

**SAINT VINCENT AND THE GRENADINES
CANNABIS CULTIVATION (AMNESTY) REGULATIONS, 2020**

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SAINT VINCENT AND THE GRENADINES

STATUTORY RULES AND ORDERS

2020 NO. 7

(Gazetted 3rd Mach, 2020)

IN EXERCISE of the powers conferred by section 3(5) of the Cannabis Cultivation (Amnesty) Act 2018, (No. 29 of 2018) the Minister makes the following Regulations:

CANNABIS CULTIVATION (AMNESTY) REGULATIONS, 2020**PART I****PRELIMINARY**

1. These Regulations may be cited as the Cannabis Cultivation (Amnesty) Regulations, 2020. **Citation**
2. In these Regulations unless the context otherwise requires – **Definitions**
 - “activity” means an activity approved in accordance with the terms and conditions of the certificate of amnesty;
 - “amnesty cannabis transaction” means any transaction, including the sale or purchase of cannabis, conducted in accordance with the Act and any subsidiary legislation made under the Act;
 - “amnesty holder” means a person who has been issued a certificate of amnesty in accordance with the Act;
 - “Authority” has the same meaning given in section 2 of the Medicinal Cannabis Industry Act 2018; **No. 28 of 2018**
 - “cannabis” has the same meaning given in section 2 of the Drugs (Prevention of Misuse) Act; **Cap. 284**
 - “designated place for storage” means an area designated by the Authority pursuant to section 7(3) of the Act for the storage of cannabis;

“designated place of collection” means a place designated by the Authority pursuant to section 7(3) of the Act for the collection of cannabis for the purposes of transportation and storage;

“security clearance” means the security clearance requirement mentioned in regulation 4.

PART II

GENERAL PROVISIONS

Supporting information for application

3. A person seeking to register with the Authority (“a qualifying person”) shall include with his application for a certificate of amnesty –

- (a) the additional information or document stipulated in Form 1 of the Schedule; and
- (b) any of the following documents –
 - (i) a certified copy of a valid piece of photo identification of the applicant, issued by the Government; or
 - (ii) a certified copy of the applicant’s passport showing details of the passport number, country of issue, expiry date and the applicant’s photograph.

Security clearance requirements

4. (1) A qualifying person may be required to submit to the Authority an application for security clearance.

(2) Where the Authority requires a qualifying person to satisfy a security clearance requirement the Authority shall give the person notice in writing in Form 1 of the Schedule.

(3) An application for security clearance shall be submitted to the Authority in Form 2 of the Schedule and shall give full particulars, in so far as is practicable, of all the details required to be stated in the form.

(4) There shall be affixed to the application a certified copy of the national identification card or passport, of the applicant, issued by the Government.

(5) A notice given under subregulation (2) shall be considered as a request for additional information pursuant to section 5 of the Act.

(6) On receipt of a completed application for a security clearance, the Authority shall conduct a due diligence check for the purpose of assessing, amongst other things –

- (a) whether the applicant poses a risk to the integrity of the supply of cannabis under the Act;
- (b) including the risk of cannabis being diverted to an illicit market or use.

(7) A certificate of amnesty may not be granted until the application for security clearance is approved.

5. (1) The Authority may issue a security clearance if in the opinion of the Authority it finds reliable and sufficient the –

**Issuance of
security
clearance**

- (a) information provided by the applicant; and
- (b) due diligence report.

(2) Where the Authority intends to refuse the issue of a security clearance, the Authority must notify the applicant in writing to that effect.

(3) A notice given pursuant to subregulation (2) shall set out the Authority's intention, provide the applicant with the reasons for the decision and fix a period of time within which the applicant may make written representations to the Authority.

(4) The period of time fixed by the Authority under subregulation (3) shall not be less than fourteen calendar days from the date on which the notice is served or sent to the applicant.

(5) The Authority shall not refuse to issue a security clearance until the written representations have been received and considered or before the period of time fixed in the notice has expired, whichever comes first.

(6) The Authority shall notify the applicant in writing of the final decision regarding the intention of the Authority to refuse to issue a security clearance.

6. The Authority shall establish a period of validity for a security clearance in accordance with the level of risk posed by the applicant, but that period shall not exceed two years.

**Validity of
security
clearance**

**Suspension or
cancellation of
s e c u r i t y
clearance**

7. (1) The Authority may suspend a security clearance on receipt of information that could change the Authority's decision to grant a security clearance.

(2) Immediately after suspending a security clearance, the Authority shall notify the holder of the security clearance in writing of the suspension.

(3) The notice under subregulation (2) shall set out the basis for the suspension and must fix a period of time within which the holder may make written representations to the Authority.

