
Second Session Twelfth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 10 of 2022

[L.S.]

AN ACT to provide for the regulatory control of the handling of cannabis for certain purposes, the establishment of the Trinidad and Tobago Cannabis Licensing Authority and connected matters

[Assented to 17th June, 2022]

ENACTED by the Parliament of Trinidad and Tobago as Enactment follows:

PART I
PRELIMINARY

Short title	1. This Act may be cited as the Cannabis Control Act, 2022.
Commencement	2. This Act shall come into operation on such date as is fixed by the President by Proclamation.
Interpretation	<p>3. (1) In this Act, unless otherwise expressly provided or the context otherwise requires—</p> <p>“AML/CFT/PF” means Anti-Money Laundering/Countering the Financing of Terrorism/Financing the Proliferation of Weapons of Mass Destruction;</p> <p>“analytical services” includes services for the testing or abstraction of cannabis and compounds containing cannabis;</p> <p>“applicant” means an applicant for a licence;</p> <p>“approved form” means a form approved by the Board and published on the Authority’s website;</p> <p>“Authority” means the Trinidad and Tobago Cannabis Licensing Authority established under section 4;</p> <p>“Board” means the Board of Directors of the Authority appointed under section 6;</p> <p>“cannabis” means all parts of any plant of the genus cannabis, including any resin obtained from the plant;</p> <p>“cannabis material” means—</p> <p style="padding-left: 40px;">(a) cannabis;</p> <p style="padding-left: 40px;">(b) cannabis resin; and</p> <p style="padding-left: 40px;">(c) any other raw material derived from the cannabis plant;</p> <p>“cannabis resin” means the separated resin, whether crude or purified, obtained from any plant of the genus cannabis;</p>

- “cannabidiol” or “CBD” means a substance found in the cannabis plant which reacts with specific receptors in the human brain and body to give a therapeutic effect;
- “CARICOM Member States” or “CARICOM” means the countries or territories which are party to the Revised Treaty of Chaguaramas establishing the Caribbean Community, as well as the CARICOM Single Market and Economy, that was signed in the Bahamas on 5th July, 2001;
- “Chairman” means the person appointed as Chairman of the Board under section 6(4);
- “Chief Executive Officer” means the person employed under section 15;
- “child” means a person who is under the age of eighteen years;
- “controller”, in relation to a religious organisation, has the meaning assigned to it in section 3(1) of the Non-Profit Organisations Act, 2019; Act No. 7 of 2019
- “cultivation” includes harvesting, curing and drying;
- “cultivation site” means the premises specified in a Cultivator Licence as premises on which cannabis plants are authorised to be cultivated;
- “dangerous drug” has the meaning assigned to it by section 3 of the Dangerous Drugs Act; Chap. 11:25
- “Deputy Chairman” means the person appointed as Deputy Chairman of the Board under section 6(4);
- “dispensary” means any premises on which—
- (a) the sale, dispensing or provision of medicinal cannabis prescribed or recommended by a medical practitioner; or

(b) the use or consumption of medicinal cannabis by a patient,

is permitted under a Retail Distributor Licence referred to in section 29(1)(e);

“document” means, in addition to a document in writing, anything in which information of any description is recorded;

“dwelling house” means any premises, including any complementary outbuildings and adjacent land, which is used and occupied as a place of residence;

“handling”, in relation to cannabis, includes—

(a) the use, cultivation, processing, importation, exportation, transport, transit, transshipment, manufacture, sale, distribution and possession of cannabis; and

(b) the conducting of scientific research, testing and analytical services for the purpose of improving or developing cannabis,

but does not include the use of medicinal cannabis by a person pursuant to a prescription or recommendation from a medical practitioner;

“harvest” means the process of reaping or gathering plants, whether manually or by way of machinery and whether or not the plants are dead or deemed to have no commercial value or viability;

“licence” means a licence granted under this Act;

“licensee” means a person to whom a licence is granted;

“medical practitioner” has the meaning assigned to it by section 2 of the Medical Board Act;

Chap. 29:50

“medicinal cannabis” means cannabis that is handled under a licence issued under section 29(1);

“medicinal, therapeutic or scientific purposes” includes scientific research, research trials, clinical trials, therapy and treatment, and the manufacture of nutraceuticals and pharmaceuticals;

“Member” means a member of the Board appointed under section 6;

“Minister” means the Minister to whom responsibility for health is assigned and “Ministry” shall be construed accordingly;

“patient” means a person who suffers from a medical condition which may be treated with medicinal cannabis prescribed or recommended pursuant to this Act;

“pharmacist” has the meaning assigned to it by section 2 of the Pharmacy Board Act;

Chap. 29:52

“pharmacy” means any premises licensed as a pharmacy pursuant to section 27 of the Pharmacy Board Act;

“premises” means any land, building or vessel and includes any vehicle or receptacle located on such land or in any such building or vessel;

“prescribed” means prescribed by Regulations;

“recommendation” means a written recommendation issued by a medical practitioner for the dispensing of cannabis for medical or therapeutic purposes;

“Regulations” means regulations made under this Act;

“religious organisation” means an organisation whose values are based on faith and beliefs, which has a mission based on social values of the particular religious organisation of faith, and which draws its leaders, followers, adherents, devotees or congregation from a particular faith group, and for the purposes of this Act, is registered as a non-profit organisation under the Non-Profit Organisations Act, 2019;

“sacramental dispensary” means any premises on which the dispensing or provision of cannabis for religious purposes is permitted under a Dispensary (Religious) Licence;

“Supervisory Authority” has the meaning assigned to it under section 18A of the Financial Intelligence Unit of Trinidad and Tobago Act;

“tetrahydrocannabinol” or “THC” means the main active ingredient in cannabis and one of the many naturally occurring chemical compounds found in cannabis;

“transport” means carriage by air, land, or sea;

“visitor” means a person who is—

- (a) a patient;
- (b) is not a resident of Trinidad and Tobago; and
- (c) is in possession of a prescription or recommendation from a medical practitioner in respect of medicinal cannabis.

(2) For the purposes of this Act, a Member who, or whose nominee or relative, is, as the case may be—

- (a) a shareholder who owns shares in excess of five per cent in;

- (b) a partner in; or
- (c) an employee of,

a company, firm or other entity regulated by the Authority shall be treated as having an actual or contingent pecuniary interest in that company, firm or other entity.

(3) In subsection (2), “relative” means spouse, cohabitant within the meaning of the Cohabitational Relationships Act, father, mother, brother, sister, son or Chap. 45:55 daughter of a person.

(4) The provisions of the Dangerous Drugs Act, the Proceeds of Crime Act, the Medical Board Act and the Pharmacy Board Act shall not prohibit, or otherwise restrict or render unlawful, the cultivation, processing, extraction, distribution, import, export, possession or other handling of cannabis, in accordance with the provisions of this Act.

