



UNITED NATIONS

E/NL. 1975/56

21 June 1976

ENGLISH ONLY

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF
THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS

JAMAICA

Communicated by the Government of Jamaica

NOTE BY THE SECRETARY-GENERAL - In accordance with the relevant Articles of the International Treaties on Narcotic Drugs, the Secretary-General has the honour to communicate the following legislative text.

No. 16-1974

I assent,

[L.S.]

F.A. GLASSPOLE,
Governor-General

16th day of April, 1974

AN ACT to Amend the Dangerous Drugs Law

(16th April)

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and House
of Representatives of Jamaica, and by the authority of the
same, as follows:

1. This Act may be cited as the Dangerous Drugs
(Amendment) Act, 1974, and shall be read and construed as one
with the Dangerous Drugs Law (hereinafter referred to as the
principal Law) ^{1/} and all amendments thereto.

2. Section 2 of the principal Law is hereby amended by
deleting from the definition of "ganja" the word "pistillate".

Short title
and
construction.
Cap. 90.

Amendment
of section 2
of principal
Law.

^{1/} Note by the Secretariat: E/NL.1973/56.

Amendment
of section 22
of principal
Law.

3. Section 22 of the principal Law is hereby amended in the following respects:

- (a) by deleting from paragraph (e) of subsection (1) the word "vehicle", wherever it occurs, and substituting therefor, in each case, the word "conveyance";
- (b) by deleting subsections (2), (2A) and (2B) and substituting therefor the following subsections:

" (1A) Every person who is guilty of the offence of importing or bringing into the Island or exporting therefrom any drug contrary to section 8, or of manufacturing or trading in any products contrary to section 11, or of manufacturing or selling any drug or otherwise dealing therein (by way of a transaction of any description whatsoever) in contravention of any regulations made under section 9, shall be liable, on conviction before a Circuit Court, to imprisonment for life.

(1B) Every person who is guilty of the offence of being in possession of any drug in contravention of any regulations made under section 9 shall be liable, on conviction before a Circuit Court, to imprisonment for a term not exceeding ten years.

(1C) Nothing in this section shall be construed to prevent any regulations made under section 9 from authorizing punishment on summary conviction, before a Resident Magistrate, of any offence committed in contravention of any such regulations and which is referred to in subsection (1A) or (1B), and punishment in like manner as authorized by paragraph (b) of subsection (2) may be prescribed by the regulations for offenders so convicted.

(2) Every person who is guilty of the offence of importing or bringing into the Island or exporting therefrom any raw opium or coca leaves contrary to section 3 or any prepared opium or ganja, or of cultivating, selling or otherwise dealing in ganja, shall,

- (a) on conviction before a Circuit Court, be liable to a fine or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment;

- (b) on summary conviction before a Resident Magistrate, in the case of a first conviction for such offence, be liable to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment, and in the case of a second or subsequent conviction for such offence, be liable to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(2A) Every person who is guilty of the offence of being in possession of ganja shall, on summary conviction before a Resident Magistrate, in the case of a first conviction for such offence, be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment, and in the case of a second or subsequent conviction for such offence, be liable to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(2B) Every person who is guilty of an offence against this Law for which no punishment is provided by virtue of any of the provisions of subsection (1A) to (2A) (inclusive) shall, on summary conviction before a Resident Magistrate, in the case of a first conviction for such offence, be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment, and in the case of a second or subsequent conviction for such offence, be liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.";

- (b) by deleting subsection (3) and substituting therefor the following subsection:

" (3) Upon conviction for any offence against any regulations under this Law relating to the keeping of books or the issuing or dispensing of prescriptions containing drugs to which this Law applies, the offender:

- (a) shall not be sentenced to imprisonment without the option of a fine; and
- (b) shall be liable to a fine which shall not exceed five hundred dollars

if the court or (in the case of a conviction under subsection (1A) or (1B)) the Judge dealing with the case is satisfied that the offence was committed

through inadvertence and was not preparatory to, or committed in the course of, or in connexion with, the commission or intended commission of any other offence against this Law."

Amendment
of section 23A
of principal
Law.

4. Section 23A of the principal Law is hereby amended in the following respects:

- (a) by deleting from subsection (1) the word "vehicle", wherever it occurs, and substituting therefor, in each case, the word "conveyance";
- (b) by deleting subsection (2) and substituting therefor the following subsections:

" (2) On the conviction of any person for an offence against this Law, the Court shall, upon the application of the prosecution, order the forfeiture of any conveyance used in the commission of the offence, and seized pursuant to this section, if the Court is satisfied that:

- (a) such person owns the conveyance, or the owner thereof permitted it to be so used; or
- (b) the circumstances are otherwise such that it is just so to order.

(3) If, upon the application of any person prejudiced by an order made by the Court under subsection (2), the Court is satisfied that it is just to revoke such order, the Court may, upon such terms and conditions (if any) as it deems meet, revoke that order.

(4) Any application to the Court under subsection (3) for the revocation of an order shall be made within three months of the date of the order:

Provided that where the applicant satisfies the Court that, in the special circumstances of the case, it was not reasonably practicable for him to make such application within the period of three months aforesaid, the time (whether expired or not) for making that application may be extended by the Court as it thinks just."

Insertion
of new
section 23B
in principal
Law.

5. The principal Law is hereby amended by inserting therein, next after section 23A, the following section:

"Meaning
of expression
'conveyance'
in Part VI.

23B. In this Part, 'conveyance' includes any vehicle, ship, aircraft or other means of transport."