

2 / 2003

9/17/2003

SAINT VINCENT AND THE GRENADINES

ACT NO. 2002

BILL FOR

AN ACT to provide for the monitoring and control of precursor chemicals and other chemical substances, used or capable of being used, in any type of illicit transaction involving narcotic drugs and psychotropic substances or other substances having a similar effect and other related matters.

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:

PART I

Preliminary

Short title.

1. This Act may be cited as the Precursor Chemicals Act, 2002.

Interpretation.

2. (1) In this Act

“authorised officer” means

- (a) an officer of the Customs and Excise Department;
- (b) any police officer;
- (c) a member of the Advisory Council on the Misuse of Drugs established under the Drugs (Prevention of Misuse) Act;
- (d) the chief medical officer in the Ministry of Health;
- (e) a Fisheries Officer, as defined in the Fisheries Act;

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#2/2003

SAINT VINCENT AND THE GRENADINES

PRECURSOR CHEMICALS ACT, 2002

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Functions of competent authority
4. Regulation of prescribed activity
5. Identification of specified chemical substances
6. Application for licence
7. Application for permit to export or import specified chemical substance
8. Grant or refusal of licence or permit
9. Non-transferability and validity of licence or permit
10. Grounds for refusal to grant permit or licence
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- (e) a Fisheries Officer, as defined in the Fisheries Act;

(f) any other person or class of persons designated by the Minister as an authorised officer for the purposes of this Act.

“central authority” means the Royal Saint Vincent and the Grenadines Police Force;

“competent authority” means the Ministry responsible for Health;

“customs transit” means the procedure where a specified chemical substance is transported under customs control from one customs office to another within the same customs territory or as an inter-territorial customs operation;

“distribution” means the transfer of a specified chemical substance from one person to another;

“export” with its grammatical variations and cognate expressions means to take or cause to be taken out of Saint Vincent and the Grenadines or its waters;

“import” with its grammatical variations and cognate expressions means to bring into or cause to be brought within Saint Vincent and the Grenadines or its waters, otherwise than in transit or by transshipment;

“in transit” includes any occasion on which any specified chemical substance remains on board an aircraft, a ship or any other form of transport;

“licensee” means the holder of a licence granted under this Act;

“manufacture” means the processes whereby precursor chemicals and other chemical substances are obtained, including the refining, formulating, preparing, mixing, compounding and transformation of the precursor chemicals and other chemical substances into other precursors or other products;

“other chemical substances” include substances such as solvents, reagents or catalysts that, although not precursors, can be used in the production, manufacture or preparation of narcotic drugs,

PART IV

Grant, Refusal, Suspension and Revocation of Licence or Permit

Application
for licence.

6. (1) A person who proposes to engage in a prescribed activity shall, subject to section 7, apply in the prescribed form and manner to the competent authority for a licence to engage in that activity.

(2) An application under subsection (1) shall be accompanied by the prescribed fee and any information or document that may be prescribed or that the competent authority may require.

(3) The competent authority shall, upon receipt of an application under subsection (1), cause to be carried out an inspection of the premises where the prescribed activity is to be carried out.

Application
for permit
to export
or import
specified
chemical
substance.

7. (1) A person who proposes to export or import a specified chemical substance shall, in addition to applying for a licence under section 6 (1), apply to the competent authority in the prescribed form for a permit to export or import the specified chemical substance.

(2) A separate application shall be made in respect of each specified chemical substance to be exported or imported.

(3) An application under subsection (1) shall be accompanied by the prescribed fee and any information or document that the competent authority may require.

Grant or
refusal of
licence or
permit.

8. (1) If an application is made under section 6 or 7 for a licence or permit, as the case may be, the competent authority may:

(a) subject to subsection (2), grant the licence or permit; or

(b) refuse to grant the licence or permit on any of the grounds specified in section 10.

