

NARCOTICS CONTROL COMMISSION ACT, 2020 (ACT 1019)

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REPUBLIC OF GHANA

**THE ONE THOUSAND AND NINETEENTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED
NARCOTICS CONTROL COMMISSION ACT, 2020**

AN ACT to establish the Narcotics Control Commission, to provide for offences related to narcotic drugs and plants cultivated for narcotic purposes and for related matters.

DATE OF ASSENT: 11th May, 2020.

PASSED by Parliament and assented to by the President

Establishment of the Commission

Section 1—Establishment of the Narcotics Control Commission

- (1) There is established by this Act, the Narcotics Control Commission as a body corporate with perpetual succession.
- (2) For the performance of the functions, the Commission may acquire and hold property, dispose of property and enter into a contract or any other related transaction.
- (3) Where there is a hindrance to the acquisition of property, the property may be acquired for the Commission under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Commission.

Section 2—Objects of the Commission

The objects of the Commission are to—

- (a) ensure public health and safety—
 - (i) by controlling, preventing and eliminating traffic in prohibited narcotic drugs and plants; and
 - (ii) by taking measures to prevent the illicit use of precursors;

- (b) collaborate with the relevant bodies to develop measures for the treatment and rehabilitation of persons suffering from substance use disorders;
- (c) develop, in collaboration with other relevant bodies, alternative means of livelihood for persons who cultivate narcotic plants; and
- (d) facilitate the confiscation of proceeds from narcotic related offences.

Section 3—Functions of the Commission

To achieve the objects, the Commission shall—

- (a) co-ordinate activities relating to the arrest and investigation of offences connected with the production, processing and trafficking in narcotic drugs or plants and the illicit production, processing and trafficking in precursors
- (b) on the authority of the Attorney-General prosecute offences under this Act
- (c) take measures
 - (i) to eliminate the import or export by land, water bodies or air of narcotic drugs, narcotic plants and precursors for illicit purposes;
 - (ii) to secure, in collaboration with the relevant competent authority where necessary, the coastal landing sites of fishermen against the import and export of narcotic drugs or plants;
 - (iii) to establish a security check desk at each point of entry into the country and point of exit out of the country; and
 - (iv) for the early destruction or disposal of narcotic drugs or plants that have been seized or confiscated;
- (d) collect, collate and disseminate information for use by stakeholders in the control of narcotic drugs and plants and the illicit use of precursors;
- (e) co-ordinate the combating of illicit drug activity and drug enforcement responsibility conferred on any person or authority by or under an Act of Parliament;
- (f) strengthen co-operation between law enforcement agencies, welfare institutions and bodies connected with the eradication of or reduction in illicit dealings in narcotic drugs, plants and precursors;
- (g) adopt measures to reduce the demand for and harm caused by the use of narcotic drugs and plants through education, treatment and rehabilitation of persons with substance use disorders;
- (h) advise the relevant bodies on policy initiatives to eliminate and prevent the causes of drug trafficking, the abuse of narcotic drugs or plants and the use and diversion of precursors for illicit purposes;
- (i) ensure that substance use disorders is treated as a public health issue;
- (j) liaise and collaborate with governments of foreign countries, international agencies and local bodies on—

- (i) the transfer of technology;
- (ii) the training of staff, the exchange of experts and the acquisition of equipment for the Commission; and
- (iii) the establishment and maintenance of a system to monitor, prevent and curtail international dealings in narcotic drugs or plants;
- (k) build an intelligence database on the activities of narcotic drug or plant dealers and the collaborators of the narcotic drug or plant dealers within and outside the country;
- (l) conduct baseline studies and surveys in the country on the abuse of and dealings in narcotic drugs and plants;
- (m) foster close collaboration, in vigilance, controls and the monitoring of the practices and procedures for the import, export and re-export of precursors and other allied substances with appropriate bodies in order to prevent abuse of import and export by diversion;
- (n) provide in consultation with the relevant bodies alternative means of livelihood for persons who cultivate narcotic plants;
- (o) enlist and foster public support to educate people on prohibited activities related to narcotic drugs, narcotic plants and the illicit use of precursors; and
- (p) perform other functions related to the objects of the Commission.

Section 4—Governing body of the Commission

- (1) The governing body of the Commission is a Board consisting of—
 - (a) a chairperson who has the relevant competencies in narcotic-related matters and is of high moral character and proven integrity;
 - (b) the Director-General of the Commission;
 - (c) the Commissioner of the Customs Division of the Ghana Revenue Authority or a representative of the Customs Division of the Ghana Revenue Authority not below the rank of an Assistant Commissioner nominated by the Commissioner-General;
 - (d) the Chief Executive Officer of the Food and Drugs Authority or a representative of the Food and Drugs Authority not below the rank of a Director nominated by the Chief Executive Officer;
 - (e) the Chief Executive Officer of the Financial Intelligence Centre or a representative of the Financial Intelligence Centre not below the rank of a Director nominated by the Chief Executive Officer;
 - (f) the Executive Director of the Economic and Organised Crime Office or a representative of the Economic and Organised Crime Office not below the rank of a Director nominated by the Executive Director;
 - (g) the National Security Coordinator or a representative of the National Security Council not below the rank of a Deputy National Security Coordinator nominated by the National Security Coordinator;

- (h) one representative of the Ministry of Health who is a health professional with specialisation in Addiction Medicine not below the rank of a Director nominated by the Minister for Health;
- (i) one representative of the Ministry of the Interior not below the rank of a Director nominated by the Minister for the Interior;
- (j) the Director-General of the Criminal Investigations Department of the Police Service or a representative of the Criminal Investigations Department not below the rank of an Assistant Commissioner of Police nominated by the Inspector-General of Police;
- (l) the Attorney-General represented by the Director of Public Prosecutions or a representative of the Attorney-General not below the rank of Chief State Attorney nominated by the Attorney-General;
- (m) the Director-General of the Prisons Service or a representative of the Prisons Service not below the rank of a Director nominated by the Director-General;
- (n) one representative of the Ghana Armed Forces not below the rank of a Colonel or the equivalent rank nominated by the Chief of Defence Staff;
- (o) one representative from the Ministry of Education not below the rank of a Director nominated by the Minister for Education; and
- (p) the Comptroller-General of the Ghana Immigration Service or a representative of the Ghana Immigration Service not below the rank of a Deputy Comptroller-General nominated by the Comptroller-General.

(2) The chairperson and other members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

(3) The President, in making the appointments, shall ensure that at least three of the members are women.

Section 5—Secretary to the Board

The officer in charge of legal services at the Commission is Secretary to the Board.

Section 6—Functions of the Board

(1) The Board shall formulate policies necessary for the achievement of the objects of the Commission.

(2) The Board shall ensure the effective and efficient performance of the functions of the Commission.

Section 7—Tenure of office of members

(1) A member of the Board shall hold office for a period of not more than four years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

(2) Subsection (1) does not apply to the Director-General of the Commission.

(3) A member of the Board may at any time resign from office in writing addressed to the President through the Minister.

(4) A member of the Board other than the Director-General, who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(5) The President may, in writing, revoke the appointment of a member.

(6) Where a member of the Board is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability results in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsection (3), (4) or subsection (2) of section 9,

(b) as a result of a declaration under subsection (6), or

(c) by reason of the death of a member,

the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy.

Section 8—Meetings of the Board

(1) The Board shall meet at least once every three months for the despatch of business at a time and place determined by the chairperson.

(2) The chairperson shall, at the request in writing of not less than seven of the members of the Board, convene an extraordinary meeting of the Board at a time and place determined by the chairperson.

(3) The quorum at a meeting of the Board is nine members of the Board.

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present from among the members shall preside.

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a meeting of the Board but that person shall not vote on a matter for decision at the meeting.

Section 9—Disclosure of interest

(1) A member of the Board who has an interest in a matter for consideration by the Board shall

(a) disclose the nature of that interest and the disclosure shall form part of the record of the consideration of the matter; and

(b) recuse that member's self and not participate in the deliberations or determination of the Board in respect of that matter.

(2) A member ceases to be a member of the Board, if that member has an interest in a matter before the Board and

(a) fails to disclose that interest; or

(b) participates in the deliberations of the Board in respect of that matter.

Section 10—Establishment of committees

- (1) The Board may establish committees consisting of members or non-members of the Board or both members and non-members to perform a function.
- (2) Without limiting subsection (1), the Board shall have a committee for
 - (a) enforcement;
 - (b) drug demand and harm reduction;
 - (c) alternative livelihood development; and
 - (d) appointments and promotions.
- (3) A committee of the Board may be chaired by a member or non-member of the Board.
- (4) Section 9 applies to members of a committee of the Board.

Section 11—Allowances

Members of the Board and members of a committee of the Board shall be paid allowances approved by the Minister in consultation with the Minister responsible for Finance.

Section 12—Regional and district offices of the Commission

- (1) The Commission shall establish regional and district offices of the Commission determined by the Board.
- (2) A regional or district office shall be provided with public officers appointed by the President in accordance with article 195 of the Constitution.
- (3) A regional or district office shall perform the functions of the Commission in the region or district.

Section 13—Independence of the Commission

Subject to the Constitution and this Act, the Commission is not subject to the control or direction of any person or authority in the performance of the functions of the Commission under this Act.

Section 14—Policy directives

The Minister may give policy directives consistent with the objects of this Act to the Board and the Board shall comply.

Administration

Section 15—Appointment of Director-General

- (1) The President shall, in accordance with article 195 of the Constitution, appoint a Director-General for the Commission.
- (2) The Director-General shall hold office on the terms and conditions specified in the letter of appointment.
- (3) The Director-General shall be a person of high moral character and proven integrity with the qualifications and experience relevant to the functions of the Commission.

Section 16—Functions of Director-General

- (1) The Director-General is answerable to the Board in the performance of functions under this Act and
 - (a) responsible for the day-to-day administration of the affairs of the Commission;
 - (b) responsible for the implementation of the decisions of the Board; and
 - (c) shall collaborate with other heads of relevant agencies and bodies concerned with the control and elimination of narcotics.
- (2) The Director-General shall perform any other functions determined by the Board.
- (3) The Director-General may delegate a function to an officer of the Commission but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

Section 17—Appointment of Deputy Directors-General

- (1) The President shall, in accordance with article 195 of the Constitution, appoint two Deputy Directors-General one of whom shall be in charge of General Services and the other in charge of Enforcement, Control and Elimination.
- (2) A Deputy Director-General shall, in addition to the functions specified under subsection (1), perform other functions assigned by the Director-General acting on the advice of the Board.

Section 18—Appointment of other staff

- (1) The President shall, in accordance with article 195 of the Constitution, appoint for the Commission other staff that are necessary for the effective and efficient performance of the functions of the Commission.
- (2) Other public officers may be seconded to the Commission or may otherwise give assistance to the Commission.
- (3) The Commission may engage the services of advisers and consultants on the approval of the Board.
- (4) The Commission shall conduct integrity tests to ensure the loyalty and suitability of staff of the Commission.

Section 19—Terms and conditions of service

- (1) The terms and conditions of service of the staff of the Commission shall be as applies to the staff of the security and intelligence agencies under the Security and Intelligence Agencies Act, 1996 (Act 526).
- (2) For purposes of subsection (1), the ranks of the officers of the Commission and the equivalent ranks in the Bureau of National Investigations are as specified in the First Schedule to this Act.
- (3) Despite subsection (1), the conditions of service attached to posts of legal officers of the Commission shall be the same as those applicable to posts in the Legal Service requiring equivalent professional experiences specified in the First Schedule to this Act.

Section 20—Funds of the Commission

The funds of the Commission include—

- (a) moneys approved by Parliament;
- (b) internally generated funds;
- (c) grants and donations; and
- (d) fifty percent of the proceeds realised from the sale of confiscated property under subsection (2) of section 67.

Section 21—Bank account for the Commission

(1) Moneys for the Commission shall be paid into a bank account opened by the Commission on the advice of the Board for that purpose with the approval of the Controller and Accountant-General.

Section 22—Substance Use Disorder Rehabilitation Fund

- (1) There is established by this Act, a Substance Use Disorder Rehabilitation Fund referred to in this Act as the "Fund".
- (2) The Commission shall use the Fund to rehabilitate a person medically certified to be suffering from substance use disorder.

Section 23—Object of the Fund

The object of the Fund is to provide for both capital and current expenditure relating to the treatment and rehabilitation of a person with substance use disorder.

Section 24—Source of money for the Fund

The source of money for the Fund includes

- (a) moneys approved by Parliament;
- (b) funds raised from the general public;
- (c) grants and donations; and
- (d) fifty percent of the amount paid to the Commission specified under paragraph (d) of section 20.

Section 25—Bank account for the Fund

Moneys from the realisation of the objects of the Commission shall be paid into a bank account opened by the Commission with the approval of the Controller and Accountant-General.

Section 26—Management of the Fund

- (1) The Fund shall be managed by a corporate trustee appointed by the Board.
- (2) The trustee has the same fiduciary relationship with the Commission and the same duty to act with loyalty and in good faith as a director of a company incorporated under the Companies Act, 2019, (Act 992).

Section 27—Disbursement of moneys for the Fund

The Fund shall be used for

- (a) research in the area of addiction disease;
- (b) treatment of persons with substance use disorders;
- (c) setting up of rehabilitation centers; and
- (d) training and capacity building for professionals involved in the treatment of substance use disorders.

Section 28—Report on management and use of moneys for the Fund

The Commission shall, for each financial year, submit a report on the management and use of the Fund to the Minister.

Section 29—Accounts and audit

- (1) The Board shall keep books, records, returns and other documents relevant to the accounts in the form approved by the Auditor-General.
- (2) The Board shall submit the accounts of the Commission to the Auditor-General for audit at the end of the financial year.
- (3) The Auditor-General shall, within six months after the end of the immediately preceeding financial year
 - (a) audit the accounts and submit the report to Parliament; and
 - (b) forward a copy each of the audit report to the Minister and the Board.
- (4) The financial year of the Commission is the same as the financial year of the Government.

Section 30—Annual report and other reports

- (1) The Board shall, within thirty days, after the receipt of the audit report, submit an annual report to the Minister covering the activities and operations of the Commission for the year to which the annual report relates.
- (2) The annual report shall include the report of the Auditor-General.
- (3) The Minister shall, within thirty days after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary and shall cause the report to be published in the manner that the Minister determines.

