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THE UNITED REPUBLIC OF TANZANIA

***SPECIAL BILL SUPPLEMENT***

***No. 9***

***31<sup>st</sup> October, 2017***

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THE DRUG CONTROL AND ENFORCEMENT (AMENDMENT) ACT, 2017

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**NOTICE**

This Bill to be submitted to the National Assembly is published for general information to the general public together with a statement of its objects and reasons.

Dodoma,  
30<sup>th</sup> October, 2017

**JOHN W. H. KIJAZI**  
*Secretary to the Cabinet*

**A BILL**  
*for*

**An Act to amend the Drug Control and Enforcement Act, 2017.**

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

**PART I**  
**PRELIMINARY PROVISIONS**

Short title  
Cap.95

**1.** This Act may be cited as the Drug Control and Enforcement (Amendment) Act 2017 and shall be read as one with the Drug Control and Enforcement Act herein after referred to as the “principal Act.”

**PART II**  
**AMENDMENT OF VARIOUS PROVISIONS**

Amendment  
of section 1

**2.** The principal Act is amended in section 1(3):

- (a) by inserting the word “also” between the words “shall” and “apply” appearing in subsection (3);
- (b) by deleting the word “ aircraft” appearing in paragraph (a) and substituting for it the words “any other conveyance”;
- (c) in paragraph (b), by:

- (i) deleting subparagraph (i) and substituting for it the following:
  - “(i) a citizen or a person who ordinarily resides in the United Republic;”;
- (ii) deleting the word “ship” appearing in the first line of subparagraph (iv) and substituting for it the word “conveyance”;
- (iii) deleting the word “ship” appearing in subparagraph (v) and substituting for it the word “conveyance”.

Amendment  
of section 2

**3.** The principal Act is amended in section 2, by:

- (a) inserting in the appropriate alphabetical order the following new definitions:
  - “Convention State” means any state which is a signatory to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, or any other related international conventions or protocol or other instrument amending it;
  - “khat plant” means a flowering green leaf plant of the family *celastraceae* which contains the alkaloid chemical compounds named cathinone and cathine;
  - “officer” means a person appointed or employed in accordance with section 8(1) or any other law enforcement officer under other laws of Tanzania enforcing or performing powers and duties under this Act;”
- (b) adding at the end of the definition of the term “cannabis plant” the words “containing tetrahydro-cannabinol”;
- (c) deleting the definitions of the terms “chemical precursors” and “cannabis oil”;
- (d) inserting the word “Control” between the words “Drugs” and “Council” appearing in the definition of the term “Council”;
- (e) in the definition of the term “court”-
  - (i) by deleting paragraph (a) and substituting for it the following:
    - “(a) in respect of an offence for contravention

- of section 7, 11,15A,17, 18, 19, 20, 21, 22, 25, 34, 39, 42, 47, 51A, 54 and 65 means subordinate court”;
- (ii) by deleting paragraph (b) and renaming paragraph (c) as paragraph (b); and
  - (iii) in renamed paragraph (b), by inserting between the word “section” and figure “16”, figure “15”;
- (f) by deleting the definition of the term “precursor chemical” and substituting for it the following:  
“precursor chemical” means a chemical used in the process of manufacturing of narcotic drugs or psychotropic substance as defined in article 12 of the UN Convention Against illicit Trafficking of Narcotic Drugs and Psychotropic Substances,1988 mentioned in table I and table II as set out in the Second Schedule to this Act;”.
- (g) in the definition of the term “trafficking”, by deleting the opening phrase and substituting for it the following:  
“trafficking” means the importation, exportation, buying, sale, giving, supplying, storing, possession, production, manufacturing, conveyance, delivery or distribution, by any person of narcotic drug or psychotropic substance any substance represented or held out by that person to be a narcotic drug or psychotropic substance or making of any offer but shall not include-”

Amendment  
of section 4

**4.** The principal Act is amended in section 4(2), by:

- (a) deleting the words “on drug related matters” appearing in paragraph (f) and substituting for them the words “drug offences and other related offences”;
- (b) adding immediately after paragraph (m), the following:  
“(n) conduct forensic investigation;”
- (c) adding immediately after subsection (4), the following:  
“(5) For purposes of controlling drug, drug abuse and trafficking in drugs, diversion of precursor chemicals and controlled pharmaceuticals, any other authority vested with

powers to issue permit or licence to deal or engage in drug, chemicals, precursor chemicals or substances with drug related effects, shall consult the Authority before issuing import or export permit, licence or certificate.

(6) The Authority may, by notice published in the *Gazette*, make rules prescribing procedures for implementation of subsection (5).”

Amendment  
of section 7

5. The principal Act is amended in section 7, by adding immediately after subsection (2) the following new subsection:

“(3) The Commissioner General may, in the course of performing duties under this Act and in accordance with other relevant laws, demand, access and obtain any information from public institutions including information collected or maintained by or on behalf of other public institutions and such institution shall be obliged to provide information as may be required.

(4) Any institution which fails to comply with the requirements of this section commits an offence under this Act.”

Amendment  
of section 9

6. The principal Act is amended in section 9, by:

- (a) inserting immediately after the word “appoint” the words “the Chairman and such other” appearing in subsection (4);
- (b) adding immediately after subsection (5) the following new subsections:

“(6) The Advisory Committee shall meet at least twice a year in regular sessions and whenever necessary, in special sessions.

(7) A representative from the Authority shall be the Secretary to the Committee.”; and

- (c) renumbering subsection (6) as subsection (8).

Repeal and  
replacement  
of section 14

7. The principal Act is amended by repealing section 14 and replacing for it the following:

“List of  
prohibited  
narcotic

14.-(1) The list of prohibited narcotic drugs, psychotropic substances or precursor chemicals shall be as

drugs,  
psychotropic  
substances or  
precursor  
chemicals

set out in the First and Second Schedules to this Act.

(2) Subject to subsection (1), the Minister may, by notice published in the *Gazette*, amend the list set out in the First and Second Schedules.”

Amendment  
of section 15

**8. Section 15 of the principal Act is amended:**

(a) in subsection (1), by:

- (i) deleting paragraph (a);
- (ii) renaming paragraphs (b) and (c) as paragraphs (a) and (b);
- (iii) deleting paragraph (b) as renamed and substituting for it the following:

“(b) traffics, diverts or illegally deals in any way with precursor chemicals, substances with drug related effects and substances used in the process of manufacturing of drugs;” and

(b) by adding immediately after paragraph (b) the following new paragraph:

“(c) directly or indirectly facilitates or causes any other person to be used as bondage for the purposes of drug trafficking,  
commits an offence and upon conviction shall be sentenced to life imprisonment.”;

(c) in subsection (2), by inserting the phrase “or substances used in the process of manufacturing of drugs” between the words “effects” and “commits”;

(d) by adding immediately after subsection (2), the following:

“(3) For purposes of this section, a person commits an offence under subsection (1) if such person traffics-

- (i) narcotic drugs, psychotropic substances weighing more than two hundred grams;
- (ii) precursor chemicals or substance with drug related effect weighing more than 100 litres in liquid form or 100 kilogram in solid form, and
- (iii) cannabis and or khat weighing more than fifty kilogram.”

Addition of section 15A

**9.** The principal Act is amended by adding immediately after section 15 the following new section:

“Prohibition on trafficking of narcotic drug or psychotropic substances or illegal dealing or diversion of precursor chemicals of less amount

**15A.**-(1) Any person who traffics in narcotic drugs, psychotropic substances or illegally deals or diverts precursor chemicals or substances with drug related effects or substances used in the process of manufacturing drugs of the quantity specified under this section, commits an offence and upon conviction shall be liable to imprisonment for a term of thirty years.

(2) For purposes of this section, a person commits an offence under subsection (1) if such person traffics in –

- (a) narcotic drugs, psychotropic substances weighing two hundred grams or below;
- (b) precursor chemicals or substance with drug related effect weighing 100 litres or below in liquid form, or 100 kilogram or below in solid form;
- (c) cannabis or khat weighing not more than fifty kilogram.”

Amendment of section 20

**10.** Section 20 of the principal Act is amended-

- (a) by designating the contents of section 20 as subsection(1);
- (b) in subsection (1), by deleting the closing phrase and substituting for it the following:

“commits an offence and upon conviction shall be sentenced to a fine of not less than fifty million shillings or to imprisonment of not less than thirty years or to both”;
- (c) in subsection (2), by deleting the phrase “commits an offence and upon conviction shall be liable” and substituting for it the following:

“upon conviction shall be sentenced”;

Amendment of section 27

**11.** The principal Act is amended is section 27 by deleting the phrase “not more than twenty million shillings or to imprisonment for a term of not more than thirty” and substituting for it the phrase “not less than five million



shillings but not exceeding fifty million shillings or to imprisonment for a term of not less than five years and not exceeding thirty”.

Amendment  
of section  
28

- 12.** The principal Act is amended in section 28, by:
- (a) deleting the words “in accordance with” appearing in the seventh line; and
  - (b) deleting the word “Regulations” appearing in the eighth line and substituting for it the words “any other written law”.

Amendment  
of section  
29

- 13.** Section 29 of the principal Act is amended-
- (a) in subsection (1), by:
    - (i) deleting the words “two hundred” appearing in paragraph (a) and substituting for them the word “twenty”;
    - (ii) deleting the words “one hundred” appearing in paragraph (b) and substituting for them the word “twenty”;
    - (iii) deleting paragraph (c) and substituting for it the following:
      - “(c) that accused person is charged of an offence relating to precursor chemical, other substances proved to have drug related effect or substances used in the process of manufacturing drugs, thirty litres in liquid form and thirty kilograms in solid form or more” ;
    - (iv) adding immediately after paragraph (c) the following new paragraph:
      - “(d) a person is charged under the provisions of sections 16, 20 and 23.”
  - (b) in subsection (2), by deleting the words “Government Chemist” and substituting for it the words “Government Analyst”.

Repeal and  
replacement  
of section 31

**14.** The principal Act is amended by repealing section 31 and substituting for it the following:

“Release of  
certain  
addicts

**31.**-(1) Where a person is convicted of an offence under section 18 and the court is satisfied that:

- (a) the person is a drug addict;
- (b) the addiction resulted or caused or motivated him to commit the offence he is charged with;

(c) the addiction can be medically treated within a reasonable time; and

(d) it is in the interest of justice notwithstanding anything contained in this Act or any other written law,

the court may record the finding, and instead of sentencing that person immediately to imprisonment, or such other sentence as it could otherwise pass, upon his consent, direct that he be released for detoxification or deaddiction to the hospital or an institution maintained or recognized by the Government.

(2) The court shall not make any findings under subsection (1) without receiving a written report from a medical expert providing relevant information to the court which shall include:

(a) examination of the convicted person;

(b) medical assessment regarding the presence and level of any addiction;

(c) the nature and availability of any treatment;

(d) the likelihood of successful treatment and time scales; and

(e) any other information that the medical expert or the court considers relevant.

(3) In making a determination under subsection (1), it shall not be in the interests of justice to provide for medical treatment any convicted person in which any of the following aggravating features are present:

(a) violence was used or threats;

(b) weapon was used;

(c) part of a gang or otherwise organized crime;

(d) volume of drugs was more than consistent with personal use for an addict;

(e) the convicted person had a role in the planning, controlling or facilitating others to commit offences; and

(f) any other condition which the court deems fit to consider.

(4) The court shall give satisfactory reasons of the basis upon which the findings has been made under subsection (1).

(5) When a court makes determination under subsection (1), the court shall postpone the sentence of that person who shall enter into a bond in the

form prescribed by the Authority, with or without sureties, for him to undertake the recommended medical treatment.

(6) In determining the length of time under subsection (5), the court shall award time not exceeding twelve months for completion of the treatment during which period of sentence shall be postponed and the bond extended.

(7) The court may, as it deems fit, order a medical report progress be provided in a period not exceeding three month intervals, and such report shall contain assessment of the health condition of the convicted person, levels of cooperation and likely outcome.

(8) Before the expiry of twelve months, the convicted person shall appear before the court for consideration of whether or not to be released without further sanction or if the convicted person has failed to cooperate or otherwise has shown bad faith that calls for imposition of sentence for the original offence.