PART II

THE TRINIDAD AND TOBAGO CANNABIS LICENSING AUTHORITY

4. There is established a body corporate to be known Establishment of the Authority as “the Trinidad and Tobago Cannabis Licensing Authority” (hereinafter referred to as “the Authority”) which shall be responsible for the regulatory control of the handling of cannabis in accordance with the provisions of this Act.

5. (1) The functions of the Authority are to— Functions of the Authority
- (a) advise the Ministry on the development of national policies and measures for the regulatory control of the handling of cannabis;
 - (b) grant, amend, suspend, revoke or cancel licences and set the terms and conditions of licences;

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- (c) inspect, monitor and assess the handling of cannabis pursuant to licences for the purpose of verifying compliance with this Act and the terms and conditions of licences;
 - (d) take enforcement measures in the event of any non-compliance or breach of any of the provisions of this Act or any term or condition of a licence and advise the Minister accordingly;
 - (e) establish and maintain a register of licensees;
 - (f) establish and maintain an electronic database to provide for the electronic tracking of the handling of cannabis, in accordance with this Act;
 - (g) establish and maintain an electronic register of names, addresses and contact details of medical practitioners, patients and caregivers, in accordance with this Act;
 - (h) establish and maintain such other registers and databases as may be prescribed;
 - (i) assist with the provision of analytical services;
 - (j) provide for the distribution of educational materials and the conduct of training programmes in relation to the development and use of cannabis and the development of the cannabis industry;
 - (k) ensure that proper disposal requirements are prescribed for the safe disposal of cannabis which is handled under this Act;
 - (l) enter into any arrangement, which, in the opinion of the Authority, is necessary to ensure the proper performance of its functions;

- (m) identify mechanisms to protect the vulnerable, discourage use of cannabis for the vulnerable and ensure that prevention and rehabilitation treatment policies and measures for cannabis-use disorders are identified and implemented; and
- (n) perform such other functions assigned to it under this Act or any other written law.

(2) The Authority shall have such powers as are necessary or expedient for the performance of its functions under this Act.

(3) In the performance of its functions, the Authority shall—

- (a) formulate standards and prescribe codes of practice to be observed by licensees or other persons involved in the cannabis industry which are internationally-comparable;
- (b) facilitate scientific research in respect of cannabis and, where applicable, apply the results of such research in the development of the cannabis industry;
- (c) conduct research into the public health and social effects of cannabis; and
- (d) do all such things as the Authority considers necessary or expedient for the purposes of carrying out its functions.

(4) The Minister may give the Authority, in writing, such general policy directions as appear to the Minister to be necessary in the public interest and the Authority shall give effect to those directions in the performance of its functions.

6. (1) The Authority shall be managed by a Board of ^{Establishment of the} Directors who shall be responsible for the performance ^{Board} of the functions of the Authority under this Act.

(2) The Board shall comprise eleven persons appointed by the President from among persons with qualifications and at least five years' experience in any of the following disciplines:

- (a) law;
- (b) management;
- (c) finance or accounting;
- (d) medicine, other than psychiatry;
- (e) psychiatry;
- (f) scientific research;
- (g) agriculture;
- (h) law enforcement;
- (i) education;
- (j) drug rehabilitation; or
- (k) public health.

(3) Subject to section 5(2)(f) and (g) of the Dangerous Drugs Act, no person appointed to the Board shall be or become engaged or employed in the handling of cannabis or have an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.

(4) The President shall appoint one of the Members to be the Chairman of the Board and another Member to be the Deputy Chairman of the Board.

(5) A Member shall be appointed for such term not exceeding three years as is specified in his instrument of appointment and shall be eligible for reappointment.

(6) The President shall determine the remuneration of Members.

(7) The remuneration of Members shall be reviewed by the Salaries Review Commission.

(8) Where a vacancy arises in the membership of the Board or a Member is temporarily absent or

incapable of performing his duties by reason of illness or other cause, the President acting in his own discretion shall appoint a person to fill the vacancy or to act in the place of that Member during the period of absence or temporary incapacity.

7. (1) The Chairman or Deputy Chairman may at any time resign from office by notice in writing addressed to the President. Resignation of Member of Board

(2) A Member, other than the Chairman or Deputy Chairman, may resign from office by notice in writing to the Chairman who shall forthwith cause it to be submitted to the President.

(3) The Board shall take all reasonable steps to identify, and keep under review, any potential conflicts of interest.

(4) A Member who has an actual or contingent pecuniary interest shall as soon as possible, after the relevant facts come to his knowledge, disclose in writing to the Board and to the President, the nature of that interest.

(5) Subject to the following provisions of this paragraph, a Member of the Board shall vacate office—

- (a) if he is in any way directly or indirectly engaged or employed in the handling of cannabis; or
- (b) if he has acquired an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.

(6) A Member who, without reasonable excuse, fails to comply with this section, commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and imprisonment for a term of two years.

Revocation of
appointment

8. The President may at any time revoke the appointment of a Member if the Member—

- (a) is declared bankrupt in accordance with the laws of Trinidad and Tobago or any other country;
- (b) becomes of unsound mind;
- (c) is, for whatever reason, incapable of performing or unable to perform his duties as a member;
- (d) is absent from three consecutive meetings without leave of the Board;
- (e) is or becomes engaged or employed in the handling of cannabis or acquires an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority;
- (f) is convicted of an offence involving dishonesty or is sentenced to imprisonment for a term of six months or more; or
- (g) misbehaves in office, brings his office into disrepute, or for any other reasonable cause.

Appointment of
Members to be
published in the
Gazette

9. The Minister shall cause to be published in the *Gazette*, and at least once in two daily newspapers of general circulation, the names of the Chairman, Deputy Chairman and other Members and every change in membership of the Board, including any resignation from office or termination of appointment.

Immunity of
Members

10. (1) A Member shall not be held personally liable for anything done or omitted in the discharge or purported discharge of the functions of the Authority, unless it is shown that the act or omission was a result of gross negligence or done in bad faith.

(2) Any sums of money, damages or cost recovered against the Authority for anything done or

omitted or permitted to be done in good faith in the course of the operations of the Authority shall be paid out of such amounts as may be appropriated by Parliament.

11. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and in any case at least once every month at such place and time and on such days as the Board may determine. Meetings of the Board

(2) Subject to section 12(1), the Chairman or, in his absence, the Deputy Chairman shall preside at meetings of the Board, and in the absence of the Chairman and Deputy Chairman, the Members present and forming a quorum shall elect one of their number to preside at the meeting.

(3) The Board may, by way of rules or resolutions, regulate its own procedure for the conduct of its own business.

(4) The Chairman may, at any time, call a special meeting of the Board.

