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CHAPTER 95
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THE DRUGS AND PREVENTION OF ILLICIT TRAFFIC IN DRUGS ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 95
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THE DRUGS AND PREVENTION OF ILLICIT TRAFFIC IN DRUGS ACT

An Act to consolidate the law relating to narcotic drugs; to make provision for the control and regulation of operations relating to narcotic drugs and psychotropic substances; to provide for the forfeiture of property derived from or used in illicit traffic in narcotic drugs and psychotropic substances; to provide for the prevention of illicit traffic in narcotic drugs and psychotropic substances and to implement the provisions of the International Convention on Narcotic Drugs and Psychotropic Substances.

[1st January, 1996]
[G.N. No. 10 of 1996]

Acts Nos.
9 of 1995
9 of 1996
17 of 1996
31 of 1997
9 of 2002

PART I
PRELIMINARY PROVISIONS

Short title and
application

1.-(1) This Act may be cited as the Drugs and Prevention of Illicit Traffic in Drugs Act.

Interpretation Act
31 of 1997 Sch.

(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 behaviour 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;

"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 any liquid containing any quantity however small of tetrahydro-cannabinol;

"cannabis plant" means any 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 thereof with or without any neutral material, but does not include any preparation containing not more than 0.1 percent of cocaine;

"coca plant" means the plant of any species of the genus *Erythroxylon*;

"Commission" means the Inter-ministerial Commission for the coordination of Drug Control established under section 4;

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

"court" in respect of offences under sections 12 and 12 (d) means the subordinate court and in respect of offences under sections 16, 17, 18, 19, 20, 21, 22 and 23 means the High Court;

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

"dentist" means a dentist authorised and licensed to examine, diagnose, treat and prescribe for patients under the Medical Practitioners and Dentists Act;

"drugs" means the narcotic drugs and psychotropic substances specified in the Schedule;

"illicit traffic", in relation to narcotic drugs and psychotropic substances, means-

- (a) cultivating any coca plant or gathering any portion of coca plant;
- (b) cultivating the opium poppy or any cannabis plant;
- (c) engaging in the production, manufacture, possession, sale, purchase, transportation, warehousing, concealment, use or consumption, import into United Republic, export from United Republic or transshipment, of narcotic drugs or psychotropic substances;
- (d) dealing in any activities in narcotic drugs or psychotropic substances;
- (e) handling or letting out any premises for the carrying on of any of the activities, other than those permitted under this Act, or any rule or order made, or any condition of any licence, term or authorisation issued, thereunder, and includes-
 - (i) financing, directly or indirectly, any of the aforementioned activities;

- (ii) abetting or conspiring in the furtherance of or in support of doing any of the aforementioned activities; and
- (iii) harbouring persons engaged in any of the aforementioned activities;

"International Convention" means-

- (a) the Single Convention on Narcotic Drugs, 1961, adopted by the United Nations Conference at New York in March, 1961;
- (b) the Protocol amending the Convention mentioned in sub-clause (a), adopted by the United Nations Conference at Geneva in March, 1972;
- (c) the Convention on Psychotropic Substances, 1971, adopted by the United Nations Conference at Vienna in February 1971; and
- (d) 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;

"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 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 Commission 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 does not include any narcotic substance or preparation which the Commission 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;

"medical practitioner" means a physician or surgeon authorised and

licensed to examine, diagnose, tract, and prescribe for patients under the Medical Practitioners and Dentists Act ;

Cap. 152

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

"narcotic drug" means any substance specified in the Schedule or anything that contains any substance specified in that 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, but does not include any preparation containing not more than 0.2 percent of morphine;

"opium derivative" means-

Cap. 219

- (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 Pharmaceutical and Poisons 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) diacetylmorphine, that is, the alkaloid also known as diamorphine or heroin and its salts; and
- (e) all preparations containing more than 2 percent. of morphine or containing any diacetylmorphine;

"opium poppy" means-

- (a) the plant of the species papaver somniferum L; and
- (b) the plant of any other species of papaver from which opium or any phenanthrene alkaloid can be extracted and which the Commission 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 the 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;

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

- "prohibited plant" means cannabis, coca plant, papaver somniferum (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 the list of psychotropic substances specified in the Schedule;
- "sell" includes offer or expose for sale;
- "supply" includes consignment, dispatch, transport, delivery, distribution as well as offer to supply;
- "to export from the United Republic" with its grammatical variations and cognate expressions, means to take out of the United Republic to a place outside United Republic;
- "to import into the United Republic" with its grammatical variations and cognate expressions, means to bring into the United Republic from a place outside the United Republic and includes the bringing into any port or airport or place in the United Republic of a narcotic drug or a psychotropic substances intended to be taken out of the United Republic without being removed from the vessel, aircraft, vehicle or any other conveyance in which it is being carried;
- to transport" means to take 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 does not include-
- (a) the 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) the manufacture, buying, sale, 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) the 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) the selling or supplying in accordance with the provisions of this Act of any narcotic drugs or psychotropic substance by a registered pharmacist;

- (e) "use" in relation to narcotic drugs and psychotropic substances, means any substance specified in the Schedule or any thing which contains any substance specified in that Schedule.

PART II

ESTABLISHMENT OF AN INTERMINISTERIAL COMMISSION FOR THE CO-ORDINATION OF DRUGS CONTROL

Government obligation to take measures for preventing drug abuse

3.-(1) Subject to the provisions of this Act, the Government shall take all such measures as it deems necessary or expedient for the purpose of preventing and combating abuse of narcotic drugs, psychotropic substances and the illicit traffic thereof.

(2) In particular and without prejudice to the generality of the provisions of subsection (1), the measures which the Government may take under subsection (1) include measures with respect to all or any of the following matters-

- (a) co-ordination of actions by various officers and authorities under this Act or under any other law for the time being in force in connection with the enforcement of the provisions of this Act and obligations under the International Convention;
- (b) assistance to the concerned authorities in foreign countries and concerned international organisation 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 addicts;
- (d) such other matters as the Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act and preventing and combating the abuse of narcotic drugs, psychotropic substances and illicit traffic.