Amendment  
of section 32

**15.** Section 32 of the principal Act is amended-

(a) in subsection (1), by adding at the end of that subsection the following:

“and other related offences.”

(b) by adding immediately after subsection (1) the following new subsection:

“(2) The officers of the Authority shall, in exercising the powers under subsection (1) and where circumstances requires, consult and cooperate with other relevant authorities.”.

(c) by renumbering subsection (2) to (8) as subsections (3) to (9);

(d) in subsection (7) as renumbered, by deleting paragraph (c) and substituting for it the following:

(i) anything with respect to which any offence has been or is suspected to have been committed;

(ii) anything with respect to which there are reasonable grounds to suspect that it will afford evidence as to the commission of any offence; or

(iii) anything in respect of which there are reasonable grounds to suspect that it is intended to be used for the purpose of committing any offence.”

(e) by deleting the renumbered subsection (9).

Amendment  
of section 34

- 16.** The principal Act is amended in section 34, by:
- (a) deleting the phrase “commits an offence, and upon conviction shall be information” appearing twice between the words “such information” and “commits an offence”; and
  - (b) deleting the phrase “liable to a fine of twenty million shillings or to imprisonment for a term of thirty years or both” and substitute for it the phrase “sentenced to a fine of not less than five million shillings but not exceeding fifty million shillings or imprisonment for a term of not less than five years but not exceeding thirty years or to both”

Amendment  
of section  
36

- 17.** The principal Act is amended in section 36 -
- (a) by deleting subsection(1) and substituting for it the following:
    - “(1) The Authority may, having regard to the hazardous nature of any narcotic drugs or psychotropic substances or precursor chemicals or substances used in the process of manufacturing of drugs or other substances proved to have drug related effects, vulnerability to theft, substitution, constraint of proper storage, space or other consideration, dispose of such drugs or substances in accordance with procedures specified under subsections (2) and (3).”
  - (b) in subsection 2, by:
    - (i) inserting the words “or precursor chemicals or substances used in the process of manufacturing of drugs or other substances proved to have drug related effects” between the words “substance” and “shall” appearing in the third line of the opening phrase.
    - (ii) adding at the end of paragraph (b), the words “or precursor chemicals or substances used in the process of manufacturing of drugs or other substances proved to have drug related effects;
  - (c) in subsection (3), by deleting the opening phrase and substituting for it the following:
    - “(3) An officer seizing such narcotic drug, psychotropic substance, precursor chemicals or other substances proved to have drug related effects shall make an application, to any magistrate having jurisdiction under this Act, for the purpose

of-”;

- (d) by adding immediately after subsection (3), the following proviso:  
“Provided that, where it is not practicable to secure the presence of the magistrate, the requirement of subsection (3)(b) and (c) shall be dispensed with.”

Amendment  
of section  
38

**18.** The principal Act is amended in section 38, by deleting paragraph (c) and substituting for it the following:

- “(c) machine, equipment, clandestine laboratory, apparatus or any other utensils specially adopted for production or manufacturing of any narcotic drug or psychotropic substance; or”;

Addition of  
section 40A

**19.** The principal Act is amended by adding immediately after section 40 the following new section:

“Right to  
posses and use  
firearms and  
ammunition

**40A.**-(1) For the purposes of carrying out their functions and duties, the officers of the Authority shall, subject to provisions of Arms and Ammunition Act, or any other written law have the right to possess and use suitable and appropriate firearms and ammunition for the purpose of this Act.

(2) Every officer of the Authority shall have powers and privileges as conferred upon other forces by the provisions of their respective laws relating to the use of firearms and ammunition.

(3) Any officer charged with any duty under this Act may, subject to subsections (4) and (5), use a firearm issued to him against—

- (a) any person suspected to commit any offence ordered to surrender or is in lawful custody, charged with or convicted of an offence under this Act when such person is escaping or attempting to escape or doing any act posing danger to the officer or property where such officer has reasonable ground to believe that he cannot otherwise prevent the escape and has given a warning to such person that he is about

to use such arm against him and such warning is unheeded;

- (b) any person who by force rescues or attempts to rescue any other person from lawful custody;
- (c) any person who by force prevents or attempts to prevent the lawful arrest of himself or of any other person where such officer has reasonable ground to believe that he or any other person is in danger of grievous bodily harm and that he cannot otherwise effect such arrest or prevent such rescue;
- (d) any property placed under custody of the officer or any other person is in danger of being destroyed or used as otherwise unlawfully;

Provided that, the officer shall not use a firearm unless the use of the firearm and the degree to which it is used is reasonable in the circumstances.

(4) The officer under this Act shall not, in the presence of his superior officer, use a firearm against any person except under the orders of that superior officer.

(5) The use of a firearm under this section shall, as far as possible, be to disable the suspect, accused or the convicted person, as the case may be.

(6) The powers conferred on the officer by this section shall be in addition to and not in derogation of any other powers conferred on such officer by any other witten laws.”

Repeal of  
section 45  
Amendment  
of section  
47

**20.** The principal Act is amended by repealing section 45.

**21.** The principal Act is amended in section 47, by adding immediately after subsection (2) the following new subsection:

“(3) A person who fails to supply information or comply with the requirement of this section commits an offence under this Act.”

Amendment  
of section 48

**22.** The principal Act is amended in section 48 -

(a) by deleting subsection(1) and substituting for it the following:

“(1) Subject to the provisions of this Act, the procedures and powers conferred to the officers of the Authority under this Part shall be followed, unless in all circumstances it is unreasonable or impracticable to do so”

(b) in subsection (2)-

(i) in paragraph (a):

(aa) by adding the words “unless he submits himself” appearing in subparagraph (i);

(bb) by deleting subparagraph (v) and substituting for it the following:

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

(cc) by adding immediately after subparagraph (x) the following new subparagraphs:

“(xi) if an officer has audio, video, digital or other media equipment upon which an accurate recording of any interrogation can be made, such officer may use such equipment to make a recording of the interrogation of any offence committed under this Act;

(xii) the Authority may make rules prescribing process to be followed by an officer conducting interviews under subparagraph (xi);

(xiii) the recording of an interrogation in

- accordance with the provision of subparagraph (xi) shall be either in addition to or as an alternative to a written caution statement record by the arrested person in accordance with the procedure stated in sub paragraphs (v) to (x);
- (xiv) the record in subparagraph (xi) shall be exhibited in a statement by an officer present in the interrogation and such exhibit shall be an admissible evidence of the record of the interrogation;
  - (xv) a written transcript of all or part of recording in subparagraph (xi) may be made and exhibited by an officer who listened to the recording shall be construed to be true and accurate of the recording.”;
- (ii) in paragraph (b), by deleting the word “district” and substituting for it the word “subordinate” appearing in sub paragraph (vii); and
  - (iii) in paragraph (c), by:
    - (aa) deleting subparagraph (i) and substituting for it the following:
      - “(i) stop, search and detain any conveyance, suspected to have carried any drug ,substances with drug related effects or precursor chemicals or substances used in the process of manufacturing of drug”;
    - (bb) deleting the phrase “or any substance which has drug related effects” appearing in subparagraph (ii) and substituting for it the phrase “any narcotic drug, substance with drug related effects or precursor chemicals or substances used in the



- process of manufacturing of drug.”;
- (cc) deleting the phrase “substance with drug related effects” appearing in subparagraph (v) and substituting for it the phrase “any narcotic drug, substance with drug related effects or precursor chemicals or substances used in the process of manufacturing of drug.”;
- (c) by adding immediately after subsection (3) the following new sub sections:
- “(4) Where any objection is taken to the admission of evidence on the ground that the evidence was obtained in contravention with the provision of this Act or any other written law including the Criminal Procedure Act, the court shall admit the evidence unless having regard to all circumstances including the circumstances in which the evidence was obtained, if it is satisfied that the admission of the evidence would have such and overwhelming adverse effect on the fairness of the proceedings that the court should not admit it.
- (5) For purposes of carrying out the provision of this section and any other provisions of this Act, all forms set out in the Third Schedule to this Act shall apply.”
- (d) by renumbering subsection (4 ) as subsection (6).

Addition of section 48A

**23.** The principal Act is amended by adding immediately after section 48 the following new section:

Reports of Government Analysts.

**48A.**-(1) The Government Analyst to whom a sample of any narcotic drugs, psychotropic substance, precursor chemicals, controlled or any other substances suspected to have drug related effect has been submitted for test and analysis shall deliver to the person submitting it, a signed report in quadruplicate in the prescribed form and forward one copy thereof to such authority as may be prescribed.

(2) Notwithstanding anything contained in any other law for the time being in force, any document

purporting to be a report signed by a Government Analyst shall be admissible as evidence of the facts stated therein without formal proof and such evidence shall, unless rebutted, be conclusive.

Amendment of Part V

**24.** The principal Act is amended by deleting the heading of Part V and substituting for it the following:

**“PART V  
FORFEITURE OF PROPERTY DERIVED FROM OR USED IN  
COMMISSION OF AN OFFENCE UNDER PART III”**

Amendment of section 49

**25.** The principal Act is amended in section 49-

(a) by deleting subsection (1) and substituting for it the following:

Cap.256 “(1) Where any person is convicted for an offence under Part III, the property owned by him or his associate on the date of charging or acquired by him after that date shall be forfeited to the Government in accordance with the provisions of the Proceeds of Crime Act.”;

(b) in subsection (3), by deleting paragraph (a) and substituting for it the following:

“(a) any individual who is holding property on behalf or managing the affairs of the business of the person convicted.”

(c) by deleting subsection (4) and substituting for it the following:

“(4) A property shall not be forfeited under this Part if such property was acquired by a person to whom this Act applies before a period of ten years from the date on which he was charged for an offence under Part III.”; and

(d) by deleting subsection (5).

Addition of section 49A

**26.** The principal Act is amended by adding immediately after section 49 the following new section:

“Confiscation of property

**49A.**-(1) Where the accused is convicted, acquitted or discharged for offences under Part III, the court shall order confiscation of any article seized or property used for purposes of committing or facilitating the commission of the offence or otherwise involved in

the commission of the offence.

(2) Where the accused is not the owner of the article or property that is liable for confiscation and owner's whereabouts is not known or cannot be found the confiscation order shall not be issued unless the conditions in subsection (3) are satisfied.

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

(a) a thirty days notice of intention to confiscate the property has been issued; and

(b) the notice has expired without the owner entering appearance.

(4) Where the article or property is susceptible to decay, or it appears the sale of such article or property would be necessary for its proper management the court may order the sale of that article or property.

(5) A person who claims right to property which has been confiscated under this Act, may make application to the trial court to challenge the confiscation order."

Repeal and replacement of section 50

**27.** The principal Act is amended by repealing section 50 and replacing for it the following:

"Prohibition of holding tainted property

**50.** A person shall not hold a property which is tainted either by himself or through any other person on his behalf."

Amendment of section 51

**28.** The principal Act is amended in section 51-

(a) in subsection (2), by deleting the words "is charged with any offence whether committed" and substituting for them the words "holds properties whether";

(b) by deleting subsections (4) and (5) and substituting for them the following:

"(4) Where it is not practicable to make order for seizure under subsection (3), the officer may make an order that such property shall not be transferred or otherwise dealt with, subject

to the prior permission of the Commissioner General.

(5) Where any property referred to in subsection (3) and (4) is transferred by any mode, such transfer shall be void.”

(c) in subsection 6, by:

(a) inserting the word “in writing” between the words “may” and “call”; and

(b) deleting the word “Authority” appearing at the end of that subsection and substituting for it the word “Government”.

(d) deleting subsection (7) and substituting for it the following:

“(7) Where the person affected does not appear or appears and admits that the property he holds was acquired illegally, the authorised officer may record his findings on the basis of the evidence available before him and submit a report to the Commissioner General.”

(e) adding immediately after subsection (7) a new subsection (8) as following:

“(8) Where a person referred to under subsection (6) appears before the authorised officer and show cause why all or any of such properties should not be declared illegally acquired, the legality of that property shall be determined in accordance with the provisions of the Proceeds of Crime Act.”