Powers of the Commission

Section 31—Authorised officers to exercise powers of Police

The Director-General, Deputy Directors-General and other authorised officers shall exercise the powers and have the immunities conferred on a Police officer in the Criminal and Other Offences (Procedure) Act, 1960 (Act 30), the Police Service Act, 1970 (Act 350) and any other law related to a Police officer.

Section 32—Power to use firearms

An authorised officer may, in the discharge of duties under this Act or any other enactment, use firearms.

Section 33—Duties and powers of an authorised officer

- (1) Without limiting section 31, an authorised officer may, upon reasonable cause,
- (a) profile at any airport, seaport, river port or any other entry point into this country or place of exit from this country,
 - (i) a traveller;
 - (ii) a person authorised to work at that airport, seaport, river port or any other entry point into this country or place of exit from this country; or
 - (iii) any other person found at that airport, seaport, river port or any other entry point to this country or place of exit from this country;
 - (b) detain at any airport, seaport, river port or any other entry point into this country or place of exit from this country
 - (i) a traveller;
 - (ii) a person authorised to work at that airport, seaport, river port or any other entry point into this country or place of exit from this country; or
 - (iii) any other person found at the airport, seaport, river port or any other entry point into this country or place of exit from this country;
 - (c) prevent any traveller or person authorised to work at any airport, seaport, river port or any other entry point into this country or place of exit from this country from boarding any aircraft, vehicle or vessel at that airport, seaport, river port or any other entry point into this country or place of exit from this country;
 - (d) physically open and search any luggage of any traveller, either accompanied or unaccompanied;
 - (e) seize for further inspection, any luggage of any traveller, either accompanied or unaccompanied;
 - (f) conduct a search on the tarmac and any part of an airport, a seaport, river port or any other entry point into this country or place of exit from this country;
 - (g) demand for a cargo or passenger manifest from an airline or shipping line operator;
 - (h) demand for a waybill from an airline or shipping line operator or driver of a vehicle;
 - (i) demand for shippers' instructions for the despatch of goods; and
 - (j) perform any other functions and discharge any other statutory duties imposed on an officer under this Act.
- (2) An authorised officer is not liable for any civil claim or action in respect of a duty discharged or a power exercised under subsection (1) if that officer acts in good faith.

Section 34—Power to monitor activities in respect of precursors and controlled equipment

(1) The Commission shall monitor a person, company, firm, partnership or an enterprise that deals in precursors or controlled equipment.

(2) A company, firm, partnership or enterprise that deals in precursors or controlled equipment shall obtain from the Commission, a licence to import and export the precursors and a permit for the clearance of imports of precursors.

(3) The fee for registration, licence for import and export and permit for clearance shall be determined in accordance with the Fees and Charges (Miscellaneous Provisions) Act, 2018 (Act 983).

(4) An officer may enter, search and inspect with or without a warrant—

(a) any premises of a person, company, partnership or an enterprise that deals in precursors and controlled equipment; or

(b) any document relating to importation, use, storage or export of the precursors and controlled equipment.

(5) Where after the search and inspection, the authorised officer has reasonable cause to believe that a substance found on the premises contravenes the provisions of this Act, that substance shall be seized and the owner shall be arrested for investigations.

(6) A person, company, firm, partnership or an enterprise that—

(a) is unable to account for precursors in the possession of the person, company, firm, partnership or enterprise or

(b) deals with unauthorised persons in the sale or distribution of precursors or controlled equipment in contravention of this section

commits an offence and is liable on summary conviction to a fine or a term of imprisonment or to both as specified in the Second Schedule and an additional term of imprisonment specified in that Schedule if the fine is not paid.

(7) The controlled equipment are as specified in the Third Schedule.

Section 35—Oath of Secrecy

(1) An officer shall, on appointment to an establishment post in the Commission and in accordance with the Oaths Act, 1972 (NRCD 6), take an Oath of Secrecy as specified in the Fourth Schedule.

(2) An officer, whether in active service or retired, shall not—

(a) divulge to any unauthorised person any classified information that comes to or has come to the knowledge of that officer;

(b) unlawfully remove any official document; or

(c) send an official document whether manually or electronically to an unauthorised person or destination.

(3) For purposes of subsection (2), "classified information" includes

- (a) personal information relating to another officer of the Commission; and
 - (b) information relating to the operations of the Commission;
 - (c) any instruction or directive relating to the operations of the Commission; and
 - (d) matters relating to proceedings and decisions of the following:
 - (i) the Commission;
 - (ii) the Board; and
 - (iii) the Committees of the Board.
- (4) For purposes of subsection (3), "classified information" relates to information acquired by an officer while the officer is in active service or after the officer stopped working for or with the Commission.
- (5) An authorised officer who contravenes this section is liable to—
- (a) disciplinary action under disciplinary proceedings in respect of which penalties shall be provided in Regulations to this Act;
 - (b) criminal prosecution and shall on conviction be liable to a termination of appointment without notice as well as a term of imprisonment specified in the Second Schedule; or
 - (c) both disciplinary action and criminal prosecution.

Narcotic Drug Offences

Section 36—Importation or exportation of narcotic drugs

- (1) In accordance with section 126 of the Public Health Act, 2012 (Act 851), a person who imports, exports or re-exports a narcotic drug without a licence issued by the Minister responsible for Health, commits an offence and is liable on summary conviction to a fine and a term of imprisonment as specified in the Second Schedule.
- (2) The person shall serve the term of imprisonment as specified in the fifth column of the Second Schedule if the fine is not paid.
- (3) The Minister responsible for Health may, on the advice of the Board, grant a licence for the importation, exportation or re-exportation of a narcotic drug if satisfied that, an application has been made in the prescribed form and the requirements for the grant of the licence has been complied with.
- (4) The licence shall be granted subject to the conditions specified in the licence.
- (5) Where the licence is for the importation, exportation or re-exportation of a precursor as specified in the Fifth Schedule, the approval shall be granted jointly by the Food and Drugs Authority and the Commission.

Section 37—Unlawful possession or control of narcotic drugs

- (1) A person who, without lawful authority, proof of which lies on that person, has possession or control of a narcotic drug for use or for trafficking commits an offence.

(2) A person who commits an offence in subsection (1)—

(a) for use is liable on summary conviction to a fine imposed in accordance with the penalty specified in the Second Schedule and an additional term of imprisonment specified in that Schedule if the fine is not paid; or

(b) for trafficking is liable on summary conviction to the fine and imprisonment specified in the Second Schedule and an additional term of imprisonment specified in that Schedule if the fine is not paid.

Section 38—Prohibited business relating to narcotic drugs

(1) A person who without lawful authority, produces, processes, manufactures or distributes narcotic drugs commits an offence.

(2) A person who without lawful authority sells, trades in, purchases, trafficks or undertakes an activity for the purpose of establishing or promoting an enterprise relating to narcotic drugs commits an offence.

(3) A person who, without lawful authority, has possession or control of a machine, equipment, a tool, utensil or any other material or article for the production, processing, manufacturing, distribution, sale, administration or use of a narcotic drug commits an offence.

(4) A person shall not with or without lawful authority, import, export or re-export the chemicals listed in the Seventh Schedule with the intention of diverting the chemicals for use or production as illicit precursors or narcotic drugs.

(5) A person shall not use any substance for the processing or extraction of a synthetic or semi-synthetic drug without lawful authority.

(6) A person who commits an offence under this section is liable on summary conviction to a fine and a term of imprisonment as specified in the Second Schedule.

(7) The person shall serve the term of imprisonment specified in the fifth column of the Second Schedule if the fine is not paid.

Section 39—Cultivation of plants for narcotic purposes

(1) A person shall not, without lawful authority proof of which lies on that person, own, cultivate, grow or harvest a plant that can be used or consumed as a narcotic drug or plant, or from which a narcotic drug can be extracted or processed.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the fine or term of imprisonment as specified in the Second Schedule.

(3) The person shall serve the term of imprisonment as specified in the fifth column of the Second Schedule if the fine is not paid.

Section 40—Importation or exportation of narcotic plants

(1) A person who imports, exports or re-exports a narcotic plant without a licence issued by the Minister for that purpose, commits an offence and is liable on summary conviction to a fine and a term of imprisonment as specified in the Second Schedule.

(2) The person convicted under subsection (1) shall serve the term of imprisonment specified in the fifth column of the Second Schedule if the fine is not paid.

(3) The Minister, in consultation with the Minister responsible for Agriculture may grant a licence for the importation, exportation or re-exportation of a narcotic plant if satisfied that the licence can be granted and an application has been made in the prescribed form.

(4) The licence shall be granted subject to the conditions specified in the licence.

Section 41—Unlawful possession or control of narcotic plants

(1) A person who without lawful authority, proof of which lies on that person, has possession or control of a narcotic plant for use or for trafficking commits an offence.

(2) A person who commits an offence of unlawful possession or control of a narcotic plant—

(a) for use is liable on summary conviction to a fine imposed in accordance with the penalty specified in the Second Schedule or a term of imprisonment specified in the Schedule if the fine is not paid; or

(b) for trafficking is liable on summary conviction to the fine and imprisonment specified in the Second Schedule and an additional term of imprisonment specified in that Schedule if the fine is not paid.

Section 42—Prohibited business relating to narcotic plants

(1) A person who without lawful authority, manufactures processes, produces or distributes narcotic plants commits an offence.

(2) A person who without lawful authority undertakes an activity for the purpose of establishing or promoting an enterprise relating to narcotic plants commits an offence.

(3) A person who, without lawful authority, has possession or control of a machine, equipment, a tool, utensil or any other material or article for the manufacture, processing, production, distribution, sale, administration or use of a narcotic plant commits an offence.

(4) A person shall not with or without lawful authority, import, export or re-export a plant listed in the Fifth, Sixth and Seventh Schedules with the intention of diverting the plant for use or production as narcotic drug.

(5) A person shall not use any plant for the processing or extraction of a synthetic or semi-synthetic drug without lawful authority.

(6) A person who commits an offence under this section is liable on summary conviction to the fine or term of imprisonment specified in the Second Schedule and an additional term of imprisonment specified in the fifth column of that Schedule if the fine is not paid.

Section 43—Special provision relating to cannabis

(1) Despite sections 39 to 42, the Minister, on the recommendation of the Commission, may grant a licence for the cultivation of cannabis which has not more than 0.3% THC content on a dry weight basis for industrial purposes for obtaining fibre or seed or for medicinal purposes.

(2) For the avoidance of doubt, a licence granted under subsection (1) shall not be for the cultivation of cannabis for recreational use.

Section 44—Administration of narcotic drugs prohibited

(1) A person commits an offence if the person, without lawful authority, proof of which lies on that person, administers a narcotic drug to another person.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine or a term of imprisonment as specified in the Second Schedule.

(3) The person shall serve the additional term of imprisonment specified in the Second Schedule if the fine is not paid.

Section 45—Offence of purchase of narcotic drugs or plants

(1) A person who; without lawful authority, proof of which lies on that person, purchases a narcotic drug or plant with the intention to sell or supply the narcotic drug commits an offence.

(2) A person who, without lawful authority, purchases a narcotic drug or plant for personal use, commits an offence.

(3) A person who commits an offence under subsection (1) or subsection (2) is liable on summary conviction to a fine or a term of imprisonment as specified in the Second Schedule.

(4) The person shall serve the additional term of imprisonment specified in the fifth column of the Second Schedule if the fine is not paid.

(5) Without prejudice to subsections (3) and (4), a Court that convicts a person for an offence committed under subsection (2) may make an order directing the person to seek treatment and rehabilitation at a facility approved by the Commission in consultation with the Minister for Health.

Section 46—Special mitigating factors

(1) A Court, having regard to the nature and special circumstances of an offence committed under section 44, may sentence an accused person to a lesser term than the minimum penalty specified in the Second Schedule.

(2) The lesser term that the Court may impose where there are special mitigating circumstances, is a term not less than two years imprisonment in addition to a fine of not less than seven hundred and fifty penalty units and not more than one thousand five hundred penalty units.

Section 47—Special plea bargain

A person arrested and charged with the offence of possession of a narcotic drug or plant for trafficking who is only a courier for a principal may plead guilty to the offence during the trial proceedings and have the sentence reduced by at least half of the sentence if that person cooperates fully with officers of the Commission and the principal is arrested and charged after investigations.

Section 48—Use of property for narcotic offences

(1) A person who directly or indirectly uses property within or outside the country—

- (a) for the purpose of dealing in narcotic drug or point or
- (b) with the intention to facilitate, assist, promote, manage, establish or carry on an activity which is an offence under this Act

commits an offence.

(2) A person commits an offence under paragraph (b) of subsection (1) whether or not

- (a) a narcotic offence is committed; or
- (b) any other person has been charged or convicted of a narcotic offence.

(3) A person who commits an offence under this section is liable on summary conviction to a fine and a term of imprisonment as specified in the Second Schedule.

(4) The person shall serve the term of imprisonment specified in the fifth column of the Second Schedule if the fine is not paid.

Section 49—Interference with arrest and seizure

A person who

- (a) directly or indirectly frees or attempts to free or causes to be freed any person who has been duly arrested for a narcotic offence,
- (b) removes or attempts to remove or causes to be removed any item which has been duly seized or is likely to be seized in connection with a narcotic offence, or
- (c) before or after the seizure of an item,
 - (i) breaks, attempts to break or causes to be broken the item to prevent seizure or the securing of the item; or
 - (ii) destroys, attempts to destroy or causes to be destroyed the item to prevent the seizure or the securing of the item,

commits an offence and is liable on summary conviction to a fine or to a term of imprisonment as specified in the Second Schedule.

Section 50—Life imprisonment on third conviction

Where a person is found guilty of a narcotic offence and the Court finds that the person has been convicted in this country or any other country on more than one previous occasion for offences relating to illegal importation, exportation, re-exportation, processing, sale, manufacture, distribution, cultivation or the supply of a narcotic drug or plant, the Court shall sentence that person to life imprisonment.

Section 51—Penalty for offence committed[sic] by authorised officer

An authorised officer discharging narcotic duties, who is charged with an offence under this Act, is liable on summary conviction to a term of imprisonment that is double the penalty provided for that offence under this Act.

Section 52—Original jurisdiction of the Court

Subject to section 48 of the Courts Act, 1993 (Act 459), a District Court, Circuit Court and the High Court shall have original jurisdiction to try offences under this Act.

