

No. 4 of 1878.

An Ordinance to amend the Law relating to the possession and sale of Opium and Bhang.

(See No. 9 of 1889 and No. 2 of 1893.)

Preamble.

WHEREAS it is expedient to amend the law relating to the possession and sale of opium and bhang : It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :

Short title.

1 This Ordinance may be cited as "The Opium and Bhang Ordinance, 1878."

Commencement of Ordinance.

2 This Ordinance shall come into operation on the first day of January, 1879, in all places in which the Ordinance No. 19 of 1867, intituled "An Ordinance to restrict the use of Opium and Bhang," is at the date of the passing of this Ordinance in force, and shall come into operation in such other places or districts and at such time or times respectively

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as the Governor, acting with the advice of the Executive Council, shall at any time or from time to time, by Proclamation to be published in the *Government Gazette*, appoint. It shall also be lawful for the Governor, with the advice aforesaid, by Proclamation, to declare that this Ordinance shall cease to have any operation in any place or district which may be or become subject thereto; in which case this Ordinance shall accordingly cease to have any operation in such place or district.

3 The said Ordinance No. 19 of 1867 is hereby repealed, except so far as relates to any offences that may have been committed or liabilities incurred in any place previous to this Ordinance coming into operation in such place.

Repeal of Ordinance No. 19 of 1867.

4 For the purposes of this Ordinance the words "opium" and "bhang" shall respectively include any preparation in which opium or bhang forms a component part.

Interpretation clause.

5 It shall not be lawful for any person, other than a wholesale or retail vendor of opium duly licensed as hereinafter provided, to possess opium in any quantity beyond one pound in weight, without a license authorizing such possession, to be granted as hereinafter provided.

Possession of opium exceeding one pound in weight, without license, illegal.

6 It shall not be lawful for any person to sell or to offer or expose for sale or to suffer or permit to be sold, either by wholesale or retail, opium or bhang without a license authorizing such sale, to be granted as hereinafter provided.

Sale of opium or bhang, without a license, illegal.

7* In any town where a municipal council is or shall be established, the chairman of such council, and in any other place or district the government agent of the province wherein such place or district is situated, may grant licenses for the possession of opium beyond one pound in weight, or for the sale of opium and bhang.

Chairman of municipal council or government agent may grant licenses.

A license to sell opium and bhang by wholesale will authorize the licensee to possess at one time any quantity of opium. A fee of two hundred and fifty rupees shall be payable for every such license. No such licensee shall sell less than ten pounds in weight of opium or bhang at any one time.

License to sell by wholesale.

A license to sell opium and bhang by retail will authorize the licensee to possess at one time opium in any quantity not exceeding fifty pounds in weight. A fee of one hundred rupees shall be payable for every such license within any part of the island other than Colombo.

To sell by retail.

A license to possess opium will authorize the licensee to possess opium in the quantity mentioned in the license; such quantity to be fixed at the discretion of the officer granting the license. A fee of fifty rupees shall be payable for such a license.

[§ 2, 9 of 1889]

To possess opium.

* This section does not apply to Colombo (No. 9 of 1889) or to a municipal or local board town proclaimed under section 2 of No. 2 of 1889.

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Form and duration of licenses.

The above-mentioned licenses shall be substantially in the form set out in the schedule hereto annexed, with such alterations and additions as the circumstances require, and shall continue in force from the day on which they are respectively granted till the thirty-first day of December then next ensuing, and shall specify the place where and the conditions upon which the same are granted.

Fees to go to municipal fund or local board or General Treasury.

8 The fees payable on licenses granted under this Ordinance by the chairman of a municipal council shall form part of the municipal fund of the town to which such licenses shall apply; those payable on licenses granted under this Ordinance by a government agent shall, if the same apply to a town in which a local board of health and improvement has been established, form part of the fund of such board; and in other cases shall be payable to the Public Treasury.

Conditions may be attached to licenses.