Cap.256

Addition of section 51A

**29.** The principal Act is amended by adding immediately after section 51 the following new section:

“Power of Commissioner General to freeze account

**51A.**-(1) Where a person is under investigation or charged with offences under this Act, the Commissioner General may where reasonably suspect that any evidence in connection with the offence or property is found in a bank account freeze that bank account for fourteen days during which leave of the court for continued freezing shall be obtained.

(2) Upon application, the court may extend time for freezing an account where there are reasonable ground to suspect that the money held in the account is related to the commission of drug offences and other related offences.

(3) Where a court extends an account freezing order under subsection (2) it may, at any later time, vary or set aside that order where the continued freezing is no longer required or upon production of additional evidence, the court is satisfied that money held into the account is not related to the commission of drug offences and other related offences.

(4) A person who violates or fails to comply with the freezing order commits an offence under this Act.”

Repeal of section 52

**30.** The principal Act is amended by repealing section 52.

Repeal and replacement of section 53

**31.** The principal Act is amended by repealing section 53 and replacing for it the following:

“Declaration of forfeiture of property by Commissioner General

**53.**-(1) Subject to subsection (4), where the Commissioner General receives a report pursuant to section 51 (7) and he is satisfied that there is reasonable ground to believe that the property has been illegally acquired he may declare the property to be forfeited to the Government.

(2) Where the Commissioner General declares that only a part of a property is subject to forfeiture, he may make an order giving an option to the person affected to pay a sum of money equal to the market value of that part of the property.

(3) Where the Commissioner General declares the property to be liable for forfeiture under subsection (1), he shall in writing notify the person affected by that declaration within thirty days.

(4) A property shall not be forfeited under this section if the property was acquired by a person to whom section 51 applies before a period of ten years prior to the date of commencement of the investigation under section 51.

(5) A person aggrieved by the declaration of the Commissioner General may, within thirty days from the

date of notification, seek review to the High Court.

Amendment  
of section 54

**32.** The principal Act is amended in section 54 by deleting subsection (1) and substituting for it the following:

“(1) Where any property is declared forfeited to the Government or the person affected fails to pay the amount of money in lieu of any part of the property declared to be forfeited, the Commissioner General may order the person affected or any other person who may be in possession of that property to surrender or deliver possession of the property.”

Amendment  
of section 55

**33.** The principal Act is amended in section 55 by deleting subsection (1) and substituting for it the following:

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

- (a) with the government of a foreign country -
  - (i) for the recovery and handing over possession to the Government of the United Republic, of any property in that country in respect of which forfeiture has been made;
  - (ii) for tracing and preserving any property in that country owned by or under the control of any person who has been convicted of or is suspected to have committed an offence under this Act; or
- (b) on a reciprocal basis with the Government of any other country—
  - (i) in respect of the recovery and handing over of possession to the Government of that country of any property in the United Republic which is confiscated by or forfeited to the Government or authority of that country in consequence of the commission by any person or his associate of an offence against a corresponding law of that country; or
  - (ii) for preserving any property in the United Republic owned by or under the control of

any person who has been convicted of, or is suspected to have committed an offence against such corresponding law.”

Amendment  
of section 65

**34.** The principal Act is amended in section 65, by:

- (a) deleting the words “Authority may give directions” and substituting for them the words “Commissioner General may give directives”;
- (b) redesignating the contents of section 65 as subsection (1);
- (c) adding immediately after subsection (1), the following new subsection:

“(2) A person who fails to comply with the requirement of this section commits an offence under this Act”.

Amendment  
of the  
Schedules

**35.** The principal Act is amended in the Schedules by deleting the First, Second and Third Schedules and substituting for them the following:

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**FIRST SCHEDULE**

*(Made under section 14(2))*

**Schedules of the Single Convention on  
Narcotic Drugs of 1961 as amended by the  
1972 Protocol, as at 18 May 2016**

***List of drugs included in Schedule I***

Acetorphine	3- <i>O</i> -Acetyltetrahydro-7 $\alpha$ -(1-hydroxy-1-methylbutyl)-6,14- <i>endo</i> -ethenooripavine
Acetyl- <i>alpha</i> -methylfentanyl	<i>N</i> -[1-( $\alpha$ -Methylphenethyl)-4-piperidyl]acetanilide
Acetylfentanyl	<i>N</i> -phenyl- <i>N</i> -[1-(2-phenylethyl)-4-piperidyl]acetamide
Acetylmethadol	3-Acetoxy-6-dimethylamino-4,4-diphenylheptane
AH-7921	3,4-dichloro- <i>N</i> -{[1-(dimethylamino)cyclohexyl]methyl}benzamide
Alfentanil	<i>N</i> -[1-[2-(4-Ethyl-4,5-dihydro-5-oxo-1 <i>H</i> -tetrazol-1-yl)ethyl]-4-(methoxymethyl)-4-piperidinyl]- <i>N</i> -phenylpropanamide
Allylprodine	3-Allyl-1-methyl-4-phenyl-4-propionoxypiperidine
Alphacetylmethadol	$\alpha$ -3-Acetoxy-6-dimethylamino-4,4-diphenylheptane
Alphameprodine	$\alpha$ -3-Ethyl-1-methyl-4-phenyl-4-propionoxypiperidine
Alphamethadol	$\alpha$ -6-Dimethylamino-4,4-diphenyl-3-heptanol
<i>alpha</i> -methylfentanyl	<i>N</i> -[1-( $\alpha$ -Methylphenethyl)-4-piperidyl]propionanilide
<i>alpha</i> -methylthiofentanyl	<i>N</i> -[1-[1-Methyl-2-(2-thienyl)ethyl]-4-piperidyl]propionanilide
Alphaprodine	$\alpha$ -1,3-Dimethyl-4-phenyl-4-propionoxypiperidine
Anileridine	1- <i>p</i> -Aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester
Benzethidine	1-(2-Benzoyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester
Benzylmorphine	3-Benzylmorphine
Betacetylmethadol	$\beta$ -3-Acetoxy-6-dimethylamino-4,4-diphenylheptane
<i>beta</i> -Hydroxyfentanyl	<i>N</i> -[1-( $\beta$ -Hydroxyphenethyl)-4-piperidyl]propionanilide
<i>beta</i> -Hydroxy-3-methylfentanyl	<i>N</i> -[1-( $\beta$ -Hydroxyphenethyl)-3-methyl-4-piperidyl]propionanilide
Betameprodine	$\beta$ -3-Ethyl-1-methyl-4-phenyl-4-propionoxypiperidine
Betamethadol	$\beta$ -6-Dimethylamino-4,4-diphenyl-3-heptanol
Betaprodine	$\beta$ -1,3-Dimethyl-4-phenyl-4-propionoxypiperidine
Bezitramide	1-(3-Cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazolyl)piperidine



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Cannabis and cannabis resin and extracts and tinctures of cannabis	
Clonitazene	2-( <i>p</i> -Chlorbenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole
Coca leaf	
Cocaine	Methyl ester of benzoylecgonine
Codoxime	Dihydrocodeinone-6-carboxymethyloxime
Concentrate of poppy straw (the material arising when poppy straw has entered into a process for the concentration of its alkaloids when such material is made available in trade) ("Poppy straw" means all parts (except the seeds) of the opium poppy after mowing)	
Desomorphine	Dihydrodesoxymorphine
Dextromoramide	(+)-4-[2-Methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)butyl]morpholine
Diampromide	<i>N</i> -[2-(Methylphenethylamino)-propyl]propionanilide
Diethylthiambutene	3-Diethylamino-1,1-di-(2'-thienyl)-1-butene
Difenoxin	1-(3-Cyano-3,3-diphenylpropyl)-4-phenylisonipecotic acid
Dihydroetorphine	7,8-Dihydro-7 $\alpha$ -[1-( <i>R</i> )-hydroxy-1-methylbutyl]-6,14- <i>endo</i> -ethanotetrahydrooripavine
Dihydromorphine	
Dimenoxadol	2-Dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate
Dimepheptanol	6-Dimethylamino-4,4-diphenyl-3-heptanol
Dimethylthiambutene	3-Dimethylamino-1,1-di-(2'-thienyl)-1-butene
Dioxaphetyl butyrate	Ethyl-4-morpholino-2,2-diphenylbutyrate
Diphenoxylate	1-(3-Cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester Dipipanone
4,4-Diphenyl-6-piperidine-3-heptanone	Drotebanol 3,4-
Dimethoxy-17-methylmorphinan-6 $\beta$ ,14-diol	Ecgonine, its esters and derivatives which are convertible to ecgonine and cocaine
Ethylmethylthiambutene	3-Ethylmethylamino-1,1-di-(2'-thienyl)-1-butene
Etonitazene	1-Diethylaminoethyl-2- <i>p</i> -ethoxybenzyl-5-nitrobenzimidazole

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Etorphine	Tetrahydro-7 $\alpha$ -(1-hydroxy-1-methylbutyl)-6,14- <i>endo</i> -ethenoripavine
Etoxidine	1-[2-(2-Hydroxyethoxy)-ethyl]-4-phenylpiperidine- 4-carboxylic acid ethyl ester
Fentanyl	1-Phenethyl-4- <i>N</i> -propionylanilinopiperidine
Furethidine	1-(2-Tetrahydrofurfuryloxyethyl)-4-phenylpiperidine- 4-carboxylic acid ethyl ester
Heroin	Diacetylmorphine
Hydrocodone	Dihydrocodeinone
Hydromorfinol	14-
Hydroxydihydromorphine	Hydromorphone
Dihydromorphinone	
Hydroxypethidine	4- <i>m</i> -Hydroxyphenyl-1-methylpiperidine-4- carboxylic acid ethyl ester
Isomethadone	6-(Dimethylamino)-5-methyl-4,4-diphenyl- 3- hexanone
Ketobemidone	4- <i>m</i> -Hydroxyphenyl-1-methyl-4-propionylpiperidine
Levomethorphan <sup>a</sup>	(-)-3-Methoxy- <i>N</i> -methylmorphinan
Levomoramide	(-)-4-[2-Methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl]morpholine
Levophenacymorphan	(-)-3-Hydroxy- <i>N</i> -
phenacymorphinan Levorphanol <sup>b</sup>	(-)-3-Hydroxy-
<i>N</i> -methylmorphinan	
Metazocine	2'-Hydroxy-2,5,9-trimethyl-6,7-
benzomorphan Methadone	6-(Dimethylamino)-4,4-
diphenyl-3-heptanone Methadone intermediate	4-Cyano-2-
dimethylamino-4,4-diphenylbutane	Methyldesorphine
6-Methyl- $\Delta^6$ -deoxymorphine	Methyldihydromorphine
6-Methyldihydromorphine	
3-Methylfentanyl	<i>N</i> -(3-Methyl-1-phenethyl-4-piperidyl)propionanilide
3-Methylthiofentanyl	<i>N</i> -[3-Methyl-1-[2-(2-thienyl)ethyl]-4-piperidyl] propionanilide
Metopon	5-Methyldihydromorphinone
Moramide intermediate	2-Methyl-3-morpholino-1,1- diphenylpropane carboxylic acid
Morpheridine	1-(2-Morpholinoethyl)-4-phenylpiperidine- 4- carboxylic acid ethyl ester

<sup>a</sup>Dextromethorphan ((+)-3-methoxy-*N*-methylmorphinan) and dextrorphan ((+)-3-hydroxy-*N*-methylmorphinan) are specifically excluded from this Schedule.