Section 53—Possession or ownership of property obtained by trafficking in narcotic drugs

(1) Except in accordance with this Act, a person shall not directly or indirectly possess or own property or the proceeds of any property that is obtained or derived directly or indirectly from

- (a) the commission of a narcotic offence in this country; or
- (b) an act anywhere outside the country which, if the act had occurred in the country, would have constituted a narcotic offence.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine or to a term of imprisonment specified in the Second Schedule.

Arrest, Investigation and Seizure

Section 54—Power of entry, search, arrest and seizure

(1) Where an authorised officer has reasonable cause to suspect that there is concealed or deposited in a vessel or any premises

(a) property liable to forfeiture under this Act or to which an offence under this Act has been committed, is being committed or is about to be committed; or

(b) a book or document directly or indirectly relating to or connected with any dealing or intended dealing, whether within or outside this country in respect of a property that is liable to seizure or forfeiture under this Act or which would, if carried out constitute an offence under this Act, the officer may, at any time, with or without a warrant,

(i) enter the vessel or premises and search for and seize, any cargo or property, book or document found in the vessel or on the premises or on a person;

(ii) search a person who is in the vessel or on the premises, and for the purpose of the search, detain the person and remove the person to a place that may be necessary to facilitate the search;

(iii) arrest a person who is in the vessel or on the premises in whose possession any property liable to seizure or forfeiture under this Act is found, or who the officer reasonably believes has concealed or deposited the property;

(iv) open, examine and search any article, container or receptacle: and

(v) stop, search, detain, arrest or seize any conveyance

(2) The authorised officer may, where necessary

(a) break open any door or window of a premises to facilitate entry;

(b) remove any obstruction to the entry, search, seizure or removal;

(c) enter the premises and any part of the premises;

(d) break open or remove any fixture in the premises that may hold or conceal narcotics; or

(e) detain any person found within the premises and on the premises until a search has been conducted on the premises.

(3) The provisions of this section do not apply to the books in a bank.

(4) An authorised officer may arrest with or without a warrant, a person whom the officer reasonably suspects

(a) is about to commit an offence under this Act, or

(b) is committing or has committed an offence under this Act, and shall as soon as possible after the arrest, put the arrested person before a Court.

(5) A vessel stopped, detained, seized or arrested with narcotics on board or concealed on the vessel or any attachments to the vessel or in any part of the vessel shall be placed in the custody of the Commission and the agency that first sought to enforce the provisions of this Act against that vessel shall, within thirty-six hours, inform the Director-General in writing.

Section 55—Search of person

(1) An authorised officer may search or cause to be searched, a person whom the officer has reason to believe has on the body of that person, a narcotic drug or plant or any property liable to seizure or forfeiture, or any article necessary for the purpose of an investigation under this Act.

(2) For the purpose of a search referred to in subsection (1), the authorised officer may detain that person without the authorisation of a Court for a period not more than forty-eight hours. and may remove that person to any place necessary to facilitate the search.

(3) A search of a person under this section may extend to a medical examination and other investigations of the body of that person both externally and internally, by a medical officer.

(4) A female person shall only be searched by a female officer and a male person shall only be searched by a male officer.

Section 56—Obstruction of inspection and search

(1) A person who, in respect of sections 54 and 55—

(a) refuses to allow an authorised officer to enter or to have access to a vessel, any premises or to exit from that vessel or premises;

(b) fails to submit to a search or refuses to allow an officer to conduct a search;

(c) assaults, obstructs, hinders or delays the officer in effecting any entry in the execution of a duty Imposed or power conferred by this Act;

(d) fails to comply with a lawful demand of an officer in the execution of the duties of the officer under this Act;

(e) fails to produce, conceals or attempts to conceal any property, document or book which is liable to seizure under this Act;

(f) retrieves or attempts to retrieve or causes to be retrieved anything which has been duly seized;

(g) provides to an authorised officer as true, information which the person knows or has reason to believe to be false; or

(h) before or after any seizure

(i) breaks, attempts to break or causes to be broken; or

(ii) destroys, attempts to destroy or causes to be destroyed anything to prevent the seizure or securing of that thing

commits an offence and is liable on summary conviction to the fine of the term of imprisonment or to both the fine and imprisonment imposed in accordance with the penalty specified in the Second Schedule.

(2) The person shall serve the additional term of imprisonment specified in the fifth column of the Second Schedule, if the fine is not paid.

Section 57—Power of investigation

(1) Despite the provisions of any other law, an authorised officer may, for the purpose of an investigation into an offence under this Act or any corresponding foreign law or for the purpose of any proceeding under this Act, apply to a Court for an order authorising the officer to—

(a) inspect or take copies of—

(i) any banker's book or bank account,

(ii) any share account, purchase account or expense account, or

(iii) any other account; or

(b) inspect any safe deposit box in any bank, financial institution,

company, firm, association, society or any other body and this shall be sufficient authority for the disclosure or production by any person, of all or any information, account, document or article as may be required by the officer.

(2) A person who fails or refuses to comply with the requirements of an authorised officer under subsection (1) commits an offence and is liable on summary conviction to a fine and a term of imprisonment as specified in the Second Schedule.

(3) A person who discloses any information or produces any account or document or article to the authorised officer is not liable for any prosecution for any offence under any law or to any civil claim or action.

Section 58—Release of property seized

(1) Where property is seized under this Act, an authorised officer other than the officer who effected the seizure may, with the consent of the Director-General acting on the advice of the Attorney-General, at any time before the property is forfeited, release the property to the owner or apparent owner of the property, if the officer is satisfied that the property is not

(a) liable to forfeiture under this Act; and

(b) required for the purpose of proceedings under this Act.

(2) A person who is in control of a vehicle that is used to transport narcotic drug or plant is liable to pay a penalty of not more than one thousand two hundred and fifty penalty units to the Commission before the vehicle is released to that person.

(3) Where the penalty is not paid within three months, the Director-General shall go to Court for an order to confiscate the vehicle.

(4) A record in writing shall be made by the officer effecting the release of a property under subsection (1) specifying in detail the circumstances of, and the reason for, the release, and that officer shall send a copy of the record to the Attorney-General and to the Director-General within seven days after the release.

Section 59—Power to prosecute

Subject to article 88 of the Constitution and section 56 of the Criminal and Other Offences (Procedure) Act, 1960 (Act 30), the Commission shall, prosecute all narcotic-related offences in Court.

Section 60—Declaration of income and property

(1) Where a person is charged with an offence under this Act, an authorised officer shall serve a notice on the person to make a written declaration of the income and property owned directly or indirectly by that person.

(2) The person who is served with the notice shall lodge two signed copies of the declaration with the Auditor-General within fourteen days after receipt of the notice.

(3) The declaration of income and property shall contain the following information:

(a) property received or expected to be received by the accused person; and

(b) property held or disposed of by the accused person, including property held by any other person or in the name of any other person on behalf of the accused person.

(4) Subject to article 286 of the Constitution, the Auditor-General shall not reveal the content of the declaration except in accordance with this Act or on the order of a Court.

Section 61—Inaccurate declaration of income and property

(1) Where the Commission, at any time during proceedings under this Act, considers that a declaration of income or property is inaccurate, the Director-General may—

(a) apply to the Court on notice to the accused or convicted person; and

(b) provide evidence in support of the inaccuracies in the declaration.

(2) The Court shall decide whether the income or property has been included in the declaration, and where necessary, direct that the income or property be included within seven days after hearing the application.

(3) Where the Court finds that any property or income was intentionally excluded by the declarant, the Court shall make an order for the confiscation of the income or property.

Section 62—Protection of third parties

(1) The Commission may apply to a Court for a confiscation order in respect of a tainted income or property.

(2) Where an application is made to the Court for a confiscation order against an income or property, a person who claims an interest in the property shall, within thirty days from the date of the application apply to the Court for an order declaring the interest of the person.

(3) An application for a declaration of interest in confiscated property shall be made within three months after the order for confiscation.

Section 63—Seizure of movable property

(1) Any movable property which an authorised officer reasonably suspects to be the subject matter of an offence under this Act or which has been used for the commission of that offence or is tainted property, is liable to seizure.

(2) Where a movable property is seized under subsection (1), the authorised officer effecting the seizure shall, by notice in writing, inform—

(a) the owner of the property or where the whereabouts of the owner is not known, the known agent of the owner, or

(b) the pilot, master or driver respectively, in the case of an aircraft, vessel or vehicle, of the seizure and the grounds for the seizure.

(3) Subsection (1) of this section does not apply to an aircraft, a vessel or vehicle belonging to a person carrying on regular lawful passenger or freight service within this country or to and from this country except where prosecution for an offence under this Act is to be instituted or proceedings under this Act are to be taken against the owner of the aircraft, vessel or vehicle.

(4) Any movable property seized shall be transferred to the Commission and the transferring agency shall, within thirty-six hours, inform the Director-General of the transfer.

Section 64—Seizure of immovable property

(1) Where the Commission has reasonable grounds to suspect that an immovable property is the subject matter of an offence under this Act or is tainted property, the Director-General, shall issue a notice of seizure to order for the seizure of the property, whilst investigation is in progress.

(2) An officer not below the rank of a Deputy Narcotics Control Officer shall effect the seizure by

(a) posting, where practicable, a copy of the notice of seizure in a conspicuous position on the immovable property; and

(b) lodging a copy of the notice of seizure at the Lands Commission.

(3) The Lands Commissioner shall make an entry of the terms of the notice of seizure of the immovable property in the Register.

(4) The entry under subsection (3) shall have the effect of prohibiting any dealings, contract or any other thing whatsoever in respect of the immovable property and accordingly, after the notice has been lodged with the Lands Commission, any dealing in respect of the immovable

property shall not be registered, whether it was lodged before or after the lodgment[sic] of the notice of seizure or the making of the entry.

Section 65—Transactions in seized property after seizure to be void

When property is seized under this Act, and the seizure remains in force, any transaction, contract, or any other thing whatsoever, effected, undertaken or entered into by a person or between any persons in respect of the property is void.

Section 66—Realisation of property

(1) Where a pecuniary or a confiscation order is made and is not discharged or is not the subject of an appeal, the Court shall order

- (a) the Commission to manage the property;
- (b) the Commission to take possession of the realisable property subject to the conditions specified by the Court;
- (c) a person who has possession of the realisable property to give possession of the property to the Commission; or
- (d) a person who holds an interest in the property to make payment to the Commission in respect of a beneficial interest held by the respondent or the recipient of a gift specified in this Act as the Court may direct on an application by the Director-General.

(2) The Court shall transfer, grant or extinguish the interest in the property on payment being made under paragraph (d) of subsection (1).

Section 67—Utilisation of proceeds of realisable property

Where the Court orders the sale of confiscated property, the Court shall direct that—

- (a) twenty percent of the total proceeds of the realisable property be paid to Court;
- (b) fifty percent of the total proceeds of the realisable property be paid to the Commission; and
- (c) thirty percent of the total proceeds of the realisable property be paid into the Consolidated Fund.

Section 68—Non application of Insolvency Act, 2006 (Act 708)

The Insolvency Act, 2006 (Act 708) does not apply to property which is subject to this Act.

Section 69—Winding up of company holding realisable property

Where realisable property is held by a company and an order for the winding up of the company is made by a Court or a resolution is passed by the company for the voluntary winding up of the company, the functions of the liquidator shall not be performed in relation to—

- (a) the property if the property was subject to seizure, confiscation or forfeiture before the order or resolution for winding up is made or passed; or
- (b) the proceeds of the property realised and in the custody of a receiver,

(2) Where, in the case of a company, an order is made by the Court or a resolution is passed, the powers conferred on the Court to grant a seizure, confiscation or forfeiture order shall not be exercised in relation to realisable property held by the company in respect of which the functions of the liquidator may be performed to

(a) inhibit the liquidator from performing those functions or distribute the property held by the company to creditors of the company; or

(b) prevent the payment out of the property of expenses, including the remuneration of the liquidator properly incurred in the winding up of the company.

(3) Subsection (2) does not affect the enforcement of a charging order—

(a) made before the order or resolution for the winding up was made or passed; or

(b) on property which was subject to a seizure, confiscation or forfeiture order at the relevant time.

(4) Nothing in the Companies Act, 2019 (Act 992) shall restrict the exercise of the powers conferred on the Court by this Act in respect of companies.

Section 70—Laundering proceeds from narcotic offence

(1) A person shall not use, transfer the possession of, send or deliver to a person or place, transport, transmit, alter, dispose of or otherwise deal with, in any manner, any property or proceeds of any property with the intent to conceal or convert the property or the proceeds knowing that all or a part of that property or of the proceeds were obtained or derived directly or indirectly as a result of

(a) the commission of a narcotic offence; or

(b) an act done outside this country which, if had occurred in this country, would have constituted a narcotic offence.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the fine or to the term of imprisonment specified in the Second Schedule.

Section 71—Power to intercept communication

(1) Pursuant to article 18 of the Constitution and despite the provisions of any other enactment, where on an application made by the Director-General in writing, a Court considers that a communication or postal article is likely to contain information or substance which is likely to be relevant for the purpose of an investigation into an offence under this Act or any corresponding foreign law or for any other purpose under this Act, the Court may, in writing, authorise the Director-General to—

(a) intercept, detain and open any postal article in the course of transmission by post;

(b) intercept any message transmitted or received by telecommunication; or

(c) intercept, track or listen to any conversation carried on through telecommunication.

(2) Where a person is charged with an offence under this Act or where proceedings are taken under this Act, information obtained by an authorised officer under subsection (1) whether

before or after the person is charged or before or after those proceedings are commenced, is admissible in evidence at the trial of that person, or in those proceedings as the case may be.

(3) A person shall not be under any duty, obligation or liability or be in any manner compelled to disclose in any proceedings, the procedure, method, manner or means or any related matter, with regard to anything done under subsection (1) except where the disclosure is made in camera.

Section 72—Seizure of currency

(1) An authorised officer shall seize any currency, if—

(a) the officer is satisfied that there are reasonable grounds to suspect that

(i) the currency is the proceeds of an offence under this Act; or

(ii) the currency is intended by the person for use in the commission of an offence under this Act; or

(b) the holder of the currency is unable to provide satisfactory explanation for the source of the currency.