Establishment of the Commission for the National Co-ordination of Drug Control

4.- (1) The President shall, by order published in the Gazette, constitute a Commission for the National Co-ordination of Drug Control which shall be responsible for defining, promoting and co-ordinating the policy of the Government for the control of drug abuse and of drug trafficking.

(2) The President shall, by order published in the Gazette, appoint an Anti-Drug Commissioner for the purpose of implementing the policy of the Commission and the day-to-day co-ordination of the Government action relating to drug abuse control.

(3) The Anti-Drug Commissioner shall be supported by a Secretariat which shall consist of not more than fifteen members appointed by the Commission.

(4) The Secretariat shall advise the Anti-Drug Commissioner on such matters relating to the administration of this Act as are referred to the Commissioner by the Commission.

(5) The Anti-Drug Commissioner shall recruit such other officers with such designations as he thinks fit.

(6) The Commission, under the chairmanship of the Prime Minister, shall be composed of-

- (a) the Minister responsible for legal affairs;
- (b) the Minister responsible for home affairs;
- (c) the Minister responsible for health;
- (d) the Minister responsible for community development;
- (e) the Minister responsible for foreign affairs;
- (f) the Minister responsible for finance;
- (g) the Minister responsible for youth development;
- (h) the Minister of State (Office of the Chief Minister - Zanzibar);
- (i) the Minister responsible for Tourism Zanzibar;
- (j) the Minister of State Planning (Zanzibar); and
- (k) the other members active in drug abuse control.

(7) Other Ministers may be called upon to serve on the Commission in accordance with the items on the agenda and the Commission may also invite any other person to attend if it is deemed necessary to invite such person.

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

(9) Where the Prime Minister is unable to discharge his functions under this Act for any reason the Commission 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.

Functions of the
Commission

5.-(1) The functions of the Commission shall be to define, promote and coordinate the policy of the Government for the control of drug abuse and trafficking, especially in-

- (a) developing and implementing a national plan of action for drug control;
- (b) implementing the provisions of International Conventions on narcotic drugs and psychotropic substances;
- (c) updating and adapting drug control laws and regulations;
- (d) promoting the prevention of drug abuse and public information for youngsters, families, professors, educators and the general public, by supporting other initiatives in the field of information and prevention;
- (e) establishing a viable data collection and analysis system at the national level on drug abuse and drug trafficking;

- (f) developing treatment and rehabilitation programmes for drug addicts;
- (g) undertaking research on drug addiction;
- (h) training of personnel in charge of measures dealing with drug abuse and drug trafficking, and money laundering precursors;
- (i) promoting and ensuring international co-operation;
- (j) ensuring co-ordination and support of activities of non-government organisations and associations participating in drug abuse control.

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

Reports of the Commission to be laid before the Parliament

6. The Commission shall publish yearly reports describing the national situation and its developments as regards the supply and demand of drugs, and formulating any proposal likely to promote anti-drug activities and such report shall be laid before the Parliament.

The budget of the Commission

7.-(1) The Commission shall have its own budget for the administrative support of the Anti-Drug Commissioner and for the support of specific activities, special events or initiatives, undertaken by administrative public offices and institutions, as well as organisations, associations and private parties participating in the drug abuse control efforts.

(2) The source of funds for the budget of the Commission shall be-

- (a) a sum of money allocated to the Fund by the Parliament;
- (b) assets and values confiscated from drug traffickers, and allocated to the National Fund for Drug Abuse Control established under section 11;
- (c) grants and donations given to the Fund by intergovernmental and non-governmental organisations participating in drug control efforts.

(3) The Commission shall monitor the allotment and use of funds by the Anti-Drug Commissioner and shall administer the National Fund for Drug Abuse Control.

(4) Where assets are allocated in kind to the Fund, the Commission shall decide on the distribution to a public or private body in charge of drug abuse control, depending on the nature of the goods and the needs of the institutions concerned.

Anti-Drug
Commissioner to
participate in the
Inter-Ministerial
meetings

8. The Anti-Drug Commissioner shall participate in the Inter-Ministerial Commission meetings.

Anti-Drug
Commissioner to
prepare
deliberations and
ensure
implementation

9. The Anti-Drug Commissioner shall prepare, the Commission's deliberations and ensure that they are implemented and without prejudice to the foregoing, the Anti-Drug Commissioner, shall-

- (a) represent the Commission within the international authorities competent in the matters of drug control;
- (b) encourage and coordinate the action of relevant Ministries;
- (c) ensure proper liaison with relevant international organisations, and ensure or facilitate the transmission of information and data to the competent international bodies as required by the treaties.

Commission to
administer funds
to various needs

10. The Commission shall administer the funds to the various initiatives to meet the specific needs of the Government departments, public institutions or public offices, associations or private parties, in execution of its decision or orientation.

PART III THE FUND FOR CONTROL OF DRUG ABUSE

Establishment of
the Fund

11.-(1) The Commission shall, by notice published in the Gazette, constitute a Fund to be known as the Fund for Control of Drug Abuse and there shall be credited thereto-

- (a) a sum of money allocated to the Fund by the Parliament;
- (b) the sale proceeds of any property forfeited under Part VI;
- (c) any grants that may be made by any person or institution;
- (d) any income from investment of the amounts credited to the Fund under the provisions of this Act.

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

(3) The Anti-Drug Commissioner shall advise the Commission in regard to the application of the Fund.

PART IV
PROHIBITION OF POSSESSION AND TRAFFICKING OF NARCOTIC DRUGS
AND PSYCHOTROPIC SUBSTANCES AND CULTIVATION
OF CERTAIN PLANTS

Prohibition of cultivation of certain plants and substances, Act. 31 of 1997 Sch.