(5) Where the Chairman receives a written request from at least four Members for a special meeting of the Board, he shall call the special meeting within seven days of the request and issue the necessary notices for the special meeting.

(6) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.

12. (1) At any meeting of the Board, seven Members constitute a quorum. Quorum and decisions of the Board

(2) Decisions of the Board shall be by a majority of votes of Members present and voting.

13. The Board may appoint committees to examine and report to it on any matter whatsoever arising out of, or connected with, any of its functions and powers under this Act. Appointment of Committees

Disclosure of interest

14. (1) Subject to section 5(2)(f) and (g) of the Dangerous Drugs Act, every Member shall, within one month after his appointment and on each anniversary of his appointment, submit to the Minister a declaration in the approved form stating whether or not he—

- (a) is engaged or employed in the handling of cannabis; or
- (b) has an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.

(2) A Member who fails to comply with subsection (1) or who knowingly makes a false declaration under subsection (1) commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and imprisonment for a term of two years.

Chief Executive
Officer

15. (1) The Authority shall employ a person with qualifications and experience in finance, management or accounting to be the Chief Executive Officer of the Authority who shall, subject to the directions of the Board, be responsible for the day to day management of the Authority.

(2) Subject to section 5(2)(f) and (g) of the Dangerous Drugs Act, no person appointed as Chief Executive Officer shall be or become engaged or employed in the handling of cannabis or have an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.

(3) The Chief Executive Officer shall be employed for a period not exceeding four years and may be re-employed upon approval of the Board.

(4) The Chief Executive Officer shall, in addition to the day to day management of the Authority, be responsible for such functions as the Board may assign to him.

(5) The Chief Executive Officer shall be entitled to attend all meetings of the Board and to participate in deliberations at such meetings but he shall have no right to vote.

(6) Sections 7(3), 10 and 14 apply *mutatis mutandis* to the Chief Executive Officer as it applies to a Member.

16. (1) The Authority may employ such persons as it considers necessary for the due and efficient performance of its functions under this Act on such terms and conditions as are agreed upon between the Authority and the person.

Staff of the
Authority and
experts

(2) The Authority may engage an expert, adviser or consultant on contract to assist in the conduct of its regulatory responsibilities and any advice or other service under the contract shall be provided in such a manner that avoids any conflict of interest or improper influence on the Authority's regulatory decision-making.

(3) The engagement of a person under subsection (2) shall not relieve the Authority of its functions under this Act.

(4) An employee of the Authority or a person engaged under subsection (2) shall not be held personally liable for anything done or omitted in the discharge or purported discharge of his duties, unless it is shown that the act or omission was a result of gross negligence or done in bad faith.

(5) An employee of the Authority or a person engaged under subsection (2) shall, within one week after—

- (a) his appointment or engagement; and
- (b) each anniversary of his appointment or engagement,

submit to the Chief Executive Officer a declaration in the approved form stating whether or not he has an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.

(6) An employee of the Authority, or a person engaged under subsection (2), who has an actual or contingent pecuniary interest referred to in subsection (5) shall not, in the course of the performance of his duties, take part in any deliberation or decision which is likely to affect that interest.

(7) An employee of the Authority, or a person engaged under subsection (2), who—

- (a) contravenes subsection (5) or (6); or
- (b) knowingly makes a false declaration under subsection (5),

commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and imprisonment for a term of two years.

Delegation of
functions

17. (1) The Board may, by written instrument, delegate any of the functions of the Authority to the Chief Executive Officer or such other appropriate officer as the Board thinks fit.

(2) The delegation of a function under this section does not prevent the performance of that function by the Board.

Confidentiality

18. (1) Members of the Board, employees of the Authority and every person concerned with the administration of this Act, including a person engaged under section 16(2), shall treat documents, information or other matters related to the administration of this Act, as secret and confidential and shall make and subscribe to an oath of secrecy to that effect before a Justice of the Peace.

(2) Notwithstanding subsection (1), disclosures—

- (a) made by the Authority, or any other person, pursuant to the provisions of this Act; or

- (b) which the Authority considers necessary in the discharge of its functions,

shall not be deemed inconsistent with any duty imposed under this section.

(3) Notwithstanding subsection (1), the Board shall, within seven days of receiving a written request from the Minister, cause to be transmitted to the Minister such information as the Minister may specify in the request regarding—

- (a) the salary and other terms and conditions of employment of the Chief Executive Officer and employees of the Authority;
- (b) the organisational structure of the Authority;
- (c) the number of current or former officers and employees of the Authority;
- (d) the number of filled or vacant positions in the organisational structure of the Authority; or
- (e) such other matters relating to the employment of staff as the Minister thinks fit.

(4) Subject to subsections (1) and (2), a person has the right to request that any proprietary or confidential documents, information or matter provided or submitted to the Authority be kept as secret and confidential by the Authority.

(5) A Member, employee of the Authority or any person concerned with the administration of this Act who discloses documents, information or any other matter related to the administration of this Act in contravention of this section commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars and imprisonment for a term of two years.

PART III
FINANCIAL PROVISIONS

Definitions

19. For the purposes of this Part—

“Fund” means the fund established under section 20;

“IFRS” means the International Financial Reporting Standards as adopted from time to time by the International Accounting Standards Board;

“Minister” means the Minister to whom responsibility for finance is assigned.

Establishment of the Fund

20. (1) There is hereby established a fund to be known as “the Trinidad and Tobago Cannabis Licensing Authority Fund”.

(2) The Fund shall comprise the following monies:

- (a) appropriations by Parliament from the Consolidated Fund;
- (b) fees and other charges collected by the Authority;
- (c) sums borrowed by the Authority for the purpose of meeting any of its obligations or for discharging any of its functions;
- (d) sums received by, or owed to, the Authority in respect of the performance of its functions or the exercise of its powers; and
- (e) such other sums which may, in any manner, become payable to, or vested in, the Authority.

(3) Notwithstanding subsection (2), the Authority shall not borrow any sums, or accept or receive any sums by way of a grant or donation, from any person or entity which is regulated by the Authority.

21. (1) The monies in the Fund may only be applied^{Application of the Fund} in defraying the following expenditure:

- (a) the acquisition of property by the Authority in the course of performing its functions or exercising its powers;
- (b) the remuneration and allowances of Members;
- (c) the remuneration, allowances and gratuities payable or to be made to the Chief Executive Officer and to employees of, and persons engaged on contract by, the Authority;
- (d) capital and operating expenses, including maintenance and insurance of the property of the Authority;
- (e) research, training, education, public awareness, drug rehabilitation and other related matters; and
- (f) any other expenditure authorised by the Authority in the performance of its functions.

(2) The Authority may, in accordance with IFRS, make provision for future expenditure in any category referred to in subsection (1)(a) to (e).

