

LAWS OF GUYANA

*Narcotic Drugs and Psychotropic
Substances (Control)*

Cap. 35:11

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CHAPTER 35:11

**NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES (CONTROL) ACT**

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NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES (CONTROL) ACT

2 of 1988

AN ACT to make provision with respect to the control of the possession of, and trafficking in, narcotic drugs and psychotropic substances and cultivation of certain plants and for matters connected therewith.

[10TH MARCH, 1988]

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Narcotic Drugs and Psychotropic Substances (Control) Act.

Interpretation.
[10 of 1989]

2. (1) In this Act—

c. 82:01

“aircraft”, “export”, “import” and “ship” have the same meanings as in the Customs Act;

“cannabis” means any plant of the genus *Cannabis*, by whatever name called, and includes any part of that plant; and “cannabis resin” means the separated resin, whether crude or purified, obtained from cannabis;

“Coca leaves” means the leaves of any plant of genus of the *Erythroxylaceae* from which cocaine can be extracted either directly or by chemical transformation;

“corresponding law” means any law stated in a certificate purporting to be issued by or on behalf of the Government of any country outside Guyana—

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(i) to be a law in operation in that country outside Guyana and providing for the control and regulation in that country of the production, sale, use, export and import of narcotics or psychotropic substances in accordance with the provisions of the Single Convention;

(ii) or to be any other law, providing for the control and regulation, in any country outside Guyana, of the production, sale, use, export and import of narcotics or psychotropic substances, made in pursuance of any treaty, convention or other agreement or arrangement to which the Government of that country and the Government of Guyana are for the time being parties and in operation in the said country outside Guyana;

“Court” means the High Court;

“cultivate”, in relation to any plant, includes growing the plant, sowing or scattering the seed produced by the plant, planting the plant or any part thereof, nurturing or tending the plant or harvesting the flowers, fruits, leaves or seeds or the whole or any part of the plant;

“dentist” means any person who is registered as a duly qualified dentist under any law for the time being in force in Guyana relating to the registration of dentists;

“document” includes any tape, disc or card on which any matter is recorded, whether in a language ordinarily used for communications between men or in any other language including language used in computer programming or processing;

“Geneva Convention (No. 1)” means the International Opium Convention signed at Geneva on the 19th February, 1925;

“Geneva Convention (No. 2)” means the Convention signed at Geneva on the 13th July, 1931, being the Convention for the purpose of supplementing the Geneva Convention (No. 1) and the Hague Convention;

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“Hague Convention” means the International Opium Convention signed at the Hague on the 23rd January, 1912;

“holder”, in relation to a licence, means the person to whom the licence is granted and includes every person who is an agent, a servant other person acting on behalf of, or under the authority of, the person to whom the licence is granted;

First Schedule. “narcotic” means any substance specified in the First Schedule or anything that contains any substance specified in that Schedule, and includes any psychotropic substance specified in the Second Schedule or anything that contains any substance specified in that Schedule;

Second
Schedule.

“opium” includes raw opium, powdered opium and opium wholly or partially prepared for any use or purpose, whatever its content of morphine may be;

Third
Schedule.

“opium poppy” means all parts of plants of the species *Papaver somniferum* and includes all parts of any species of plants, being a source of opium, specified in the Third Schedule;

“pharmacist” means any person who is registered as a duly qualified pharmacist under any law for the time being in force in Guyana relating to the registration of pharmacists;

“physician” means any person who is registered as a duly qualified medical practitioner under any law for the time being in force in Guyana relating to the registration of physicians;

“practitioner” means any dentist, physician or veterinary surgeon;

“produce”, where the reference is to producing a narcotic or psychotropic substance, means producing it by manufacture, cultivation or any other method and “production” shall be construed accordingly;

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- “prohibited plant” means any plant specified in the Third Schedule; Third
Schedule.
- “Protocol” means the Protocol on Narcotic Drugs signed at Lake
Success, New York, on the 11th December, 1946;
- “psychotropic substance” means any substance specified in the
Second Schedule or anything that contains any substance
specified in that Schedule; Second
Schedule.
- “regulations” means regulations made by the Minister under this Act;
- “Single Convention” means the Single Convention on Narcotic Drugs,
1961, signed at New York on the 30th March, 1961;
- “trafficking” means the importation, exportation, manufacture,
buying, sale, supplying, administering, transportation, delivery
or distribution by any person of a narcotic or any substance
represented or held out by such person to be a narcotic, or the
making of any offer in respect thereof, but does not include—
- (i) the importation or exportation of any narcotic, or the
making of any offer in respect thereof by or on behalf of
any person who holds a licence therefor under this Act in
accordance with the licence;
 - (ii) the manufacture, buying, sale, supplying, transporta-
tion, delivery or distribution of any narcotic, or the making
of any offer in respect thereof, by or on behalf of any
person who has a licence therefor under this Act in
accordance with the licence; or
 - (iii) the selling or supplying or administering for
medicinal purposes, and in accordance with the provisions
of this Act, of any narcotic, or the making of any offer in
respect thereof, by a practitioner or, by any other person
qualified to do so, on the instructions of a practitioner;
 - (iv) the selling or supplying in accordance with the
provisions of this Act, of any narcotic by . a pharmacist;

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“veterinary surgeon” means any person who is registered as a duly qualified veterinary surgeon under any law for the time being in force in Guyana relating to the registration of veterinary surgeons.

(2) In this Act—

(a) any reference to this Act shall be deemed to include a reference to any subsidiary legislation made under this Act;

(b) any reference to the court convicting a person shall be deemed, where the person was tried on indictment, to be a reference to the High Court;

(c) any reference to a—

(i) conveyance shall be deemed to include a reference to any motor vehicle, aircraft, ship, carriage, animal or any other thing made use of, or which can be made use of, for conveying any person, article or thing from one place to another;

(ii) motor vehicle, aircraft, ship, carriage or animal or any other thing referred to in subparagraph (i) shall be deemed to include the tackle, apparel, and furniture and fittings thereof; and

(iii) responsible officer, in relation to any aircraft or ship shall be construed to have the same meaning as in section 201(2) of the Customs Act, and includes also such other officers, not mentioned therein, as may be specified by the Minister by order;

c. 82:01

(d) any reference to any narcotic, pipe, utensil or other article shall be deemed to include a reference to any receptacle or package in which the same is found and all the other contents of the receptacle or package;

(e) any reference to the use of any conveyance for carrying a narcotic shall be deemed to include, where the narcotic is carried on any person or on or in any animal, bird or thing, a reference to the carrying of the person, animal, bird or thing;

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(f) any reference to an officer shall be construed as a reference to any person employed by the Government.

(3) Any statement in a certificate referred to in subsection (1) to the effect of any corresponding law mentioned in the certificate, or any statement in any such certificate that any facts constitute an offence against that corresponding law shall be conclusive evidence of the matters so stated.

PART II

PROHIBITION OF POSSESSION OF AND TRAFFICKING IN NARCOTICS AND
CULTIVATION OF CERTAIN PLANTS

3. In this Part—

Definitions for
Part II.

“child” means a person who has not attained the age of fourteen years;

“intermediate lessee”, in relation to any land, means a lessee of that land who has sub-let the land to another person;

“land” includes all lands whether covered with water or otherwise and all buildings or other constructions or erections on land;

“lessee” includes a sub-lessee;

“place” means any house, room or other place, and includes any “public place”;

“premises”, in relation to any educational institution, includes any buildings, playing fields or other premises owned, managed, established or maintained by the education institution, or for the benefit of the pupils or students of the educational institution, whether or not such buildings, playing fields or other premises are within the curtilage of the educational institution;

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“public place” includes—

(i) any highway, public bridge, landing-place, road, street, footway, square, court, alley or passage, whether a thoroughfare or not;

(ii) any public park or sea beach;

(iii) any house, room, shop, building or other construction kept open, regularly or for the time being, for public refreshment or resort;

(iv) any open or enclosed space or any building, house or other construction, where any cinema, television show, dance, drama, music or other form of entertainment or cultural activity or any game or sporting event is presented or held, regularly or for the time being, and to witness which the public are admitted or permitted to have access, whether on payment or otherwise;

(v) any exhibition to which the public are admitted, permitted to have access, whether on payment or otherwise;

(vi) any other open or enclosed space, including a parking place, to which the public have or are permitted to have access, whether on payment or otherwise; or

(vii) any other open or enclosed space, which having regarded to the purposes for which it is used, is specified by the Minister by order for the purposes of this Part;

“young person” means a person who has attained the age of fourteen years but has not attained the age of eighteen years.

Penalty for
possession of
narcotic.
[6 of 1997]

4. (1) Any person who has in his possession any narcotic, or any substance represented or held out by him to be a narcotic, shall be liable—

(a) in respect of any narcotic—

(i) on summary conviction, to fine of not less than thirty thousand dollars, together with imprisonment for not less than three years nor more than five years; or

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(ii) on conviction on indictment, to a fine of not less than thirty thousand dollars or three times the market value of the narcotic, whichever is the greater, together with imprisonment for not less than five years nor more than ten years;

(b) in respect of any substance, other than a narcotic, which he represents or holds out to be a narcotic—

(i) on summary conviction, to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars, together with imprisonment for not less than six months nor more than three years; or

(ii) on conviction on indictment, to a fine of not less than thirty thousand dollars nor more than sixty thousand dollars, together with imprisonment for not less than two years nor more than five years.

(2) Any person found in possession of any narcotic, or any substance represented or held out by him to be a narcotic, in—

(a) any premises of any educational institution;

(b) any public place; or

(c) any place where children or young persons have gathered or are likely to gather (whether or not adults are admitted or are permitted to have access to the place) for the purpose of—

(i) leisure;

(ii) participating in or witnessing any entertainment or sports; or

(iii) participating in or witnessing any other event in which children or young persons are invited or allowed to participate or which children or young persons are allowed to witness,

or in the immediate vicinity of such premises, public place or place, shall be liable—

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(A) in respect of any narcotic—

(i) on summary conviction, to a fine of not less than thirty thousand dollars or three times the market value of the narcotic, whichever is the greater, together with imprisonment for not less than three years nor more than five years; or

(ii) on conviction on indictment, to a fine of not less than seventy-five thousand dollars or three times the market value of the narcotic, whichever is the greater, together with imprisonment for life;

(B) in respect of any substance, other than a narcotic, which he represents or holds out to be a narcotic—

(i) on summary conviction, to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars, together with imprisonment for not less than one year nor more than three years; or

(ii) on conviction on indictment, to a fine of not less than thirty thousand dollars nor more than sixty thousand dollars, together with imprisonment for not less than three years nor more than five years.

(3) Subsections (1) and (2) shall not apply to—

(a) a person who has in his possession a narcotic, where he holds a licence granted under section 23 permitting him to have possession of that narcotic and his possession of that narcotic is in accordance with that licence and this Act;

(b) a person who receives the narcotic for a medicinal purpose from, or pursuant to, a prescription of a practitioner in accordance with the provisions of this Act;

(c) a person authorised by or under this Act to be in possession of a narcotic, where the possession is in accordance with the authorisation and this Act; or

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(d) a person who is acting for, or on behalf of, or under the supervision of, any person mentioned in paragraph (a), (b), (c) or (d), and he is acting in accordance with the instructions of the person second mentioned, such instructions being consistent with the provisions of paragraph (a), (b), (c) or (d), as the case may be.

5. (1) Any person who trafficks in any narcotic or in any substance represented or held out by him to be a narcotic, or who has in his possession any narcotic, or any substance represented or held out by him to be a narcotic, for the purpose of trafficking, shall be liable—

Penalty for
trafficking in
narcotic.
[6 of 1997]

(a) in respect of any narcotic—

(i) on summary conviction, to a fine of not less than thirty thousand dollars or three times the market value of the narcotic, whichever is the greater, together with imprisonment for not less than three years nor more than five years; or

(ii) on conviction on indictment, to a fine of not less than seventy-five thousand dollars or three times the market value of the narcotic, whichever is the greater, together with imprisonment for life;

(b) in respect of any substance, other than a narcotic, which he represents or holds out to be a narcotic—

(i) on summary conviction, to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars, together with imprisonment for not less than one year nor more than three years; or

(ii) on conviction on indictment, to a fine of not less than thirty thousand dollars nor more than sixty thousand dollars, together with imprisonment for not less than three years nor more than five years.

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(2) In any prosecution for an offence under this section, where any person, other than a person referred to in section 4(3), is found in possession of more than—

- (a) two grams of diacetylmorphine (heroin);
- (b) one gram of cocaine;
- (c) fifty-five grams of opium;
- (d) three grams of morphine; or
- (e) fifteen grams of cannabis or cannabis resin,

the burden of proving that he is in possession of the narcotic for a purpose other than the purpose of trafficking shall be on him.

Penalty for supply, etc. of narcotic to child or young person if death results from consumption or administration of it.
[10 of 1989]

6. (1) Where any person unlawfully—

- (a) supplies or causes to be supplied to;
- (b) administers, whether orally or otherwise, or causes to be administered to; or
- (c) causes to be taken by,

any child or young person any narcotic and that child or young person dies as a result of the consumption, or introduction otherwise into his body, of the narcotic or part of the narcotic so supplied, or the administration of the narcotic, then, the person, who supplied or administered the narcotic or caused the narcotic to be supplied, administered or taken, even though he did not intend that death should, or knew that death was likely to result from the consumption, or introduction otherwise into the body, or administration of the narcotic, shall be liable on conviction on indictment to suffer death as a felon.

(2) Where a child or young person dies as a result of the consumption by him, or introduction otherwise into his body, or administration to him of a narcotic and it is found that several persons have supplied or administered, or caused to be supplied, administered or taken, the narcotic to or by him within three months of his death, each of the persons who supplied or administered the narcotic to the

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child or young person or cause the narcotic to be supplied, administered or to be taken to or by him shall be guilty of the offence under subsection (1) and punishable accordingly.

7. (1) Any person who unlawfully—

(a) brings, throws or otherwise conveys or causes to be conveyed or supplied to any prisoner, or hides or places any narcotic (whether inside or outside of any prison) for any prisoner, or introduces any narcotic by any means into any prison; or

(b) brings, throws or otherwise conveys or causes to be conveyed out of any prison any narcotic,

Penalty for bringing into prison or taking out of prison, etc., of a narcotic. [6 of 1997]

shall be liable—

(i) on summary conviction, to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars, together with imprisonment for not less than three years nor more than five years; or

(ii) on conviction on indictment, to a fine of not less than thirty thousand dollars or three times the market value of the narcotic, whichever is the greater, together with imprisonment for not less than five years nor more than ten years.

(2) In this section “prison” and “prisoner” shall have the meanings respectively assigned to them by section 2 of the Prison Act.

c. 11:01

8. (1) Any person who—

(a) cultivates any prohibited plant; or

(b) being the owner, occupier or concerned in the management of any land or other premises, permits the land or other premises to be used for the purpose of the cultivation, gathering or production of any prohibited plant,

Penalty for cultivation of certain plants. [6 of 1997]

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shall be liable—

(i) on summary conviction to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars, together with imprisonment for not less than three years nor more than five years; or

(ii) on conviction on indictment to a fine of not less than thirty thousand dollars or three times the market value of the prohibited plant, whichever is the greater, together with imprisonment for not less than five years nor more than ten years.

(2) Where a person is convicted by a court of an offence under subsection (1), whether on summary conviction or on conviction on indictment, with reference to the cultivation of any prohibited plant on any land, not being State or Government land, and such person was at the time of the commission of the offence—

(a) the owner of the land on which the prohibited plant was cultivated; or

(b) the holder of a lease, licence, permit or any other similar right in the land and he has carried on the cultivation of the prohibited plant with the consent, co-operation or assistance of the owner of the land,

then, subject to the provisions of subsection (5) and section 9, the court convicting him shall, in addition to the penalty provided for that offence in subsection (1), order the land and—

(i) all machinery, equipment or other implements used for such cultivation; and

(ii) all other machinery, equipment or other implements which could be used for such cultivation and found on the land,

to be forfeited to the State.