9 The government agent or chairman of a municipal council authorized to grant licenses under this Ordinance may at his discretion refuse to grant any license which may be applied for, or may attach such conditions thereto as he may deem expedient, and may revoke any such license in the event of any of such conditions or any of the provisions of this Ordinance being infringed in respect thereof.

Licenses may be revoked.

Penalty for breaches of Ordinance.

10 Any person who shall possess or sell or offer for sale or suffer or permit to be sold any opium or bhang in breach of or in any way contrary to any of the provisions of this Ordinance or otherwise than in accordance with the license in that behalf granted under this Ordinance, shall be guilty of an offence, and be liable on the first conviction to a fine not exceeding fifty rupees, or to imprisonment, with or without hard labour, not exceeding three months, or to both, and on every subsequent conviction to a fine not exceeding one hundred rupees, or to imprisonment, with or without hard labour, not exceeding six months, or to both.

Search into places where opium or bhang is sold.

11 It shall be lawful for any police officer or municipal inspector, without a warrant, to enter and inspect any shop or place where opium or bhang is allowed to be sold, or upon a warrant any place in which there shall be reasonable cause for suspicion that opium exceeding one pound in weight is kept or possessed without a license or contrary to the conditions thereof, or that the illicit sale of opium or bhang is being carried on, and to seize any opium or bhang which may be found therein and the vessels holding the same, and to take into custody the persons suspected to be concerned in the sale of such opium or bhang.

Magistrate may order opium, &c., seized to be sold.

It shall be lawful for the court or municipal bench of magistrates having jurisdiction in the place where such seizure shall have taken place, to cause the opium or bhang and the vessel holding the same so seized as aforesaid to be sold; and the proceeds of such sale shall be paid into the municipal fund if the seizure shall have taken place within the municipal limits, and in other cases shall be paid into the General Treasury.

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12 It shall be lawful for the court or municipal bench of magistrates, before whom any person shall be convicted of any offence under this Ordinance, to direct a portion of the fine actually recovered and realized, not exceeding one-half, to be paid to the informer.

Informer's share of fine.

13 Nothing in this Ordinance contained shall be held to prevent any medical practitioner, chemist, or druggist from selling by retail or possessing opium or bhang *bona fide* for medicinal purposes, the burden of proof whereof shall lie upon the person alleging the same in his defence. Provided, however, that no person shall under this section possess more than five pounds of opium at one time without a license.

Ordinance not to apply to opium sold for *bona fide* medicinal purposes.

14 Nothing in this Ordinance contained shall apply to any opium kept, dispensed, or supplied by or in any Government or military hospital or dispensary or any dispensary established in pursuance of the Ordinance No. 14 of 1872, intituled "An Ordinance to provide for the Medical Wants of the Coffee Districts," or any Ordinance to be hereafter enacted to provide for such medical wants.

Hospitals, &c., exempted.

15 No prosecution shall be entertained for any offence under this Ordinance unless instituted within three months from the date of the commission of the offence.

Limitation of prosecution.

SCHEDULE.

1.—License to possess Opium.

I, _____, Government Agent of the _____ Province (or Chairman of the Municipal Council of _____, as the case may be), do hereby license _____ to possess opium in any quantity not exceeding _____ pounds, at (describe the place where the opium may be kept or possessed), subject to the following conditions (here insert the conditions, if any).

Given at _____, this _____ day of _____.

(Signature) _____,
Government Agent (or Chairman of Municipal Council)
of _____.

2.—License to sell Opium and Bhang by wholesale or retail.

I, _____, Government Agent of the _____ Province (or Chairman of the Municipal Council of _____ as the case may be), do hereby license _____ to sell opium and bhang by wholesale (or retail, as the case may be) at the shop No. _____, situated at _____, subject to the following conditions (here insert the conditions, if any).

Given at _____, this _____ day of _____.

(Signature) _____,
Government Agent (or Chairman of Municipal Council)
of _____.

20th, November, 1878.