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Morphine	
Morphine methobromide and other pentavalent nitrogen morphine derivatives	
Morphine- <i>N</i> -oxide	
MPPP	1-Methyl-4-phenyl-4-piperidinol propionate (ester)
MT-45	1-cyclohexyl-4-(1,2-diphenylethyl)piperazine
Myrophine	Myristylbenzylmorphine
Nicomorphine	3,6-Dinicotinylmorphine
Noracymethadol	(±)- <i>α</i> -3-Acetoxy-6-methylamino-4,4-diphenylheptane
Norlevorphanol	(-)-3-Hydroxymorphinan
Normethadone	6-(Dimethylamino)-4,4-diphenyl-3-hexanone
Normorphine	Demethylmorphine
Norpipanone	4,4-Diphenyl-6-piperidino-3-hexanone
Opium	
Oripavine	3- <i>O</i> -Demethylthebaine or 6,7,8,14-tetrahydro-4,5- <i>α</i> -epoxy-6-methoxy-17-methylmorphinan-3-ol
Oxycodone	14-Hydroxydihydrocodeinone
Oxymorphone	14-Hydroxydihydromorphinone
<i>para</i> -Fluorofentanyl	4'-Fluoro- <i>N</i> -(1-phenethyl-4-piperidyl)propionanilide
PEPAP	1-Phenethyl-4-phenyl-4-piperidinol acetate (ester)
Pethidine	1-Methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester
Pethidine intermediate A	4-Cyano-1-methyl-4-phenylpiperidine
Pethidine intermediate B	4-Phenylpiperidine-4-carboxylic acid ethyl ester
Pethidine intermediate C	1-Methyl-4-phenylpiperidine-4-carboxylic acid
Phenadoxone	6-Morpholino-4,4-diphenyl-3-heptanone
Phenampromide	<i>N</i> -(1-Methyl-2-piperidinoethyl)propionanilide
Phenazocine	2'-Hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphan
Phenomorphin	3-Hydroxy- <i>N</i> -phenethylmorphinan
Phenoperidine	1-(3-Hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester
Piminodine	4-Phenyl-1-(3-phenylaminopropyl)-piperidine-4-carboxylic acid ethyl ester
Piritramide	1-(3-Cyano-3,3-diphenylpropyl)-4-(1-piperidino)piperidine-4-carboxylic acid amide

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Proheptazine	1,3-Dimethyl-4-phenyl-4-propionoxyazacycloheptane
Propерidine	1-Methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester
Racemorphan	(±)-3-Methoxy- <i>N</i> -methylmorphinan
Racemoramide	(±)-4-[2-Methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)butyl]morpholine
Racemorphan	(±)-3-Hydroxy- <i>N</i> -methylmorphinan
Remifentanil	1-(2-Methoxycarbonylethyl)-4-(phenylpropionylamino)-piperidine-4-carboxylic acid methyl ester
Sufentanil	<i>N</i> -[4-(Methoxymethyl)-1-[2-(2-thienyl)ethyl]-4-piperidyl]propionanilide
Thebacon	Acetyldihydrocodeinone
Thebaine	
Thiofentanyl	<i>N</i> -[1-[2-(2-Thienyl)ethyl]-4-piperidyl]propionanilide
Tilidine	(±)-Ethyl- <i>trans</i> -2-(dimethylamino)-1-phenyl-3-cyclohexene-1-carboxylate
Trimeperidine	1,2,5-Trimethyl-4-phenyl-4-propionoxypiperidine

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The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation.

The esters and ethers, unless appearing in another Schedule, of the drugs in this Schedule whenever the existence of such esters or ethers is possible.

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

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**List of drugs included in Schedule II**

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Acetyldihydrocodeine	
Codeine	3-Methylmorphine
Dextropropoxyphene	$\alpha$ -(+)-4-Dimethylamino-1,2-diphenyl-3-methyl-2-butanol propionate
Dihydrocodeine	
Ethylmorphine	3-Ethylmorphine
Nicocodine	6-Nicotinylcodeine
Nicodicodine	6-
Nicotinyldihydrocodeine	Norcodeine
N-Demethylcodeine	Pholcodine
Morpholinylethylmorphine	
Propiram	N-(1-Methyl-2-piperidinoethyl)-N-2-pyridylpropionamide

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The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation.

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

**List of preparations included in Schedule III**

1. Preparations of:
  - Acetyldihydrocodeine
  - Codeine
  - Dihydrocodeine
  - Ethylmorphine
  - Nicocodine
  - Nicodicodine
  - Norcodeine
  - Pholcodine

when compounded with one or more other ingredients and containing not more than 100 milligrams of the drug per dosage unit and with a concentration of not more than 2.5

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2. Preparations of propiram containing not more than 100 milligrams of propiram per dosage unit and compounded with at least the same amount of methylcellulose.
3. Preparations of dextropropoxyphene for oral use containing not more than 135 milligrams of dextropropoxyphene base per dosage unit or with a concentration of not more than 2.5 per cent in undivided preparations, provided that such preparations do not contain any substance controlled under the 1971 Convention on Psychotropic Substances.
4. Preparations of cocaine containing not more than 0.1 per cent of cocaine calculated as cocaine base and preparations of opium or morphine containing not more than 0.2 per cent of morphine calculated as anhydrous morphine base and compounded with one or more other ingredients and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health.
5. Preparations of difenoxin containing, per dosage unit, not more than 0.5 milligram of difenoxin and a quantity of atropine sulfate equivalent to at least 5 per cent of the dose of difenoxin.
6. Preparations of diphenoxylate containing, per dosage unit, not more than 2.5 milligrams of diphenoxylate calculated as base and a quantity of atropine sulfate equivalent to at least 1 per cent of the dose of diphenoxylate.
7. *Pulvis ipecacuanhae et opii compositus*
  - 10 per cent opium in powder
  - 10 per cent ipecacuanha root, in powder well mixed with
  - 80 per cent of any other powdered ingredient containing no drug.
8. Preparations conforming to any of the formulas listed in this Schedule and mixtures of such preparations with any material which contains no drug.

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**List of drugs included in Schedule IV**

Acetorphine	3- <i>O</i> -Acetyltetrahydro-7 $\alpha$ -(1-hydroxy-1-methylbutyl)-6,14- <i>endo</i> -ethenooripavine
Acetyl- <i>alpha</i> -methylfentanyl	<i>N</i> -[1-( $\alpha$ -Methylphenethyl)-4-piperidyl]acetanilide
Acetylfentanyl	<i>N</i> -phenyl- <i>N</i> -[1-(2-phenylethyl)-4-piperidinyl]acetamide
<i>alpha</i> -Methylfentanyl	<i>N</i> -[1-( $\alpha$ -Methylphenethyl)-4-piperidyl]propionanilide
<i>alpha</i> -Methylthiofentanyl	<i>N</i> -[1-[1-Methyl-2-(2-thienyl)ethyl]-4-piperidyl]propionanilide
<i>beta</i> -Hydroxy-3-methylfentanyl	<i>N</i> -[1-( $\beta$ -Hydroxyphenethyl)-3-methyl-4-piperidyl]propionanilide
<i>beta</i> -Hydroxyfentanyl	<i>N</i> -[1-( $\beta$ -Hydroxyphenethyl)-4-piperidyl]propionanilide
Cannabis and cannabis resin	
Desomorphine	Dihydrodesoxymorphine
Etorphine	Tetrahydro-7 $\alpha$ -(1-hydroxy-1-methylbutyl)-6,14- <i>endo</i> -ethenooripavine
Heroin	Diacetylmorphine
Ketobemidone	4- <i>m</i> -Hydroxyphenyl-1-methyl-4-propionylpiperidine
3-Methylfentanyl	<i>N</i> -(3-Methyl-1-phenethyl-4-piperidyl)propionanilide
3-Methylthiofentanyl	<i>N</i> -[3-Methyl-1-[2-(2-thienyl)ethyl]-4-piperidyl]propionanilide
MPPP	1-Methyl-4-phenyl-4-piperidinol propionate (ester)
<i>para</i> -Fluorofentanyl	4'-Fluoro- <i>N</i> -(1-phenethyl-4-piperidyl)propionanilide
PEPAP	1-Phenethyl-4-phenyl-4-piperidinol acetate (ester)
Thiofentanyl	<i>N</i> -[1-[2-(2-Thienyl)ethyl]-4-piperidyl]propionanilide

The salts of the drugs listed in this Schedule whenever the formation of such salts is possible.

## Schedules of the Convention on Psychotropic Substances of 1971, as at 13 November 2016

### List of substances in Schedule I

<i>International non-proprietary name (INN)</i>	<i>Other non-proprietary or trivial names</i>	<i>Chemical name</i>
	25B-NBOMe, 2C-B-NBOMe	2-(4-bromo-2,5-dimethoxyphenyl)- <i>N</i> -[(2-methoxyphenyl)methyl]ethanamine
	25C-NBOMe, 2C-C-NBOMe	2-(4-chloro-2,5-dimethoxyphenyl)- <i>N</i> -[(2-methoxyphenyl)methyl]ethanamine
	25I-NBOMe, 2C-I-NBOMe	2-(4-iodo-2,5-dimethoxyphenyl)- <i>N</i> -[(2-methoxyphenyl)methyl]ethanamine
Brolamfetamine	DOB	(±)-4-Bromo-2,5-dimethoxy- $\alpha$ -methylphenethylamine
Cathinone		(-)-( <i>S</i> )-2-Aminopropiophenone
	DET	3-[2-(Diethylamino)ethyl]indole
	DMA	(±)-2,5-Dimethoxy- $\alpha$ -methylphenethylamine
	DMHP	3-(1,2-Dimethylheptyl)-7,8,9,10-tetrahydro-6,6,9-trimethyl-6 <i>H</i> -dibenzo[ <i>b,d</i> ]pyran-1-ol
	DMT	3-[2-(Dimethylamino)ethyl]indole
	DOET	(±)-4-Ethyl-2,5-dimethoxy- $\alpha$ -methylphenethylamine
Eticyclidine	PCE	<i>N</i> -Ethyl-1-phenylcyclohexylamine
Etryptamine		3-(2-Aminobutyl)indole
	<i>N</i> -Hydroxy MDA	(±)- <i>N</i> -[ $\alpha$ -Methyl-3,4-(methylenedioxy)phenethyl]hydroxylamine
(+)-Lysergide	LSD, LSD-25	9,10-Didehydro- <i>N,N</i> -diethyl-6-methylergoline-8 $\beta$ -carboxamide
	MDE, <i>N</i> -Ethyl MDA	(±)- <i>N</i> -Ethyl- $\alpha$ -methyl-3,4-(methylenedioxy)phenethylamine
	MDMA	(±)- <i>N</i> , $\alpha$ -Dimethyl-3,4-(methylenedioxy)phenethylamine
	Mescaline	3,4,5-Trimethoxyphenethylamine
	Methcathinone	2-(Methylamino)-1-phenylpropan-1-one
	4-Methylaminorex	(±)- <i>cis</i> -2-Amino-4-methyl-5-phenyl-2-oxazoline
	MMDA	5-Methoxy- $\alpha$ -methyl-3,4-(methylenedioxy)phenylethylamine



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<i>International non-proprietary name (INN)</i>	<i>Other non-proprietary or trivial names</i>	<i>Chemical name</i>
	4-MTA	<i>α</i> -Methyl-4-methylthiophenethylamine
	Parahexyl	3-Hexyl-7,8,9,10-tetrahydro-6,6,9-trimethyl-6 <i>H</i> -dibenzo[ <i>b,d</i> ]pyran-1-ol
	PMA	<i>p</i> -Methoxy- <i>α</i> -methylphenylethylamine
	<i>para</i> -Methoxymethylamphetamine, PMMA	1-(4-methoxyphenyl)- <i>N</i> -methylpropan-2-amine
Psilocybine	Psilocine, psilotsin	3-[2-(Dimethylamino)ethyl]indol-4-ol 3-[2-(Dimethylamino)ethyl]indol-4-yl hydrogen phosphate
Rolicyclidine	PHP, PCPY STP, DOM	1-(1-Phenylcyclohexyl)pyrrolidine 2,5-Dimethoxy- <i>α</i> ,4-dimethylphenethylamine
Tenamfetamine	MDA	<i>α</i> -Methyl-3,4-(methylenedioxy)phenethylamine
Tenocyclidine	TCP	1-[1-(2-Thienyl)cyclohexyl]piperidine
	Tetrahydrocannabinol, the following isomers and their stereochemical variants:	7,8,9,10-Tetrahydro-6,6,9-trimethyl-3-pentyl-6 <i>H</i> -dibenzo[ <i>b,d</i> ]pyran-1-ol 8,9,10,10 <i>a</i> -tetrahydro-6,6,9-trimethyl-3-pentyl-6 <i>H</i> -dibenzo[ <i>b,d</i> ]pyran-1-ol 6 <i>a</i> ,9,10,10 <i>a</i> -Tetrahydro-6,6,9-trimethyl-3-pentyl-6 <i>H</i> -dibenzo[ <i>b,d</i> ]pyran-1-ol 6 <i>a</i> ,7,10,10 <i>a</i> -Tetrahydro-6,6,9-trimethyl-3-pentyl-6 <i>H</i> -dibenzo[ <i>b,d</i> ]pyran-1-ol 6 <i>a</i> ,7,8,9-Tetrahydro-6,6,9-trimethyl-3-pentyl-6 <i>H</i> -dibenzo[ <i>b,d</i> ]pyran-1-ol 6 <i>a</i> ,7,8,9,10,10 <i>a</i> -Hexahydro-6,6-dimethyl-9-methylene-3-pentyl-6 <i>H</i> -dibenzo[ <i>b,d</i> ]pyran-1-ol
	TMA	(±)-3,4,5-Trimethoxy- <i>α</i> -methylphenethylamine

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

The stereoisomers, unless specifically excepted, of substances in this Schedule, whenever the existence of such stereoisomers is possible within the specific chemical designation.

