

THE NATIONAL COUNCIL ON DRUG ABUSE ACT

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Establishment and constitution of Council.
4. Seal.
5. Resignations.
6. Meetings.
7. Functions of Council and Board.
8. Assistance for research and projects.
9. Appointment of staff.
10. Committees.
11. Exemption from personal liability.
12. Funds.
13. Accounts and audit.
14. Annual reports and estimates.
15. Regulations and orders.
16. Directions by Minister.
17. Offences.
18. Minister may amend monetary penalties.

SCHEDULES

THE NATIONAL COUNCIL ON DRUG ABUSE ACT

Acts
25 of 1991,
19 of 1993,
41 of 1997,
7 of 2011
Sch.

[5th December, 1991.]

1. This Act may be cited as the National Council on Drug Abuse Act.

Short
title.

2. In this Act—

Interpre-
tation.

“chairman” means the chairman of the Council;

“Council” means the Council appointed under section 3(1);

“deputy chairman” means the deputy chairman of the Council;

“drug” means any chemical agent affecting living tissue;

“functions” includes duties and powers.

3.—(1) There shall be established for the purposes of this Act, a body to be called the National Council on Drug Abuse which shall be a body corporate to which section 28 of the Interpretation Act shall apply.

Establish-
ment and
constitution
of Council.

(2) The Council shall consist of—

(a) a Board of Management (hereinafter referred to as the Board) consisting of persons appointed in accordance with Part I of the Schedule;

Schedule.
41/1997
S. 2(a)(i).

(b) such other members (hereinafter referred to as “selected members”) as are representatives of the organizations listed in Part II of the Schedule.

41/1997
S. 2(a)(ii).

(3) [Deleted by Act 41 of 1997.]

(4) [Deleted by Act 41 of 1997.]

Schedule.

(5) The Minister may by order amend the Schedule.

(6) The appointment of every member of the Council other than the *ex officio* members shall be evidenced by instrument in writing, and such instrument shall state the period of office of the member which shall not exceed five years.

(7) Every member of the Council shall be eligible for reappointment.

(8) The Minister shall appoint one of the members of the Board to be chairman and one of such members to be deputy chairman.

(9) In the case of the absence or inability to act of the chairman the deputy chairman shall perform the functions of the chairman.

(10) The names of all members of the Council as first constituted and every change in the membership thereof shall be published in the *Gazette*.

(11) The Minister may at any time revoke the appointment of any member of the Council if he thinks it expedient so to do.

Seal.

4.—(1) The seal of the Council shall be authenticated by the signatures of the chairman and the Secretary of the Council and such seal shall be officially and judicially noticed.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Council may be signified under the hands of the chairman and the Secretary of the Council.

Resignations.

5.—(1) Any member of the Council, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of the receipt by the Minister

of such instrument such member shall cease to be a member of the Council.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

6.—(1) The Council shall meet as often as may be necessary or expedient for the transaction of business, but shall meet at least once in every three months. Meetings.

(2) The Board shall meet at such times as may be necessary or expedient for the transaction of business but shall meet at least once per month.

(3) All meetings shall be held at such place and time and on such days as the chairman may determine.

(4) The chairman may at any time call a special meeting of the Council or of the Board, as the case may be, and shall call a special meeting—

(a) of the Board within fourteen days of a written request for that purpose addressed to him by any three members of the Board;

(b) of the Council within fourteen days of a written request for that purpose addressed to him by any twenty members.

(5) The chairman shall preside at meetings of the Board and of the Council, and in his absence the deputy chairman shall preside, and in case of the absence of both the chairman and the deputy chairman from any meeting the members present and constituting a quorum shall elect one of their number to preside at that meeting.

(6) A quorum of the Board shall be five and a quorum of the Council shall be twenty-one.

(7) Minutes in proper form of each meeting of the Board and each meeting of the Council shall be kept.

(8) Subject to the provisions of this section, the Board and the Council may each regulate its own proceedings.

Functions
of Council
and
Board.

7.—(1) The functions of the Council shall be—

- (a) to review and monitor the conditions in Jamaica with respect to drugs which are being, or which appear to it likely to be, misused with likely harmful effects sufficient to constitute a social problem;
- (b) to undertake, subject to the approval of the Minister the measures which in the opinion of the Council ought to be taken for preventing the misuse of drugs or dealing with any social problems connected with the misuse of such drugs;
- (c) to consider matters referred to it concerning drug use and abuse and to advise thereon.

