

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) ACT (THE ACT) PROVIDES HEAVY PENALTIES FOR A LARGE NUMBER OF OFFENCES CONNECTED WITH THE POSSESSION OF, TRAFFICKING IN, AND GROWING OF NARCOTIC DRUGS (NARCOTICS). THERE ARE MANY KINDS OF NARCOTICS, INCLUDING OPIUM, HEROIN, COCAINE AND CANNABIS.



POLICE POWERS

* **You can be arrested without a warrant** by any police officer who reasonably suspects that you have committed, attempted to commit or are about to commit any offence under the Act.

* **You can be stopped and searched** by any police officer who reasonably suspects you of being in possession of a narcotic.

* **Your car or other means of transport and any person in it can be stopped and searched** by any police officer who reasonably suspects that it is being used to commit any offence under the Act.

* **The police can obtain a warrant to search your home or other property and everyone in it or who has just left** if they reasonably suspect that evidence of dealings in narcotics can be found there. The search can be carried out by the police officer named in the warrant with such help as he/she thinks reasonable at any time or times within a month from the date of the warrant.
Reasonable force can be used.

* **The police can seize any narcotics and any property** (e.g. your car) which is thought to be evidence of an offence under the Act.

* **Evidence can be admitted in court even if it was obtained during an illegal search or by a trick.**

* Any police officer can by him/herself or with such help as in his/her opinion is reasonable, **enter and inspect land without a warrant** if he/she reasonably believes that it was or is being or is about to be used to grow cannabis, coca plant or any other prohibited plant.

* A warrant can be obtained to search for any property which can be forfeited (see below).

POWERS OF CUSTOMS OFFICERS AND ENFORCEMENT OFFICERS

Customs officers who have been authorised in writing by the Comptroller of Customs to be members of the Customs Anti Narcotics Unit have the same powers and functions as police officers under the Narcotic Drugs and Psychotropic Substances (Control) Act.

In relation to the enforcement of the Act on ships and on the high seas, enforcement officers who can be police officers, officers of the Coast Guard, officers authorised by the Comptroller of Customs or any other designated persons with responsibility for national security are authorised to:

- (1) stop and board any ship, require any ship to be taken to a port in Guyana and detain it there or have it taken to another designated country;
- (2) search the ship or anyone on it and anything on it including its cargo.
- (3) require anyone on the ship to give information concerning himself/herself or anything on the ship;
- (4) open containers;
- (5) make tests and take samples of anything on the ship;
- (6) require the production of documents, books or records relating to the ship or anything on it; and
- (7) take photographs or copies of anything produced in compliance with such request.

The enforcement officer **must give the master of the ship notice in writing stating that the ship is being detained until such time as the notice is withdrawn.**

The enforcement officer shall, if required, produce evidence of his authority to perform his functions.

An enforcement officer can arrest without warrant anyone who he has reasonable grounds for suspecting to be guilty of an offence and seize and detain anything which appears to be evidence of an offence.

An enforcement officer may use reasonable force, if necessary, in the performance of his functions.

N.B. You can only be searched by a person of the same sex as yourself.

OFFENCES (Maximum penalties on conviction in the High Court are given).

1. If you **smoke, inhale, sniff or otherwise use opium, cannabis, heroin or cocaine** or are found in **possession of any utensil** connected with the use of these narcotics or are **found without reasonable excuse in any place** where persons are known to use the narcotics or **allow property which you own, occupy or manage** to be used in connection with the use of trafficking in narcotics you can be **fined \$10,000 and imprisoned for 10 years.**
2.
 - (a) If you are found in **possession** of narcotics you can be **fined not less than \$10,000 or 3 times the value of the drug, whichever is greater, and imprisoned for 10 years.**
 - (b) If you are found in **possession in or near a school** or anywhere else where persons under 18 years old are likely to be, you can be **fined not less than \$25,000 or 3 times the value of the drug, whichever is greater, and imprisoned for life.**
3. If you **traffic** in narcotics (i.e. import, export, make, sell, supply, administer or deliver narcotics without a licence) you can be **fined not less than \$25,000 or 3 times the value of the drug whichever is greater, and imprisoned for life. If you are found in possession of more than the small amounts of narcotics specified in the Act it will be up to you to prove that your possession was not for the purpose of trafficking.**