22. (1) The Authority shall prepare a budget in^{Estimates of expenditure} accordance with IFRS or such other form as the Minister may direct for each financial year and the Authority shall submit estimates so prepared to the Treasury not later than the deadline date stipulated by the Minister.

(2) The Authority shall, at such time as the Minister directs, furnish him with such further information in relation to the estimates as he may require.

Financial year

23. The financial year of the Authority shall be the period of twelve months beginning on the first day of October in any year to the thirtieth day of September in the following year, but the period from the date of commencement of this Act to the end of September next following shall be deemed to be the first financial year.

Accounts

24. (1) The Authority shall keep proper books of accounts and records of all sums received and expended by the Authority and shall record the matters in respect of which such sums were received and expended.

(2) Within three months after the end of each financial year, the Authority shall, in respect of that year, cause to be prepared and submitted to the Minister—

- (a) a report on the activities of the Authority; and
- (b) financial statements prepared in accordance with IFRS,

and the Minister shall cause a copy of the report and financial statements to be laid in Parliament within one month of the receipt of the report and financial statements or, if there is no sitting of Parliament during that period, at the next sitting of Parliament.

(3) Where the standards included in IFRS are inappropriate or inadequate for any type of accounting method, the Comptroller of Accounts may provide such instructions as may be necessary.

Audit of accounts

25. (1) The accounts of the Authority are public accounts for the purposes of section 116 of the Constitution.

(2) On completion of an audit of the Authority, the Auditor General or an auditor authorised by him to conduct the audit, as the case may be, shall immediately draw to the attention of the Minister and the Board any irregularity disclosed by the audit.

(3) For the purposes of an audit conducted pursuant to this Act, the Exchequer and Audit Act shall Chap. 69:01 apply as if an audit referred to in this Part is one to which that Act applies.

(4) As soon as the accounts of the Authority have been audited, the Auditor General shall submit his report in accordance with section 116 of the Constitution and shall simultaneously forward a copy of the said report to the Minister.

(5) Nothing in this section precludes the Auditor General or an auditor engaged by the Board or the Minister from performing a management or comprehensive audit of the activities of the Authority.

26. (1) The Authority may, with the approval of the Power to borrow Minister, borrow monies required for meeting any of its obligations under this Act from persons or entities which are not regulated by the Authority.

(2) The Minister may guarantee in such manner and on such conditions as he thinks fit, the payment of the principal and interest in respect of any borrowing of the Authority under this section.

(3) The Authority may, with the approval of the Minister, raise monies required by it for meeting any of its obligations and discharging of any of its functions by issuing securities to persons or entities which are not regulated by the Authority.

(4) For the purposes of this section, “security” has the meaning assigned to it under the Securities Act. Chap. 83:02

27. The Authority and its assets, property, income, Exemption from taxes, etc. operations and transactions shall be exempt from all taxation of every kind and description, including customs duties, corporation tax, value added tax, property tax, stamp duty, business levy and green fund levy.

Annual report

28. After the expiration of one year from the coming into operation of this Act, the Authority shall, within three months after the end of each calendar year, submit annually to Parliament a report on the activities of the Authority during that calendar year.

PART IV

LICENSING PROVISIONS

Types of licences

29. (1) The Authority may issue any of the following licences for medicinal, therapeutic or scientific purposes:

- (a) a Cultivator Licence which shall be issued to allow for the growing, harvesting, drying, trimming, curing, packaging or storage of cannabis or the selling of cannabis at wholesale to the holder of a licence under paragraph (b), (c), (d) or (g);
- (b) a Research and Development Licence, which shall be issued to allow for the storage of cannabis and the conduct of scientific research for the purpose of improving or further developing cannabis;
- (c) a Laboratory Licence which shall be issued to allow for the storage of cannabis and the conduct of testing and analytical services for the purpose of improving or further developing medicinal cannabis;
- (d) a Processor Licence which shall be issued to allow for the storage of cannabis and for activities relating to the processing of cannabis material and the production of medicinal cannabis, including but not limited to, edibles and other derivatives, and the selling of medicinal cannabis at wholesale to the holder of a licence under paragraph (e) or (g);

- (e) a Retail Distributor Licence, which shall be issued to allow for the operation of a pharmacy or dispensary for the dispensing of medicinal cannabis to patients;
- (f) an Import Licence, which shall be issued to allow for the importation of cannabis from any country where it is legal so to do;
- (g) an Export Licence, which shall be issued to allow for the exportation of cannabis to any country in keeping with the laws of any such country; or
- (h) a Transport Licence, which shall be issued to allow for the transport of cannabis.

(2) Where a person applies for a—

- (a) Research and Development Licence; or
- (b) Laboratory Licence,

and the licence is issued, the applicant shall also receive an Import and Export licence which shall only be used for purposes in connection with the Research and Development Licence or the Laboratory Licence.

(3) The Authority may issue any of the following licences for religious purposes:

- (a) a Cultivator (Religious) Licence which shall be issued to allow for the growing, harvesting, drying, trimming, curing, packaging or storage of cannabis;
- (b) a Dispensary (Religious) Licence which shall be issued to allow for the storage and dispensing of cannabis;
- (c) an Import (Religious) Licence, which shall be issued to allow for the importation and storage of cannabis from any country where it is legal so to do;

- (d) an Export (Religious) Licence, which shall be issued to allow for the storage and exportation of cannabis to any country in keeping with the laws of any such country; or
- (e) a Transport (Religious) Licence which shall be issued to allow for the transport of cannabis.

Eligibility for a licence

30. (1) A person who—

- (a) is eighteen years of age or older and—
 - (i) is a citizen of Trinidad and Tobago;
 - (ii) is a permanent resident of Trinidad and Tobago; or
 - (iii) is a citizen of a CARICOM Member State, other than Trinidad and Tobago; or
- (b) is a company, firm, partnership or co-operative society,

may apply for a licence under section 29(1).

(2) A person who has been convicted of an indictable offence under the Dangerous Drugs Act or the Proceeds of Crime Act shall not be eligible for a licence under section 29(1), unless the conviction has been expunged under the Dangerous Drugs Act.

(3) A company, firm, partnership or co-operative society shall not be eligible for a licence unless at least thirty per cent of the company, firm, partnership or co-operative society is owned by persons referred to in subsection (1)(a).

(4) Subsection (3) shall not apply to a Research and Development Licence or a Laboratory Licence.

(5) A controller of a religious organisation may, on behalf of the religious organisation, apply for a licence under section 29(3) where—

- (a) the religious organisation is registered under the Non-Profit Organisations Act, 2019; and

- (b) the constituent documents of the religious organisation state that cannabis is required for religious purposes as a sacrament in adherence to a religious practice of the religious organisation.

