

CAYMAN ISLANDS



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**A BILL FOR A LAW TO PROVIDE FOR THE ESTABLISHMENT OF A
DRUG COURT TO FACILITATE THE TREATMENT AND
REHABILITATION OF PERSONS WHO COMMIT CERTAIN DRUG
OFFENCES OR OTHER OFFENCES WHILE UNDER THE INFLUENCE
OF DRUGS; TO PROVIDE FOR THE SUPERVISION OF SUCH
PERSONS WHILE UNDERGOING TREATMENT PURSUANT TO A
PROGRAMME PRESCRIBED BY THE DRUG COURT; AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

THE DRUG COURT BILL, 2006

MEMORANDUM OF OBJECTS AND REASONS

This Bill provides for the establishment of a Drug Court. The Drug Court will focus on the treatment and rehabilitation of persons who commit certain drug offences or other offences while under the influence of drugs by ordering an offender to submit, with his consent, to a treatment programme of random testing, counselling and supervision.

The Bill is divided into 4 Parts. Part I of the Bill contains clauses 1 and 2 which are preliminary provisions. Clause 1 provides the short title and commencement of the legislation. Clause 2 is the definition section.

Part II of the Bill contains clauses 3 to 7 and deals with the Drug Court itself. Clause 3 empowers the Chief Justice to declare any sitting of the summary court or any sitting of the Grand Court to be a Drug Court for the purposes of the legislation.

Clause 4 prescribes the jurisdiction of the Drug Court and this includes -

- (a) when the Summary Court is sitting, the criminal jurisdiction of the summary court; and
- (b) when the Grand Court is sitting, the criminal jurisdiction of the Grand Court.

Clause 5 provides that in cases where a sitting of the Grand Court is declared to be a sitting of the Drug Court, it shall be presided over by a Judge without a jury. Two or more sittings of the Drug Court may be held at the same time.

Clause 6 provides that the procedure of the Drug Court shall not be vitiated by reason of any failure to observe rules of evidence.

Clause 7 makes provision in respect of the appointment of various Drug Court officers to assist in the administration of the legislation.

Part III of the Bill contains clauses 8 to 19 and specifies the procedure for dealing with drug offenders.

Clause 8 prescribes the categories of persons who are eligible to avail themselves of the provisions of the legislation.

Clause 9 enables the Government in Cabinet to declare a place to be an approved drug treatment centre for the purposes of supervising and controlling a drug

offender's participation in a prescribed treatment programme under the legislation. The term 'prescribed treatment programme' is defined in clause 2.

Clause 10 prescribes the procedure after arrest for a 'relevant offence' other than a 'scheduled offence'. The terms 'relevant offence' and 'scheduled offence' are defined in clause 2.

Clause 11 prescribes the procedure after arrest for a 'scheduled offence'.

Clause 12 enables the assessment of a drug offender for the purpose of determining his suitability for participation in a prescribed treatment programme.

Clause 13 prescribes the powers of the Drug Court and these include -

- (a) requiring the drug offender to undergo a prescribed treatment programme; and
- (b) imposing conditions, in relation to the drug offender's participation in the prescribed treatment programme.

Clause 14 enables the Drug Court to confer rewards upon a drug offender who maintains a satisfactory level of compliance with a prescribed treatment programme. On the other hand, the Drug Court is empowered to impose sanctions upon a drug offender who fails to maintain a satisfactory level of compliance with a prescribed treatment programme.

Clause 15 makes it a condition of a drug offender's prescribed treatment programme that the Drug Court may commit the drug offender to a prison for up to fourteen days at a time if such action is necessary to facilitate the assessment of the drug offender's participation in the prescribed treatment programme.

Clause 16 enables the variation of conditions of a drug offender's prescribed treatment programme.

Clause 17 enables the submission to the Drug Court of progress reports in respect of a drug offender who participates in a prescribed treatment programme.

Clause 18 prescribes the circumstances in which a drug offender's prescribed treatment programme can be terminated and these include termination of the programme at his request.

Clause 19 sets out the procedure upon termination of a prescribed treatment programme. The powers of the Drug Court vary, depending upon the circumstance under which the prescribed treatment programme was ordered.

Part IV contains clauses 20 to 30 and sets out miscellaneous provisions.

Clause 20 enables the Drug Court to require a drug offender to make a financial contribution towards the cost of his prescribed treatment programme.

