

CHAPTER 46

NATIONAL COUNCIL ON SUBSTANCE ABUSE 1995-13

This Act came into operation on 1st March, 1996 by Proclamation (S.I. 1996 No. 36).

Amended by:

1996-2

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1985

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 46

NATIONAL COUNCIL ON SUBSTANCE ABUSE 1995-13

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CONSTITUTION OF COMMITTEES

**BARBADOS****NATIONAL COUNCIL ON SUBSTANCE ABUSE
1995-13**

An Act to provide for the establishment of a National Council on Substance Abuse, which would inter alia advise the Minister on measures for the eradication or the control of substance abuse.

[Commencement: 1st March, 1996]

Short title

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

Interpretation

2. In this Act
“Council” means the National Council on Substance Abuse established under section 3;
“Minister” means the Attorney-General;
“Substance abuse” means the ingestion, inhalation, injection or application or administration by other means of a substance by an individual to his body

to the detriment of the physical, mental, psychologically, social or economic well-being of that individual, his family or society as a whole.

[1996-2]

Establishment of Council

- 3.(1) There is established a National Council on Substance Abuse.
- (2) The Council is a body corporate to which section 21 of the *Interpretation Act*, Cap. 1 applies.
- (3) The *First Schedule* has effect with respect to the constitution of the Council and otherwise in relation thereto.

Functions of the Council

4. The functions of the Council are to
 - (a) advise the Minister on measures for the eradication or control of substance abuse;
 - (b) advise the Minister on measures to prevent the proliferation of illegal narcotic drugs;
 - (c) devise, undertake and promote programmes and projects aimed at the prevention, elimination or control of substance abuse;
 - (d) authorise, conduct and facilitate research or surveys on substance abuse;
 - (e) undertake or facilitate programmes for the treatment and rehabilitation of persons affected by substance abuse;
 - (f) manage facilities for the treatment and rehabilitation of persons affected by substance abuse;
 - (g) co-ordinate or facilitate groups and organisations in the effort to eradicate or control substance abuse;

- (h) co-operate with local, regional and international organisations with interests similar to those of the Council; and
- (i) solicit, receive and manage funds donated by government, the private sector, private citizens and international organisations for the functions mentioned in paragraphs (a) to (h).

Directions

5. The Minister may give directions of a general nature to the Council and the Council shall comply with those directions.

Appointment of Committees

6.(1) The Council may appoint committees for the purpose of carrying out any of the functions of the Council which in the opinion of the Council would be better regulated or managed by means of a committee.

(2) The *Second Schedule* applies to the constitution of a committee appointed under subsection (1) and otherwise in relation thereto.

[1996-2]

Delegation

7. The Council may delegate in writing any of its functions to a committee appointed under section 6(1) or to an officer of the Council.

Appointment of Manager

8.(1) There shall be a manager who shall be appointed by the Council with the approval of the Minister and shall be responsible for the administration of this Act.

(2) The manager

- (a) shall have the powers and perform the functions conferred upon him by this Act; and

- (b) shall perform such other functions as may be conferred on him by the Council.
- (3) The Council shall pay the manager such remuneration and allowances, if any, as the Minister determines.

[1996-2]

Staff

- 9.(1)** The Council may employ at such remuneration and on such terms and conditions as the Minister approves in writing, such staff as is necessary for the performance of its functions.
- (2) Notwithstanding subsection (1), no office shall be established and no salary in excess of such amount as the Minister may determine in writing shall be assigned to any office without the prior approval of the Minister.
- (3) Subject to this Act, no provisions shall be made for the payment of any pension, gratuity or other like benefit to any person employed by the Council without the prior approval in writing of the Minister.

Finances of the Council

- 10.** The funds and resources of the Council shall consist of
- (a) such moneys as may be voted for the purpose by Parliament;
 - (b) such moneys as may be borrowed by the Council for its purposes; and
 - (c) such other moneys as may become available to the Council from any other source approved by the Minister.

