceeds of such sale; or

(b) under paragraph (b) of subsection (2) of section 3 and a request is made, within six months of such sale, by the person to whom the custody of the article was given under subsection (1) of section 3, for a remittance of the proceeds of such sale, the Government Analyst shall make such payment or remittance as the case may be, from and out of the moneys lying to the credit of the special account.

8. (1) The Government Analyst may, after such period as may be specified by Order made by the Minister utilize the moneys lying to the credit of the special account for any one or more of the following purposes :—

Money
remaining
unclaimed.

- (a) purchase of equipment, chemicals and other materials that are needed for use of the Government Analyst's Department ;
- (b) maintaining equipment and other materials used in the discharge of the functions of the Government Analyst's Department ;
- (c) maintaining the buildings of the department and all its other movable and immovable properties ; and
- (d) improving the scientific facilities of the Government Analyst's Department .

(2) No person shall be entitled to make any claim to any moneys lying to the credit of the special account after the expiry of the period specified by the Minister under subsection (1).

9. No suit, prosecution or other legal proceeding shall be instituted against the Government Analyst or any person acting under his authority for anything done or purported to be done in good-faith under this Act.

Immunity
from
prosecution.

10. (1) Any notice required to be given under this Act, may be given by registered letter addressed to the person to whom it is required to be given, at his usual or last known place of abode.

Notice to
be given
by regis-
tered letter.

(2) Every notice sent by registered post, shall be deemed to have been delivered at the time when the letter would have been delivered in the ordinary course of post, and in proving delivery, it shall be sufficient to prove that the letter was properly addressed and posted.

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Saving
clause.

11. (1) The Government Analyst shall, in regard to any article in his possession on the date of commencement of this Act—

- (a) where records are available, send a notice to the court which forwarded the article, that he would be taking steps to dispose of the same if it is not removed from his possession within two months of the receipt of such notice; a copy of such notice shall also be sent to the owner of such article where the Government Analyst is aware of his identity;
 - (b) where records are available, send a notice to the individual or authority which forwarded the article that he would be taking steps to dispose of such article if it is not removed from his possession within two months of the receipt of such notice.
- (2) Where any article in respect of which a notice is sent under subsection (1) is not removed within the specified period or where records pertaining to such article are not available, the Government Analyst shall take all necessary steps to dispose of the same and the provisions of subsections (2) and (3) of section 3 shall apply, *mutatis mutandis*, to such disposal.

Interpre-
tation.

12. In this Act, unless the context otherwise requires—

“article” includes any weapon, specimen, sample, arms, ammunition, blasting accessories, explosives, furniture, machines, vehicles and containers;

“dispose” includes the sale or destruction of an article; and

“Government Analyst” includes any person appointed to be or to act as Government Analyst or as Additional, Deputy, Senior Assistant or Assistant Government Analyst.