(6) An application for a licence under section 29(3) shall include—

- (a) the name, address and contact information of the controller referred to in subsection (5);
- (b) the name, address and contact information of the persons appointed as leaders of the religious organisation;
- (c) the address of the place of worship of the religious organisation;
- (d) a survey plan of the land on which cannabis for use in accordance with this Act is to be cultivated; and
- (e) the proposed arrangements for the transportation of the cannabis from the land on which it is proposed to be cultivated, to the place of worship or to the sacramental dispensary.

(7) Subject to subsection (6), an application for a licence shall be made to the Authority in the approved form and be accompanied by—

- (a) a declaration in the prescribed form that, if the licence is granted, the licensee would consent to the entry of inspectors on any premises specified in the licence during working hours or such other times as the premises are open to the public or otherwise in use by the licensee, for the purposes of the exercise of their powers under section 62;

- (b) a completed AML/CFT/PF risk assessment questionnaire in such form as may be prescribed;
- (c) the prescribed fee; and
- (d) such other documents as may be prescribed.

(8) The Authority may require any further information or material to be submitted by an applicant within a specified time and may require verification by affidavit of any information or material fact then or previously submitted.

(9) An applicant for a licence who knowingly provides false or misleading information to the Authority commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and imprisonment for a term of two years.

31. (1) Subject to subsection (7), upon receipt of an application for a licence, the Authority shall cause notice of the application to be published in the *Gazette*, in at least two newspapers in daily circulation in Trinidad and Tobago and on the Authority's website.

- (2) A notice under subsection (1) shall state—
- (a) the name of the applicant;
 - (b) the type of licence for which the application is made;
 - (c) the address of the facility or other premises in respect of which the application is made or where any licensed activity is to be conducted;
 - (d) a date by which a person may object to the grant of the licence to the applicant; and
 - (e) such other information as may be prescribed.

(3) A person may object to the grant of a licence to an applicant by writing to the Authority, stating reasonable grounds for his objection.

(4) The date specified under subsection (2)(d) shall not be fewer than ten days after the publication of the notice in the newspapers.

(5) Where the Authority receives an objection, it shall, within seven days of the receipt of the objection, give the applicant written notice of the objection and provide the applicant with an opportunity, of not less than seven days from the date of the notice, to respond to the objection.

(6) The Authority shall, within twenty-one days of receipt of an objection, decide on the merits of the objection and inform the person who made the objection as well as the applicant of its decision, giving reasons in writing.

(7) A notice under subsection (1) shall not be published in respect of an application for a Transport Licence or a Transport (Religious) Licence or an application for such other types of licences as may be prescribed.

32. (1) The Authority shall not grant a licence unless Considerations for grant of a license the Authority is satisfied that the applicant—

- (a) has met the requirements of this Act for the grant of the licence; and
- (b) would, if granted the licence, be able to fulfil the obligations of a licensee under this Act and to comply with this Act and the terms and conditions of the licence.

(2) Subject to subsection (1), the Authority shall, in determining whether to grant a licence, consider—

- (a) the application and any further information provided;

- (b) whether the applicant has complied with this Act or has previously failed to comply with this Act or been in breach of the terms or conditions of a licence;
- (c) any objections received pursuant to section 31(3); and
- (d) such other matters as may be prescribed.

Notice of grant or
refusal of licence

33. (1) Where the Authority grants a licence, it shall, within twenty-one days of its decision, inform the applicant and the Supervisory Authority, in writing, of its decision.

(1A) Where the Authority refuses to grant a licence, it shall, within twenty-one days of its decision, inform the applicant, in writing, of its decision.

(2) The Authority shall not refuse to grant a licence unless it first informs the applicant, in writing, of its proposal to refuse the licence and its reasons and gives the applicant at least fourteen days to submit written representations.

(3) Where the Authority refuses to grant a licence, it shall, within twenty-one days of its decision, inform the applicant, in writing, of its decision and reasons.

(4) Where the Authority grants a licence for the importation of cannabis, it may approve the importation of a quantity that is less than what is contained in the application.

(5) Where the Authority grants a Transport Licence or a Transport (Religious) Licence for the transport of cannabis within Trinidad and Tobago, it shall immediately give the Commissioner of Police, a notice containing—

- (a) the name and contact details of the licensee;

- (b) the type and quantity of cannabis to be transported; and
- (c) the location from which and to which the cannabis is to be transported.

(6) The Authority shall cause notice of the grant of a licence to be published in the Gazette, in at least two newspapers in daily circulation in Trinidad and Tobago and on the Authority's website.

34. (1) A licence shall not be transferable without the prior approval of the Authority. Terms and conditions on licence

(1A) A licence shall not be granted in respect of a dwelling house.

(2) The Authority shall set the terms and conditions of a licence.

(3) A licensee shall comply with the terms and conditions of his licence.

(4) It shall be a condition of a licence that the licensee consents to the entry of inspectors on any premises specified in the licence during working hours or such other times as the premises are open to the public or otherwise in use by the licensee, for the purposes of the exercise of their powers under section 62.

35. (1) Subject to subsection (2) and unless previously revoked or surrendered, a licence shall be valid for such period not exceeding three years as the Authority may specify in the licence. Duration of licences

(2) A Transport Licence or Transport (Religious) Licence shall—

- (a) where it is granted for a single instance, be valid only for the purpose of the single instance;
- (b) where it is granted for multiple instances, be valid for the period specified in the licence.

Renewal of licences

36. (1) A licensee who wishes to renew his licence shall apply to the Authority for the renewal of his licence.

(2) An application under subsection (1) shall be—

- (a) made at least one month before the expiration of the licence or such longer period before the expiration of the licence as the Authority may specify in the licence;
- (b) in the approved form; and
- (c) accompanied by the prescribed fee and such documents as may be prescribed.

(3) The Authority may renew a licence if it is satisfied with the compliance of the licensee with this Act and the terms and conditions of his licence and that the licensee is registered with the Supervisory Authority.

(4) Where the Authority decides to renew or refuse to renew a licence, it shall, in writing, inform the applicant of its decision.

(5) The Authority shall not refuse to renew a licence unless it first informs the applicant, in writing, of its proposal to refuse to renew the licence and its reasons and gives the applicant at least twenty-one days to submit written representations.

(6) Where the Authority refuses to renew a licence, it shall, in writing, give the applicant the reasons for its refusal.

(7) The Authority shall cause notice of the renewal of a licence to be published in the *Gazette*, in at least two newspapers in daily circulation in Trinidad and Tobago and on the Authority's website.

Enforcement action

37. (1) Where the Authority determines that a licensee is not in compliance with this Act or the terms and conditions of his licence, the Authority may take

any of the actions specified in subsection (2) as it thinks fit and commensurate with the seriousness of the non-compliance.

