THE DRUG CONTROL AND ENFORCEMENT ACT, 2015

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SCHEDULES

THE UNITED REPUBLIC OF TANZANIA

NO.5 OF 2015

I ASSENT,

President

11th May, 2015

An Act to make robust legislative rules for efficient and effective control of narcotic drugs and psychotropic substances; provide for the establishment of the Drug Control and Enforcement Authority for the prevention and control of drug trafficking, to repeal the Drugs and Prevention of Illicit Traffic in Drugs Act and to provide for other related matters.

ENACTED by the Parliament of the United of Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title and application

1.-(1)This Act may be cited as the Drug Control and Enforcement Act, 2015 and shall come into operation on such a date as the Minister may, by notice published in the *Gazette*, appoint.

(2) This Act shall apply to Mainland Tanzania.

(3) In respect of Part III and IV, shall apply to conduct:

(a) inside or outside Mainland Tanzania on

board a Tanzania ship or aircraft;

(b) outside Mainland Tanzania, to-

(i) a citizen of the United Republic or person who ordinarily reside in Mainland Tanzania;

(ii) a body corporate incorporated in or carrying on business in Mainland Tanzania; or

(iii) any other person, in relation to the supply or possible supply by that person of any narcotic drug or psychotropic substance to a person in Mainland Tanzania;

(iv) on a ship registered in or having a nationality of a convention State other than Tanzania;

(v) a ship not registered in any state; or

(vi) on a ship assimilated under the international law of the sea, a ship of no nationality.

Interpretation Act

2. In this Act, unless the context requires otherwise-

"addict" means a person with a condition such that-

(a) administration of a drug results in the person demonstrating impaired control in relation to use of that drug, or drug-seeking behavior suggesting such impaired control; and

(b) cessation of the administration of the drug is likely to result in the person experiencing symptoms of mental or physical distress or disorder;

"Authority" means the Drug Control and Enforcement Authority established under section 3;

"authorised officer" means any person authorized to perform duties and functions conferred to him under this Act;

"cannabis" means any part of the plant of the genus cannabis, excluding the seeds, the mature stock, or fibre produce from the cannabis plant or cannabis resin;

"cannabis oil" means a liquid containing any quantity of tetrahydro- cannabinol;

"cannabis oil" means a liquid containing any quantity of tetrahydro- cannabinol;

"cannabis plant" means a plant of the genus cannabis by whatever name called and includes any part of that plant;

"cannabis resin" means the separated resin where the crude or purified is obtained from the cannabis plant;

"chemical precursors" means a substance frequently used in the illicit manufacture of narcotic drugs or psychotropic substances as defined in Article 12 of the UN Convention Against Illicit Drugs and Psychotropic Substances mentioned in Table I and Table II as provided for in the Second Schedule to this Act;

"coca leaf" means-

(a) the leaf of the coca plant except a leaf from which all ecgonine, cocaine and any other ecgonine alkaloids have been removed;

(b) any mixture with or without any neutral material, which does not include any preparation containing no more than 0.1 percent of cocaine;

"coca plant" means the plant of any species of the genus erythroxylon;

"Council" means the National Drug Council established under section 5;

"conveyance" means a conveyance of any description whatsoever and includes an aircraft, vehicle or vessel;

"court" means-

(a) in respect of an offence for contravention of section 11, 17, 19, 20, 21,22, 25,29 or 30, means a subordinate court ;

(b) in respect of :

(i) narcotic drug or psychotropic substance of not more than two hundred grams, means a subordinate court;

(ii) precursor chemicals-

(aa) of not more than one hundred kilograms for solid form or thirty litres in liquid form, means a subordinate court; and

(bb) of more than one hundred kilograms in solid form or more than thirty litres in liquid form, the High Court;

(c) in respect of an offence for contravention of section 16 or 23, means "the High Court"

"cultivate" includes planting, saving, scattering the seed, graving, mortaring, lending or harvesting;

Cap.152 "dentist" means a person registered or licenced under the Medical Practitioners and Dentists Act;

"drug" means a narcotic drug or psychotropic substance set out in the First Schedule to this Act;

"export from the United Republic" with its grammatical variations and cognate expressions, means taking out of the United Republic to a place outside United Republic;

"Import into Mainland Tanzania" with its grammatical variations and cognate expressions, means to bring into the Mainland Tanzania from a place outside Mainland Tanzania and it includes an act to bring into any port or airport or other place in Mainland Tanzania a narcotic drug or psychotropic substances with intension of taking such narcotic drug or psychotropic substances outside Mainland Tanzania without being removed from the vessel, air craft, vehicle or any other conveyance in which is carried;

"International Convention" means-

(a) a Single Convention on Narcotic Drugs, 1961, adopted by the United Nations Conference at New York in March, 1961;

(b) a Protocol amending the Convention mentioned in subclause (a), adopted y the United Nations Conference at Geneva in March, 1972;

(c) a Convention on Psychotropic Substances, 1971, adopted by the United Nations Conference at Vienna in February1971;

(d) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted at Vienna on 19th December, 1988; and

(e) any other international Convention or protocol or other instrument amending an international Convention, relating to narcotic drugs or psychotropic substances, which may be ratified or acceded to by the United Republic after the commencement of this Act;

"Khat" means leaves and young shoots of a plant *cathaedulisforsk*, a species belonging to a plant family *celastraceae;*

"manufacture" in relation to narcotic drugs or psychotropic substances, includes-

(a) all processes other than production by which such drugs or substances may be obtained;

(b) refining of such drugs or substances;

(c) transformation of such drugs or substances; and

(d) making of preparation otherwise than in a pharmaceutical industry or pharmacy on prescription with or containing such drugs or substances;

"manufactured drug" means-

(a) all coca derivatives, medicinal cannabis, opium derivatives and poppy straw concentrate;

(b) any other narcotic substance or preparation which the Authority may, having regard to the available information as to its nature or to a decision, if any, under any International Convention, by notice in the Gazette, declared to be a manufactured drug, but shall not include any narcotic substance or preparation

which the Authority may, having regard to the available information as to its nature or to a decision, if any, under any International Convention, by notice in the Gazette, declare not to be a manufactured drug;

Cap. 152 "medical practitioner" means a person registered or licensed under the Medical Practitioners and Dentists Act;

"medicinal cannabis" means any extract or tincture of cannabis;

"Minister" means the Minister responsible for drug control;

"narcotic drug" means any substance specified in the Schedule or anything that contains any substance specified in that First Schedule;

"opium" means-

(a) the coagulated juice of the opium poppy; and

(b) any mixture, with or without any neutral material, of the coagulated juice of the opium poppy which does not include preparation containing no more than 0.2 percent of morphine;

Cap.219 "opium derivative" means-

(a) medicinal opium, that is, opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the Tanzania Food, Drugs and Cosmetics Act , or any other pharmaceutical notified in this behalf by the Government, whether in powder form or granulated or otherwise or mixed with neutral materials;

(b) prepared opium, that is, any product of opium obtained by any series of operations designed to transform opium into an extract suitable for smoking and the other residue remaining after opium is smoked;

(c) phenantrene alkaloids, namely, morphine, codeine, the baine and their salts;

(d) iacetylmorphine, that is, the alkaloid also known as diamorphine or heroin and its salt; and

(e) all preparations containing more than two percent of morphine or containing any diacetylmorphine;

"opium poppy" means-

(a) a plant of the species papaver somniferum L; and

(b) a plant of any other species of papaver from which opium or any phenanthrene alkaloid can be extracted and which the Authority may, by notice in the Gazette, declare to be opium poppy for the purposes of this Act;

"place" includes vacant land, premises, vehicle, vessel or aircraft;

"poppy straw" means all parts except seeds of the opium poppy after harvesting, whether in their original form or cut, crushed or powdered and whether or not juice has been extracted therefrom;

"preparation" in relation to a narcotic drug or psychotropic substance, means any one or more such drugs or substances in dosage form or any solution or mixture, in whatever physical state, containing one or more such drugs or substances;

"precursor chemicals" means a chemical used in the process of manufacturing of narcotic drugs or psychotropic substance;

"production" means the separation of opium, poppy straw, coca leaves, cannabis or khat from the plants from which they are obtained;

"prohibited plant" means cannabis plant, khat plant, coca plant, papaver somniferum or opium poppy and papaver setigerum;

"psychotropic substance" means any substance, natural or synthetic, or any natural material or any salt or preparation of such substance or material included in a list of psychotropic substances specified in the First Schedule;

"sell" includes offer or expose for sale;

"supply" includes consignment, dispatch, transport, delivery, distribution as well as offer to supply;

"transport" means taking from one place to another within the United Republic;

"trafficking" means the importation, exportation, manufacture, buying, sale, giving, supplying, storing, administering, conveyance, delivery or distribution, by any person of narcotic drug or psychotropic substance any substance represented or held out by that person to be a narcotic drug or psychotropic substance or making of any offer but shall not include-

(a) importation or exportation of any narcotic drugs or psychotropic substance or the making of any offer by or on behalf of any person who holds a licence under this Act in accordance with the licence;

(b) manufacturing, buying, selling, giving, supplying, administering, conveying, delivery or distribution of any narcotic drug or psychotropic substance or the making of any offer by or on behalf of any person who has a licence under this Act;

(c) selling or supplying or administering for medical purposes, and in accordance with the provisions of this Act, or the making of any offer by a medical practitioner or veterinary surgeon or dentist or by any other person qualified to do so on the instructions of the medical practitioner, veterinary surgeon or dentist;

(d) selling or supplying in accordance with the provisions of this Act of a narcotic drugs or psychotropic substance by a registered pharmacist;

(e) when use in relation to narcotic drugs and psychotropic substances, means any substance specified in the First Schedule or anything which contains any substance specified in the First Schedule.

"user" means a person who smokes, inhales, ingests, injects or otherwise consumes any narcotic drug or psychotropic substances for other than medical or scientific purposes.

PART II
ESTABLISHMENT OF AN AUTHORITY FOR CONTROL AND COMBATING DRUGS

Establishment of the Authority

3. There shall be a Drug Control and Enforcement Authority.

Functions of the Authority

4.-(1) The functions of the Authority shall be to define, promote, coordinate and implement all measures geared towards control of drugs, drug abuse and trafficking in drugs.

(2) In performing its functions the Drug Control and Enforcement Authority shall:

(a) implement the provisions of international conventions, bilateral and multilateral agreements on control of narcotic drugs and psychotropic substances;

(b) develop and implement a national plan of action for drug control;

(c) develop guidelines for addressing drug problem and its consequences to the general public;

(d) update and adapt drug control laws and regulations;

(e) promote the prevention of drug abuse and trafficking including education, dissemination of information to the general public and other drug initiatives;

(f) take measures to combat drug trafficking including arrest, search, seize and investigate on drug related matters;

(g) prevent, detect, and investigate the diversion of controlled pharmaceuticals and listed chemicals from legitimate sources while ensuring an adequate and uninterrupted supply for legitimate medical, commercial and scientific needs;

(h) establish a viable data collection and analysis system at the national level on drug abuse and drug trafficking;

(i) promote and ensuring international cooperation in drug control measures;

(j) undertake, support and coordinate research on drug related issues;

(k) coordinate and support stakeholders on control of drug abuse and trafficking;

(l) sensitize and mobilize the community to participate in the fight against drug abuse and trafficking; and

(m) train personnel dealing with control of drug abuse, trafficking, money laundering and chemical precursors;

(3) The Authority shall, in performing its functions and, where circumstances require, collaborate with other relevant authority of national or international bodies established or formed for purposes of carrying out functions or activities relating to preventing, combating or controlling drugs in Mainland Tanzania.

