

THE PRECURSOR CHEMICALS ACT

REGULATIONS  
(*under section 40* )

**The Precursor Chemicals, Regulations, 2013**

L.N. 269A/2013

# THE PRECURSOR CHEMICALS ACT

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*(under section 40 )*

### THE PRECURSOR CHEMICALS REGULATIONS

*(Made by the Minister on the 3rd day of December, 2013)*

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#### PART I. Preliminary

1. These Regulations may be cited as the Precursor Chemicals Regulations, 2013. Citation.

2. In these Regulations— Interpretation

“Act” means the Precursor Chemicals Act No. 33 of 1999;

“appointed day” means the date of coming into operation of these Regulations;

“disposal” means the act or process as approved by the competent authority, of getting rid of chemicals, chemical waste, containers, and other materials associated with the manufacture of precursor chemicals;

“extract” means in respect of a precursor, to isolate the precursor from a preparation or mixture by any physical or chemical process, including distillation;

“Harmonized System Code” means the numeric identifier set out for goods in the Harmonized Commodity Description and Coding System published by the World Customs Organization;

“International Maritime Dangerous Drugs Code” means the Code adapted in 1965 at the Safety of Life at Sea Convention (SOLAS) which provides for the safe transportation of hazardous materials by vessel, the protection of crew members, and the prevention of marine pollution;

“manufacturer” means a person who manufactures precursor chemicals for his own use or for the use of others, whether for profit or not;

“records” includes documents kept in electronic form;

“responsible officer” means the person designated by a licensee under regulation 5(2), with the responsibility for supervising prescribed activities carried out on the premises of the licensee.

## PART II. *Licensing and Permits*

Application for  
licence.  
Form 1.  
First Schedule.  
Second Schedule.

3.—(1) Pursuant to section 6 of the Act, an application for a licence to engage in a prescribed activity shall be made in the form set out as Form 1 in the First Schedule and shall be accompanied by the appropriate fee specified in the Second Schedule.

(2) A person who is carrying on a prescribed activity on the appointed day shall, within thirty days after the appointed day, make an application for a licence, in the manner provided for in paragraph (1).

(3) Where an application is made by a company, the application shall be accompanied by the documents of incorporation of the company.

(4) Upon receipt of an application, the competent authority may, by notice in writing, request the applicant to furnish, within the time specified in the notice, further additional information as the competent authority considers necessary, within the time specified in the notice.

Inspection and  
investigation of  
premises.

4.—(1) Pursuant to section 6(3) of the Act, the competent authority shall cause an inspection of the premises on which the applicant engages or intends to engage in a prescribed activity, to be carried out by an authorized officer.

(2) In carrying out an inspection of the premises, the authorized officer shall ascertain whether—

- (a) the conditions under which the specified chemical substance to be used in relation to the prescribed activity is or is to be stored, meet the standards approved by the competent authority;
- (b) there is compliance with safety standards as required by any enactment relating to factories;
- (c) the measures taken to provide security for the premises are adequate;
- (d) provision is made for the limited access to any area in which specified chemical substances are stored; and
- (e) any other condition which the competent authority may require is satisfied.

(3) In addition to carrying out an inspection of the premises under paragraph (1), the competent authority may cause an authorized officer to carry out such investigation as may be necessary, in order to ascertain whether the applicant is a fit and proper person to be engaged in the prescribed activity to which his application relates.

5.—(1) Subject to paragraph (2), the competent authority shall grant a licence to an applicant in the form set out as Form 2 in the First Schedule if it is satisfied that the applicant—

Grant and  
condition of  
licence.  
Form 2.  
First Schedule.

(a) has met the requirements specified in regulation 4; and

(b) has paid the appropriate licence fee specified in the Second Schedule.

Second  
Schedule.

(2) It shall be a condition of every licence that—

(a) the licensee designates a responsible officer to work on the premises on which the prescribed activity is carried out, who shall have the responsibility for supervising, on behalf of the licensee, any prescribed activity that is carried out on the premises, and for ensuring that such prescribed activity is carried out in compliance with the Act and these Regulations;

(b) an employee of the licensee shall not have control of specified chemical substances at—

(i) more than one premises owned or controlled by the licensee; or

(ii) the premises of any other licensee.

(3) Pursuant to paragraph (2)(a), a licensee shall, in the absence of the responsible officer, designate an alternate responsible officer, and such officer shall have the same duties and responsibilities as the responsible officer.

(4) A responsible officer and an alternate responsible officer shall—

(a) be familiar with the provisions of the Act and these Regulations and any conditions that apply to the licence held by the licensee;

(b) be trained and certified in the use and handling of the specified chemical substances listed in the First Schedule of the Act, including the risk of such chemical substances being diverted to an illicit market for use; and

First Schedule.

(c) not have been convicted within the previous ten years of—

- (i) a drug offence or a criminal offence designated by the Minister by notice published in the *Gazette*; or
- (ii) an offence committed outside Jamaica which, if committed in Jamaica would constitute an offence under sub-paragraph (i).

Renewal of licence.

6. A licensee shall, within three months prior to the expiration of his licence, apply to the competent authority for a renewal of the licence and regulations 3, 4 and 5 shall apply *mutatis mutandi* to an application for such renewal.

Application for  
permit.  
Form 3.  
First Schedule.

7.—(1) Pursuant to section 7 of the Act, an application for an import permit or an export permit shall be made in the form set out as Form 3 in the First Schedule and shall be made at least fifteen days before the applicant proposes to import or export, as the case may be, a specified chemical substance.

Second Schedule.

(2) An application under paragraph (1) shall be accompanied by the application fee specified in the Second Schedule and—

(a) in the case of an import permit—

- (i) a copy of the purchase order;
- (ii) a copy of the original supplier's invoice and the bill of lading, indicating the arrival date;
- (iii) a declaration setting out in detail, measures to be taken to meet safety standards in relation to the storage and handling of the specified chemical substance;

(b) in the case of an export permit, a copy of the purchase order and a declaration—

- (i) setting out the measures to be taken in relation to packaging and transportation of the specified chemical substance to the port of exit; and
- (ii) stating that the applicant has taken the necessary steps to verify that the substances to which the application relates are in compliance with the laws of the importing country.

(3) The competent authority may, on receipt of an application under paragraph (1), by notice in writing, request the applicant to furnish, within the time specified in the notice, such additional information, as the competent authority considers to be relevant to the application.