

**PREVENTION OF DRUG ABUSE AND REHABILITATION
AGENCY ACT, 2017**

(Act 13 of 2017)

ARRANGEMENT OF SECTIONS

SECTIONS

PART I - PRELIMINARY

1. Short title and commencement
2. Interpretation

**PART II - PREVENTION OF DRUG ABUSE AND
REHABILITATION AGENCY**

3. Establishment of Prevention of Drug Abuse and Rehabilitation Agency
4. Objects of the Agency
5. Functions and powers of the Agency

PART III - BOARD OF THE AGENCY

6. Establishment and membership of the Agency
7. Functions of the Board of the Agency
8. Meetings of the Board of the Agency
9. Terms and conditions of Vice-Chairperson and Members
10. Financial assistance by Agency
11. Transfer of institutions to Agency

PART IV - ADMINISTRATION OF THE AGENCY

12. Appointment and functions of Chief Executive Officer
13. Responsibilities of the Chief Executive Officer
14. Appointment and responsibilities of the Deputy Chief Executive Officer
15. Termination of appointment of the Chief Executive Officer and the Deputy Chief Executive Officer

PART V - FINANCE, ACCOUNTS AND REPORTS

16. Funds of the Agency
17. Accounts and audit

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18. Annual report
 19. Transitional provisions and saving

PART VI - MISCELLANEOUS PROVISIONS

20. Regulations
21. Staff of the Agency
22. Application of provisions of Penal Code
23. Protection of action taken in good faith

Staff of the
Agency

21. The Agency shall, on such terms and conditions as may be determined by the Board, employ such number of other employees as may be necessary in the performance of the functions of the Agency, subject to the budgetary and other restrictions prescribed by regulations.

Application
of
provisions of
Penal Code

22. The Chairperson, Vice-Chairperson, a Member, the Chief Executive Officer, the Deputy Chief Executive Officer or an employee of the Agency or any other person acting under the direction of the Agency shall be deemed to be employed in the public service for the purpose of sections 91 to 96 of the Penal Code.

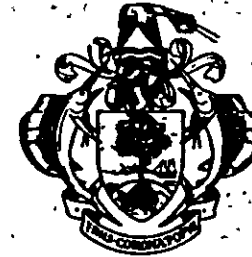
Protection of
action taken in
good faith

23. A suit or other legal proceedings shall not lie against the Board, Chairperson, Vice-Chairperson, Members and the Chief Executive Officer, the Deputy Chief Executive Officer or other employees of the Agency for any action taken or intended to have been taken in good faith in pursuance of the provisions of this Act.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 1st August, 2017.



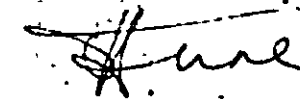
Mrs. Tania Isaac
Deputy Clerk to the National Assembly



**PREVENTION OF DRUG ABUSE AND
REHABILITATION AGENCY ACT, 2017**

(Act 13 of 2017)

I assent

Danny Faure
President

14th August, 2017

AN ACT to establish an Agency for coordinating the activities of various institutions and organisations engaged in the prevention of drug and alcohol abuse, treatment of drug users and rehabilitation of drug and alcohol addicts, and for matters connected therewith or incidental thereto.

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

1.(1) This Act may be cited as the Prevention of Drug Abuse and Rehabilitation Agency Act, 2017.

(2) It shall come into operation on such date as the President may, by notice in the Gazette, appoint.

Short title and
commencement

- involvement in identifying and responding to key drug and alcohol issues;
- (c) developing and sharing of data and research that support evidence-based interventions;
 - (d) developing new and innovative responses to prevent uptake, delay the first use and reduce harmful levels of drug and alcohol use by building community knowledge of drug related harms and increasing access to treatment services;
 - (e) facilitating treatment service planning, reducing exposure to licit drugs, and alcohol particularly to young people so as to prevent their misuse;
 - (f) developing responses that restrict or regulate the availability of drugs and alcohol;
 - (g) identifying and responding to challenges arising from new supply modes through the internet, postal services and other emerging technologies;
 - (h) working with those at the point of supply for licit drugs and alcohol, chemicals and equipment to minimise their misuse and opportunities for diversion to unlawful use;
 - (i) supporting nationally consistent legislative and regulatory responses, particularly for border control and challenges inhibiting inter-jurisdictional collaboration;
 - (j) enhancing use and sharing of intelligence to identify and respond to emerging trends and issues within and outside the Republic; and
 - (k) reducing the adverse health, social and economic consequences associated with drug

- (d) is absent from three consecutive meetings of the Board without leave of the Chairperson; or
- (e) is mentally or physically incapable of carrying out the functions under this Act.

PART V - FINANCE, ACCOUNTS AND REPORTS

16. The funds of the Agency shall consist of —

Funds of
the Agency

- (a) such monies as may be appropriated by the National Assembly pursuant to an Appropriation Act for the purposes of the Agency;
- (b) any monies received by the Agency by way of donations, gifts or grants from any legal source whether domestic or foreign; and
- (c) any proceeds from sale, lease or transfer of movable or immovable property of the Agency.