(2) The competent authority may impose conditions as it considers necessary on the grant of a licence or permit.

psychotropic substances or other substances having similar effects;

“precursor chemical” means any substance which

- (a) can be used in any of the chemical processes involved in the production, manufacture or preparation of narcotic drugs, psychotropic substances or substances having a similar effect; and
- (b) incorporates its molecular structure into the final product making it essential for those processes;

“preparation” means the process and result of obtaining precursors, other chemical substances, narcotic drugs, psychotropic substances or other substances having a similar effect;

“prescribed activity” means

- (a) in relation to precursor chemicals, the production, manufacture, preparation, distribution, importation or exportation of any of these chemicals;
- (b) in relation to other chemical substances, the importation, manufacture or exportation of any of these chemical substances in significant quantities;

“production” includes the extraction of precursors from natural organisms;

“specified chemical substance” means

Table 1
Schedule 1

- (a) a precursor chemical listed in Table 1 of Schedule 1;

Table 2
Schedule 1

- (b) any other chemical substance listed in Table 2 of Schedule 1;

“transshipment” includes the customs procedures where

precursors or other chemical substances are transported under the control of customs from one customs office to another within the same customs territory or as an inter-territorial customs operation.

- (2) For the purposes of this Act
- (a) any person acting in aid of an authorised officer acting in the execution of his office or duty shall be deemed to be an authorised officer acting in the execution of his office or duty;
 - (b) an amount of a chemical substance shall be regarded as a significant quantity if the use to which it is put exceeds the quantity that the Minister may by order prescribe in relation to the use of that specified chemical substance.

PART II

Administration

Functions of
competent
authority.

3. For the purposes of this Act, the competent authority shall perform the following functions:

- (a) carry out the monitoring, control and investigation of any prescribed activity;
- (b) advise the Minister generally on, and keep under review, matters of policy relating to specified chemical substances that are being or appear likely to be, misused;
- (c) take such steps as are necessary to ensure the application of a surveillance system on any movement of specified chemical substances into or out of Saint Vincent and the Grenadines;
- (d) grant licences in respect of any prescribed activity;
- (e) grant export or import permits in respect of any specified chemical substance;

- (f) assist in
 - (i) promoting public awareness of the potential illicit use of specified chemical substances in the manufacture of narcotic drugs and psychotropic substances or other substances having a similar effect; and
 - (ii) fostering understanding of the control and monitoring of these substances; and
- (g) other functions pertaining to the monitoring and control of specified chemical substances as may, from time to time, be assigned to it by the Minister.

PART III

Monitoring and Control of Specified Chemical Substances

Regulation
of prescribed
activity.

4. A person shall not engage in any prescribed activity except under and in accordance with the provisions of this Act and any Regulations made under it.

Identification
of specified
chemical
substances.

5. (1) Subject to subsection (2), all specified chemical substances imported into Saint Vincent and the Grenadines shall be identified by the names and digital classification under which they are listed in the Harmonized Commodity Description and Coding System and the names and digital classification shall also be used in statistical records and documents pertaining to the importation, exportation, transit and transshipment of the specified chemical substances.

(2) If the names and digital classification mentioned in subsection (1) are not available, the specified chemical substances imported into Saint Vincent and the Grenadines shall be identified by their scientific names.

- (3) If the competent authority refuses to grant a licence or permit under subsection (1), it shall inform the applicant in writing of the refusal, stating the reasons for its decision.

Non-trans-ferability and validity of licence or permit.

9. (1) A licence or permit granted under section 8(1) shall not be transferable and shall be valid for the period specified in the licence or permit.

(2) A separate permit shall be granted in respect of each specified chemical substance to which an application relates and each permit shall be valid for one shipment only.

Grounds for refusal to grant licence or permit.

10. The competent authority shall refuse to grant a licence or permit under this Act:

- (a) where the issue of the licence or permit would not be in the public interest;
- (b) where an application contains or is based on a false or misleading representation or information that is false in a material particular;
- (c) to an individual who
 - (i) is under the age of eighteen years;
 - (ii) is an undischarged bankrupt;
 - (iii) has, during a period of ten years immediately preceding the application, been convicted of an offence prescribed by the Minister (in this section referred to as a prescribed offence);
- (d) to a body corporate
 - (i) in respect of which a resolution has been passed for voluntary winding up or an order for winding up has been made by a court of competent jurisdiction;
 - (ii) if a receiver has been appointed to manage any of its assets;

to furnish him, within fourteen days, with a statement in writing setting out the reasons for its decision and he shall submit the statement to an appeal tribunal appointed by him to adjudicate on the matter.

(5) The tribunal shall consist of one or more persons but not more than three persons.