(2) For the purposes of subsection (1), the Authority may—

- (a) issue a Notice of Non-Compliance to require the licensee to take corrective action in accordance with section 39;
- (b) suspend the licence and issue a Notice of Non-Compliance to require the licensee to take corrective action in accordance with section 38; or
- (c) revoke the licence.

(3) Where the Authority decides to suspend or revoke a licence, it shall, in writing, inform the licensee of its decision and the reasons for its decision.

(4) Where a licence is suspended or revoked under this Part, the licensee shall immediately return the licence to the Authority.

(5) The Authority shall cause notice of the suspension or revocation of a licence to be published in the *Gazette*, in at least two newspapers in daily circulation in Trinidad and Tobago and on the Authority's website.

38. (1) For the purposes of section 37, a Notice of Non-Compliance shall—

(a) contain information detailing—

- (i) the areas in which the licensee is not in compliance with this Act or the terms and conditions of his licence;
- (ii) the corrective action which is required to be done in order for the licensee to be in compliance with this Act and the terms and conditions of his licence; and

Notice of Non-Compliance and corrective action by licensee

(iii) the period within which the corrective actions is required to be completed; and

(b) state that the failure of the licensee to complete the required corrective action within the specified period may result in the suspension or, if his licence has already been suspended, the revocation of his licence.

(2) Where a Notice of Non-Compliance is issued to a licensee, the licensee shall take such steps as are necessary to complete the corrective action specified in the Notice of Non-Compliance within the specified period.

(3) A licensee to whom a Notice of Non-Compliance is issued may, at any time or within such period as may be specified in the Notice, request clarification from the Authority as to the corrective action required to be completed, and the Authority shall provide the clarification within fourteen days of the receipt of the request.

(4) Where a licensee to whom a Notice of Non-Compliance is issued has reason to believe that he would be unable to complete the corrective action within the period specified in the Notice, he shall so inform the Authority in writing and the Authority may extend the period specified in the Notice in order for the corrective action to be completed.

(5) Subject to subsection (4), where a licensee to whom a Notice of Non-Compliance is issued fails to complete any corrective action specified in the Notice within the period as specified in the Notice or as extended under subsection (4), the Authority may suspend his licence until the corrective action is completed or, if his licence has already been suspended, revoke his licence.

39. (1) Where a licence is suspended under this Part, ^{Effect of suspension or revocation} the licensee shall immediately cease all activities under the licence for such time as the suspension remains in force.

(2) Where a licence has been revoked under this Part, the licensee shall immediately cease all activities under the licence.

(3) A person who fails to cease all activities as required under subsection (1) or (2), commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for a term of seven years.

40. (1) A licensee shall not surrender his licence ^{Surrender of licence} without the prior approval of the Authority.

(2) A licensee may, in writing, apply to the Authority for approval to surrender his licence in accordance with the disposal conditions and other terms and conditions of his licence.

(3) An application under subsection (2) shall be accompanied by the prescribed fee.

(4) The Authority shall not approve the surrender of a licence unless it is satisfied that the licensee has—

- (a) disposed of any cannabis in his possession or under his control in accordance with the disposal conditions of his licence;
- (b) complied with the disposal conditions and other terms and conditions that relate to the surrender of the licence; and
- (c) ceased all activities under the licence.

(5) Where the Authority approves the surrender of a licence, it shall, in writing, inform the licensee of its approval.

(6) The surrender of a licence comes into effect upon the issuance of the approval of the Authority.

(7) Where a licensee receives the approval of the Authority to surrender his licence, the licensee shall immediately return the licence to the Authority.

(8) The surrender of a licence does not prevent the former holder of the licence from applying for another licence.

(9) The Authority shall cause notice of the surrender of a licence to be published in the *Gazette*, in at least two newspapers in daily circulation in Trinidad and Tobago and on the Authority's website.

PART V

MEDICINAL CANNABIS

Use of medicinal
cannabis

41. (1) A person who uses medicinal cannabis without being authorised to use medicinal cannabis by a prescription or recommendation from a medical practitioner commits an offence and is liable—

- (a) on summary conviction to a fine of ten thousand dollars and to imprisonment for a term of six months; or
- (b) on conviction on indictment to a fine of one hundred thousand dollars and to imprisonment for a term of ten years.

(2) The parent or guardian of, or a person with responsibility for, a patient who is a child shall obtain a certificate in writing from a medical practitioner certifying that the use of medicinal cannabis is necessary in the case of that child, and the parent or guardian shall consent in writing to the use of medicinal cannabis by the child.

(3) A parent or guardian of, or a person with responsibility for, a child who fails to comply with subsection (2) and permits or causes the child to use medicinal cannabis commits an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars and to imprisonment for a term of ten years.

42. In circumstances where a prescription or ^{Dose limitation} recommendation by a medical practitioner requires the repeated usage of medicinal cannabis which may span several months, a pharmacy or dispensary shall not dispense to the patient more than a thirty day supply of individual doses at a time.

43. (1) A medical practitioner shall maintain a ^{Keeping of records} record of every patient to whom he has prescribed or recommended medicinal cannabis, and where that patient has a caregiver, the medical practitioner shall also enter into the record the name and contact information of the caregiver.

(2) The medical practitioner referred to in subsection (1) shall submit to the Authority at such times as the Authority may direct, a report containing such information from his records other than the name or identity of any patient, as may be prescribed.

(3) The Authority may request further information from the medical practitioner in writing.

44. (1) Subject to subsections (2) and (3), a patient ^{Caregivers} may, with the consent of another, designate that other person his caregiver, and that designated caregiver shall be responsible for—

- (a) the immediate care and safety of the patient; or
- (b) assisting the patient with obtaining medicinal cannabis and other medicinal or medical requirements for his care or safety.

(2) A relative or friend appointed for a medically recommended person by the Psychiatric Hospital Director or a duly authorised medical officer under the Mental Health Act, shall be deemed to be the caregiver ^{Chap. 28:02} of that person.

(3) A parent or guardian of, or a person with responsibility for, a patient who is a child shall be deemed to be the caregiver for that child unless he designates another person or a person is designated by an order of the Court.

(4) A person who is designated as a caregiver under this Act shall obtain from a medical practitioner a certificate that states that the caregiver is not addicted to a dangerous drug.

(5) A person who is under the age of eighteen years shall not be designated as a caregiver.

(6) A caregiver shall not be a person who has been convicted of an indictable offence under the Dangerous Drugs Act.

(7) A patient who changes his caregiver shall within one week of the change notify his medical practitioner of the change and give that medical practitioner such information as the medical practitioner may require in respect of the new caregiver.

(8) A patient and his designated caregiver shall notify the Authority of the designation and give to the Authority such information as the Authority may require in respect of the new caregiver.