4. If you are found **responsible for the death of a person under 18 years old** as a result of his/her use of a **narcotic** you can be **sentenced to death**. If you are found to be one of several persons who has been responsible for an under 18 year old using narcotics within 3 months of his/her death you can be **sentenced to death**.
5. If you **take a narcotic into or out of prison** you can be **fined not less than \$10,000 or 3 times the value of the drug, whichever is greater, and imprisoned for 10 years**. Your land or your right to occupy it and all machinery, equipment and other things used in connection with the cultivation will be **forfeited to the State**. If you find out that a prohibited plant is being or is about to be grown on property over which you have any rights and do not promptly inform the police it will be up to you to prove that you did not agree to what was going on.
6. If you **handle anything containing a narcotic** you can be **fined \$5,000 and imprisoned for 3 years, unless the handling was in connection with trafficking, in which case you can be fined not less than \$25,000 or 3 times the value of the drug, whichever is greater, and imprisoned for life**.
7. If you **send any narcotic by post** you can be **fined \$25,000 and imprisoned for 3 years**.
8. If you **bring into or send to Guyana any narcotic** you can be **fined not less than \$10,000 or 3 times the value of the drug, whichever is greater, and imprisoned for 10 years**.
9. If you **obstruct any police officer in the execution of his/her duties or in any other way attempt to defeat the course of justice under the Act** you can be **fined not less than \$7,000 and imprisoned for 5 years**.
10. If you **fail to give any information or document required for the purposes of the Act or give false information** you can be **fined not less than \$5,000 and imprisoned for 3 years**.

11. If you manufacture or are in possession of any substance listed in the Act, or transport or supply any such substance knowing or having reasonable grounds to suspect that the substance is to be used in or for the unlawful production of a narcotic you can be fined \$200,000 and imprisoned for 10 years.
- If you deal in or with these substances and if you do not keep records regarding their use and movement as may be prescribed or do not produce these records when required to do so or knowingly produce false information then you can be fined \$20,000 and be imprisoned for 2 to 5 years.
12. If while you are on a ship you have in your possession a narcotic or any substance held out to be a narcotic or you knowingly conceal any narcotic or substance held out to be narcotic and you have reasonable grounds to suspect that such narcotic or substance is intended to be imported into Guyana or has been exported out of Guyana then you can be sentenced to imprisonment for life.
13. If you intentionally obstruct any enforcement officer in the performance of his/her functions you can be fined \$5,000 and imprisoned for 2 years.
14. If you fail without reasonable excuse to comply with a requirement made by an enforcement officer in the performance of his/her functions or you knowingly or recklessly make a statement that is false on an important issue or you intentionally fail to disclose any relevant facts then you can be fined \$5,000 and imprisoned for 2 years.

N.B.

* Upon conviction in the High Court of any of the offences listed at 1, 5, 6, 8 and 9 above, if you have already been convicted of one of them you can be imprisoned for life.

* Any property you have allowed to be used in connection with an offence under the Act can be forfeited.

* Upon conviction of any of the offences listed at 2(b), 3, 4, 5 and 6 above ALL your property can be forfeited to the State. The rights of people who have genuine claims over your property are protected.

Once you are suspected of having committed one of these offences an order can be obtained preventing you from selling or dealing with your property and/or putting the Official Receiver in charge of it. If your conviction is set aside on appeal you can apply for any property forfeited to be returned to you.

*** Unless you are arrested for the offences of using or being in possession of a narcotic (offences listed at # 1 or 2 above) bail will not be granted except in special circumstances. But you should be tried within a reasonable time and if you are not this may amount to a special reason for granting you bail.**

*** If you are convicted of an offence under the Act the court can only substitute another punishment for a death sentence or imprisonment set out in the Act if there are special reasons. If you are under 18 at the time of the offence this could be a special reason. Other punishments include release upon bail or conditions, probation or being sent to a training school.**

*** If you are convicted for the offence of possession of cannabis not exceeding 5 grams in amount and the court is satisfied that such cannabis was in your possession only for your personal use the court may deem this to be a special reason to reduce your sentence to a fine of \$6,000 without imprisonment. The court can however make an order that you perform community service for a period not exceeding 9 months instead of imprisonment and for such number of hours each day (excluding holidays).**

*** The Act contains provision for rehabilitation of drug addicts but at the time of writing this booklet no rehabilitation centres have been established under the Act.**