Clause 21 makes provision for the maintenance of a register relating to persons dealt with by the Drug Court.

Clauses 22 and 23 enable the issue of arrest warrants and warrants of committal for the purposes of the legislation.

Clause 24 enables immunity from self-incriminatory statements that may have been made by a drug offender for the purpose of seeking his referral to the Drug Court.

Clause 25 enables approved treatment providers to notify the Drug Court of a drug offender's failure to comply with a prescribed treatment programme.

Clause 26 empowers the Governor in Cabinet to amend the Schedule.

Clause 27 provides that nothing in this legislation shall be construed so as to derogate from the Summary Jurisdiction Law (2004 Revision) or the Grand Court Law (1995 Revision).

Clauses 28 and 29 enable the making of rules and regulations for the purposes of the legislation.

Clause 30 sets out transitional provisions.

THE DRUG COURT BILL, 2006

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REHABILITATION OF PERSONS WHO COMMIT CERTAIN DRUG
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PROGRAMME PRESCRIBED BY THE DRUG COURT; AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

PART I - PRELIMINARY

1. (1) This Law may be cited as the Drug Court Law, 2006.

Short title and
commencement

- (2) This Law shall come into force on such date as may be appointed by order made by the Governor.

2. (1) In this Law -

Interpretation

“approved drug treatment centre” means any house, building, enclosure or place, or any part thereof, declared to be a drug treatment centre by the Governor under section 9;

“approved treatment provider” means -

	<ul style="list-style-type: none">(a) the department of Government responsible for Drug Counselling Services; or(b) an individual or organisation approved by the Governor to carry out prescribed treatment programmes for the purposes of this Law;
(1995 Revision)	“Chief Clerk” means the person appointed, under section 7 of the Grand Court Law (1995 Revision), as Clerk of the Grand Court;
(2000 Revision)	“drug” includes alcohol and any controlled drug specified in the First Schedule to the Misuse of Drugs Law (2000 Revision);
	“Drug Court” means - <ul style="list-style-type: none">(a) the sitting of a summary court declared to be a Drug Court pursuant to section 3(1); or(b) the sitting of the Grand Court declared to be a Drug Court pursuant to section 3(2), as the case may be;
	“drug offender” means a person who is referred to the Drug Court under section 4(3), 10 or 11;
	“Duty Counsel” means the person appointed under section 7(3);
	“eligible person” means a person described in section 8;
	“Governor” means the Governor in Cabinet;
	“Judge” means a Judge of the Grand Court;
(2004 Revision)	“magistrate” means a person appointed or acting under section 6 of the Summary Jurisdiction Law (2004 Revision);
	“prescribed treatment programme” means a programme for treatment and supervision ordered by the Drug Court pursuant to section 13;
(Law 14 of 1975)	“prison” means any place prescribed under the Prisons Law for the confinement of prisoners;
(Law 14 of 1975)	“prisoner” has the meaning assigned to that expression in the Prisons Law;

“probation officer” means a person appointed to be a probation officer under the provisions of the Probation of Offenders Law (1999 Revision) or any Law (1999 Revision) repealing and replacing those provisions;

“regular sitting” means -

- (a) a sitting of the summary court, other than the Drug Court; or
- (b) a sitting of the Grand Court, other than the Drug Court,

as the case may be;

“regulations” means regulations made by the Governor under section 30;

“relevant offence” means –

- (a) any offence triable summarily (other than an offence of possession with intent to supply a drug listed in the First Schedule to the Misuse of Drugs Law (2000 Revision) where the offender was not also a consumer of the drug to which the offence relates; (2000 Revision)
- (b) any offence of theft, handling stolen goods, robbery or burglary triable upon indictment under the Penal Code (2005 Revision); or (2005 Revision)
- (c) any scheduled offence;

but “relevant offence” does not include an offence involving violent conduct or sexual assault;

“rules” means rules made by the Chief Justice under section 29;

“scheduled offence” means an offence specified in the Schedule; Schedule

“specified conditions” has the meaning assigned to that expression in section 13(2)(b); and

“summary court” means a court of summary jurisdiction constituted under the Summary Jurisdiction Law (2004 Revision). (2004 Revision)

(2) Any reference in this Law to the Attorney-General includes a reference to any attorney-at-law in the Attorney-General’s chambers.

PART II – THE DRUG COURT

3. (1) The Chief Justice may declare any sitting of the summary court to be a Drug Court for the purposes of this Law. Declaration of Drug Court by Chief Justice

(2) The Chief Justice may declare any sitting of the Grand Court to be a Drug Court for the purposes of this Law.