Dispensing of
medicinal cannabis

45. (1) A pharmacist or authorised personnel under the supervision of a pharmacist in a pharmacy or a pharmacist or authorised personnel under the supervision of a pharmacist in a dispensary may dispense medicinal cannabis to a patient and where applicable, to a caregiver for a patient.

(2) Subject to subsection (1), a pharmacist or authorised person being supervised by a pharmacist shall only dispense or supply medicinal cannabis on the submission by a patient or where applicable, a caregiver, of a prescription or recommendation and a valid form of identification.

(3) Upon dispensing medicinal cannabis to a patient or, where applicable, a caregiver, a pharmacist or other authorised personnel under the supervision of a pharmacist shall ensure that the label given in respect of the prescription or the recommendation has the prescribed information.

(4) A pharmacist shall enter the information referred to in subsection (3) in a register kept by him and established for that purpose, in the prescribed manner.

(5) A pharmacist shall not dispense to a patient or, where applicable, a caregiver—

- (a) a quantity of medicinal cannabis greater than that which the patient or caregiver is permitted to obtain under a prescription; or
- (b) any form of cannabis prohibited under this Act or any other written law.

(6) A pharmacist shall conform to any requirement or limitation set by the medical practitioner as to the form of medicinal cannabis that is required in relation to the patient and shall provide to a patient and where applicable, a caregiver, the following information:

- (a) the lawful methods for administering medicinal cannabis in individual doses;
- (b) any potential danger stemming from the use of medicinal cannabis;
- (c) how to prevent or deter the misuse of medicinal cannabis by children; and
- (d) any other information which the pharmacist may consider to be relevant.

PART VI

CANNABIS FOR RELIGIOUS PURPOSES

46. (1) A controller of a religious organisation which is permitted to handle cannabis under a licence shall not handle or permit the handling of cannabis for any type Prohibition of commercial use of cannabis for religious purposes

of commercial benefit or engage in any type of sale, supply or other transaction involving cannabis for money or for any profit, financial or monetary gain or compensation.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for a term of six months.

(3) For the avoidance of doubt, where there are reasonable grounds to suspect that there is an intention to contravene the provisions of the Dangerous Drugs Act, subsection (1) shall not restrict the exercise of the discretion of the Director of Public Prosecutions from prosecuting a person for a relevant offence under that Act or any other written law.

Sacramental
dispensaries

47. A sacramental dispensary shall—

- (a) not be operated for money or for any profit, financial or monetary gain or compensation;
- (b) only dispense to persons registered as adherents to the religious organisation;
- (c) dispense no more than thirty grams of cannabis to any single adherent at a regulated frequency as may be prescribed; and
- (d) establish and maintain all prescribed records.

Declaration of
exempt event

48. (1) The Minister may, by Order, declare an event to be an exempt event for the purposes of this Act, if he is satisfied that the event is—

- (a) promoted or sponsored by a person who is a leader of a religious organisation; and
- (b) primarily for religious purposes, in accordance with the provisions of this Act.

(2) Where an event is declared under this section to be an exempt event for the purposes of this Act, no person at the event shall be liable to arrest, detention or prosecution for any offence or any other penalty regarding cannabis being transported to, or which is possessed, supplied or used at the exempt event in such amount and under such conditions as are specified in the Order.

49. (1) No person shall cause or permit the dispensing of cannabis to a child at a place of worship, a sacramental dispensary or an exempt event. Prohibition of use of cannabis by children

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for a term of five years.

PART VII

REGISTERS

50. In this Part, “register” means a register established under this Part. Definition of register

51. (1) The Authority shall establish and maintain a separate register for each type of licence and shall cause each licence which is granted to be registered in the appropriate register. Requirement to establish and maintain registers of licences

(2) The Authority shall also establish and maintain a private register containing any information submitted in an AML/CFT/PF risk assessment questionnaire referred to in section 30(7)(b).

(3) Subject to this Part, a register shall contain such information as may be prescribed.

52. (1) The Authority shall have custody of the registers and all documents which relate to them. Custody and access to registers

(2) The Authority shall, upon payment of the prescribed fee, allow any person to inspect the public registers during normal business hours.

(3) The Authority shall, upon payment of the prescribed fee, provide a person with a certified copy of or an extract from the public registers.

(4) The Authority may, on his own motion, or when requested by the Supervisory Authority, provide a certified copy of or an extract from the registers to the Supervisory Authority.

(5) The Authority shall not disclose information provided in an application for registration or a licence or in an AML/CFT/PF risk assessment questionnaire referred to in section 6 or 8, except—

- (a) to the Supervisory Authority;
- (b) for the purposes of law enforcement or court proceedings;
- (c) pursuant to an order of the Court; or
- (d) where required under any written law.

Duty to correct and update registers

53. (1) The Authority shall ensure that the information contained in each register is correct and updated.

(2) The Authority may, for the purposes of subsection (1), amend a register to correct and update the information contained therein.

Additions to, removals from and restoration of name to register

54. (1) The Authority shall—

- (a) where a licence is granted, insert the name of the licensee into the appropriate register of licences;
- (b) where a licence is suspended, insert the name of the suspended licensee into the appropriate register of suspensions; and
- (c) where a licence is revoked, remove the name of the licensee from the appropriate register of licences and insert the name of the revoked licensee into the appropriate register of revocations.

(2) The Authority shall have the power to restore names to the register of licences from time to time, in appropriate circumstances.

55. (1) Where a licence has been granted pursuant to section 34, the Chief Executive Officer shall issue a certificate of grant of licence to the licensee and such copies of it, if any, as are required for the purposes of subsection (3).

(2) A certificate of grant of licence shall bear an identifying number and shall show the date from which the licence is effective.

(3) A licensee shall cause his certificate of registration, or a copy of it issued by the Authority, to be displayed in public view at the place from which the licensee carries on the business for which the licence was granted.

(4) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine of six thousand dollars and a further one hundred dollars in respect of each day during which the offence has continued.

(5) A person who, not being licensed, displays a certificate of registration, a copy of a certificate of registration, or a document purporting to be a certificate of registration or purporting to be a copy of a certificate of registration, commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and imprisonment for one year.

56. A register under this Part, other than a private register referred to in section 51(2), shall at all reasonable times be open to inspection at the office of the Authority and shall be accessible to the public on a website established by the Authority.

Offence to alter
register without
lawful authority

57. A person who alters a register without lawful authority commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for a term of one year.

PART VIII

INSPECTIONS

Inspection
programme

58. (1) The Authority shall establish an inspection programme to monitor compliance with the requirements of this Act and the terms and conditions of licences.

(2) The Authority shall establish the qualifications for inspectors and a training programme to ensure a high level of competence for inspectors.

Conduct of
inspections

59. The Authority shall conduct inspections with or without notice and carry out any other examination as may be necessary to verify compliance with the provisions of this Act and any applicable terms and conditions of a licence.