- 12.** Any person who-
- (a) cultivates any cannabis, coca plant or gathers any portion of coca plant;
 - (b) cultivates papaver somniferous (opium poppy) or papaver setigerum;
 - (c) being the owner, occupier or concerned in the management of any premises, permits the premises to be used for cultivation, gathering or production of any drugs referred to in paragraphs (a) and (b);
 - (d) produces, possesses, transports, imports into the United Republic sells, purchases, uses or does any act or omits to do anything in respect of poppy straw, cocaplants, coca leaves, prepared opium, opium poppy, cannabis, manufactured drug or any preparation containing any manufactured drug, psychotropic substance, narcotic drug, such act or omission amounting to contravention of the provisions of this Act or rule or order made under this Act, commits an offence and upon conviction is liable to a fine of one million shillings or three times the market value of the prohibited plant, whichever is the greater, or to imprisonment for a term not exceeding twenty years or to both the fine and imprisonment.

Power of Commission to permit, control and regulate cultivation, production or sale, etc., of opium, coca leaves, etc.

- 13.-(1)** Subject to the provisions of section 12, the Commission may by regulations-
- (a) permit and regulate-
 - (i) the cultivation, or gathering of any portion (such cultivation or gathering only on account of the Government) of coca plant, production, possession, sale, purchase, transport, import into the United Republic, use or consumption of coca leaves; or
 - (ii) the cultivation (such cultivation being only on account of the Government) of opium poppy; or
 - (iii) the production and manufacture of opium and production of poppy straw; or
 - (iv) the sale of opium and opium derivatives from Government factories for export from the United Republic or to manufacturing chemists; or

- (v) the manufacture of manufactured 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; or
 - (vi) the manufacture, possession, transport, sale, purchase, consumption or use of psychotropic substances; or
 - (vii) the import into the United Republic and transhipment 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) above.
- (2) Without prejudice to the generality of the power conferred by subsection (1), an order made by the Commission may provide for regulating by licensing, permits or otherwise the production, manufacture, possession, transport, import into and export from the United Republic, 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 distress or attachment

14. Notwithstanding anything to the contrary contained in any law or contract, no narcotic drug, drug, psychotropic substance or prohibited plant, shall be liable to be distrained or attached by any person for the recovery of any money under any order of any court or authority or otherwise.

Restrictions on dealings in narcotic drugs and psychotropic substances

15. No person in the United Republic shall engage in or control any trade whereby narcotic drugs or psychotropic substances are obtained outside the United Republic or supplied to any person outside the United Republic except with the prior permission or authorisation of the Commission and subject to such condition as may be imposed by the Commission.

Penalty for possession, purchase, manufacture, etc., of narcotic drugs, etc.

- 16.-(1)** Any person who-
- (a) has in possession or does any act or omits to do any act or thing in respect of narcotic drugs or any preparation containing any manufactured drugs commits an offence and upon conviction is liable to a fine of ten million shillings or three times the market value of the narcotic drugs or any preparation containing such manufactured drug or whichever is greater or to an imprisonment for life or to both the fine and imprisonment;
 - (b) traffics in any narcotic drug or psychotropic substance or any substance represented or held out by him to be a

narcotic drug or psychotropic substance commits an offence and upon conviction is liable-

- (i) in respect of any narcotic drug or psychotropic substance to a fine of ten million shillings or three times the market value of the narcotic drug or psychotropic substance, whichever is the greater, and in addition to imprisonment for life but shall not in every case be less than twenty years;
- (ii) in respect of any other substances, other than a narcotic drug or psychotropic substance which he represents or holds to be narcotic drugs or psychotropic substances to a fine of not less than one million shillings and in addition to imprisonment for life but shall not in every case be less than twenty years.

(2) Any person who-

- (a) smokes, inhales, sniffs or otherwise uses any narcotic drug or psychotropic substances;
- (b) without lawful and reasonable excuse, is found in any house, room or place for the purposes of smoking, inhaling, sniffing or otherwise using any narcotic drug or psychotropic substances;
- (c) being the owner or occupier or concerned in the management of any premises, enclosure or conveyance, permits it to be used for the purpose of-
 - (i) the preparation of opium for smoking or sale or the smoking, inhaling, sniffing or otherwise using any narcotic drug or psychotropic substances; or
 - (ii) the manufacture, production, sale or the smoking, inhaling, sniffing or otherwise using any narcotic drug or psychotropic substances; or
- (d) has in his possession any pipe or other utensil for use in connection with the smoking, inhaling, sniffing or otherwise using opium, cannabis, heroin or cocaine or any utensil for use in connection with the smoking, inhaling, sniffing or otherwise using of opium, cannabis, heroin or cocaine or any utensil used in connection with the preparation of opium or any other narcotic drug or psychotropic substance for smoking,

commits an offence and upon conviction is liable to a fine of one million shillings or imprisonment for a term of ten years or to both the fine and imprisonment.

Penalty in respect of possession, use of small quantity of narcotic drugs and psychotropic substances

17.-(1) Any person who in contravention of any provision of this Act, or any rule or order made or permit issued under this Act, possesses in a small quantity, any narcotic drug or psychotropic substance, which is proved to have been intended for his personal consumption and not for

sale or distribution, or consumes any narcotic drug or psychotropic substance, shall notwithstanding anything contained in this Part, be liable-

- (a) if the narcotic drug or psychotropic substance possessed or consumed is cocaine, morphine, diacetyl-morphine or any other narcotic drug or any psychotropic substance as may by notice published in the Gazette be specified by the Commission, to a fine of three hundred thousand shillings, or to imprisonment for a term of ten years or to both that fine and imprisonment;
- (b) if the narcotic drug or psychotropic substance possessed or consumed is other than those specified in under paragraph (a), to a fine of two hundred thousand shillings or to imprisonment for a term of seven years or to both that fine and imprisonment.

(2) Subject to subsection (1), “small quantity” for the purpose of this Section means any quantity which may by regulation published in the *Gazette* be specified by the Commission.

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

Penalty in
contravention of
section 17

18. 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; or
- (b) adds a narcotic drug or psychotropic substance to a food or drink 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 is liable to a fine of five million shillings or to imprisonment for a term of thirty years or to both that fine and imprisonment.

Penalty for
embezzlement by
authorised
cultivators

19. Any person licensed to cultivate opium poppy on the account of the Government, who embezzles or otherwise illegally disposes of the opium produced or any part thereof, commits an offence and upon conviction is liable to a fine of five million shillings or to imprisonment

for a term not exceeding thirty years or to both such fine and imprisonment and the court may, for reasons to be recorded in the judgment impose a fine exceeding five million shillings.