(4) The Authority shall ensure that the requirements of the International Conventions are effectively fulfilled by the Government both at the national level and its relations with other states and international bodies in charge of drug control, as well

as the implementation, at the national and international level of the drug control machinery are strengthened.

The National Drug Control Council

5.-(1) There shall be a National Drug Control Council.

(2) The Council shall consist of eleven members namely:

(a) the Prime Minister who shall be a Chairman;

(b) other Members shall be:

(i) the Minister responsible for legal affairs;

(ii) the Minister responsible home affairs;;

(iii) the Minister responsible for health;

(iv) the Minister responsible for community; development;

(v) the Minister responsible for foreign affairs;

(vi) the Minister responsible for finance;

(vii) the Minister responsible youth development;

(viii) the Minister responsible for education;

(ix) the Minister responsible for agriculture; and

(x) the Minister responsible for transport.

(3) Other Ministers may be called upon to serve to the Council in accordance with the agenda discussed and the Council may invite any other person to attend, if it is deemed necessary to do so.

(4)The principal function of the Council shall be to oversee the implementation of the National Drug Control Policy.

(5) The Council shall meet at least twice a year in regular session and whenever necessary in special session.

(6) Where the Prime Minister is unable to discharge his functions under this section for any other reason, the Council shall be chaired by the Minister

responsible for legal affairs and in his absence the Minister responsible for home affairs and, in the absence of the latter the Minister responsible for health.

Appointment of the Commissioner General

6.-(1) There shall be a Commissioner General of the Authority who shall be appointed by the President from amongst qualified public servants.

(2) The Commissioner General shall be the chief executive officer and accounting officer of the Authority and shall be responsible to the Council in the discharge of functions of the Authority.

(3) The Commissioner General shall be the Secretary to the Council and be responsible for implementation of decisions of the Council.

Functions and powers of the Commissioner General

7.-(1) The Commissioner General shall perform the following functions:

(a) represent the Authority within the international authorities competent in the matters related to drug control;

(b) encourage and coordinate drug control action implemented by relevant stakeholders;

(c) liase with relevant international organizations on matters relating to drug control; and

(d) ensure or facilitate the transmission of information and data to the competent international bodies as required by the treaties.

(2) The powers conferred on the Commissioner General shall include powers to order information from and to summon attendance of any person for the

purpose of answering any question relating to drug abuse and trafficking.

Staff of the Authority

8.-(1) The Commissioner General may, with the approval of the Council, appoint or employ such number of officers and other employees of the Authority as may be necessary for the proper and efficient discharge of the functions under this Act.

(2) The terms and conditions of service, remunerations and allowances of officers and other employees of the Authority shall, after recommendation of the Council, be submitted to the President for approval.

Advisory Committee

9.-(1) There is established a committee, which shall be known as the Advisory Committee.

(2) The Committee shall have a duty of advising the Commissioner General on matters relating to drug control.

(3) The Committee shall consist of not more than nine members drawn from Ministries, Government Departments, law enforcement agencies, Non Governmental Organizations and other stakeholders.

(4) The Minister shall appoint persons with experience and knowledge on matters relating to drug abuse or persons whose contributions may be of significant value to the formulation and execution of national policy on illicit drugs to be members of the Advisory Committee.

(5) The Chairman may co-opt any person to attend any of its meeting for purposes of assisting the Committee on the deliberation of its business, but that person shall have no right to vote.

(6) Tenure of office for each member of the Committee shall be three years and may be eligible for another term.

Obligation to take measures for preventing drug abuse

10.-(1) The Government shall endevour to take such measures as necessary or expedient for the purpose of preventing and combating abuse of narcotic drugs, psychotropic substances and the illicit traffic.

(2) Measures which the Government may take pursuant to subsection (1) shall include-

(a) co-ordination of activities done by various officers and authorities under this Act or under any other written law for the time being in force in connection with the enforcement of the provisions of this Act and obligations under International Conventions;

(b) render assistance to authorities in foreign countries and international organisations with a view to facilitate co-ordination and universal action for prevention and suppression of illicit traffic in narcotic drugs and psychotropic substances;

(c) identification, treatment, education, after care, rehabilitation and social integration of drug addicts; and

(d) such other matters as the Government deems necessary or expedient for effective preventing and combating the abuse of narcotic drugs, psychotropic substances and illicit trafficking of drugs.

PART III
PROHIBITION OF POSSESSION AND TRAFFICKING OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

Prohibition of cultivation of certain plants and substances,

11. - (1) Any person who:

(a) cultivates any prohibited plant;

(b) possess or supplies seeds in production of drugs;

(c) being the owner, occupier or concerned in the management of any land or piece of land, permits the land to be used for purpose of cultivation of any prohibited plant;

(d) produces, possesses, sells, purchases, transports, imports into Mainland Tanzania, exports, use or does any act or omits to do anything in respect of prohibited plants which act or omission amounting to contravention of the provisions of this Act,

commits an offence and upon conviction shall be liable to imprisonment for a term of not less than thirty years.

(2) For purposes of this section the word "cultivation" includes gathering.

Power of Authority to permit, control and regulate cultivation, production or sale of opium or coca leaves

12.-(1) The Authority may, by regulations-

(a) permit and regulate:

(i) cultivation or gathering of any portion of coca plant, cannabis plant, khat plant, production, possession, sale, purchase, transport, import into the Mainland Tanzania, use or consumption of cocaleaves only on the account of government;

(ii) cultivation of opium poppy only on account of the Government;

(iii) production and manufacture of opium and production of poppy straw;

(iv) sale of opium and opium derivatives from Government factories for export from the Mainland Tanzania or to manufacturing chemists;

(v) manufacture of drugs other than prepared opium but not including manufacture of medicinal opium or any preparation containing any manufactured drugs from materials which the maker is lawfully entitled to possess;

(vi) manufacture, possession, transport, sale, purchase, consumption or use of psychotropic substances; or

(vii) importation in the Mainland Tanzania and transshipment of narcotic drugs and psychotropic substances.

(b) prescribe any other matter requisite to render effective the control by the Government over any of the matters specified in paragraph (a).

(2) Regulations made by the Authority may provide for regulating licensing, permits or otherwise the production, manufacture, possession, transport, import into and export from the Mainland Tanzania, sale, purchase, consumption, use, storage, distribution, disposal or acquisition of any narcotic drug or psychotropic substances.

Narcotic drugs and psychotropic substances not to be subject to

13. Notwithstanding anything to the contrary contained in any written law or contract, no narcotic drug, psychotropic substance or prohibited plant, shall be liable

distress or attachment

for detention or attachment by any person for the recovery of money under any order of a court or authority otherwise.

Restrictions on dealings in narcotic drugs and psychotropic substances

14. Any person in the Mainland Tanzania shall not engage in or control any trade whereby narcotic drugs or psychotropic substances are obtained outside the Mainland Tanzania or supplied to any person outside the Mainland Tanzania except with the prior permission or authorisation of the Authority and subject to such conditions as may be imposed by the Authority.

Prohibition of possession, trafficking, purchasing or manufacturing of narcotic drugs or psychotropic substance and precursor chemicals

15.-(1) Any person who-

(a) is found in possession or does an act or omits to do an act or any other thing in respect of narcotic drugs, psychotropic substances or preparation containing any manufactured drugs;

(b) trafficks in narcotic drug or psychotropic substance, commits an offence and upon conviction shall be liable to life imprisonment; and

(c) illegally possesses, traffics, diverts of deals in any way with precursor chemicals.

(2) Any person who produces, possesses, transports, exports, imports into the United Republic, sales, purchases or does any act or omits anything in respect of drugs or substances not specified in the Schedule to this Act but have proved to have drug related effects, commits an offence, and upon conviction shall be sentenced to life imprisonment.

Possession of machines, equipment and laboratory fornarcotic drugs and psychotropic substances

16. Any person who is found in possession of a machine, equipment, laboratory or any other utensil intended for preparation, production or manufacturing of narcotic drugs or psychotropic substances, commits an offence, and upon conviction, shall be sentenced to life imprisonment in addition to a fine of not less than two hundred million shillings.

Prohibition in respect of possession, use of small quantity of narcotic drugs or psychotropic substances

17.-(1)Any person who in contravention of any provisions of this Act or permit issued under this Act, possess in a small quantity any narcotic drug or psychotropic substance which is proved to have been intended for personal consumption or consumes any narcotic drug or psychotropic substance shall on conviction, notwithstanding anything contained in this Part, be liable, if-

(a) the narcotic drug or psychotropic substance in question is cocaine, morphine, diacetyl-morphine or any other narcotic drug or any psychotropic substance specified by the Minister by notice in the *Gazette* to a fine of not less than one million shillings, or to imprisonment for a term of five years or to both;

(b) the narcotic drug or psychotropic substance in question is other than those specified under paragraph (a), to a fine of not less than five hundred thousand shillings or to imprisonment for a term of three years or to both.

(2) Where a person possess a small quantity of narcotic drug or psychotropic substance, the burden of proving that it was intended for the personal consumption and not for sale or distribution shall lie to that person.

(3) A term "small quantity" as used in this section means a quantity prescribed by the Minister in the regulations.

Prohibition in respect of smoking inhaling sniffing or otherwise using narcotic drugs or psychotropic substance

18. A person who-

(a) smokes, inhales, sniffs, injects or otherwise uses any narcotic drug or psychotropic substance;

(b)without lawful and reasonable excuse, is found in any house, room or place illegally used for smoking, injecting inhaling, sniffing any narcotic drug or psychotropic substance; or

(c) without lawful and reasonable excuse, is found in possession of any pipe or other utensil for use in connection with smoking, inhailing, sniffing or otherwise using narcotic drugs or psychotropic substance,

commits an offence, and upon conviction shall be sentenced to a fine of not less than one million shillings or to imprisonment for a term of three years or to both.

Prohibition in respect of the owner of a occupier of a premise

19.-(1) A person who being the owner, occupier or person concerned with the management of any premises, enclosure or conveyance shall not permit such a premises, enclosure or conveyance to be used for the purpose of preparation of narcotic drug or psychotropic substance or for smoking, selling, injecting, inhaling, sniffing, or otherwise use such drug, unless such person has a permit from a relevant authority.

(2) Any person who contravenes subsection (1), commits an offence and upon conviction shall be liable to a fine of not less than five million shillings or imprisonment for a term of not less than three years, or both.

Prohibition for administering for narcotic drug or psychotropic substance

20. Any person who-

(a) administers a narcotic drug or psychotropic substance or causes or permits it to be administered except where an authorised person or a medical practitioner or dentist acting in his professional capacity and in accordance with the prevailing norms and standards or professional practice, authorised;

(b) adds a narcotic drug or psychotropic substance to a food or drink or uses any other method to administer such drugs without the knowledge of the consumer; or

(c) sells, supplies or acquires a narcotic drug or psychotropic substance on presentation of prescription knowing or having reasons to believe that the prescription is forged, unlawfully obtained or acquired or was issued more than six months before presentation,

commits an offence and upon conviction shall be liable to a fine of twenty million shillings or to imprisonment for a term of not less thirty years or to both.

(2) Where an offence under subsection (1) is committed:

(a) in school or other education institutions, social service facilities or in their vicinities; or

(b) the victims are persons under the age of eighteen years, the person commits an offence and upon conviction shall be liable to imprisonment for a term of not less than thirty years.