(4) The period of time under subregulation (3) shall commence on the day on which the notice is served or sent and shall be not less than fourteen calendar days.

(5) The Authority may reinstate the security clearance if the Authority determines that the holder of the security clearance may not pose an unacceptable risk to the integrity of the control of the supply of medicinal cannabis under the Act, including the risk of cannabis being diverted to an illicit market or use.

(6) The Authority may cancel a security clearance if the Authority determines that the holder of the security clearance may pose an unacceptable risk to the integrity of the control of the supply of cannabis under the Act, including the risk of cannabis being diverted to an illicit market or use.

(7) The Authority shall notify the holder in writing of the cancellation.

(8) A notice shall set out the basis for the Authority's intention and fix a period of time within which the applicant may make written representations to the Authority, and such period of time shall commence on the day on which the notice is served or sent which shall not be less than ten calendar days.

(9) The Authority shall not cancel the security clearance until the written representations have been received and considered or before the time period fixed in the notice referred to in that subsection has expired, whichever comes first.

**Submission
of new
application**

8. Where the Authority refuses to issue or cancels a security clearance, the person to whom the security clearance relates may submit a new application only if –

(a) a period of six months has elapsed after the day on which the refusal or cancellation occurs; and

- (b) a change has occurred in the circumstances that led to the refusal or cancellation.

9. (1) Upon the issuance of a certificate of amnesty, an amnesty holder shall designate –

**Designation
of person in
charge**

- (a) a person in charge to have overall responsibility for management of the cannabis operation carried out by the amnesty holder pursuant to the certificate of amnesty at the premises and such person may, if appropriate, be an amnesty holder; and
- (b) an alternate person in charge to work at the premises of the amnesty cannabis operation and to have responsibility for supervising the activities carried out pursuant to the certificate of amnesty and such person may, if appropriate, be the manager.

(2) An amnesty holder may designate one or more alternate persons in charge to work at the premises of his amnesty cannabis operation and the amnesty holder shall have authority to substitute an alternate person for the person in charge, when the person in charge is absent.

(3) The person in charge and if applicable, the alternate person in charge shall be familiar with the provisions of the Act, any subsidiary legislation made under the Act and the terms and conditions that apply to the certificate of amnesty held by the amnesty holder.

10. The Authority shall –

**Obligations of
the Authority**

- (a) upon granting a certificate of amnesty, transfer a copy of the certificate to the police;
- (b) notwithstanding sections 30 to 34 of the Medicinal Cannabis Industry Act, hold all fees received pursuant to the Cannabis Cultivation (Amnesty) Act in an escrow account established in the name of the Authority; and
- (c) after deducting any fee owed to the Authority, including amnesty transaction fees due by the licensee to the Authority, transfer the balance of the payment for the sale of the cannabis from the escrow account to the relevant amnesty holder within one month of the sale of the cannabis.

11. An amnesty holder may conduct an activity in relation to cannabis under these regulations only if –

**Obligations of
an amnesty
holder**

- (a) the Authority grants written permission to the amnesty holder; and
- (b) the amnesty holder conducts the activity in accordance with the provisions of the Act, the provisions of subsidiary legislation made under the Act and the terms and conditions of the certificate of amnesty.

**Permission to
conduct
cannabis
related activity**

12. (1) The Authority shall only consider the granting of permission to the amnesty holder to conduct an activity in relation to cannabis under these regulations if –

- (a) the terms and conditions of an agreement between the amnesty holder and a licensee are approved by the Authority prior to registration of the agreement; and
- (b) the amnesty holder provides proof of an executed agreement for the sale of cannabis, in the possession of the amnesty holder, to a licensee.

(2) An amnesty holder shall at all times have the physical certificate of amnesty in his possession while carrying out approved activities related to cannabis operations.

(3) An amnesty holder is not permitted to accept returns of any cannabis after transferring actual possession of the cannabis to a licensee approved by the Authority.

(4) An amnesty holder must provide the Authority with proof that he holds an account, to facilitate transfer of payments, at a financial institution approved by the Authority.

**Obligations of
a licensee**

13. (1) A licensee may conduct an activity in relation to cannabis under these Regulations only if the Authority grants written permission to the licensee.

(2) The Authority shall only consider the granting of permission to a licensee to conduct an activity in relation to cannabis under these Regulations if –

- (a) the licensee engages in scientific testing or research of cannabis pursuant to the Drugs (Prevention of Misuse) (Cannabis Scientific Testing) Order, 2018;
- (b) prior to the purchase of the cannabis from an amnesty holder, the licensee conducts scientific examination of the amnesty holder's cannabis and the results of the examination forms part of the description of the cannabis in the agreement;

No 14 of 2018

- (c) the terms and conditions of the agreement between the licensee and the amnesty holder is granted approval by the Authority prior to registration of the agreement;
- (d) the licensee deposits the agreed value of the cannabis in an escrow account in the name of the Authority prior to concluding the sale of the cannabis; and
- (e) the licensee covers the cost of facilitating the amnesty cannabis transaction set by the Authority and this payment must be deposited in the escrow account prior to concluding the sale of the cannabis.