Penalty in respect of breach of terms, licence or permit

20. Where a holder of a licence permit or authorisation granted in accordance with the provisions of this Act and rules or orders made under this Act-

- (a) omits, without any reasonable cause, to maintain accounts or to submit returns in accordance with this Act or rule made hereunder; or
- (b) fails to produce without any reasonable cause, to maintain accounts or to submit returns in accordance with this Act or rule made hereunder; or
- (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 and knowingly does any act in breach of any of the conditions of the licence, permit or authorisation for which a penalty is prescribed elsewhere in this Act,

commits an offence and upon conviction is liable to a fine of five million shillings or to imprisonment for a term of thirty years or to both the fine and imprisonment.

Penalty in respect of finance of illegal activities

21. Any person who knowingly directly or indirectly finances any of the activities specified in paragraphs (a) to (f) of section 16, or harbours any person engaged in the aforementioned activities commits an offence and upon conviction is liable to a fine of ten million shillings or to imprisonment for life.

Penalty in respect of aiding to commit offences under this Act

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

- (a) conspires with any other person to commit; or
- (b) solicits, incites, aids or conceals or attempts to solicit, incite, aid, abet or conceal any other person to commit; or
- (c) causes or procures, or attempts to cause or procure the commission of an offence under this Act; or
- (d) is otherwise directly or indirectly knowingly concerned in the commission of an offence under this Act,

may be charged with, tried, convicted or punished in all respects as if he were the principal offender.

Preparation or attempt to commit offence

23. If a person makes preparation 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 was determined to carry out his intention to commit the offence but had been prevented by

circumstances independent of his will, he shall be liable to imprisonment for a term which shall not be less than the half of the maximum term (if any) of imprisonment with which he would have been punishable in the event of his having committed such offence, and also with fine which shall not be less than half of the maximum amount of fine with which he would have been punishable, had he committed the offence.

Penalty for commission of offences after previous conviction

24.-(1) Any person who is convicted of the offences under sections 16, 17, 20, 21 and 22 upon conviction is liable for the second and every subsequent offence to fine of ten million shillings or to a term of imprisonment of life.

(2) Where a person is convicted by a competent court outside the United Republic under any law corresponding to the provisions of sections 16, 17, 20, 21 and 22, that person shall in respect of the conviction be dealt with for the purpose of subsection (1) of this section as if he had been convicted by a court in the United Republic.

Penalty for offences for which no penalty is provided

25. Any person who contravenes any provision of this Act or any rule or order made or any condition of any licence, permit or authorisation issued under this Act, for which no punishment is separately provided in this Part, upon conviction is liable to a fine of not more than five million shillings or to imprisonment for a term of not more than thirty years or to both such fine and imprisonment.

Burden of proof Acts Nos. 31 of 1997; 9 of 2002 Sch.

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

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

Unbailable offences Acts Nos. 9 of 1996 Sch. 9 of 2002 Sch.

27.-(1) A police officer in charge of a police station, or a court before which an accused is brought or appears shall not admit that person to bail if-

- (a) that person is accused of an offence involving trafficking in drugs, narcotics or "psychotropic substances" but does not include a person charged for an offence of being in possession of drugs which taking into account all circumstances in which the offence was committed, was

not meant for conveyance or commercial purpose;

- (b) that person is accused of an offence involving heroin, cocaine, prepared opium, opium poppy (*papaver setigerum*) poppy straw, coca plant, coca leaves, cannabis sativa or cannabis resin (Indian hemp), methaqualone (mandrax) catha edulis (khat) or any other narcotic drug or psychotropic substance specified in the Schedule to this Act which has an established value certified by the Commissioner for the National Co-ordination of Drug Control exceeding ten million shillings.

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

Offences by companies

28.-(1) Where an offence under this Act has been committed 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 the offence and shall be liable to be proceeded against and punished accordingly.

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

(3) Notwithstanding subsection (2) of this section, where any offence under this Part has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributed to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company shall be deemed to be proceeded against and punished accordingly.

Release of certain addicts for the purpose of undergoing treatment

29.-(1) Where any addict is found guilty of an offence under section 19 and the court by which he is found guilty is of the opinion, for the regard being had to age, character, antecedents or physical or mental condition of the offender, that it is expedient so to do, then notwithstanding anything contained in this Act or any other law for the time being in force, the court may, instead of sentencing him at once to any imprisonment, with his consent, direct that he be released for undergoing medical treatment for detoxification or de-addiction from a hospital or an institution maintained or recognised by the Government and on his entering into a bond in the form prescribed by the Commission, 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 his medical treatment, and, in the meantime, to abstain from commission of any offence under this Part.

(2) Where the offender fails to comply with the condition for

abstaining from commission of an offence after such an offender has been released by the court to undergo medical treatment in accordance with subsection (1), the court may order the offender to appear before the court to receive sentence.

PART V PROCEDURE

Application of the Criminal Procedure Act with necessary modification

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

(2) Subject to subsection (1), any such officer referred to in subsection (1) may at any time-

- (a) enter into and search any building, 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 and any other article and any thing or conveyance which he has reason to believe to have committed any offence under this Act.

(3) Where an officer takes down any information in writing under subsection (2) or records grounds for his belief, he shall forthwith send a copy thereof to his immediate superior.

(4) The provisions of this section shall so far as may be, apply in relation to the offences under Part IV and relating to coca plants, 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 possible

31. Where it is not possible to seize any goods (including standing crop) which are liable to confiscation under this Act, any officer authorised under section 30 may serve on the owner or person in possession of the goods, an order that he shall not remove, part with or otherwise deal with the goods except with the previous permission of such officer.

Land owners duty to give information of crops illegally cultivated

32. Every holder of land shall give immediate information to any officer of police or any officer of the departments mentioned in section 30 of all the opium poppy, cannabis plant or coca plant which may be illegally cultivated within his land and every such holder of land who knowingly neglects to give such information shall be deemed to have committed an offence and upon conviction is liable to a fine of five million shillings or to imprisonment for a term of thirty years.

