

TRINIDAD AND TOBAGO.

No. 9.—1915.

28th May.

AN ORDINANCE to prohibit the cultivation of the Ganja Plant and to regulate the sale and possession of Ganja.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

14th June, 1915.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

1. This Ordinance may be cited as the Ganja Ordinance, Short Title. 1915.

2. In this Ordinance—

“Ganja plant” means the plant known botanically as *Cannabis Sativa*.

Interpre-
tation.

“Ganja” includes Charas, Bhang, Sabzi, Siddhi and all parts of the Ganja plant which contain the essential narcotic principles.

“Constable” means a member of the Constabulary Force.

Saving as to certain persons.

3. Nothing in this Ordinance contained shall apply to the Government Analyst or any other public officer keeping or having ganja in his possession for the purpose of carrying out his public duties.

Saving as to
certain
persons.

Prohibition of cultivation of the Ganja Plant.

Cultivation of ganja. 4.—(1.) Any person who plants, grows, or cultivates the ganja plant, is liable to a penalty not exceeding one hundred pounds, and, in default of payment, to imprisonment with or without hard labour for any term not exceeding twelve months.

(2.) Provided always that nothing in this section shall be taken to prohibit the planting growing or cultivation of the ganja plant by or under the direction of the Director of Agriculture.

Importation, Sale, &c., of Ganja.

General prohibition. 5. Save as is expressly permitted by this Ordinance, it shall not be lawful for any person to import, sell, deal in, keep or have in his possession any ganja.

Importation of ganja. 6. All ganja imported into this Colony shall be warehoused in the first instance in the Customs warehouse in Port-of-Spain, and if any ganja is imported contrary to this Section, or being imported is not forthwith duly entered or warehoused, the same shall be forfeited, and the importer thereof and every other person concerned in the importation thereof or to whose hands any such ganja comes shall forfeit either treble the value thereof or the penalty of £100 at the election of the Collector of Customs.

Restrictions on delivery for consumption. 7. No ganja shall be delivered from the Customs warehouse for consumption in the Colony except under the following conditions:—

(a.) Such ganja shall be made into separate packets of such weights as the Collector of Customs directs;

(b.) Each such packet shall be securely sealed by the importer in a manner to be approved by the Collector of Customs;

(c.) Before any ganja is made into packets as aforesaid, the same shall be duly entered for consumption in the Colony and the full duty of Customs paid thereon.

License. 8. Any person desirous of selling or dealing in ganja shall take out an annual license in the manner hereinafter provided, for which a duty of £10 shall be paid.

9. The said duty may be paid to and the said license may be granted by the Receiver-General or Sub-Receiver; and all moneys received directly or indirectly by the Receiver-General or Sub-Receiver on account of such duties shall be accounted for and paid over as public moneys received by them for the use of his Majesty.

Who may grant licenses.

10. Every license granted under this Ordinance shall be in such form as the Receiver-General directs and shall contain the name and description of the licensee and the description of the premises in respect of which the license is granted, and shall be dated on the day of grant and expire on the next following thirty-first day of December. No license under this Ordinance shall be granted upon payment of a less sum than the duty for a whole year, nor shall any such license be transferable.

Form of license.

11. Every person who grants licenses under this Ordinance shall keep a register of all such licenses granted by him, specifying the name and description of every licensee, the description of the licensed premises and the date of every such license.

Register of licenses.

12. Every person who sells or deals in ganja without having in force a license granted to him under this Ordinance, or upon any premises other than those specified in his license, is liable to a penalty not exceeding £100, and in default of payment to imprisonment with or without hard labour for any term not exceeding six months.

Penalty for unlicensed sale.

13. Any person who, not having a license to sell or deal in ganja as hereinbefore required, keeps or has in his possession more than four ounces avoirdupois of ganja, is liable to a penalty not exceeding £100, and in default of payment to imprisonment with or without hard labour for any term not exceeding six months.

Unlawful possession of Ganja.

14. The occupier of any unlicensed premises on which any ganja is sold or dealt in, or if such premises are occupied by more than one person, every occupier thereof, is liable to a penalty not exceeding £100, unless he proves to the satisfaction of the Magistrate before whom the case is heard that he had no notice of such sale or dealing, or intended sale or dealing, or that having such notice he took all reasonable

Penalty on occupier in case of sale in unlicensed premises.

means to prevent such sale or dealing, and as soon as he reasonably could, gave information thereof to some Constable.