PART III

GENERAL OPERATING STANDARDS AND RESTRICTIONS FOR DESIGNATED AREAS FOR CANNABIS OPERATIONS

14. In the circumstances where cannabis is to be surrendered by an amnesty holder, the following procedures shall be executed-

- (a) the amnesty holder must seek the approval of the Authority for the date of delivery of the cannabis to a designated place of collection;
- (b) the amnesty holder delivers the same quantity of cannabis, as stipulated in a report submitted pursuant to section 6 of the Act, to a designated place of collection;
- (c) the Authority acting on the report, contacts the police who will use standard police operating procedures to take possession of the cannabis at a designated place of collection;
- (d) the Authority and the police may seek assistance from an amnesty holder, a group of farmers, a farmer's representative group, or a security firm approved by the Authority in the execution of their duties;
- (e) upon the taking of possession of the cannabis, three inspectors, one of whom shall be a police officer, the amnesty holder and licensee shall transport the cannabis to a designated place for storage as approved by the Authority;
- (f) the inspectors, in the presence of the amnesty holder and the licensee shall ensure that the cannabis is –
 - (i) weighed;

**Requirements
for cannabis
material and
storage**

- (ii) labelled; and
- (iii) securely packaged;
- (g) the licensee and the amnesty holder must sign to certify that they accept the weight and code of the seal placed on the package.

**Reports of
accident, loss,
theft etc.**

15. (1) An amnesty holder transporting cannabis to a designated place of collection must –

- (a) report to the Authority and the police, immediately, any vehicular accident that occurs during the transportation of cannabis; and
- (b) report to the Authority and the police any loss or theft of cannabis that occurs during transportation, immediately after the amnesty holder becomes aware of the loss or theft.

(2) An amnesty holder shall report to the Authority and the police any loss, theft, destruction or otherwise of cannabis from the date of receipt of the certificate of amnesty to the delivery of the cannabis at a designated place of collection.

**Standards and
compliance
regulations for
licensee
No. 28 of 2018**

16. Any standards and compliance Regulations made pursuant to the Medicinal Cannabis Industry Act 2018, shall apply to all licensees engaged in the transportation, storage, manufacturing, research and export of cannabis obtained under the amnesty.

PART IV

OFFENCES

**Miscellaneous
offences**

17. (1) An applicant commits an offence if the applicant knowingly submits to the Authority false or misleading information in the application for a security clearance or the application for a certificate of amnesty.

(2) An applicant shall not continue any amnesty cannabis transaction if the security clearance of the applicant is refused, suspended or cancelled.

(3) A person who contravenes any provision of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding three thousand dollars or to a term of imprisonment not exceeding three months.

SCHEDULE

FORM 1

NOTICE TO FURNISH ADDITIONAL INFORMATION
By Authority of the Cannabis Cultivation (Amnesty) Act, (No. 29 of 2018)

<p>To^(a) _____</p> <p>Take notice that I, the undersigned, being duly authorised by section 5 of the Act, hereby request the following additional information or document:</p> <p>Tick ✓</p> <p><input type="checkbox"/> A security clearance application in Form 2 must be submitted with your application for a certificate of amnesty.</p> <p><input type="checkbox"/> Other documents or information:</p> <p>1. _____</p> <p>2. _____</p> <p>3. _____</p> <p>Reasons for the request:</p> <p>^(b) _____</p> <p>Given under my hand at Saint Vincent and the Grenadines the _____ day of _____ 20__.</p> <p align="center">^(c) _____ For the Authority</p>
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(a) Name of qualifying person

(b) Reason

(c) Signature and designation of the person giving this Notice

FORM 2	
APPLICATION FOR SECURITY CLEARANCE	
PART I. CONTACT DETAILS	
ALIAS AND DETAILS OF ANY NAME CHANGES:	
DATE OF BIRTH	
GENDER	
HEIGHT	
IDENTIFICATION NUMBER	
ADDRESSES DURING THE LAST YEAR	
EMAIL (OPTIONAL)	
STATEMENT BY APPLICANT	
<p>I, _____ declare that the contents in this form 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.</p> <p>Signature _____</p> <p>Date _____</p>	

Dated this 28th day of February, 2020.

DR. THE HON. RALPH E. GONSALVES
 Prime Minister and Minister of the Public
 Service, National Security, Legal Affairs and
 Grenadines Affairs.

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