Powers of attachment of crops illegally cultivated

33. Any officer empowered under this Act may order attachment of any opium poppy, cannabis plant or coca plant 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.

Commission to direct certain substances to be disposed of

34.-(1) The Commission 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 which shall as soon as may be after their seizure, be disposed of by such officer and in such manner as the Commission may from time to time, determine after following the procedure hereinafter specified.

(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 their description, quantity, mode of packing, marks, numbers or such other identifying particulars of the narcotic drugs or psychotropic substances or the packing in which they are packed, country of origin and other particulars as such officer may consider relevant to the identity of the narcotic drugs or psychotropic substances in any proceedings under this Act and make an application, to any Magistrate having jurisdiction under this Act, for the purpose of-

- (a) certifying the correctness of the inventory so prepared; or
- (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 samples so drawn.

(3) Where an application is made under subsection (2), the Magistrate shall as soon as practicable allow the application.

(4) Notwithstanding any thing 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 (2) and certified by a Magistrate, as primary evidence in respect of such offence.

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Relevancy of statements under certain circumstances

35. A statement made and signed by a person before any officer empowered under section 29 for the investigation of offences, during the course of any 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) when the person who made the 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) when the person who made the statement is examined as a witness in the case before the court and the court is of the opinion that, having regard to the circumstances of the case, the statement should be admitted in evidence in the interest of justice.

Presumption of possession of illicit articles

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

- (a) any narcotic drug or psychotropic substance;
- (b) any opium poppy, cannabis plant or coca plant growing on any land which he has cultivated;
- (c) any apparatus specially designed or any group of utensils specially adopted for the manufacture of any narcotic drug or psychotropic substance; or
- (d) any materials which have undergone any process towards the manufacture of a narcotic drug or psychotropic substance, or any residue left of the materials from which any narcotic drug or psychotropic substance has been manufactured, for the possession of which he fails to account satisfactorily.

Authorised officers to take charge of articles seized

37.-(1) An officer authorised under subsection (2) of section 30 shall take charge of and keep in safe custody, pending the orders of the Magistrate, all articles seized under section 30 and shall allow any seizing officer who may be deputed for the purpose, to affix his seal to such articles or to take samples from them and all samples so taken shall also be sealed with the seal of such officer.

(2) An officer who fails to comply with the conditions under subsection (1) or disappears, commits an offence and upon conviction is liable to a fine of one million shillings or to an imprisonment for a term of five years.

Obligation of various officers to assist each other

38. All officers of the several departments mentioned in this Act shall, upon notice given or 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

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

Penalty for vexatious or malicious entry, seizure, arrest,

40.-(1) Any officer who being empowered under this Act to do anything-

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

- conveyance or place; or
- (b) vexatiously and 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) vexatiously and unnecessarily detains, searches or arrests any person,

commits an offence and upon conviction is liable to a fine not exceeding five hundred thousand shillings or to an imprisonment for a term of six months.

(2) Any person wilfully and maliciously giving false information and so causing an arrest or a search being made under this Act, commits an offence and upon conviction is liable to a fine not exceeding five thousand shillings or to an imprisonment for a term of one year or to both such fine and imprisonment.

Penalty against officers refusing to perform their duties or aiding offenders

41.-(1) Any officer on whom any duty has been imposed by or under this Act-

- (a) refuses to perform the duties of his office, unless he has lawful excuse for doing so; or
- (b) has been given the custody of any addict or any other person who has been charged with an offence under this Act;
- (c) willfully aids in or connives at, the contravention of any provision of this Act or any rule or order made thereunder, commits an offence and upon conviction is liable to a fine not exceeding five hundred thousand shillings or an imprisonment for a term of two years.

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

(3) No court shall take cognizance of any offence under subsection (1) except on a complaint in writing made with the previous sanction of the Commission.

Powers to confiscate articles or things, etc., in connection with offence

42.-(1) Where any offence under Part IV has been committed, the narcotic drug, psychotropic substance, the opium poppy, coca plant, cannabis plant, material, apparatus and utensils in respect of which such offence has been committed, shall be liable to confiscation.

(2) Any narcotic drug or psychotropic substance lawfully produced, imported into or exported from the United Republic, transported, manufactured, possessed, used, purchased or sold along with, or in addition to any narcotic drug or psychotropic substance which is liable to confiscation under subsection (1) and the receptacles, packages, coverings in which any narcotic drug or psychotropic

substance, materials, apparatus or utensils liable to confiscation under subsection (1) is found, and the other contents, if any, of such receptacles or packages shall likewise be liable to confiscation.

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

(4) Where any 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, the sale proceeds thereof shall also be confiscated.

Confiscation in case of no conviction

43.- (1) In the trial of offences under this Act, whether the accused is convicted or acquitted or discharged, the court shall decide whether any article or thing seized under this Act is liable to confiscation under this section and if it decides that that article is so liable, it shall order confiscation accordingly.

(2) Where any article or thing under this Act appears to be liable to confiscation, but the person who committed the offence in connection therewith is not known or cannot be found, the court may inquire into and decide such liability and may order confiscation accordingly.

(3) No order of confiscation of an article or thing shall be made until-

- (a) the expiry of one month from the date of seizure; or
- (b) without hearing any person claiming the right thereto; or
- (c) without evidence if any, produced in respect of the claim.

(4) If any article or thing, other than a narcotic drug, psychotropic substance, the opium poppy, coca plant or cannabis plant is liable to speedy and natural decay, or if the court is of the opinion that its sale would be for the benefit of its owner, it may, at any time, direct it to be sold, and the provisions of this subsection shall, as may be practicable, apply to the net proceeds of the sale.

(5) Any person who claims any right to property which has been confiscated under this Act, may appeal to the High Court against the order of confiscation.

Presumption as to documents in certain cases

44. Where any document-

- (a) is produced or furnished by any person or has been seized from the custody or control of any person under this Act, or under any other law; or
- (b) has been received from any place outside the United Republic, and is duly authenticated by such authority or person and in such manner as may be prescribed by the Commission,

in the course of investigation of any offence under this Act, if such document is tendered in any 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;
- (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

45.-(1) Any 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 or any rule or order made thereunder;
- (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, or any rule or order made thereunder shall not be compelled to say whence he got any information as to the commission of any offence.