Penalty on sale
or possession
of ganja
not sealed.

15. If any ganja not being securely sealed as in this Ordinance is prescribed, or of which such sealing bears any mark or appearance of having been broken or tampered with, is sold or exposed for sale by or found in the possession of any importer or dealer in or retailer of ganja, he shall forfeit either treble the value thereof or the penalty of £100 at the election of the Collector of Customs, and all such ganja shall be forfeited.

Forgery of
seals.

16. If any person forges or counterfeits any seal as in this Ordinance provided for or utters any such seal knowing the same to be forged or counterfeited, he shall be guilty of a misdemeanour, and on conviction upon indictment thereof may be imprisoned with or without hard labour for any term not exceeding two years.

Penalty on not
destroying
seal.

17. If any vendor of any packet of ganja sealed as required by this Ordinance fails on the sale thereof and before delivery to the purchaser to destroy any such seal so as to render the same incapable of being again used for the same purpose, he is liable to a penalty not exceeding £20.

General.

Recovery of
penalties, &c.

18. Any penalty incurred under Section 6 or Section 15 of this Ordinance may be sued for and recovered in the manner provided in the Crown Suits Ordinance, 1913, and subject thereto, and to the provisions of Section 16 of this Ordinance, all offences under this Ordinance may be prosecuted before a Magistrate in the manner provided in the Summary Conviction Offences Procedure Ordinance (No. 1).

Arrest of
offender and
forfeiture of
Ganja.

19.—(1.) Any Constable may without warrant arrest any person whom he shall find committing any offence under this Ordinance, and shall seize all ganja which may be in the possession of any such person so arrested, and the same upon conviction of the party accused shall be absolutely forfeited to His Majesty the King.

(2.) The offender and the goods seized shall be taken and conveyed to the nearest Constabulary Station to be dealt with according to law, and the Constable for the time being in charge of such station may, if he be satisfied with

regard to the name, position or business and place of residence of the person arrested, release him provisionally and conditionally, recording all particulars in the occurrence book at the station.

20.—(1.) If, upon information given upon oath it appears to any Magistrate that there is reasonable cause for suspecting that any ganja is kept in or upon any premises contrary to the provisions of this Ordinance, such Magistrate may by warrant under his hand directed to any Constables authorize such Constables to enter and search such premises, and by the said warrant may if he thinks fit, specially authorize such Constables to enter and search such premises at any time of the day or night; and moreover if he thinks fit, may specially authorize such Constables with or without assistants, after having made known their authority, to break open or otherwise use force in order to effect an entry. Search warrants.

(2.) If upon search made under this section any such ganja is found, the Constables executing the warrant shall take possession of and secure the same and apprehend and bring before a Magistrate the person upon whom or in whose premises the same is found, to be dealt with according to law.

(3.) All ganja found on any search under this section shall upon conviction in respect thereof be forfeited to His Majesty the King.

21. It shall not be necessary in any prosecution under this Ordinance to prove any substance to be ganja or any preparation thereof by the certificate of the Government Analyst, but any person who in the opinion of the Magistrate has sufficient knowledge of the subject can be called to give evidence as to the nature of any substance seized or found in the possession of any person, or as to the nature of any plant found growing on any land; and any certificate of the Government Analyst shall be sufficient *prima facie* evidence of the facts therein stated, and no proof need be given of the signature or official character of the Analyst. Evidence.

22.—(1.) The Ordinance No. 279 and the Ordinance No. 280 so far as it relates to ganja are hereby repealed. Repeal.

(2.) For the purposes of the Opium and Ganja License Ordinance, (No. 280) the expression "opium" in the said Ordinance shall be deemed to refer to the various substances included within the definitions of "opium" and "prepared opium" set forth in Section 2 of the Opium Ordinance, 1912.

16
 Commence-
 ment.

23. This Ordinance shall commence and come into operation on a day to be proclaimed by the Governor.

Pro. No.
 44 of 1915

Passed in Council this Twenty-eighth day of May, in the year of Our Lord one thousand nine hundred and fifteen.

HARRY L. KNAGGS,
Clerk of the Council.