**List of substances in Schedule II**

<i>International non-proprietary name (INN)</i>	<i>Other non-proprietary or trivial names</i>	<i>Chemical name</i>
	$\alpha$ -Pyrrolidinovalero phenone, $\alpha$ -PVP	1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one
Amfetamine	Amphetamine	( $\pm$ )- $\alpha$ -Methylphenethylamine
Amineptine		7-[(10,11-Dihydro-5 <i>H</i> -dibenzo[ <i>a,d</i> ] cyclohepten-5-yl)amino]heptanoic acid
	<i>N</i> -benzylpiperazine, BZP	1-Benzylpiperazine
	2C-B	4-Bromo-2,5-dimethoxyphenethylamine
Dexamfetamine	Dexamphetamine	(+)- $\alpha$ -Methylphenethylamine
Dronabinol*	$\delta$ -9-Tetrahydro-cannabinol and its stereochemical variants	(6 <i>aR</i> ,10 <i>aR</i> )-6 <i>a</i> ,7,8,10 <i>a</i> -Tetrahydro-6,6,9-trimethyl-3-pentyl-6 <i>H</i> -dibenzo[ <i>b,d</i> ] pyran-1-ol
Fenetylline		7-[2-[( $\alpha$ -Methylphenethyl)amino]ethyl] theophylline
	GHB	$\gamma$ -Hydroxybutyric acid
Levamphetamine	Levamphetamine	(-)-( <i>R</i> )- $\alpha$ -Methylphenethylamine
	Levomethamphetamine	(-)- <i>N</i> , $\alpha$ -Dimethylphenethylamine
Mecloqualone		3-( <i>o</i> -Chlorophenyl)-2-methyl-4(3 <i>H</i> ) Quinazolinone
	Mephedrone,4-methylmethcathinone	( <i>RS</i> )-2-(methylamino)-1-(4-methylphenyl) propan-1-one
Metamfetamine	Methamphetamine	(+)-( <i>S</i> )- <i>N</i> , $\alpha$ -Dimethylphenethylamine
Metamfetamine racemate	Methamphetamine racemate	( $\pm$ )- <i>N</i> , $\alpha$ -Dimethylphenethylamine
Methaqualone		2-Methyl-3- <i>o</i> -tolyl-4(3 <i>H</i> )quinazolinone
	Methoxetamine, MXE	2-(ethylamino)-2-(3-methoxyphenyl) cyclohexanone
	3,4-Methylenedioxypropyl-valerone, MDPV	( <i>RS</i> )-1-(benzo[ <i>d</i> ][1,3]dioxol-5-yl)-2-(pyrrolidin-1-yl)pentan-1-one
	Methylone, <i>beta</i> -keto-MDMA	( <i>RS</i> )-2-methylamino-1-(3,4-methylenedioxyphenyl)propan-1-one
Methylphenidate		Methyl $\alpha$ -phenyl-2-piperidine acetate
	JWH-018	Naphthalen-1-yl(1-pentyl-1 <i>H</i> -indol-3-yl) methanone
	AM-2201	1-(5-fluoropentyl)-1 <i>H</i> -indol-3-yl)-(naphthalen-1-yl)methanone
	<i>para</i> -Methyl-4-methylaminorex, 4,4'-DMAR	4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine

The International Drug Control Conventions

<i>International non-proprietary name (INN)</i>	<i>Other non-proprietary or trivial names</i>	<i>Chemical name</i>
Secobarbital		5-Allyl-5-(1-methylbutyl)barbituric acid
Zipeprol		$\alpha$ -( $\alpha$ -Methoxybenzyl)-4-( $\beta$ -methoxyphenethyl)-1-piperazineethanol

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

\* This INN refers to only one of the stereochemical variants of delta-9-tetrahydrocannabinol, namely (-)-*trans*-delta-9-tetrahydrocannabinol.

*Schedules of the Convention on Psychotropic Substances of 1971, as at 13 November 2016*

**List of substances in Schedule III**

<i>International non-proprietary name (INN)</i>	<i>Other non-proprietary or trivial names</i>	<i>Chemical name</i>
Amobarbital		5-Ethyl-5-isopentylbarbituric acid
Buprenorphine		21-Cyclopropyl-7 $\alpha$ -[(S)-1-hydroxy-1,2,2-trimethylpropyl]-6,14- <i>endo</i> -ethano-6,7,8,14-tetrahydrooripavine
Butalbital		5-Allyl-5-isobutylbarbituric acid
Cathine	(+)-Norpseudo-ephedrine	(+)-(S)- $\alpha$ -[(S)-1-Aminoethyl]benzyl alcohol
Cyclobarbital		5-(1-Cyclohexen-1-yl)-5-ethylbarbituric acid
Flunitrazepam		5-( <i>o</i> -Fluorophenyl)-1,3-dihydro-1-methyl-7-nitro-2 <i>H</i> -1,4-benzodiazepin-2-one
Glutethimide		2-Ethyl-2-phenylglutarimide
Pentazocine		(2 <i>R</i> *,6 <i>R</i> *,11 <i>R</i> *)-1,2,3,4,5,6-Hexahydro-6,11-dimethyl-3-(3-methyl-2-butenyl)-2,6-methano-3-benzazocin-8-ol
Pentobarbital		5-Ethyl-5-(1-methylbutyl)barbituric acid

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

*The International Drug Control Conventions*

**List of substances in Schedule IV**

<i>International non-proprietary name (INN)</i>	<i>Other non-proprietary or trivial names</i>	<i>Chemical name</i>
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Allobarbital		5,5-Diallylbarbituric acid
Alprazolam		8-Chloro-1-methyl-6-phenyl-4 <i>H</i> - <i>s</i> - triazolo[4,3- <i>α</i> ][1,4]benzodiazepine
Amfepramone	Diethylpropion	2-
(Diethylamino)propiofenone	Aminorex	
2-Amino-5-phenyl-2-oxazoline	Barbital	
5,5-Diethylbarbituric acid		
Benzfetamine	Benzphetamine	<i>N</i> -Benzyl- <i>N</i> - <i>α</i> -dimethylphenethylamine
Bromazepam		7-Bromo-1,3-dihydro-5-(2-pyridyl)-2 <i>H</i> -1,4-benzodiazepin-2-one
Brotizolam		2-Bromo-4-( <i>o</i> -chlorophenyl)-9-methyl-6 <i>H</i> -thieno[3,2- <i>f</i> ]- <i>s</i> -triazolo[4,3- <i>α</i> ][1,4]diazepine
Camazepam	Butobarbital	5-Butyl-5-ethylbarbituric acid
		7-Chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2 <i>H</i> -1,4-benzodiazepin-2-one dimethylcarbamate (ester)
Chlordiazepoxide		7-Chloro-2-methylamino-5-phenyl-3 <i>H</i> -1,4- benzodiazepine-4-oxide
Clobazam		7-Chloro-1-methyl-5-phenyl-1 <i>H</i> -1,5- benzodiazepine-2,4(3 <i>H</i> ,5 <i>H</i> )-dione
Clonazepam		5-( <i>o</i> -Chlorophenyl)-1,3-dihydro-7- nitro-2 <i>H</i> -1,4-benzodiazepin-2-one
Clorazepate		7-Chloro-2,3-dihydro-2-oxo-5-phenyl-1,4-benzodiazepine-3-carboxylic acid
1 <i>H</i> -		
Clotiazepam		5-( <i>o</i> -Chlorophenyl)-7-ethyl-1,3-dihydro-1-methyl-2 <i>H</i> -thieno[2,3- <i>e</i> ]-1,4-diazepin-2-one
Cloxazolam		10-Chloro-11 <i>b</i> -( <i>o</i> -chlorophenyl)-2,3,7,11 <i>b</i> -tetrahydrooxazolo-[3,2- <i>d</i> ][1,4]benzodiazepin-6(5 <i>H</i> )-one
Delorazepam		7-Chloro-5-( <i>o</i> -chlorophenyl)-1,3-dihydro-2 <i>H</i> -1,4-benzodiazepin-2-one
Diazepam		7-Chloro-1,3-dihydro-1-methyl-5-phenyl-2 <i>H</i> -1,4-benzodiazepin-2-one
Estazolam		8-Chloro-6-phenyl-4 <i>H</i> - <i>s</i> -triazolo[4,3- <i>α</i> ][1,4]benzodiazepine
Ethchlorvynol		1-Chloro-3-ethyl-1-penten-4-yn-3-ol

Schedules of the Convention on Psychotropic Substances of 1971, as at 13 November 2016

<i>International non-proprietary name (INN)</i>	<i>Other non-proprietary or trivial names</i>	<i>Chemical name</i>
Ethinamate		1-Ethynylcyclohexanolcarbamate
Ethyl loflazepate		Ethyl 7-chloro-5-( <i>o</i> -fluorophenyl)-2,3-dihydro-2-oxo-1 <i>H</i> -1,4-benzodiazepine-3-carboxylate
Etilamfetamine	<i>N</i> -Ethylamphetamine	<i>N</i> -Ethyl- $\alpha$ -methylphenethylamine
Fencamfamin		<i>N</i> -Ethyl-3-phenyl-2-norbornanamine
Fenproporex		( $\pm$ )-3-[( $\alpha$ -Methylphenethyl)amino]propionitrile
Fludiazepam		7-Chloro-5-( <i>o</i> -fluorophenyl)-1,3-dihydro-1-methyl-2 <i>H</i> -1,4-benzodiazepin-2-one
Flurazepam		7-Chloro-1-[2-(diethylamino)ethyl]-5-( <i>o</i> -fluorophenyl)-1,3-dihydro-2 <i>H</i> -1,4-benzodiazepin-2-one
Halazepam		7-Chloro-1,3-dihydro-5-phenyl-1-(2,2,2-trifluoroethyl)-2 <i>H</i> -1,4-benzodiazepin-2-one
Haloxazolam		10-Bromo-11 <i>b</i> -( <i>o</i> -fluorophenyl)-2,3,7,11 <i>b</i> -tetrahydrooxazolo[3,2- <i>d</i> ][1,4]benzodiazepin-6(5 <i>H</i> )-one
Ketazolam		11-Chloro-8,12 <i>b</i> -dihydro-2,8-dimethyl-12 <i>b</i> -phenyl-4 <i>H</i> -[1,3]oxazino[3,2- <i>d</i> ][1,4]benzodiazepine-4,7(6 <i>H</i> )-dione
Lefetamine	SPA	(-)- <i>N,N</i> -Dimethyl-1,2-diphenylethylamine
Loprazolam		6-( <i>o</i> -Chlorophenyl)-2,4-dihydro-2-[(4-methyl-1-piperazinyl)methylene]-8-nitro-1 <i>H</i> -imidazo[1,2- <i>a</i> ][1,4]benzodiazepin-1-one
Lorazepam		7-Chloro-5-( <i>o</i> -chlorophenyl)-1,3-dihydro-3-hydroxy-2 <i>H</i> -1,4-benzodiazepin-2-one
Lormetazepam		7-Chloro-5-( <i>o</i> -chlorophenyl)-1,3-dihydro-3-hydroxy-1-methyl-2 <i>H</i> -1,4-benzodiazepin-2-one
Mazindol		5-( <i>p</i> -Chlorophenyl)-2,5-dihydro-3 <i>H</i> -imidazo[2,1- <i>a</i> ]isindol-5-ol
Medazepam		7-Chloro-2,3-dihydro-1-methyl-5-phenyl-1 <i>H</i> -1,4-benzodiazepine
Mefenorex		<i>N</i> -(3-Chloropropyl)- $\alpha$ -methylphenethylamine
Meprobamate		2-Methyl-2-propyl-1,3-propanediol dicarbamate