PART VI FORFEITURE OF PROPERTY DERIVED FROM, OR USED IN ILLICIT TRAFFIC

Forfeiture of property

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46.-(1) Subject to this Part, where any person has been convicted for an offence under Part IV, 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) every person who has been convicted of an offence under this Act;
- (b) every person who has been convicted of a similar offence by a competent court of criminal jurisdiction outside the United Republic;
- (c) every 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 such person;
- (b) the trustee of any trust, where-
 - (i) the trust has been 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) 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 deliver the property for the purpose of confiscation.

Prohibition on holding illegally acquired property

47.-(1) No person shall hold any illegally acquired property either by himself or through any other person on his behalf.

(2) Where any person holds any illegally acquired property in contravention of the provisions of subsection (1), such property shall be forfeited to the Commission in accordance with Part IV of the Proceeds of Crime Act.

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(3) No property shall be forfeited under this Part if such property was acquired by a person to whom this Act applied before a period of three years from the date on which he was charged for an offence relating to illicit traffic.

Commissioner to authorise investigation or survey

48.-(1) The Commission may authorise any officer to inquire, investigate or survey any person or group of persons as it may by order or direct and such officer shall on receipt of information that any person to whom this Part applies has been 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.

(2) Where an officer conducting an inquiry or investigation under subsection (1) has reason to believe that any property in relation to which such inquiry or investigation is being conducted is an illegally acquired property and such property is likely to be concealed, transferred or dealt with in any manner which will result in frustrating any proceeding relating to forfeiture of such property under this Part, he may make an order for seizing such property and where it is not practicable to seize such property, he 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.

(3) If any property referred to in subsection (4) is transferred by any mode, such transfer shall if the property is forfeited to the Commission be deemed to be void.

(4) An officer making an investigation 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 he has acquired such property and to show cause why all or any of such properties should not be declared illegally acquired and forfeited to the

Commission.

(5) If the person affected does not appear before the authorised officer to represent his case within the specified period, that officer may proceed to record a finding on the basis of evidence available before him.

Burden of proof

49. 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 of forfeiture

50. Where an authorised officer declares that any property stands of being forfeited to the Commission and it is a case where the source of only a part of the illegally acquired property has not been proved to the satisfaction of the authorised officer, such officer shall make an order giving an option to the person affected to pay, in lieu of forfeiture, a sum of money equal to the market value of such part.

Appeals

51. Any person aggrieved by any decision of an authorised officer may within thirty days from the date of such decision appeal to the High Court.

Power to take possession

52.-(1) Where any property is declared forfeited by the Commission 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 Commission may take possession of the property and may for that purpose use such force as may be necessary.

Arrangement regarding tracing, realisation, etc., of property

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

- (a) with the Government of any other realisation country and make provisions for the recovery and property handing over of possessions to the Government of the United Republic, of any property in respect of which forfeiture has been made and which is in that country or for tracing and preserving any property in that 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 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 Commission of that country in consequence of the Commission by any person of an

offence against a corresponding law of that country or for being and 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) of this section shall be construed as preventing the provision or obtaining of assistance in criminal matters otherwise than as provided in the Mutual Assistance in Criminal Matters Act.

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PART VII MISCELLANEOUS PROVISIONS

Protection of
action taken in
good faith

54. No suit, prosecution or other legal proceeding shall lie against the Commission 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 rule or order made thereunder.

Commission to
have regard to
international
conventions while
making rules

55. Where under this Act the Commission has been empowered to make rules, 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 of 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 centres
for identification
treatment, etc., of
addicts and for
supply of narcotic
drugs

56.-(1) The Government may, in its discretion, establish as many centres 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 Commission of any narcotic drugs and addicts psychotropic substances to the addicts registered with the Government and to others where such supply is a medical necessity.

(2) The Commission may make rules consistent with this Act providing for the establishment, appointment, maintenance, management and superintendence of, and for supply of narcotic drugs and psychotropic substances from the centres referred to in subsection (1) and for the appointment, training, powers duties and persons employed in such centres.

Bar of jurisdiction

57.No civil court shall entertain any suit or proceeding against any decision made or order passed by any officer or authority under this Act or under any rule made thereunder on any of the following matters, namely-

(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;
- (c) confiscation of opium found to be adulterated with any foreign substance.

Power of
Commission to
give directions

58. The Commission may give such 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

59. The Commission may, by notice 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 rules) as it may deem necessary or expedient, to any other authority or the Anti-Drug Commissioner.

Power of Central
Government to
make rules

60.-(1) Subject to the other provisions of this Act, the Commission may, by notice in the Gazette, make rules for carrying on the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely-

- (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 subsection (1) of section 40 and the bond to be executed by such convict before his release after the due admonition under subsection (2) of that section;
- (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 which is to be, or may be, prescribed.

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

61.-(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 or in this section shall prevent the offender from being punished under this Act.

Application of the Pharmaceutical and Poisons Act barred, Cap. 219

62. The provisions of this Act or rules made thereunder shall be in addition to, and not in derogation of the Pharmaceutical and Poisons Act, or the rules made thereunder.

Saving of State and special laws

63. Nothing in this Act or in the rules 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 a punishment not imposed by or provided for under this Act or imposes a restriction or provides for a punishment greater in degree than a corresponding restriction imposed by or a corresponding punishment provided for by or under this Act for the cultivation of cannabis plant or consumption of, or traffic in, any narcotic drug or psychotropic substance within the United Republic.

Repeal and saving

64. -(1) [Repeals R.L. Caps. 134 and 95]

(2) Notwithstanding such 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.

Repealed

65. [Repealed by Act No. 31 of 1997 Sch.]

Repealed

66. [Repealed by Act No. 13 of 1984.]

Amended Cap. 256

67. [Amended the Proceeds of Crime Act.]

Acts No. 31 of 1997 Sch;
9 of 2002 Sch.