17.(1) The financial year of the Agency shall be the calendar year.

Accounts
and audit

(2) The Agency shall maintain proper accounts and other relevant records and prepare a statement of accounts in the form and manner approved by the Auditor-General.

(3) The accounts of the Agency shall be audited by the Auditor-General in accordance with Article 158 of the Constitution.

(4) Where the accounts and the statement of accounts of the Agency in respect of a financial year have been audited, the Agency shall furnish, not later than 3 months after the end of the financial year, to the Minister and the Minister responsible for finance, a copy of the statement together with a

- (e) shall perform such other duties as may be assigned or delegated to him or her by the Board.

Appointment and responsibilities of the Deputy Chief Executive Officer

14.(1) There shall be a Deputy Chief Executive Officer of the Agency who shall be appointed by the President on the recommendation of the Board.

(2) The term of office, salary and allowances of the Deputy Chief Executive Officer shall be as may be prescribed.

(3) The Deputy Chief Executive Officer shall —

- (i) act in the office of the Chief Executive Officer —
- (a) during the vacancy in the office of the Chief Executive Officer;
 - (b) during any period in which the Chief Executive Officer is absent from duty for any reason or is unable to perform the functions of that office;
- (ii) perform such other functions as the Chief Executive Office may delegate.

Termination of appointment of the Chief Executive Officer and the Deputy Chief Executive Officer

15. The President may, on the recommendation of the Board, terminate the appointment of the Chief Executive Officer or the Deputy Chief Executive Officer, as the case may be, who —

- (a) has been guilty of any misconduct, default or breach of trust in the discharge of any duties;
- (b) is an undischarged insolvent or bankrupt;
- (c) is convicted of an offence and sentenced to a term of imprisonment of three months or more;

and alcohol use by enhancing harm reduction approaches.

5.(1) The functions of the Agency are —

Functions and powers of the Agency

- (a) to advise the Government on matters of prevention and treatment of drug and alcohol abuse;
- (b) to formulate and review a National Drugs Master Plan and a National Alcohol Policy, strategies and long term plans for prevention, treatment, harm reduction and rehabilitation of persons affected by drug and alcohol abuse;
- (c) to formulate and review in collaboration with all related local stakeholders and international organisations and societies, a national standard for prevention, treatment, harm reduction and rehabilitation of persons affected by drug and alcohol abuse;
- (d) to monitor, assess and ensure compliance with the national standards for prevention, treatment, harm reduction and rehabilitation of persons affected by drug and alcohol abuse;
- (e) to prepare and submit to the President a National Progress Report concerning the prevention, treatment, harm reduction and rehabilitation of persons affected by drug and alcohol abuse;
- (f) to consider reports on intervention by relevant agencies and organisations concerned with prevention, harm reduction and rehabilitation of persons affected by drug and alcohol abuse;

- (g) to coordinate collection of statistics on reported cases of drug and alcohol abuse; and
- (h) to develop and maintain a National Database for statistics on reported cases of drug and alcohol abuse.

(2) Institutions or organisations engaged in the prevention and rehabilitation of drug or alcohol abuse that are receiving financial grants from the Government or the Agency shall furnish quarterly reports to the Agency.

(3) A failure to furnish a report under subsection (2) when due shall be a ground for not providing financial grants or withdrawal of any approval given to the institutions or organisations specified under that subsection.

(4) Subject to this Act and any other written law, the Agency may do all things necessary for, or reasonably ancillary or incidental to, the carrying out of its duties, functions and powers under this Act or any other written law.

PART III - BOARD OF THE AGENCY

Establishment
and
membership
of the
Agency

- 6.(1) There shall be a Board of the Agency consisting of—
- (a) the Chairperson who shall be the Secretary of State for Prevention of Drug Abuse and Rehabilitation;
 - (b) the Principal Secretary for Finance;
 - (c) the Principal Secretary for Education;
 - (d) the Principal Secretary for Employment;
 - (e) the Principal Secretary for Family Affairs;

- (c) Drug Demand Reduction Unit and Dove Rehabilitation Programme under the Ministry of Home Affairs.

PART IV - ADMINISTRATION OF THE AGENCY

12.(1) There shall be a Chief Executive Officer of the Agency who shall be appointed by the President on the recommendation of the Board.

Appointment
and functions
of Chief
Executive
Officer

(2) The term of office, salary and allowances of the Chief Executive Officer shall be such as may be prescribed.

(3) The Chief Executive Officer shall not, while holding the office of Chief Executive Officer, discharge the duties of any other office of emolument in the Republic.

(4) The Chief Executive Officer shall be an *ex officio* member of the Board without right to vote and shall attend all the meetings of the Board.