The International Drug Control Conventions

<i>International non-proprietary name (INN)</i>	<i>Other non-proprietary or trivial names</i>	<i>Chemical name</i>
Mesocarb		3-( $\alpha$ -Methylphenethyl)- <i>N</i> -(phenylcarbamoyl)sydnone imine
Methylphenobarbital		5-Ethyl-1-methyl-5-phenylbarbituric acid
Methylprylon		3,3-Diethyl-5-methyl-2,4-piperidinedione
Midazolam		8-Chloro-6-( <i>o</i> -fluorophenyl)-1-methyl-4 <i>H</i> -imidazo[1,5- <i>a</i> ][1,4]benzodiazepine
Nimetazepam		1,3-Dihydro-1-methyl-7-nitro-5-phenyl-2 <i>H</i> -1,4-benzodiazepin-2-one
Nitrazepam		1,3-Dihydro-7-nitro-5-phenyl-2 <i>H</i> -1,4-benzodiazepin-2-one
Nordazepam		7-Chloro-1,3-dihydro-5-phenyl-2 <i>H</i> -1,4-benzodiazepin-2-one
Oxazepam		7-Chloro-1,3-dihydro-3-hydroxy-5-phenyl-2 <i>H</i> -1,4-benzodiazepin-2-one
Oxazolam		10-Chloro-2,3,7,11 <i>b</i> -tetrahydro-2-methyl-11 <i>b</i> -phenyloxazolo[3,2- <i>d</i> ][1,4]benzodiazepin-6(5 <i>H</i> )-one
Pemoline		2-Amino-5-phenyl-2-oxazolin-4-one
Phendimetrazine		(+)-(2 <i>S</i> ,3 <i>S</i> )-3,4-Dimethyl-2-phenylmorpholine
Phenobarbital		5-Ethyl-5-phenylbarbituric acid
	Phenazepam	7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2 <i>H</i> -1,4-benzodiazepin-2-one
Phentermine		$\alpha,\alpha$ -Dimethylphenethylamine
Pinazepam		7-Chloro-1,3-dihydro-5-phenyl-1-(2-propynyl)-2 <i>H</i> -1,4-benzodiazepin-2-one
Pipradrol		1,1-Diphenyl-1-(2-piperidyl)methanol
Prazepam		7-Chloro-1-(cyclopropylmethyl)-1,3-dihydro-5-phenyl-2 <i>H</i> -1,4-benzodiazepin-2-one
Pyrovalerone		4'-Methyl-2-(1-pyrrolidinyl)valerophenone
Secbutabarbital		5- <i>sec</i> -Butyl-5-ethylbarbituric acid
Temazepam		7-Chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2 <i>H</i> -1,4-benzodiazepin-2-one
Tetrazepam		7-Chloro-5-(1-cyclohexen-1-yl)-1,3-dihydro-1-methyl-2 <i>H</i> -1,4-benzodiazepin-2-one

*Schedules of the Convention on Psychotropic Substances of 1971, as at 13 November 2016*

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<i>International non-proprietary name (INN)</i>	<i>Other non-proprietary or trivial names</i>	<i>Chemical name</i>
Triazolam		8-Chloro-6-( <i>o</i> -chlorophenyl)-1-methyl-4 <i>H</i> -s-triazolo[4,3- <i>a</i> ][1,4]benzodiazepine
Vinylbital		5-(1-Methylbutyl)-5-vinylbarbituric acid
Zolpidem		<i>N,N</i> ,6-Trimethyl-2- <i>p</i> -tolylimidazo[1,2- <i>a</i> ]pyridine-3-acetamide

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



**SECOND SCHEDULE**

(Made under section 14(2))

<b>Table I</b>	<b>Table II</b>
Acetic anhydride	Acetone
N-acetylanthranilic acid	Anthranilic acid
Ephedrine	Ethyl ether
Ergometrine	Hydrochloric acid
Ergotamine	Methyl ethyl ketone
Isosafrole	Piperidine
Lysergic acid	Sulphuric acid
3,4-methylenedioxyphenyl-2-propanon	Toluene
Norephedrine	
1-phenyl-2-propanone	
Alpha-phenylacetoacetonitrile (APAAN)	
Phenylacetic acid	
Piperonal	
Potassium permanganate	
Pseudoephedrine	
Safrole	
The salts of the substances listed in this Table whenever the existence of such salts is possible	The salts of the substances listed in this Table whenever the existence and sulphuric acid are specifically excluded)

**THIRD SCHEDULE**

(Made under section 48(2))

**FORMS**

**THE UNITED REPUBLIC OF TANZANIA**

**THE DRUG CONTROL AND ENFORCEMENT AUTHORITY**

**Form No. DCEA 001**



**FORENSIC LABORATORY SUBMISSION FORM**

**For submission of biological samples/ substances suspected to be drug  
or precursor chemicals / substances with drug related effects**

New Submission       Resubmission       Additional Submission

**Contact Person Information**

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

**Case Information**

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

**Suspect Information**

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

**Description of Exhibit Submitted**

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

**Request**

Requested analysis of:

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

**Submitted By**

Full Name of Submitting Officer: ..... Title.....  
Signature: .....Date: ..... Time:.....

**Received by**

Full Name of Receiving Officer: ..... Title: .....  
Signature: .....Date: ..... Time:.....

**FOMU**

JAMHURI YA MUUNGANO WA TANZANIA

**MAMLAKA YA KUDHIBITI NA KUPAMBANA NA DAWA ZA  
KULEVYA**

FOMU Na. DCEA 001



**FOMU YA UWASILISHAJI SAMPULI MAARABA**

**“Kwa ajili ya uwasilishwaji wa Sampuli za kibaiologia/vitu vinavyodhaniwa  
kuwa dawa za kulevya/vitu vyenye madhara yahusianayo na dawa za kulevya**

Sampuli mpya       sampuli ya marudioio       sampuli ya nyongeza  
**Maelezo ya**      **Mwasilishaji**

Taasisi inayowasilisha Sampuli: .....  
Majina ya Afisa Mwasilishaji: ..... Wadhifa: .....  
Anwani: .....  
Mioa ..... Wilaya ..... Kituo cha kazi .....  
Simu ya Ofisi: ..... Simu ya Mkononi: .....  
Nukshi ..... Barua pepe: .....

**Taarifa za kesi**

Namba za Kesi: .....  
Kosa: .....  
Tarehe ya ukamataji .....  
Eneo la ukamataji: ..... Mkoa ..... Wilaya .....  
Kijiji/mtaa : .....

**Taarifa za Mtuhumiwa**

S/n	Jina la Mtuhumiwa, (Jina la kwanza, la pili la tatu)	Jinsia (ME/KE)	Tarehe ya kuzaliwa	Uraia	Namba ya kitambulisho/pasi ya kusafiria Na. ...

**Maelezo ya kielelezo kinachowasilishwa**

<b>S/Na</b>	<b>Idadi ya sampuli/vielelezo na maelezo yanayohusiana nayo/navyo</b>	<b>Aina ya kielelezo/sampuli inayodhaniwa kuwa dawa za kulevya, kemikali n.k</b>

**Maombi**

Maombi ya Uchunguzi:

- 1) Utambulisho wa Kielelezo/sampuli
- 2) Aina ya Dawa
- 3) Uzito wa dawa
- 4) Madhara kwa binadamu

***Iwasilishwa na:***

Jina ka la Afisa anayewasilisha sampuli: ..... Cheo.....

Sahihi: .....Tarehe: ..... muda:.....

***Imepokelewa na***

Jina la Afisa Mpokeaji: ..... Cheo: .....

Sahihi .....Tarehe: ..... muda:.....

**THE UNITED REPUBLIC OF TANZANIA**

DRUG CONTROL AND ENFORCEMENT AUTHORITY

**FORM NO. DCEA 002**



**CERTIFICATE OF PHOTOGRAPH/MOVING PICTURE**

---

I, .....  
District/Resident  
Magistrate, do hereby certify that  
..... still pictures/moving  
pictures stored in ..... (form of storage)  
have been taken/recorded in my presence by .....  
(recording officer) before the disposal of the exhibit namely  
.....this  
..... day of ..... 20.....  
NAME OF THE OFFICER: .....  
SIGNATURE OF THE OFFICER: .....

**BEFORE ME:**

NAME:.....  
QUALIFICATION: .....  
ADDRESS:.....  
SIGNATURE: .....  
DATE: .....

**JAMHURI YA MUUNGANO WA TANZANIA**

MAMLAKA YA KUDHIBITI NA KUPAMBANA NA DAWA ZA KULEVYA  
**FOMU NA. DCEA002**



**HATI YA PICHA ZA MNATO/VIDEO**

---

Mimi, ..... Hakimu  
Mkazi/wa Wilaya  
Nathibitisha kwamba .....  
picha za mnato/video zilizotunzwa kwenye  
..... (taja namna ya utunzaji)  
zimepigwa/zimechukuliwa mbele yangu na ..... (Afisa  
anayepiga picha/video/kabla ya kuteketeza vielelezo/vielelezo (taja)  
..... Leo tarehe ..... mwezi wa  
..... mwaka 20.....

JINA LA AFISA: .....

SAHIHI YA AFISA: .....

**MBELE YANGU:**

JINA:.....

SIFA: .....

ANUANI:.....

SAHIHI: .....

TAREHE: .....

**THE UNITED REPUBLIC OF TANZANIA  
DRUG CONTROL AND ENFORCEMENT AUTHORITY**

**FORM NO. DCEA 003**



**CERTIFICATE OF SEIZURE**  
*(Made under section 48(2)(c)(viii) cha DCEA, 2015)*

I .....(name)  
.....(title)  
DO HEREBY certify to have conducted a search on .....  
(date) at  
.....

.....  
(place) and the under mentioned things/properties were seized:-

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

in the presence of:

1. Name of witness: ..... of .....  
Signature: .....
2. Name of Witness: .....  
Signature: .....
3. Name(s) of person(s) searched and signature
  - (a) NAME: .....  
SIGNATURE: .....
  - (b) NAME: .....  
SIGNATURE: .....
  - (c) NAME: .....  
SIGNATURE: .....
  - (d) NAME: .....



- SIGNATURE: .....
- (e) NAME: .....
- SIGNATURE: .....
- (f) NAME: .....
- SIGNATURE: .....
- 4. Name of Executing officer: .....
- Signature: .....
- Date: .....
- 5. Name of interpreter (if any)
- Signature: .....
- Date: .....

**JAMHURI YA MUUNGANO WA TANZANIA**

**FOMU NA. DCEA 003**



**MAMLAKA YA KUDHIBITI NA KUPAMBANA NA DAWA ZA KULEVYA**  
**HATI YA UKAMATAJI MALI**  
*(Chini ya Kifungu cha 48(2)(c)(viii) cha DCEA, 2015)*

Mimi..... (jina)  
.....(cheo), nathibitisha kuwa nimefanya upekuzi  
tarehe..... eneo la .....(mahali) ambapo vitu vifuatavyo  
vimekamatwa:

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

Mbele ya:

1. Jina la Shahidi:.....  
Saini:.....
  2. Jina la Shahidi:.....  
Saini:.....
- \*\*\***(MASHAHIDI WATAJAZWA KULINGANA NA MAZINGIRA)**

Jina/majina na saini za watu waliofanyiwa upekuzi

- a. Jina:.....  
Saini:.....
- b. Jina:.....  
Saini:.....
- c. Jina:.....  
Saini:.....
- d. Jina:.....  
Saini:.....
- e. Jina:.....

Saini:.....

f. Jina:.....

Saini:.....

Jina la Afisa Mtekelezaji:.....

Saini:.....

Tarehe:.....

Jina la Mkarimani (kama yupo):.....