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(3) Where a person is convicted of an offence under subsection (1), whether on summary conviction or on conviction on indictment, with reference to the cultivation of any prohibited plant on any land, not being State or Government land, and—

(a) such person was, at the time of the commission of the offence, the holder of a lease, licence, permit or any other similar right in the land on which the prohibited plant was cultivated; and

(b) the cultivation of the prohibited plant was carried on without the consent, co-operation or assistance of the owner of the land,

then, subject to the provisions of subsection (5) and section 9, the court convicting him shall, in addition to the penalty provided for that offence in subsection (1), order that the lease, licence, grant, permit or any other right in the land shall stand terminated forthwith and thereupon all the interests in the land of the person so convicted shall revert to the owner of the land, who shall, subject to the other provisions of this Act, be entitled to enforce the order as if it were an order for possession made in his favour by a magistrate under section 46 of the Landlord and Tenant Act:

c. 61:01

Provided that the person so convicted shall not be entitled either to remove any prohibited plant from the land or to receive any sum by way of the value of any such plant.

(4) Where a person is convicted of an offence under subsection (1), whether on summary conviction or on conviction on indictment, with reference to the cultivation of any prohibited plant on any land, being State or Government land, and such person is the holder of a lease, licence, permit or any other similar right in the land, then, subject to the provisions of subsection (5), the court convicting him shall, in addition to the penalty provided for that offence in subsection (1), order the lease, licence, grant, permit or any other right in the land of the person so convicted and—

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(a) all machinery, equipment or other implements used for such cultivation; and

(b) all other machinery, equipment or other implements which could be used for such cultivation and found on the land,

to be forfeited to the State.

(5) Where under this section—

(a) any land, machinery, equipment or implement is forfeited to the State, the holder of any mortgage or charge on such land, machinery, equipment or implement, so forfeited shall, where such mortgage or charge was created *bona fide* and for valuable consideration, be entitled, notwithstanding such forfeiture, to enforce the mortgage or charge against the land or the machinery, equipment or implement, as the case may be, so forfeited; or

(b) any lease is forfeited to the State or stands terminated, the holder of any mortgage or charge on the leasehold right shall, where such mortgage or charge was created *bona fide* and for valuable consideration, be entitled, notwithstanding such forfeiture or termination, to enforce the mortgage or charge against the land to the extent of the value of the leasehold right on the date of the creation of the mortgage or charge:

Provided that paragraph (a) or (b) shall not apply in the case of the holder of any mortgage or charge where he was concerned in, or was privy to, the commission of the offence of which the person referred to in subsection (1) was convicted and as a result of which conviction the land, machinery, equipment or implement is forfeited to the State or, as the case may be, the lease is forfeited to the State or stood terminated.

(6) For the purposes of this section and section 9—

(a) where any person having any interest in any land, and having come to know that any prohibited plant is being

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cultivated on that land or that the land is being prepared for the cultivation of any prohibited plant, does not promptly inform the officer in charge of the police station nearest either to the land on which such prohibited plant is being cultivated or to the ordinary place of residence or business of such person of that fact, the burden of proving that the person did not consent to, co-operate with or assist in the cultivation of the prohibited plant on that land shall be on that person;

(b) any reference to cultivation of any plant shall be deemed to include a reference to all activities relating to the cultivation of that plant and harvesting or gathering of the plant or any part thereof;

(c) any reference to the owner, or the holder of any lease, licence, grant, permit or other right in any land shall be deemed where the land, or the licence, grant, permit or other right, is held by any person jointly or severally with any other person or persons, to be a reference to each one of such persons.

9. (1) As soon as may be after the conviction of any person under section 8(1) and before the court makes any order under section 8(2), (3) or (4), the court convicting him shall publish in a newspaper having circulation in Guyana and in the *Gazette* a notice stating—

Procedure for purposes of section 8(2) to (6).

- (a) the particulars of the person convicted;
- (b) the particulars of the land on which the prohibited plant was cultivated;
- (c) other relevant particulars relating to the offence;
- (d) the date fixed for hearing for the purpose of passing order under section 8(2), (3) or (4);
- (e) the name and address and the nature of the rights of every person who, according to information available to the court, is the owner or is the intermediate lessee of, or has any other right in, the land or is in possession of the land at the time of the conviction of the person; and
- (f) such other particulars as may be prescribed by regulations or, subject to such regulations, by rules of court.

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(2) The notice referred to in subsection (1) shall be served on all persons who are known to the court, at the time of the conviction of the person under subsection (1), as being the owner, or as having any interest in, or as being in possession of, the land in respect of which an order is proposed to be made under section 8(2), (3) or (4), and every such person shall be given a reasonable opportunity of being heard before any such order is made.

(3) Where the person convicted under section 8(1) and referred to in section 8(2) (b), (3) or (4) is the holder of a lease, licence, permit or any other right in the land granted by an intermediate lessee and the cultivation of the prohibited plant was carried on by that person without the consent, co-operation or assistance of the intermediate lessee, the intermediate lessee may, before an order of forfeiture is made under any of those provisions, apply to the court convicting the person, before the date for hearing specified in the notice under subsection (1) praying that, instead of the land being forfeited to the State or reverted to the owner of the land, as the case may be, the intermediate lessee may be allowed to be in possession of the land on the terms of the lease in his favour, and if the court is satisfied of the facts mentioned herein, in relation to the applicant, and subject to subsection (4), the court may allow the application and thereupon all the interests in the land of the person so convicted shall revert to the intermediate lessee, instead of being forfeited to the State or reverted to the owner of the land, as the case may be, and the intermediate lessee shall be entitled to enforce the order in the same manner as the owner of the land may enforce an order under section 8(3):

Provided that the person so convicted shall not be entitled either to remove any prohibited plant from the land or to receive any sum by way of the value of any such plant.

(4) Where there are more intermediate lessees than one, an application under subsection (3) may be made by any of them and the court convicting any person referred to in section 8(2) (b), (3) or (4) may allow the application of the intermediate lessee who—

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- (a) has not consented to, co-operated with or assisted in the cultivation of the prohibited plant by such person; and
(b) is, among the intermediate lessees who have not so consented, co-operated, or assisted, the intermediate lessee nearest to such person having regard to the order in which the sub-leases were executed.

(5) Upon the making of an order under section 8(2) or (4), the Commissioner of Lands or anyone nominated by him in that behalf shall, with such assistance as, in his opinion, is required or expedient, take possession of the land described in the order for and on behalf of the State and for that purpose may, if need be, remove therefrom any person refusing to vacate such land and use such force as may be reasonable for that purpose.

(6) Where an order is made under section 8(2), (3) or (4), or subsection (3), forfeiting any land or reverting any land to the owner or an intermediate lessee of the land, the order shall be treated for all purposes as if it were a transport or other document effecting a conveyance of immovable property or any interest therein and the Registrar of Deeds shall, on the production to him of a certified copy thereof, take due notice thereof and shall make such annotations on the records as may be necessary.

10. (1) Without prejudice to any other provision of this Act in relation to the power to enter or search, where any officer of the Lands Department, any forest officer appointed under the Forests Act or any member of the Police Force has reasonable ground to suspect that any prohibited plant was or is being cultivated on any State land or Government land, whether held by any person under a lease, licence, permit or any other right, or entered upon by any person without any right, or that any such land is being prepared for the cultivation of any prohibited plant, or that any prohibited plant is on such land, he may, by himself or with such assistance as in his opinion is reasonable, enter upon and inspect such land.

Power of entry
in respect of
State or
Government
lands.
c. 67:01

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(2) Without prejudice to any other provision of this Act, where any member of the Police Force or any other person authorised by the Commissioner of Police for the purposes of this section has reasonable ground to suspect that any prohibited plant was, or is being cultivated on any land, not being State land or Government land, or that any such land is being prepared for the cultivation of any prohibited plant or that any prohibited plant is on such land, he may, by himself or with such assistance as in his opinion is reasonable, enter upon and inspect such land.

Power of
destruction of
prohibited
plants.

11. (1) A court convicting any person of any offence under section 8(1), or any court in which any charge for an offence under that section is pending trial, may direct the Commissioner of Police to destroy all the prohibited plants found on any land to which the offence relates and the Commissioner of Police shall cause all such plants to be destroyed in such manner as may be prescribed by regulations.

(2) Where any member of the Police Force authorised in that behalf by the Commissioner of Police is, upon entry and inspection under section 10(1) or (2), satisfied that the plants found on any land are prohibited plants, he may destroy them in such manner as may be prescribed by regulations.

Penalty for
certain other
acts connected
with narcotics.
[6 of 1997]

12. (1) Any person, who—

(a) smokes, inhales, sniffs or otherwise uses opium, cannabis, heroin or cocaine;

(b) without lawful and reasonable excuse, is found in any house, room or place to which persons resort for the purpose of smoking, inhaling, sniffing or otherwise using of opium, cannabis, heroin or cocaine;

(c) being the owner, occupier or concerned in the management of any building, land or other premises, permits the building, land or other premises to be used for the purpose of—

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(i) the preparation of opium for smoking or sale, or the smoking, inhaling, sniffing or otherwise using of opium, cannabis, heroin or cocaine; or

(ii) the manufacture, production, sale or distribution of any narcotic in contravention of this Act; or

(d) has in his possession any pipe or other utensil for use in connection with the smoking, inhaling or sniffing or otherwise using of opium, cannabis, heroin or cocaine or any utensil used in connection with the preparation of opium for smoking,

shall be liable—

(i) on summary conviction, to a fine of not less than six thousand dollars nor more than fifteen thousand dollars, together with imprisonment for not less than one year nor more than three years; or

(ii) on conviction on indictment, to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars together with imprisonment for not less than three years nor more than ten years.

(2) Any person who, knowing or having reason to believe that a parcel, package, container or other thing contains any narcotic, handles the parcel, package, container or other thing, shall, except where such handling is by a public officer in the course of his official functions, be liable on summary conviction to a fine of fifteen thousand dollars together with imprisonment for three years.

(3) Any person who commits any offence referred to in subsection (2) in relation to any narcotic with a view to aiding, abetting or procuring—

(a) the trafficking in such narcotic, shall be liable to the penalty prescribed by section 5(1); or

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(b) the contravention of the provisions of section 18(1) or 21(1) shall be liable to the penalty respectively prescribed for such contravention.

Certain
prescriptions
to be unlawful.
[6 of 1997]

13. (1) A physician or dentist shall not—

- (a) prescribe for, or administer, sell or supply, to any person any narcotic; or
- (b) sign any prescription or order for the supply of a narcotic to any person,

unless the narcotic is required for the medical treatment of a person who is under the professional treatment of the physician or the dentist, as the case may be.

(2) A veterinary surgeon shall not—

- (a) prescribe, administer, sell or supply any narcotic; or
- (b) sign any prescription or order for the supply of a narcotic,

otherwise than in accordance with the provisions of the regulations.

(3) For doing any of the things mentioned in subsection (1) it shall not be necessary for a physician or dentist to hold a licence under section 23 and for doing any of the things mentioned in subsection (2) it shall not be necessary for a veterinary surgeon to hold a licence under that section.

(4) Any person who contravenes subsection (1) or (2) shall—

- (a) on summary conviction, be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars together with imprisonment for not less than one year nor more than three years; or
- (b) on conviction on indictment, be liable to a fine of not less than thirty thousand dollars nor more than sixty

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thousand dollars together with imprisonment for not less than three years nor more than ten years.

14. Any person who, in the course of treatment for any physical or mental disorder, is supplied with any narcotic, or a prescription therefor, by a physician treating him and who without disclosing that fact receives additional narcotic, or a prescription therefor, from any other physician, shall be liable on summary conviction to a fine of not less than six thousand dollars nor more than fifteen thousand dollars together with imprisonment for one year.

Penalty for receiving additional narcotic or prescription without disclosure of earlier receipt. [6 of 1997]

15. Where a physician, dentist, veterinary surgeon or pharmacist is convicted of an offence under this Act, in addition to the penalty prescribed for the offence under this Act, and notwithstanding anything contained in any other written law, he shall be liable to have his name removed from the register of those licensed to practise within Guyana as a physician, dentist, veterinary surgeon or pharmacist, as the case may be.

Removal of name from register.

PART IIA

OFFENCES RELATING TO PRECURSOR CHEMICALS

15A. Every person who-

- (a) manufactures or is in possession of a substance referred to in the Fourth Schedule; or
- (b) transports such a substance or supplies it to another person, knowing or having reasonable grounds to suspect that the substance is to be used in or for the unlawful production of a narcotic is guilty of an offence and is liable-
 - (i) upon summary conviction to a fine of one hundred thousand dollars and to imprisonment for five years;

Offences relating to precursor chemicals. fourth schedule. [3 of 1999]

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- (ii) upon conviction on indictment to a fine of one hundred thousand dollars
and to imprisonment for five years;
- Order.
- Fourth Schedule. 15B. The Minister may order, add substances to the Fourth Schedule and may delete therefrom any substance, the inclusion or exclusion of which is by him deemed necessary in the public interest.
- Regulations 15C.(1) The Minister may make regulations-
- Fourth Schedule. (a) for imposing requirements as to the documentation of transactions involving substances referred to in the Fourth Schedule;
(b) requiring the keeping of records and the furnishing of information with
(c) for the inspection of records kept pursuant to the regulations:
(d) for the labelling of consignments of substances referred to in Fourth Schedule:
(e) for the transportation of such substances.
- (2) Regulations made under subsection (1) (b) may require -
- (a) the notification of the proposed exportation of substances as may be so specified in the Fourth schedule to such countries as may be specified in the regulations; and
(b) the production, in such circumstances as may make different provisions in relation to the substances specified, of evidence that the required notification has been given.
- Fourth Schedule (3) Regulations made under this section may make different provision in relation to the substances specified in the Fourth Schedule and in relation to different cases or circumstances.
- (4) Any person who fails to comply with any requirement imposed by the regulations or, in purported compliance with any such requirement, furnishes information which he knows to be false in a material particular or recklessly furnishes information which is false

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in a material particular or recklessly furnishes information which he knows to be false in a material particular is guilty of an offence and is liable-

(a) on summary conviction to a fine of ten thousand dollars and to imprisonment for two years;

(b) on conviction on indictment to a fine of twenty thousand dollars and to imprisonment for not less than two years and not more than five years.

(5) No information obtained pursuant to the regulations shall be except for the purposes of criminal proceedings under this Act”.

PART III

NARCOTICS IN TRANSIT

16. For the purposes of this Part—

Definitions for
Part III

“Comptroller” means the Comptroller of Customs;

“diversion certificate” means a certificate issued by a competent authority of a country, through which a narcotic passes in transit, authorising the diversion of the narcotic to a country, other than that specified as the country of ultimate destination in the export authorisation and containing all the particulars required to be included in the export authorisation together with the name of the country from which the narcotic was originally exported;

“export authorisation” means an authorisation issued by a competent authority in a country from which a narcotic is exported, containing full particulars of the narcotic and the quantity

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authorised to be exported together with the names and addresses of the exporter and the person to whom it is to be sent and stating the country to which and the period within which it is to be exported;

“import authorisation” means an authorisation issued by a competent authority in a country into which a narcotic is imported, containing full particulars of the narcotic and the quantity authorised to be imported together with the names and addresses of the importer and the person from whom it is imported and stating the country from which and the period within which it is to be imported;

“in transit” means taken out of or sent from any country, other than Guyana, and brought into Guyana by land, sea or air (whether or not landed or transhipped in Guyana) for the sole purpose of being carried to another country either by the same or any other means of transport;

“removal licence” means a licence granted by the Minister under section 19(2).

Prohibition
against
sending
narcotics by
post.
[6 of 1997]

17. (1) No person shall post, or enclose in or with any letter, packet or other matter sent by post, any narcotic.

(2) Any person who contravenes subsection (1) shall be liable—

(a) on summary conviction, to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars together with imprisonment for not less than one year nor more than three years; or

(b) on conviction on indictment, to a fine of not less than thirty thousand dollars nor more than sixty thousand dollars together with imprisonment for not less than three years nor more than ten years.

