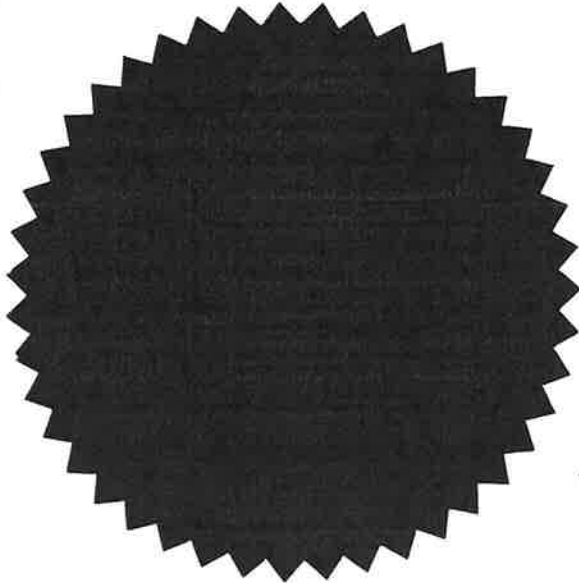


JAMAICA

No. 15 — 2023



I assent,

P.L. Allen

Governor-General.

18th day of December 2023

AN ACT to Provide for the integration of the National Council on Drug Abuse into the Ministry with responsibility for health; to make provision for the transfer of the functions, assets, rights and liabilities of the National Council on Drug Abuse; to repeal the National Council on Drug Abuse Act; and for connected matters.

the date notified by the Minister
[Bringing the Act into operation]

BE IT ENACTED by The King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the National Council on Drug Abuse (Repeal) Act, 2023, and shall come into operation on a day (hereinafter referred to as the appointed day) to be appointed by the Minister by notice published in the *Gazette*.

Short title
and
commencement

Interpretation. **2.** In this Act, unless the context otherwise requires—

“assets” means—

- (a) choses in action, goodwill, rights, interests and claims of every kind in or to property—
 - (i) whether arising from, accruing under, created or evidenced by, or the subject of, an instrument or otherwise; and
 - (ii) whether liquidated or unliquidated, actual, contingent or prospective; and
- (b) property of every kind whether tangible or intangible, real or personal, corporeal and incorporeal;

“functions” includes powers and duties;

“liability” means any liability, duty or obligation, whether actual, contingent or prospective, liquidated or unliquidated, or whether owed alone or jointly or jointly and severally with any other person;

“right” means any right, power, privilege or immunity, whether actual, prospective or contingent.

Repeal of the National Council on Drug Abuse Act. **3.** The National Council on Drug Abuse Act is repealed.

Transfer and devolution of assets, rights and liabilities. **4.—(1)** On the appointed day, all moneys held in any bank account in the name of or standing to the credit of the National Council on Drug Abuse, shall be credited to the Consolidated Fund to be applied in the payment of the liabilities of the National Council on Drug Abuse, arising before the appointed day, and the National Council on Drug Abuse, shall be deemed to have been dissolved.

(2) The Consolidated Fund shall be credited with all moneys becoming payable to the National Council on Drug Abuse before, on or after the appointed day and paid after the appointed day.

(3) On and after the appointed day—

- (a) the assets and rights of the National Council on Drug Abuse, that were immediately before that day vested in the National Council on Drug Abuse vest—
 - (i) in relation to real property, in the Commissioner of Lands by force of this section; and
 - (ii) in relation to personal property, in the Crown by force of this section;
- (b) the liabilities of the National Council on Drug Abuse (including any share of a liability) subsisting immediately before the appointed day become, by force of this section, the liabilities of the Crown;
- (c) any proceeding or remedy that immediately before the appointed day might have been brought or continued by, or available against or to, the National Council on Drug Abuse, may be brought or continued by, and are available by or against or to, the Attorney General; and
- (d) all records and data of the National Council on Drug Abuse pass to the Ministry with responsibility for health, for and on behalf of the Crown.

5. Transfer tax, stamp duty and other applicable fees relating to the transfer, registration and later disposal of assets under section 4 shall be waived.

Waiver of transfer tax and stamp duty.

6.—(1) Where any reference is made to the National Council on Drug Abuse in any enactment, agreement, instrument or other document, unless the context otherwise requires, such reference shall be read and have effect, on and after the appointed day, as if it were a reference to the Crown acting through the Ministry with responsibility for health.

Reference to the National Council on Drug Abuse.

(2) Any agreement or instrument subsisting immediately before the appointed day, to which the National Council on Drug Abuse

was a party, or which contains a reference to the National Council on Drug Abuse, has effect on and after the appointed day as if—

- (a) the Crown acting through the Ministry with responsibility for health were substituted for the National Council on Drug Abuse as a party to the agreement or instrument, (as the case may be); and
- (b) any reference in the agreement or instrument to the National Council on Drug Abuse were (unless the context otherwise requires) amended to be or include a reference to the Crown acting through the Ministry with responsibility for health.

Transfer of functions of the National Council on Drug Abuse.

7. On and after the appointed day, the functions conferred upon the National Council on Drug Abuse under the Act shall be performed by the Minister with responsibility for health, for and on behalf of the Crown.

Savings.

8. The operation of this Act shall not be regarded—

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of residual assets, rights or liabilities or the disclosure of information;
- (c) as giving rise to any remedy by a party to an instrument or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any assets, rights or liabilities;
- (d) as causing any contract or instrument to be void or otherwise unenforceable; or
- (e) as releasing or allowing the release of any surety.

Amendment of the Dangerous Drugs Act.

9. The Dangerous Drugs Act is amended—

- (a) in section 7D(12)(a) by deleting the words “National Council on Drug Abuse” and substituting therefor the words “Ministry with responsibility for health in relation to matters concerning the misuse and abuse of drugs in Jamaica;”;

- (b) in section 7G(3)(e) by deleting the words “National Council for Drug Abuse” and substituting therefor the words “Ministry with responsibility for health.”;
- (c) in paragraph (1)(b) of the Second Schedule by deleting the words “one member” and substituting therefor the words “two members one of whom shall be a person having expertise in the management of drug abuse;”; and
- (d) in paragraph (1) of the Second Schedule by deleting sub-paragraph (i) and re-numbering sub-paragraph (j) as sub-paragraph (i).

Passed in the Honourable House of Representatives this 14th day of November, 2023.

JULIET HOLNESS,
Speaker.

Passed in the Senate this 1st day of December, 2023.

THOMAS TAVARES-FINSON, OJ, CD, QC, JP
President.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives and Senate, and has been found by me to be a true and correct printed copy of the said Bill.



Clerk to the Houses of Parliament.