



REPUBLIC OF NAURU

ILLICIT DRUGS CONTROL (DRUG TESTING KIT) REGULATIONS 2021

SL No. 26 of 2021

Notified: 27/8/2021

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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]

REPORT BY SEIZING OFFICER

RSO No: ... / 20...

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

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| (d) Rank(s) / occupation(s) of other person(s) present | |
| PART 4: DESCRIPTION OF [VEHICLE / CRAFT / PLACE / PERSON]* SEARCHED | |
| (a) Describe the <i>[vehicle / craft / place / person]*</i> searched <i>[*delete whichever is not applicable]</i> | |
| (b) Location where the alleged illicit drug was found | |
| PART 5: DESCRIPTION OF ALLEGED ILLICIT DRUG SEIZED | |
| Describe the alleged illicit drug found <i>[For example: cannabis]</i> | |
| PART 6: DESCRIPTION OF THE PACKAGING, SEALS AND OTHER IDENTIFYING FEATURES | |
| (a) Describe the packaging <i>(if applicable)</i> | |
| (b) Describe the seal <i>(if applicable)</i> | |
| (c) Describe any other identifying features | |
| PART 7: DESCRIPTION OF QUANTITY, VOLUME AND UNITS AND THE MEASUREMENT METHOD EMPLOYED | |
| (a) Describe the quantity <i>[For example: 9 grams / 9 kilograms]</i> | |
| (b) Describe the volume <i>[For example: litres – for drugs that are in liquid form]</i> | |
| (c) Describe the units <i>[For example: grams]</i> | |
| (d) Describe the measurement method employed <i>[For example: metric]</i> | |
| PART 8: SUBSEQUENT MOVEMENTS OF THE ALLEGED ILLICIT DRUG | |
| (a) Time and date when alleged illicit drug moved | |
| (b) Place where alleged illicit drug taken | |
| (c) Place where alleged illicit drug was kept | |
| (d) Name of police officer who received the alleged illicit drug to be exhibited | |
| (e) Time and date when police officer under (d) received the alleged illicit drugs to be exhibited | |

| | |
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| (f) Police officer who exhibited the alleged illicit drug | |
| (g) Place where alleged illicit drug kept after being issued an exhibit number | |
| PART 9: DETAILS OF ALLEGED ILLICIT DRUG AFTER TESTING | |
| (a) Quantity / volume / unit of alleged illicit drug before testing | |
| (b) Quantity / volume / unit of alleged illicit drug after testing | |
| PART 10: OFFICIAL PURPOSES | |
| (a) Full name of seizing officer | |
| (b) Rank [<i>For example: Constable, Sergeant, etc.</i>] | |
| (c) Signature | |
| (d) Time | |
| (e) Date | |
| PART 11: DETAILS OF SAMPLE TESTED | |
| (a) Quantity / volume / unit of sample tested | |
| (b) Place where sample tested | |
| (c) Time when sample tested | |
| (d) Date when sample tested | |
| (e) Full name of officer or appointed person who conducted test | |
| (f) Rank [<i>For example: Constable, Sergeant, etc.</i>] | |
| (g) Signature | |

SCHEDULE 2

[Regulation 5]

List of drug testing kit:

1. Narcotics Identification Kit (NIK)

SCHEDULE 3



REPUBLIC OF NAURU

ILLICIT DRUGS CONTROL ACT 2004

[Regulation 6]

ILLICIT DRUGS TEST CERTIFICATE

IDTC No: ... / 20...

1. I certify that a sample purporting to be a sample of *[For example: cannabis, etc.]* that was received on *[dd/mm]yy* with a Report by Seizing Officer RSO No:... / 20... dated *[dd/mm/yy]* has been tested and the result of the test is stated below.

2. Details of the results of the test:
 - (a) Sample No:
 - (b) Quantity / volume / unit of sample tested:
 - (c) Time sample tested:
 - (d) Date sample tested:
 - (e) Drug testing kit used:
 - (f) The sample is identified as *[For example: cannabis, and include photograph or video of the results and attach any available document, etc.]*

.....
[Full name of police officer]
[Signature of police officer]
[Rank of police officer]