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18. (1) No person shall bring into or send to Guyana in transit any narcotic unless the narcotic is in the course of transit from a country from which it may lawfully be exported to another country into which the narcotic may lawfully be imported, or take out of Guyana in transit any narcotic unless the narcotic is in the course of transit to a country into which it may lawfully be imported from a country from which the narcotic may lawfully be exported.

Narcotics in
transit.
[6 of 1997]

(2) Without prejudice to the provisions of subsection (1), no person shall bring into or send to Guyana, or take out of Guyana, in transit any narcotic unless—

(a) where the narcotic comes from a country which is a party to the Hague Convention, the Geneva Convention (No. 1) or the Geneva Convention (No. 2), as amended by the Protocol, or which is a party to the Single Convention, it is accompanied by a valid and subsisting export authorisation and, where the narcotic has been diverted to a country, other than that specified in the export authorisation as the country of ultimate destination, also a valid and subsisting diversion certificate; or

(b) where the narcotic comes from a country which is not a party to any such convention—

(i) it is accompanied by a valid and subsisting export authorisation and, where the narcotic has been diverted to a country other than that specified in the export authorisation as the country of ultimate destination, also a valid and subsisting diversion certificate; and

(ii) the narcotic is being conveyed in a lawful manner and for a lawful purpose.

(3) Any person who contravenes subsection (1) or (2) in relation to any narcotic or brings into or sends to Guyana, or takes out of Guyana, in transit, any narcotic making use of any export authori-

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sation or diversion certificate which is false, or obtained by fraud or wilful misrepresentation of a material particular, shall be liable—

(a) on summary conviction, to a fine of not less than fifteen thousand dollars or three times the market value of the narcotic, whichever is the greater, together with imprisonment for not less than three years nor more than five years; or

(b) on conviction on indictment, to a fine of not less than thirty thousand dollars or three times the market value of the narcotic, whichever is the greater, together with imprisonment for not less than five years nor more than ten years.

(4) Where the Comptroller has reasonable ground to suspect that—

(a) any narcotic has been brought into or sent to Guyana in transit or is being or is likely to be taken out of Guyana in transit in contravention of the provisions of subsection (1) or (2); or

(b) the export authorisation or the diversion certificate accompanying the narcotic is false or has been obtained by fraud or wilful misrepresentation of a material particular,

he may seize the narcotic and detain it pending investigation into the matters referred to in paragraph (a) or (b).

(5) Where, in respect of any narcotic seized and detained under subsection (4), the Comptroller is satisfied that—

(a) there has been no contravention of subsection (1) or (2); and

(b) the export authorisation and, where there is a diversion certificate that certificate, accompanying the narcotic are genuine and have not been obtained by fraud or wilful misrepresentation of any material particular, he may

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release the narcotic to the person from whom it was seized and in any other case the narcotic shall be forfeited.

(6) Nothing in this section applies to a narcotic in transit by post, or in transit by air if the aircraft passes over Guyana without landing, or to such quantities of a narcotic as may *bona fide* reasonably form part of the medical stores of any ship or aircraft.

19. (1) Where any narcotic brought into Guyana in transit is landed or transhipped in Guyana, it shall be kept under the control of the Comptroller.

Control of
Comptroller
over narcotics
brought into
Guyana in
transit.
[6 of 1997]

(2) All narcotics referred to in subsection (1) shall be moved from any place where it is, only under the authority of, and in accordance with the conditions of, a removal licence granted by the Minister.

(3) Without prejudice to the provisions of subsections (1) and (2), no person shall—

- (a) remove any narcotic from the conveyance by which it was brought into Guyana in transit; or
- (b) in any way move from any place any narcotic in Guyana at any time after it is removed from the conveyance by which it was brought into Guyana in transit,

except under the authority of, and in accordance with the conditions of, a removal licence granted by the Minister.

(4) The Minister shall not issue a removal licence under subsection (2) or (3) unless there is produced to him a valid and subsisting export authorisation and, where the narcotic has been diverted to a country other than the country specified in the export authorisation as the country of ultimate destination, also a valid and subsisting diversion certificate relating to the narcotic in respect of which the removal licence is sought.

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(5) A removal licence shall be in such form as may be prescribed by regulations.

(6) Any person who contravenes subsection (1), (2) or (3) in relation to any narcotic shall be liable—

(a) on summary conviction, to a fine of not less than thirty thousand dollars or three times the market value of the narcotic, whichever is the greater, together with imprisonment for a period of not less than three years nor more than five years; or

(b) on conviction on indictment, to a fine of not less than seventy-five thousand dollars or three times the market value of the narcotic, whichever is the greater, together with imprisonment for a period of not less than three years nor more than seven years.

Tampering with
narcotics in
transit.
[6 of 1997]

20. Any person who—

(a) causes any narcotic in transit to be subjected to any process which would alter its nature; or

(b) wilfully opens or breaks any package containing a narcotic in transit without the instructions, or otherwise than in accordance with the directions, of the Comptroller,

shall be liable—

(i) on summary conviction, to a fine of not less than six thousand dollars nor more than fifteen thousand dollars together with imprisonment for not less than one year nor more than three years; or

(ii) on conviction on indictment, to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars together with imprisonment for not less than three years nor more than five years.

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21. (1) No person shall, except under the authority of a diversion certificate granted by the Minister in such form as may be prescribed by regulations, cause or procure any narcotic, brought into Guyana in transit, to be diverted to any destination other than the one to which it was originally consigned.

Diversion in
Guyana of
narcotics in
transit.
[6 of 1997]

(2) For the purposes of this section, in the case of a narcotic brought into Guyana in transit accompanied by any export authorisation, and a diversion certificate where it is required under this Act, issued by a competent authority in a country outside Guyana, the country stated in the export authorisation, where there has been no diversion of the narcotic, and, where there is a diversion certificate the country stated therein, or, where there are more than one diversion certificates, the country stated in the last diversion certificate, to be the country of ultimate destinations shall be deemed to be the country to which the narcotic is originally consigned.

(3) The Minister may not issue a diversion certificate under subsection (1) authorising the diversion of any narcotic to any country unless—

(a) where that country is a party to the Hague Convention, the Geneva Convention (No. 1) or the Geneva Convention (No. 2), as amended by the Protocol, or is a party to the Single Convention, there is produced to the Minister a valid and subsisting import authorisation issued by the competent authority in that country; or

(b) in any other case, the Minister is satisfied that the narcotic is proposed to be sent to that country in a lawful manner and for a lawful purpose.

(4) A diversion certificate shall be issued in duplicate; one copy thereof shall accompany the narcotic when it is exported from Guyana and the other copy shall be sent by or on behalf of the Minister direct to the proper authority in the country to which the narcotic is diverted.

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(5) Upon the issue of a diversion certificate, the export authorisation, and any diversion certificate accompanying the narcotic on its arrival in Guyana, shall be detained by the Minister and returned to the authority issuing it together with a notification of the name of the country to which the narcotic is diverted.

(6) Any person who contravenes subsection (1) in relation to any narcotic shall be liable—

(a) on summary conviction, to a fine of not less than fifteen thousand dollars or three times the market value of the narcotic whichever is the greater, together with imprisonment for not less than three years nor more than five years; or

(b) on conviction on indictment, to a fine of not less than thirty thousand dollars or three times the market value of the narcotic, whichever is the greater, together with imprisonment for not less than five years nor more than ten years.

Variations in
export
authorisation,
import
authorisation
or diversion
certificate
granted in
country other
than Guyana.

22. For the purposes of this Part an export authorisation, import authorisation or diversion certificate granted in a country other than Guyana, may be accepted by the Minister, or other authority in Guyana, notwithstanding that it does not contain the particulars prescribed by or under this Act, if it contains the particulars prescribed by the law in force in the country in which it was granted.

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**“PART IIIA
ADDITIONAL POWERS OF
COMPTROLLER**

- 22A. (1) In addition to the functions conferred on the Comptroller by PART III, where any provision of this Act empowers any member of the Police Force to discharge a function may be discharged by the Comptroller under this Act to be an officer (hereinafter in this section referred to as the Comptroller of Customs”) and being a member of that body known as the Customs Anti Narcotic Unit. [3 of 1999]
- (2) Without prejudice to the generality of subsection (1), the Comptroller of customs shall have the following powers -
- (i) under section 10(2), the same power as any member of the Police Force or any other person authorised by the Commissioner of Police for the purposes of the said section 10;
 - (ii) under section 27 (1)(b), the same power as any member of the Police Force or any other person authorised in that behalf in writing by the Commission of Police or by a Police Officer not below the rank of an Assistance Commissioner of Police or Chief Medical Officer;
 - (iii) under sections 9(1) and (2), 83 and 93(1) the same power as a member of the Police Force;
 - (iv) under sections 81, 82 and 85, the same power as any other person authorised in writing by the Commission of Police for the purposes of section 81, 82 or 85;
 - (v) under section 86, the same power as the Commissioner of Police; except that in relation to this paragraph Comptroller” has the same meaning as “Comptroller” in section 2 of the Customs Act;

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(vi) under section 90(1), the same power as any member of the Police Force or any other person authorised in writing by the Commissioner of Police.

(3). Subject to this section, the provision of this Act in particular section 31, shall as they apply to the Commissioner of Police or any member of the Police Force apply mutatis mutandis to the Comptroller of Customs.

PART IV

LICENCES

Grant and
renewal of
licences.

23. The Minister may, subject to regulations, and on application duly made by a person

(a) grant on such terms and conditions as he determines, or refuse to grant, to the applicant a licence under this Act permitting him to have in his possession or to manufacture, buy, sell, supply, transport, deliver or distribute any narcotic; and

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(b) renew or refuse to renew a licence already granted to the applicant.

24. (1) Where the holder of a licence or authorisation granted under this Act has contravened any provision of this Act or any term or condition of the licence or authorisation or has been convicted of an offence against any other written law, or where the Minister is satisfied that it is necessary to do so in the public interest, the Minister, may by notice served on the holder of the licence or authorisation, cancel the licence or authorisation, as the case may be:

Cancellation or modification of licence.

Provided that a licence shall not be cancelled without giving the licensee a reasonable opportunity of being heard.

(2) Without prejudice to the provisions of subsection (1), where the holder of a licence granted under this Act is convicted by any court of any offence against this Act or against the Customs Act, in addition to any other penalty to which he may be liable therefor, the court convicting him shall require him to produce his licence and thereupon proceed to cancel it.

c. 82:01

25. (1) No person holding a licence authorising him to sell or supply any narcotic shall—

Regulation of possession or sale or supply of narcotics by licensee.

(a) have in his possession, or sell or supply to any person, a narcotic which is not of such standard as may be prescribed by regulations;

(b) sell or supply any substance, not being a narcotic, as a narcotic; or

(c) sell or supply a narcotic to any person except in accordance with the provisions of this Act and the terms and conditions of the licence.

(2) A person holding a licence authorising him to sell or supply any narcotic, not being a practitioner or pharmacist, may, subject to regulations and the terms and conditions of the licence—

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(a) upon receiving a written order therefor dated and signed by a person who is a licensee authorised to be in possession of such narcotic or an order or a prescription therefor dated and signed by a practitioner, and after satisfying himself of the genuineness of the signature of the person purporting to sign the order or prescription, sell or supply the narcotic specified in the order or prescription to the licensee making the order in the first case or to the person authorised by the order or prescription to receive it in the second case; or

(b) sell or supply a narcotic to any other person authorised by regulations or the Minister to buy or to be in possession of the narcotic in accordance with the conditions to which such authorisation is subject.

(3) A person authorised by a licence or by regulations or the Minister to buy a narcotic shall not give an order referred to in subsection (2) except where, and to the extent to which, he is entitled to do so under such licence, or the authorisation and the provisions of this Act.

Regulation of
sale or supply
of narcotics by
licensed
pharmacist.

26. (1) Subject to regulations, a pharmacist who holds a licence granted under this Act shall not sell or supply a narcotic to any person except upon receiving a written order or prescription therefor dated and signed by a practitioner and after satisfying himself of the genuineness of the signature of the person purporting to sign the order or prescription.

(2) No pharmacist shall use an order or prescription to supply a narcotic on more than one occasion, unless the order or prescription so directs and states the number of times it may be used.

Delivery of
narcotics to
Minister.

27. (1) Where the licence or other authority under which a person is in possession of a narcotic under this Act is cancelled or a person, who is lawfully in possession of a narcotic under this Act in connection with his business, trade or calling, ceases to engage in the business, trade or calling or dies—

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(a) that person or any person acting for him or on his behalf or his legal representative shall not keep in his possession or give, sell, distribute or otherwise deal in any such narcotic, but shall forthwith deliver the same to the Minister; and

(b) any member of the Police Force, or any other person, authorised in that behalf in writing by the Commissioner of Police or by a Police Officer not below the rank of an Assistant Commissioner of Police or by the Chief Medical Officer, may enter the premises in which any such narcotic is and seize and carry away the narcotic and deliver it as expeditiously as possible to the Minister.

(2) Where any narcotic is delivered to the Minister pursuant to subsection (1), the Minister may order its disposal—

(a) in case the Chief Medical Officer certifies that the narcotic can be used for medical purposes, in accordance with the certificate, with authorisation for the payment of reasonable compensation therefor to the person who delivered the narcotic to the Minister under subsection (1)

(a) or from whom the narcotic was seized; or

(b) in any other case, in such manner and by such person or authority as may be prescribed by regulations.

(3) Where the person to whom any compensation is paid under subsection (2) (a) is not the rightful owner of the narcotic, the rightful owner may, subject to the provisions of any law, recover the compensation from the person to whom it was paid, but no claim shall lie against the State on the ground that the compensation was paid to the wrong person.

28. Any person who contravenes any provision of section 25, 26 or 27 (1) (a) shall be liable—

(a) on summary conviction, to a fine of not less than fifteen thousand dollars or three times the market value of the narcotic involved in the contravention, whichever is the

greater, together with imprisonment for a period of not less

Penalty for
contravention
of section 25,
26 or 27(1)(a).
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than three years nor more than five years; or

(b) on conviction on indictment, to a fine of not less than seventy-five thousand dollars or three times the market value of the narcotic involved in the contravention, whichever is the greater, together with imprisonment for a period of not less than five years nor more than seven years.

Penalty for
contravention
of terms and
conditions of
licence.
[6 of 1997]

29. Any person who contravenes or breaches any condition or term of a licence or authorisation granted under this Act, for which no other penalty has been provided by any other provision of this Act, other than section 24 or Part VII, shall be liable on summary conviction to a fine of not less than nine thousand dollars nor more than thirty thousand dollars together with imprisonment for not less than one year nor more than three years.

PART V

ENHANCED PENALTY IN CERTAIN CASES AND PENALTY
FOR CERTAIN OFFENCES

Enhanced
penalty in
certain cases.

30. Where any person is convicted on indictment for any offence under section 7(1), 8(1), 12, 13, 17 or 18, and he had been convicted earlier of any offence under any of those sections, he shall, on the conviction first mentioned, be liable to be sentenced to imprisonment for life.

31. Any person who—

Penalty for
obstruction,
etc.
[10 of 1989
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(a) delays or obstructs any member of the Police Force or any person authorised by the Commissioner of Police, the Chief Medical Officer or any other person in the exercise of any of his functions under this Act;

(b) destroys or mutilates or attempts to destroy or mutilate any books or documents required or liable to be produced before any member of the Police Force or any person authorised by the Commissioner of Police, the Chief Medical Officer or any other public officer or any other

person or any other authority or a court under any provision

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of this Act;

(c) fails to produce, or conceals, or attempts to conceal, any books or documents, stocks of narcotics or things when their production is demanded by any person in the exercise of his functions under this Act;

(d) refuses or fails to comply with any lawful order or direction given by any public officer in the course of, or in connection with, the administration of any provision of this Act, not being a non-compliance referred to in paragraph (c); or

(e) obstructs, prevents, delays, perverts or defeats the course of justice or the administration of the law under the provisions of this Act,

shall be liable on summary conviction to a fine of not less than twenty-one thousand dollars together with imprisonment for not less than two years nor more than five years.

