

ANTIGUA AND BARBUDA



THE CANNABIS (AMENDMENT) REGULATIONS 2022

STATUTORY INSTRUMENT

2022, No. 9

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THE CANNABIS (AMENDMENT) REGULATIONS 2022, made pursuant to Section 64 of The Cannabis Act 2018.

1. Citation

(1) These Regulations may be cited as The Cannabis (Amendment) Regulations, 2022.

2. Interpretation

In these Regulations –

“principal Regulations” means The Cannabis Regulations 2019, Statutory Instrument No. 17 of 2019.

3. Amendment of Regulation 2 – Interpretation

Regulation 2 of the principal Regulations is amended by inserting in the appropriate alphabetical position the following—

“cultivation certificate means a certificate issued by the Authority to an applicant pursuant to Regulation 49(3) to cultivate cannabis but the applicant shall not harvest such cannabis until complete payment for the application fee and the licence fee of the cannabis business has been made to the Authority.”

4. Amendment of Regulation 49 - Approval of an application

Regulation 49 of the principal Regulations is amended by repealing Regulation 49 in its entirety and replacing it as follows—

“49. Approval of an application

(1) Where the Authority approves an application for a medicinal cannabis business, the Authority shall inform the applicant of the approval in writing, and the applicant shall pay the relevant application fee pursuant to Regulation 73 and the licence fee pursuant to Regulation 74.

(2) Notwithstanding any other Regulations, the Authority may authorize an applicant to pay the application fee and the licence fee in such number of instalments as the Authority shall approve.

(3) Where the Authority authorizes payment by instalments under subregulation (2), the Authority may issue the relevant licence and shall grant the applicant a Cultivation Certificate, but the applicant shall not harvest any cannabis until the Authority has received payment of the application and licence fees in full for the medicinal cannabis business licence.

(4) A person who harvests cannabis without complete payment to the Authority pursuant to subregulation (3), commits an offence and is liable on conviction on indictment to a fine of not more than fifteen thousand (\$15,000.00) dollars or to a term of imprisonment not exceeding one year.

(5) Where the Authority issues a medicinal cannabis business licence pursuant to subregulation (2), the applicant shall complete payment within a year from the issuance of the medicinal cannabis licence or the Authority may revoke that licence.

(6) Where the Authority issues a medicinal cannabis business licence with payments by instalments under subregulation (3) to a National, the Authority shall not authorize the transfer of a medicinal cannabis business from such National to a Non-National until all instalment payments for the relevant application fee and the licence fee is paid to the Authority.”

5. Repeal of Regulation 50 - Provisional Licence

Regulation 50 of the principal Regulations is repealed.

6. Amendment of Regulation 51 - Licence revocability and eligibility

Regulation 51 of the principal Regulations is amended in subregulation (2) by removing the words “a provisional licence”.

7. Amendment of Regulation 53 - Excessive concentration

Regulation 53 of the principal Regulations is amended by repealing subregulation

8. Amendment of Regulation 73 - Schedule of application fees – medicinal cannabis businesses

Regulation 73 of the principal Regulations is amended by inserting after subregulation (3) the following new subregulation—

“(3) Upon the transfer of a medicinal cannabis business from a National to a Non-National, the Non-National shall pay the difference between the National’s Application Fee and the Non-National’s Application Fee for the type of medicinal cannabis business first issued to the National.”

9. Amendment of Regulation 74 - Schedule of licence fees: medicinal cannabis businesses

Regulation 74 of the principal Regulations is amended—

- a) in subregulation (3), repealing the words “or during the provisional licence period”; and
- b) by inserting after subregulation (4) the following new subregulation—

“(4) Upon the transfer of a medicinal cannabis business from a National to a Non-National, the Non-National shall pay the difference between the National’s Licence Fee and the Non-National’s Licence Fee for the type of medicinal cannabis business first issued to the National.”

10. Amendment of Regulation 217 - Specific violations and possible penalties

Regulation 217(1) of the principal Regulations is amended in Table A by repealing the row referring to provisional licences and marked specifically the words “Annual licensee failed to report all commercial cannabis activity the annual licensee conducted with provisional licensees in the Antigua and Barbuda Tracking System”.

Hon. Steadroy C.O. Benjamin,
Attorney General
And Minister of Legal Affairs.