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SUPPLEMENT

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No. 150

THE DANGEROUS DRUGS ACT

**THE DANGEROUS DRUGS (RASTAFARI ROOTZFEST) (EXEMPT
EVENT) ORDER, 2018**

In exercise of the power conferred upon the Minister under the Act by section 7D(8) of the Dangerous Drugs Act, the following Order is hereby made:—

1. This Order may be cited as the Dangerous Drugs (Rastafari Rootzfest) (Exempt Event) Order, 2018.

2. Subject to the conditions set forth in the Schedule to this Order, the event entitled Rastafari Rootzfest 2018 and promoted by the Organizers, to be held from December 14, 2018 to December 16, 2018 at Long Bay Beach Park 1 and Football Field, Norman Manley Boulevard, Negril, Westmoreland, and at MXIII, 45 One Love Drive, Negril, Westmoreland is hereby declared to be an exempt event pursuant to section 7D(8) of the Dangerous Drugs Act ("the Act") and, accordingly, the provisions of section 7D(9) of the Act shall apply in relation thereto.

3. The Minister reserves the right, at any time(s) after consultation with the Organizers, to add to, modify or otherwise vary the conditions provided for in the Schedule to this Order, upon giving notice in writing thereof to the Organizers.

4. The Minister may revoke this Order if any of the conditions in the Schedule hereto is contravened.

5. In this Order, references to "the Organizers" are references to Verald St. Aubyn Vassell (otherwise known as "Ras Iyah V") and Rastafari In Inity Limited.

SCHEDULE*General Matters*

1. The exemption by virtue of the provisions of section 7D(9) of the Act shall be subject to the conditions in this Schedule, and shall apply only in relation to:
 - (a) activities at the exempt event location referred to in paragraph 2 of this Order; and
 - (b) the conveyance of ganja to the exempt event location.
2. Subject to condition 16, the exemption shall apply only during the period commencing December 14, 2018 through December 16, 2018 (inclusive).

Preliminary Matters

3. It is a condition of the effectiveness of this Order, that the Parish Council for the parish in which the exempt event is to take place, shall have issued a permit for the event to be held at the locations and on the dates referred to in paragraph 2 of this Order.
4. At least thirty (30) days prior to the commencement of the exempt event, the Organizers shall:
 - (a) notify the Officer In Charge of the Police Station that is nearest to the exempt event, of the holding of the event at the locations referred to herein. Proof of such notification and acknowledgement must be submitted to the Ministry of Justice; and
 - (b) provide a copy of this Order to the Officer in Charge.
5. The Organizers shall provide the Officer in Charge with such information concerning the arrangements for the exempt event that the Officer in Charge may require, and shall generally cooperate with the police and other relevant authorities to ensure the orderly and peaceful conduct of the exempt event.
6. In planning the exempt event, the Organizers shall consult with the Chief Medical Officer and the Executive Director of the National Council on Drug Abuse (NCDA), so that the Ministry of Health and the NCDA can make whatever preparations they may consider appropriate in relation to the exempt event.
7. The Organizers shall ensure that emergency health care services and ambulance services are available at the exempt event, in accordance with the requirements of the Parish Council and any applicable laws.
8. In addition to whatever arrangements are made with the police, the Organizers shall ensure that there is adequate security at the exempt event, which shall be provided by a contracted security company duly licensed under applicable Jamaican law.

SCHEDULE, *contd.**Design and Organizational Elements, Advertising and Contribution*

9. This Order is being made on the basis that the exempt event is being held primarily for the celebration or observance of the Rastafarian faith. Accordingly, the Organizers shall ensure that:
- (a) all design and organizational elements of the event protect the integrity of the Rastafari community, its brands and imagery;
 - (b) all design and organizational elements of the event adhere to and accurately reflect Rastafari traditional cultural expressions, knowledge, cultural heritage and intellectual property; and
 - (c) in all print, radio, television and internet advertising to promote the exempt event (whether in Jamaica, outside Jamaica or on-line), due regard is paid to the primary purpose of the event, and that the time and space allocated to any non-Rastafari elements of the exempt event (including but not limited to, the Ganjamaica Cup competition being jointly arranged with Timeless Herbal Care) shall not exceed:—
 - (i) twenty-five per cent (25%) of the total time and space of each advertisement in Jamaica (including, but not limited to, on-line media published by persons or entities resident or having permanent establishments in Jamaica);
 - (ii) forty-five per cent (45%) of the total time and space of each advertisement outside Jamaica (including, but not limited to, on-line media published by persons or entities not resident or having permanent establishments in Jamaica).
10. The Organizers shall make the financial contribution, funded out of the proceeds of the exempt event, to worthy causes for the upliftment of the Rastafari community, in accordance with the commitment made in the application submitted to the Minister in respect of which this Order has been made.