Sahihi:.....

Tarehe:.....

**THE UNITED REPUBLIC OF TANZANIA  
FORM NO. DCEA 004**



**DRUG CONTROL AND ENFORCEMENT AUTHORITY  
OBSERVATION FORM**  
(Made under section 48(2)(c)(viii) cha DCEA, 2015)

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

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

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

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

.....  
 NAME AND SIGNATURE OF OFFICER

OFFICER'S OPINION (if any)

.....  
 Name of Officer: .....

Signature: .....

Name of Interpreter (if any): .....

Signature: .....

JAMHURI YA MUUNGANO WA TANZANIA

FOMU NA. DCEA 004



MAMLAKA YA KUDHIBITI NA KUPAMBANA NA DAWA ZA KULEVYA

FOMU YA UANGALIZI

(Chini ya Kifungu cha 48(2)(c)(viii) cha DCEA, 2015)

Jina la mtuhumiwa/mshtakiwa aliye chini ya

uangelizi:.....

Jinsi: .....Umri:

.....Kabila/Uraia:.....

Makazi:.....Simu:.....

Kazi.....

Tarehe na muda wa ukamataji:.....

Namba ya Ndege/Meli/Gari/Chombo cha Usafiri:.....

Wakati wa uangelizi mtuhumiwa/mshtakiwa ametoa pipi zinazodhaniwa kuwa na dawa za kulevya kama ifuatavyo:

Tarehe	Muda	Idadi ya Pipi zilizotolewa	Jina na Saini ya Mtuhumiwa	Jina na Saini ya Shahidi Huru	Jina na Saini ya Afisa

Muda aliomaliza kutoa pipi:.....

**Tamko la Mtuhumiwa/Mshtakiwa aliye Chini ya Uangelizi**

Mimi..... nathibitisha kuwa taarifa iliyoingizwa kwenye jedwali hapo juu kuhusu dawa nilizotoa ni sahihi kwa kadiri ya ufahamu wangu.

Imetiwa saini terehe:.....

Jina la Mtuhumiwa/Mshtakiwa:.....

Saini ya Mtuhumiwa/Mshtakiwa:.....

Jina la Afisa:.....

Saini ya Afisa:.....

Maoni ya Afisa (kama  
yapo).....  
.....  
Jina :.....  
Saini :.....Tarehe.....  
  
Jina la Mkarimani (kama yupo): .....  
Saini: .....

**THE UNITED REPUBLIC OF TANZANIA  
DRUG CONTROL AND ENFORCEMENT AUTHORITY**

**FORM NO. DCEA 005**



**CAUTIONED STATEMENT**

---

**WRITE IN CAPITAL LETTERS**

NAME OF

SUSPECT:.....

NATIONALITY/TRIBE:.....

AGE:

.....

RELIGION:.....

.....

OCCUPATION:.....

.....

PHYSICAL

ADDRESS:.....STREET/VILLAGE:.....

.....WARD:.....

DIVISION:.....DISTRICT:.....

.....REGION:.....

MOBILE /TEL.

NO.....

E-

MAIL:.....

.....

NAME OF TEN CELL LEADER/WARD

SECRETARY.....

DATE:.....PLACE

.....

STARTING TIME:.....

**CAUTIONED STATEMENT ACCORDING TO SECTION 48 OF THE DRUG CONTROL AND ENFORCEMENT ACT (DCEA), No.5 OF 2015**

**CAUTION: -**

I ..... (Name and Title/Position), warn you.....  
.....  
..... that you are accused of an offence  
of..... c/s

You are not obliged to say anything regarding this offence unless you wish to do so. But whatever you say will be recorded and may be used in evidence against you before the court of law once needed. Also you have right to make your statement in presence of a lawyer, relative or friend of your choice to witness it.

Recording Officer's Signature .....Signature of Suspect  
.....  
Name of interpreter (if  
any).....Signature.....Date.....

**RESPONSE:-**

I..... have been warned by .....  
that I am charged with the offence  
of.....c/s

..... I am not obliged to say anything regarding this offence unless I wish to do so. But whatever I say will be taken down in writing and may be used in evidence against me before the court of law once needed. Also I have been given the right to make my statement in presence of a lawyer, relative or friend of my choice to witness it.

Signature of Suspect.....Signature of Recording  
Officer.....

**QUESTION:-** Are you ready to give out your statement?

**RESPONSE:-** Yes, I am ready/No, I am not ready : (Give reasons):.....

Signature of Suspect.....Signature of Recording  
Officer.....

**QUESTION:** Who would you like to witness your statement?

**RESPONSE:**

.....  
Signature of Suspect.....Signature of Recording  
Officer.....

Name of interpreter (if  
any).....Signature.....Date.....

In the presence of  
relative/friend/Advocate.....Signature.....Date.....



**STATEMENT:**.....  
.....  
.....  
.....  
.....

**CERTIFICATION OF THE SUSPECT under Section 48 (2) (ix) :** I  
.....certify that my statement has been correctly recorded without  
adding or leaving any word. I have read the statement/ The statement was read to me and satisfy  
myself that it is correct. (To be filled by a suspect. If illiterate, thumb print be used instead)

Signature of Suspect: .....

**CERTIFICATION OF THE RECORDING OFFICER under Section 48 (2) (a) (x):** I  
.....hereby declare that I have faithfully and accurately recorded the statement of  
the above named suspect.....

Signature of Recording Officer.....

**FINISHING TIME** .....

**JAMHURI YA MUUNGANO WA TANZANIA**  
**MAMLAKA YA KUTHIBITI NA KUPAMBANA NA DAWA ZA**  
**KULEVYA**



**FOMU NA.DCEA 005**

**KARATASI YA MAELEZO YA ONYO**

JALADA LA KESI NA:

.....

JINA LA MTUHUMIWA:

.....

KABILA/UTAIFA:

.....

UMRI:

.....

DINI:

.....

MAKAZI:

.....

.....

AWANI: ..... MTAA/KIJIJI .....

KATA.....

TARAFU: ..... SIMU YA MKONONI

.....

SIMU YA OFISINI: ..... BARUA PEPE:

.....

M/KITI WA SERIKALI YA

MTAA/KIJIJI.....

TAREHE ..... MAHALI ..... MUDA WA

KUANZA.....

MAELEZO YA ONYO CHINI YA KIFUNGU CHA 48 CHA SHERIA  
YA KUTHIBITI NA KUPAMBANA NA DAWA ZA KULEVYA NA. 5  
YA MWAKA 2015.

**ONYO:** Mimi ..... (Jina na Wadhifa) nakuonya  
wewe .....

.....

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

.....  
Saini ya Afisa Mwandishi Saini ya Mtuhumiwa  
Jina la Mkarimani (kama yupo) ..... sahihi ..... tarehe .....

**JIBU LA ONYO** Mimi .....  
Nimeonywa kwamba natuhumiwa kwa kosa la  
.....chini ya Kifungu  
..... cha Sheria .....na kwamba silazimishwi  
kusema neno lolote kuhusiana na tuhuma hizi isipokuwa kwa hiari yangu  
mwenyewe na kwamba lolote nitakalolisema litaandikwa hapa chini na  
maelezo yangu yanaweza kutumika kama ushahidi mahakamani na  
kwamba pia ninayo haki ya kisheria kuwa na wakili wangu, jamaa yangu,  
ndugu au rafiki yangu ili aweze kushuhudia wakati natoa maelezo yangu.

.....  
Saini ya Afisa Mwandishi Saini ya Mtuhumiwa Tarehe  
**SWALI:** Je uko tayari kwa sasa kutoa maelezo yako?

**JIBU:** .....

.....  
Saini ya Afisa Mwandishi Saini ya Mtuhumiwa

**SWALI:** Ungependa nani awepo kushuhudia ukitoa maelezo yako?

**JIBU:** .....

.....  
Saini ya Afisa Mwandishi Saini ya Mtuhumiwa Tarehe  
Jina la Mkarimani (kama yupo) ..... Sahihi ..... Tarehe .....

Mbele ya ndugu/Wakili/Rafiki (kama yupo)  
Jina ..... sahihi ..... tarehe .....

**MAELEZO:** .....

**UTHIBITISHO: Chini ya 48(2)(a)(x)** Mimi. ....  
nathibitisha kuwa maelezo yangu yameandikwa kwa usahihi bila  
kuongeza au kupunguza neno. Nimeyasoma na ni sahihi (Aandike  
mtuhumiwa mwenye, kama hajui kusoma na kuandika na aweka dole  
gumba).

Jina la mtuhumiwa ..... Sahihi .....

**UTHIBITISHO: Chini ya 48(2)(a)(x)** Mimi  
..... (jina na wadhifa) nathibitisha kuandika

maelezo ya mtuhumiwa ..... kwa uaminifu na kama  
alivyoeleza.

Jina la Afisa Mwidhiniwa: .....

Sahihi: .....

Muda wa kumaliza maelezo: .....

**THE UNITED REPUBLIC OF TANZANIA**

**DRUG CONTROL AND ENFORCEMENT AUTHORITY**

**FORM NO. DCEA 006**



**INVENTORY OF SEIZED EXHIBIT FOR DISPOSAL**  
(Made under Section 36 (2))

<b>INVESTIGATION REGISTER NO.</b>	<b>DATE</b>	<b>NAME OF DRUG/PRECURSOR CHEMICAL</b> (Example: Cannabis, Heroin, Khat, cocaine, etc.)	<b>DESCRIPTION OF ARTICLE</b> (Example: mark, form: powder, solid, liquid, crystal, etc.; colour: white, brown, etc.)	<b>ESTIMATED WEIGHT/VOLUME</b> (Example: Kilograms grams, Litres, etc)	<b>QUANTITY</b> (Example: 10 pellets, 20 parcels)	<b>MODE OF PACKING</b> (Example: wrappers, container, bag, box, etc.)	<b>REMARKS</b> (Other relevant information)

**NAME OF A SUSPECT**.....

**SIGNATURE OF A SUSPECT**.....

*(If more than one suspect, add another sheet)*

**NAME OF AN OFFICER**.....

**SIGNATURE OF AN OFFICER**.....

**JUDGE/ MAGISTRATE REMARKS/ORDER**.....

**NAME**.....

**QUALIFICATION**.....

**ADDRESS**.....

**SIGNATURE**.....

**DATE**.....

**SEAL OF THE OFFICE**.....

JAMHURI YA MUUNGANO WA TANZANIA  
MAMLAKA YA KUDHIBITI NA KUPAMBANA NA DAWA ZA KULEVYA



FORM NO. DCEA 006

ORODHA YA VIELELEZO KWA YA UTEKELEZWAJI  
(Chini ya 36 (2))

NAMBA ZA USAJILIW A JALADA LA UCHUNGUZI	TAREHE	JINA LA DAWA/KEMIKALI BASHIRIFU (Mfano Bangi, Herin, Cocaine, Mirungi)	MAELEZO YA KIELELEZO (Mfano: Alama, umbile, unga, yabisi, kimiminika, chenga chenga n.k. rangi: nyeupe, kahawia n.k)	MAKADIRIO YA UZITO/UJAZO (Mfano: kilo, gramu, lita n.k.)	IDADI (Mfano: pili 10, vifurushi 20, gunia 5, debe 10 n.k.)	Aina ya ufungaji (Mfano: Aina ya kifungashio, debe, pipa, sanduku, boksi n.k.)	MAELEKEZO/MAONI MENGINE (maelezo mengine ya muhimu)

JINA LA MTUHUMIWA.....  
 SAINI YA MTUHUMIWA:.....  
 (Kama ni zaidi ya mmoja ongeza karatasi nyingine)  
 JINA LA AFISA :.....  
 MAONI/AMRI YA JAJI/HAKIMU:.....  
 JINA LA JAJI/HAKIMU:.....  
 SIFA:.....  
 ANUANI:.....  
 SAHIHI:.....  
 TAREHE:.....  
 MUHURI/LAKILI YA OFISI:.....