(2) An authorised officer who seizes any currency shall—

(a) record the name of the person from whom the currency is seized;

(b) record the particulars and amount of each type of the currency;

(c) record any other relevant information in respect of the currency;

(d) send the record on the person, the record on the seized currency and the currency and any other relevant information to the Director-General; and

(e) send a copy of the record of the currency seized to the person from whom the currency was seized.

(3) Where the currency is in the possession of the Commission and a period of thirty days has lapsed from the date of seizure, the currency shall by order of the Court be forfeited to the Republic unless within that period the owner has, by an application on notice to the Court, made a claim for the release of the currency.

(4) A Court shall, on the application by or on behalf of a person from whom the currency was seized order the release of the currency seized in whole or in part after hearing the Director-General or an authorised officer, if the seizure of the currency is no longer justified.

(5) The Director-General shall not release the currency seized where

(a) an application for the confiscation of the whole or a part of the currency is pending; or

(b) proceedings have commenced in this country or in any other jurisdiction against the person for an offence relating to narcotic drugs.

Section 73—Freezing of property

(1) Where the Director-General considers that freezing of property is necessary to facilitate an investigation or trial of a person for an offence under this Act, the Director-General may, in writing direct the freezing of

- (a) the property of a person or entity being investigated; or
- (b) specified property held by a person or entity other than the person or entity being investigated or tried.

(2) The Director-General shall, within ten days after the freezing of the property, apply to the Court for a confirmation of the freezing.

Section 74—Application for freezing order

(1) An application for confirmation of the freezing order shall, except where investigation or trial may be impeded, be on notice to the respondent and shall be accompanied with an affidavit.

(2) The affidavit shall—

- (a) give a description of the property in respect of which the freezing order is sought;
- (b) state the name and address of the person who is believed to be in possession of the property;
- (c) state the grounds for the belief that the property is tainted property;
- (d) state that the respondent derived benefit directly or indirectly from an offence under this Act, or that the property is property derived directly or indirectly from the offence;
- (e) state the grounds for the belief that the property is tainted property and is subject to the effective control of the respondent where the application seeks a freezing order against the property of a person other than the respondent;
- (f) state the grounds for the belief that a confiscation order is likely to be made under this Act in respect of the property; and
- (g) state that the property is at risk of being dissipated or removed from the country.

Section 75—Issue of freezing order

(1) Where an application is made for a freezing order, the Court shall issue the order where the Court is satisfied that—

- (a) the respondent is being investigated for an offence under this Act;
- (b) the respondent is charged with an offence under this Act;
- (c) there are reasonable grounds to believe that the property is tainted property related to an offence under this Act;
- (d) the respondent derived benefit directly or indirectly from an offence under this Act;
- (e) the application seeks a freezing order against the property of a person other than the respondent because there are reasonable grounds to believe that the property is tainted property and that the property is subject to the effective control of the respondent;

(f) the property is at risk of being dissipated or removed from the country; or

(g) there are reasonable grounds to believe that a confiscation order shall be made under this Act in respect of the property.

(2) Where the application under subsection (1) is made without notice, the Director-General shall, in writing, inform a person against whom a freezing order is made within seven days after the order is made.

(3) The Court shall, in the case of an entity, lift the veil of incorporation to determine if the property is subject to the effective control of the respondent.

(4) A freezing order shall—

(a) prohibit the respondent or another person from disposing of or dealing with the property or a part of the property or interest in the property, except in a manner specified in the order;

(b) direct the Director-General or the Attorney-General to take custody and control of the property or a part of the property specified in the order and manage or deal with the property as directed by the Court; or

(c) require a person who has possession of the property to give possession and control of the property to the Director-General or the Attorney-General.

(5) An order under this section may be made, subject to conditions that the Court considers appropriate and, without limiting the scope of the order, the order may provide for

(a) the reasonable living expenses of a person affected by the order, including the reasonable business expenses of the person; and

(b) a specified public debt incurred in good faith by the person affected by the order.

(6) When an application is made for the protection of a third party on the basis that a person is about to be charged, an order made by the Court shall lapse if the person is not charged within twelve months after the issue of the order.

(7) A copy of the freezing order shall be—

(a) posted on the notice board of the Court;

(b) posted at a conspicuous place on the property; and

(c) published in a daily newspaper of national circulation.

Section 76—Effect of freezing order

(1) A contract, transaction or any other arrangement whatsoever made, effected, undertaken or entered into by a person or between any persons in respect of tainted property after the issue of a freezing order in respect of that property is void.

(2) A person who contravenes a freezing order commits an offence and is liable on summary conviction to the fine or imprisonment specified in the Second Schedule.

Section 77—Duration of freezing order

(1) A freezing order remains in force until

(a) the order is—

- (i) discharged;
- (ii) revoked; or
- (iii) varied;

(b) twelve months after the date the order is made or a later date determined by the Court; or

(c) a confiscation order or a pecuniary penalty order is made in respect of the property which is the subject of the order.

(2) Where an investigation has commenced against a person for an offence under this Act and the property related to that offence is frozen, the Court shall order the release of the frozen property if—

(a) the person is not charged with the offence within twelve months after the date of commencement of the investigation; or

(b) the person is acquitted of the offence.

Section 78—Review of freezing order

(1) A person who claims an interest in property which is the subject of a freezing order shall, apply to the Court on notice to the Director-General within fourteen days after the issue of the freezing order for a review of the order.

(2) The Court may revoke or vary the order or subject the order to conditions imposed by the Court on hearing the interested party.

Section 79—Extension of freezing order

(1) The Director-General shall, where necessary, apply to the Court that made a freezing order for an extension of the period of the operation of the order.

(2) The Court shall, on application by the Director-General, extend the operation of the order for a specified period if the Court is satisfied that a confiscation order ought to be made in respect of the property or a part of the property or that a pecuniary penalty order ought to be made against the person.

Confiscation and Forfeiture of Property of Liable Persons

Section 80—Power to apply to Court for confiscation order

Where a person is convicted of an offence under this Act, the Director-General may apply to the Court for a confiscation order against any property of the person deemed to be tainted.

Section 81—Application for confiscation or pecuniary penalty order

(1) An application for a confiscation or pecuniary penalty order made by the Director -General shall be on notice to the respondent and be accompanied with an affidavit.

(2) The applicant shall include in the affidavit

- (a) a description of the property in respect of which the confiscation order or pecuniary penalty is sought;
- (b) the name and address of the person who is believed to be in possession of the property;
- (c) the grounds for the belief that the respondent is a liable person;
- (d) that the respondent derived benefit directly or indirectly from the narcotic offence or that the property is property derived directly or indirectly from a narcotic offence;
- (e) the grounds for the belief that the property is subject to the effective control of the respondent where the application seeks a confiscation order against the property of a person other than the respondent;
- (f) the estimated value of the property and the location of the property; and
- (g) any other matter, circumstance or information which in the opinion of the Director-General is relevant to the application.

Section 82—Presumption of acquisition of property or income

- (1) The Court shall, in determining whether or not a confiscation or pecuniary penalty order may be made, presume that the property or income indicated in the declaration was acquired as a result of an offence under this Act.
- (2) The burden of proof that the property or income which is the subject of the application or the declaration of property or income is lawfully acquired property or income, is on the person convicted for the offence in respect of which the application is made.

Section 83—Orders on application for confiscation or pecuniary penalty

- (1) Where the Director-General applies for a confiscation order,
 - (a) the Court shall, before the determination of the application, direct the Director-General to publish in the Gazette and in one daily newspaper of national circulation and on the website of the Commission, a notice of the application;
 - (b) the Director-General shall give not less than eight days written notice of the application to the respondent; and
 - (c) the respondent and any other person who claims an interest in the property or income shall appear before the Court and show cause as to why the application should not be granted at the hearing of the application.
- (2) Where the Director-General applies for a pecuniary penalty order—
 - (a) the Director-General shall give the respondent not less than eight days written notice of the application; and
 - (b) the respondent shall appear before the Court and adduce evidence at the hearing of the application.

Section 84—Quashing of conviction not to discharge confiscation or pecuniary penalty order

(1) Where the Court makes a confiscation order or pecuniary penalty order against the property or income of a person convicted of a narcotic offence and the conviction is subsequently quashed, the quashing of the conviction shall not discharge the order.

(2) Where a confiscation order or pecuniary penalty order against property or income is not discharged, a person who had an interest in the property or income immediately before the confiscation order was made may apply to the Court for an order for the transfer of the interest in the property or income to that person.

(3) The Court may—

(a) give directions that the property or income or part of the property or income to which the interest of the applicant relates be transferred to the applicant if the interest is vested in the Republic; or

(b) in any other case, direct that the applicant be paid an amount equal to the value of the interest at the time the order was made.

Section 85—Persons liable to be proceeded against

(1) A person who—

(a) has been convicted of an offence under this Act or of a corresponding offence under a foreign law, or

(b) holds, conceals, receives or uses directly or indirectly any tainted property,

is liable to be proceeded against under this Act.

(2) A present holder of any property which was at any time previously held by a person referred to in paragraph (a) of subsection (1) is also liable to be proceeded against under this Act, unless the present holder or a person who held the property before the present holder purchased the property in good faith for value without notice.

(3) Where a person referred to in subsection (1) or (2) is deceased, the personal representative of that person, or where there is no personal representative, a person who has a beneficial interest in the estate of the deceased may be proceeded against.

(4) An authorised officer shall not proceed against a person mentioned under subsection (3), unless the authorised officer intending to take the proceedings has made an application to a Court, and the Court after hearing the parties, orders the person specified to be proceeded against.

(5) Proceedings against a liable person shall not be instituted under this Act if prosecution for an offence under this Act is pending against that person in any Court in this country.

(6) Where during the pendency of proceeding against a liable person under this Act there is instituted against that person in a Court in this country any prosecution for an offence, the Court proceedings under this Act shall be stayed until the proceedings in respect of the prosecution have been finally concluded.

(7) Where proceedings in a Court are prohibited from being instituted against a liable person under subsection (5) or are stayed under subsection (6), the prohibition or stay shall not—

(a) affect an earlier seizure or power exercised lawfully by the authorised officer and that lawful exercise of power shall remain in force until the conclusion of the proceedings under this Act; or

(b) prevent the Director-General or an authorised officer from commencing the exercise of, or exercising further or continued powers in respect of that liable person.

Section 86—Notice to show cause against forfeiture

(1) Where proceedings are commenced by the Director-General for the forfeiture of a property, the Court shall, on hearing the application, issue a notice to the liable person specified in the application to attend before the Court on a date specified in the notice, which shall not be less than thirty days from the date of the notice, to show cause why all or any of the properties identified in the application should not be forfeited.

(2) The Court shall attach to the notice, a copy of the affidavit in support of the application.

(3) Where a notice to a person under subsection (1) specifies any property as being—

(a) held on behalf of the liable person by any other person, or

(b) transferred or sold to, or deposited or kept with any other person,

a copy of the notice shall be served upon that other person.

(4) Where before a notice is issued under subsection (1) and the Court is informed that the liable person referred to in the application is deceased before or after the application was filed, the notice shall be issued against the personal representative of the liable person or where there is no personal representative of the liable person, the person who has beneficial interest in the estate of the liable person as may be specified by the Court.

Section 87—Application to the Court for forfeiture

(1) Where the Director-General has reason to believe that a person is liable, the Director-General may apply to a court for an order of forfeiture of the property of which a person is in possession and which the Director-General has reason to believe is tainted.

(2) The affidavit in support of the application shall—

(a) give a description of the property in respect of which the forfeiture order is sought;

(b) state the name and address of the person who is believed to be in possession of the property;

(c) state the grounds for the belief that the respondent is a liable person;

(d) state the grounds for the belief that the property is subject to the effective control of the respondent where the application seeks a forfeiture order against the property of a person other than the respondent;

(e) state the estimated value of the property and the location of the property; and

(f) state any other matter, circumstance or information which in the opinion of the Director-General or the Attorney-General is relevant to the application.

Section 88—Forfeiture of property in certain circumstances

(1) Where

(a) at the hearing of the notice of forfeiture, the person against whom the notice was issued fails to appear and the Court is satisfied that, that person could not be served or that the person has absconded or is outside Ghana and cannot be compelled to attend before the Court; or

(b) at any time during the proceedings, the person affected fails without reasonable cause to attend the proceedings, the proceedings shall continue in the absence of that person.

(2) Where the Court finds that any of the properties specified in the application is tainted property and the person named in the application is the holder or has effective control of the tainted property, the Court shall order that the property be forfeited.

(3) Where the Court finds that all or any of the properties specified in the application are tainted properties but that the liable person is not in possession of the properties, the Court shall order that the properties be forfeited.

(4) Despite subsection (3), where a person claims to be lawfully entitled to the tainted properties as a purchaser in good faith for value without notice, the Court shall proceed to consider that claim.

(5) Where the Court, after giving an opportunity to the Director-General to rebut the claim made under subsection (4), is satisfied that the claimant is not a purchaser in good faith for value without notice, the Court shall order that the properties are forfeited.

Section 89—Forfeiture of certain types of properties

(1) Where a Court is satisfied that a property ordered to be forfeited

(a) cannot, at the instance of the liable person, be located or traced,

(b) is located outside Ghana,

(c) has been commingled with other property which cannot be separated or divided without difficulty and the Court determines that there is another property owned by the liable person, the Court shall order that, that other property of that liable person be forfeited to the value of the property originally ordered to be forfeited.

(2) Where the Court is satisfied that a property which has been forfeited

(a) has been transferred to a purchaser in good faith for value without notice, or

(b) has been diminished in value and the Court determines that there is another property owned by the person, the Court shall—

(c) in the case of paragraph (a), order that the other property of the liable person be forfeited to the extent of the purchase price, or

(d) in the case of paragraph (b), order that in addition to the property diminished in value, that other property of the liable person be forfeited to the extent to which the property is diminished in value.

(3) For the purpose of subsections (1) and (2), where there is no other property available for forfeiture, or where the property originally ordered to be forfeited has been diminished in value, an amount equal to the full value of the property originally ordered shall be paid.

(4) If the liable person fails to pay the amount specified in subsection (1) within a period of not more than thirty days from the date of the order, the Court shall sentence the liable person to the term of imprisonment specified in the Second Schedule.

(5) Where the person in respect of whose property an order of forfeiture has been made, dies before or after the order is made, the order shall have effect against the estate of the deceased in the same manner as the order would have had against that person and the property of that person.