(6) The qualification for and terms of service of a member of the tribunal shall be determined by Cabinet.

(7) The tribunal may regulate its own procedure.

(8) The Minister may order that any book, paper, document or statement relating to the appeal that is in the possession of the appellant or the competent authority be produced at the hearing of the appeal.

(9) The Minister shall cause all parties to the appeal to be informed:

- (a) of the date of the hearing of the appeal;
- (b) that they may appear in person or by their representatives; and
- (c) that they may summon witnesses in their cause.

(10) The tribunal may, after conducting such inquiry as it considers appropriate, make a determination on the matter, and without prejudice to the right of an aggrieved party to the appeal to apply to the High Court for relief, every decision of the tribunal shall be final.

PART V

Registers

Register to be kept by competent authority.

15. The competent authority shall keep a register or registers in which shall be entered particulars as may be prescribed.

Records and register to be kept by licensee or holder of

16. (1) A licensee or holder of a permit granted under section (8) (1) shall keep or cause to be kept, a register containing the particulars set out in Schedule 2.

(2) An entry contained in a register referred to in

- (iii) if that body corporate or any of its directors has been convicted of a prescribed offence during a period of ten years immediately preceding the application;
- (e) if, in the opinion of the competent authority, the applicant is not a fit and proper person to be granted a licence or permit; or
- (f) where there are inappropriate or insufficient security arrangements at the premises or place where a prescribed activity is to be carried out.

Restriction
on grant
of permit.

11. The competent authority shall not issue a permit retrospectively.

Suspension
of licence.

12. (1) The competent authority may suspend a licence for a breach of any provision of this Act or any Regulations made under it or of any condition subject to which the licence is granted.

(2) Where the competent authority suspends a licence it shall notify the licensee in writing

- (a) stating the breach that gave rise to the suspension;
- (b) requiring the holder of the licence to remedy the breach within the time specified in the notice; and
- (c) stating that the licence is to be returned within a specified time to the competent authority.

(3) The licensee may, upon remedying the breach, inform the competent authority which shall, if it is satisfied that the breach is remedied, forthwith return the licence to the licensee.

Revocation
of licence
or permit.

13. (1) The competent authority may, subject to subsection

(2):

- (a) revoke a licence or permit if it is satisfied that

- (i) the application for the licence or permit contained any false or misleading information in any material particular; or
- (ii) changes in circumstances have occurred that justify the revocation:

(b) revoke a licence if

- (i) the licensee has failed to comply with a notice under section 12 (2) requiring the licensee to remedy the breach specified in that notice within the time specified; or
- (ii) a change has occurred in the security arrangements implemented at the premises on which a prescribed activity is carried out, including a change in the persons who supervise the carrying out of the prescribed activity.

(2) The competent authority shall, before revoking a licence or permit, inform the licensee or the holder of the permit of the reason for the proposed revocation and shall afford the licensee or holder of the permit an opportunity to show cause why the licence or permit should not be revoked.

Appeals.

14. (1) A person who is aggrieved by the decision of the competent authority to refuse to grant a licence, to revoke a licence, or permit, or to suspend a licence, may appeal in writing to the Minister within fourteen days of the date of notification of the decision.

(2) The appeal shall set out clearly the grounds of the appeal and shall be accompanied by copies of any correspondence, documents or statements relevant to the appeal.

(3) A copy of the appeal together with copies of any correspondence, document or statement shall be served on the competent authority.

(4) The Minister shall, within fourteen days of the receipt of an appeal under subsection (1), request the competent authority

permit.
Schedule 2.

subsection (1) shall be duly amended on the authority of the competent authority.

(3) The register and all books, records or other documents relating to entries in the register shall be kept for a period of at least five years after the end of the calendar year of the last entry in the register.

(4) The register shall be open to inspection by the competent authority and the central authority at all reasonable times.

PART VI

Commercial Documents and Security

Notification
of changes,
etc.

17. (1) If, in relation to any licence or permit granted to any person pursuant to section (8) (1), a change occurs in relation to any matter which may be prescribed pursuant to section 40 (1) (o), the person shall, within fourteen days of the change, give notice in writing to the competent authority containing full particulars of the change and shall, if requested by the competent authority, return the licence or permit to the competent authority.