Jurisdiction of Drug Court

4. (1) The Drug Court has the following jurisdiction -

- (a) when sitting pursuant to section 3(1), the criminal jurisdiction of the summary court; and
- (b) when sitting pursuant to section 3(2), the criminal jurisdiction of the Grand Court;

and such other jurisdiction as is vested in the Drug Court by this or any other Law.

(2) For the purpose of enabling it to exercise its jurisdiction, the Drug Court has the following functions -

(2004 Revision)

- (a) when sitting pursuant to section 3(1), all of the functions of a summary court that are exercisable in relation to its criminal jurisdiction, including all the functions exercisable by a magistrate under the Summary Jurisdiction Law (2004 Revision); and

(2005 Revision)

- (b) when sitting pursuant to section 3(2), all of the functions of the Grand Court that are exercisable in relation to its criminal jurisdiction in a case where an accused person has elected under section 129 of the Criminal Procedure Code (2005 Revision) to be tried by a Judge alone,

and such other functions as are conferred or imposed on it by or under this or any other Law.

(3) Notwithstanding section 3, a regular sitting may in its discretion stay proceedings relating to a person before the regular sitting and refer the person to the Drug Court to be dealt with by the Drug Court.

Sittings of Drug Court

5. (1) Where a sitting of the Grand Court is declared to be a sitting of the Drug Court, it shall be presided over by a Judge without a jury.

(2) Two or more sittings of the Drug Court may be held at the same time.

Court proceedings

6. (1) This section applies to proceedings before the Drug Court in the exercise of its jurisdiction under this Law.

(2) Proceedings before the Drug Court are to be conducted -

- (a) in accordance with the directions of the Judge or magistrate presiding in the proceedings; and

- (b) subject to paragraph (a), with as little formality and technicality and with as much expedition, as the requirements of the Law, the regulations, the rules and the proper consideration of the matters before the Drug Court permit.

(3) The procedure of the Drug Court shall not be vitiated by reason of any failure to observe relevant rules of evidence.

(4) The Drug Court may adjourn its proceedings from time to time.

7. (1) A registrar and such other public officers as are necessary may be appointed for assisting the Chief Clerk for the proper administration of this Law. Drug Court officers

(2) The Chief Clerk, the registrar and any other public officers appointed for the purpose, may exercise -

- (a) such of the administrative functions of the Drug Court as may be respectively prescribed by the regulations or rules;
- (b) such of the functions of the Clerk of Court or other officer of the Grand Court as are relevant to the exercise by the Drug Court of the criminal jurisdiction of the Grand Court; and
- (c) such of the functions of the Clerk of Court or other officer of the summary court as are relevant to the exercise by the Drug Court of the criminal jurisdiction of the summary court.

(3) Without prejudice to the provisions of the Legal Aid Law (1999 Revision), the Chief Justice may appoint for each Drug Court a suitable attorney-at-law, who shall be called a Duty Counsel, on such terms and conditions (including remuneration) as the Chief Justice may decide. (1999 Revision)

(4) A Duty Counsel shall be the legal advisor and legal advocate for a drug offender who is not otherwise legally represented; and, where an attorney-at-law has been appointed as Duty Counsel for a drug offender, the Duty Counsel may represent the drug offender whether or not the drug offender consents to the appointment.

PART III – PROCEDURE FOR DEALING WITH DRUG OFFENDERS

8. A person is an eligible person for the purposes of this Law if - Eligible persons

- (a) the person is not under the age of seventeen years;
- (b) the person is charged with a relevant offence;
- (c) the person appears to be dependent on the use of drugs; and
- (d) the person satisfies such other criteria as may be prescribed.

9. The Governor may by order - Approved drug treatment centres

- (a) declare any house, building, enclosure or place, or any part thereof, to be an approved drug treatment centre for the purposes of supervising and controlling a drug offender's participation in a prescribed treatment programme under this Law; and the Governor may in that order declare the name by which the approved drug treatment centre shall be known; or
- (b) declare that an approved drug treatment centre shall cease to be an approved drug treatment centre; and as from the date of the publication of that order or such other date as may be specified in that order, the approved drug treatment centre shall cease to be an approved drug treatment centre.