Embezzlement by authorized cultivators

21. Any person licensed to cultivate opium poppy by the Government and illegally disposes of opium produced or any part of it commits an offence and upon

conviction shall be liable to a fine of fifteen million shillings or to imprisonment for a term of not less than thirty years or both, and the court may, for reasons to be recorded in the judgment impose a fine of not less than thirty million shillings if the offender repeat the offence.

Breach of terms, licence or permit

22. Where a holder of a licence, permit or other kind of authorisation granted in accordance with the provisions of this Act-

(a) omits, without any reasonable cause, to maintain accounts or to submit returns in accordance with this Act;

(b) fails to produce, maintain or to submit without any reasonable cause, accounts returns in accordance with this Act;

(c) keeps any accounts or makes any statement which is false or which he knows or has reason to believe to be incorrect; or

(d) wilfully does any act in breach of any of the conditions of the licence, permit or authorization for which a penalty is provided in this Act,

commits an offence and upon conviction shall be liable to a fine of not less than twenty five million shillings or to imprisonment for a term of not less than thirty years or to both, and in addition, his licence or permit shall be revoked.

Finance of illegal activities

23. Any person who knowingly directly or indirectly finances activities specified in section 15 or harbours any person engaged in such activities, commits an offence and upon conviction shall be liable to a fine of not less than one billion shillings in addition to life imprisonment.

Prohibition in respect of aiding to commit offences under this Act

24. Notwithstanding anything contained in any other written laws, any person who-

(a) conspires with another person to commit;

(b) solicits, incites, aids, conceals or attempts to solicit, incite, aid, abet or conceal any other person to commit;

(c) causes, procures or attempts to cause or procure the commission of an offence under this Act;

(d) is otherwise directly or indirectly concerned in the commission of an offence under this Act,

may be charged with in all respects as if he were the principal offender.

Preparation or attempt to commit offence

25. Where a person attempts to do or omits to do anything which constitutes an offence under this Part and from the circumstances of the case it may be reasonably inferred that he intended to carry out the intention to commit an offence but was prevented by circumstances independent of his will, that person shall be liable to imprisonment for a term of not less than the half of the maximum term of imprisonment with which he would have been punishable in the event of his having committed such offence, with fine of not less than half of the maximum amount of fine which that person would have been punished, had that person committed the offence.

Subsequent offence

26.-(1) Any person who is convicted of an offence under this Act, upon conviction shall be sentenced for the second and every subsequent offence to fine of ten million shillings or to imprisonment for life.

(2) Where a person is convicted for offence under sections 19, 20 and 25 by the competent court outside the United Republic under any law corresponding to the provisions of our law that person in respect of the conviction, shall be dealt with for the purpose of subsection (1), as if he was convicted by a court in the United Republic.

Penalty for offences for which no penalty is provided

27. Any person who contravenes any provision of this Act or any condition of a licence, permit or authorisation issued under this Act, for which no punishment is specifically provided in this Part shall, upon conviction be sentenced to a fine of not more than twenty million shillings or to imprisonment for a term of not more than thirty years or to both.

Burden of proof.

28.-(1) In prosecution for an offence of possessing, dealing in, trafficking, selling, cultivating, purchasing, using or financing of any narcotic or psychotropic substance, the burden of proof that the narcotic or psychotropic substance, was possessed, dealt in, trafficked, sold, cultivated, purchased, used or financed pursuant to in accordance with the terms of a licence, permit or authority granted under this Act or Regulations shall lie on the person charged.

(2) Notwithstanding the provisions of subsection (1), it shall be a defence for a person charged for an offence involving possession of narcotic or psychotropic substance to prove to the satisfaction of the court that the possession of such narcotic or psychotropic substance was, considering all circumstances of the case, not conscionable.

Unbailable offences

29.- (1) A police officer incharge of a police station or an officer of the Authority or a court before which an accused is brought or appear shall not admit the accused person to bail if-

(a) that accused is charged of an offence involving trafficking of Amphetamine Type Stimulant (ATS), heroin, cocaine, mandrax, morphine, ecstasy, cannabis resin, prepared opium and any other manufactured drug weighing two hundred grammes or more;

(b) that accused is charged of an offence involving trafficking of cannabis, khat and any other prohibited plant weighing one hundred kilogram or more; and

(c) for precursor chemicals weighing more than thirty litres or one hundred kilograms, in solid form.

(2) Where there is any inconsistence in matters relating to weight, type of chemical concerned or any other matter of similar nature provided in this section, the weight, type of chemical or that other matter determined by the Government Chemist shall prevail.

(3)The conditions on granting bail specified in section 148 of the Criminal Procedure Act, shall *mutatis mutandis* apply to all bailable offences under this Act.

Offences by companies

30.-(1) Where an offence is committed under this Act by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, shall be deemed to have committed an

offence and shall be liable to be proceeded against and punished accordingly.

(2) Nothing in subsection (1) shall render a person liable for punishment, if the person proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

(3) Notwithstanding subsection (2), where any offence under this Part is committed by a company and it is proved that the offence was committed with consent or connivance of, or is attributed to any negligence on part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company shall be proceeded against and punished and the company be de-registered or confiscated.

Release of certain addicts for the purpose of undergoing treatment

31.-(1) Where an addict is convicted of an offence under section 18 and the court by which he is convicted is of the opinion regarding to-

(a) age, character, antecedents;

(b) physical or mental condition of the offender that it is expedient so to do,

notwithstanding anything contained in this Act or any other written law, the court may, instead of sentencing that person to imprisonment, upon his consent, direct that to be released for undergoing medical treatment for detoxification or de-addiction from a hospital or an institution maintained or recognized by the Government.

(2) Where the addict is released for undergoing medical treatment, he shall be required to enter into a bond in the form prescribed by the Authority, with or without sureties, direct him to appear and furnish before the court

within a period not exceeding three months, a report regarding the result of medical treatment and, in the meantime, abstain from commission of any offence under this Part.

(3) Where the offender fails to comply with the condition for abstaining from commission of an offence after a release by the court to undergo medical treatment in accordance with subsection (2), the court may order the offender to appear before the court for sentencing.

PART IV
ARREST PROCEDURE

Application of the Criminal Procedure Act with necessary modification

32.-(1) The officers of the Authority shall have powers of arrest, search, seizure and investigation in relation to offences under this Act.

(2) The provision of any law in force in the United Republic in relation to the general powers and duties of investigation, arrest, search and seizure by officers of the police, customs officer or any other person having powers of arrest, shall apply to this Act.

(3) The officer of the Authority shall have powers to arrest, search, seize, investigate and record statements in relation to any matter under this Act as if he is a police officer discharging duties and exercising powers under the Criminal Procedure Act or customs officer under the Customs and Excise Duties Act or any other law conferring powers of arrest and seizure.

(4) The provisions of any law in force in the United Republic in relation to the general powers and duties of the investigation, arrest, search, seizure and record statements by the police officer, customs officers or any other person having powers of the arrest, shall apply to officer under this Act.

(5) Anything seized or recorded by the officer shall be admissible in court as evidence.

(6) Any such officer referred to under subsection(1), may at any time-

(a) enter into and search any buildings, conveyance, or place;

(b) in case of resistance, break, open any door or remove any obstacle to such entry;

(c) seize any drug or substance and all materials used in the manufacture of any other article, anything or conveyance which he has reason to believe to have committed any offence under this Act.

(7) Where an officer takes down any information or records grounds for arrest he shall immediately thereafter submit a copy of the information or record to his immediate superior.

(8) The provisions of this section shall apply in relation to the offences under Part III in relating to cocaplants, khat, the opium poppy or cannabis plant and for this purpose references in those sections to narcotic drugs or psychotropic substance, shall be construed as including references to coca plant, the opium poppy and cannabis plant.

Procedure of seizure where confiscation is not

33. Where it is not possible to seize any goods including standing crop which are liable for confiscation,

possible

any officer authorised under section 32 may serve on the owner or person in possession of the goods, and order that he shall not remove, part with or otherwise deal with goods except with the prior permission of such officer.

Land owners duty to give information of crops illegally cultivated

34. Every owner, occupier or a person concerned in the management of any land, premises or place, shall give immediate information to any officer of police or any officer of the departments mentioned in section 32 of all drug crops, any narcotic drug or psychotropic substance which may be illegally cultivated, produced or manufactured within his land, premises or place and every such holder who knowingly neglects to give such information, commits an offence, and upon conviction shall be information, commits an offence, and upon conviction shall be liable to a fine of twenty million shillings or to imprisonment for a term of thirty years or to both.

Powers of attachment of crops illegally cultivated

35. Any officer empowered under this Act, may order attachment of any opium poppy, cannabis plant, khat coca plant or any other drug crop which he has reason to believe to have been illegally cultivated and may pass such order, including an order to destroy the crop, as he thinks fit.

Authority of Direct certain Substance to be disposed of

36.-(1) The Authority may, having regard to the hazardous nature of any narcotic drug or psychotropic substance, vulnerability to theft, substitution, constraints of proper storage, space or other relevant considerations, by notice published in the *Gazette*, specify such narcotic drugs or psychotropic substance, disposed of such drug or substance and in such manner as the Authority may determine after following the specified procedure.

(2) Where any narcotic drug or psychotropic substance has been seized the officer seizing such drug or psychotropic substances shall prepare an inventory of such narcotic drug or psychotropic substance containing such details relating to-

(a) their description, quantity, mode of packing, marks, numbers;

(b) such other identifying particulars of the narcotic drugs or psychotropic substances;

(c) packing in which they are packed;

(d) country of origin; and

(e) other particulars as such officer may consider relevant to the identity of the narcotic drugs or psychotropic substances in any proceedings under this Act.

(3) An officer seizing such drug or psychotropic substance shall make an application, to any Magistrate having jurisdiction under this Act, for the purpose of-

(a) certifying the correctness of the inventory so prepared;

(b) taking, in the presence of such magistrate, photographs of such drugs or substances and certifying such photographs as true; or

(c) allowing to draw representative samples of such drugs or substances, in the presence of such Magistrate and certifying the correctness of any list of sample so drawn.

(4) Where an application is made under subsection (3), the Magistrate shall as soon as practicable allow the application.

(5) Notwithstanding anything contained in the Evidence Act, or the Criminal Procedure Act, every court trying an offence under this Act, shall treat the inventory, the photographs of narcotic drugs or psychotropic substances and any list of samples drawn under subsection (3) and certified by a magistrate court as primary evidence in respect of such offence.

Cap. 6
Cap. 20

Relevancy of statements under certain circumstances

37.(1) A statement made and signed by a person before an officer empowered under section 51 to investigate of offences, during and in the course of an inquiry or proceedings by such officer, shall be relevant for the purpose of proving in any prosecution for an offence under this Act, the truth of the facts which it contains-

(a) where a person who made a statement is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or whose presence cannot be obtained without any amount of delay or expense which, under the circumstances of the case, the court considers unreasonable; or

(b) where a person who made the statement is examined as a witness in the case before a court, and the court is of the opinion that, having regard to the circumstances of the case, the statement shall be admitted in evidence in the interest of justice.

(2) Where there is a conflict between the provisions of this section and those of the Evidence act, the provisions of this section shall prevail.

Presumption of possession of illicit articles

38. In trials under this Act, it may be presumed, unless the contrary is proven that the accused has committed an offence under Part III in respect of-

(a) a narcotic drug or psychotropic substance;

(b) an opium poppy, cannabis plant, khat or coca plant growing on any land which he has cultivated;

(c) an apparatus specially designed or any group of utensils specially adopted for the manufacture of any narcotic drug or psychotropic substance; or

(d) materials which have undergone any process towards the manufacture of a narcotic drug or psychotropic substance, or any residue of the materials from which a narcotic drug or psychotropic substance has been manufactured for possession of which he fails to satisfactorily account for.