FIRST SCHEDULE

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

(Section 23 (3))

Acetorphine (3-O-acetyltetrahydro- 7 α -(1-hydroxy-1-methylbutyl)-6,14-endoetheno-orphine)
Acetyl-alpha-methylfentanyl (N-[1-(α -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-piperidyl]-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(α -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-methylfentanyl (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-benzimidazolyl)-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-phenylisonipectic 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)
 Droterbanol (3,4-dimethoxy-17-methylmorphinan-6 β ,14-diol)
 Ecgonine, its esters and derivatives, which are convertible to ecgonine and cocaine
 Ethylmethylthiambutene (3-ethylmethylamino-1,1-di-(2-thienyl)-1-butene)
 Etonitazene (1-diethylaminoethyl-2-para-ethoxybenzyl-5-nitrobenzimidazole)
 Etorphine (tetrahydro-7 α -(1-hydroxy-1-methylbutyl)-6,14-endoetheno-orphavine)
 Etoperidine (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)
 Hydromorphanol (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)
 Levophenacymorphan ((-)-3-hydroxy-N-phenacymorphinan)
 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)
 Methyl-desorphine (6-methyl-delta-6-deoxymorphine)
 Methyl-dihydromorphine (6-methyl-dihydromorphine)

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)

Propерidine (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)

Racemorphan ((±)-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 (α -(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-butanol propionate)

Dihydrocodeine

Ethylmorphine (3-ethylmorphine)

Nicocodine (6-nicotinylcodeine)

Nicodicodine (6-nicotinyldihydrocodeine)

Norcodeine (N-demethylcodeine)

Pholcodeine (morphinyethylmorphine)

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- α -methylphenethylamine
CATHINONE	DET	(-)-(S)-2-aminopropiophenone
	DMA	3-[2-(diethylamino)ethyl]indole
	DMHP	(±)-2,5-dimethoxy- α -methylphenethylamine
		3-(1,2-dimethylheptyl)-7,8,9,10-tetrahydro-6,6,9-trimethyl-H-dibenzo[b,d]pyran-1-ol
	DMT	3-[2-(dimethylamino)ethyl]indole
	DOET	(±)-4-ethyl-2,5-dimethoxy- α -phenethylamine
ETICYCLIDINE		
(+)-LYSERGINE	PCE	N-ethyl-1-phenylcyclohexylamine
	N,N-MDMA	LSD, LSD-25 9,10-didehydro-diethyl-6-methylergoline
		(±)-N, α -dimethyl-3,4-(methylenedioxy)phenethylamine
	mescaline	3,4,5-trimethoxyphenethylamine
	4-methylaminorex	(±)-cis-2-amino-4-methyl-5-phenyl-2-oxazoline
	MMDA	2-methoxy- α -methyl-4,5-(methylenedioxy)phenethylamine
	N-ethyl MDA	(±)-N ethyl- α -methyl-3,4-(methylenedioxy)phenethylamine

	N-hydroxy MDA	(±)-N-[α -methyl-3,4-methylenedioxy phenethyl]hydroxylamine
	parahexyl	3-hexyl-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran-1-ol
PSILOCYBINE	PMA	p-methoxy-amethylphenethylamine
	psilocine	3-[2-(dimethylamino)ethyl]indol-4-ol
	psilotsin	3-[2-(dimethylamino)ethyl]indol-4-ol dihydrogen phosphate
POLICYCLIDINE	PHP, PCPY	1-(1-phenylcyclohexyl)pyrrolidine
	STP, DOM	2,5-dimethoxy- α,4-dimethylphenethylamine
TENAMFETAMINE	MDA	α -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-6H-dibenzo[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-6H-dibenzo[b,d] pyran-1-ol (±)-3,4,5-trimethoxy- α -methylphenethylamine.
	TMA	

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	(±)-α -methylphenethylamine
DEXAMFETAMINE		
FENETHYLLINE	dexamphetamine	(+)-α -methylphenethylamine 7-[2-[(α -methylphenethyl)amino]ethyl]theophylline

LEVAMFETAMINE	levamphetamine Levometham phetamine	(-)-(R)- α -methylphenethylamine (-)-N, α -dimethylphenethylamine
MECLOQUALONE		3-(o-chlorophenyl)-2-methyl-4(3H)- quinazolinone
METHAMFETA- MINE	methamphetamine	(+)-(S)-N, α -dimethylphenethylamine
METHAMFETA MINE RACEMATE	methamphetamine racemate	(\pm)-N, α -dimethylphenethylamine
METHAQUALONE	Mandrax	2-methyl-3-o-tolyl-4(3H)- quinazolinone
METHYLPHENIDATE		Methyl α -phenyl-2-piperidine racetate
PHENCYCLIDINE	PCP	1-(1-phenylcyclohexyl)piperidine
PHENMETRAZINE		3-methyl-2-phenylmorpholine
SECOBARBITAL		5-allyl-5-(1-methylbutyl)barbituric acid
	delta-9-tetrahydro- cannabinol and its stereo chemical variants	(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 THE CONVENTION ON PSYCHOTROPIC SUBSTANCES, 1971

INN	Other non-proprietary or trivial name	Chemical name
AMOBARBITAL		5-ethyl-5-isopentylbarbituric acid
BUPRENORPHINE		21-cyclopropyl-7- α [(S)-1-hydroxy-1,2,2-trimethylpropyl]-6,14-endo-ethano-6,7,8,14-tetrahydro-oripavine
BUTALBITAL		5-allyl-5-isobutylbarbituric acid
CATHINE		(+)-(R)-a-[(R)-1-aminoethyl] benzyl alcohol
CYCLOBARBITAL		5-(1-cyclohexen-1-yl)-5-ethylbarbituric acid
GLUTETHIMIDE		2-ethyl-2-phenylglutarimide
PENTAZOCINE		(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
PENTOBARBITAL		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 name	Chemical name
ALLOBARBITAL		5,5-diallylbarbituric acid
ALPRAZOLAM		8-chloro-1-methyl-6-phenyl-4H-s-triazolo[4,3-a][1,4] benzodiazepine
AMFERPRAMONE		2-(diethylamino)propiofenone