(6) An order for payment of an amount shall not be made against the personal representative of the deceased or any person who has a beneficial interest in the estate of the deceased if no property of the deceased is available for forfeiture or for payment of the amount.

(7) For the purpose of this section, the value of a property shall be the market value of the property on the day on which the order was made or a value determined by a valuer.

(8) In the event of a dispute over the value of a property, the Court shall determine the value after hearing the interested parties and the valuer.

Section 90—Void transactions

Any act, transaction or business effected, undertaken or entered into by a person or between any persons after the issue of a notice of forfeiture in respect of any property referred to in or affected by the notice is void.

Section 91—Forfeiture of property in the absence of claim

(1) Where property is seized under this Act, and within six months from the date of the seizure, a claim in writing is not made by a person who claims to be lawfully entitled to the property or that the property is not liable to forfeiture under this Act, that property shall become forfeited immediately on the expiration of the period of six months.

(2) Where property seized by the Commission is to be forfeited to the State under subsection (1), the Director-General shall give notice in writing, of the forfeiture, to the apparent owner or actual owner of the property.

(3) Where the apparent or actual owner is not known, the notice shall be posted on the property for twenty-one days.

(4) The notice of forfeiture from the Commission shall be signed by the Director-General or in the absence of the Director-General by a person authorised by the Director-General who shall not be below the rank of Principal Narcotics Control Officer.

(5) Where within six months from the date of the seizure of a property under this Act, a claim in writing is made by a person under subsection (1),

(a) the Director-General may release the property to the claimant, if the Director-General is satisfied that there is no dispute as to the ownership of the property and that the property is not liable to forfeiture; or

(b) the Director-General shall, within fourteen days after the expiry of the period of six months, refer the claim to a Court for decision if the Director-General is satisfied that there is a dispute or doubt as to the ownership of the property or whether the property is liable to forfeiture.

(6) This section does not affect the power of an officer to release a property from seizure under section 58.

Section 92—Proceedings not to abate upon death of a person affected

(1) Proceedings under this Act shall not abate upon the death of the liable person but shall continue until determined.

(2) Where proceedings under this Act are instituted against a person who is under a sentence of death, the proceedings shall not impede, delay or in any manner or for any reason affect the process for the execution of the sentence.

(3) Where the liable person dies before the determination of proceedings under this Act, but after the issue of the notice of forfeiture the proceedings shall be continued against the personal representative of the deceased or where there is no personal representative, against the person who has beneficial interest in the estate of the deceased as may be specified by the Court upon application by the Commission.

(4) Where at any time after any specification of a person who has beneficial interest in the property has been made in proceedings of forfeiture and, representation of the estate of the deceased has been duly taken out, the Director-General shall apply to the Court for the person who has beneficial interest in the property to be substituted for the personal representative, and the Court shall order accordingly, after giving an opportunity to the said person who has beneficial interest in the property or the personal representative to be heard.

(5) In making an order under this section, the Court may give directions of transitional, incidental or ancillary nature as the Court considers necessary.

Miscellaneous Matters

Section 93—Enforcement of foreign law

The enforcement of foreign law under this Act shall be exercised without prejudice to the laws of Ghana.

Section 94—Request for and authority to render assistance

Where the government of a foreign country requests the Government or where an international agency requests the Commission, for assistance in relation to any narcotics[sic]-related matter, the Commission shall render the assistance in accordance with the Mutual Legal Assistance Act, 2010 (Act 807).

Section 95—Information of a person, body or place

(1) The Commission shall—

(a) obtain information in respect of a person, body or place, that is capable of being lawfully obtained; or

(b) ascertain information in respect of a person, body or place that is available to the Commission or that may be voluntarily furnished.

(2) For purposes of this section, "information" includes copies of documents or official records of a department of the Government or a statutory body or an agency of Government or an extract from a document or an official record.

Section 96—Service of process or document

(1) The Commission shall cause to be served on a person or body in Ghana, a process or document issued by a Court of a foreign country or an international agency.

(2) The person named in the process or document is liable to any penalty provided under the law of the foreign country concerned in relation to the process or document, including liability to the seizure, confiscation or forfeiture of any property in the country on the order of the international agency or Court of the foreign country empowered to make the order.

Section 97—Transmission of copies of statements, records or results of investigation

(1) The Commission may transmit or cause to be transmitted to the government of a foreign country or international agency, a copy of the record of an investigation conducted in Ghana by the Commission, including a copy of

(a) a report or a statement recorded from a witness, an accused person or any other person;

(b) a document received or seized; or

(c) a conclusion or finding of the investigation of an offence or in relation to proceedings, seizure, confiscation or forfeiture in respect of an offence under this Act.

(2) A copy of a record of an investigation may be transmitted under subsection (1) whether or not—

(a) the investigation has been completed;

(b) the investigation has resulted in a trial for an offence under this Act; or

(c) proceedings in respect of seizure, confiscation or forfeiture has been instituted, and irrespective of the outcome of the trial or proceedings that has taken place as a result of the investigation.

Section 98—Examination of witness by an authorised officer of the Commission

(1) Subject to the Mutual Legal Assistance Act, 2010 (Act 807), the Commission shall require a person who is specified by the government of a foreign country, an international agency or any other person who is reasonably suspected to have any relevant knowledge or information to attend before an authorised officer of the Commission, to be examined in respect of a narcotic-related matter specified by the government of the foreign country, the international agency or any other person.

(2) A person undergoing an examination under this section shall disclose any information that is

(a) within the knowledge of that person, or

(b) capable of being obtained by that person in respect of the matter for which the person is being examined, and where any question is put to that person, the person shall answer the question truthfully.

(3) A person being examined under this section shall produce documents, articles or things that are relevant to the examination or required by the Commission and the documents, articles or things may be retained or transmitted to the government of the foreign country or international agency.

Section 99—Examination of witness by Court

(1) A Court in this country may order a person in this country, to appear before the Court to be examined on oath or affirmation, where

(a) that person has been specified by the government of a foreign country or an international agency or;

(b) the Commission receives any written report from the government of a foreign country or international agency and an application for the order has been made to the Court by the Director-General.

(2) The examination under subsection (1) shall be in relation to a narcotics-related matter.

(3) A person ordered by a Court to appear for examination under this section shall comply with the terms of the order and shall continue to attend for the examination.

(4) A person who is being examined before a Court under this section is entitled to be represented at the examination by a counsel.

(5) A person who knowingly gives a false answer to a question put to that person during an examination under this section commits an offence and is liable on summary[sic] conviction to the fine and term of imprisonment specified in the Second Schedule.

Section 100—Transmission of property or an article

(1) Where a movable property or article is seized, the Commission may transmit the property or article to the government of a foreign country or international agency on an undertaking by the government of the foreign country or international agency that, the property or article shall be returned to the Commission upon the final conclusion of all proceedings concerning the narcotics[sic]-related matter in the foreign country, unless the Commission subsequently notifies the government of the foreign country that the Commission does not require the return of the transmitted property or article.

(2) Where any movable property or article seized under this Act is not transmitted to the government of the foreign country or international agency, or where the property or article is returned by the government of the foreign country or international agency upon the final conclusion of proceedings concerning the narcotics-related matter in the foreign country, the Commission shall return that property or article to the person from whom the property or article was seized unless that property or article is required for the purpose of any further prosecution or proceedings under this Act or under any other law.

(3) Upon the conclusion of proceedings concerning a narcotics-related matter in respect of which a property was seized, the property shall be dealt with in accordance with the order of the international agency or the Court in the foreign country which is empowered under this Act or under any other law to deal with that property.

(4) Where the order of an international agency or a Court in the foreign country requires that property seized be returned to the person from whom the property was seized in this country, that property upon the return to the Commission shall be returned to that person unless the Commission requires that property for the purpose of any further prosecution or proceedings under this Act or under any other law.

(5) Where the order of the international agency or the Court in the foreign country is a final order for the forfeiture of the property, the order shall be deemed to be an order for forfeiture made by a Court in this country, and shall accordingly be dealt with by the Court in accordance with the provisions on forfeiture as specified in this Act.

(6) A person is not entitled to a claim for compensation from the Government or the government of a foreign country or from any person or authority acting on behalf of the Government or the government of a foreign country, or under any law in this country or the law of the foreign country, in respect of seizure, disposal or release of property under any law in this country or law of the foreign country.

Section 101—Offence by body of persons

(1) Where an offence is committed under this Act by a body corporate, partnership or firm, every principal officer of that body corporate, partnership or firm is deemed to have committed the offence.

(2) A person is not deemed to have committed an offence under this section if that person.

(a) proves that the offence was committed without the—

(i) knowledge; or

(ii) connivance;

of that person; and

(b) exercised all due care and diligence to prevent the commission of that offence.

Section 102—Lifting the veil

(1) The Court shall, for the purpose of assessing the benefit derived by a person from a narcotics offence, treat as property of that person, property that in the opinion of the Court is subject to the effective control of that person, whether or not the person has

(a) a legal, beneficial or an equitable interest in the property; or

(b) a right, power or privilege in connection with the property.

(2) Without limiting the generality of subsection (1), the Court shall have regard to the shareholdings, debentures or directorships in a company that has an interest in the property, whether direct or indirect, and inspection of the books, records, returns and other relevant

documents of the named company, and may order a person who claims an interest in the property to appear before the Court and adduce evidence at the hearing of the application.

Section 103—Notice or order not to be invalid for error in description

A notice, or any other process, issued, served or published and an order, decision or judgment made, given, issued or published under this Act, shall not be considered to be invalid by reason of an error or omission in the description of the property or person mentioned in the notice, process, order, decision or judgement if the property or person is identifiable from the description given.

Section 104—Report or document by an expert or analyst

A report or document authored by an expert or analyst may be admissible in any proceedings under this Act, unless the contrary is proven.

Section 105—Property tracing

(1) Where an authorised officer has reasonable grounds to suspect that a document which is required to

- (a) identify, locate or quantify property, or
- (b) identify or locate a record

is in the possession or under the control of a person or an entity, and is necessary for the transfer of the property, the Commission shall apply to the Court for an order for the document to be delivered by the person or entity to the Director-General.

(2) A person who acts contrary to the request by the Director-General commits an offence and is liable on summary conviction to the fine and term of imprisonment specified in the Second Schedule.

Section 106—Suspicion of unlawful activity

Where the Commission suspects an activity is undertaken with funds obtained from a narcotics offence, a suspicious transaction report shall be submitted by the Director-General to the Financial Intelligence Centre in accordance with section 30 of the Anti-Money Laundering Act, 2008 (Act 749).

Section 107—Designated forensic laboratory

The Commission shall establish a forensic laboratory for the testing, analysis, storage and destruction of a narcotics drug or plant, precursor or controlled equipment in relation to the investigation of an offence or to a Court proceeding.

Section 108—Disposal and storage of seized narcotics, controlled equipment and precursors

(1) Where the Court orders the forfeiture of a controlled equipment or the destruction of a narcotic drug or plant or precursor, the narcotic drug or plant or precursor shall be disposed of by a method ordered by the Court and the destruction of the narcotic drug or plant, or precursor shall be carried out in the presence of the representatives specified as follows:

- (a) one representative of the Court that issued the Order;

- (b) one representative of the Ghana Police Service;
 - (c) one representative of the Commission;
 - (d) one representative of the Prosecution;
 - (e) one representative of the Environmental Protection Agency;
 - (f) one representative of the Defence Counsel;
 - (g) one representative of the Analysts; and
 - (h) one representative of the Media.
- (2) The narcotic drug or plant, precursor or controlled equipment may be tested in Court in the course of prosecution and immediately before the destruction or disposal as the case may be.
- (3) After the destruction or disposal has been duly executed, there shall be issued a certificate of destruction or disposal signed by the representatives specified in subsection (1).

Section 109—Attempt, abetment and conspiracy.

A person commits an offence if the person

- (a) attempts to commit an offence under this Act or under a corresponding foreign law, or
- (b) does an act preparatory to or in furtherance of the commission of an offence under this Act or under a corresponding[sic] foreign law, or
- (c) abets or engages in a conspiracy to commit an offence under this Act or under a corresponding foreign law whether or not the offence is committed.

Section 110—General penalty and evidence

- (1) A person convicted of an offence under this Act for which a penalty is not specifically provided is liable on summary conviction to a fine of not more than seven hundred and fifty penalty units or to a term of imprisonment of not more than five years or to both.
- (2) A document stating the results of an analysis carried out on behalf of the Republic in respect of a substance suspected to be narcotics in proceedings under this Act, is evidence of the facts stated in the document.

Section 111—Controlled delivery

The Director-General may approve controlled delivery by an authorised officer of the Commission in pursuance of this Act.

Section 112—Regulations

- (1) The Minister, within twelve months after the coming into force of this Act, may, on the recommendation of the Board, by legislative instrument make Regulations
- (a) to amend the Schedule to revise the—
 - (i) ranks of the officers of the Narcotics Control Commission specified in the First Schedule;
 - (ii) list of controlled equipment specified in the Third Schedule; and

- (iii) list of narcotics specified in the Sixth, Seventh and Eighth Schedules;
 - (b) for the controlled delivery of a narcotic drug;
 - (c) to provide for the terms and conditions of service of staff of the Commission; and
 - (d) generally for the effective implementation of this Act.
- (2) The Minister, on the advice of the Board, and in consultation with the Minister responsible for Health may, by legislative instrument, make Regulations specifying
- (a) the class of persons to whom a licence for precursors may be granted;
 - (b) the classification of drugs and the appropriate penalties;
 - (c) the use of precursors in manufacturing medicines;
 - (d) the places where precursors may be supplied;
 - (e) the particulars to be kept by registered importers, suppliers and distributors of precursors; and
 - (f) any other matter the Minister considers necessary for the effective implementation of this Act.
- (3) The Minister, on the advice of the Board, and in consultation with the Minister responsible for Agriculture may, by legislative instrument, make Regulations
- (a) to provide for alternative means of livelihood for persons who cultivate narcotic plants; and
 - (b) specifying
 - (i) the class of persons to whom a licence for the cultivation of cannabis may be granted;
 - (ii) the classification of cannabis plant;
 - (iii) the places where cannabis may be supplied;
 - (iv) the particulars to be kept by licensed producers, suppliers and distributors of cannabis; and
 - (v) any other matter the Minister considers necessary for the effective implementation of this Act.