Authorized officers to take charge of articles seized

39.-(1) An officer authorized under section 45 shall take charge of articles and keep in safe custody, pending orders of a magistrate and shall allow a seizing officer who may be deputed for purpose, to affix seal to such articles or take samples from them and samples so

taken shall be sealed with the seal of the office of such officer.

(2) An officer who fails to comply with conditions relating to safe custody of seized articles or causes disappearance of such articles, commits an offence and upon conviction is liable to a fine of fifteen million shillings or to imprisonment for a term of five years or to both.

Obligation of various of officers to render assistance

40. All officers specified under this Act to whom specific or general functions or powers have been conferred under this Act shall, upon a notice or a request made, be legally bound to assist each other in carrying out the provisions of this Act.

Arrests and seizures to be reported within forty-eight hours

41. Where any person makes any arrest or seizure under this Act, shall, within forty-eight hours after arrest or seizure make full report of particulars of such arrest or seizure to his immediate superior.

Vexatious or malicious entry, seizure, or arrest

42.-(1) An officer who in exercise of powers conferred under this Act, and who-

(a) without reasonable grounds of suspicion, enters or searches or causes to be entered or searched any building, conveyance or place;

(b) unnecessarily seizes the property of any person on the pretence of seizing or searching for any narcotic drug or psychotropic substance or other article liable to be confiscated under this Act, or of seizing any document or article liable to be seized under this Act; or

(c) unreasonably detains, searches or arrests any person,

commits an offence and upon conviction shall be liable to a fine of not less than two million shillings or to imprisonment for a term of not less than one year or to both.

(2) A person who willfully or maliciously gives false information thereby causing arrest or search being made under this Act, commits an offence and upon conviction shall be sentenced to a fine of not exceeding one million shillings or to imprisonment for a term of six months or to both.

Officers refusing to perform their duties or aiding offenders

43.-(1) An officer charged with any duty by or under this Act-

(a) refuses to perform the duties of his office, unless he has lawful excuse for doing so;

(b) has been given the custody of any addict or any other person who has been charged with an offence under this Act releases him or cause him to escape;

(c) willfully aids or connives for the contravention of any provision of this Act,

commits an offence and upon conviction shall be liable to a fine of not less than five million shillings or to imprisonment for a term not more two years or to both.

(2) The expression "officer" in this section includes a person employed in a hospital or institution maintained or recognised by the Government for providing de-addiction or detoxification treatment.

(3) A court shall not take cognizance of a offence under subsection (1) except on a complaint in writing made upon sanction of the Authority.

Powers to confiscate articles or

44.-(1) Where an offence under Part III has been committed, the narcotic drug, psychotropic substance, the

things in connection with offence

opium poppy, coca plant, khat, cannabis plant, material, apparatus and utensils in respect of which such offence is committed shall be liable to confiscation.

(2)Any narcotic drug or psychotropic substance lawfully produced, imported into or exported from the Mainland Tanzania, transported, manufactured, possessed, used, purchased or sold along with, or in addition to any narcotic drug or psychotropic substance which is liable for confiscation under subsection (1) and the receptacles, packages, coverings in which any narcotic drug or psychotropic substance, materials, apparatus or utensils liable to confiscation is found and the other contents of such receptacles or packages shall likewise be liable to confiscation.

(3) Any good used for concealing narcotic drug or psychotropic substance which is liable to confiscation under this Act shall also be confiscated.

(4) Where a narcotic drug or psychotropic substance is sold by a person having knowledge or reason to believe that the drug or substance is liable to confiscation under this Act, proceeds of sale shall be confiscated.

Confiscation in case of no conviction

45.-(1) In a trial for offences under this Act, whether the accused is convicted, acquitted or discharged, the court shall decide whether an article or anything seized is liable for confiscation.

(2) Where an article or anything appear to be liable for confiscation, and a person who committed the offence in connection therewith is not known or cannot be found, the court may on due process order the confiscation accordingly.

(3) An order for confiscation of an article or anything shall not be made until-

(a) the expiry of one month from the date of seizure;

(b) without hearing any person claiming the right; or

(c) without evidence if any, produced in respect of the claim.

(4) If an article or anything, other than a narcotic drug, psychotropic substance, the opium poppy, coca plant, khat or cannabis plant which is susceptible decay, or if the court is of the opinion that sale of such article or such other thing would be for the benefit of its owner, it may direct sale to be made.

(5) A person who claims right to property which has been Confiscated under this Act, may appeal to the higher court against the order of confiscation.

Documents in certain cases

46. Where a document-

(a) is produced or furnished by any person or seized from the custody or control of any person under this Act, or under any other written law; or

(b) is received from any place outside the United Republic, and is duly authenticated by such authority or person and in such manner as may be prescribe by the Authority,

in the course of investigation of an offence under this Act, if such document is tendered in prosecution under this Act, in evidence against him or against any other person who is tried jointly with him, the court shall-

(i) admit the document in evidence, notwithstanding that it is not duly stamped, if such document is otherwise admissible in evidence; and

(ii) in a case falling under paragraph (a) also presume, unless the contrary is proved, the truth of the contents of such document.

Powers of an authorised officer to call for information

47.-(1) An officer who is authorised under this Act may, during the course of any enquiry in connection with the contravention of any provision of this Act-

(a) call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Act; and

(b) require any person to produce or deliver any document or thing useful or relevant to the inquiry.

(2) An officer acting in exercise of powers vested in him under any provision of this Act, shall not be compelled to say where he got piece of information as to the commission of an offence.

Arrest procedures

48.-(1) Arrest procedures and powers conferred on officers of the Authority under this Part shall be strictly applied.

(2) For purposes of subsection (1), an officer of the Authority and other enforcement organs who-

(a) arrests a suspect shall:

(i) actually touch or confine the body of the person arrested;

(ii) inform the person arrested grounds or reasons for arrest and substance of the offence he is suspected to have committed;

(iii) caution in writing and in a language which he understands, and, or inform that person of a right to or not to answer anything save for

questions seeking particulars of his name and address, a right to call lawyer, relative or friend during interrogation;

(iv) interrogate a person arrested about how he came about narcotic drug or psychotropic substance or precursor chemicals, or any other substances proved containing drug related effects;

(v) cause or require a person arrested to admit or deny the offence in writing, and where necessary, procure a statement before a justice of peace within twenty four hours or such other reasonable time;

(vi) where the time for recording a statement is extended, the officer to inform in writing, the arrested person, such extension and the reason for extension;

(vii) record the dates and time when the interrogation was commenced, interrupted, continued and completed;

(viii) allow or permit the arrested person to correct, alter or add to the record, or make any corrections, alterations or additions to the record;

(ix) if a person arrested makes a statement admitting or confessing to the commission of offence or not and the statement is recorded, the recording officer shall read or cause it to be read to the arrested person and sign immediately bellow the last line of recorded statement and allow other person in attendance, if any to sign as a witness to a

signature of a person arrested;

(x) the recording officer to write or cause to be written at the end of the statement a certificate certifying correctness of the statement in accordance with a form set out in the Third Schedule to this Act.

(b)investigates an offence shall:

(i) personally go to the scene of crime to investigate and take stock of every article suspected to be used for commission of offence;

(ii) take every measure necessary for discovery and impound every article which may potentially be used as evidence;

(iii) examine orally every person acquainted with the facts and circumstances of the crime committed;

(iv) avoid to subject the arrested person to cruelty, inhuman or degrading treatment;

(v) if the circumstance calls for, or at the request of the arrested person, allow him access to medical treatment, give advice or render assistance in case of an illness or an injury;

(vi) if the arrested person is a child, cause a parent or guardian of the child to be informed that he is under restraint and the offence for which he is under restraint;

(vii) without unnecessary delay and subject to the provisions relating to bail, take or send the arrested person before a district court in the area where he has been arrested.

(c) searches for an article used or suspected to have been used in commission of an offence shall:

(i) stop, search and detain any vessel, boat, aircraft or vehicle suspected to have carried any substance with drug related effects;

(ii) stop, search and detain any person who is reasonably suspected of carrying, conveying, storing, transporting, cultivating, importing, exporting, possessing or any substance which has drug related effects;

(iii) not to detain a person, any vessel, boat aircrafts, vehicle, building for a period more than forty eight hours, unless further extension of time is made in writing by the officer in a form set out in the Third Schedule to this Act for the purpose of facilitation of further investigation;

(iv) if it is necessary, to cause a woman to be searched, the search shall be made by a woman;

(v) take or seize from the arrested person or any other person anything in connection with the offence for which he is arrested, or connected to any substance with drug related effects;

(vi) report the result or search to an immediate senior officer of the authority as soon as practicable;

(vii) record and issue a receipts or fill in the

observation form an article or thing seized in a form set out in the Third Schedule to this Act.

(d) seizes an article used or suspected to have been used in commission of an offence shall:

(i) procure presence of and take statements of persons who will testify on an article seized;

(ii) record a statement of the arrested person relating to his relationship with article seized;

(iii) evaluate and determine size, volume, quantity, quality and value or estimated value of article seized;

(iv) keep safe custody of article seized from possible act of loss, theft, shrinkage, depreciation of quality or value.

(3) An officer of the Authority who abdicates duty to do or omits to do an act and as a result of such omission, a person suspected or accused of commission of an offence relating to narcotic drug or psychotropic substances is not arrested or an offence for which he is charged of is improperly investigated shall be liable to disciplinary proceedings in addition to any criminal liability that may arise out of such abdication or omission.

(4) Where there is a conflict between the provisions of this section and those of the Criminal procedure Act on matters provided for, the provisions of this Act shall prevail.

PART V
FORFEITURE OF PROPERTY DERIVED FROM, OR USED IN ILLICIT TRAFFICKING

Forfeiture of property Cap. 256

49.-(1) Subject to this Part, where any person is convicted for an offence under Part III, the property owned by him on the date of the conviction or acquired by him after that date, shall be forfeited to the Government in accordance with the provisions of the Proceeds of Crime Act.

(2) The provisions of subsection (1), shall apply to-

(a) a person who is convicted of an offence under this Act;

(b) a person who is convicted of a similar offence by a competent court of criminal jurisdiction outside the United Republic; and

(c) an associate of a person referred in paragraphs (a) and (b).

(3) For the purpose of this Part, unless the context requires otherwise, "associate" means-

(a) any individual who had been or is managing the affairs or keeping the accounts of the person convicted under this section;

(b) the trustee of any trust, where-

(i) the trust is created by such person; or

(ii) the value of the assets contributed by such person including the value of the assets, if any, contributed by him earlier to the trust amounts to not less than twenty percent of the value of the assets of the trust.

(4) A property shall not be forfeited under this Part if such property was acquired by a person to whom this Act applied before a period of five years from the date on which he was charged for an offence relating to illicit traffic.

(5) Where the authorised officer for reason in writing, considers that any property of such person is held on his behalf by any other person, the officer shall order such other person to deliver the property for the purpose of confiscation.

Prohibition on holding illegally acquired property Cap. 256

50.-(1) A person shall not hold a property which is illegally acquired either by himself or through any other person on his behalf.

(2) Where a person holds illegally acquired property in contravention of subsection (1), such property shall be forfeited in accordance with the Proceeds of Crime Act.

(3) A property shall not be forfeited under this Part if the property was acquired by a person to whom this Act applied before a period of five years from the date on which he was charged for an offence relating to trafficking in drugs.