Procedure after arrest for relevant offence other than a scheduled offence

10. (1) Where a person is arrested and charged with a relevant offence, other than a scheduled offence, and the arresting officer has reasonable cause to believe that the person is dependent on any drug, the arresting officer shall include in the police report, a note of the facts giving rise to that belief.

(2) As soon as practicable after the person is charged with the offence, the Attorney-General -

- (a) may review the police report and the person's criminal record; and
- (b) may, if satisfied that the person is eligible, recommend to a magistrate or Judge, as the case may be, that the person be referred to the Drug Court to be dealt with in accordance with section 12.

Procedure after arrest for scheduled offence

11. (1) Where a person is arrested and charged with a relevant offence that is a scheduled offence -

- (a) the Attorney-General may, if satisfied that the person is eligible, recommend to a magistrate or Judge, as the case may be, that the person be referred to the Drug Court to be dealt with in accordance with section 12; or
- (b) a magistrate may by order direct that the person be referred to the Drug Court to be dealt with in accordance with section 12.

(2) The Drug Court may, on the recommendation of the Attorney-General in relation to a person referred to it under subsection (1), defer the imposition of a sentence for the offence after a guilty plea.

Assessment of drug offender and determination of relevant offence

12. (1) A person referred to the Drug Court under section 10 or brought before it pursuant to section 11 shall enter a plea to the offence with which he is charged, and where he enters a guilty plea in respect of the offence, the person shall be assessed by an approved treatment provider who, after consultation with a probation officer -

- (a) shall make a recommendation to the Drug Court as to the person's suitability for participation in a prescribed treatment programme; and
- (b) shall furnish to the Drug Court, a plan of that prescribed treatment programme.

(2) Where -

- (a) based upon an assessment made by an approved treatment provider after consultation with a probation officer, a person is not considered suitable by the Drug Court for participation in a prescribed treatment programme;
- (b) a person is not willing to be dealt with by the Drug Court; or
- (c) a person enters a plea of not guilty to the offence with which he is charged,

the relevant offence in relation to that person shall be heard and determined in a regular sitting, and the Drug Court may by order remand the person in custody or on bail and refer the person back to the regular sitting.

(3) If the Drug Court makes an order referring a person back to the regular sitting, the proceedings against the person are to be continued before the regular sitting at a time and place specified in the order, as if -

- (a) the person had not been referred to the Drug Court; and
- (b) the proceedings had merely been adjourned to the time and place specified in the order.

(4) Notwithstanding the provisions of the Criminal Procedure Code (2005 Revision), no appeal shall lie from an order of the Drug Court made under this section referring a person back to a regular sitting. (2005 Revision)

13. (1) The Drug Court may act in accordance with subsection (2) in relation to a person referred to it under section 10 or 11, if the Court is satisfied that - Powers of Drug Court

- (a) the person is an eligible person;
- (b) having regard to the person's antecedents, it would be appropriate for the person to participate in a prescribed treatment programme;
- (c) the person accepts the conditions to be imposed by the Drug Court (whether immediately or at some later date) in relation to his participation in a prescribed treatment programme;
- (d) the person has been informed of the Drug Court's powers under this Law and of the respective consequences of the person's compliance or non-compliance with a prescribed treatment programme; and

- (e) an approved drug treatment centre and facilities to supervise and control the person's participation in such a programme are available, and have been allocated to the person, in accordance with the regulations.

(2) The Drug Court shall make an order -

- (a) requiring the drug offender to undergo a prescribed treatment programme and to comply with the conditions imposed by the Drug Court pursuant to paragraph (b); and
- (b) imposing such conditions (in this Law referred to as "specified conditions"), including any of the provisions of section 14, as the Drug Court deems fit in relation to the drug offender's participation in the prescribed treatment programme.

(3) Where the Drug Court makes an order under subsection (2), it shall inform the drug offender of the consequences of any failure to comply with the specified conditions.

(4) The Drug Court may make an order under subsection (2) in relation to a person referred to the Drug Court by a regular sitting under section 4(3) and where the person has been convicted of a relevant offence before a regular sitting, the regular sitting shall defer imposition of the sentence during the period for which that order is in force.

(5) Where the Drug Court makes an order under subsection (2), the drug offender to whom it relates shall be required to signify his consent in writing to participate in the prescribed treatment programme, and to comply with the specified conditions, including, where applicable, a condition that the drug offender undergo drug tests at such times as are specified in the order.

(2005 Revision)

(6) Notwithstanding the provisions of the Criminal Procedure Code (2005 Revision), no appeal shall lie from an order of the Drug Court made under this section.

