

**PARLIAMENT OFFICE,  
Public Buildings,  
Georgetown,  
Guyana.**

**89—06—17.**

The following Bill which will be introduced in the National Assembly is published for general information.

*F. A. Narain,*  
Clerk of the National Assembly.



**GUYANA**

Bill No. 9 of 1989

**NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES  
(CONTROL) (AMENDMENT) BILL 1989**

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title.
2. Amendment of section 2 of the Principal Act.
3. Amendment of section 6 of the Principal Act.
4. Amendment of Section 31 of the Principal Act.
5. Amendment of section 51 of the Principal Act.
6. Amendment of section 73 of the Principal Act.

## A BILL

## Intituled

## AN ACT to amend the Narcotic Drugs and Psychotropic Substances (Control) Act 1988.

A.D. 1989 Enacted by the Parliament of Guyana:—

Short title.

No. 2 of 1988

Amendment  
of section  
2 of the  
Principal  
Act.

1. This Act, which amends the Narcotic Drugs and Psychotropic Substances (Control) Act 1988, may be cited as the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Act 1989.

2. Section 2 (2) of the Principal Act is hereby amended by the substitution, in paragraph (e), of a semicolon for the full stop at the end and by the insertion, after paragraph (e), of the following paragraph as paragraph (f) —

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

Amendment  
of section  
6 of the  
Principal  
Act.

3. Section 6 (1) of the Principal Act is hereby amended by the substitution, for the words “imprisonment for life”, of the words “suffer death as a felon”.

Amendment  
of section  
31 of the  
Principal  
Act.

4. Section 31 of the Principal Act is hereby amended in the following respects —

(i) in paragraph (c), by the deletion of the word “or” at the end;

(ii) in paragraph (d), by the substitution of a semicolon for the comma at the end and the insertion thereafter of the word “or”;

(iii) by the insertion, after paragraph (d), of the following paragraph as paragraph (e) —

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

(iv) in the concluding portion, by the substitution, for the words “five thousand dollars” and “one year”, of the words “seven thousand dollars” and “two years” respectively.

Amendment  
of section  
51 of the  
Principal  
Act.

5. Section 51 of the Principal Act is hereby amended by the re-numbering of it as subsection (1) thereof and by the insertion, after subsection (1) as so renumbered, of the following subsections as subsections (2) and (3) —

“(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.”.

6. Section 73 of the Principal Act is hereby amended in the following respects —

**Amendment  
of section  
73 of the  
Principal  
Act.**

(1) in the marginal note, by the insertion, after the word “sentence”, of the words “and on summary trial of indictable offences”;

(2) by the renumbering of that section as subsection (1) thereof and in sub-section (1) as so renumbered,—

(i) by the insertion, in the opening portion, after the words “offence under this Act”, of the words “a sentence of death or a sentence of” and, after the words “written law”, of the words”, but subject to the provisions of section 166 of the Criminal Law (Procedure) Act,”;

**Cap. 10:01**

(ii) by the substitution, in paragraph (a), for the words “sentence of imprisonment”, of the words “sentence of death or the sentence of imprisonment, as the case may be”;

(3) by the insertion, after subsection (1) as so renumbered, of the following subsections as subsections (2), (3) and (4)

(2) For the purposes of subsection (1), 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 a special reason.

(3) Notwithstanding anything contained in section 61 of the Summary Jurisdiction (Procedure) Act, or the First Schedule thereto, the provisions of that sec-

**Cap. 10:02**

tion and Schedule shall not apply in relation to any offence under this Act.

(4) In this section —

- (a) “child” and “young person” have the same meaning as in Part II;
- (b) “punishment” includes an order under any written law, made with or without recording a conviction, for the detention or custody of any offender, or releasing an offender on entering into a recognisance or under a probation order, or under section 42 (1) (a) 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.’

Cap. 10:03

Cap. 10:03

Cap. 11:09

Cap. 11:06

### EXPLANATORY MEMORANDUM

Clause 3 of the Bill seeks to amend section 6 (1) of the Narcotic Drugs and Psychotropic Substances (Control) Act 1988 (No. 2 of 1988) to make provision for the sentence of death (instead of imprisonment for life) for an offence under that provision, that is, supplying or administering any narcotic to a child or young person, if death results from the consumption or administration of the narcotic.

2. Clause 4 of the Bill seeks to amend section 31 of the above Act for two purposes — one purpose being the extension of that section to perverting or defeating the course of justice under the provisions of that Act and the other purpose being increasing the minimum penalties under that section to a fine of seven thousand dollars and imprisonment for two years.

3. The amendments sought to be made in sections 2 and 51 of the above Act, by clauses 2 and 5 of the Bill, are only clarificatory and the amendments sought to be made in section 73 of the above Act, by clause 6 of the Bill, are consequential and clarificatory.

**K. S. Massiah,**  
Attorney General and Minister  
of Legal Affairs.