Authority to authorize investigation or survey

51.-(1) The Authority may authorise any officer to inquire, investigate or conduct surveillance on any person or group of persons as it may consider necessary.

(2) An officer authorized by the Authority may, on receipt of information that any person to whom this Part applies is charged with any offence whether committed in the United Republic or outside, proceed to take all steps necessary for tracing and identifying any property illegally acquired.

(3) Where an officer in the cause of conducting an inquiry, investigation or surveillance under subsection (1), has reason to believe that any property in relation to which such inquiry, investigation or surveillance is being conducted is an illegally acquired and such property is likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceeding relating to forfeiture of such property under this Part, he may make an order for seizing such property.

(4) where it is not practicable to make order for seizure under subsection (3) the officer may make an order that such property shall not be transferred or otherwise dealt with, except with the prior permission of the officer making such order, or of the competent authority and a copy of such order shall be served on the person concerned.

(5) If any property referred to in subsection (3) is transferred by any mode, such transfer shall, if the property is forfeited to the Authority be deemed to be void.

(6) An officer making an inquiry, investigation or surveillance may call upon the person concerned within a period of thirty days to indicate the sources of his income, earnings or assets out of which or by means of which acquired such property and to show cause why all or any of such properties should not be declared illegally acquired and forfeited to the Authority.

(7) If the person affected does not appear before the authorized officer to present his case within the specified period, the officer may proceed to record findings on the basis of evidence available before him.

Burden of proof

52. In any proceedings under this Part, the burden of proving that any property is not illegally acquired shall be on the person affected.

Payment in lieu

53.-(1) Where an authorised officer declares that any property is a subject of forfeiture to the Government and is a property to which only part of such property has been proved to the satisfaction of the officer that it has been illegally acquired, the officer may make an order giving an option to the person affected to pay, in lieu of property, a sum of money equal to the market value of the property.

(2) Any person aggrieved by any decision of an authorized officer may, within thirty days from the date of such decision, appeal to the High Court.

Power to take possession

54.-(1) Where any property is declared forfeited to the Government or the person affected fails to pay the amount of money in lieu of any part of the property to be forfeited, the authorised officer may order the person affected or any other person who may be in possession of that property, to surrender or deliver possession thereof.

(2) Any person who refuses or fails to comply with an order made under subsection (1), commits an offence and the Authority may take possession of the property and may for that purpose use such force as may be necessary.

Arrangement regarding tracing, realization of property

55.-(1) The Government of the United Republic may enter into an arrangement-

(a) with the Government of any other realisation country-

(i) for the recovery handing and property over of possession to the Government of the United Republic, of any property in respect of which forfeiture has been made and which is in country; or

(ii) tracing and preserving any property in the realization country owned by or under the control of any person who has, or is suspected to have committed an offence under this Act; or

(b) on a reciprocal basis with the Government of any other country-

(i) in respect of the recovery and handing over of possession to the Government of that country of any property in the United Republic which is confiscated by or forfeited to the Authority of that country in consequence of the Authority for any person of an offence against a corresponding law of that country; or

(ii) for preserving any property in the United Republic owned by or under the control of any person who has, or is suspected to have, committed an offence against such corresponding law.

(2) Nothing in subsection (1) shall be construed as preventing the provision or obtaining assistance in criminal matters otherwise than as provided in the Mutual Assistance in Criminal Matters Act.

Cap. 254

PART VI
THE FUND FOR DRUG CONTROL

Establishment of the Fund

56. The Authority shall, by notice published in the *Gazette*, constitute a Fund to be known as the Drugs Control Fund.

Source of funds

57.-(1)The source of funds for the Fund shall include-

(a) a sum of money allocated by Parliament to the Fund;
(b) the sale proceeds of any property forfeited under this Act;
(c) any grants, gifts and donations that may be made by any person or institution;
(d) any other money borrowed, received by or made available for the purposes of its functions.

(2) The Fund shall be used to meet the expenditure incurred in connection with the measures taken for combating illicit traffic or controlling abuse of narcotic drugs and psychotropic substances.

(3) The Commissioner-General shall be the authorisation officer of the Fund.

The budget of the Authority

58. The Authority shall have its own budget for the administrative support of control of Drug and for the support of specific activities, special events or initiatives, undertaken by administrative public offices and institutions, as well as organisations, and associations participating in the drug control activities.

Books of accounts, records and annual reports

59.-(1) The Authority shall keep books of accounts and maintain proper records of operations of the Fund in accordance with the acceptable account standard.

(2) The Authority shall, at the end of each financial year, have the accounts of the Fund audited by the Controller and Auditor-General.

(3) The Authority shall, submit to the Minister audited report and annual report containing detailed information regarding activities of the Fund during the previous year ending on the 30th June.

(4) Minister shall cause to be tabled to the National Assembly statement of audited accounts.

PART VII
GENERAL PROVISIONS

Submission of the drug situation report

60. The Authority shall publish annual reports describing the National drug situation and it's development as regards to the supply and demand of drugs, and formulating any proposal likely to promote drug control activities and such report shall be laid before the Parliament.

Protection of action taken in good faith

61. No suit, prosecution or other legal proceeding shall lie against the Authority or any officer of the Government or any other person exercising any powers or discharging any functions or performing any duties under this Act, for anything done in good faith or intended to be done under this Act or any regulations or order made thereunder.

Authority to have regard to international conventions while making rules

62. Where under this Act the Authority has been empowered to make Regulation, it may, while making the rules have regard to the provisions of Single Convention on Narcotic Drugs, 1961, Protocol of 1972 amending the said Convention and the Convention on Psychotropic Substances, 1971, United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances adopted on 19th December 1988, and to the provisions of any other international convention relating to narcotic drugs or psychotropic substances to which the United Republic becomes a party.

Power of Government to establish treatment centres of addicts and for supply of narcotic drugs

63.-(1) The Government may, establish as many centre as it thinks fit for identification, treatment, education, after-care, rehabilitation, social reintegration of addicts and for supply, subject to such conditions and in such manner as may be prescribed, by the Authority of any narcotic drugs and psychotropic substances to the addicts registered with the Government and to others where such supply is a medical necessity.

(2) The Authority may in consultation with the Minister responsible for health, make Regulations for establishment, appointment, maintenance, management and superintendence of, and for supply of narcotic drugs and psychotropic substances from the centre referred to in subsection (1) and for the appointment, training, powers, duties and persons employed in such centre.

Bar of jurisdiction

64. A civil court shall not entertain any suit or proceeding against any decision made or order passed by any officer or Authority under this Act on any of the following matters-

(a) withholding, refusal or cancellation of any licence for the cultivation of the opium poppy;
(b) weighment, examination and classification according to the quality and consistence of opium and any deductions from, or addition to, the standard price made in accordance with such examination; and
(c) confiscation of opium found to be adulterated with any foreign substance.

Power of Authority to give directions

65. The Authority may give directions as it may deem necessary to any department of the Government regarding the carrying into execution of the provisions of this Act, and that department shall comply with such directions.

Power to delegate

66. The Authority may, by notice published in the *Gazette*, delegate, subject to such conditions and limitations as may be specified in the notice, such of its powers and functions under this Act except the power to make regulations as it may deem necessary or expedient, to any other authority or the Commissioner-General.

Power of the Minister to make regulations

67.-(1) Subject to the other provisions of this Act, the Minister may, by notice published in the *Gazette*, make regulations for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the provisions of subsection(1) the regulations may provide for the following matters:

(a) the method by which percentages in the case of liquid preparations shall be calculated;

(b) the form of bond to be executed for release of an adult convict for medical treatment under section 31 (1) and the bond to be executed by such convict before his release after the due admonition under section 31(2) ;

(c) the Authority or the person by whom and the manner in which a document received from any place outside the United Republic shall be authenticated;

(d) the manner in which and the conditions subject to which properties confiscated or forfeited shall be managed;

(e) the disposal of all articles or things confiscated under this Act;

(f) the drawing of samples and testing and analysis of such samples;

(g) the rewards to be paid to the officers, informers and other persons;

(h) the conditions and the manner in which narcotic drugs and psychotropic substances may be supplied for medical necessity to the addicts registered with the Government and to others subject to the provisions of this Act;

(i) any other matter as the Minister may prescribe.

Application of the Customs (Management and Tariff) Act, Cap. 403

68.-(1) All prohibitions and restrictions imposed by or under this Act on the import into the United Republic, the export from the United Republic and transshipment of narcotic drugs and psychotropic substances shall be deemed to be prohibitions and restrictions imposed by or under the Customs (Management and Tariff) Act, and the provisions of that Act shall apply accordingly.

Cap. 403

(2) Where the doing of anything is an offence punishable under the Customs (Management and Tariff) Act, and under this Act, nothing in that Act shall prevent the offender from being punished under this Act.

Repeal and saving Cap. 95

69.-(1) The Drugs and Prevention of Illicit Traffic in Drugs Act is hereby repealed.

(2) Notwithstanding the repeal, anything done or any action taken or purported to have been done or taken under any of the enactments repealed by subsection (1) shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

(3) Nothing in this Act or regulations made thereunder shall affect the validity of any act for the time being in force, or of any rule made thereunder which imposes any restriction or provides for punishment which is not imposed by this act or imposes restriction on a punishment which is greater in degree a corresponding restriction imposed by or a corresponding provision under this Act for the cultivation of cannabis plant, consumption or trafficking in narcotic drug psychotropic substance.

FIRST SCHEDULE

LIST OF NARCOTIC DRUGS INCLUDED IN SCHEDULE I TO THE SINGLE CONVENTION ONNARCOTIC DRUGS, 1961

(Made under section 2)

Acetorphine (3-O-acetyltetrahydro- 7_-(1-hydroxy-1-methylbutyl)-6,14-endo-theno-oripavine)

Acetyl-alpha-methylfentanyl (N-[1-(a-methylphenethyl)-4-piperidyl] acetanilide)

Acetylmethadol (3-acetoxy-6-dimethylamino-4,4-diphenylheptane)

Alfentanil (N-[1-[2-(4-ethyl-4,5-dihydro-5-oxo-1H-tetrazol-1-yl) ethyl]-4-(methoxymethyl)-4-piperidiny]-N-phenylpropanamide

Allylprodine (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine)

Alphacetylmethadol (alpha-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)

Alphameprodine (alpha-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)

Alphamethadol (alpha-6-dimethylamino-4,4-diphenyl-3-heptanol)

Alpha-methylfentanyl (N-[1(a-methylphenethyl)-4-piperidyl]propionanilide)

Alpha-methylthiofentanyl(N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]propionanilide)

Alphaprodine (alpha-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)

Anileridine (1-para-aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)

Benzethidine (1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)

Benzylmorphine (benzylmorphine)

Betacetylmethadol (beta-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)

Beta-hydroxyfentanyl (N-[1-(beta-hydroxyphenethyl)-4-piperidyl] propionanilide)

Beta-hydroxy-3-methylfentantyl (N-[1-(beta-hydroxyphenethyl)-3-methyl-4-piperidyl]propionanilide)

Betameprodine (beta-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)

Betamethadol (beta-6-dimethylamino-4,4-diphenyl-3-heptanol)

Betaprodine (beta-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)

Bezitramide (1-(3-cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazolinyl)-
piperidine)
Cannabis (Indian Hemp) and cannabis resin (resin of Indian Hemp)
Catha edulis (khat)