Operational Requirements

11. The Organizers shall ensure that an entry armband is provided to each person who attends the exempt event.
12. Areas specifically designated for smoking for sacramental purposes shall be identified and maintained within the exempt event location referred to in paragraph 2 of this Order, and smoking shall not be permitted outside of those specifically designated smoking areas. Adequate space provision shall be made for patrons who do not wish to be in the specifically designated smoking areas.

SCHEDULE, *contd.*

13. The Organizers shall ensure that persons under eighteen years old are not permitted to enter the exempt event, and proof of age (through the presentation of an ID) shall be required as a condition of entry where it appears that the person may be under eighteen years old.
14. Possession, smoking or other consumption of ganja at the exempt event shall not be permitted by persons who are under the age of eighteen years and such persons shall not be allowed into the event's specifically designated smoking areas.

Conveyance of ganja to the exempt event

15. A person who is *en route* to the exempt event locations or attending the exempt event shall not, where the person is wearing an armband or possesses a ticket for the exempt event, be liable for any offence or penalty relating to the conveyance or possession of ganja, provided that the amount of ganja in his/her possession does not exceed two ounces.
- 16.—(a) For the purposes of this condition, "authorised person" means a person who has been issued with a written and stamped authorisation by the Organizers to convey ganja up to (but not exceeding) the specified amount for the purposes referred to in this condition, and the "specified amount" means a quantity to be determined and notified in writing by the Minister to the Organizers and the Commissioner of Police (after consultation with them) in the agreed amount for the purposes referred to in this condition.
- (b) There shall not be more than seven (7) authorised persons.
- (c) Notwithstanding condition 15, an authorised person who is *en route* to the exempt event location or attending the exempt event may convey up to the specified amount of ganja for the purposes of donation, display or use at the exempt event, without being liable for any offence under the Act relating to possession or conveyance of ganja, and such ganja, while being donated, displayed or used at the exempt event, shall not give rise to any liability under the Act for any offence relating to possession of ganja.
- (d) The Organizers shall make appropriate arrangements to ensure the safe and secure conveyance of the ganja by authorised persons to the exempt event.
- (e) The ganja conveyed to the exempt event locations by authorised persons shall be from sources of cultivation, which are lawful under the Act, and the quantity of ganja conveyed by an authorised person to the exempt event shall not exceed the specified amount.
- (f) Notwithstanding condition 2, in order to facilitate the registration, collection and conveyance of ganja for the exempt event, an authorized person be exempt from liability for any offence under the Dangerous Drugs Act relating

SCHEDULE, *contd.*

to possession or conveyance of ganja in accordance with this condition during the period commencing December 8, 2018 through December 18, 2018.

17. The Organizers shall—

- (i) prior to December 8, 2018 provide to the Commissioner of Police a written list of all the authorized persons, and
- (ii) notify the Commissioner of Police in writing of any variations of that list that may be made thereafter.

18. The Organizers shall provide the Ministry of Justice, on request, a full account detailing—

- (i) the exact amount of ganja brought to the exempt event by or on behalf of the Organizers,
- (ii) the distribution and use of the ganja at the exempt event, and
- (iii) the manner in which any ganja which was not used during the event was disposed of at the end of the exempt event.

Other Conditions

19. The Organizers shall comply with any other conditions that may hereafter be imposed by the Minister pursuant to paragraph 3 of this Order.

Dated this 6th day of November, 2018.

DELROY CHUCK,
Minister of Justice.