(2) Without prejudice to the generality of subsection (1), the Council may make recommendations on measures which in its opinion ought to be taken—

- (a) for restricting the availability of drugs or supervising the arrangements for their supply;
- (b) for alleviating conditions which lead to demand for such drugs;
- (c) for enabling persons affected by the misuse of drugs to obtain proper advice, and for securing the provision of proper facilities and services for the treatment, rehabilitation and after-care of such persons;
- (d) for promoting co-operation between professional and community services which in the opinion of the Council may assist in dealing with social problems connected with the abuse of drugs;

- (e) for educating the public (and in particular, minors) concerning the dangers of misusing or abusing drugs, and for publicising such dangers;
- (f) for the promotion of research into, or otherwise obtaining information concerning, any matter which in the opinion of the Council is relevant in preventing the misuse or abuse of drugs or dealing with any connected social problem;
- (g) with respect to such matters as, in the opinion of the Council, are incidental to the proper control of the use of drugs.

(3) The Board shall be responsible for the general administration of the policies and decisions of the Council.

(4) In the exercise of its functions the Council shall have power to do all such acts and things and to enter into any transaction as, in its opinion, are necessary or incidental to the proper performance of its functions.

8. The Council may, with the approval of the Minister, give such financial or other assistance as it thinks fit, to persons undertaking, on behalf of the Council, such research or other activities as are necessary or advantageous in connection with the carrying out of the functions of the Council under this Act.

Assistance
for re-
search
and pro-
jects.

9.—(1) The Board shall appoint at such remuneration and on such terms and conditions as it thinks fit an executive director who shall also be Secretary to the Council.

Appoint-
ment of
staff.

(2) The executive director shall be the principal officer of the Board and shall be responsible to the Board for the day to day administration of the business of the Board.

(3) The Board may appoint and employ such officers, other employees and agents as it thinks fit, at such remuneration, and subject to such conditions as it thinks fit :

Provided that—

(a) no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister; and

(b) no appointment shall be made to any post to which a salary in excess of the prescribed rate is assigned without the prior approval of the Minister.

41/1997
S. 3.

(4) For the purposes of this section, the prescribed rate means two hundred thousand dollars or such higher rate as the Minister may from time to time determine.

19/1993
S. 2.

(5) The Governor-General may, subject to such conditions as he may impose, approve the appointment of any officer in the service of the Government to any office with the Council and any officer so appointed shall, while so employed, in relation to any pension, gratuity or other allowance and in relation to other rights as a public officer, be treated as continuing in the service of the Government.

Com-
mittees.

10.—(1) The Board may appoint from among the selected members such committees as it thinks fit—

(a) to advise the Board in the performance of any of its functions; and

(b) to carry out on its behalf, such duties as the Board may determine,

and such committees may co-opt other persons as they see fit.

(2) The membership of any committee appointed under this section shall consist of at least three selected members.

Exemption
from
personal
liability.

11.—(1) No action, suit or other proceedings shall be brought or instituted against any member of the Council personally in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

(2) Where any member of the Council is exempt from liability by reason only of the provisions of this section the Council shall be liable to the extent that it would be if the said member were an employee, a servant or agent of the Council.

12.—(1) The funds and resources of the Council shall consist of such moneys as may from time to time be placed by Parliament at the disposal of the Council for the purposes of this Act and such other moneys or property as may lawfully be paid to or vested in the Council. Funds.

(2) The expenses of the Council (including any remuneration of the members and staff thereof) shall be paid out of the funds of the Council.

13.—(1) The Board shall keep proper accounts and other records in relation to the Council's business and shall prepare annually a statement of accounts in a form satisfactory to the Minister. Accounts and audit.

(2) The Auditor-General or his nominee shall be responsible for auditing the accounts of the Council.

(3) The members, officers and other employees of the Board shall grant to the Auditor-General or his nominee access to all books, documents, cash and securities of the Council, and shall give to him, on request, all such information as may be within their knowledge in relation to the operation of the Council.

14.—(1) The Board shall in each any year cause to be prepared and transmitted to the Minister, on or before the 30th day of September, a report of its proceedings during the twelve months ending on the 31st day of March in that year. Annual reports and estimates.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon to be laid on the Table of each House of Parliament.

(3) The Board shall, on or before the 30th day of September, in each year, submit to the Minister for his approval estimates of income and expenditure for the ensuing financial year in respect of the period commencing on the 1st day of April next following.