32. Any person who—

(a) fails or refuses to comply with any obligation to give information or to produce any book, record or other document, thing or other material to which he is subject under or by virtue of any provision of this Act or any order made thereunder;

(b) in purported compliance with any obligation to give information or to produce any book, record or other document or other material to which he is subject under or by virtue of any provision of this Act, gives any information which he knows to be false in a material particular or gives any information which he does not believe to be true, or produces or otherwise makes use of any book, record or other document or other material containing any statement which to his knowledge is false in a material particular or which he does not believe to be true; or

Penalty for failure to furnish information and furnishing of misleading information, to produce evidence, etc.
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(c) for the purpose of obtaining, whether for himself or any

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other person the grant or renewal of a licence or authority under this Act—

(i) makes any statement or gives any information which he knows to be false in a material particular or which he does not believe to be true; or

(ii) produces or otherwise makes use of any book, record or other document or other material containing any statement which to his knowledge is false in a material particular or which he does not believe to be true,

shall be liable, on summary conviction, to a fine of not less than fifteen thousand dollars together with imprisonment for not less than one year nor more than three years.

Assisting in
commission
outside
Guyana of
offence
punishable
under
corresponding
law.
[6 of 1997]

33. Any person in Guyana who—

(a) solicits, incites, aids, abets, counsels or procures, the commission in any place outside Guyana of any offence punishable under the provisions of a corresponding law in force in that place; or

(b) does anything preparatory to, or in furtherance of, any act outside Guyana which act if committed in Guyana would constitute an offence against this Act,

shall be liable on summary conviction to a fine of not less than thirty thousand dollars together with imprisonment for not less than one year nor more than five years.

PART VI

FORFEITURE OF NARCOTICS, IMPLEMENTS AND CONVEYANCE

Forfeiture of
narcotic, etc.

34. Where—

(a) any person is found in possession of any narcotic and—

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(i) he has no legal authority for the possession of that narcotic; or

(ii) the narcotic found in his possession is in excess of the quantity, or is of a quality different from the quality, he is authorised to have in possession; or

(b) any narcotic is found in a place, other than a place where it is authorised to be kept;

(c) a contravention of any provision of this Act is committed in relation to any narcotic,

all the narcotic found in the possession of that person or found in that place or in relation to which a contravention of any provision of this Act is committed shall be forfeited to the State.

35. (1) Any machinery, equipment, implement, pipe, utensil, or other article used for the commission of any offence under this Act shall be forfeited to the State.

Forfeiture of conveyance, implement, etc.

(2) Every conveyance used for the commission of any offence under this Act or for carrying any machinery, equipment, implement, pipe, utensil or other article used for the commission of any offence under this Act, or any narcotic, shall be forfeited to the State:

Provided that where on application made by the person who was the owner of the conveyance to the court in which any prosecution for any offence under this Act, or to a magistrate before whom any proceedings under this Act for the forfeiture and condemnation of any conveyance, not being a proceeding under Part VII, is pending, the court or magistrate, as the case may be, is satisfied beyond reasonable doubt that—

(a) the person who was the owner of the conveyance; and
(b) in the case of an aircraft or ship, every person who was a responsible officer thereof,

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when it was made use of for such conveyance, was not concerned in or privy to such use, the conveyance shall be restored to the owner thereof by the court or magistrate, as the case may be.

PART VII

FORFEITURE OF ASSETS

Definitions for
Part VII.

36. In this Part—

“asset” means any property, movable or immovable, and includes, money, choses in action, goodwill and any interest in property;

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“defendant” has the same meaning as in the Summary Jurisdiction (Procedure) Act;

“respondent” means the person against whom an application is made under section 37(1);

“restraint order” means any order under section 42(1);

“revenue” means all tolls, taxes, imposts, rates, duties, fees, fines, penalties, rents and other sums due to a local democratic organ;

“specified offence” means—

(i) any offence under sections 4(2) and 5 to 8 (inclusive) or any other offence under this Act specified by the Minister by order for the purposes of this Part;

(ii) a conspiracy to commit or an attempt to commit any offence referred to in subparagraph (i);

(iii) inciting another person or attempting to incite any person to commit any offence referred to in subparagraph (i); or

(iv) aiding, abetting, counselling or procuring any offence referred to in subparagraph (i);

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references to “accused person” shall be deemed to include references to any defendant in a complaint in respect of a summary conviction offence.

37. (1) Where there are reasonable grounds to believe that any person has committed a specified offence and investigation has commenced in relation to it, the Director of Public Prosecutions may apply to the Court for an order under paragraph (a) or (b) or both of section 42(1) in respect of all or any of the assets of the person.

Application for
restraint order.

(2) An application for a restraint order under subsection (1) may be made *ex parte* to the Court and shall be accompanied by an affidavit sworn on the information and belief of the Director of Public Prosecutions deposing to the following matters—

- (a) the offence alleged to have been committed by the person and in relation to which investigation has commenced;
- (b) the grounds for believing that the person has committed the offence; and
- (c) a description, as far as possible, of the property in respect of which the order is sought.

(3) No application for a restraint order shall be entertained against any person—

- (a) after the investigation referred to in subsection (1) has concluded and it has been decided not to make any complaint or give any information, in respect of the commission of any specified offence by that person; or
- (b) where, after the investigation referred to in subsection (1), a complaint has been made or information has been given, a final decision has been given in respect thereof by a court having jurisdiction to give it.

(4) In this section “final decision” in respect of any complaint or information means—

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(a) where there has been an appeal from a decision of a court, the decision on that appeal; or

(b) where there have been more appeals than one from such decision, the decision in the appeal last made.

Notice of application under section 37.

38. (1) A notice, in such form as may be prescribed by regulations, of every application under section 37(1) shall be published, as soon as may be possible after it is made, in a newspaper having circulation in Guyana and in the *Gazette*.

(2) A notice under subsection (1) shall not mention details of the allegations against the person against whom the application has been made in respect of the specified offence or the evidence in respect thereof.

Transfer after notice of application for restraint order void.

39. Any transfer, by any person against whom any application has been made under section 37(1), of any asset to which the application relates, or any right or interest in such asset, after the publication of the notice of the aforesaid application in a newspaper under section 38 and while the application is pending, shall, subject to the other provisions of this Part, be void:

Provided that where an application under section 37(1) is dismissed by the Court, and the Director of Public Prosecutions intimates to the Court that he intends to appeal against the dismissal, the Court may direct that this section shall continue to apply in relation to the assets in respect of which the application has been made until the appeal is finally disposed of.

Statement of assets and examination of respondent. [6 of 1997]

40. (1) The Court may, before or after an order is made on any application under section 37, direct the respondent to submit, within such time as is allowed by the Court, a statement of all his assets and liabilities and may, if the Court considers it necessary for the purpose of ascertaining the assets and liabilities of the respondent, examine him.

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(2) A respondent who, after being directed by the Court to do so under subsection (1), refuses or fails to submit a statement of all his assets and liabilities or submits a statement which is false or misleading in any material particular shall be liable on summary conviction to a fine of seventy-five thousand dollars together with imprisonment for five years.

41. (1) Subject to the other provisions of this Act, a copy of the application for a restraint order shall be served on the respondent in the same manner as if it is a motion and the respondent shall be given by the Court a reasonable opportunity of being heard before final order is made on the application in accordance with regulations or rules of court made in respect thereof or, until such regulations or rules are made, in accordance with the rules of court applicable to the hearing of motions.

Service of
notice of
application for
restraint order.

(2) Nothing in subsection (1) shall be deemed to prevent the Court from making such interlocutory orders as it deems appropriate to meet the ends of justice and to prevent the respondent from defeating the purposes of the provisions of this Part, before the service of notice under subsection (1) on the respondent.

(3) Without prejudice to the provisions of subsection (2), the Court may, pending decision on an application under section 37(1), attach any movable property, of the respondent, including moneys payable to him.

42. (1) Where an application for a restraint order has been made under section 37(1), and the Court is satisfied of the matters referred to in that provision in relation to the respondent, the Court may make either or both of the following orders—

Restraint order.

(a) prohibiting the respondent, or any other person on his behalf, from disposing of, or otherwise dealing with, the assets specified in the order or any interest therein, or prohibiting the respondent or the other person from disposing of or otherwise dealing with the assets or interest

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therein otherwise than in such manner as may be specified in the order;

(b) directing the Official Receiver to take custody and control of the assets specified in the order and to manage or otherwise deal with it in accordance with the directions of the Court.

(2) Where an order has been made under subsection (1)(b)—

(a) every person who is in possession of any assets to which the order relates shall forthwith hand over that asset to the Official Receiver, failing which the Official Receiver shall have power to recover possession of that property and for that purpose to break open any lock and to use such force as he deems reasonable;

(b) without prejudice to the provisions of paragraph (1), a bank shall not pay to the respondent, or to any other person on the order or on behalf of the respondent, any money from sums held in deposit in the bank in any account in the name of the respondent.

Notice of order
under section
42.

43. An order made under section 42 shall be served on the respondent in the same manner as if it is an order of injunction and shall be published in at least one newspaper having circulation in Guyana and in the *Gazette* and, where any property to which the order relates is situated in a country outside Guyana on the date of the order, in at least one newspaper having circulation in that country.

Effect of
restraint order.

44. (1) Where a restraint order has been made by the Court in respect of any asset, all transfers of that asset or any interest in that asset, during the period when the restraint order is in force, shall be void.

(2) Nothing in subsection (1) shall prevent—

(a) any court from enforcing a mortgage or other charge against any asset referred to therein where the court is satisfied that—

(i) the mortgage or charge was created for consideration;

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(ii) it was created before a notice of the application under section 37(1) for the restraint order was published under section 38(1) in a newspaper; and

(iii) the person in whose favour the mortgage or charge was created was not concerned in, or privy to, the commission of a specified offence by the person against whom the restraint order has been made;

(b) the recovery of any revenue due to the State or a local democratic organ by sale of any asset referred to therein.

(3) Where a restraint order has been made in respect of any asset, the Director of Public Prosecutions shall be made a party to any action or other proceedings for the enforcement of any mortgage or charge against the asset.

45. Subject to the other provisions of this Part, a restraint order in respect of any asset shall remain in force until it is revoked by the Court or the asset, in respect of which it has been made, is forfeited to the State.

Duration of
restraint order.

46. (1) Where the Court has directed the Official Receiver, under section 42(1), to take custody and control of any asset specified in a restraint order, the Court may—

Management
of property by
Official
Receiver.

(a) on the application of the Director of Public Prosecutions, the Official Receiver or of the person against whom the order has been made --

(i) give instructions to the Official Receiver in respect of the management of the asset; and

(ii) decide any question that may arise in the course of the management of the asset by the Official Receiver; and

(b) on the application of the Director of Public Prosecutions or the Official Receiver, direct the person against whom the restraint order has been made, to furnish to

the Official Receiver, within such time as may be specified by

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the Court, such information and particulars relating to the assets, in respect of which the restraint order has been made, as may be specified in the direction.

(2) The Official Receiver shall not be personally liable for any loss or damage, arising from his having taken custody or control of any asset, sustained by a person claiming the asset or any interest in the asset, or for the cost of proceedings taken to establish any claim to the asset or to any interest in the asset, unless the Court is of the opinion that the Official Receiver has been guilty of negligence in respect of the taking of custody or control of the asset.

(3) The Official Receiver shall not be personally liable for any taxes, duties, rates or other municipal or other statutory charges imposed by or under any law in respect of the assets of any person, of which he has been directed by a restraint order to take custody and control, except to the extent, if any, of rents and profits received by the Official Receiver in respect of that asset on or after the date of the restraint order.

(4) Where the Official Receiver has taken custody and control of the assets of any person in accordance with a restraint order, he shall be entitled to receive, in respect of the exercise and the performance of his functions in relation to the assets, fees equal to the fees that he would be entitled to receive if he were exercising and performing the functions in consequence of his having taken custody or control of the asset by virtue of a receiving order made under the Insolvency Act.

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Exclusion of assets, recognition of claims, and revocation of restraint order.

47. (1) Any person who has title to any asset in respect of which a restraint order has been made may apply to the Court, within thirty days of the making of the restraint order, stating the particulars of his claim and if the Court is satisfied that the applicant has title to the asset, the Court may exclude the asset from the operation of the restraint order.

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(2) Any person who claims any interest, including a mortgage or charge in or over any asset in respect of which a restraint order has been made, may apply to the Court, within thirty days of the making of the restraint order, stating the particulars of his claim and if the Court is satisfied that the applicant has any interest in the asset, the Court may direct that the restraint order shall be subject to the interest that the applicant has in the asset.

(3) An application under subsection (1) or (2) may be entertained by the Court after the expiry of the period of thirty days specified therein if the Court is satisfied that there are sufficient reasons to do so.

(4) No order in favour of any applicant under subsection (1) or (2) shall be made by the Court if there is reasonable ground to believe that the applicant was concerned in, or privy to, the specified offence alleged to have been committed by the person against whom the restraint order has been made.

(5) Where—

(a) before the expiry of six months, or such further time as may be allowed by the Court in that behalf, from the date of the restraint order, no complaint is made or information is given in any Court in respect of any specified offence against the person against whom the restraint order is made; or

(b) complaint is made or information is given against such person in respect of a specified offence and the complaint is dismissed or the person is discharged or acquitted by the court which tried him and there is no appeal from the dismissal of the complaint or the discharge or acquittal or, where any appeal is made, the dismissal, discharge or acquittal is confirmed on appeal,

the Court may, on the application of the person against whom the restraint order was made, revoke the restraint order.

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Stay of hearing of application under section 37(1).
48. Where an application has been made to the Court under section 37(1) against any person on the ground that he has committed a specified offence and a complaint has been made or information has been given against that person in respect of the specified offence, the Court may, on the application either of the Director of Public Prosecutions or of the respondent, or otherwise, stay the hearing of the application until a final decision has been made in respect of the complaint or information.

Death of person against whom restraint order has been made.
49. (1) Where a person against whom a restraint order has been made dies within the period specified in section 47(5) (a) or before the complaint made or information given against him in any court in respect of a specified offence is finally decided or any appeal against any such decision is finally disposed of by the court to which the appeal is made, any of his legal representatives may apply to the Court within sixty days of his death for the revocation of the restraint order or for varying it.

(2) After hearing the Director of Public Prosecutions and considering such evidence as may be produced by him and after hearing the legal representative who has applied under subsection (1) and considering the evidence produced by him—

(a) where the Court is satisfied that the person against whom the restraint order was made had committed the specified offence referred to in the application for the restraint order under section 37(1), the Court may make an order in accordance with the provisions of section 57; and the provisions of sections 52, 53, 54, 55 and 56(3), (4), (5) and (6) shall *mutatis mutandis* apply to the proceedings under this subsection subject to the modification that references in subsection (5) of section 56 to an application made by the Director of Public Prosecutions under subsection (4) of that section shall be construed as a reference to an application made under subsection (1);

(b) in any other case, the Court may revoke the restraint order.

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50. On application made therefor by the Director of Public Prosecutions, by the person against whom a restraint order has been made, or by any other person, the Court may vary the restraint order in such manner as may be necessary to meet the ends of justice.

Variation of
restraint order.

51. (1) Subject to the other provisions of this Part, where any person has committed a specified offence, all the assets owned by him on the date of the commission of that offence or acquired by him after that date shall be forfeited to the State.

Forfeiture of
assets.
[10 of 1989]

(2) For the avoidance of doubt it is hereby declared that any transfer of any asset liable for forfeiture under subsection (1), or any interest therein, by the person referred to in that subsection or by any other person, after the person first mentioned has committed a specified offence, shall be void, and shall be deemed always to have been void, and the holding of any such asset by any person shall be subject to its liability for forfeiture under that subsection.

(3) Subsection (2) shall be subject and without prejudice, as the case may be, to the other provisions of this Part.

52. The provisions of section 51 shall not affect—

(a) the rights of any person who has any mortgage or other charge in respect of any asset liable to forfeiture under section 51 where—

Section 51 not
to affect
certain
liabilities.