Borrowing power

- 11.** The Council may, with the approval in writing of the Minister responsible for Finance, borrow money from the Government or any person by way of loan, overdraft or otherwise upon such terms with respect to the

borrowing, issue, transfer and interest as the Minister responsible for Finance approves for

- (a) the provision of working capital; or
- (b) fulfilling the functions of the Council under this Act.

Application of funds of Council and expenditure

12.(1) The funds of the Council shall be applied towards discharging the obligations and performing the functions of the Council under this Act and the regulations.

(2) The plans of the Council in relation to its capital expenditure shall be approved by the Cabinet prior to their execution.

Accounts and audit

13.(1) The Council shall, in respect of its functions under this Act, keep proper accounts and adequate financial and other records in relation thereto to the satisfaction of and in accordance with the directions of an auditor appointed under subsection (2) for the purpose of auditing the accounts; and shall prepare a statement of accounts in respect of each financial year.

(2) The Council shall, within 3 months from the end of each financial year, submit its accounts for audit to the auditor appointed by the Council with the approval of the Minister.

(3) The Auditor-General may at any time and shall on the direction of the Minister responsible for Finance carry out an investigation or audit of the accounts of the Council.

(4) The Council and all other persons concerned with the keeping of its accounts shall grant to the auditor referred to in subsection (2) or Auditor-General, as the case may be, access to all books, documents and cash relating to those accounts; and shall give the auditor on request all the information within their knowledge in relation to the operation of the Council.

(5) Any person who fails to comply with the provisions of subsection (4) is guilty of an offence and is liable on summary conviction to a fine of \$2 000 or to imprisonment for 24 months or to both.

Annual report

14.(1) The Council shall, not later than 3 months after the end of each financial year, submit to the Minister a report containing

- (a) an account of the activities of the Council throughout the preceding financial year in such detail as the Minister directs; and
- (b) a statement of the accounts of the Council for that financial year in accordance with section 13(1).

(2) A copy of the report of the Council referred to in subsection (1) shall be printed and laid before both Houses of Parliament and published in the *Official Gazette* not later than 3 months from the date of the receipt thereof by the Minister.

Regulations

15. The Council may, subject to the approval of the Minister, make regulations generally for the better carrying out of its functions under the Act.

Transfer of assets and functions

16. With effect from 1st March, 1996 all assets, liabilities, property, functions and operations of the National Advisory Council on Drugs are deemed to be transferred to the National Council on Substance Abuse.

[1996-2]

FIRST SCHEDULE*(s. 3(3))*

1. The Council comprises of a Chairman, a Deputy Chairman and such other members as the Minister appoints.

[1996-2]

2. Subject to paragraphs 4, 5 and 6 a member holds office for a period not exceeding 3 years, but is eligible for re-appointment.

3. The Minister may appoint in accordance with paragraph 2, any person to act temporarily in the place of any member in case of the absence from Barbados of that member or the inability of that member to act.

4. A member, other than the Chairman may at any time resign his office by instrument in writing addressed to the Chairman who shall forthwith cause the same to be forwarded to the Minister and upon the date of receipt by the Chairman of such instrument, the member ceases to be a member of the Council unless some other date is mentioned in the instrument.

5. The Chairman may at any time resign his office by instrument in writing addressed to the Minister and upon the date of receipt by the Minister of such instrument, the Chairman ceases to be Chairman and a member of the Council unless some other date is mentioned in the instrument.

6. A vacancy arises in the membership of the Council

- (a)* on the death or resignation of a member;
- (b)* on the revocation by the Minister of the appointment of a member;
- (c)* on the absence from Barbados of a member without leave of the Minister;

(d) on the failure of a member to attend 4 consecutive meetings of the Council, unless such failure to attend was approved by the Minister.

7. Members are eligible for such remuneration whether by way of fees or travelling or other allowances, as the Minister may determine.

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

9.(1) The seal of the Council shall be kept in the custody of the Chairman, Deputy Chairman or such officer of the Council as the Council may approve; and may be affixed to documents or instruments pursuant to a resolution of the Council and in the presence of the Chairman or Deputy Chairman and the secretary to the Council.

(2) The seal of the Council shall be authenticated by the signature of the secretary to the Council and the signature of either the Chairman or Deputy Chairman.