Section 113—Interpretation

In this Act, unless the context otherwise requires,

"addiction" means a chronic, relapsing brain characterised by compulsive narcotic drug or plant or precursor seeking and use without medical prescription, despite the harmful consequences of the use of the narcotic drug or plant or precursor;

"administer" includes to inject, sniff or swallow;

"alternative development" means a process to prevent and eliminate the illicit cultivation of plants containing narcotic and psychotropic substances through specifically designed

sustainable rural development measures in the context of sustained national growth and sustainable development efforts in countries taking action against drugs, recognising the particular socio-cultural characteristics of the target communities and groups within the framework of a comprehensive and permanent solution to the problem of narcotics;

"authorised officer" means an officer of the Commission or any public officer authorised by law to exercise Police powers;

"Board" means the governing body of the Commission established under section 4;

"Commission" means the Narcotics Control Commission established under section 1;

"competent authority" means an organisation, agency or body of the Republic, the government of a foreign country or an international agency ordinarily competent under the domestic law or authorised by the Central Authority of the Republic, government of a foreign country or international agency to handle, submit or receive mutual legal assistance requests:

"controlled equipment" includes—

(a) Encapsulating machines

(b) Tableting machines

(c) Rotary evaporators

(d) Laboratory equipment with a capacity of 25 litres or above and related condensers, separating funnels and heating apparatus; or

(e) any other machine, equipment, tool, utensil, article or other material used directly to produce through some chemical modifications, chemical compounds from other chemical compounds.

"constructive possession" in relation to a person, means the person is deemed to be in possession of narcotics by reason of the fact that that person has control over another person who is in physical control of the narcotics, as to the disposal or otherwise of the narcotics;

"control" in relation to a person, means possessing the power to direct or order an activity;

"controlled delivery" means the practice of allowing illicit or suspect consignments of narcotics, psychotropic substances, substances in the Fifth and Sixth Schedules, or substances substituted for the narcotics, psychotropic substances, substances in the Fifth and Sixth Schedules, to pass out of, through or into the territory of one or more countries, or from one place to another within this country, with the knowledge and under the supervision of competent authorities, to identify a person involved in the commission or any of the offences under this Act;

"courier" includes a person who carries illicit goods from one place to the other within the same or different jurisdictions for other persons either for profit or not;

"cultivate" includes growing a plant, sowing or scattering the seeds produced by the plant or any part of a plant, nurturing or tendering the plant or harvesting the flowers, fruits, cultivation including cell or tissue culture and genetic engineering;

"currency" means

(a) coins, or notes of the Republic or of another country or crypto currency that is designated as legal tender and that circulates as and is customarily used and accepted as a medium of exchange in the country of issue;

(b) travellers' cheques or other financial instruments denominated in the currency of Ghana or in foreign currency; or

(c) any right to receive coins, notes or crypto currency in respect of a credit or balance with a financial institution or a non-resident;

"deal in" includes performing any act in connection with the transshipment, importation, cultivation, collection, manufacture, supply, prescription, administration, sale, transmission, export or re-export of narcotics;

"diminished in value" in relation to a property means the whole or part of the property being expended, utilised, destroyed, or being subjected to a dealing, process or any other act, so that the property ceases to exist, or is reduced in value or size;

"Director" includes the occupant of an office which is of a rank equivalent to a director in the Civil Service;

"Director-General" means the Director-General appointed under section 15;

"Deputy Director-General" means a person appointed under section 17;

"document" includes

(a) a letter, figure, mark, inscription, writing, sign, caricature, picture, drawing or representation in any form;

(b) a visual recording, whether of still or moving images or sound recording, a substance, material, thing or an article;

(c) a documentary recording or transcribed computer print-out or record capable of being produced as a print out by a mechanical or electronic device; and

(d) a medium or device by means of which information is recorded or stored;

"drug" means narcotic drug;

"drug abuse" includes the use of narcotics without a medical prescription for a purpose that is not medical or scientific;

"drug addict" means a person who habitually uses narcotics so as to endanger public morals, health, safety or welfare of the person or who has become a habitual user that that person has lost the power of self-control with reference to the usage of narcotics by that person and the cessation of the administration of the narcotics is likely to result in that person experiencing symptoms of mental or physical distress;

"lawful authority" means authority given by a person or body as the Minister may prescribe;

"liable person" includes a person who—

(a) is convicted for a narcotics offence committed in Ghana or for a similar offence committed in a foreign country;

(b) holds or conceals tainted property; and

(c) obtains tainted property unless the person holds the tainted property as a purchaser in good faith for value without notice;

"import" means to bring in, convey into or cause to be brought in or conveyed into this country by land, air, river or sea;

"military" means the Ghana Armed Forces;

"Minister" means the Minister responsible for the Interior;

"narcotics" means narcotic drug or narcotic plant;

"narcotic drug" includes any substance specified in the Fifth, Sixth, and Seventh Schedules whether in a natural or synthetic form;

"narcotics offence" means an offence involving narcotics or the illicit use of precursors;

"narcotic plant" means vegetation that has psychotropic qualities;

"narcotics-related offence" means an offence committed under this Act;

"possess" in relation to narcotics or psychotropic substance includes keeping or storing narcotics or having the narcotics in custody or under the control or supervision of a person or being part of a consignment to a person, and constructive possession;

"possession for trafficking" means the possession or control of a quantity of narcotics in excess of a quantity which can reasonably be used by an individual in a day;

"possession for use" means the possession or control of a quantity of narcotics drug or plant which does exceed the quantity which can reasonably be used by an individual in a day;

"precursor" includes any substance specified in the Eighth Schedule whether natural or synthetic;

"premises" include a house, building, structure, tent, caravan, ship, boat, bicycle, aircraft, vehicle and canone;

"proceeds" include—

(a) any property or economic advantage derived from or obtained directly or indirectly through an offence under this Act; and

(b) any economic gain from the property or economic advantage referred to in paragraph (a) that is converted or transformed in full or in part into another property or economic advantage;

"production" includes the manufacture, planting, cultivation, growing or harvesting of narcotic drug or plant;

"prohibited activity" means an act, activity, or conduct taking place in whole or in part within or outside this country which

(a) constitutes an offence under this Act, under a corresponding foreign law or which constitutes a narcotics offence; or

(b) although not constituting an offence, is of a nature or occurs in circumstances that will ultimately result in or lead to the commission of an offence under this Act;

"prohibited narcotics" means a narcotic drug or plant that is illicit or the illicit use of precursors:

"property" includes assets of any kind situated in this country or elsewhere regardless of the value, whether corporeal or incorporeal, movable or immovable, tangible or intangible, legal documents and instruments evidencing title to or interest in such assets, including bank credit, travellers' cheques, bank cheques, money orders, shares, securities, bonds, drafts or letters of credit and any interest, dividends or other income on or value accruing[sic] from or generated by the assets;

"psychotropic substance" means any substance specified in the Seventh Schedule or anything that contains a substance specified in that Schedule;

"public agency" means a body set up by the government in the public interest with or without an Act of Parliament;

"purchaser in good faith for value without notice" means a transferee, an assignee, a chargee, mortgagee, pledgee, holder of a lien or lessee of a property where the transfer, assignment, charge, mortgage, pledge, lien, or lease was obtained by that person for adequate valuable consideration in money or money's worth without notice,

(a) that the property is tainted property; or

(b) of any circumstances from which, if reasonable inquiries had been made, it might have been discovered that the property is tainted property;

"sell" means to offer, advertise, possess or expose narcotics for sale, to dispose of the narcotics, whether for consideration or otherwise, or to exchange the narcotics;

"substance use disorders" mean a range of problems associated with substance use including the use of narcotic drug or plant, illicit use of precursor, misuse of prescribed medications, substance dependence and addiction;

"suspicious transaction" means a transaction that is connected to unlawful activity or appears to involve an unlawful activity;

"supply" includes sale, consignment, despatch, transport, delivery, distribution, dispensing and an offer to supply;

"trafficking" includes doing or being concerned in any of the following, whether in this country or elsewhere

(a) trading, supplying or in any other manner dealing in narcotics, precursors or controlled equipment in contravention of this Act;

(b) transporting or storing narcotic drug, narcotic plant, precursor and controlled equipment in contravention of this Act;

(c) entering into or being otherwise concerned in an arrangement by which,

(i) the retention or control by or on behalf of another person of the proceeds of that person from the trafficking in narcotic drug or plant, precursor or controlled equipment is facilitated; or

(ii) the proceeds of narcotics are used to ensure that funds are placed at the disposal of the other person or used for the benefit of the other person to acquire property by way of investment;

"tainted income" means income derived directly or indirectly from dealings in narcotics, illicit use of precursors or controlled equipment;

"tainted property" means property

(a) used in or in connection with the commission of a narcotics offence or narcotics-related offence;

(b) derived, obtained or realised as a result of the commission of a narcotics offence or narcotics-related offence;

"unlawful activity" includes money laundering, financing of terrorism, financing of the proliferation of small arms and light weapons or weapons of mass destruction or other transnational crime or a contravention in the country or elsewhere of any law regarding any of these matters;

"use of a narcotic drug or plant" means to smoke, sniff, consume, inject into the body of a person or otherwise administer on the body of a person;

"waybill" includes a house or in-house waybill; and

"welfare institution" means an agency that offers rehabilitative care.

Section 114—Repeal and savings

(1) The Narcotics Drugs (Control, Enforcement and Sanctions) Act, 1990 (PNDCL 236) is repealed.

(2) Despite the repeal in subsection (1), the Regulations, notices orders, directions, rules and instructions made or done under the repealed enactment and in force immediately before the coming into force of this Act shall continue to have effect with the necessary modifications until the Regulations, notices, orders, directions, rules and instructions are revoked, reviewed, cancelled or terminated under this Act.

Section 115—Consequential amendment

(1) A reference to the Executive Secretary of the Narcotics Control Board in any enactment or document existing before the coming into force of this Act shall be construed as a reference to the Director-General.

(2) The Economic and Organised Crime Office Act, 2010 (Act 804) is amended by the repeal of section 75 and the Schedule.

Section 116—Transitional provisions

(1) The rights, assets, liabilities of and properties vested in the Narcotics Control Board established under the Narcotic Drugs (Control, Enforcement and Sanctions) Act, 1990 (PNDCL 236) in force immediately before the commencement of this Act, are transferred to the Commission established under this Act.

(2) A person in the employment of the Narcotics Control Board immediately before the commencement of this Act shall, on the coming into force of this Act, be deemed to have been duly employed by the Commission established under this Act on terms and conditions which are not less favourable in aggregate to the terms and conditions attached to the post held by that person before the commencement of this Act.

(3) Proceedings taken by or against the Narcotics Control Board may be continued by or against the Commission.

(4) A contract or an arrangement subsisting between the Narcotics Control Board and any other person immediately before the commencement of this Act shall subsist between that person and the Commission.

SCHEDULES

FIRST SCHEDULE

(Section 19(2) and (3))

EQUIVALENCIES IN RANK

A. EQUIVALENCIES IN RANK BETWEEN OFFICERS OF THE NARCOTICS CONTROL COMMISSION AND OFFICERS OF THE BUREAU OF NATIONAL INVESTIGATIONS

PART ONE—SENIOR OFFICER RANK

	Narcotics Control Commission	Bureau of National Investigations
1.	Director -General	Director
2.	Deputy Director-General	Deputy Director
3.	Chief Narcotics Control Officer	Chief Staff Officer
4.	Principal Narcotics Control Officer	Principal Staff Officer
5.	Senior Narcotics Control Officer	Senior Staff Officer
6.	Narcotics Control Officer	Staff Officer
7.	Deputy Narcotics Control Officer	Deputy Staff Officer
8.	Assistant Narcotics Control Officer	Assistant Staff Officer

PART TWO—JUNIOR OFFICER RANK

	Narcotics Control Commission	Bureau of National Investigations
1.	Chief Narcotics Desk Officer	Field Desk Officer I
2.	Principal Narcotics Desk Officer	Field Desk Officer II
3.	Senior Narcotics Desk Officer	Field Desk Officer III

4. Narcotics Desk Officer Field Desk Officer IV
5. Deputy Narcotics Desk Officer Field Desk Officer V
6. Assistant Narcotics Desk Officer Field Desk Officer VI

B. EQUIVALENCIES IN POST BETWEEN LEGAL OFFICERS OF THE NARCOTICS CONTROL COMMISSION AND THE LEGAL SERVICE

Posts of Legal Officers of the Narcotics Control Commission Posts in the Legal Service

1. Assistant Legal Narcotics Officer Assistant State Attorney
2. Deputy Legal Narcotics Officer State Attorney
3. Senior Legal Narcotics Officer Senior State Attorney
4. Principal Legal Narcotics Officer Principal State Attorney
5. Chief Legal Narcotics Officer Chief State Attorney
6. Director Legal Narcotics Officer Director of a Division of the Legal Service

SECOND SCHEDULE

(Sections 34, 35(5), 36, 37(2)(a), 37(2)(b), 38, 39(2) and (3), 40(1) and (2), 41(2)(a) and (b), 42(6), 44(2) and (3), 45(3) and (4), 46(1), 48(3) and (4), 49, 53(2), 56(1) and (2), 57(2), 70(2), 76(2), 89(4), 99(5) and 105(2))

TABLE OF OFFENCES AND PENALTIES

A person who commits an offence specified in the second column of the table is liable on summary conviction to—

- (a) the fine corresponding to the offence as specified in the third column of the table; or
- (b) the custodial sentence corresponding to the offence as specified in the fourth column of the table; or
- (c) both the fine and the custodial sentence as indicated in the table; and
- (d) the default sentence corresponding to the offence as specified in the fifth column to the table.

