

**SAINT VINCENT AND THE GRENADINES
CANNABIS CULTIVATION (AMNESTY) ACT 2018**

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SAINT VINCENT AND THE GRENADINES

ACT NO. 29 OF 2018

I ASSENT

[L.S.]

DR. FREDERICK BALLANTYNE
Governor-General
24th December, 2018.

AN ACT to provide for the grant of an amnesty, for a duration and for further periods as may be required, to persons engaged in the cultivation of cannabis, contrary to section 8 of the Drugs (Prevention of Misuse) Act and any other relevant enactment, who may otherwise be liable to criminal prosecution for certain criminal offences and other proceedings under that Act or any other relevant enactment in force.

[By Proclamation]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same, as follows:

1. This Act may be cited as the Cannabis Cultivation (Amnesty) Act, 2018, and shall come into operation on such day to be appointed by the Minister by Notice published in the *Gazette*. Short title

2. In this Act, unless the context otherwise requires – Interpretation
“Authority” means the Medicinal Cannabis Authority established under the Medicinal Cannabis Industry Act;

“amnesty” means the relief set out in section 8;

“appointed day” means the day appointed under section 3 for the coming into operation of this Act;

“inspector” has the meaning assigned to it under the Medicinal Cannabis Industry Act;

“licensee” means a person who has been issued a licence under the Medicinal Cannabis Industry Act;

“Minister” means the Minister responsible for Legal Affairs;

“traditional cultivator’s licence” means a licence issued pursuant to the Medicinal Cannabis Industry Act;

“cannabis” has the meaning assigned to it in the Drugs (Prevention of Misuse) Act.

Declaration of
amnesty

3. (1) Subject to the provisions of this Act and notwithstanding any provision to the contrary in any other enactment, an amnesty is hereby declared whereby, for the duration of the amnesty period, a person (hereinafter referred to as a “qualifying person”) who—

(a) on or before the commencement of the amnesty period, is or was engaged in the cultivation of cannabis contrary to the provisions of section 8 of the Drugs (Prevention of Misuse) Act; and

b) may be liable to the criminal prosecution and other proceedings under the law;

shall be entitled to the relief specified in section 8, subject to the conditions listed under subsection (2).

(2) For the purposes of subsection (1), the conditions are that the qualifying person shall, during the amnesty period —

(a) register with the Authority by submitting the information specified under section 4; and

- (b) subject to subsection (3), enter into an agreement with a licensee for the sale of the cannabis that is in his possession, subject to the approval of the Authority.

(3) A person who is or has been involved in the cultivation of cannabis on behalf of another person, on or before the commencement of the amnesty period may, notwithstanding the fact that the person is not in possession of any cannabis during the amnesty period, register with the Authority pursuant to subsection (2) (a), by providing the information specified under section 4 and such person shall be deemed to be a qualifying person for the purposes of this Act and be entitled to the relief specified in section 8.

(4) The Authority shall engage the services of the police to facilitate in effecting the proper execution of the amnesty.

(5) The Minister may make Regulations—

- (a) pertaining to the scientific testing, sale or disposal of cannabis received during the amnesty period; and
- (b) to give effect to this Act including provisions for or with respect to engaging the police to effectively execute the amnesty.

4. A qualifying person who wishes to be granted an amnesty under this Act shall submit to the Authority, the information required in Form A of the Schedule, which shall include —

Submission of
information

- (a) for the purposes of section 3 (2) —
 - (i) the full name and address of the qualifying person;
 - (ii) his national identification number;
 - (iii) the location of the land on which the cannabis is cultivated or if harvested, the premises where the cannabis is stored;
 - (iv) a statement indicating the quantity of cannabis under cultivation or if harvested, the quantity of cannabis that is stored at the premises;

(b) for the purposes of section 3 (3) –

- (i) the full name and address of the qualifying person;
- (ii) his national identification number; and
- (iii) a declaration in the terms prescribed in Form A.

Request for
additional
information

5. (1) The Authority may, by notice in writing, require a qualifying person who has submitted the information under section 4, to furnish such additional information or documents as may be specified in the notice.

(2) All applications made under section 4 for the issuance of an amnesty shall be posted, in a conspicuous manner, at the police station in the district where the land specified in the application is located.