(3) All documents other than those required by law to be under seal, made by, and all decisions of the Council may be signified under the hand of the Chairman, Deputy Chairman or secretary.

10.(1) The Council shall meet at such times as may be necessary or expedient for the transaction of its business and each meeting shall be held on such days and at such times and places as the Council determines.

(2) The Chairman, or where he is unable to act, the Deputy Chairman may at any time call a special meeting of the Council; and shall call a special meeting within 7 days of the receipt by him of a requisition for that purpose addressed to him in writing by any 10 members.

11. The Chairman, or in his absence the Deputy Chairman shall preside at all meetings of the Council, and in the case of the absence of both the Chairman

and Deputy Chairman, the members present and constituting a quorum may elect a temporary Chairman to preside at that meeting.

12. A majority of the members of the Council shall constitute a quorum.

[1996-2]

13. The decisions of the Council shall be by a majority of votes and in the event of an equality of votes the Chairman or Deputy Chairman presiding at the meeting has a second or casting vote.

14.(1) A member who has any interest in a company or firm with which the Council proposes to enter into a contract or otherwise transact business shall disclose to the Council the particulars of the member's interest and details of the disclosure shall be recorded in the minutes taken at the meeting at which the disclosure is made.

(2) A member referred to in sub-paragraph (1) shall not take part in any deliberation or discussion of the Council relating to the contract or business referred to in that sub-paragraph.

[1996-2]

(3) The notice mentioned in sub-paragraph (2) has no effect unless it is given at a meeting of the Council or, if given otherwise than at such a meeting, the members concerned take reasonable steps to secure that it is brought up and read at the next meeting of the Council after it is given.

(4) A member shall not vote in respect of any contract or arrangement in which he has an interest and, if he does so, his vote shall not be counted nor shall he be counted as being present at the meeting at which such contract or arrangement was considered.

[1996-2]

15. Minutes of each meeting are to be kept by the secretary or other person appointed by the Council for the purpose, and are to be confirmed by the Council

at its next meeting and signed by the Chairman or other person presiding at that meeting.

16. The Council may co-opt persons to attend any of its meetings for the purpose of assisting or advising it respecting any matters with which it is dealing, but a co-opted member does not have a right to vote.

17. Subject to this *Schedule*, the Council may regulate its own procedure.

SECOND SCHEDULE*(s. 6(2))**CONSTITUTION OF COMMITTEES*

1.(1) The Council may appoint a committee for any of the purposes of the Council and may delegate any of its functions to that committee with or without restrictions or conditions.

(2) The Council shall, in respect of a committee, appoint one member of the committee to be Chairman and another to be Deputy Chairman, respectively.

(3) A committee comprises such number of persons as the Council determines.

[1996-2]

(4) A committee appointed under this paragraph may include persons who are not members of the Council, but the Chairman and at least two-thirds of the members of every committee must be members of the Council.

2. Where a vacancy occurs in respect of a committee, the Council may appoint a person to fill that vacancy for the unexpired portion of the period in respect of which the vacancy occurs.

3. The Council may revoke the appointment of a member of a committee who

- (a) is absent from 3 consecutive meetings of the committee without leave of the Council;
- (b) is absent from Barbados for 3 months or more without the permission of the Council;
- (c) is unable to perform his duties as a member of the committee; or
- (d) fails to comply with a direction given by the Council.

4. The Council may assign a person to be secretary of a committee.
5. A committee shall meet as often as the Chairman decides, but at intervals not exceeding 3 months.
6. A majority of the members of a committee shall constitute a quorum.

[1996-2]

7. Decisions of a committee are to be by a majority of votes and where voting is equal, the Chairman, has a second or casting vote.
8. A committee may co-opt persons to attend any of its meetings for the purpose of assisting or advising it with respect to any matter with which it is dealing, but a co-opted person is not entitled to vote and shall not be counted for the purpose of constituting a quorum.
9. A committee may establish a sub-committee to assist in the performance of its functions and may co-opt to serve on any such sub-committee any person whose assistance and advice the committee considers necessary for the purpose for which the sub-committee is established.