SECTION TYPE OF OFFENCE FINE CUSTODIAL SENTENCE DEFAULT SENTENCE

34	Dealing in precursors and controlled equipment contrary to this Act	Not less than five hundred penalty units and not more than two thousand penalty units	OR
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Not less than five years and not more than ten years imprisonment or to both Three years imprisonment

35(5) Oath of secrecy N/A OR

Not less than five years and not more than ten years imprisonment N/A

36 or 40 Importation or exportation of narcotic drugs or plants not less than ten thousand penalty units and not more than twenty-five thousand penalty units AND

Not less than ten years and not more than twenty-five years imprisonment Three years

37 (2) (a) or 41 (2) (a) Prohibition of possession of narcotic drugs or plant (for use) Not less than two hundred penalty units and not more than five hundred penalty units N/A Not more than fifteen months imprisonment

37 (2) (b) or 41 (2) (a) and (b) Prohibition of possession of narcotic drugs or plant (for trafficking) Not less than ten thousand penalty units and not more than twenty-five thousand penalty units AND

Not less than ten years and not more than twenty-five years imprisonment Three years imprisonment

38 Prohibited Business relating to narcotic drugs or plants Not less than ten thousand penalty units and not more than twenty-five thousand penalty units AND

Not less than ten years and not more than twenty-five years imprisonment Three years imprisonment

39 Cultivation of plants for narcotic purposes Not less than two thousand penalty units and not more than ten thousand penalty units OR

Not less than five years and not more than ten years Not less than two years and not more than five years imprisonment

42 Prohibited Business relating to narcotic plants Not less than ten thousand penalty units and not more than twenty-five thousand penalty units OR

Not less than ten imprisonment years and not more than twenty-five years imprisonment Three years imprisonment

44 Administration of narcotic drugs Not less than five thousand penalty units and not more than ten thousand penalty units OR

Not less than five years and not more than ten years imprisonment Two years

45 Offence of purchase of narcotic drug or plant drugs Not less than two thousand penalty units and not more than ten thousand penalty units OR

Not less than four years and not more than ten years imprisonment N/A

48 Use of property for narcotic offences Not less than ten thousand penalty units and not more than twenty thousand penalty units AND

Not less than ten years and not more than twenty years imprisonment Three years

49 Interference with arrest and seizure Not less than five hundred penalty units and not more than one thousand penalty units OR

Not less than three years and not more than five years imprisonment or to both N/A

53 Possession or Ownership of property obtained by trafficking in narcotic drugs Not less than ten thousand penalty units and not more than twenty-five thousand penalty units OR

Not less than ten years and not more than twenty-five years imprisonment or both Three Years

56 Obstruction of inspection and search Not less than five hundred penalty units and not more than one thousand penalty units OR

Not less than six months and not more than twenty-five years imprisonment or both Not less than one year and not more than two years imprisonment

57(2) Failure or refusal to comply with the requirements of an authorised officer Not less than five hundred penalty units OR

Not more than two years or to both N/A

70(2) Laundering of proceeds from narcotic offence Not less than five thousand penalty units and not more than ten thousand penalty units. OR

A term of imprisonment of not less than two years and not more than five years or to both. Not less than two years and not more than three years

76(2) Contravention of freezing order in the case of an individual, not more than one thousand penalty units, In the case of an entity, not more than two thousand penalty units or not more than the value of the tainted property, whichever is greater. Not less than four years or to both N/A

89(4) Liable person failing to comply with the order of a Court given under paragraphs (f) and (g) of subsection (1). N/A Imprisonment for a term of not less than ten years and not more than fifteen years. N/A

99(5) Knowingly giving a false answer Not less than five hundred penalty units and not more than one thousand penalty units OR

Not less than six months and not more than one year imprisonment or to both.

Not less than one year and not more than two years imprisonment

105(2) Failing to comply with a Court order to deliver document to the Commission or to provide information in a document Not less than two thousand penalty units and not more than five thousand penalty units, in the case of an individual

Not more than ten thousand penalty units, in the case of an entity OR

Not less than five years and not more than ten years, in the case of an individual

THIRD SCHEDULE

(Section 34 (7))

CONTROLLED EQUIPMENT

1. Encapsulating machines
2. Tableting machines
3. Rotary evaporators
4. Laboratory equipment with a capacity of 25 litres or above and related
5. Condensers, separating funnels and heating apparatus.

FOURTH SCHEDULE

(Section 35(1))

OATH OF SECRECY

I,

.....

, holding the office of

..... do (in the name of the Almighty God swear) (solemnly affirm) that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall come to my knowledge in the discharge of my official duties except as may be required for the discharge of my official duties or as may be specifically permitted by law. (So help me God).

(To be sworn before the President, the Chief Justice or a person designated by the President.).

FIFTH SCHEDULE

(section 36(5))

OPIUM, COCA AND AMPHETAMINE

A. Opium Poppy (Papaver somniferum), poppy seed, its preparations, derivatives, alkaloids and salts, including:

1. Opium
2. Codeine (methyilmorphine)
3. Morphine (7,8-didehydro-4,5-epoxy-17-methylmorphinan-3 ,6-diol)
4. Thebaine (paramorphine)and the salts, derivatives and salts of derivatives of the substances set out in subitems (1) to (4), including:
5. Acetorphine (acety letorphine)

6. Acetyldihydrocodeine
7. (4, 5-epoxy-3-methoxy-17-methylmorphinan-6-ol acetate)
8. Benzylmorphine (7,8-didehydro-4,5-epoxy-17-methyl-3-(phenylmethoxy)morphinan-6-ol) Codoxime (dihydrocodeinone O-(carboxymethyl) oxime)
9. Desomorphine (dihydrodeoxymorphine)
10. Diacetylmorphine (heroin)
11. Dihydrocodeine (4,5-epoxy-3-methoxy-17-methylmorphinan-6-ol)
12. Dihydromorphine (4,5-epoxy-17-methylmorphinan-3,6-diol).
13. Ethylmorphine (7,8-didehydro-4,5-epoxy-3-ethoxy-17-methylmorphinan-6-ol)
14. Etorphine (tetrahydro-7a-(1-hydroxy-1-methyl-butyl)-6,14-endoethenooripavine)
15. Hydrocodone (dihydrocodeinone)
16. Hydromorphinol (dihydro-14-hydroxymorphine)
17. Hydromorphone (dihydromorphinone)
18. Methyldesorphine (6-deoxy-6-methylmorphine)
19. Methyldihydromorphine (dihydro-6-methylmorphine)
20. Metopon (dihydromethylmorphinone)
21. Morphine-N-oxide (morphine oxide)
22. Myrophine (benzylmorphinemyristate)
23. Nalorphine (N-allylnormorphine)
24. Nicocodine (6-nicotinylcodeine)
25. Nicomorphine (dinicotinylmorphine)
26. Norcodeine (N-desmethylcodeine)
27. Normorphine (N-desmethylmorphine)
28. Oxycodone (dihydrohydroxycodeinone)
29. Oxymorphone (dihydrohydroxymorphinone)
30. Pholcodine (3-[2-(4-morpholinyl)ethyl]morphine)
31. Thebacon (acetyldihydrocodeinone)
32. MT-45

B. Coca (Erythroxyton), its preparations, derivatives, alkaloids and salts, including optical and geometric its salts, isomers and salts of isomers;

1. Coca leaves (except coca leaves and extracts of coca leaves from which cocaine, ecgonine and derivatives of ecgonine or their salts have been removed).

2. Cocaine (benzoylecgonine)

3. Ecgonine (3-hydroxy-2-tropane carboxylic acid) its derivatives, their salts, isomers and salts of isomers;

C. Phenylpiperidines, their intermediates, salts, derivatives and analogues and salts of intermediates, derivatives and analogues, including:

1. Allyprodine (3-allyl-1-methyl-4-phenyl-4-piperidinol propionate)

2. Alphameprodine (α-3-ethyl-1-methyl-4-phenyl-4-piperidinol propionate)

3. Alphaprodine (α-1,3-dimethyl-4-phenyl-4-piperidinol propionate)

4. Anileridine (ethylethyl-1-[2-(p-aminophenyl) ethyl]-4-phenylpiperidine-4-carboxylate)

5. Betameprodine (β-3-ethyl-1-methyl-4-phenyl-4-piperidinol propionate)

6. Betaprodine (β-1,3-dimethyl-4-phenyl-piperidinol propionate)

7. Benzethidine (ethyl-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylate)

8. Diphenoxylate (ethyl-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylate)

9. Difenoxyin (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylate)

10. Etoxidine (ethyl (1-[2-(2-hydroxyethoxy)ethyl]-4-phenylpiperidine-4-carboxylate)

11. Furethidine (ethyl-(2-tetrahydrofuryl)ethyl)-4-phenylpiperidine-4-carboxylate)

12. Hydroxypethidine (ethyl-4-(m-hydroxyphenyl)-1-methylpiperidine-4-carboxylate)

13. Ketobemidone (1-[4-(m-hydroxyphenyl)-1-methyl-4-piperidyl]-1-propanone)

14. Methylphenylisonipicetonitrile(4-cyano-1-methyl-4-phenylpiperidine)

15. Morpheridine (ethyl-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylate)

16. Norpethidine (ethyl 4-phenylpiperidine-4-carboxylate)

17. Pethidine (ethyl 1-methyl-4-phenylpiperidine-4-carboxylate)

18. Phenoperidine (ethyl-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylate)

19. Piminodine (ethyl-[3-(phenylamino)propyl]-4-phenylpiperidine-4-carboxylate)

20. Properidine (isopropyl 1-methyl-4-phenylpiperidine-4-carboxylate)

21. Trimeperidine (1,2,5-trimethyl-4-phenyl-4-piperidinol propionate)

22. Pethidine Intermediate C (1-methyl-4-phenylpiperidine-4-carboxylate) but not including

23. Carbamethidine (ethyl-(2-carbamylethyl)-4-phenylpiperidine-4-carboxylate)

24. Oxpheneridine (ethyl 1-(2-hydroxy-2-phenylethyl)-4-phenylpiperidine-4-carboxylate)

D. Amidones, their intermediates, salts, derivatives and salts of intermediates and derivatives including:

1. Dimethylaminodiphenylbutanonitrile (4-cyano-2-dimethylamino-4,4-diphenylbutane)
2. Dipipanone (4,4-diphenyl-6-piperidino-3-heptanone)
3. Isomethadone (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)
4. Methadone (6-dimethylamino-4,4-diphenyl-3-heptanone)
5. Normethadone (6-dimethylamino-4,4-diphenyl-3-hexanone)
6. Norpipanone (4,4-diphenyl-6-piperidino-3-hexanone)
7. Phenadoxone (6-morpholino-4,4-diphenyl-3-heptanone)

E. Methadols, their salts, derivatives and salts of derivatives including:

1. Acetylmethadol (6-dimethylamino-4,4-diphenyl-3-heptanol acetate)
2. Alphacetylmethadol (α-6-dimethylamino-4,4-diphenyl-3-heptanol acetate)
3. Alphamethadol (α-6-dimethylamino-4,4-diphenyl-3-heptanol)
4. Betacetylmethadol (β-6-dimethylamino-4,4-diphenyl-3-heptanol acetate)
5. Betamethadol (β-6-dimethylamino-4,4-diphenyl-3-heptanol)
6. Dimepheptanol (6-dimethylamino-4,4-diphenyl-3-heptanol)
7. Noracymethadol (α-6-dimethylamino-4,4-diphenyl-3-heptanol acetate)

F. Phenalkoxams, their salts, derivatives and salts of derivatives including:

1. Dimenoxadol (dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate)
2. Dioxaphetylbutyrate (ethyl 2,2-diphenyl-4-morpholinobutyrate)
3. Dextropropoxyphene ([S-(R*,S*)]-....-[2-(dimethylamino)-1-methylethyl] - - phenylbenzeneethanol, propanoate ester)

G. Thiambutenes, their salts, derivatives and salts of derivatives including:

1. Diethylthiambutene (N,N-diethyl-1-methyl-3,3-di-2-thienylallylamine)
2. Dimethylthiambutene (N,N,1-trimethyl-3,3-di-2-thienylallylamine)
3. Ethylmethylthiambutene (N-ethyl-N,1-dimethyl-3,3-di-2-thienylallylamine)

H. Moramides, their intermediates, salts, derivatives and salts of intermediates and derivatives including:

1. Dextromoramide (d-1-(3-methyl-4-morpholino-2,2-diphenylbutyryl) pyrrolidine)
2. Diphenylmorpholinoisovaleric acid (2-methyl-3-morpholino-1,1-diphenylpropionic acid)
3. Levomoramide (l-1-(3-methyl-4-morpholino-2,2-diphenylbutyryl) pyrrolidine)

4. Racemoramide (d,1-1-(3-methyl-4-morpholino-2,2-diphenylbutyryl) pyrrolidine)
- I. Morphinans, their salts, derivatives and salts of derivatives including:
1. Buprenorphine(17-(cyclopropylmethyl)-á-(1,1-dimethylethyl)-4,5-epoxy-18, 19-dihydro-3-hydroxy-6-methoxy-á-methyl-6, 14-ethenomorphinan-7-methanol)
 2. Drotebanol (6β,14-dihydroxy-3,4-dimethoxy-17-methylmorphinan)
 3. Levomethorphan (1-3-methoxy-17-methylmorphinan)
 4. Levorphanol (1-3-hydroxy-17-methylmorphinan)
 5. Levophenacymorphan (1-3-hydroxy-17-phenacymorphinan)
 6. Norlevorphanol (1-3-hydroxymorphinan)
 7. Phenomorphan (3-hydroxy-17-(2-phenylethyl)morphinan)
 8. Racemethorphan (d,1-3-methoxy-17-methylmorphinan)
 9. Racemorphan (d,1-3-hydroxy-N-methylmorphinan)
- J. Benzazocines, their salts, derivatives and salts of derivatives including:
1. Phenazocine (1,2,3,4,5,6-hexahydro-6,11-dimethyl-3-phenethyl-2,6-methano-3-benzazocin-8-ol)
 2. (2)Metazocin (1,2,3,4,5,6-hexahydro-3,6,11-trimethyl-2,6-methano-3-benzazocin-8-ol)
 3. Pentazocin (1,2,3,4,5,6-hexahydro-6,11-dimethyl-3-(3-methyl-2-butenyl)-2,6-methano-3-benzazocin-8-ol)
- K. Ampromides, their salts, derivatives and salts of derivatives including:
1. Diampromid(N-[2-(methylphenethylamino)propyl] propionanilide)
 2. Phenampromide(N-(1-methyl-2-piperidinoethyl) propionanilide)
 3. Propiram(N-{ 1-methyl-2-piperidinoethyl)-N-2-pyridyl propionamide)
- L. Benzimidazoles, their salts, derivatives and salts of derivatives including:
1. Clonitazene (2-(p-chlorobenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole)
 2. Etonitazene (2-(p-ethoxybenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole)
 3. Bezitramide (1-(3-cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazolinyloxy)-piperidine)
- M. Piritramide (1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino) piperidine-4-carboxylic acid amide), its salts, derivatives and salts of derivatives
- N. Fentanyl, their salts, derivatives, and analogues and salts of derivatives and analogues, including:
1. Acetyl-tt-methylfentanyl (N-[1-(α-methylphenethyl)-4-piperidyl] acetanilide)