13. Subject to the direction, control and supervision of the Board, the Chief Executive Officer—

Responsibilities
of the Chief
Executive
Officer

- (a) shall be responsible for the implementation of the decisions of the Board and for the effective management and carrying out of the affairs of the Agency;
- (b) shall be responsible for the administration and operation of the Agency and supervision of staff of the Agency;
- (c) may sign documents on behalf of the Agency;
- (d) may delegate any function of the Chief Executive Officer to the Deputy Chief Executive Officer or any employee of the Agency; and

exceptional, make arrangements for a decision of the Board to be taken on such matter through a process of consultation without the need for an actual meeting.

(9) Subject to the provisions of this section, the Board shall regulate its own proceedings.

9.(1) The term of office, salary and allowances of the Vice-Chairperson shall be such as may be prescribed.

(2) The appointment of a Member under section 6 (1) (n) to (s) shall be on such terms and conditions as may be prescribed.

10.(1) The Agency may grant annual financial assistance to any approved facility, approved institution, any hospital, rehabilitation centre or organisation engaged in education, campaigning and the promotion of awareness of the effects of drug abuse, alcohol abuse or substance abuse, or the treatment, alleviation, de-addiction and rehabilitation of drug dependent persons or persons affected by drug or alcohol abuse or substance abuse, subject to such terms and conditions as may be prescribed.

(2) Notwithstanding the provisions of any other written law and subject to the provisions of this Act, the Agency is hereby vested with the implementation and oversight of the treatment and rehabilitation of drug dependent persons or persons affected by drug or alcohol abuse or substance abuse.

11. Notwithstanding the provisions of any other written law, the management and functions of the following institutions shall vest in the Agency from the coming into operation of this Act—

- (a) Detox Centres under the Ministry of Health;
- (b) Mont Royale and the Drugs and Alcohol Council under the Ministry of Family Affairs;

- (f) the Principal Secretary for Habitat;
- (g) the Principal Secretary for Health;
- (h) the Principal Secretary for Local Government;
- (i) the Principal Secretary for Youth;
- (j) two representatives of the National Assembly, one of whom shall be from the Opposition;
- (k) a representative of the Judiciary;
- (l) the Commissioner of Police;
- (m) the Chief Officer of the National Drug Enforcement Agency;
- (n) the Chairperson of the Seychelles Medical and Dental Council;
- (o) the Director of the Campaign for Awareness, Resilience and Education;
- (p) the Chairperson of the Citizens' Engagement Platform Seychelles;
- (q) the Chairperson of the Seychelles Chamber of Commerce and Industry;
- (r) the Chairperson of the Association for Media Practitioners of Seychelles;
- (s) the Chairperson of the Seychelles Interfaith Council; and
- (t) a former drug or alcohol addict.

Terms and conditions of appointment of Vice-Chairperson and Members

Financial assistance by Agency

Transfer of institutions to Agency

(2) The President shall appoint a person having such qualification and experience as may be prescribed as the Vice-Chairperson of the Board.

(3) The President shall publish the names of the Chairperson, Vice-Chairperson and members of the Agency in the *Gazette*.

(4) The President may terminate the appointment of the Vice-Chairperson in such manner as may be prescribed.

Functions
of the
Board of
the Agency

7.(1) The Board is the governing body of the Agency and, subject to the oversight of the Minister, shall be responsible for—

- (a) reviewing the policy and strategies of the Agency and monitoring and overseeing their implementation;
- (b) monitoring and overseeing the management of the Agency with the objective of ensuring that—
 - (i) the funds of the Agency are utilised economically and efficiently;
 - (ii) the internal management and the implementation of the annual policy of the Agency is adequately carried out;
 - (iii) the Agency functions in accordance with the principles of good governance, fulfills its statutory obligations and properly discharges its functions;
- (c) approving the Agency's accounts under section 17.

(2) In the performance of its functions, the Board may—

- (a) establish such committees as it considers appropriate on such terms and conditions as it may determine; and
- (b) delegate such duties as it considers necessary to the Chief Executive Officer.

8.(1) The Board shall meet at least once in every 3 months at such place and time as may be determined by the Chairperson.

Meetings
of the
Board of
the Agency

(2) The meetings of the Board shall be presided over by the Chairperson.

(3) In the absence of the Chairperson at a meeting of the Board, the Vice-Chairperson shall preside and, in the absence of both the Chairperson and Vice-Chairperson, the Members present shall elect a Member to act as Chairperson for that meeting.

(4) The quorum of the meeting shall be 12.

(5) At any meeting for the conduct of business, the Board shall decide by a majority vote of the Members present and, in the event of a tie, the Chairperson shall have a casting vote.

(6) The Chairperson shall at any time convene a special meeting of the Board upon receipt of a requisition signed by at least ten Members calling upon him or her to do so, and such meeting shall be held not later than fourteen days after receipt of the requisition.

(7) No act or proceedings of the Board shall be invalid by reason of any vacancy among its Members or any defect in the appointment of a Member.

(8) Notwithstanding anything contained in this section, the Chairperson may, in any matter he or she considers