

Drugs & The Law

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 suspect 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 she/he 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 her/himself or with such help as in her/his opinion is reasonable, enter and inspect land without a warrant if she/he 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).

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

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

1. If you 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 or 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 under 18 year olds 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 an under 18 year old as a result of her/his 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 her/his 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. And 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 her/his 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.

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, & 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 offence 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 aren't 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 or sentence you to less than the minimum term of 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 recognisance, probation or being sent to a training school.
 - * The Act contains provision for rehabilitation of drug addicts but at the time of writing this leaflet no rehabilitation centers have been established.