Clonitazene (2-para-chlorbenzyl-1-diethylaminoethyl-5-nitrobenzimidazole)
Coca Leaf
Cocaine (methyl ester of benzoylecgonine)
Codoxime (dihydrocodeinone-6-carboxymethyloxime)

Concentrate of poppy straw (the material arising when poppy straw has entered into a process for the concentration of its alkaloids when such material is made available in trade)

Desomorphine (dihydrodeoxymorphine)

Dextromoramide ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl)-morpholine)
Diampromide (N-[2-(methylphenethylamino)-propyl]propionanilide)
Diethylthiambutene (diethylamino-1,1-di-(2-thienyl)-1-butene)
Difenoxin (1-(3-cyano-3,3-diphenylpropyl)-4-phenylisonipecotic acid)
Dihydromorphine
Dimenoxadol (2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate)
Dimepheptanol (6-dimethylamino-4,4-diphenyl-3-heptanol)
Dimethylthiambutene (dimethylamino-1,1-di-(2-thienyl)-1-butene)
Dioxaphetyl butyrate (ethyl-4-morpholino-2,2-diphenylbutyrate)
Diphenoxylate (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic
acid ethyl ester)
Dipipanone (4,4-diphenyl-6-piperidine-3-heptanone)
Drotebanol (3,4-dimethoxy-17-methylmorphinan-6ß,14-diol)
Ecgonine, its esters and derivatives, which are convertible to ecgonise and cocaine
Ethylmethylthiambutene (3-ethylmethylamino-1,1-di-(2-thienyl)-1-butene)
Etonitazene (1-diethylaminoethyl-2-para-ethoxybenzyl-5-nitrobenzimidazole)
Etorphine (tetrahydro-7_-(1-hydroxy-1-methylbutyl)-6,14-endoetheno-oripavine)
Etoxeridine (1-[2-(2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Fentanyl (1-phenethyl-4-N-propionylanilinopiperidine)
Furethidine (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Heroin (diacetylmorphine)
Hydrocodone (dihydrocodeinone)
Hydromorphinol (14-hydroxydihydromorphine)
Hydroxypethidine (4-meta-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester)
Isomethadone (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)
Ketobemidone (4-meta-hydroxyphenyl-1-methyl-4-propionylpiperidine)
Levomethorphan ((-)-3-methoxy-N-methylmorphinan)
Levomoramide ((-)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)-butyl]morpholine)
Levophenacylmorphan ((-)-3-hydroxy-N-phenacylmorphinan)
Levorphanol ((-)-3-hydroxy-N-methylmorphinan)
Metazocine (2'-hydroxy-2,5,9-trimethyl-6,7-benzomorphan)
Methadone (6-dimethylamino-4,4-diphenyl-3-heptanone)
Methadone intermediate (4-cyano-2-dimethylamino-4,4-diphenylbutane)
Methyldesorphine (6-methyl-delta-6-deoxymorphine)

Methyldihydromorphine (6-methyldihydromorphine)
3-methylfentanyl (N-(3-methyl-1-phenethyl-4-piperidyl)propionanilide)
3-methylthiofentanyl (N-[3-methyl-1-[2-(2-thienyl)ethyl]-4-piperidyl] propionanilide)
Metopon (5-methyldihydromorphinone) Mirungi
Moramide intermediate (2-methyl-3-morpholino-1,1-diphenylpropane carboxylic acid)
Morpheridine (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Morphine
Morphine methobromide and other pentavalent nitrogen morphine derivatives, including in particular the morphine-N-oxide derivatives, one of which is Codeine-N-oxide
Morphine-N-Oxide
MPPP (1-methyl-4-phenyl-4-piperidinol propionate ester)
Myrophine (myristylbenzylmorphine)
Nicomorphine (3,6-dinicotinylmorphine)
Noracymethadol ((±)-alpha-3-acetoxy-6-methylamino-4,4-diphenylheptane)
Norlevorphenol ((-)-3-hydroxymorphinan)
Normethadone (dimethylamino-4,4-diphenyl-3-hexanone)
Normorphine (demethylmorphine) or (N-demethylated morphine)
Norpipanone (4,4-diphenyl-6-piperidino-3-hexanone)
Oxycodone (hydroxydihydrocodeinone)
Oxymorphone (14-hydroxydihydromorphinone)
Para-fluorofentanyl (4'-fluoro-N-(1-phenethyl-4-piperidyl)propionanilide)
PEPAP (1-phenethyl-4-phenyl-4-piperidinol acetate ester)
Pethidine (1-methyl-phenylpiperidine-1-carboxylic acid ethyl ester)
Pethidine intermediate A (4-cyano-1-methyl-4-phenylpiperidine)
Pethidine intermediate B (4-phenylpiperidine-4-carboxylic acid ethyl ester)
Pethidine intermediate C (1-methyl-4-phenylpiperidine-4-carboxylic acid)
Phenadoxone (6-morpholino-4,4-diphenyl-3-heptanone)
Phenampromide (N-(1-methyl-2-piperidinoethyl)-propionanilide)
Phenazocine (2'-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphan)
Phenomorphan (3-hydroxy-N-phenethylmorphinan)
Phenoperidine (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Piminodine (4-phenyl-1-(3-phenylaminopropyl)-piperidine-4-carboxylic acid ethyl ester)
Piritramide (1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino)-piperidine-4-carboxylic acid amide)
Proheptazine (1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane)
Properidine (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)
Racemethorphan ((±)-3-methoxy-N-methylmorphinan)
Racemoramide ((±)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)-butyl] -morpholine)
Racemorphan ((±)-3-hydroxy-N-methylmorphinan)

Sufentanil (N-[4-(methoxymethyl)-1-[2-(2-thienyl)-ethyl]-4-piperidyl] propionanilide)
Thebacon (acetyldihydrocodeinone)
Thebaine
Thiofentanyl (N-(1-[2-(2-thienyl)ethyl]-4-piperidyl]propionanilide)
Tilidine ((±)-ethyl-trans-2-(dimethylamino)-1-phenyl-3-cyclohexene-1-carboxylate)
Trimeperidine (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine); and
The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation;
The esters and ethers, unless appearing in another Schedule, of the drugs in this Schedule whenever the existence of such esters or ethers is possible;

The salts of the drugs listed in this Schedule, including the salts of esters, ethers and isomers as provided above whenever the existence of such salts is possible.

LIST OF NARCOTIC DRUGS INCLUDED IN SCHEDULE II TO THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

Acetyldihydrocodeine
Codeine (3-methylmorphine)
Dextropropoxyphene (a -(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-butanol propionate)
Dihydrocodeine
Ethylmorphine (3-ethylmorphine)
Nicocodine (6-nicotinylcodeine)
Nicodicodine (6-nicotinyldihydrocodeine)
Norcodeine (N-demethylcodeine)
Pholcodeine (morphinylethylmorphine)
Propiram (N-(1-methyl-2-piperidinoethyl)-N-2-pyridylpropionamide)
The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation;
The salts of the drugs listed in this Schedule, including the salts of the isomers as Provided above whenever the existence of such salts is possible.

LIST OF PSYCHOTROPIC SUBSTANCES INCLUDED IN SCHEDULE I TO THE CONVENTION ON PSYCHOTROPIC SUBSTANCES, 1971

Note: The names printed in capital in the left-hand column are the International Non-proprietary.
Names (INN). Other non-proprietary or trivial names also given where no INN has yet been recommended or when such names are commonly applied to the substances. Also under international control are the salts of the substances listed in this Schedule, whenever the existence of such salts is possible.

INN	Other Non-proprietary Or trivial names	Chemical name
BROLAMFETAMINE	DOB	(±)-4-bromo-2,5-dimethoxy-a methylphenethylamine
CATHINONE		(-)-(S)-2-aminopropiophenone
	DET	3-{2-(diethylamino)ethyl} indole
	DMA	(±)-2,5-dimethoxy-a methylphenethylamine
	DMHP	3-(1,2-dimethylheptyl)-7,8,9,10-tetrahydro-6,6,9-trimethyl-H-dibenzol{b,d}pyran-l-ol
	DMT	3-[2-(dimethylamino)ethyl}indole
	DOET	(±)-4-ethyl-2-5-dimethoxy-a-phenothylamine
ETICYLIDINE		N-ethy-1-phenylcyclohexylamine
(+)-LYSERGINE	PCE	LSD, LSD-25 9,10-didehydro-diethyl-6-methylergoline
	N,N-MDMA	(±)-N,a-dimethyl-3,4-(methylene-dioxy)phenethylamine
	mescaline	3,4,5-trimethoxyphenethylamine
	4-methylaminorex	(±)-cis-2-amino-4-methyl-5 (phenyl-2-oxazoline

	MMDA	2-methoxy-a-methy-4,5-(methylenedioxy)phenethylamine
	N-ethyl MDA	(±)-N ethyl-a-methyl-3,4-(methylenedioxy)phenethylamine
	N-hydroxy MDA	(±)-N-{a-metyl-3,4 methylenedioxy phenethyl}hydroxylamine
	Parahexyl	3-hexyl-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo{b,d}pyran-l-ol
PSILOCYBINE	PMA	p-methoxy-amethylphenetylamine
	Psilocine	
	Psilotsin	3-{2-(dimethylamino)ethyl}indo-4-oldihydrogen phosphate
POLICYCLIDINE	PHP, PCPY	1-(1-phenylcyclohexyl)pyrrolidine
	STP, DOM	2,5-dimethoxy-_,4-dimethylphenethylamine
TENAMFETAMINE	MDA	a-methyl-3,4-thylenedioxy)phenethylamine
TENOCYCLIDINE	TCP	1-[1-(2-thienyl)cyclohexyl]piperidine

tetrahydrocannabinol, the following isomers and their stereochemical variants:

7,8,9,10-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d] pyran-1-ol

(9R,10aR)-8,9,10,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol

(6aR,9R,10aR)-6a,9,10,10a-

		tetrahydro- 6,6,9-trimethyl-3-pentyl- 6H-dibenzo[b,d]pyran-1-ol (6aR,10aR)-6a,7,10,10a-tetrahydro- 6,6,9- trimethyl-3-pentyl-6Hdibenzo[b,d]pyran-1-ol 6a,7,8,9-tetrahydro-6,6,9-trimethyl- 3-pentyl- 6H-dibenzo[b,d] pyran-1-ol (6aR,10aR)-6a,7,8,9,10,10a- hexahydro-6,6- dimethyl-9-methylene 3-pentyl- 6Hdibenzo[b,d] pyran-1-ol
	TMA	(±)-3,4,5-trimethoxy- a - methylphenethylamine.