(2) The competent authority shall submit a copy of the notice to the central authority within seven days of receipt of the notice.

Commercial
documents.

18. A commercial document, including an invoice, cargo manifest or a customs, transport and other shipping document, relating to any prescribed activity involving a specified chemical substance shall include:

Schedule 1.

- (a) the name of that substance as listed in Schedule 1;
- (b) the names and business addresses of the exporter, the importer and the supplier; and
- (c) the registration number of the vehicle used in transporting the specified chemical substance.

Forwarding
of import permit
to exporter.

19. If the competent authority issues an import permit under section 8 (1), the importer shall, as soon as possible after its receipt, forward a copy of the permit to the exporter named in the permit.

Endorsement
and return
of export
permits
following
import.

20. (1) Within fourteen days after the entry into Saint Vincent and the Grenadines of a consignment to which the import permit relates, the competent authority shall cause a copy of the relevant document to be returned to the appropriate authority in the exporting country with an endorsement specifying the quantity of each specified chemical substance actually imported.

(2) In subsection (1) "relevant document" means a document issued by the Government of the exporting country or territory permitting the export of the specified chemical substance.

Seizure
and
detention of
improperly
documented
consignments.

21. (1) Where in relation to the import of a specified chemical substance to which this Act relates:

- (a) the competent authority has reasonable grounds to believe that the import permit has been obtained by fraud or willful misinterpretation of a material particular; or
- (b) the competent authority has not issued an import permit for the specified chemical substance or has not received a copy of the export permit issued by the competent authority in the country from which the specified chemical substance is exported to Saint Vincent and the Grenadines,

the Comptroller of Customs and Excise shall detain the consignment until the integrity of the consignment is certified by the competent authority.

(2) Where pursuant to subsection (1), the competent authority:

- (a) certifies the integrity of a consignment, the Comptroller of Customs and Excise shall forthwith release the consignment to the person lawfully entitled to it, if the appropriate duty is paid; or
 - (b) is unable to certify the integrity of any consignment, the Comptroller of Customs and Excise shall seize the consignment and forthwith forward it to the competent authority.
- (3) The competent authority shall, on receipt of a specified chemical substance which is seized

pursuant to subsection (2) (b), dispose of that substance in the prescribed manner.

Storage and delivery following import

Act No. 14 of 1999

22. A specified chemical substance shall:
- (a) on importation, be kept at a customs warehouse at the expense of the importer; and
 - (b) be delivered or taken from the customs warehouse only on production of a customs release under the Customs (Control and Management) Act by a person authorised in that behalf.

PART VII

Offences and Penalties

Unlawfully engaging in prescribed activity.

23. (1) A person who engages in any prescribed activity without a licence issued under this Act or exports or imports any specified chemical substance without a permit issued, commits an offence and is liable:
- (a) upon summary conviction to a fine not exceeding ~~two~~ ¹ thousand dollars or to imprisonment for a term not exceeding one year; or
 - (b) upon conviction on indictment to a fine not exceeding eight thousand dollars or to imprisonment for a term not exceeding four years.
- (2) A person commits an offence if he:
- (a) engages in any prescribed activity involving any specified chemical substance knowing that the substance is intended to be used in any type of illicit transaction involving narcotic drugs and psychotropic substances or other substances having a similar effect; or
 - (b) knowingly organizes, manages or finances any activity referred to in paragraph (a).

(3) A person who commits an offence under subsection (2) is liable:

- (a) upon summary conviction to a fine of five thousand dollars and to imprisonment for three years; or
- (b) upon conviction on indictment to a fine of eleven thousand dollars and to imprisonment for five years.

Unlawful possession of specified chemical substance.

24. A person who has in his possession contrary to the provisions of this Act, any specified chemical substance commits an offence and is liable:

- (a) upon summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year; or
- (b) upon conviction on indictment to a fine not exceeding eleven thousand dollars and to imprisonment for a term not exceeding five years.

Using postal service to transport specified chemical substance.

25. (1) Except as otherwise specifically provided, a person commits an offence if he:

- (a) encloses in or with any letter, parcel, packet or other matter sent by post, any specified chemical substance; or
- (b) uses any mail bag or mail van, aircraft, vessel or other conveyance used for the carrying of mail for the transportation of any specified chemical substance.