(i) the mortgage or charge was created before the commission of the specified offence, *bona fide* and for consideration; and

(ii) the mortgagee or holder of the charge was not concerned in or privy to, the commission of the offence; or

(b) the right of any local democratic organ to recover any arrears of revenue by the sale of any such asset.

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Provision for
maintenance of
wife and
children.

53. (1) While making an order for forfeiture of the assets of a person under section 57, the Court may place at the disposal of the Official Receiver such part of his assets as the Court thinks fit for meeting the liability of such person for paying maintenance to—

- (a) his wife, if he has a wife living; and
- (b) minor child or children, if any,

and determine the sum payable to the wife and each minor child, the person to whom the sum payable in respect of each child shall be paid, and the periods of payment.

(2) In determining the value of the assets to be placed at the disposal of the Official Receiver under subsection (1) the Court shall have regard to the assets released under section 55 to the person against whom the order for forfeiture of assets is proposed to be made.

(3) The Court may, on the application of the Director of Public Prosecutions, the Official Receiver or any person to whom maintenance is payable under subsection (1), vary its decision in respect of the matters referred to therein.

(4) When maintenance ceases to be payable to the wife and all the children of the persons whose assets are liable to forfeiture under section 51, the Court shall order the assets placed at the disposal of the Official Receiver under subsection (1), including accretions thereto, or the balance of such assets including accretions thereto, to be forfeited to the State.

Provision for
payment of
moneys owed.

54. (1) Where a person, in respect of whom a notice has been published under section 56(2) or (5), owed immediately before the commission by him of the relevant specified offence, moneys not secured by or charged on assets liable to forfeiture under section 51, any person to whom the moneys were due may apply to the Court, within thirty days of the publication of the aforesaid notice in a newspaper or such further time as may be allowed by the Court, requesting that such part of the assets, liable to forfeiture under section

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51, as the Court thinks fit, may be released from forfeiture and placed at the disposal of the Official Receiver for the payment of the moneys so owed.

(2) On the receipt of an application under subsection (1) and on being satisfied that the applicant was not concerned in, or privy to, the commission of the offence, the Court may release from forfeiture and place at the disposal of the Official Receiver such part of the assets of the person, in respect of whom a notice has been published under section 56(2) or (5), as it thinks fit having regard to the following—

- (a) the value of the assets released to the person under section 55;
- (b) whether the liability was incurred *bona fide*;
- (c) the secured debts of the person;
- (d) the revenues that the person owes to the State or any local democratic organ; and
- (e) the proportion of the total liabilities of the person to his total assets.

55. (1) Any person in respect of whom a notice has been published under section 56(2) or (5) may apply to the Court, within thirty days of the publication of the aforesaid notice in a newspaper, for the release from forfeiture of any asset belonging to him on the ground that he acquired it—

Claim by
person who
has committed
a specified
offence.

- (a) by succession;
- (b) by gift from a relation who was not concerned in, or privy to, the specified offence of which he was convicted or with reference to which the application for forfeiture has been made under section 56(4), or any other offence against this Act; or
- (c) with moneys earned by him by lawful means.

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(2) Where the Court is satisfied that the asset was acquired by the person applying under subsection (1) in any manner specified in subsection (1) (a), (b) or (c), the Court shall, subject to any terms and conditions as may be specified by it, exclude it from the assets forfeited to the State under section 51.

(3) In this section “relation” includes in the case of a man his wife or reputed wife and in the case of a woman her husband or reputed husband.

Procedure in
respect of
forfeiture.

56. (1) Where any person has been convicted of a specified offence, and the court convicting him is a court other than the Court, the court convicting him shall, as soon as possible after such conviction make a report to the Court stating the particulars of the person so convicted, the offence of which he was convicted and such other particulars as may be prescribed by regulations.

(2) The Court on receiving the report under subsection (1) in respect of any person, or on convicting any person of a specified offence, shall publish in a newspaper having circulation in Guyana and in the *Gazette*, a notice stating the fact of such conviction, the liability for his assets to be forfeited and the right of any person referred to in section 52, 53(1) or 54(1) or by the person in respect of whom the notice is published to apply, within such time as may be specified therein (which shall in the case of applications under section 54(1) or 55(1) be consistent with those provisions), for any relief to which he is entitled under section 52, 53, 54 or 55.

(3) For the purposes of this Part, the conviction of a person for a specified offence shall be deemed to be conclusive evidence that he has committed the specified offence.

(4) Without prejudice to the provisions of subsections (1) and (2), the Director of Public Prosecutions may apply to the Court to recover any forfeiture imposed by section 51.

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(5) Where any application is made under subsection (4), the Court shall, as soon as possible after the application is made, publish a notice in a newspaper having circulation in Guyana and the *Gazette* a notice stating the fact of the application having been made and the right of any person referred to in section 52, 53(1) or 54(1) or by the person in respect of whom the notice is published to apply, within such time as may be specified therein (which shall in the case of applications under section 54(1) or 55(1) be consistent with those provisions), for any relief to which he is entitled under section 52, 53, 54 or 55.

(6) The Court may examine the person in respect of whose assets the application is made—

- (a) to determine his assets and with respect to any matter relating to applications made under section 52, 53, 54 or 55;
- (b) where he has not been convicted of the specified offence referred to in the application under subsection (4), with his consent, in respect of the specified offence he is alleged to have committed,

and take and receive such other evidence as it deems necessary to adjudicate on the matters arising for decision in the proceedings.

57. (1) At the conclusion of the proceedings under section 56 the Court shall make an order determining—

Order of
forfeiture.

- (a) whether the person against whom the application has been made has committed a specified offence;
- (b) the assets of that person;
- (c) the mortgage or other charge secured by any of the assets;
- (d) the assets placed at the disposal of the Official Receiver under section 53(1) and the sums of money the Official Receiver has to pay in respect of the persons mentioned in section 53(1) (a) or (b), the person to whom the sum payable in respect of each minor child shall be paid, and the dates of payment;

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- (e) the assets placed at the disposal of the Official Receiver under section 54;
 - (f) the assets excluded from forfeiture under section 55;
 - (g) the assets forfeited to the State; and
 - (h) the extent to which any asset forfeited to the State shall be liable for arrears of revenue due to a local democratic organ.

(2) A notice shall be published in a newspaper having circulation in Guyana and in the *Gazette* stating the particulars of the assets placed at the disposal of the Official Receiver and the assets forfeited to the State under subsection (1).

(3) An order under subsection (1), so far as it relates to immovable property forfeited to the State, shall be treated for all purposes as if it were a transport or other document effecting the conveyance of immovable property and the Registrar of Deeds shall take due notice thereof and shall make such annotations on the records as may be necessary.

58. (1) Where any order has been made under section 57—

Effect of
forfeiture
order.

- (a) no mortgage or charge in favour of any person or authority (not being the State or a local democratic organ), other than a mortgage or charge mentioned in the order as being secured by any or all of the assets in respect of which the order is made shall be enforceable by any court or other authority in respect of the assets stated in the order; and
- (b) the assets stated in the order as forfeited to the State shall vest in the State absolutely subject only to any mortgage or charge, or arrears of revenue due to a local democratic organ, to which, as expressly stated in the order, any such asset is subject.

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(2) An order under section 57(1) in respect of immovable property shall be treated for all purposes as if it were a transport or other document effecting the conveyance of immovable property and on the production of a certified copy of the order the Registrar of Deeds shall make such annotations on the records as may be necessary.

(3) Every person who is in possession of any asset forfeited to the State under section 57(1) shall, on the production of a certified copy of the order, forthwith hand over possession of it to the officer specified in that behalf, by the Minister assigned responsibility for finance, by general or special order.

(4) Without prejudice to the provisions of subsection (3), an order under section 57(1) may be executed as if it were an order for the delivery of possession of movable or immovable property, as the case may be.

59. Any person who contravenes the provisions of section 58(3) shall be liable on summary conviction to a fine which shall not be less than the value of the property, the possession of which he refuses or fails to hand over, together with imprisonment for one year.

Penalty for
contravention
of section
58(3).

60. (1) Where the conviction of any person of a specified offence is set aside by a court hearing any appeal against the conviction, that person may apply to the Court to restore to him the asset so forfeited.

Restoration of
forfeited
property.

(2) The court, to which any application is made under subsection (1), may, after giving notice to the Director of Public Prosecutions and after hearing the applicant and the Director of Public Prosecutions and receiving and considering any evidence that it considers necessary for a proper decision in the matter, make such order as it thinks proper and just.

61. The Government of Guyana may enter into an arrangement with the Government of any other country and make provision for the recovery, and handing over of possession to the Government of Guyana, of any asset in respect of which an order of forfeiture has been made under section 57 and which is in that country or for tracing and

Arrangement
regarding
tracing,
realisation,
etc., of asset
in country
outside
Guyana.

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preserving any asset in the said country owned by or under the control of any person who has, or is suspected to have, committed any offence against this Act.

Arrangement
regarding
tracing,
realisation,
etc., of
property in
Guyana.

62. (1) The Government of Guyana may enter into an arrangement on a reciprocal basis with the Government of any country outside Guyana in respect of the recovery, and handing over of possession to the Government of that country, of any property in Guyana which is confiscated or forfeited to the Government of the country outside Guyana in consequence of the commission by any person of an offence against a corresponding law of the said country outside Guyana or for tracing and preserving any property in Guyana owned by or under the control of any person who has, or is suspected to have, committed an offence against such corresponding law.

(2) Where an arrangement as is referred to in subsection (1) has been entered into between the Government of Guyana and the Government of any country outside Guyana, the Minister may by order give effect to that arrangement and prescribe the procedure in relation to the recovery and handing over of possession to the Government of the country outside Guyana, or tracing and preserving, of any property to which the arrangement applies.

(3) An order made under subsection (2) shall be subject to negative resolution of the National Assembly.

Regulation of
procedure.

63. (1) Proceedings under this Part shall be deemed to be civil proceedings.

(2) Subject to the provision of this Part, the practice and procedure of the Court or any other court in regard to any matter referred to in this Part shall be regulated by regulations made by the Minister assigned responsibility for legal matters, after consultation with the Chancellor, and, subject to any such regulations, by rules of court.

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64. The provision of this Part shall be in addition to, and not in derogation of the provisions of, Parts II and VI in relation to forfeiture of any land, narcotic, conveyance or any other article or thing.

Provisions of Part in addition to, and not in derogation of, Parts II and VI.

PART VIII

REHABILITATION

65. In this Part—

“Centre” means a rehabilitation centre established under section 66;

Definitions for Part VIII.

“Council” means the Advisory Council for Rehabilitation of Narcotic Addicts appointed under section 70;

“Fund” means the Rehabilitation Fund established under section 67;

“Minister of Finance” means the person charged with responsibility for finance;

“Minister of Health” means the person charged with responsibility for health services.

66. (1) The Minister of Health may establish such number of rehabilitation centres as he thinks fit for the care, treatment and rehabilitation of persons addicted to narcotics.

Rehabilitation centres.

(2) The Minister of Health may by regulations make provisions for the administration and management of, and for all other matters relating to, the Centres, including for the security and safety of the persons who are committed or admitted into any Centre.

67. (1) The Minister shall establish a special fund to be known as the Rehabilitation Fund.

Rehabilitation Fund.

(2) The Fund shall consist of—

(a) such sums as may be provided by or under any appropriation law;

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(b) such portion of the assets forfeited to the State under Part VII as may be assigned to the Fund by the Minister of Finance by order;

(c) sums or other property received by the Fund by way of fees, contribution, gift or grant from any person;

(d) such sums as may be allocated from time to time to the Fund from loan funds;

(e) moneys earned or arising from any property, investment, mortgages and debentures acquired by, or vested in, the Rehabilitation Fund;

(f) any property, mortgages, debentures, or investments, acquired by, or vested in, the Fund;

(g) sums borrowed by the Fund for the purpose of meeting any of its obligations or discharging any of its functions;

(h) all other sums or other property which may in any manner become payable to, or vested in, the Fund.

(3) For the purposes of this section “loan funds” means such sums as may be made available from time to time to the Government by way of loan.

(4) Where by any order under subsection (2) (b) any immovable property is assigned to the Fund, the Minister of Health shall deal with the property in such manner as he thinks fit and may sell the property and use the proceeds of sale for the purposes for which the Fund is established.

(5) The Fund shall be used for meeting the capital and current expenditure relating to the Centres.

Trustee of
Fund.

68. (1) Subject to the provisions of this Part, the Secretary to the Treasury shall be the trustee of the Fund.

(2) The Secretary to the Treasury may, with the approval of the Minister of Finance, invest or place on deposit account any of the moneys of the Fund and any interest earned on moneys so invested or deposited shall be placed to the credit of the Fund.

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(3) The Secretary to the Treasury in his capacity as trustee of the Fund shall be exempt from the payment of income tax under the Income Tax Act.

c81:01

69. The Fund shall be controlled and administered by the Minister of Health.

Management
of Fund.

70. (1) The Minister of Health may appoint a council to be known as the Advisory Council for Rehabilitation of Narcotic Addicts consisting of a chairman and such number of other persons, not exceeding fifteen, as that Minister thinks fit, from among persons appearing to him to be qualified as having had experience of, and shown capacity in, matters relating to the care, treatment and rehabilitation of persons addicted to narcotics or administration or finance.

Advisory
Council for
Rehabilitation
of Narcotic
Addicts.

(2) The terms and conditions of appointment of the chairman and other members of the Council shall be such as may be prescribed by the Minister of Health by regulations.

71. The Council shall advise the Minister of Health on such matters, as may be referred to it by that Minister, relating to the administration of the Centres and the care, treatment and rehabilitation of persons addicted to narcotics.

Function of
Council.

72. (1) A court convicting any person for an offence under section 4 may, if the court is satisfied that he is addicted to a narcotic and that he is in possession of the narcotic only for his personal consumption, order that such part, as it thinks fit, of the period of imprisonment imposed on him be spent in a Centre specified by the court.

Committal of
person to
centre.

(2) The court may, on the application of the Director of Public Prosecutions or the person convicted or otherwise, vary or revoke the order.

(3) Where on the report of the officer in charge of the Centre to which a convicted person is committed under subsection (1), or otherwise, the court which committed him to the Centre is satisfied that

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the convicted person has successfully undergone the treatment and rehabilitation programme at the Centre and that he is no more an addict to a narcotic, the court may, having regard to all the circumstances of the case, grant remission of the whole or part of the remaining period of imprisonment imposed on him.

PART IX

PROCEDURE, ETC.

Restriction on power to impose lesser sentence and on summary trial of indictable offences.
[10 of 1989]
c. 10:01

73. (1) Where any provision of this Act requires imposing on any person convicted of any offence under this Act a sentence of death or a sentence of imprisonment for life, imprisonment for a minimum term, or imprisonment, then, notwithstanding anything contained in any other provision of this Act or any other written law, but subject to the provisions of section 166 of the Criminal Law (Procedure) Act—

(a) no other punishment shall be substituted for the sentence of death or the sentence of imprisonment, as the case may be; and

(b) where a sentence of imprisonment for life or imprisonment for a minimum term is required to be imposed, the sentence of imprisonment shall not be for a lesser term than life or the minimum term so required, as the case may be,

unless there are special reasons for doing so, which shall be recorded in writing.

[3 of 1999]

(2) a the fact that a person convicted of any offence under this Act was a child or young person on the date of the commission of that offence may be deemed to be special reason;

b. where a person convicted of an offence under section 4 for being in possession of cannabis was on the date of the commission of the offence in the possession of an amount of cannabis not exceeding five grams, and the court is satisfied that such cannabis was in his possession only for his personal consumption, the court may deem such circumstances to be a special reason.”

