The Official Gazette

(EXTRAORDINARY)

OF GUYANA

Published by the Authority of the Government

GEORGETOWN, TUESDAY 15TH NOVEMBER, 2022

TABLE OF CONTENTS **PAGE**

FIRST SUPPLEMENT

LEGAL SUPPLEMENT

A. **ACTS —** Act No. 22 of 2022 – The Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Act 2022 391

B. **SUBSIDIARY LEGISLATION — NIL**

C. **BILLS — NIL**

GEORGETOWN, Demerara – Printed and Published every Saturday and on such Extraordinary Days as may be directed by the Government by Guyana National Printers Limited, 1 Public Road, La Penitence, Greater Georgetown.

TUESDAY 15TH NOVEMBER, 2022

THE OFFICIAL GAZETTE 15TH NOVEMBER, 2022
LEGAL SUPPLEMENT — A

GUYANA

ACT No. 22 of 2022

NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) (AMENDMENT) ACT 2022

I assent.

Mohamed Irfaan Ali,
President.

15th November, 2022

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 2 of the Principal Act.
3. Amendment of section 3 of the Principal Act.
4. Amendment of section 4 of the Principal Act.
5. Amendment of section 5 of the Principal Act.
6. Amendment of section 12 of the Principal Act.
7. Amendment of section 72 of the Principal Act.
8. Amendment of section 73 of the Principal Act.

AN ACT to amend the Narcotic Drugs and Psychotropic Substances (Control) Act.

A.D. 2022

Enacted by the Parliament of Guyana:-

Short title. Cap. 10:10

1. This Act, which amends the Narcotic Drugs and Psychotropic Substances (Control) Act, may be cited as the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Act 2022.

Amendment of section 2 of the Principal Act.

2. Section 2 of the Principal Act is amended by the insertion, immediately after the definition of the words "coca leaves", of the following definition –

""community service" means a noncustodial punishment by which after conviction, the court makes an order for the offender to serve the community without pay in lieu of imprisonment or the payment of a fine and includes a public work under the Extra-Mural Work Act;". Cap. 11:02

Amendment of section 3 of the Principal Act.

3. Section 3 of the Principal Act is amended by the insertion, immediately after the definition of the words "public place", of the following definition –

""smoke" means to inhale, exhale, burn, combust or vaporise a narcotic by any means;".

Amendment of section 4 of the Principal Act.

4. Section 4 of the Principal Act is amended as follows –

(a) in subsections (1) and (2), by the substitution for the words "Any person", of the words "Except as provided under subsections (2A) and (2B), any person"; and

(b) by the insertion, immediately after subsection (2), of the following -

"(2A) The court shall make an order requiring a person who has been convicted for the possession of a narcotic under subsection (1) or (2) to undergo mandatory counselling by a certified counsellor specified by the court where that person was in possession of a quantity of cannabis or any substance represented or held out by that person to be cannabis which does not exceed fifteen grams for a period as determined by the counsellor after an assessment.

(2B) The court shall make an order requiring a person who has been convicted for possession of a narcotic under subsection (1) or (2) to perform community service where the person was in possession of a quantity of cannabis or any substance represented or held out by that person to be cannabis which exceeds fifteen grams but does not exceed thirty grams –

(a) in respect of the cannabis, for a period not exceeding six months; or

(b) in respect of the substance other than cannabis which is represented or held out to be cannabis, for a period not exceeding three months,

for any number of hours each day, excluding public holidays, as are specified in the order, and where an order is made, sections 3(2), 4, 5, 6(1) and 7 of the Extra-Mural Work Act shall *mutatis mutandis* apply as if the order was an extra-mural work order made under section 3 of that Act.".

Cap. 11:02

Amendment of section 5 of the Principal Act.

5. Section 5(2)(e) of the Principal Act is amended by the substitution for the words "fifteen grams", of the words "thirty grams".

Amendment of section 12 of the Principal Act.

6. Section 12 of the Principal Act is amended as follows –

(a) by the insertion, immediately after subsection (1), of the following –

"(1A) Except as provided under subsection (1B), a court which convicts a person who commits an offence referred to in subsection (1)(a), (b), (c)(i) or (d) in relation to cannabis shall make an order requiring that person to perform community service for a period not exceeding six months for any number of hours each day, excluding public holidays, as are specified in the order, and where an order is made, sections 3(2), 4, 5, 6(1) and 7 of the Extra-Mural Work Act shall *mutatis mutandis* apply as if the order was an extra-mural work order made under section 3 of that Act.

Cap. 11:02

(1B) A person who is convicted of an offence under subsection (1)(a) in relation to the smoking of cannabis in any of the places to which section 16 of the Tobacco Control Act

No. 17 of 2017

applies shall be liable, in addition to the penalty in subsection (1A), to a fine of ten thousand dollars for the first offence, and twenty thousand dollars for any second or subsequent offence.";

(b) by the insertion, immediately after subsection (2) of the following –

"(2A) A court which convicts a person of an offence under subsection (2) who, knowing or having reason to believe that a parcel, package, container or other thing contains a quantity of cannabis which –

(a) does not exceed fifteen grams, handles the parcel, package, container or other thing shall make an order requiring the person to undergo mandatory counselling by a certified counsellor specified by the court for a period as determined by the counsellor after an assessment; or

(b) exceeds fifteen grams but does not exceed thirty grams, handles the parcel, package, container or other thing shall, make an order requiring that person to perform community service for a period not exceeding six months for any number of hours each day, excluding public holidays, as are specified in the order, and where an order is made, sections 3(2), 4, 5, 6 (1) and 7 of the Extra-Mural Work Act shall *mutatis mutandis* apply as if the order were an extra-mural work order made under section 3 of that Act."

Cap. 11:02

Amendment of section 72 of the Principal Act.

7. Section 72 of the Principal Act is amended by the insertion, immediately after the words "period of imprisonment", of the words "or the period that person performs the community service", wherever it appears.

Amendment of section 73 of the Principal Act.

8. Section 73 of the Principal Act is amended by the following –

(a) in subsection (1), by the substitution for the words "Where any provision", of the words "Except as otherwise provided by any other provision of this Act, where any provision";

(b) by the deletion of subsection (2)(b);

(c) by the substitution for subsection (5), of the following –

"(5) Where a court makes an order under section 4 or 12 for a convicted person to perform community service, that person shall also be made to undergo a mandatory assessment and counselling by a certified counsellor specified by the court for a period not exceeding the term in which that person performs the community service if no order is made under section 72 for the committal of that person to a Centre for the care, treatment and rehabilitation of persons addicted to a narcotic."; and

(d) by the insertion, immediately after subsection (5), of the following subsections–

"(6) The number of hours each day which the offender shall be required to perform community service or mandatory counselling under section 4 or 12 shall not exceed three.

(7) The hours of work or counselling under subsection (6) shall not conflict with the offender's religious belief and shall exclude any intervals prescribed for meals, refreshment or rest and if the offender is gainfully employed or attends an educational institute, occupy only that part of the offender's time which would represent leisure hours.

(8) Where a court makes an order under section 4 or 12 for a convicted person to perform community service or undergo mandatory counselling and that person without reasonable excuse breaches the requirements of that order, the court may –

(a) order that person to pay a fine of two hundred and fifty thousand dollars; and
(b) complete the number of hours remaining on the community service order or the mandatory counselling order.".

Passed by the National Assembly on the 7th November, 2022.

S.E. Isaacs,
Clerk of the National Assembly.

(BILL No. 2/2021)