Appointment of
inspectors

60. (1) The Authority shall appoint an inspector or an inspection team to inspect any premises where any activity regulated under this Act is conducted and to submit a report to it upon the completion of an inspection.

(2) An inspection team under subsection (1) may comprise such number of persons as the Authority deems necessary having regard to the expertise and training required for the inspection.

(3) An inspector who is conducting an inspection may be accompanied by a police officer.

(4) Inspectors appointed under subsection (1) shall take direction and instructions from the Authority in respect of their functions and duties.

(5) An inspector or inspection team under this section shall provide an inspection report of its inspections to the Authority within twenty-one days of his or its appointment or such other time as the Authority may determine.

(6) Where a person has been appointed under this section, he shall be issued a certificate of his appointment in the form approved by the Authority.

61. An inspector appointed under section 60 shall, on seeking admission to any premises for the purposes of this Act, if required, produce the certificate of his appointment issued under section 60(6) to the owner, occupier or other person for the time being in charge of the premises. Production of certificate of appointment

62. (1) An inspector appointed under this Act shall, for the purposes of the enforcement of this Act, have the power to do all or any of the following: Powers of inspectors

- (a) to enter any premises specified in a licence with or without a warrant during working hours or such other times as the premises are open to the public or otherwise in use by the licensee;
- (b) to question any person who has duties which in the view of the inspector may be pertinent to the inspection being carried out;
- (c) to verify compliance with this Act and the terms and conditions of any licence;
- (d) to take for analysis sufficient samples of any material;
- (e) to take photographs;
- (f) to make copies of any record or other document;
- (g) to seize anything which may be of evidential value for the prosecution of an offence under this Act or any other written law; and

(h) to direct the temporary suspension of any activity which he reasonably believes to be in contravention of this Act or in breach the terms and conditions of a licence.

(2) Where an inspector takes action under subsection (1)(h), he may—

- (a) order the licensee to prohibit employees and other persons from engaging in the activity;
- (b) order that any material be safely and securely stored; and
- (c) require that corrective action be taken in accordance with sections 37 and 38.

(3) Where an inspector takes action under subsection (2), the decision of the inspector remains in force unless and until—

- (a) it is withdrawn by the inspector;
- (b) reversed or modified by the Authority; or
- (c) altered through an appeal under section 66 or judicial review.

(4) Where an inspector takes any action under subsections (1)(h) and (2), he shall, within twenty-four hours of taking such action, make a report to the Authority of his findings and any actions taken by him.

(5) A report under subsection (4) shall include—

- (a) relevant findings and identify the evidentiary basis for the findings;
- (b) explanations or any other information the inspector deems relevant.

(6) A report submitted under this section shall be made available to the licensee affected who shall have the right to submit explanations or objections within seven days of the issuance of the report.

(7) A person who obstructs or hinders an inspector in the carrying out of his duties under this section commits an offence.

63. Where a Magistrate is satisfied by information or ^{Warrants} oath given by a police officer, that there are reasonable grounds for believing that an offence under this Act has been or is about to be committed in any dwelling house, he may issue a warrant authorising the police officer to—

- (a) enter, at any time, the place named in the warrant with force, if necessary, and inspect that place;
- (b) detain a person found in that place in respect of whom there is reasonable suspicion regarding the commission of an offence under this Act; or
- (c) seize anything which may be of evidential value for the prosecution of an offence under this Act or any other written law.

PART IX

MISCELLANEOUS

64. (1) Where the Authority has reasonable cause to ^{Administrative fines} believe that a person has committed a prescribed summary offence under this Act, the Authority may issue to that person a notice offering the person the opportunity to dispense with any liability to conviction in respect of that offence by payment of the prescribed administrative fine.

(2) Where a person is given a notice under this section, criminal proceedings shall not be taken against him for the offence specified in the notice until the expiration of twenty-one days commencing from the day after which the notice was served.

(3) Where a person fails to pay the administrative fine referred to in subsection (1), or where he pays the administrative fine but continues to commit the offence after the expiration of twenty-one days following the date of service of the notice referred to in subsection (1), that person is liable for the offence committed.

(4) Where a person paid an administrative fine under subsection (1), but continues to commit the offence and is convicted under subsection (3), he is liable for the offence from the date after which he made the payment.

(5) Payment of an administrative fine under this section shall be made to the Authority and a certificate that payment of the penalty was made to the Authority by the specified date shall, if the certificate purports to be signed by an officer authorised by the Authority, be admissible as evidence of the facts stated therein.

(6) All monies received under this section shall be credited to the Consolidated Fund.

(7) A notice under subsection (1) shall—

- (a) specify the offence alleged;
- (b) give such particulars of the offence as are necessary for giving reasonable information of the allegation; and
- (c) state—

- (i) that criminal proceedings shall not be laid until the expiration of twenty-one days from the date of service of the notice where payment of the administrative fine is made and the commission of the offence is discontinued;
- (ii) the amount of the administrative fine and the fact that it is to be paid to the Authority; and

(iii) that the Authority shall not accept any payments in respect of a notice under subsection (1) after the expiration of the twenty-one days.

(8) In any proceedings for an offence to which this section applies, no reference shall be made to the giving of any notice under this section or to the payment or non-payment of an administrative fine thereunder unless in the course of the proceedings or in some document which is before the court in connection with the proceedings, reference has been made by, or on behalf of the accused to the giving of such a notice, or, as the case may be, to such payment.

65. A person who contravenes, or fails to comply with, any of the provisions of this Act or the Regulations commits an offence and except where the provision by, or under which the offence is created, provides a penalty to be imposed, is liable on summary conviction to a fine of one hundred thousand dollars and in the case of a continuing offence to a further fine of one thousand dollars for each day that the offence continues after conviction. General penalties

66. A person who is aggrieved by a decision of the Authority under this Act to refuse to grant or renew a licence, to suspend or revoke a licence, or to impose an administrative fine, may, within thirty days of being informed of that decision, appeal to the High Court. Appeals

67. (1) The Authority may, with the approval of the Minister, make Regulations generally for carrying this Act into effect and prescribing anything required to be prescribed under this Act. Regulations

(2) Regulations may provide that any contravention thereof shall constitute an offence punishable on summary conviction by a fine not exceeding one hundred thousand dollars and imprisonment for a term not exceeding two years.

(3) Regulations made under this Act shall be subject to the affirmative resolution of Parliament.

Passed in the House of Representatives this 3rd day of June, 2022.



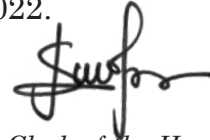
Clerk of the House

Passed in the Senate this 18th day of May, 2022.



Clerk of the Senate

Senate amendments agreed to by the House of Representatives this 3rd day of June, 2022.



Clerk of the House