LIST OF PSYCHOTROPIC SUBSTANCES INCLUDED IN SCHEDULE II TO THE CONVENTION ON PSYCHOTROPIC SUBSTANCES, 1971

INN	Other non-proprietary or trivial name	Chemical name
AMFETAMINE	amphetamine	(±)- a -methylphenethylamine
DEXAMFETAMINE FENETHYLLINE	dexamphetamine	(+)-_ -methylphenethylamine 7-[2-[(a -methylphenethyl)amino] ethyl]theophylline
LEVAMFETAMINE	levamphetamine Levometham Phetamine	(-)-(R)- ea -methylphenethylamine (-)-N, a -dimethylphenethylamine
MECLOQUALONE		

METHAMFETAMINE RACEMATE	methamphetamine racemate	3-(o-chlorophenyl)-2-methyl-4(3H)-
METHAQUALONE	Mandrax	
METHYLPHENIDATE		Quinazolinone
PHENCYCLIDINE	PCP	(+)-(S)-N,a-dimethylphenethylamine
PHENMETRAZINE		(±)-N, a -dimethylphenethylamine
SECOBARBITAL		2-methyl-3-o-tolyl-4(3H)-quinazolinone
	delta-9-tetrahydro-cannabinol and its stereo chemical variants	Methyl a -phenyl-2-piperidine racetate
		1-(1-phenylcyclohexyl)piperidine
		3-methyl-2-phenylmorpholine
		5-allyl-5-(1-methylbutyl)barbituric acid
		(6a R, 10aR)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl -6H-dibenzo[b,d] pyran-1-ol

LIST OF PSYCHOTROPIC SUBSTANCES INCLUDED IN SCHEDULE III TO THECONVENTION ON PSYCHOTROPIC SUBSTANCES, 1971

AMOBARBITAL	5-ethyl-5-isopentylbarbituric acid
BUPRENORPHINE	21-cyclopropyl-7- a [(S)-1-hydroxy-1,2,2-trimethylpropyl]-6,14-
BUTALBITAL	
CATHINE	

CYCLOBARBITAL		endo-ethano-6,7,8,14-
GLUTETHIMIDE		
PENTAZOCINE		
PENTOBARBITAL		tetrahydro-oripavine 5-allyl-5-isobutylbarbituric acid
		(+)-(R)-a-[(R)-1-aminoethyl] benzyl alcohol
		5-(1-cyclohexen-1-yl)-5-ethylbarbituric acid
		2-ethyl-2-phenylglutarimide
		(2R,6R,11R)-1,2,3,4,5,6-hexahydro-6,11-dimethyl-3-(3-methyl-2-butenyl)-2,6-methano-3-benzazocin-8-ol
		5-ethyl-5-(1-methylbutyl)barbituric acid

LIST OF PSYCHOTROPIC SUBSTANCES INCLUDED IN SCHEDULE IV TO THE CONVENTION ON PSYCHOTROPIC SUBSTANCES, 1971

INN	**Other Non-proprietary Or trivial names**	**Chemicals name**
ALLOBARBITAL		5,5-diallylbarbituric acid
ALPRAZOLAM		8-chloro-1-methyl-
AMFERPRAMONE		6-phenyl-4H-s triazolo[4,3-a][1,4] benzodiazepine
		2-(diethylamino) propiophenone

BARBITAL		5,5-diethylbarbituric acid
BENZFETAMI	benzphetamine	N-benzyl-N,a-dimethylphenethylamine
BROMAZEPAM		7-bromo-1,3-dihydro-5-(2-pyridyl)-2H-1,4-benzodiazepin-2-one
BUTOBARBITAL	butobarbital	5-butyl-5-ethylbarbituric acid
CAMAZEPAM		7-chloro-1,3,-dihydro-3-hydroxy-1- methyl-5-phenyl-2H-1,4-benzodiazepin-2-one dimethylcarbamate (ester)
CHLORDIA-ZEPOXIDE		benzodiazepin-2-one dimethylcarbamate (ester)
CLOBAZAM		7-chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1,4-
CLONAZEPAM		7-chloro-2-(methylamino)-5-phenyl-3H-1,4-benzodiazepin-4-oxide
CLORAZEPATE		7-chloro-1-methyl-5-phenyl-1H-1,5-benzodiazepin-2,4(3H,5H)-dione
CLOTIAZEPAM		5-(o-chlorophenyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one
CLOXAZOLAM		7-chloro-2,3-dihydro-2-oxo-5-phenyl-1H-1,4-benzodiazepine-3-carboxylic acid
ELORAZEPAM		5-(o-chlorophenyl)-7-ethyl-1,3-dihydro-1-methyl-2H-thieno[2,3-e]-1,4-diazepin-2-one
DIAZEPAM		10-chloro-11b-(o-chlorophenyl)-
ESTAZOLAM		

ETHCHLORVYNOL		2,3,7,11btetrahydro-oxazolo-[3,2-[1,4]benzodiazepin-6(5H)-one
		7-chloro-5-(o-chlorophenyl)-1,3-dihydro-2H-1,4- benzodiazepin-2-one
		7-chloro-1,3-dihydro-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one
		8-chloro-6-phenyl-4H-s-triazolo[4,3-a][1,4]benzodiazepine
		1-chloro-3-ethyl-1-penten-4-yn-3-ol
ETHINAMATE ETHYL LOFLAZEPATE		1-ethynyl cyclohexanol carbamate ethyl 7-chloro-5-(o-fluorophenyl)-2,3-dihydro-2-oxo-1H-1,4-benzodiazepine-3-carboxylate
ETILAMFETAMINE	N-ethylamphetamine	N-ethyl-a-methylphenethylamine
FENCAMFAMIN		N-ethyl-3-phenyl-2-norbornanamine
FENPROPOREX		(+-)-3-[(a-methylphenethyl)amino] propionitrile
FLUDIAZEPAM		7-chloro-5-(o-fluorophenyl)-1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one

FLURAZEPAM	7-chloro-1-[2-(diethylamino)ethyl]-5-(ofluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2- one
	7-chloro-1,3-dihydro-5-phenyl-1-(2,2,2-trifluoroethyl)-2H-1,4-benzodiazepin-2-one
HALAZEPAM	10-bromo-11b-(o-fluorophenyl)-2,3,7,11b tetrahydro-oxazolo-[3,2-d][1,4]benzodiazepin-6(5H)-one
HALOXAZOLAM	(-)-N,N-dimethyl-1,2-diphenylethylamine-6-
KETAZOLAM	(o-chlorophenyl)-2,4-dihydro-2-[(4-methyl-1-piperazinyl) methylene]-8-nitro-1Himidazo[1,2-a][1,4]benzodiazepin-1-one
LEFETAMINESPA	hydroxy-2H-1,4-benzodiazepin-2-one
LOPRAZOLAM	[1,4]benzodiazepin-1-one
LORAZEPAM	5-(p-chlorophenyl)-2,5-dihydro-3Himidazo[2, 1- a)isoindol-5-ol
LORMETAZEPAM	oxazino[3,2-d][1,4]benzodiazepi ne-4,7(6H)
MAZINDOL	dione

MEDAZEPAM	7-chloro-2,3-dihydro-1-methyl-5-phenyl-1H-1,4-benzodiazepine
MEFENOREX	N-(3-chloropropyl)-a-methylphenethylamine
MEPROBAMATE	2-methyl-2-propyl-1,3-propanedioldicarbamate
METHYLPHENOBARBITAL	5-ethyl-1-methyl-5-phenylbarbituric acid
METHYPRYLON	3,3-diethyl-5-methyl-2,4-piperidinedione
MIDAZOLAM	7-chloro-5-(o-chlorophenyl)-1,3-dihydro-3-
NIMETAZEPAM	7-chloro-5-(o-chlorophenyl)-1,3-dihydro-3-
NITRAZEPAM	
NORDAZEPAM	hydroxy-1-methyl-2H-1,4-benzodiazepin-2-one
OXAZEPAM	8-chloro-6-(o-fluorophenyl)-1-methyl-4Himidazo [1,5-a][1,4]benzodiazepine
OXAZOLAM	1,3-dihydro-1-methyl-7-nitro-5-phenyl-2H-1,4-benzodiazepin-2-one
PEMOLINE	

PHENDIMETRAZINE	1,3-dihydro-7-nitro-5-phenyI-2H-1,4-benzodiazepin-2-one
PHENOBARBITAL	7-chloro-1,3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one
PHENTERMINE	
PINAZEPAM	7-chloro-1,3-dihydro-3-hydroxy-5-phenyl-2H-1,4-benzodiazepin-2-one
PIPRADOL	
PRAZEPAM	propanedioldicarba mate
PROPYLHEXEDRINE	10-chloro-2,3,7,11b-tetrahydro-2-methyl-11b-phenyloxazolo[3,2-d][1,4]benzodiazepin-6(5H)-one
PYROVALERONE	2-amino-5-phenyl-2-oxazolin-4-one± 2-amino-5-phenyl-4-oxazolidinone)
SECBUTABARBITAL	(+)-(2S,3S)-3,4-dimethyl-2-phenylmorpholine
TEMAZEPAM	5-ethyl-5-phenylbarbituric acid
TETRAZEPAM	a,a-dimethylphenethylamine
TRIAZOLAM	7-chloro-1,3-dihydro-5-phenyl-1-(2-propynyl)-2H-1.4-benzo-diazepin-2-one
VINYLBITAL	a,a-diphenyl-2-piperidinemethanol
	7-chloro-1-(cyclopylmethyl)-1,3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one

N,a-dimethylcyclohexane ethylamine
4'-methyl-2-(1-pyrrolidinyl)valerophenone
5-sec-butyl-5-ethylbarbituric acid
7-chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one
7-chloro-5-(1-cyclohexen-1-yl)-1,3dihydro-1-methyl-2H-1,4-benzodiazepin-2-one
8-chloro-6-(o-chlorophenyl)-1-methyl-4H-striazolo[4,3-a][1,4]benzodiazepine
5-(1-methylbutyl)-5-vinylbarbituric acid

SECOND SCHEDULE

(Made under section 2)

TABLE I	TABLE II
Ephedrine	Acetic anhydride
Ergometrine	Acetone
Ergotamine	Anthranilic acid
Lysergic acid	Ethyl ether
1-phenyl-2-propanone	Phertylacetic acid
Pseudoephedrine Piperidine	

The salts of the substances listed in this Table whenever the existence of such salts ispossible. The salts of the substances listed in this Table whenever the existence of suchsalts is possible.

THIRD SCHEDULE

(Made under section 48(2))

FORMS

Form No. DCE 001

THE UNITED REPUBLIC OF TANZANIA

FORENSIC LABORATORY SUBMISSION FORM
For submitting suspected drugs for analysis

☐ New Submission ☐ Resubmission ☐ Additional Submission

Contact Person Information

Submitting Agency: .....
Submitting Officer: Full Name: .....Title.....
Physical Address: .....
Region .....District .....Working Station.....
Office Telephone No.: .....Mobile Telephone No:.....
Fax: .....E-mail: .....

Case Information

Case No.: .....
Offence: .....
Date of Seizure: .....
Area of Seizure: Region .....District ..... Ward.....
Village/Street:.....

Suspect Information

S/n	Suspect Name (First, Middle, Last)	Sex (F/M)	Date of Birth	Nationality	ID No./ Passport No.

Description of Exhibit Submitted

S/No.	No of Items and its Description	Suspected Drug, chemical

Request

Requested analysis of:

1) Sample identity
2) Drug type
3) Weight of drug
4) Effects of the identified drug to human being

Submitted By

Full Name of Submitting Officer: ..... Title.....

Signature: .....Date: ..... Time:.....

Received by

Full Name of Receiving Officer: ..... Title: .....

Signature: .....Date: ..... Time:.....

THE UNITED REPUBLIC OF TANZANIA

DRUG CONTROL AND ENFORCEMENT AUTHORITY

FORM NO. DCE 002

CERTIFICATE OF PHOTOGRAPH/MOVING PICTURE

I, ... District/Resident

Magistrate, do hereby certify that ..... still pictures/moving pictures stored in ..... (form of strange) have been taken/recorded in my presence by ..... (recording officer) before the disposal of the exhibit namely .....this ..... day of ..... 20.....

NAME OF THE AUTHORISED OFFICER: .....

SIGNATURE OF THE OFFICER: .....

BEFORE ME:

NAME:.....

QUALIFICATION: .....

ADDRESS:.....

SIGNATURE: .....

DATE: .....