Inspection

6. The Authority may, for the purpose of verifying the information submitted under section 4 (a), cause three inspectors, one of whom shall be a police officer not below the rank of corporal, to visit the land or premises, as the case may be, and conduct such investigation and inspection in order to verify the information submitted by the qualifying person and shall submit to the Authority, a report in respect of such investigation or inspection.

Issuance of
certificate of
amnesty

7. (1) The Authority shall, after consideration of the report submitted by the inspectors and verification of the information submitted by the qualifying person, in the case of section 4 (a), or consideration of the information submitted, in the case of section 4 (b), make a recommendation to the Minister for the issuance of a certificate of amnesty in the Form set out in Form B of the Schedule, subject to the following conditions—

- (a) that, in the case of a qualifying person who submits the information specified under section 4 (a), that all cannabis which is cultivated on or before the commencement of the amnesty period and harvested before or during the amnesty period by the qualifying person, shall be surrendered to the Authority at the designated place;

- (b) that, in the case of a qualifying person who submits the information specified under section 4 (a) and (b), that such qualifying person shall notify the Authority, in writing, if he intends to apply for a traditional cultivator's licence pursuant to the provisions of the Medicinal Cannabis Industry Act, and where he intends so to do, specify the proposed date of such application;
- (c) that the qualifying person shall not engage in the cultivation of cannabis during the amnesty period (save and except for the harvesting of said cannabis cultivated on or before the commencement of the amnesty period) and after the amnesty period, save and except under a licence issued under the Medicinal Cannabis Industry Act and failure to so comply shall constitute an offence under section 7 and 8 of the Drug (Prevention of Misuse) Act; and
- (d) such other conditions as the Minister may consider appropriate.

(2) For the avoidance of doubt, a person who intends to apply for a traditional cultivator's licence shall do so in accordance with the provisions of the Medicinal Cannabis Industry Act.

(3) The Authority shall, by notice published in the *Gazette*, establish guidelines to facilitate the transportation of cannabis under this Act and the storage of cannabis at designated places .

8. Notwithstanding any provision of the Drug (Prevention of Misuse) Act or any other relevant enactment, no criminal proceedings shall be taken against a qualifying person who complies with the provisions of this Act and the conditions of a traditional cultivation licence issued under this Act during the amnesty period.

R e l i e f

9. (1) The amnesty shall continue in force for the period or any further period from a date appointed by the Minister by Notice published in the *Gazette*.

Duration of Act

SCHEDULE FORM A**The Cannabis Cultivation (Amnesty) Bill, 2018**

Medicinal Cannabis Authority

Rivulet, St. Vincent and the Grenadines

Part I - THE QUALIFYING PERSON (Please complete fully in type or block letters)

- 1.1 Contact Details
- 1.2 Name and address of qualifying person
- 1.3 Postal address (if different from above)
- 1.4 Designated contact person
- 1.5 Telephone number

Part II - INFORMATION RELATING TO LAND

- 2.1 Please provide location of the Land upon which cannabis is cultivated
- 2.2 Provide the approximate acreage or square footage of the land where cannabis is cultivated and the number of cannabis plants under cultivation. (Please note that, cannabis plants cultivated subsequent to the commencement of the amnesty period will not be considered under this application.
- 2.3 If cannabis plants have been harvested prior to the commencement of the amnesty period, provide the date of harvesting and the amount harvested.
- 2.4 Does the qualifying person intend to apply for a licence under the Medicinal Cannabis Industry Act at the end of the amnesty period? [YES] [NO]

DECLARATION

All qualifying persons must sign this section for their application to be processed.

I, _____, declare that this form and all the attachments, statements, disclosures and supporting documents are true and correct to the best of my knowledge and belief. I further declare that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient to constitute an offence.

Signature

Date

FORM B
CERTIFICATE OF AMNESTY
CANNABIS CULTIVATION (AMNESTY) ACT
Certificate of amnesty

Registraton no. _____

This is to certify that pursuant to section 8 of the Cannabis Cultivation (Amnesty) Act (the Act) (Name of qualifying person) of (Address of qualifying person) has been granted amnesty for the amnesty period commencing....and ending..... And as a consequence is entitled to the relief specified in section 8 of the Act and may dispose of cannabis in his possession in the manner specified thereunder in keeping with the conditions set out below.

Conditions:

Dated this _____ day of _____, _____

Signed: _____

Minister of Legal Affairs

Passed in the House of Assembly this 11th day of December, 2018.

NICOLE HERBERT
Clerk of the House of Assembly.

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