(2) A person who commits an offence under this section is liable:

- (a) upon summary conviction to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding two years;

- (b) upon conviction on indictment to a fine not exceeding nine thousand dollars or to imprisonment for a term not exceeding four years.

(3) In any prosecution under this section, an affidavit of the postmaster or assistant postmaster in charge of any post office at which any specified chemical substance was mailed, or to or through which it was sent by mail, is sufficient proof of the fact that the specified chemical substance was enclosed in or with any letter, packet or other mailable matter sent by post or was put into, transmitted through or received at such post office.

Making false or misleading statements.

26. (1) A person commits an offence if :

- (a) for the purposes of obtaining, whether for himself or for any other person, the issue or grant of a licence or permit under this Act, he makes any declaration or statement which is false or misleading in any particular;
- (b) he furnishes to an authorized officer or other person performing a duty in relation to this Act, a document which, to his knowledge, contains information that is false, inaccurate or misleading in any particular;
- (c) he knowingly utters, produces, or makes use of a declaration or statement or a document, including any record or entry in a register, containing any false declaration or statement;
- (d) he falsifies, obtains by fraud or amends without authority, any information contained in a register, licence or permit; or
- (e) he fails to make a report, or falsifies any report required pursuant to this Act.

(2) A person who commits an offence under this section is liable upon summary conviction to a fine of five hundred dollars or to imprisonment for a term not exceeding six months.

Offence
in relation
to supply
or acquisition
of specified
chemical
substance.

27. (1) A person who is granted a licence or permit under section 8 (1) shall not supply to or acquire from another person any specified chemical substance unless that other person is also the holder of a licence or permit, as the case may be.

(2) A person who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months.

Aiding and
abetting.

28. (1) A person commits an offence if, in Saint Vincent and the Grenadines, he:

(a) aids, abets, counsels or procures, the commission of an offence against this Act;

(b) procures the commission at any place outside of Saint Vincent and the Grenadines, or participates in or conspires to commit any offence punishable under the provisions of any corresponding law in force in that place; or

(c) does any act preparatory to or in furtherance of any act which, if committed in Saint Vincent and the Grenadines, would constitute an offence against this Act.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year.

Threatening,
etc.
authorised
officer.

29. A person who threatens, assaults or obstructs an authorised officer acting in the execution of his duties under this Act commits an offence and is liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months.

Failure
to keep
records
etc.

30. A person who fails to keep a register, records or other documents required by this Act to be kept commits an offence and is liable on summary conviction to a fine of two hundred dollars or to imprisonment for six months.

Presumption
as to
manufacturer

31. In any prosecution for an offence against this Act, proof that a package containing any article to which this Act applies bears a name or address purporting to be that of the person by whom it was

or packager. manufactured or packaged is, in the absence of evidence to the contrary, proof that the article was manufactured or packaged, as the case may be, by the person whose name and address appears on the package.

Presumption relating to samples. 32. If, in any prosecution for an offence against this Act, it is proved that a sample which was taken from any specified chemical substance possesses particular properties, it shall be presumed, until the contrary is proven, that the whole of that substance possesses the same properties.

Offence by body corporate. 33. If a body corporate commits an offence under this Act or its Regulations and it is proved that the offence was committed with the consent or connivance of, or is attributable to negligence on the part of any director, manager, secretary or other officer of the body corporate, the director, manager, secretary or other officer of the body corporate as well as the body corporate shall be liable to be proceeded against and punished accordingly.

PART VIII

Enforcement

Powers of entry, inspection and seizure. 34. (1) For the purposes of this Act, an authorised officer may, at all reasonable times during business hours, enter the business premises of any licensee or any person reasonably suspected of being engaged in a prescribed activity involving any specified chemical substance and inspect any substance, its labeling and storage, and any book, document, permit, certificate or record or things found thereon.

(2) An authorised officer may, during the course of an inspection pursuant to subsection (1):

- (a) seize and detain any specified chemical substance found on the premises that he reasonably believes is being used in contravention of any provision of this Act; and
- (b) take samples of any substance found on the premises in order to determine the type of substance.

(3) If a specified chemical substance is seized and detained under subsection (2) (a), the authorised officer must store or cause the substance to be stored in the prescribed manner, and the substance must be disposed of in the prescribed manner.