2. Alfentanil(N-[1-[2-(4-ethyl-4.5-dihydro-5-oxo-1H-tetrazol-1-yl)ethyl]^(4-tiethoxymethyl)-4-piperidyl]propionanilide)
 3. Carfentanil(methyl 4—[(1-oxopropyl)phenylamino]-1-(2-phenethyl)-4-piperidinecarboxylate)
 4. p-Fluorofentanyl (4'fluoro-N-(1-phenethyl-4-piperidyl)(propionanilide)
 5. Fentanyl (N-(1-phenethyl-4-piperidyl) propionanilide)
 6. α -Hydroxyfentanyl(N - [1-(6-hydroxyphenethyl)-4—piperidyl]propionanilide)
 7. α -Hydroxy-3-methylfentanyl (N-[1-(α -hydroxyphenethyl)-3-methyl-4-piperidyl] propionanilide)
 8. α -Methylfentanyl(N-[1-(α -methylphenethyl)-4-piperidyl] propionanilide)
 9. α -Methylthiofentanyl (N-[1-[1-methyl-2-(2-thienyl) ethyl]-4-piperidyl] propionanilide)
 10. 3-Methylfentanyl (N-(3-methyl-1-phenethyl-4-piperidyl) (propionanilide)
 11. 3-Methylthiofentanyl(N-[3-methyl-1-[2-(2-thienyl) ethyl]-4-piperidyl] propionanilide)
 12. Remifentanil (dimethyl 4-carboxy-4-(N-phenylpropionamido)-1-piperidinepropionate)
 13. Sufentanil(N-[4-(methoxymethyl)-1-[2-(2-thienyl)ethyl]-4-piperidyl] propionanilide)
 14. Thiofentanyl (N-[1-[2-(2-thienyl)ethyl]-4-piperidyl]propionanilide).
- O. Tilidine(ethyl 2-(dimethylamino)-1-phenyl-3-cyclohex-ene-1-carboxylate), its salts, derivatives and salts of derivatives.
- P. Methylendioxypropylvalerone (MDPV), its salts, derivatives, isomers and analogues and salts of derivatives, isomers and analogues.
- Q. Methamphetamine (N, α -dimethylbenzeneethanamine), its salts, derivatives, isomers and analogues and salts of derivatives, isomers and analogues.
- R. Amphetamines, their salts, derivatives, isomers and analogues and salts of derivatives, isomers and analogues including:
1. amphetamine (α -methylbenzene-ethanamine)
 2. N-ethylamphetamine (N-ethyl- α -methylbenzeneethanamine)
 3. 4-methyl-2, 5-dimethoxyamphetamine(STP)dimethoxy-4, α -dimethylbenzeneethanamine)
 4. 3,4-methylendioxyamphetamine(MDA)(α -methyl-1,3-benzodioxole-Sethanamine)
 5. 2,5-dimethoxyamphetamine (2, 5-dimethoxy- α -methylbenzeneethanamine)
 6. 4-methoxyamphetamine ethanamine)
 7. 2,4, 5-trimethoxyamphetamine(2,4, 5-trimethoxy- α -methyl-benzeneethanamine)
 8. N-methyl-3,4-methylendioxy-amphetamine (N, α -dimethyl-1,3-benzodioxole-5-ethanamine)

9. 4-ethoxy-2,5-dimethoxyamphetamine (4-ethoxy-2,5-dimethoxy- α -methylbenzeneethanamine)
10. 5-methoxy-3,4-methylenedioxy-amphetamine (7-methoxy- α -methyl-1,3-benzodioxole-5-ethanamine)
11. N,N-dimethyl-3,4-methylenedioxyamphetamine (N,N, α -trimethyl-1,3-benzodioxole-5-ethanamine)
12. N-ethyl-3,4-methylenedioxyamphetamine (N-ethyl- α -methyl-1,3-benzodioxole-5-ethanamine)
13. 4-ethyl-2,5-dimethoxyamphetamine (DOET) (4-ethyl-2,5-dimethoxy- α -methylbenzeneethanamine)
14. 4-bromo-2,5-dimethoxyamphetamine (4-bromo-2,5-dimethoxy- α -methylbenzeneethanamine)
15. 4-chloro-2,5-dimethoxyamphetamine (4-chloro-2,5-dimethoxy- α -methylbenzeneethanamine)
16. 4-ethoxyamphetamine (4-ethoxy- α -methylbenzene-ethanamine)
17. Benzphetamine (N-benzyl-N, α -dimethylbenzene-ethanamine)
18. N-Propyl-3,4-methylenedioxy-amphetamine (α -methyl-N ν propyl-L ν benzodioxole-5-ethanamine)
19. N-(2-Hydroxyethyl)- α -methyl-benzeneethanamine
20. N-hydroxy-3,4-methylenedioxy-amphetamine (N-[α -methyl-3,4-methylenedioxy]phenethyl] hydroxylamine)
21. 3,4,5-trimethoxyamphetamine (3,4,5-trimethoxy- α -methyl-benzeneethanamine)
- S. Flunitrazepam (5-(o-fluorophenyl)-1,3-dihydro-1-methyl-7-nitro-2H-1,4-benzodiazepin-2-one) and any of its salts or derivatives
- T. 4-hydroxybutanoic acid (GHB) and any of its salts
- U. Acetylfentanyl
- V. MT-45
- W. Para Methoxymethylamphetamine (PMMA)
- X. α -Pyrrolidinovalerophenone (α -PVP).
- Y. Para-Methyl-4-methylaminorex (4,4'-DMAR)
- Z. Methoxetamine (MXE)
- AA. Alpha-Phenylacetoacetonitrile (APAAN)

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of the isomers is possible within the specific substance designation;

"The esters and ethers of the drugs in this Schedule whenever the existence of the esters or ethers is possible;

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

SIXTH SCHEDULE

(section 42(4) and 43 (1))

NARCOTIC DRUG-CANNABIS

A. Cannabis, its preparations, derivatives and similar synthetic preparations, including

1. Cannabis resin
2. Cannabis (marihuana)
3. Cannabidiol (2-[3-methyl-6-(1-methylethenyl)-2-cyclohex-en-1-yl]-5-pentyl-1,3-benzenediol)
4. Cannabinol (3-n-amyloxy-6,6,9-trimethyl-6-dibenzopyran-1-ol)
5. Nabilone((±)-trans-3-(1,1-dimethylheptyl)-6, 6a, 7, 8, 10, 10a-hexahydro-1-hydroxy-6,6 dimethyl-9H-dibenzo [b,d]pyran-9-one)
6. Pyrahexyl (3-n-hexyl-6, 9-trimethyl-7,8,9,10-tetrahydro-6-dibenzopyran-1-ol)
7. Tetrahydrocannabinol (tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyran-1-ol)
8. 3-(1,2-dimethylheptyl)-7, 8, 9, 10-tetrahydro-6,6, 9-trimethyl-6H-dibenzo [b,d] pyran-1-ol (DMHP)
9. Mature Cannabis stalks that do not include leaves, flowers, seeds or branches; and fiber derived from such stalks.

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of the isomers is possible within the specific substance designation;

"The esters and ethers of the drugs in this Schedule whenever the existence of the esters or ethers is possible;

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

SEVENTH SCHEDULE

(Section 42(4))

PSYCHOTROPIC SUBSTANCES

PART 1—Psychotropic Substances of natural origin

Catha edulis Forsk., its preparations, derivatives, alkaloids and salts, including:

1. Cathine (d-threo-2-amino-1-hydroxy-1-phenylpropane)
2. Cathinones and their derivatives

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of the isomers is possible within the specific substance designation;

PART 2—Synthetic Psychotropic Substances

1. Methylphenidate (n-phenyl-2-piperidineacetic acid methyl ester) and any salt thereof
2. Methaqualone(2- methyl-3-(2-methylphenyl)-4(3H)-quinazolinone) and any salt thereof
3. Mecloqualone (2-methyl-3-(2-chlorophenyl)-4(3H)-quinazolinone) and any salt thereof
4. Lysergic acid diethylamide (LSD) (N,N-diethyllysergamide) and any salt thereof
5. N,N-Diethyltryptamine (DET) (3-[(2-diethylamino) ethyl]indole) and any salt thereof
6. N,N - Dimethyltryptamine (DMT) (3-[2-dimethylamino ethyl] indole) and any salt thereof
7. N-Methyl-3-piperidyl benzilate (LBJ) (3-[(hydroxydiphenylacetyl)oxy]-1-methylpiperidine) and any salt thereof
8. Harmaline (dihydro-4,9 methoxy-7 methyl-1 3H-pyrido(3,4-b) 4,9-dihydro-7-methoxy-1-methyl-3H- pyrido (3.4-b)indole) and any salt thereof
9. Harmalol (4,9-dihydro-1-methyl-3H-pyrido(3,4-b)indol-7-ol) and any salt thereof
10. Psilocin (3-[2-(dimethylamino)ethyl]-4-hydroxyindole) and any salt thereof
11. Psilocybin (3-[2-(dimethylamino)ethyl]-4-phosphoryloxyindole) and any salt thereof
12. N-(1-phenylcyclohexyl)ethylamine (PCE) and any salt thereof
13. 1-[1-(2-Thienyl) cyclohexyl]piperidine (TCP) and any salt thereof
14. 1-Phenyl-N-propylcyclohexanamine and any salt thereof
15. Rolicyclidine (1-(1-phenylcyclohexyl) pyrrolidine) and any salt thereof
16. Mescaline (3,4,5-trimethoxybenzeneethanamine) and any salt thereof, but not peyote (lophophora)
17. 4-Methylaminorex (4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine) and any salt thereof
18. Calhinone ((-)-....-aminopropiophenone) and any salt thereof
19. Fenetyllinedihydro-1,3-dimethyl-7-(2-[(1-methyl-2-phenethyl)amino]ethyl)-1-H-purine-Z, 6-dione) and any salt thereof
20. 2-Methylamino-1-phenyl-1-propanone and any salt thereof
21. 1-[1-(Phenylmethyl)cyclohexyl] piperidine and any salt thereof
22. 1-[1-(4-Methylphenyl) cyclohexyl]piperidine and any salt thereof
23. 4-bromo-2,5-dimethoxybenzeneethanamine and any salt, isomer or salt of isomer thereof
24. Aminorex (4,5-dihydro-5-phenyl-2-oxazolamine) and any salt thereof

25. Etryptamine (3-(2-aminobutyl)indole) and any salt thereof
26. Lefetamine ((-)-N,N-dimethyl- α -phenylbenzeneethanamine) and any salt thereof
27. Mesocarb (3-(α -methylphenethyl)-N-(phenylcarbamoyl)sydnoneimine) and any salt thereof
28. Zipeprol (4-(2-methoxy-2-phenylethyl)- α -(methoxyphenylmethyl)-1-piperazineethanol) and any salt thereof
29. Amineptine (7-[(10, 11-dihydro-5H-dibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid) and any salt thereof
30. Benzylpiperazine [BZP], namely 1-benzylpiperazine and its salts, isomers and salts of isomers
31. Trifluoromethylphenylpiperazine [TFMPP], namely 1-(3-trifluoromethylphenyl)piperazine and its salts, isomers and salts of isomers
32. 4-hydroxybutanoic acid (GHB) and any of its salts

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of the isomers is possible within the specific substance designation;

"The esters and ethers of the drugs in this Schedule whenever the existence of the esters or ethers is possible;

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

EIGHTH SCHEDULE

(Section 112)

CHEMICAL PRECURSORS

PART 1—CLASS A PRECURSORS

1. Acetic anhydride
2. N-Acetylanthranilic acid (2-acetamidobenzoic acid) and its salts
3. Anthranilic acid (2-aminobenzoic acid) and its salts
4. Ephedrine (erythro-2-(methylamino)-1-phenylpropan-1-ol), its salts and any plant containing ephedrine or any of its salts
5. Ergometrine (9, 10-didehydro-N-(2-hydroxy-1-methylethyl)-6-methylergoline-8-carboxamide) and its salts
6. Ergotamine (12 α -hydroxy-22-methyl-5 α -(phenylmethyl)ergota-man-3 α , 6 α , 18-trione) and its salts
7. Isosafrole (5-(1-propenyl)-1,3-benzodioxole)
8. Lysergic acid (9,10-didehydro-6-methylergoline-8-carboxylic acid) and its salts

9. 3,4-Methylenedioxyphenyl-2-propanone (1-(1,3-benzodiox-ole)-2-propanone)
10. Norephedrine (Phenylpropanolamine) and its salts
11. 1-Phenyl-z-propanone
12. Phenylacetic acid and its salts
13. Piperidine and its salts
14. Piperonal (1,3-benzodioxole-5-carboxaldehyde)
15. Potassium permanganate
16. Pseudoephedrine (threo-2-(methylamino)-1-phenylpropan-I-ol), its salts and any plant containing pseudoephedrine or any of its salts
17. Safrole (5-(2-propenyl)-1,3-benzodioxole) and any essential oil containing more than 4% safrole
18. Gamma-butyrolactone (dihydro-2(3H)-furanone)
19. 1,4-butanediol
20. Red Phosphorus
21. White Phosphorus
22. Hypophosphorous acid, its salts and derivatives
23. Hydriodic acid
24. Alpha - Phenylacetoacetoacetonitrile (APAAN)

Each Class A precursor includes synthetic and natural forms.

PART 2—CLASS B PRECURSORS

1. Acetone
2. Ethyl ether
3. Hydrochloric acid
4. Methyl ethyl ketone
5. Sulphuric acid
6. Toluene

Each Class B precursor includes synthetic forms.

PART 3—PREPARATIONS AND MIXTURES

Any preparation or mixture that contains a precursor set out in Part 1, except items 20 to 23, or in Part 2.

The salts of the substances listed in this Schedule whenever the existence of these salts is possible. The salts of the substance listed in this Schedule whenever the existence of these salts is possible (the salts of hydrochloric acid and sulphuric acid are specifically excluded. "

Date of Gazette Notification: 11th May, 2020.