



REPUBLIC OF NAURU

# ILLICIT DRUGS CONTROL (DRUG TESTING KIT) REGULATIONS 2021

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SL No. 26 of 2021

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Notified: 27/8/2021

## Table of Provisions

1	Citation .....	2
2	Commencement .....	2
3	Report by seizing officer .....	2
4	Persons qualified in the analysis of illicit drugs .....	2
5	Drug testing kit .....	2
6	Illicit drugs test certificate .....	2
7	Identification of cannabis .....	2
8	Identification of other illicit drugs .....	3
9	Transitional .....	3
10	Repeal .....	3
	<b>SCHEDULE 1</b> .....	<b>4</b>
	<b>SCHEDULE 2</b> .....	<b>7</b>
	<b>SCHEDULE 3</b> .....	<b>8</b>

The Cabinet makes the following Regulations under Section 52 of the *Illicit Drugs Control Act 2004*:

**1 Citation**

These Regulations may be cited as the *Illicit Drugs Control (Drug Testing Kit) Regulations 2021*.

**2 Commencement**

These Regulations commence on the day they are notified in the Gazette.

**3 Report by seizing officer**

For the purposes of Section 39(4) of the Act, the form of a report to be prepared by a seizing officer is in Schedule 1.

**4 Persons qualified in the analysis of illicit drugs**

- (1) The Commissioner of Police shall appoint police officers or such other persons to conduct illicit drug tests under these Regulations.
- (2) A police officer or other person who is appointed under subregulation (1) shall have his or her name published in the Gazette.
- (3) A police officer or other person appointed under subregulation (1) is deemed to be a qualified officer or person to conduct and provide reports for illicit drug tests.

**5 Drug testing kit**

- (1) A drug testing kit described in Schedule 2 shall be used for testing illicit drugs.
- (2) The Commissioner of Police shall, by order in the Gazette, publish the serial numbers or such other details for the purposes of the identification of a drug testing kit.

**6 Illicit Drugs Test Certificate**

- (1) A police officer or other person appointed under Regulation 4, who conducts a test under these Regulations, shall prepare an Illicit Drugs Test Certificate in Schedule 3.
- (2) A certificate prepared under subregulation (1), shall be accepted by a court as proof as to the truth and accuracy of the statements therein unless shown to be false in a material aspect.

**7 Identification of cannabis**

Where a fruit, plant, seed, leaf or oil seized by a police officer has:

- (a) no colour change after breaking the first ampoule, turns dark blue or violet colour after breaking the second ampoule and a grey upper layer over a violet layer upon breaking the third ampoule when tested in the Narcotics Identification Kit using *Duquenois-Levine Reagent*, such fruit, plant, seed, leaf or oil is deemed to be cannabis; or
- (b) no colour change after breaking the first ampoule and an orange or reddish brown colour after breaking the second ampoule when tested in the Narcotics Identification Kit using *KN Reagent*, such fruit, plant, seed, leaf or oil is deemed to be cannabis.

## **8 Identification of other illicit drugs**

The Minister may, by order in the Gazette, publish the identification criteria for other illicit drugs by using a drug testing kit, which includes:

- (a) the use of specific reagents;
- (b) the procedure for the tests;
- (c) the expected results for the suspected illicit drugs; and
- (d) where available, such scientific studies, source or authentication of such expected result.

## **9 Transitional**

Where proceedings have been commenced under the *Illicit Drugs (Analysis) Regulations 2016*, such proceedings shall continue and be completed under those Regulations.

## **10 Repeal**

The *Illicit Drugs (Analysis) Regulations 2016* are repealed.

# SCHEDULE 1



REPUBLIC OF NAURU

## ILLICIT DRUGS CONTROL ACT 2004

[Regulation 3]

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### REPORT BY SEIZING OFFICER

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RSO No: ... / 20...

<b>PART 1: DETAILS OF SUSPECT</b>	
(a) Full name	
(b) Residential address	
(c) Telephone number	
<b>PART 2: SEIZURE OF ALLEGED ILLICIT DRUG</b>	
(a) Place where alleged illicit drugs seized	
(b) Time when alleged illicit drugs seized	
(c) Date when alleged illicit drugs seized	
(d) Additional comments	..... ..... .....
<b>PART 3: DETAILS OF OFFICER WHO SEIZED ALLEGED ILLICIT DRUG</b>	
(a) Full name of seizing officer	
(b) Rank of seizing officer	
(c) Full name(s) of other person(s) present	