Seizure
and
detention
of vehicles,
etc.

35. (1) If an authorised officer has reasonable cause to suspect that any vehicle, aircraft, vessel, article, enclosure, container or other storage facility, device or apparatus (in this Part referred to as “specified equipment”) is being used or has been used in the commission of an offence against this Act, the authorised officer may, without warrant, search the specified equipment, and if the search reveals evidence that the specified equipment is being used or has been used for the commission of any such offence, the authorised officer may seize and detain the equipment.

(2) If specified equipment is seized pursuant to this section and:

- (a) a person is convicted of an offence against this Act; and
- (b) the Court is satisfied that
 - (i) the person owns the specified equipment used in the commission of the offence; or
 - (ii) the owner of the specified equipment permitted it to be used in the commission of an offence; and
 - (iii) under the circumstances it is just to do so,

the Court shall, upon the application of the Director of Public Prosecutions, order the forfeiture of the specified equipment.

(3) On the application of the Director of Public Prosecutions, the Court may, notwithstanding that the conditions mentioned in subsection (2) have not been satisfied, order the forfeiture of the specified equipment if the Court is satisfied that

- (a) the specified equipment has been abandoned; or
- (b) the circumstances in which the specified

equipment was seized give reasonable cause to suspect that the specified equipment was being used or had been used for the purpose of committing an offence against this Act.

(4) If the Director of Public Prosecutions proposes to apply for forfeiture of any specified equipment under subsection (3), he shall give to any person who, to his knowledge, was the owner of the specified equipment at the time of the seizure, notice of :

- (a) the seizure;
- (b) the intention, after the expiration of thirty days from the date of the notice, to apply for forfeiture of the specified equipment; and
- (c) the grounds for his intention.

(5) If the Director of Public Prosecutions proposes to apply for forfeiture of any specified equipment under sub-section (3) he shall not be required to give notice if the seizure was made in the presence of the owner or a servant or agent but if the seizure was not so made he must give to the person who, to his knowledge, was the owner of the specified equipment at the time of the seizure, notice.

(6) A person having a claim to any specified equipment seized under this section may appear before the Court on the hearing of the application and show cause why an order for forfeiture should not be made.

(7) If, on the hearing of an application pursuant to subsection (3), no person appears before the Court to show cause as mentioned in that subsection, the Court shall presume that the specified equipment has been abandoned.

(8) If, upon the application of any person prejudiced by an order made by the Court under subsection (2) or (3), the Court is satisfied that it is just to revoke that order, the Court may revoke it upon the terms and conditions it considers appropriate, and, without prejudice to the generality of the foregoing, shall require the person to pay in respect of storage, maintenance, administrative expenses, security and insurance of the specified equipment, the charge that shall be imposed by the appropriate government agency and approved by the Court, not exceeding one and a half times the value of the specified equipment as determined by the Court.

(9) An application to the Court under subsection (8) for the revocation of an order shall be made within thirty days of the date of the order or a longer period, not exceeding six months from that date, as the Court may allow.

Arrest
without
warrant.

36. (1) An authorised officer may, without warrant, arrest any person if the authorised officer has reasonable grounds to believe that the person has committed or is committing an offence against this Act.

(2) Upon making an arrest under subsection (1), an authorised officer shall produce his identification card to that person for inspection unless it is not reasonably practicable to do so.

(3) An authorised officer shall immediately bring or cause a person arrested under subsection (1) to be brought to the nearest police station.

Search
warrant.

37. (1) If a magistrate is satisfied by information on oath by an authorised officer that there are reasonable grounds for suspecting:

- (a) that there is in the possession or under the control of any person on any premises in contravention of the provisions of this Act or of any Regulations made under it
 - (i) any specified chemical substance to which this Act applies;
 - (ii) any document directly or indirectly relating to or connected with any transaction or dealing in any specified chemical substance which, if carried out would be an offence against this Act; or
 - (iii) any document relating to a transaction or dealing carried out or intended to be carried out in any place outside of Saint Vincent and the Grenadines which would be an offence against the provisions of any corresponding law in force in that place; or

- (b) that an offence against this Act has been committed on any premises in relation to any specified chemical substance,

the Magistrate may grant a search warrant in accordance with subsection (2).