Conferral of rewards, or
imposition of sanctions,
upon drug offender

14. (1) Where, based upon an assessment made by an approved treatment provider after consultation with a probation officer, the Drug Court determines that a drug offender is maintaining a satisfactory level of compliance with a prescribed treatment programme, the Drug Court may make an order conferring any of the following rewards on the drug offender -

- (a) specified privileges;
- (b) an appropriate change in the frequency of counselling or other treatment;

- (c) a decrease in the degree of supervision to which the drug offender is subject;
- (d) a decrease in the frequency with which the drug offender is required to undergo testing for drugs;
- (e) a decrease in the amount of any monetary penalty payable to the Drug Court, as referred to in subsection (2)(e); and
- (f) a change in the nature of the vocational and social services attended by the drug offender or the frequency with which the drug offender is required to attend vocational and social services,

and imposing conditions in respect of the rewards.

(2) Where, based upon an assessment made by an approved treatment provider after consultation with a probation officer, the Drug Court determines that a drug offender is not maintaining a satisfactory level of compliance with a prescribed treatment programme, the Drug Court may make an order imposing any of the following sanctions on the drug offender -

- (a) withdrawal of privileges conferred on the drug offender pursuant to subsection (1)(a);
- (b) an appropriate change in the frequency of counselling or other treatment;
- (c) an increase in the degree of supervision to which the drug offender is subject;
- (d) an increase in the frequency with which the drug offender is required to undergo testing for drugs;
- (e) a requirement that the drug offender pay a monetary penalty to the Drug Court;
- (f) a requirement that the drug offender be subjected to imprisonment for up fourteen days in respect of any one failure to comply with the requirement of the order; and
- (g) a change in the nature of the vocational and social services attended by the drug offender or the frequency with which the drug offender is required to attend vocational and social services,

and imposing conditions in respect of the sanctions.

(3) Any monetary penalty payable by a drug offender, as referred to in subsection (2)(e), is recoverable by the Chief Clerk of the Drug Court as a debt in any court of competent jurisdiction.

(4) This section does not limit the conditions that may form part of a prescribed treatment programme apart from this section.

Statutory condition of prescribed treatment programme	15. It is a condition of a drug offender's prescribed treatment programme that the Drug Court may commit the drug offender to a prison for up to fourteen days at a time if, in the opinion of the Drug Court, such action is necessary to facilitate the assessment of the drug offender's participation in the prescribed treatment programme.
Variation and revocation of conditions	16. (1) The Drug Court may, from time to time, in accordance with a drug offender's prescribed treatment programme, on the recommendation of the approved treatment provider, vary or revoke the conditions imposed pursuant to section 13(2), 14 or 15.
(2005 Revision)	(2) Notwithstanding the provisions of the Criminal Procedure Code (2005 Revision), no appeal shall lie against any decision by the Drug Court to impose conditions pursuant to section 13(2), 14 or 15 or to vary or revoke the conditions of a drug offender's prescribed treatment programme under this section.
Reports	17. (1) An approved treatment provider shall submit to the Drug Court, at such intervals as may be prescribed, a progress report in respect of each drug offender who participates in a prescribed treatment programme. (2) A report under subsection (1) shall include, in any case where the drug offender fails to comply with any directions given by the approved treatment provider or any specified condition, the nature of the non-compliance and the effect or likely effect on the offender's successful completion of the prescribed treatment programme.
Termination of prescribed treatment programme	18. (1) The Drug Court shall terminate a prescribed treatment programme in relation to a drug offender if - <ul style="list-style-type: none">(a) the offender successfully completes the programme;(b) the offender requests the Drug Court to terminate the programme; or(c) based on the report of the approved treatment provider, the Drug Court is satisfied on the balance of probabilities that the drug offender has failed to comply with his prescribed treatment programme and that there is no useful purpose to be served by the drug offender's continued participation in the prescribed treatment programme. (2) Where a prescribed treatment programme is terminated, the records of any tests performed on the person concerned shall not be admissible in evidence in any proceedings against that person.

(3) Without prejudice to the other circumstances in which a drug offender is taken to have failed to comply with his prescribed treatment programme, a drug offender is taken to have failed to comply with the prescribed treatment programme if he is charged before a court with any of the following offences –

- (a) any offence for which the punishment is prescribed in Part B of the Second Schedule to the Misuse of Drugs Law (2000 Revision), other than a relevant offence; (2000 Revision)
- (b) any offence involving violent conduct or sexual assault;
- (c) any offence against the Firearms Law (1998 Revision); or (1998 Revision)
- (d) any other offence prescribed by regulations made under this Law.

