

ANTIGUA AND BARBUDA



THE MISUSE OF DRUGS (AMENDMENT) ACT, 2008

No. 13 of 2008

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The Misuse of Drugs (Amendment) Act, 2008.

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I Assent,

[L.S.]

Louise Lake-Tack,
Governor-General.

14th December, 2008

ANTIGUA AND BARBUDA

THE MISUSE OF DRUGS (AMENDMENT) ACT, 2008

No. 13 of 2008

AN ACT to amend the Misuse of Drugs Act, Cap. 283 and for incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

PART I

PRELIMINARY

1. Short title.

This Act may be cited as the Misuse of Drugs (Amendment) Act, 2008 and shall come into force on a date to be appointed by the Minister by Order published in the Gazette.

2. Amendment of section 2.

The principal Act is amended in section 2—

- (a) in the definition of “cannabis” by inserting after the words “*cannabis sativa*” the words “or from the genus *cannabis*”;

(b) by repealing the definition “drug trafficking offence” and

(c) by repealing the definition of “supplying” and substituting the following—

“supply” includes distribution, sale and transfer”.

3. Amendment of section 4.

The principal Act is amended in section 4 by repealing subsection (3) and substituting the following—

“(3) A person who contravenes subsection (1) commits an offence and is liable on conviction—

(a) where the controlled drug constituting the goods in respect of which the offence was committed is a Class A drug or a Class B drug, to a penalty of six times the value of the goods or not less than twenty thousand dollars but not exceeding two hundred thousand dollars whichever is the greater, and to imprisonment for eight years; and

(b) where the controlled drug constituting the goods in respect of which the offence was committed is a Class C drug, to a penalty of six times the value of the goods or not less than ten thousand dollars but not exceeding one hundred thousand dollars whichever is the greater, and to imprisonment for 5 years.”.

4. Amendment of section 12.

The principal Act is amended in section 12—

(a) by repealing subsection (1), renumbering subsection (2) as subsection (1) and renumbering subsections (3) to (8) in a similar manner in chronological order;

(b) in subsection (1) between the words “of” and “where” by repealing the words “subsection (1)” and substituting the words “this Act”;

(c) in paragraph (1)(b) between the words “under” and “unless” by repealing the words “subsection (1)” and substituting the words “section 6”;

(d) in subsection (2) between the words “in” and “shall” by repealing the words “subsection (2)(b)” and substituting the words “subsection (1)(b)”;

(e) in subsection (3) between the words “in” and “shall” by repealing the words “subsection (2)” and substituting the words “subsection (1)”;

(f) in subsection (7) between the words “under” and “unless” by repealing the words “subsection (7)” and substituting the words “subsection (6)”;

- (g) in paragraphs (7)(a) and (7)(b) by repealing the words “subsection (1)” where they appear and substituting the words “section (6)”.

5. Amendment of section 19A.

The principal Act is amended by repealing section 19A and substituting the following—

“19A. Drug trafficking.

- (1) A person commits the offence of drug trafficking if he—
 - (a) commits an offence under sections 4, 5 or 6 and the controlled drug—
 - (i) is 5 kilograms or more in weight; or
 - (ii) is 1 litre or more in volume;
 - (b) conspires to commit any of the offences in paragraph (a);
 - (c) attempts to commit any of the offences under paragraph (a);
 - (d) aids, abets, counsels or procures the commission of the offences under paragraphs (a) to (c).
- (2) Subject to any regulation under section 9 a person found in possession of a controlled drug on school premises commits the offence of drug trafficking, unless he can prove the contrary.
- (3) In subsection (2) “school premises” includes—
 - (a) buildings, playing fields or other premises established and maintained by a school for the benefit of its pupils whether or not the buildings, playing fields or other premises are within the curtilage of the school; and
 - (b) vehicles whether publicly or privately owned which are used for transporting pupils to or from school or to or from school related activities.”
- (4) A person who commits the offence of drug trafficking is liable upon conviction on indictment—
 - (a) to a fine of three hundred thousand dollars or where there is evidence of a street value of the controlled drug, three times the street value of the controlled drug, whichever is the greater;

(b) to imprisonment for life; or

(c) to both.

6. Amendment to section 25.

The principal Act is amended in section 25 by inserting the following subsections after subsection (5)—

“(6) Notwithstanding any other law, if a person commits an offence which involves the cultivation, production, possession, supply of, or is otherwise concerned with a controlled drug which weighs less than 2 kilograms or is less than 1 litre in volume he shall be tried summarily.

(7) Notwithstanding any other law, if a person commits an offence which involves the cultivation, production, possession, supply of, or is otherwise concerned with a controlled drug which weighs 2 kilograms or more in weight or is 1 litre or more in volume, he shall be tried on indictment.”

7. Repeal of section 26.

Section 26 of the principal Act is repealed.

8. Amendment of the Second Schedule.

The principal Act is amended in the Second Schedule—

(a) by repealing the punishment on indictment for an offence under subsections 5(2), 5(3), 6(2) and 6(3); and

(b) by repealing the punishment for an offence under section 12(1);

Passed the House of Representatives on
the 17th day of September, 2008.

Passed the Senate on the 29th day of
October, 2008.

D. Gisele Isaac-Arrindell,
Speaker.

Hazlyn M. Francis,
President.

Yvonne Henry,
Clerk to the House of Representatives.

Yvonne Henry,
Clerk to the Senate.