(2) A warrant referred to in subsection (1) shall authorise the authorised officer named in the warrant, at any time within one month from the date of the warrant, to:

- (a) enter the premises mentioned in subsection (1), if need be by force, and seize and detain any document mentioned in that subsection or specified chemical substance; or
- (b) detain anything that the authorised officer believes, on reasonable grounds, will afford evidence as to the commission of a criminal offence.

PART IX

General

Power to
limit
stock.

38. (1) On or before the prescribed date in each year, the Minister shall determine the maximum quantities of each specified chemical substance that may be manufactured or kept as stock by each person to whom a licence or permit is granted under this Act in the conduct of that person's business during the following year.

(2) The Minister may, on an application made by a person to whom a permit is granted, amend any quota determined pursuant to subsection (1) and any amendment shall be forthwith notified in writing to each person to whom a permit is granted.

Amendment
of Schedules.

39. (1) The Minister may, by order

- (a) amend Schedule 1 by adding substances to Table 1 or 2 as the case may require, and by deleting from the Schedule any substance, the inclusion or exclusion of which is deemed by him to be necessary in the public interest; and

(b) amend Schedule 2.

Schedule
1.

(2) If Schedule 1 is amended pursuant to subsection (1), a report of the amendment shall be made to persons or organizations as may be prescribed.

Regulations.

40. (1) The Minister may make Regulations for the purposes of giving effect to the provisions of this Act, and in particular, but without prejudice to the generality of the foregoing, the Regulations may contain provisions in relation to the following:

- (a) adoption of international standards and recommended practices for the monitoring, control and storage of specified chemical substances;
- (b) the form of application for a licence or permit under this Act;
- (c) fees payable in respect of any licence or permit;
- (d) requiring the keeping of records and the furnishing of information with respect to specified chemical substances;
- (e) the inspection of records kept pursuant to the Regulations;
- (f) standards of composition, strength, concentration, potency, purity or quality or any other property of any specified chemical substance;
- (g) methods of production, preservation, testing, packaging or storage of any specified chemical substance;
- (h) the premises, processes or conditions for the manufacture, sale or supply of any specified chemical substance;
- (i) qualifications of persons engaged in the production, preservation, testing, packaging,

storage, selling, supplying or otherwise dealing in any specified chemical substance;

- (j) labelling, packaging, size, dimensions, fill and other specifications of packages, and the transportation, delivery, sale, supply or other dealing in any specified chemical substance;
- (k) powers and duties of authorised officers in relation to the enforcement of this Act;
- (l) detention and disposal of any specified chemical substance;
- (m) taking of samples of a specified chemical substance;
- (n) the exemption, or the terms and conditions as may be specified, of any person or class of persons or any specified chemical substance from the application of all or any of the provisions of this Act; and
- (o) any other matter required by this Act to be prescribed.

(2) Regulations made under subsection (1) (b) may require:

- (a) the notification of the proposed exportation of specified chemical substances to any countries as may be specified in the Regulations; and
- (b) the production, in the circumstances that may be so specified, of evidence that the required notification has been given.

(3) Regulations made under this section may make different provisions in relation to specified chemical substances and in relation to different cases or circumstances.

(4) A person who fails to comply with any requirement imposed by the Regulations or, in purported compliance with any requirement, furnishes information that he knows to be false in a material particular or recklessly furnishes information that is false in a material particular, commits an offence and is liable:

- (a) on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding two years;
- (b) on conviction on indictment to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding five years.

(5) No information obtained pursuant to the Regulations shall be disclosed except for the purposes of criminal proceedings or of proceedings under the Drugs (Prevention of Misuse) Act and the Proceeds of Crime and Money Laundering (Prevention) Act relating to the confiscation of the proceeds of drug trafficking.