THE UNITED REPUBLIC OF TANZANIA

FORM NO. DCE 003

DRUG CONTROL AND ENFORCEMENT AUTHORITY

CERTIFICATE OF SEIZURE

I .....(name) .....(title)
DO HEREBY certify to have conducted a search on ..... (date) at
.....
(place) and the under mentioned things/properties were seized:-

1. .....
2. .....
3. .....
4. .....
5. .....
6. .....
7. .....
8. .....
9. .....
10. .....

in the presence of:

1. Name of witness: ..... of .....
   Signature: .....
2. Name of Witness: .....
   Signature: .....

3. Name(s) of person(s) searched and signature
   (a) NAME: .....
   SIGNATURE: .....
   (b) NAME: .....
   SIGNATURE: .....
   (c) NAME: .....
   SIGNATURE: .....

(d) NAME: .....
SIGNATURE: .....
(e) NAME: .....
SIGNATURE: .....
(f) NAME: .....
SIGNATURE: .....

4. Name of Executing officer: .....
Signature: .....
Date: .....

THE UNITED REPUBLIC OF TANZANIA

FORM NO. DCE 004

DRUG CONTROL AND ENFORCEMENT AUTHORITY
OBSERVATION FORM

NAME OF ACCUSED: .....
UNDER OBSERVATION: .....
AGE: ..... TRIBE/NATIONALITY .....
RESIDENCE: ..... PHONE NUMBER: .....
DATE/TIME OF ARREST: .....
FLIGHT/VESSEL/M/VEHICLE NO: .....
DURING THE OBSERVATION THE ACCUSED EMITTED SOME POLLETS/ SUBSTANCES SUSPECTED TO CONTAIN NARCOTIC DRUGS/SUBSTANCES AS FOLLOWS:

DATE	TIME	PELLETS/ SUBSTANCE EMITTED	NAME AND SIGNATURE OF SUSPECT/ ACCUSED	NAME AND SIGNATURE OF INDEPENDENT WITNESS	NAME AND SIGNATURE OF OFICER

Finishing Time: .....
Declaration of suspects/accused: .....
I .....do hereby declare that the entries made herein above in respect of the substances emitted are correct according to my knowledge:
Dated at ..... this ..... day of ..... 20.....

.....
NAME AND SIGNATURE OF SUSPECT/ACCUSED

.....
NAME AND SIGNATURE OF OFFICER

JAMHURI YA MUUNGANO WA TANZANIA

FOMU NA.DCE 005

MAMLAKA YA KUTHIBITI NA KUPAMBANA NA DAWA ZA KULEVYA
KARATASI YA MAELEZO YA ONYO

JALADA LA KESI NA: .....
JINA LA MTUHUMIWA: .....
KABILA/UTAIFA: .....
UMRI: .....
DINI: .....
MAKAZI: .....
AWANI: ..... MTAA/KIJIJI ..... KATA.....
TARAFA: ..... SIMU YA MKONONI .....
SIMU YA OFISINI: ..... BARUA PEPE: .....
M/KITI WA SERIKALI YA MTAA/KIJIJI.....
TAREHE ..... MAHALI ..... MUDA WA KUANZA.....
MAELEZO YA ONYO CHINI YA KIFUNGU CHA 49 CHA SHERIA YA KUTHIBITI NA KUPAMBANA NA DAWA ZA KULEVYA NA. ...../2014.

ONYO: Mimi ..... (Jina na Wadhifa) nakuonya wewe .....
Kwamba unatuhumiwa kwa kosa la ..... chini ya Kifungu ..... cha sheria ..... hivyo basi haulazimishwi kusema neno lolote kuhusiana na tuhuma hizi isipokuwa kwa hiari yako mwenyewe, lolote utakalolisema litaandikwa hapa chini na maelezo yako yanaweza kutumika kama ushahidi mahakamani pia unayo haki ya kisheria kuwa na wakili wako, jamaa yako, ndugu yako au rafiki yako ili aweze kushuhudia wakati ukitoa maelezo yako.

....
Saini ya Afisa wa Polisi Saini ya Mtuhumiwa

JIBU LA ONYO Mimi ..... Nimeonywa kwamba natuhumiwa kwa kosa la .....chini ya Kifungu ..... cha Sheria .....na kwamba silazimishwi kusema neno lolote kuhusiana na

tuhuma hizi isipokuwa kwa hiari yangu mwenyewe na kwamba lolote nitakalolisema litaandikwa hapa chini na maelezo yangu yanaweza kutumika kama ushahidi mahakamani na kwamba pia ninayo haki ya kisheria kuwa na wakili wangu, jamaa yangu, ndugu au rafiki yangu ili aweze kushuhudia wakati natoa maelezo yangu.

....
Saini ya Afisa wa Polisi

Saini ya Mtuhumiwa
.....
.....
Saini ya Afisa mwidhiniwa
Tarehe .....

SWALI: Je uko tayari kwa sasa kutoa maelezo yako?
JIBU: .....

.....
Saini ya Afisa wa Polisi

.....
Saini ya Mtuhumiwa
.....
Saini ya Afisa Mwidhiniwa
Tarehe .....

SWALI: Ungependa nani awepo kushuhudia ukitoa maelezo yako?
JIBU: .....
.....
Saini ya Afisa wa Polisi

.....
Saini ya Mtuhumiwa
.....
Saini ya Afisa mwidhiniwa
Tarehe .....

MAELEZO: .....
UTHIBITISHO: Mimi. ..... nathibitisha kuwa maelezo yangu yamcandikwa kwa usahihi bila kuongeza au kupunguza neno. Nimeyasoma na ni sahihi (Aandike mtuhumiwa mwenye, kama hajui kusoma na kuandika na aweka dole gumba).

Jina la mtuhumiwa .....
Sahihi:

UTHIBITISHO: Mimi ..... (jina na wadhifa) nathibitisha kuandika maelezo ya mtuhumiwa ..... kwa uaminifu na kama alivyoeleza.
Jina la Afisa Mwidhiniwa: ....
Sahihi: .....

Muda wa kumaliza maelezo: .....

THE UNITED REPUBLIC OF TANZANIA

DRUG CONTROL AND ENFORCEMENT AUTHORITY

FORM NO.DCED.006

INVENTORY OF SEIZED PROPERTY FOR DISPOSAL OF EXHIBIT

INVESTIGATION REGISTER NO.	DATE	DESCRIPTION OF PROPERTY/ ARTICLE	ESTIMATED VALUE/ WEIGHT	SUSPECTS NAME AND SIGNATURE	OFFICER AND SIGNATURE	REMARK AS TO CONDITION

MAGISTRATE REMARKS/ORDER

.....

NAME:.....

QUALIFICTION: .....

ADDRESS: .....

SIGNATURE: .....

DATE:.....

SEAL OF THE OFFICE .....

JAMHURI YA MUUNGANO WA TANZANIA

FOMU NA. DCE 007

MAMLAKA YA UTHIBITI NA KUDHIBITI DAWA ZA KULEVYA

MAELEZO YA SHAHIDI
JAZA KWA HERUFI KUBWA

MAELEZO YA .....KAZI .....
KABILA/URAIA: ....DINI:..... .....
UMRI: .....ANUANI:.....
MAKAZI (MTAA AU KIJIJI): .....
JINA LA M/KITI WA MTAA/KIJIJI.....
SIMU YA MEZANI .....SIMU YA MKONONI .....
TAREHE ..... MAHALI .....MUDA WA KUANZA.....

TAMKO LA SHAHIDI CHINI YA KIFUNGU CHA 34B(2)(c) CHA SHERIA YA USHAHIDI, (SURA YA 6 RE.2002)

Maelezo haya (yenye kurasa .... Kila ukurasa ukiwa umesainiwa nami) ni ya kweli kwa mujibu wa imani na ufahamu wangu na nayatoa nikijua kuwa endapo yatatolewa mahakamani nitawajibika nayo na naweza kushitakiwa kwa kutoa ushahidi wa uongo endapo itabainika kuwa maelezo hayo ni ya uongo au kinyume ninavyoamini mimi kuwa ukweli.

Maelezo haya yametolewa hapa .....(eneo) leo tarehe .....
Mwezi ..... mwaka..... muda: .....
Sahihi: .....
JINA LA MTUHUMIWA .....
SAHIHI YA SHAHIDI: .....
MAELEZO KAMILI: .....
.....

UTHIBITISHO:
Mimi ..... (jina na wadhifa) nathibitisha kuwa nimeandika maelezo ya shahidi ..... kama alivyoeleza bila kuongeza kitu chochote kwa mujibu wa kifungu cha 10(3) cha Sheria ya Mwenendo wa Mkosa ya Jinai (Suraya 20 R.E. 2002).

THE UNITED REPUBLIC OF TANZANIA
Form No. DCE 008

FORENSIC LABORATORY SUBMISSION FORM
For submitting suspected drugs for analysis

☐ New Submission ☐ Resubmission ☐ Additional Submission

Contact Person Information

Submitting Agency: .....
Submitting Officer: Full Name: .....Title.....
Physical Address: .....
Region ..... District .....Working Station.....
Office Telephone No.: .....Mobile Telephone No:.....
Fax: ..... E-mail: .....

Case Information

Case No.: .....
Offence: .....
Date of Seizure: .....
Area of Seizure: Region ..... District .....Ward.....
Village/Street:.....

Suspect Information

S/n	Suspect Name (First, Middle, Last)	Sex (F/M)	Date of Birth	Nationality	ID No./Passport No.

Description of Exhibit Submitted

S/No.	No of Items and its Description

Request

Requested analysis of:

1) Sample identity
2) Drug type
3) Weight of drug
4) Effects of the identified drug to human being

Submitted By

Full Name of Submitting Officer: .....Title.....

Signature: .....Date: ..... Time:.....

Received by

Full Name of Receiving Officer: .....Title: .....

Signature: .....Date: ..... Time:.....

THE UNITED REPUBLIC OF TANZANIA

FORM NO. DEC 009

THE DRUG CONTROL AND ENFORCEMENT ACT
GOVERNMENT CHEMIST ANALYSIS REPORT

I, ... (name of chemist) of the Government Chemist Laboratory Agency, being an officer duly authorized to examine and analyse samples/exhibits, hereby certify as follows:

(1) On the ..... day of ..... 20.... at ..... (place)
I received ..... (quantity) sealed packets/boxes/sacks/containers (whichever applicable) number .....(any marked number) purporting to be sent by ..... (institution) suspected to have contained ..... (type of exhibit) in the form No. ..... purported to be signed by ..... (officer of the institution sending the sample) which were handled to me by ..... (officer(s) of the institution),

(2) I have examined and analysed the said samples/exhibits the results of which are stated hereunder:

Exhibit 'A'

(a) Has been found/not found to have contained drug/substance
(b) Type of drug/substance (if any is found)
(c) Its weight in kilograms/grams
(d) Its effect to human health if consumed/applied

Exhibit 'B'

(a) Has been found/not found to have contained drug/substance
(b) Type of drug/substance (if any is found)
(c) Its weight in kilograms/grams
(d) Its effect to human health if consumed/applied

Other remarks(if any) .....

The..... (quantity) sealed packets/boxes/sacks/containers (whichever applicable) each signed by me, have been handled back after examination to ..... officer(s) who brought the sample)
Dated at ..... this ..... day of ..... 20....

Examining officer
Name .....
Signature.....
Title .....

Certifying officer
Name .....
Signature.....
Title .....
Official seal.

Passed in the National Assembly on the 24th March, 2015.

.....
Clerk of the National Assembly