(4) Notwithstanding the provisions of the Criminal Procedure Code (2005 Revision), no appeal shall lie in relation to any action taken or decision made by the Drug Court under this section to terminate a prescribed treatment programme. (2005 Revision)

19. (1) As soon as may be reasonably practicable after the termination of a prescribed treatment programme, the drug offender shall be brought before the Drug Court to be dealt with in accordance with subsection (2) or (3), as the case may require. Procedure on termination

(2) If the drug offender has successfully completed the prescribed treatment programme, the Drug Court shall discharge the drug offender in relation to the relevant offence and that discharge may be either absolute or conditional as the Drug Court thinks fit.

(3) If the drug offender has failed to complete the prescribed treatment programme, the Drug Court may –

- (a) if sentencing was deferred pursuant to section 11(2) –
 - (i) refer the relevant offence to a regular sitting for sentence;
 - (ii) defer referring the relevant offence to a regular sitting and remand the drug offender in custody or on bail for a period not exceeding eight weeks, for the purpose of determining whether the circumstances of the case warrant the making of an order requiring the drug offender to undergo a new prescribed treatment programme;
 - (iii) where the Drug Court considers that the circumstances of the case so warrant, make an order requiring the drug offender to undergo a new prescribed treatment programme for such period and subject to such conditions as the Drug Court may, on the recommendation of an approved treatment provider after consultation with a probation officer, specify; or

- (b) if the imposition of a sentence was deferred pursuant to section 13(4), refer the matter back to the regular sitting for the imposition of any sentence which could have been imposed for the relevant offence; or
- (c) where a matter is referred back for sentence pursuant to paragraph (b), in its discretion remand the drug offender in custody or on bail pending appearance before the regular sitting.

(4) Subject to subsection (5), a conviction in respect of a relevant offence shall not form part of the criminal record of any person who successfully completes a prescribed treatment programme.

(5) Subsection (4) shall not apply in any case where a person is convicted of a relevant offence on more than two occasions.

(2005 Revision)

(6) Notwithstanding the provisions of the Criminal Procedure Code (2005 Revision), no appeal shall lie from a decision of the Drug Court under this section referring a person back to a regular setting.

PART IV – MISCELLANEOUS PROVISIONS

Payment for prescribed
treatment programme

20. (1) Subject to subsection (2), where the Drug Court makes an order under section 13(2), requiring a drug offender to undergo a prescribed treatment programme, the Drug Court may, in the order, require the drug offender to make a financial contribution towards the cost of the prescribed treatment programme.

(2) The sum payable by a drug offender in respect of a prescribed treatment programme relating to him may be waived, in whole or in part, by the respective approved treatment provider if, after such assessment as shall be prescribed in regulations has been carried out, the approved treatment provider is satisfied that the drug offender is unable to pay all or any part of the sum.

Register

21. The Chief Clerk shall keep a register containing such particulars as may be prescribed in respect of persons who are dealt with by the Drug Court in accordance with this Law.

Arrest warrant

22. Where, based upon a report by an approved treatment provider under section 17, the Drug Court is satisfied that a drug offender has failed to comply with the specified conditions, the Drug Court may issue a warrant authorising a constable to arrest the drug offender and bring him before the Drug Court to be dealt with under this Law.

23. (1) For the purpose of subjecting a drug offender to imprisonment as a term of sentence pursuant to section 14(2)(f) or 15, the Drug Court may issue a warrant committing the drug offender to a prison. Warrants of committal

(2) A warrant under this section -

- (a) authorises a constable, or any officer acting under the authority of the Director of Prisons, to have custody of the drug offender named in the warrant, to convey the drug offender to the prison specified in the warrant and to deliver the drug offender into the custody of the Director of Prisons or any officer acting under his authority; and
- (b) authorises the Director of Prisons to have custody of the drug offender named in the warrant for the period of time specified in the warrant.

24. (1) Where -

- (a) for the purpose of seeking a referral of a person to the Drug Court under this Law;
- (b) for the purpose of satisfying the Drug Court that a person should participate in a prescribed treatment programme; or
- (c) in connection with the supervision of the prescribed treatment in relation to a person,

Immunity from self-incrimination

that person makes an admission for which he would otherwise be liable to prosecution for an offence comprising the unlawful possession or use of drugs, the admission shall not be admissible in evidence in any proceedings against him.