SCHEDULE 1

(sections 2 and 18)

Specified Chemical Substances

TABLE 1. Precursor Chemicals

HS	Name	Synonyms
29 1430 293290	1-Phenyl-2 Propanone 3, 4-Methylenedioxyphenyl I-2 propanone	
292429 293940	N-acetylanthranilic acid and its salts Phenylpropanolamine its salts, optical isomers, and salts of its optical isomers salts	
293290	Isosafrole and its optical isomers	1, 2-Methylenedioxi- 4 propenylbenzene
293290	Safrole	Allylcatechol Meth- ylene Ether
293960 293940	Lysergic Acid Ephedrine, its salts, optical isomers, and salts of its optical isomers	
293960	Ergometrine and its salts	Ergonovine and its salts
293960	Ergotamine and its salts	Ergonovine and its salts
293990	Piperonal	Piperonylaldehyde
293940	Pseudoephedrine, its salts, optical isomers and salts of its optical isomers.	

TABLE 2. Other Chemical Substances

HS	Name	Synonyms
292249	0-aminobenzoic and its salts	Anthranilic Acid and its salts
280610	Hydrochloric Acid	Muriatic Acid Hydrogen Chloride
280700	Sulfuric Acid	Hydrogen Sulfate
281420	Ammonia (anhydrous or in aqueous solution)	

281520	Potassium Hydroxide	Caustic Potash
281511	Sodium Hydroxide	Caustic Soda
283230	Sodium Sulfate	Disodium sulfate
283640	Potassium Carbonate	Potash
283620	Sodium Carbonate	Soda Ash, Washing Soda
284160	Potassium Permanganate	
290110	Hexane	N-Hexane
290220	Benzene	
290230	Toluene	Methylbenzene
29024 1	Xylenes	o-Xylenes, m-Xylenes, p-Xylenes
290312	Methylene Chloride	Dichloro-methane
290911	Ethyl Ether	Sulfuric Ether, Ethyl Oxide, Diethyl Ether
291411	Acetone	Propane
291412	Methyl Ethyl Ketone	Butanone
291413	Methyl Isobutyl Ketone	Isopropilacetone
291521	Acetic Acid	Acetic Ether, Acetic Acid, Ethyl Ester.
291524	Acetic Anhydride	
291531	Ethyl Acetate	
291633	Phenlacetic Acid and its salts	
293339	Piperidine	
	Isopropyl Alcohol	

SCHEDULE 2

(section 16)

Information to be included in register kept by the holder of a licence or permit

1. In the case of a natural person, the full name and private address of the holder of a permit or licence, or if the holder is a company, the full name and address and residential address of each director.
2. The date of grant of the permit or licence.
3. The name of every precursor chemical or other chemical substance, popular name and digital classification under which it is listed in the Harmonized Commodity Description and Coding System (HS).
4. The main activities being conducted by the holder of the permit or licence.
5. The amount of any precursor chemical or other chemical substance produced, manufactured or prepared.
6. The amount of any precursor chemical or other chemical substance received from another person or body.
7. The amount of any precursor chemical or other chemical substance imported.
8. The amount of any precursor chemical or other chemical substance used to manufacture or prepare other products.
9. The amount of any precursor chemical or other chemical substance distributed internally.
10. The amount of any precursor chemical or other chemical substance exported.
11. The quantity of existing stock.
12. The amount of any precursor chemical or other chemical substance lost through accident, pilferage or other means.
13. Transactions referred to in paragraphs 4, 5, 6 and 7 shall include the following information.
 - (a) the date of the transaction;
 - (b) the name, address, and registration number of each party to the transaction and of the final consignee if not one of those parties;
 - (c) the name, amount and form of presentation of the precursor chemical

or other chemical substance; and

(d) the means of transportation and identification of the transport.

Passed in the House of Assembly this day of 2002.

Clerk, House of Assembly

OBJECTS AND REASONS

The object of this bill is to provide for the monitoring and control of precursor chemicals and other chemical substances, used or capable of being used, in any type of illicit transaction involving narcotic drugs and psychotropic substances, or other substances having a similar effect.

Part I defines terms used in the Bill.

Part II provides the administrative scheme to ensure compliance with the Bill.

Part III sets out the mechanism for the monitoring and control of specified chemical substances.

Part IV covers issues of the grant, refusals, suspension and revocation of a licence or permit.

Part V provides for the keeping of registers.

Part VI governs issues of commercial documents relating to precursor chemicals and their safety.

Part VII provides for offences and penalties.

Part VIII governs the procedures for enforcement of the requirements of the Bill.

Part IX makes general provisions, example the power to amend the schedules or to make regulations.

Dr. Douglas Slater
Minister of Health
and the Environment