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(3) Notwithstanding anything contained in section 61 of the Summary Jurisdiction (Procedure) Act, or the First Schedule thereto, the provisions of that section and Schedule shall not apply in relation to any offence under this Act. c10:02

(4) In this section—

“child” and “young person” have the same meanings as in Part II;

“punishment” includes an order under any written law, made with or without recording a conviction, for the detention of custody of any offender, or releasing an offender on entering into a recognisance or under a probation order, or under 42(1) or (b) of the Summary Jurisdiction (Procedure) Act, the Juvenile Offenders Act or the Extra-Mural Work Act, or sending a person to a training school established under the Training Schools Act. c. 10:02
c. 10:03
c. 11:02
c. 11:06

(5) Notwithstanding subsection (4)(b), a court convicting a person of an offence under section 4 to which subsection (2)(b) of this section applies, shall impose a fine of not less than- [3 of 1999]

(a) three thousand dollars in lieu of the fine under section 4(1)(a)(i) or (2)(A)(i);

(b) six thousand dollar in lieu of the fine under section 4(i)(a)(ii) or (2)(A)(ii), and make an order requiring the person convicted to perform community service for such period not exceeding six months in lieu of imprisonment under section 4(1)(a)(i) or (2)(A)(i), and not exceeding nine months in lieu of imprisonment under section 4(1)(a)(ii) or (2)(A)(ii), and for such number of hours each day (excluding public holidays) as are specified in the order, and where any such order is made, the provisions of sections 3(2) to 7, inclusive, 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

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Full offence
charged, part
proved.

74.(1) In any prosecution under this Act—

(a) if the offence charged includes (expressly or by implication) the commission of any other offence and the facts proved constitute the other offence, but not the whole offence charged, the accused person may be convicted of the offence which is proved; or

(b) the accused person may be convicted of an attempt to commit the offence so included and proved.

(2) Where a person is charged with attempting to commit an offence, or any act preliminary to an offence but not with the completed offence, then, he may be convicted of the offence charged, notwithstanding that he is shown to be guilty of the completed offence.

(3) For the purposes of this section—

(a) “accused person” has the same meaning as in Part VII;

(b) any allegation of an offence shall be deemed to include an allegation of attempting to commit that offence.

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Offence by
body corporate. **75.** Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body

corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Analyst **76.** (1) The Minister, may, from time to time, by notification in the *Gazette* designate any duly qualified analyst for the purposes of this Act.

(2) In any prosecution or other proceedings under this Act a certificate signed or purported to be signed by an analyst, designated under subsection (1), stating that he has analysed or examined any substance and the result of his analysis or examination, shall be admissible in evidence and shall be *prima facie* evidence of the statements contained in the certificate and of the authority of the person giving or making the same, without any proof of appointment or designation or signature.

Prosecution
for offence **77.** Notwithstanding the provisions of any written law prescribing the time within which proceedings for an offence punishable on summary conviction may be commenced, summary proceedings for an offence against this Act, or for attempting to commit, conspiring with another person to commit, or soliciting, inciting, aiding, abetting or counselling or causing or procuring the commission of, such an offence, or for attempting to solicit, incite, aid, abet, counsel or cause or procure the commission of such an offence, may be commenced within twelve months of the commission of the offence:

Provided that where an offence against this Act is punishable on summary conviction and on conviction on indictment, nothing in this section shall be deemed to restrict the power to commence, after the

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expiry of the aforesaid period of twelve months, proceedings for conviction on indictment for that offence or for any other act, relating to the offence, referred to in this section.

78. In any proceedings against any person for an offence against this Act, it shall not be necessary for the prosecution to negative by evidence any licence, authority, or other matter of exception or defence, and the burden of proving any such matter shall be on the person seeking to avail himself thereof.

Burden of proof in respect of certain matters.

79. (1) For the purpose of investigating into the commission, or of preventing the commission, of any offence under this Act or for the purpose of giving effect to any provision of this Act, a member of the Police Force may—

Power to question, request production of document, etc.

(a) question any person in respect of any matter relevant for that purpose, and such person shall answer fully and truthfully all such questions; or

(b) request any person to produce before the member of the Police Force within such reasonable time not exceeding seven days as may be specified by him, or to allow him access to, documents or other material in the possession or control of such person and relevant for the aforesaid purpose, and such person shall fully and truthfully comply with that request.

(2) A member of the Police Force may take one or more copies of any document produced before him, or to which he is allowed to have access, under this section.

(3) The provisions of subsection (1)—

(a) shall have effect notwithstanding any obligation as to secrecy or other restriction upon the disclosure of any information imposed by any written law, other than this Act, or otherwise; and

(b) shall not confer any right to production of, or to have access to, items subject to legal privilege or excluded

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material.

(4) Where the documents or other material in respect of which a request to produce or to be allowed access is made under subsection (1) (b) consists of information contained in a computer, the request shall have effect as a request to produce the material in a form in which it can be taken away and in which it is visible and legible or, as the case may be, as a request to give access to the material in a form in which it is visible and legible.

Interpretation. **80.** (1) Subject to subsection (2), in section 79 “items subject to legal privilege” means —

(a) communications between an attorney-at-law and his client, or any person representing his client, made in connection with the giving of legal advice to the client;

(b) communications between—

(i) an attorney-at-law and his client or any person representing his client; or

(ii) between an attorney-at-law, or his client, or any such representative, and any other person,

made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings; or

(c) items enclosed with or referred to in such communications and made—

(i) in connection with the giving of legal advice; or

(ii) in connection with or in contemplation of legal proceedings and for the purposes of such proceedings,

when the items are in the possession of a person who is entitled to possession of them.

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(2) Any item held with the intention of furthering a criminal purpose is not an item subject to legal privilege.

(3) Subject to subsection (4), in section 79 “excluded material” means—

(a) personal records which a person has acquired or created in the course of any trade, business, profession or other occupation or for the purposes of any paid or unpaid office and which he holds in confidence; or

(b) human tissue or tissue fluid which has been taken for the purpose of diagnosis or medical treatment and which a person holds in confidence.

(4) A person holds a material in confidence for the purposes of this section if he holds it subject to a restriction as to disclosure, or an obligation of secrecy, contained in any written law.

(5) In subsection (3) “personal records” means documentary and other records concerning an individual (whether living or dead) who can be identified from them and relating to—

(a) his physical or mental health;

(b) spiritual counselling or assistance given or to be given to him; or

(c) counselling or assistance given or to be given to him, for the purposes of his personal welfare, by any voluntary organisation, or by any individual who—

(i) by reason of his office or occupation has responsibilities for his personal welfare; or

(ii) by reason of an order of a court has responsibilities for his supervision.

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Inspection.

81. (1) Any member of the Police Force, or any other person authorised in writing by the Commissioner of Police for the purposes of this section, shall, for the purpose of the execution of this Act, have power to enter the premises, or other place, of any person lawfully carrying on business as a producer, manufacturer, seller or distributor

of, or otherwise dealing in, any narcotic and to demand the production of, and to inspect, any books or documents relating to his dealings in any such narcotic and to inspect any stocks of any such narcotic.

(2) Any person authorised in writing by the Chief Medical Officer for the purposes of this section shall, for the purposes of the execution of this Act, have power to enter the premises or other place of any person lawfully carrying on business as a producer, manufacturer, seller or distributor of, or otherwise dealing in, any narcotic and to demand the production of, and to inspect, any books or documents relating to his dealings in any such narcotic, and to inspect any stocks of any such narcotic and seize and detain any narcotic which in the opinion of such authorised person is below standard or unfit for use for medicinal purposes.

Power to
search person,
vehicle, etc.

82. (1) Any member of the Police Force, or any other person authorised in writing by the Commissioner of Police for the purposes of this section, who has reasonable cause to suspect that any person is in possession of, or is removing, any narcotic in contravention of this Act may—

(a) stop and search that person and any conveyance in which he is, and any package in his possession or under his control;

(b) seize and detain for the purpose of proceedings under this Act any narcotic or any other thing (including any conveyance) which appears to such member of the Police Force to be evidence of the commission of an offence under this Act, found in the course of the search; and

(c) arrest and detain the person until he can be brought before a magistrate as soon as is reasonably practicable, and

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dealt with according to law.

(2) Any member of the Police Force, or any other person authorised in writing by the Commissioner of Police for the purposes of this section, who has reasonable cause to suspect that any motor vehicle, aircraft, ship, carriage or other conveyance was, or is being, made use of in the commission of any offence against this Act may stop

and enter and search the motor vehicle, aircraft, ship, carriage or other conveyance and may for that purpose break open any door and remove any other impediment or obstruction to such entry.

(3) A member of the Police Force, or authorised person referred to in subsection (1) or (2) may use such assistance and such force as may be reasonable for carrying out his functions under those subsections.

83. (1) Where information on oath is laid before a magistrate or justice of the peace alleging that there is reasonable ground for suspecting that—

Power to
search
premises.

(a) an offence against this Act has been, or is being, or is planned to be, committed and that evidence of the commission of, or plan to commit the offence is to be found at any premises or other place; or

(b) any document or other material directly or indirectly relating to, or connected with, any transaction or dealing which is, or any intended transaction or dealing which, if carried out, would be—

(i) an offence against this Act; or

(ii) in the case of a transaction or dealing carried out or intended to be carried out in any place outside Guyana, an offence against any corresponding law in force in that place,

is in the possession of or under the control of any person in any premises or other place,

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the magistrate or justice of the peace may, by warrant under his hand, authorise any member of the Police Force named in the warrant, with such assistance as that member of the Police Force thinks reasonable, at any time or times within one month from the date of the warrant, to enter and search the premises or other place named in the warrant.

(2) A member of the Police Force authorised by any warrant under subsection (1) to search any premises or other place may enter and search such premises or other place (including any receptacle found therein) and every person found therein or who, the member of the Police Force has reasonable ground to believe, has recently left those premises or that other place, and for that purpose may use such assistance and such force as may be reasonable and may break open any lock, and may seize any narcotic, or document or other material referred to in subsection (1), found therein or on any such person, and any other article or thing which he has reasonable ground to believe to be evidence of the commission or intended commission of any offence against this Act, or any corresponding law.

(3) Where information on oath is laid before a magistrate or justice of the peace alleging that there is reasonable ground for suspecting that there is concealed on any person, animal or thing or in any receptacle, premises or other place, any movable property --

- (a) liable for forfeiture under Part VI;
- (b) in respect of which a restraint order has been made under section 42; or
- (c) liable for forfeiture under section 51,

the magistrate or justice of the peace may, by warrant under his hand, authorise any member of the Police Force named in the warrant, with such assistance as that member of the Police Force thinks reasonable, at any time or times within one month from the date of the warrant, to enter and search the premises or other place or to search any person, animal, thing or receptacle.

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(4) A member of the Police Force authorised by any warrant under subsection (3) to search any person, animal, thing, receptacle, premises or other place may search the person, animal, thing or receptacle, or may enter and search any building or other place, and for that purpose may use such assistance and such force as may be reasonable, and may break open any lock, and may seize any movable property, referred to in subsection (3) (a), (b) or (c), found thereon or therein.

(5) Where any member of the Police Force, not below such rank as may be specified by regulations is, for reasons to be recorded in writing, satisfied that the delay caused by the time required to apply for and obtain a warrant to enter and search under subsection (1) or (3) would defeat the purpose of the search, he may exercise the powers conferred on him by subsection (2) or (4) in relation to search and seizure without obtaining any warrant for search under subsection (1) or (3).

84. (1) In any prosecution or other proceedings under this Act no evidence shall be deemed to be inadmissible only on the ground that it was obtained by illegal search or trick.

Evidence
admissible
though
obtained by
illegal search
or trick.

(2) For the removal of doubt it is hereby clarified that this section does not apply to a confession.

85. Subject to the other provisions of this Act, all articles and things, including any narcotic, motor vehicle, aircraft, ship, carriage or other conveyance, that are liable to forfeiture under any provision of this Act may be seized and detained by any member of the Police Force, or any other person authorised in writing by the Commissioner of Police for the purposes of section 81 or 82.

Seizure of
narcotic, etc.

86. All articles and things, including any narcotic, motor vehicle, aircraft, ship, carriage or other conveyance seized by any person under this Act shall, as soon as possible, be delivered to the Commissioner of Police with a statement of the particulars relating to the seizure and the Commissioner of Police shall arrange for the articles and things to be

Keeping of
property
seized under
Act.

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kept safely until they are dealt with in accordance with any other provision of this Act, and shall ensure that all reasonable steps are taken to preserve the articles and things while they are so kept.

Restriction on
search of
person.

87. No female shall be searched except by a female, and no male shall be searched except by a male, under this Act.

Notice of
seizure.

88. (1) Where any narcotic, motor vehicle, aircraft, ship, carriage or other conveyance or any other article or thing liable for forfeiture is seized under this Act, notice of the seizure shall be given by the person seizing as soon as possible to the owner and also to the person in charge thereof if such person is not the owner.

(2) A notice under subsection (1) shall be given to the aforesaid owner or person in charge—

(a) by delivering the notice personally to the owner or person in charge, as the case may be, or by sending the notice by post to his usual place of abode or business premises; or

(b) if the owner or person in charge, as the case may be, is not known or, if known, he cannot be found after reasonable enquiry and his usual place of abode and his business premises are not known, or he refuses to accept the notice when tendered to him, by publishing the notice in one newspaper having circulation in Guyana.

(3) Any person, who claims any article or thing referred to in subsection (1) and seized under this Act, as its owner, or any other person duly authorised by such owner, may give notice to the Commissioner of Police that he claims the article or thing, within thirty days of the date on which the notice of seizure under subsection (1) was delivered under subsection (2) (a) or, if the notice of seizure was not so delivered, of the date on which the owner came to know of the seizure:

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Provided that no such notice of claim shall be entertained by the Commissioner of Police under this subsection after the expiry of ninety days from the date of the seizure.

(4) Any narcotic, motor vehicle, aircraft, ship, carriage or other conveyance or any other article or thing seized under this Act and in respect of which no notice of claim was given before the expiry of the time prescribed therefor shall be deemed to be taken and condemned and may be disposed of by the Minister in such manner as may be prescribed by regulations.

89. Where a person is convicted of an offence against this Act and any narcotic, motor vehicle, aircraft, ship, carriage or other conveyance or any other article or thing, not being any article or thing deemed to be taken and condemned under section 88(4), liable for forfeiture to the State under this Act in respect of that offence has been seized under this Act, the court convicting him may, in addition to any other penalty imposed on him, order that the narcotic, motor vehicle, aircraft, ship, carriage or other conveyance or other article or thing condemned and forfeited to the State.

Condemnation
of seized
things.

90. (1) Without prejudice to the provisions of section 89, any forfeiture imposed by any provision of this Act, other than Part VII, may be sued for and recovered summarily before a magistrate on the complaint of any member of the Police Force or any other person authorised in writing by the Commissioner of Police.

Complaints for
forfeiture
under this Act.

(2) The practice and procedure of the magistrate's court in its civil jurisdiction shall apply to, and in relation to, any complaint under subsection (1).

91. (1) Where any seizure has been made, or any fine or penalty incurred or inflicted, or any person committed to prison, for any offence against this Act, the President may, on such terms and conditions as he deems fit, direct restoration of such seizure, whether condemnation has taken place or not, or waive or compound proceedings or mitigate or remit such fine or penalty, or release such person from confinement either before or after conviction.

President may
restore seizure,
etc.

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(2) The President may, on such terms and conditions as he deems fit, restore any asset forfeited under Part VII.

Disposal of
seizure.

92. (1) Subject to the other provisions of this Act, all seizures whatsoever which have been made and condemned under this Act shall be disposed of in such manner as may be prescribed by regulations.

(2) Where any quantity of narcotic has been seized and condemned under this Act, the Minister may order its disposal—

(a) in case the Chief Medical Officer certifies that the narcotic can be used for medicinal purposes, in the manner certified; or

(b) in any other case, by destruction in such manner and by such person or authority as may be prescribed by regulations.

Power to
arrest without
warrant.

93. (1) Any member of the Police Force may arrest without warrant any person who has committed, or has attempted to commit, or is reasonably suspected by such member of the Police Force of having committed or attempted to commit or being about to commit an offence against this Act.

(2) The provision of subsection (1) shall be in addition to, and not in derogation of, the provisions of any other written law.

Bail not to be
granted in
certain cases.
[14 of 1991]

94. Any person arrested for any offence against Part II, other than an offence against section 4 or section 12, shall not, unless there are special reasons for so doing, which shall be recorded in writing, be admitted to bail, by any court, but he shall be tried within a reasonable time.