(2) An admission referred to in subsection (1) shall not be admissible in evidence against the person making it, in proceedings brought as a result of the admission, for an offence referred to in that subsection.

25. (1) Every approved treatment provider shall forthwith notify the Drug Court of any failure by a drug offender to comply with the prescribed treatment programme.

Provision of information

(2) The following provisions apply to and in respect of information furnished in accordance with this section (hereinafter referred to as “protected information”) -

- (a) the provision of the information -
 - (i) does not constitute a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct on the part of the person furnishing it;

- (ii) shall not give rise to any action for defamation against that person; and
 - (iii) shall not constitute a ground for civil proceedings for malicious prosecution or for conspiracy;
 - (b) the information shall not be admissible in any proceedings before a court, tribunal or committee; and
 - (c) a person shall not be compellable in any such proceedings to disclose the information or to produce any document that contains the information.
- (3) The provisions of subsection (2)(b) and (c) shall not apply to or in respect of the provision of protected information -
- (a) in proceedings before the Drug Court; or
 - (b) in support of, or in answer to, any allegation made in proceedings against a person in relation to the exercise of his functions under this Law.
- (4) A drug offender shall be taken to have authorised the provision of protected information -
- (a) by an approved treatment provider to the Drug Court; or
 - (b) by any member of staff of the Drug Court to any other member of that staff.
- Amendment of Schedule 26. The Governor may by order amend the Schedule.
- Savings of certain Laws 27. Nothing in this Law shall be construed so as to derogate from or abridge any provision of -
- (2004 Revision) (a) the Summary Jurisdiction Law (2004 Revision); or
 - (1995 Revision) (b) the Grand Court Law (1995 Revision),
- or any Law amending or replacing such Laws.
- Rules 28. (1) The Chief Justice may make rules regulating all matters of practice and procedure for the proper exercise of the jurisdiction and powers of the Drug Court.
- (2) Without prejudice to the generality of the power conferred by subsection (1), such rules may provide for -
- (a) any matter of procedure before the Drug Court and the forms to be used and fees to be paid in proceedings before the Drug Court; and

- (b) the regulation of any matter as to the forms to be used and the procedure upon giving notice of appeal from decisions of the Drug Court and the giving of any recognisance thereupon.

29. (1) The Governor may make regulations generally for administering this Law and for giving effect to its objects, purposes and intentions, or with respect to any matter or thing by or under this Law which may be or is to be prescribed. Regulations

(2) Without prejudice to the generality of the power conferred by subsection (1), regulations may be made under this section -

- (a) with respect to prescribed treatment programmes;
- (b) for the regulation and control of approved drug treatment centres;
- (c) for the regulation of approved treatment providers;
- (d) prescribing the forms, notices, certificates, warrants, books, registers or other documents to be used and the particulars to be given in connection with this Law; and
- (e) prescribing the fees to be payable in respect of any certificate or other document issued under this Law and the circumstances under which such fees may be abated or waived.

30. This Law applies to and in respect of a relevant offence committed before the date of commencement of this Law in the same way as it applies to and in respect of a relevant offence committed on or after that date, and this Law applies whether proceedings for a relevant offence were commenced before, on or after that date. Transitional provisions

SCHEDULE (Sections 11 and 26)

OFFENCES IN RESPECT OF WHICH A MAGISTRATE MAY DIRECT THAT A PERSON BE REFERRED TO THE DRUG COURT

For the purposes of this Law, a “scheduled offence” is any of the following offences under the Misuse of Drugs Law (2000 Revision) -

- (a) possession, constructively or otherwise, of any controlled drug specified in the First Schedule to the Misuse of Drugs Law (2000 Revision);
- (b) possession, constructively or otherwise, of any pipe, utensil, or thing used in the preparation or consumption of any controlled drug specified in the First Schedule to the Misuse of Drugs Law (2000 Revision);
- (c) consumption of any controlled drug specified in the First Schedule to the Misuse of Drugs Law (2000 Revision);

- (d) frequenting any place used for the consumption of any controlled drug specified in the First Schedule to the Misuse of Drugs Law (2000 Revision).

Passed by the Legislative Assembly the day of , 2006.

Speaker.

Clerk of the Legislative Assembly.