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
		7-chloro-1,3,-dihydro-3-hydroxy-1- methyl-5-phenyl-2H-1,4-benzodiazepin-2-one dimethylcarbamate (ester)
CAMAZEPAM		7-chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one dimethylcarbamate (ester)
CHLORDIA-ZEPOXIDE		7-chloro-2-(methylamino)-5-phenyl-3H-1,4-benzodiazepin-4-oxide
CLOBAZAM		7-chloro-1-methyl-5-phenyl-1H-1,5-benzodiazepin-2,4(3H,5H)-dione
CLONAZEPAM		5-(o-chlorophenyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one
CLORAZEPATE		7-chloro-2,3-dihydro-2-oxo-5-phenyl-1H-1,4-benzodiazepine-3-carboxylic acid
CLOTIAZEPAM		5-(o-chlorophenyl)-7-ethyl-1,3-dihydro-1-methyl-2H-thieno[2,3-e]-1,4-diazepin-2-one
CLOXAZOLAM		10-chloro-11b-(o-chlorophenyl)-2,3,7,11b-tetrahydro-oxazolo-[3,2-[1,4]benzodiazepin-6(5H)-one
DELORAZEPAM		7-chloro-5-(o-chlorophenyl)-1,3-dihydro-2H-1,4- benzodiazepin-2-one
DIAZEPAM		7-chloro-1,3-dihydro-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one
ESTAZOLAM		8-chloro-6-phenyl-4H-s-triazolo[4,3-a][1,4]benzodiazepine
ETHCHLORVYNOL		1-chloro-3-ethyl-1-penten-4-yn-3-ol
ETHINAMATE ETHYL LOFLAZEPATE		1-ethynylcyclohexanol 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-(o-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one
HALAZEPAM	7-chloro-1,3-dihydro-5-phenyl-1-(2,2,2-trifluoroethyl)-2H-1,4-benzodiazepin-2-one
HALOXAZOLAM	10-bromo-11b-(o-fluorophenyl)-2,3,7,11b-tetrahydro-oxazolo-[3,2-d][1,4]benzodiazepin-6(5H)-one
KETAZOLAM	11-chloro-8,12b-dihydro-2,8-dimethyl-12b-phenyl-4H-[1,3]oxazino[3,2-d][1,4]benzodiazepine-4,7(6H)-dione
LEFETAMINESPA	(-)-N,N-dimethyl-1,2-diphenylethylamine-6-
LOPRAZOLAM	(o-chlorophenyl)-2,4-dihydro-2-[(4-methyl-1-piperazinyl) methylene]-8-nitro-1H-imidazo[1,2-a][1,4]benzodiazepin-1-one
LORAZEPAM	7-chloro-5-(o-chlorophenyl)-1,3-dihydro-3-hydroxy-2H-1,4-benzodiazepin-2-one
LORMETAZEPAM	7-chloro-5-(o-chlorophenyl)-1,3-dihydro-3-hydroxy-1-methyl-2H-1,4-benzodiazepin-2-one
MAZINDOL	5-(p-chlorophenyl)-2,5-dihydro-3H-
imidazo[2, 1-	a)isoindol-5-ol
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-propanediol-dicarbamate
METHYLPHENO-	5-ethyl-1-methyl-5-phenylbarbituric acid
BARBITAL	3,3-diethyl-5-methyl-2,4-piperidine-dione
METHYPRYLON	8-chloro-6-(o-fluorophenyl)-1-methyl-4H-
MIDAZOLAM	imidazo[1,5-a][1,4]benzodiazepine
NIMETAZEPAM	1,3-dihydro-1-methyl-7-nitro-5-phenyl-2H-1,4-benzodiazepin-2-one
NITRAZEPAM	1,3-dihydro-7-nitro-5-phenyl-2H-1,4-benzodiazepin-2-one
NORDAZEPAM	7-chloro-1,3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one
OXAZEPAM	7-chloro-1,3-dihydro-3-hydroxy-5-phenyl-2H-1,4-benzodiazepin-2-one
OXAZOLAM	10-chloro-2,3,7,11b-tetrahydro-2-methyl-11b-phenyloxazolo[3,2-d][1,4]benzodiazepin-6(5H)-one

PEMOLINE	2-amino-5-phenyl-2-oxazolin-4-one± 2-amino-5-phenyl-4-oxazolidinone)
PHENDIMETRAZINE	(+)-(2S,3S)-3,4-dimethyl-2-phenylmorpholine
PHENOBARBITAL	5-ethyl-5-phenylbarbituric acid
PHENTERMINE	a,a-dimethylphenethylamine
PINAZEPAM	7-chloro-1,3-dihydro-5-phenyl-1-(2-propynyl)-2H-1,4-benzodiazepin-2-one
PIPRADOL	a,a-diphenyl-2-piperidinemethanol
PRAZEPAM	7-chloro-1-(cyclopropylmethyl)-1,3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one
PROPYLHEXEDRINE	N,a-dimethylcyclohexane ethylamine
PYROVALERONE	4'-methyl-2-(1-pyrrolidinyl)valerophenone
SECBUTABARBITAL	5-sec-butyl-5-ethylbarbituric acid
TEMAZEPAM	7-chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one
TETRAZEPAM	7-chloro-5-(1-cyclohexen-1-yl)-1,3dihydro-1-methyl-2H-1,4-benzodiazepin-2-one
TRIAZOLAM	8-chloro-6-(o-chlorophenyl)-1-methyl-4H-s-triazolo[4,3-a][1,4]benzodiazepine
VINYLBITAL	5-(1-methylbutyl)-5-vinylbarbituric acid

SECOND SCHEDULE

Act No. 31
of 1997 Sch.

TABLE I

Ephedrine
Ergometrine
Ergotamine
Lysergic acid
1-phenyl-2-propanone
Pseudoephedrine Piperidine

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

TABLE II

Acetic anhydride
Acetone
Anthranilic acid
Ethyl ether
Phertylacetic acid

THIRD SCHEDULE

PROHIBITED PLANTS

(Section 2(1))

1. Cannabis
2. Coca bush.
3. Papaver somniferum (opium poppy).
4. Papaver setigerum.