Punishment of
attempt to
commit, etc.,
offence
against this
Act.

95. Notwithstanding anything contained in any other written law, every person who—

(a) attempts to commit;

(b) conspires with any other person to commit;

(c) solicits, incites, aids, abets or counsels or attempts to solicit, incite, aid, abet or counsel any other person to commit;
or

(d) causes or procures, or attempts to cause or procure the commission of,

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any offence against this Act may be charged with, tried, convicted and punished in all respects as if he were a principal offender.

**PART IXA
OFFENCES ON THE HIGH SEAS**

95A (1) In this Part -including the Fifth Schedule-

Insertion of
new PART
IXA in the
Principal Act
[3 of 1999]

(a) "Convention state" means a state which is a party to the Vienna Convention 1998;

(b) "ship" includes every description of vessel used in navigation;

(c) "Guyana ship" means a ship registered in Guyana;

(2) Anything which would constitute a drug trafficking offence if done on land in any part of Guyana shall constitute that offence if done on a Guyana ship.

95B. (1) This section applies to a Guyana ship, a ship registered in any other state and a ship not registered in any country or territory .

(2) A person is guilty of an offence if on a ship to which this section applies, wherever it may be, he-

(a) has a narcotic or any substance represented or held out to be a narcotic in his possession; or

(b) is in any way knowingly concerned in the carrying or concealing of a narcotic or any substance represented or held out to be a narcotic on the ship, knowing or having reasonable grounds to suspect that such narcotic or substance represented or held out to be a narcotic is intended to be imported or has been exported contrary to the provisions of Part II or the law of any state other than Guyana.

(3) A certificate purporting to be issued by or on behalf of the government of any state to the effect that the importation or exportation of a narcotic is prohibited by the law of that state shall be evidence of the matters stated.

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(4) A person guilty of an offence this section is liable-

(a) on summary conviction-

(i) to a fine of fifty thousand dollars or, where there is evidence of the street value of the narcotic, three times the street value of the narcotic, whichever is greater; and

(ii) to imprisonment for a term which shall not exceed ten years but which shall not be less than five years; or

(b) on conviction on indictment to imprisonment for life.

95C. (1) The powers conferred on an enforcement officer by the Fifth Schedule shall be exercisable in relation to any ship to which section 95A or 95B applies for the purpose of detecting and the taking of appropriate action in respect of the offences mentioned in those sections.

Enforcement
powers Fifth
Schedule.

(2) The powers referred to in subsection (1) shall not be exercised outside the landward limits of the territorial sea of Guyana in relation to a ship registered in a Convention state for foreign affairs is assigned (hereafter in this Part referred to as "the Minister"), and he shall not give his authority unless that state has in relation to that ship-

(a) requested the assistance of Guyana for the purpose mentioned in subsection (1);

(b) authorised Guyana to act for that purpose.

(3) In giving his authority pursuant to a request or authorisation from a Convention state the Minister shall impose such conditions or limitations on the exercise of the powers as may be necessary to give effect to any conditions or limitations imposed by that state.

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First Schedule	<p>(4) The Minister may, either of his motion or in response to a request from a Convention state authorise a Convention state to exercise in relation to a Guyana ship powers corresponding to those conferred on enforcement officers by the Fifth Schedule but subject to such conditions or limitations, if any, as he may impose.</p> <p>(5) Subsection (4) is without prejudice to any agreement made, or which may be made on behalf of Guyana whereby Guyana undertakes not to object to the exercise by any other state in relation to a Guyana ship of powers corresponding to those conferred by the Fifth Schedule.</p> <p>(6) The powers conferred by the Fifth Schedule shall not be exercised in the territorial sea of any other than Guyana without the authority of the Minister and he shall not give his authority unless that state has consented to the exercise of those powers.</p>
Jurisdiction and prosecution Fifth Schedule	<p>95D(1) Proceeding under this Part or the Fifth Schedule in respect of an offence on a ship may be taken and the committed, in any place in Guyana.</p> <p>(2) No such proceeding shall be instituted in Guyana except by or with the consent of the Director of Public Prosecutions.</p> <p>(3) Without prejudice to subsection (2) no proceedings for an offence under section 95B alleged to have been committed outside the landward limits of the territorial sea of Guyana on a ship registered in a Convention state shall be instituted except in pursuance of the exercise, with the authority of the Minister, of the powers conferred by the Fifth Schedule.”</p>
Insertion of new Fourth and Fifth Schedule in the Principal Act.	<p>6. The Principal Act is hereby amended by the insertion immediately after the THIRD SCHEDULE of the following SCHEDULES-</p>

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any offence against this Act may be charged with, tried, convicted and punished in all respects as if he were a principal offender.

PART X

MISCELLANEOUS

96. (1) The Minister may charge such fees as may be prescribed by regulations for an application for any licence, certificate or authorisation or renewal thereof, or for the grant of any licence, certificate or authorisation or renewal thereof, under this Act.

Fees.

(2) Any person or class of persons who are undergoing a treatment and rehabilitation programme at a rehabilitation centre established under section 66 or are under the care of any such centre, otherwise than in consequence of an order of a court under section 72, may be required to pay such fees as may be prescribed by regulations by the Minister assigned responsibility for health services and different fees may be prescribed for different classes of persons having regard to their income or property or both.

97. Where any person, not being a person on whom any function is conferred by this Act and acting or purporting to act in the exercise or discharge of such function, contravenes any provision of this Act and no penalty is prescribed for such contravention by any other provision of this Act, the person so contravening shall on summary conviction be liable to a fine of seventy-five thousand dollars together with imprisonment for five years.

Penalty for
contravention
of Act in
certain cases.
[6 of 1997]

98. (1) The Minister may make regulations for carrying out the purposes of this Act.

(2) Without prejudice to the generality of subsection (1), and in particular, the Minister may by regulations make provision for all or any of the following matters—

Regulations.

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(a) prohibiting the manufacture of any narcotic except on premises licensed for the purpose and subject to such terms and conditions as may be specified in the licence;

(b) form of any application for any licence, or renewal of any licence, and of any licence, under section 23 and the fees

to accompany any such application and payable for the licence or renewal;

(c) the terms and conditions subject to which a licence may be granted or renewed under this Act, including the duration of a licence, the books and other documents to be kept by a licensee and the forms thereof, the furnishing of information and returns by the licensee, the authority or authorities to whom they are to be furnished, and any security deposit to be made or bond to be executed for the satisfactory performance of the terms and conditions of the licence;

(d) prescribing standards for narcotics that a licensee may possess, sell or supply to any person and the quantity of any narcotic that a licensee may have in his possession;

(e) prescribing conditions regarding the sale or supply of a narcotic to any person by a licensee, including a practitioner or pharmacist holding a licence;

(f) persons authorised to buy a narcotic and the conditions which the authorisation shall be subject;

(g) regulation of the issue of prescriptions containing narcotics and the dispensing or supplying of narcotics on prescriptions, and for requiring persons for any narcotic to furnish to such authority any such information relating to those prescriptions as may be specified by regulations;

(h) regulation of the prescription, administration, giving, selling or supplying any narcotic by a veterinary surgeon under section 13 (2);

(i) regulating the import, export or diversion of any narcotic;

(j) specifying the port or place in Guyana through which any narcotic may be imported and prohibiting the import or export of any narcotic through any other port or place in Guyana;

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(k) the particulars that the export authorisation for the export of a narcotic or the import authorisation for the import of a narcotic should contain;

(l) the form of an application for a removal licence, the forms of a removal licence and the fees that should

accompany any such application and payable for the removal licence;

(m) the form of application for a diversion certificate and the fees payable therefor;

(n) the form of a diversion certificate, the fees payable therefor and the particulars it should contain;

(o) specifying the manner in which any narcotic shall be packed, labelled or otherwise kept for export, sale, supply, administration or distribution;

(p) manner of disposal of a narcotic under any provision of this Act;

(q) manner of destruction of prohibited plants;

(r) form of notice, under section 38(1), of application for a restraint order;

(s) manner of hearing a respondent in an application for a restraint order;

(t) requiring the keeping of records that are to be kept, and the furnishing of information, by any person with respect to narcotics or in connection with dealings in narcotics in such manner and in such circumstances as may be specified by regulations;

(u) the manner of disposal of a narcotic under section 27(2)(b) and the person or authority who may dispose of the same;

(v) the manner of disposal of any seizures under section 88(4) or 92(1) and of destruction of any quantity of narcotic under section 92(2)(b);

(w) the forms for any purpose under this Act, other than those prescribed under any other provision of this subsection;

(x) any other matter that may be, or is required to be, prescribed by this Act by the Minister by regulations.

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(3) Regulations may also provide for authorising any person who is licensed or otherwise authorised and who lawfully keeps any shop for the retailing of poisons in accordance with the provisions of the Pharmacy and Poisons Ordinance, 1956—

(a) to manufacture at the shop in the ordinary course of his retail business any preparation, admixture, or extract, of any narcotic to which this Act applies; or

(b) to carry on at the shop the business of retailing, dispensing, or compounding, any such narcotic,

subject to the power of the Minister to withdraw the authorisation in the case of a person who has been convicted of an offence against this Act or against the Pharmacy and Poisons Ordinance or the Food and Drugs Act, or who cannot, in the opinion of the Minister, properly be allowed to carry on the business of manufacturing or selling or distributing, as the case may be, of any such narcotic.

[36 of 1956]
c. 34:03

(4) The Minister assigned responsibility for legal matters may, after consultation with the Chancellor, make regulations, prescribing the practice and procedure of the Court or any other court in regard to proceedings for forfeiture and condemnation by any such court under any provision this Act, or relating to proceedings for a restraint order under Part VII, and for matters connected with or incidental to such proceedings.

(5) The Minister assigned responsibility for health services may by regulations make provision for all or any of the following matters—

(a) for the administration and management of, and for all matters relating to, rehabilitation centres established under section 66, including for the security and safety of the persons who are committed or admitted into any such centre;

(b) prescribing the fees payable by any person or class of persons undergoing a treatment and rehabilitation programme at any such centre, otherwise than in

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consequence of an order of a court under section 72, and different fees may be prescribed for different classes of persons having regard to their income or property or both;

(c) terms and conditions of appointment of the chairman and other members of the Advisory Council for Rehabilitation of Narcotic Addicts;

(d) for any other matter that may be, or is required to be, prescribed by this Act by the Minister assigned responsibility for health services.

(6) Nothing in any regulations made under this section shall be taken to authorise the sale, or the keeping of an open shop for the retailing, dispensing, or compounding of poisons by any person who is not qualified in that behalf under, or otherwise than in accordance with, the provisions of the Pharmacy and Poisons Ordinance, or to be in derogation of the provisions of that Ordinance prohibiting, restricting or regulating, the sale of poisons.

[36 of 1956]

99. The authority having for the time being power to make rules regarding the practice and procedure of any court may, subject to regulations, make rules of court regulating the practice and procedure of that court in regard to any matter referred to in section 98(4).

Rules of court.

100. (1) The regulations may provide that any person contravening any provision thereof, other than a provision made under section 98(4), shall be liable on summary conviction to a fine of not exceeding seventy-five thousand dollars or imprisonment for a term not exceeding five years or both.

Penalty for
contravention
of regulations.
[6 of 1997]

(2) Every person guilty of the contravention of any regulation, not being a regulation made under section 98(4), for which no penalty is expressly provided shall be liable on summary conviction to a fine of thirty thousand dollars and to imprisonment for three years and in the case of a continuing offence to a further penalty of fifteen hundred dollars for each day during which the offence continues.

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Valuation of
goods for
penalty.

101. (1) Where in any prosecution under this Act any fine is to be determined by the market value of any narcotic, a certificate under the hand of the proper officer of the market value of such narcotic shall be accepted by the court as *prima facie* evidence of the value thereof.

(2) In this section “proper officer” means the officer authorised by the Minister by notification in the *Gazette* for the purposes of this section.

Power to alter
schedules.

102. (1) The Minister may, by order, add any substance to the First, and Second or Third Schedule and may from time to time delete therefrom any substance or plant the inclusion or exclusion of which, as the case may be, is deemed necessary by him in the public interest.

(2) An order under subsection (1) shall be subject to negative resolution of the National Assembly.

FIRST SCHEDULE

List of Narcotic Drugs

s. 2(1)(m)

1. Opium Poppy (*Papaver somniferum*) its preparations, derivatives, alkaloids and salts, as for example:

- (1) Opium
- (2) Codeine (3-methylmorphine)
- (3) Morphine
- (4) Narcotine
- (5) Papaverine
- (6) Thebaine, and their preparations, derivatives and salts, as for example
- (7) Actorphine (3-0-acetyltetrahydro-7x4-(1-hydroxy-1-methylbutyl)-6,14-endoetheno-oripavine)
- (8) Acetyldihydrocodeine
- (9) Benzylmorphine (3-benzylmorphine)

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- (10) Codoxime (dihydrocodeinone-6-carboxymethyl-oxime)
 - (11) Desomorphine (dihydrodeoxymorphine)
 - (12) Dihydrocodeine
 - (13) Dihydromorphine
 - (14) Ethylmorphine (3-ethylmorphine)

 - (15) Etorphine(tetrahydro-7 α -(1-hydroxy-1-methylbutyl)-6, 14-endoetheno-oripavine
 - (16) Hydrocodone (dihydrocodeinone)
 - (17) Hydromorphone (dihydromorphinone)
 - (18) Hydromorphinol (14-hydroxydihydromorphine)
 - (19) Methyldesorphine (6-methyl-delta-6-deoxy-morphine)
 - (20) Methyldihydromorphine(6-methyldihydromorphine)
 - (21) Metopen (5-methyldihydromorphinone)
 - (22) Morphine
 - (23) Morphine Methobromide and other pentavalent nitrogen morphine derivatives, including in particular the morphine-N-oxide derivatives, one of which is Codeine-N-Oxide
 - (24) Morphine-N-Oxide
 - (25) Myrophine (myristylbenzylmorphine)
 - (26) Nalorphine (N-allylnormorphine)
 - (27) Nicocodine (6-nicotinylcodeine)
 - (28) Nicodicodine (6-nicotinyldihydrocodeine)
 - (29) Nicomorphine (3, 6-dinicotinylmorphine)
 - (30) Norcodeine (N-demethylcodeine)
 - (31) Normorphine (demethylmorphine) or (N-demethylated morphine)
 - (32) Oxycodone (14-hydroxydihydrocodeinone)
 - (33) Oxymorphone (14-hydroxydihydromorphinone)
 - (34) Pholcodine (morpholinylethylmorphine)
 - (35) Thebacon (acetyldihydrocodeinone) but not including—
 - (36) Apomorphine, and
 - (37) Poppy seed.

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2. A. Coca (Erythroxyton), its preparations, derivatives, alkaloids and salts, as for example:

- (1) Coca leaf
- (2) Cocaine (methyl ester of benzoyleogonine)
- (3) Ecgonine, its esters and derivatives which are convertible to ecgonine and cocaine.

B. Synthetic cocaine.

3. Cannabis, Cannabis sativa, Cannabis sativa L, their preparations, derivatives and similar synthetic preparations, as for example:

- (1) Cannabis resin
- (2) Cannabis (marijuana)
- (3) Cannabinol (3-n-amy1-6, 6, 9-trimethyl-6 dibenpyran-1-ol).