Regulations
and orders.

15.—(1) The Board may with the approval of the Minister make regulations generally for the better carrying out of the provisions of this Act and without prejudice to the generality of the power hereby conferred, may make regulations providing for—

- (a) the conditions of service of officers and employees of the Board;
- (b) the grant of pensions, gratuities and other benefits to such officers and employees and their dependants and the grant of gratuities and other benefits to the dependants or estates of deceased officers and employees of the Board;
- (c) the establishment and maintenance of sick funds, superannuation funds and provident funds, the contributions payable thereto and the benefits receivable therefrom.

7/2011
Sch.

(2) Notwithstanding section 29(b) of the *Interpretation Act*, regulations made under subsection (1) may provide in respect of a breach of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate's Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.

Directions
by Minister.

16. The Minister may, after consultation with the chairman, give general directions concerning the policy to be followed by the Board in relation to the exercise and performance of its functions; and the Board shall give effect to any such directions.

Offences.

17. Any person who—

- (a) being a member of the Council or officer, agent or employee of the Board, without the permission of the Board publishes or communicates to any person (otherwise than in the course of his duties as a member, officer, agent or employee of the Board) any information acquired by him in the course of such duties; or

(b) being in possession of any information which to his knowledge has been disclosed in contravention of this Act, publishes or communicates such information to any person,

shall be guilty of an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one million dollars or in default of payment thereof to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

7/2011
Sch.

18. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.

Minister
may amend
monetary
penalties.
7/2011
Sch.

PART 1

Board of Management of the National Council on Drug Abuse

The Board shall consist of sixteen members of whom—

(a) the following shall be *ex officio* members—

- (i) the Permanent Secretary in the Ministry responsible for Health or his nominee;
- (ii) the Financial Secretary or his nominee;
- (iii) the Permanent Secretary in the Ministry responsible for Education or his nominee;
- (iv) the Permanent Secretary in the Ministry responsible for Labour, Social Security and Sport or his nominee;

(b) one member shall be a representative of the Jamaica Council of Churches nominated by that Council;

(c) one member shall be a representative of the Medical Association of Jamaica nominated by that Association;

(d) one member shall be a representative of the Jamaican Bar Association nominated by that Association;

(e) one member shall be a representative of the Private Sector Organization of Jamaica nominated by that organization;

(f) one member shall be a representative of the Joint Trade Union Research Development Council nominated by that body;

(g) one member shall be appointed by the Minister on the recommendation of the Prime Minister;

(h) one member shall be appointed by the Minister on the recommendation of the Leader of the Opposition;

(i) three members shall be appointed by the Minister from among persons appearing to the Minister to be suitably qualified for such appointment;

(j) two members shall be appointed by the Minister from among the organizations listed in Part II of the Schedule.

PART II

Organizations Represented on the National Council on Drug Abuse

Association of General Practitioners

Bustamante Institute of Public and International Affairs

Caribbean Institute of Mass Communications (CARIMAC)

Council of Voluntary Social Services

Customs and Excise Department
CVM Television
Institute of Sports
Jamaica Association of Full Gospel Churches
Jamaica Association of Science Students
Jamaica Constabulary Force
Jamaica Council of Churches
Jamaica Defence Force
Jamaica Information Service
Jamaica Labour Party
Jamaica Library Service
Jamaica Pentecostal Union
Jamaica Teachers Association
Jamaican Bar Association
Jamintel
Jaycees
Joint Trade Union Research Development Council
Kiwanis
Lions Club of Kingston
Medical Association of Jamaica
Ministry of Agriculture and Mining
Ministry of Education, Youth and Culture
Ministry of Foreign Affairs and Foreign Trade
Ministry of Health
Ministry of Labour, Social Security and Sport
Ministry of National Security and Justice
Ministry of Tourism
National Committee for a Drug Free Society (Parish Committees)
National Consumers League
National Democratic Movement
National Drug Abuse Fund Raising Trust

Nurses Association of Jamaica
Office of the Prime Minister
People's National Party
Pharmaceutical Society of Jamaica
Planning Institute of Jamaica
Press Association of Jamaica
Private Sector Organization of Jamaica
Radio Jamaica and Re-Diffusion
Rotary Club of Downtown Kingston
Rural Agricultural Development Authority (RADA)
Social Development Commission (SDC)
Spectrum
The Gleaner Company Limited
University of Technology (UTECH)
University of the West Indies