4. Phenylpiperidines, their preparations, derivatives and salts, as for example:

- (1) Alfentanil (N-(1-(2-(4-ethyl-4, 5-dihydro-5-oxo-1H-tetrazol-1-yl)ethyl)-4- (methoxymethyl)-4-piperidiny1). N-phenylpropanamide monohydrochloride
- (2) Allylprodine (3-allyl-methyl-4-phenyl-4propionoxypiperidine)
- (3) Alphameprodine (alpha-3-ethyl-1-methyl-4-phenyl-4 propionoxypiperidine)
- (4) Alphaprodine (alpha-1, 3-dimethyl-4-phelyl-4-propionoxypiperidine)
- (5) Anileridine (1-para-aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
- (6) Anopridine (ethyl 1-(3-(phenylamino propyl)-4-phenylpiperidine-4-carboxylate)
- (7) Benzethidine (1-(2-benzyloxyethyl)-4-phenylpiperidine 4-carboxylic acid ethyl ester)
- (8) Betameprodine (beta-6-dimethylamino-4-4-diphenyl-3 heptanol)

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- (9) Betaprodine (beta-1, 3-dimethyl-4-phenyl-4-propion-oxypiperidine)
 - (10) Bezitramide (1-(3-cyano-3, 3-diphenylpropyl)-4-(2 oxo-3-propionyl-1-benzimidazoliny)-piperidine)
 - (11) Diphenoxylate (1-(3-cyano-3, 3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)

 - (12) Etoxidine (1-(2-(2-hydroxyethoxy)-ethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
 - (13) Fentanyl (1-phenethyl-1-N-propionylanilinopiperidine)
 - (14) Furethidient (1-(2-tetrahydrofurfuryloxyethyl)-4 phenylpiperidine-4-carboxylic acid ethyl ester)
 - (15) Hydroxypethidine (4-meta-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester)
 - (16) Ketobemidone (4-meta- hydroxyphenyl-1-methyl-4-propionylpiperidine)
 - (17) Morpheridine (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
 - (18) Pethidine(1-methyl-4- phenylpiperidine-4-carboxylic acid ethyl ester)
 - (19) Pethidine-Intermediate-A (4-cyano-1-methyl-4-phenylpiperidine)
 - (20) Pethidine-Intermediate-B (4-phenylpiperidine-4-carboxylic acid ethyl ester)
 - (21) Pethidine- Intermediate -c-(1-methyl-4-phenylpiperidine-4-carboxylic acid)
 - (22) Phenampromide (N-(1-methyl-2-piperidinoethyl)-propionanilide)
 - (23) Phenoperidine (1-(3 -hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
 - (24) Piminodine (4-phenyl-1-(3-phenylaminopropyl)-piperidine-4-carboxylic acid ethyl ester)
 - (25) Piritramide (1-cyano-3, 3-diphenylpropyl)-4-(1-piperidino)-piperidine-4-carboxylic acid amide)
 - (26) Properidine (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)

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- (27) Propiram (N-(1-methyl-2-piperidinoethyl)-N-2-pyridylpropionamide)
 - (28) Sufentanil (N-(4-(methoxymethyl)-1-(2-phenyl-4-piperidyl)-propionanilide)
 - (29) Trimeperidine (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine)

5. Phenazepines, their preparations, derivatives and salts, as for example:

- (1) Proheptazine (hexahydro-1,3-dimethyl-4-phenyl-4-azepinyl propionate), but not including:
- (2) Ethoheptazine (ethyl hexahydro-1-methyl-4-phenyl-4-azepinecarboxylate)

6. Amidones, their preparations, derivatives and salts, as for example:

- (1) Dipipanone (4,4-diphenyl-6-piperidine-3-heptanone)
- (2) Isomethadone (6-dimethylamino-5-methyl-4-diphenyl-3-hexanone)
- (3) Methadone (6-dimethylamino-4,4-diphenyl-3-heptanone)
- (4) Methadone-Intermediate (4-cyano-2-dimethylamino-4,4-diphenylbutane)
- (5) Normethadone (6-dimethylamino-4,4-diphenyl-3-hexanone)
- (6) Phenadoxone (6-morpholino-4,4-diphenyl-3-heptanone)

7. Methadols, their preparations, derivatives and salts, as for example:

- (1) Acetylmethadol (3-acetoxy-6-dimethylamino-4,4-diphenylheptane)

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- (2) Alphacetylmethadol (alpha-3-acetoxy-6-dimethylamino-4, 4-diphenylheptane)
 - (3) Alphamethadol (alpha-6-dimethylamino-4, 4-diphenyl-3-heptanol)
 - (4) Betacetylmethadol (beta-3-acetoxy-6-dimethylamino-4, 4-diphenylheptane)
 - (5) Betamethadol (beta-6-dimethylamino-4, 4-diphenyl-3heptanol)

 - (6) Dimepheptanol (6-dimethylamino-4, 4-diphenyl-3-heptanol)
 - (7) Noracynmethadol ((±)-alpha-3-acetoxy-6-methylamino-4, 4-diphenylheptane)

8. Phenalkoxams, their preparations, derivatives and salts, as for example:

- (1) Dextropropoxyphene (X-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-butanol propionate)
- (2) Dimenoxadol (2-dimethylaminoethyl-1-ethoxy-1, 1-diphenylacetate)
- (3) Dioxaphetyl butyrate (ethyl-4-morpholino-2, 2-diphenylbutyrate)

9. Thiambutenes, their preparations, derivatives and salts, as for example:

- (1) Diethylthiambutene (3-diethylamino-1, 1-di (2-thienyl)-1-butene)
- (2) Dimethylthiambutene (3-dimethylamino-1, 1-di (2-thienyl)-1-butene)
- (3) Ethylmethylthiambutene (3-ethylmethylamino-1, 1-di-(2-thienyl) -1-butene)

10. Moramides, their preparations, derivatives and salts, as for example:

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- | | | | |
|---|-----|----------------|---|
| - | (1) | Dextromoramide | ((+)-4-(2-methyl-4-oxo-3, 3-diphenyl-4-(1-pyrrolidinyl)-butyl)-morpholine) |
| | (2) | Levomoramide | ((—)-4-(2-methyl-4-oxo-3, 3-diphenyl-4-(1-pyrrolidinyl)-butyl)-butyl)-morpholine) |
| | (3) | Racemoramide | (±)-4-(2-methyl-4-oxo-3, 3-diphenyl-4, 1-pyrrolidinyl)-butyl)-morpholine) |

11. Morphinans, their preparations, derivatives and salts, as for example:

- (1) Drotebanol (3, (4-dimethoxy-17-methylmorphinan-6_B, 14-diol)
- (2) Levomethorphan (—1-3-methoxy-N-methylmorphinan)
- (3) Levorphanol ((—)-3-hydroxy-N-methylmorphinan)
- (4) Norlevorphanol ((-)-3-hydroxymorphinan)
- (5) Phenomorphan (3-hydroxy-N-phenethylmorphinan)
- (6) Racemethorphan ((±)-3-methoxy-M-methylmorphinan)
- (7) Racemorphan ((±)-3-hydroxy-N-methylmorphinan), but not including:
- (8) Dextromethorphan (d-1, 2, 3, 9,10,10a-hexahydro-6-methoxy-11-methyl-4h-10,4a-iminoethanophenanthrene)
- (9) Dextrorphan (D-1, 2, 3,9,10,10A-hexahydro-11-methyl-4H-10, 4A-iminoethanophenanthren-6-ol), and
- (10) Levallorphan (1-11-allyl-1, 2, 3, 9,10,10A-hexahydro-4H-10, 4A-iminoethanophenanthren-6-ol)

12. Benzazocines, their preparations, derivatives and salts as for example:

- (1) Phenazocine (2'-hydroxy-5, 9-dimethyl-2-phenethyl-6, 7-benzomorphan)

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- (2) ~~Metazocin~~ Metazocin (2'-hydroxy-2, 5, 9-trimethyl-6,7-

13. Other chemical compounds:

- (1) Clonitazene (2-para-chlorobenzyl-1-diethylaminoethyl-5-nitrobenzimidazole)
- (2) Diampromide (N-((2-methylphenethylamino)-propyl)-propionanilide)
- (3) Difenoxin (1-(3-cyano-3,3-diphenylpropyl)4-phenylisonipectic acid)
- (4) Etonitazene (1-diethylaminoethyl-2-para-ethoxybenzyl-5-nitrobenzimidazole)
- (5) Tilidine ((±)-ethyl-trans-2(dimethylamino)-1-phenyl-3-cyclohexene-1-carboxylate)

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation.

The esters and ethers, unless appearing in another Schedule, of the drugs in this Schedule whenever the existence of such esters or ethers is possible.

The salts of the drugs listed in this Schedule, including the salts of esters, ethers and isomers as provided above, whenever the existence of such salts is possible.

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SECOND SCHEDULE
List of Psychotropic Substances
PART 1

LIST OF SUBSTANCES

	INN	Other Non-proprietary or trival names	Chemical Name
1.		DET	N,N-diethyltryptamine
2.		DMPH	3-(1,2-dimethylheptyl)- 1-hydroxy-7,8,9,10- tetrahydro-6,6,9- trimethyl 6H-dibenzo/ b,9/pyran
3		DMT	N,N-dimethyltryptamine
4.	(+)-LYSERGIDE	LSD, LSD-25	(+)-N, N-diethyllysergamide (d-lysergic acid diethylamide)
5.		mescaline	3, 4, 5-trimethoxyphenethylamine
6.		parahehyl	3-hexyl-1-hydroxy-7, 8, 9, 10- tetrahydro-6, 6, 9-trimethyl-6H-
7		psilocene psilocin	3-(2 dimethylaminoethyl)-4- hydroxyindole
8.	PSILOCYBINE		3-(2-dimethylaminoethyl) indol- 4-yl dihydrogen phosphate
9.		STP.DOM	2-amino-1-(2, 5-dimethoxy-4- methyl) phenyl-propane
10.		tetrahydrocannabinols, all isomers	1-hydroxy-3-pentyl-6a, 7, 10, 10a tetrahydro-6, 6, 9-trimethyl-6-H- dibenzo/b, d/ pyran

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PART II

LIST OF SUBSTANCES

INN	Other non-proprietary or trivial names	Chemical name
1. AMPHETAMINE		(+)-2-amino- 1-phenylpropane
2. DEXAMPHETAMINE		(+)-2-amino-1-phenylpropane
3. METHAMPHETAMINE		(+)-2-methylamino-1-phenyl- propane
4. METHYLPHENIDATE		2-phenyl-2-(2-piperidyl) acetic acid, methyl ester
5. PHENCYCLIDINE		1-(1-phenylcyclohexyl) piperidine
6. PHENMETRAZINE		3-methyl-2-phenylmorpholine

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PART III

LIST OF SUBSTANCES

INN	Other non-proprietary or trivial names	Chemical name
1. AMOBARBITAL		5-ethyl-5-(3-methylbutyl) barbituric acid
2. CYCLOBARBITAL		5-(1-cyclohexen-1-yl)-5-ethylbarbituric acid
3. GLUTETHIMIDE		2-ethyl-2-methylamino-1-phenylpropane
4. PENTOBARBITAL		5-ethyl-5-(1-methylbutyl) barbituric acid
5. SECOBARBITAL		5-allyl-5-(1-methylbutyl) barbituric acid

PART IV

LIST OF SUBSTANCES

INN	Other non-proprietary or trivial names	Chemical Name
1. AMFEPRAMONE		2-(diethylamino) propiophenone
2. BARBITAL		5, 5-diethylbarbituric acid
3.	ethchlorvynol	ethyl-2-chlorovinylethynyl-carbinol
4. ETHINAMATE		1-ethynylcyclohexanolcarbamate
5. MEPROBAMATE		2-methyl-2-propyl-1, 3-propanediol dicarbamate
6. METHAQUALONE		2-methyl-3-o-tolyl-4(3H)-quinazolinone
7. METHYLPHENOBARBITAL		5-ethyl-1-methyl-5-phenyl-barbituric acid

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8. METHYPRYLON		3, 3-diethyl-5-methyl-2, 4-piperidine-dione
9. PHENOBARBITAL		5-ethyl-5-phenylbarbituric acid
10. PIPRADROL		1, 1-diphenyl-1-1-(2-piperidyl-)methanol
11.	SPA	(-)-1-dimethylamine-1, 2-diphenylethane

* The names printed in capital s in the left-hand column are the International Non-Proprietary Names (INN)

s. 2(1)(t)

THIRD SCHEDULE

Prohibited Plants

1. Cannabis
 2. Coca plant
 3. Papaver somniferum
 4. Papaver setigerum
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FOURTH SCHEDULE

S.S 15A,B,C

1. N. Acetylantranilic acid
2. Acetic anhydride
3. Acetone
4. Anthranilic acid
5. Benzene
6. Benzyl chloride
7. Benzyl cyanide
8. 2 - Butanone (methyl ethyl ketone)
9. Ephedrine
10. Ergonovine
11. Ergotamine
12. Ethyl ether
13. Hydrochloric acid
14. Methylene Chloride
15. 3, 4 Methylene dioxphenyle -2- propanone
16. Norpseudo ephedrine
17. Phenylacetone acid
18. Phenylacetone
19. Piperidine
20. Potassium permanganate
21. Pseudo ephedrine
22. Sulphuric acid
23. Toluene
24. 1-Phenyl-2-propanone
25. Phenylacetic acid and its salts
26. Phenylpropanolamine and its salts
27. Bromobenzyl cyanide
28. Lysergic acid
29. Ergometrine and its salts
30. Sodium sulphate
31. Potassium carbonate
32. Sodium carbonate
33. Isosafrol (cis+trans)
34. Piperonal
35. Safrole
36. Methyl ethyl Ketone (MEK)

The salts of the substances listed in this Schedule whenever the existence of such salts is possible.

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FIFTH SCHEDULE **S.95A,C,D**
ENFORCEMENT POWERS IN RESPECT OF SHIP

1. (1) In this Schedule “an enforcement officer” means-

- (a) a police officer;
- (b) an officer of the Coast Guard;
- (c) an officer authorised by the Comptroller of Customs; and
- (d) any other person of a description specified in an Order made for the purposes of this Schedule by the Minister to whom responsibility for national security is assigned.

(2) In this Schedule the ship means the ship in relation to which the powers conferred by this Schedule are exercised.

2(1) An enforcement officer may stop the ship board it and if he thinks it necessary for the exercise of his functions require it to be taken to a port in Guyana and detain it there

Power to stop,
board divert
and detain

(2) Where an enforcement officer is exercising his powers with the authority of the Minister given under section 95C(2) the officer may require the ship to be taken to a port in the Convention state in question or if that state has so requested, in any other country or territory willing to receive it

(3) For any of the purposes referred to in subparagraphs (1) and (2) an enforcement officer may require the master or any member of the crew to take such action as may be necessary.

(4) Where an enforcement officer detains a vessel he shall serve on the master a notice in writing stating that it is to be detained until the notice is withdrawn by the service on him of a further notice in writing signed by an enforcement officer.

3.(1) An enforcement officer may require any person on the ship to give information concerning himself or anything on it including its

Power to
search and
obtain

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information

its cargo.

(2) An enforcement officer may require any person on the ship to give information concerning himself or anything on the ship.

(3) Without prejudice to the generality of the powers referred to in subparagraphs (1) and (2) an enforcement officer may-

- (a) open any containers;
- (b) make tests and take samples of anything on the ship;
- (c) require the production of documents, books or records relating to the ship or anything on it;
- (d) make photographs or copies of anything the production of which he has power to require.

Powers in
respect of
suspected
offence

4. If an enforcement officer has reasonable grounds to suspect that an offence mentioned in section 95B has been committed on a ship to which that section applies he may-

(a) arrest without warrant anyone whom he has reasonable grounds for suspecting to be guilty of the offence; and

(b) seize and detain anything found on the ship which appears to him to be evidence of the offence.

Assistants

5.(1) An enforcement officer may take with him to assist him in exercising his powers-

- (a) any persons; and
- (b) any equipment or materials.

(2) A person whom an enforcement officer takes with him to assist him may perform any of the officer's functions but only under the officer's supervision.

Use of
reasonable

6. An enforcement officer may use reasonable force, if necessary, in performance of his functions.

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7. An enforcement officer shall, if required produce evidence of his authority

Evidence of authority

8. An enforcement officer shall not be liable in any civil criminal proceedings for anything done in the performance of his functions under this Schedule if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

Protection of officers

9(1) A person is guilty of an offence if he-

Offences

(a) intentionally obstructs an enforcement officer in the performance of any of his functions under this Schedule;

(b) fails without reasonable excuse to comply with a requirement made by an enforcement officer in the performance of those functions; or

(i) makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular; or

(ii) intentionally fails to disclose any material particular.

(2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine of five thousand dollars and to imprisonment for two years."