**THE UNITED REPUBLIC OF TANZANIA  
DRUG CONTROL AND ENFORCEMENT AUTHORITY**

**FORM NO. DCEA 007**



**WITNESS STATEMENT**

**WRITE IN CAPITAL LETTERS**

**PARTICULARS OF WITNESS**

NAME OF WITNESS:.....  
GENDER:.....  
NATIONALITY/TRIBE:.....  
AGE:.....  
RELIGION:.....  
OCCUPATION:.....  
PHYSICAL ----  
ADDRESS:.....STREET/VILLAGE.....WAR  
D.....DIVISION.....DISTRICT.....  
.....REGION.....  
MOBILE /TEL. NO.....  
E-MAIL:.....  
NAME OF TEN CELL LEADER/WARD SECRETARY.....  
DATE:.....PLACE :.....  
STARTING TIME:.....

**DECLARATION UNDER SECTION 10 (3) (c) OF CRIMINAL PROCEDURE ACT, CAP 20 [RE 2002]**

This statement (consisting of . . . . . pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence. I shall be liable to prosecution for perjury if I have willfully stated in it anything, which I know to be false or do not believe to be true.

Made at (Place).....on the .....day of .....  
Time .....Signature of Witness.....

**STATEMENT**

.....  
.....  
.....  
.....  
.....  
.....

Signature of Witness.....

**CERTIFICATION OF THE RECORDING OFFICER under Section 10 (3) of THE CRIMINAL PROCEDURE ACT, CAP 20 [R.E. 2002].** I .....hereby declare that I have faithfully and accurately recorded the statement of the above named witness.....  
Signature of Recording Officer.....

**FINISHING TIME** .....

JAMHURI YA MUUNGANO WA TANZANIA  
MAMLAKA YA KUDHIBITI NA KUPAMBANA NA DAWA ZA KULEVYA  
FOMU NA. DCEA 007



MAELEZO YA SHAHIDI

**JAZA KWA HERUFI KUBWA**

**TAARIFA ZA SHAHIDI**

JINA:.....  
JINSI:.....  
KABILA/URAIA:.....  
UMRI:.....  
DINI:.....  
KAZI:.....  
ANWANI YA  
MAKAZI:..... MTAA/KIJIJI..... KATA.....  
.....  
TARAFU..... WILAYA..... MKOA.....  
.....  
SIMU YA MKONONI/ YA MEZANI:.....  
BARUA PEPE:.....  
JINA LA BALOZI WA NYUMBA KUMI/ KATIBU KATA.....  
TAREHE:..... MAHALI :.....  
MUDA WA KUENZA KUTOA MAELEZO:.....

**TAMKO LA SHAHIDI CHINI YA KIFUNGU CHA 10 (3)(c) CHA SHERIA YA MWENENDO WA  
MAKOSA YA JINAI, [SURA 20, RE 2002]**

Maelezo haya (yenye kurasa.... zilizosainiwa na mimi) ni ya kweli kwa mujibu wa imani na ufahamu wangu na nayatoa nikijua kuwa endapo yatatolewa mahakamani nitawajibika nayo na naweza kushtakiwa kwa kutoa ushahidi wa uongo endapo nitabainika kuwa maelezo hayo ni ya uongo au kinyume.

Maelezo haya yametolewa hapa (mahali).....leo tarehe .....Mwezi  
.....Mwaka.....

Muda .....Saini ya Shahidi.....

**MAELEZO**

**KAMILI**.....  
.....  
.....  
.....

Saini ya Shahidi.....

**UTHIBITISHO:** Mimi..... (jina na wadhifa) nathibitisha kuwa nimeandika maelezo ya..... (jina la shahidi) kwa uaminifu na usahihi kama alivyoeleza kwa mujibu wa Kifungu cha 10 (3) cha Sheria ya Mwenendo wa Makosa ya Jinai [Sura 20, R.E., 2002].  
Saini ya Afsa anayerekodi/anayeandika maelezo:.....

**Muda wa Kumaliza:** .....



**THE UNITED REPUBLIC OF TANZANIA**

**DRUG CONTROL AND ENFORCEMENT AUTHORITY**



**FORM NO. DCEA 008**

**EXTENSION OF TIME TO DETAIN A PERSON(S) OR PROPERTY (IES)**

*(Under Section 48(2)(c)(iii) of DCEA, 2015)*

I..... (Name and title) on this .....day of .....20.... DO  
HEREBY extend time for a period of .....hours/days to allow further investigation to the under mentioned suspect(s)  
arrested and/or properties seized.

**Suspect(s)**

1. ....
2. ....
3. ....
4. ....
5. ....

*(If more than above suspects, add another sheet)*

**Properties (e.g. motor vehicle, vessel, aircraft, building, etc.):**

1. ....
2. ....
3. ....
4. ....
5. ....

*(If more than above properties, add another sheet)*

The suspect (s) has/have been informed accordingly of such extension as witnessed here under.

**1. Name(s) of suspect(s):**

(a) Name: .....

Signature: .....

(b) Name: .....

Signature: .....

(c) Name: .....

Signature: .....

(d) Name: .....

Signature: .....

(e) Name: .....

Signature: .....

**2. Officer extending time**

Name: .....  
Signature: .....  
Qualification/Title: .....  
Date: .....

**3. Interpreter (if any needed)**

Name: .....  
Signature: .....  
Date: .....

**JAMHURI YA MUUNGANO WA TANZANIA**  
**MAMLAKA YA KUDHIBITI NA KUPAMBANA NA DAWA ZA KULEVYA**  
**FOMU NA. DCEA 008**



**FOMU YA KUONGEZA MUDA WA KUMWEKA MTUHUMIWA CHINI YA ULINZI**  
**AU KUSHIKILIA MALI**

*(Chini ya Kifungu cha 48 (2)(c)(iii) DCEA, 2015)*

Mimi..... (Jina na Cheo) leo hii tarehe .....Mwezi .....20....  
ninaongeza muda kwa kipindi cha saa/siku .....kuruhusu upelelezi zaidi wa mtuhumiwa/watuhumiwa na, au  
mali zilizoshikiliwa walioorodheshwa/ zilizoorodheshwa hapa chini:

**Watuhumiwa**

1. ....
2. ....
3. ....
4. ....
5. ....

(Iwapo kuna watuhumuwa zaidi ya idadi tajwa hapo juu, ongeza karatasi nyingine)

**Mali (mfano: gari, meli, ndege, jengo, n.k.):**

1. ....
2. ....
3. ....
4. ....
5. ....

(Iwapo kuna mali zaidi ya idadi tajwa hapo juu, ongeza karatasi nyingine)

Mtuhumiwa/watuhumiwa ame/wamejulishwa kuhusu kuongeza muda wa kuwekwa kizuizini na, au kushikiliwa  
mali kama inavyoshuhudiwa hapa chini: -

**1. Jina la mtuhumiwa:**

(a) Jina: .....

Saini: .....

(b) Jina: .....

Saini: .....

(c) Jina: .....

Saini: .....

(d) Jina: .....

Saini: .....

(e) Jina: .....

Saini: .....

**2. Ofisa aliyetoa nyongeza ya muda**

Jina: .....  
Saini: .....  
Cheo: .....  
Tarehe: .....

**3. Mkalimani (kama anahitajika)**

Jina: .....  
Saini: .....  
Tarehe: .....

**THE UNITED REPUBLIC OF TANZANIA  
DRUG CONTROL AND ENFORCEMENT AUTHORITY**



**FORM NO. DCEA 009**

**THE GOVERNMENT LABORATORY ANALYST REPORT**  
*(Under Section 48A(1) of DCEA, 2015)*

I..... (Name of Chemist) of the  
.....(institution), being an officer dully authorised to examine and analyse samples/exhibits,  
hereby certify as follows:

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

2) I have examined and analysed the said samples/exhibits the results of which are stated hereunder:  
Exhibit "A" .....(Description of Exhibit)  
(a) Has been found/not found to have contained drug/substance or substance used in preparation of drug  
(b) Type of drug/substance or substance used in preparation of drug (if any found)  
(c) Its weight/volume in kilograms/grams or litres/millilitres  
(d) Its effect to human health if consumed/appied or used anyhow

Exhibit "B" .....(Description of Exhibit)  
(a) Has been found/not found to have contained drug/substance or substance used in preparation of drug  
(b) Type of drug/substance or substance used in preparation of drug (if any found)  
(c) Its weight/volume in kilograms/grams or litres/millilitres  
(d) Its effect to human health if consumed/appied or used anyhow

Other remarks (if any) .....

3) The ..... (quantity) sealed packets/boxes/sacks/containers (whichever applicable) each signed by  
me, has/have beend handled back after examination to ..... (officer) who brought the  
sample)

Dated at ..... this ..... day of ..... 20.....

Examining officer

Name:.....

Signature:.....

Title/Qualification:.....

Certifying officer:

Name:.....

Signature:.....

Title/Qualification:.....

Date:.....

**JAMHURI YA MUUNGANO WA TANZANIA**  
**MAMLAKA YA KUDHIBITI NA KUPAMBANA NA DAWA ZA KULEVYA**

**FOMU NA. DCEA 009**



**TAARIFA YA UCHUNGUZI WA MAABARA YA SERIKALI**  
*(Chini ya kifungu 48A(1))*

Mimi..... (Jina la mkemia) wa maabara ya Serikali.....(Jina la Taasisi), ambaye ni afisa niliyeidhinishwa kufanya uchunguzi wa vielelezo, nathibitisha kuwa,

(1) Tarehe ...../...../20..... eneo la ..... (mahali), niipokea pakiti/sanduku/magunia/kilo ..... (kiasi chochote kinachohusika) yenye namba ..... (alama yeyote inayoonekana) kilichowasilishwa kwangu toka ..... (taasisi iliyowasilisha kielelezo) kwa kutumia fomu na. .... inayosadikika kusainiwa na ..... (afisa mwenye dhamana toka taasisi inayowasilisha kielelezo)

(2) Nimefanya uchunguzi wa sampuli/kielelezo/vielelezo na kupata matokeo yafuatayo:

Kielelezo "A"

- (a) Kimegundulika/hakijagundulika kuwa na dawa ya kulevya au kemikali inayoweza kutumika kutengeneza dawa za kulevya
- (b) Aina ya dawa au kemikali iliyogundulika/zilizogundulika kuwemo
- (c) Uzito wa dawa/kemikali hizo katika ujazo wa kiligramu/gram/lita au mililita
- (d) Athari za dawa/kemikali hiyo endapo itatumiwa na binadamu au kutengeneza dawa za kulevya

Kielelezo "B"

- (a) Kimegundulika/hakijagundulika kuwa na dawa ya kulevya au kemikali inayoweza kutumika kutengeneza dawa za kulevya
- (b) Aina ya dawa au kemikali iliyogundulika/zilizogundulika kuwemo
- (c) Uzito wa dawa/kemikali hizo katika ujazo wa kiligramu/gram/lita au mililita
- (d) Athari za dawa/kemikali hiyo endapo itatumiwa na binadamu au kutengeneza dawa za kulevya

Maoni mengine (kama yapo) .....

3. Kiasi cha pakiti/sanduku/magunia/kilo/lita ..... (kiasi) zikiwa/yakiwa zimefungwa kwa lakiri kila moja ikiwa na saini yangu, zimerudishwa baada ya uchunguzi kwa ..... (afisa aliyechukua vielelezo) leo tarehe ...../...../20.....

Aliyefanya uchunguzi:

Jina:.....

Saini:.....

Cheo:.....

Afisa anayethibitisha

Jina:.....

Saini:.....

Cheo:.....

Tarehe:.....

## **OBJECTS AND REASONS**

The Bill intends to amend the Drug Control and Enforcement Act, Cap.95 to keep the law updated with changes so far observed in its implementation. The proposal covers the jurisdiction of the Court and powers of the Authority to deal with some offences that are likely to emerge in the course of exercising its investigative powers such as money laundering, forgery and elements of human trafficking that are associated to drug business. Other areas are putting in place elaborate procedures for treating the drug addicts after conviction by the court under section 18, creation of new offences to capture different scenarios that were not covered before and invoke punishments to some offences that were inadvertently or mistakenly left out without punishments to effectively make the law enforceable.

It is proposed to amend section 1(3) to empower the Drug Control and Enforcement Authority to deal with (include emerging offences) other means of conveyance for the purpose of enabling to effectively combat drug trafficking. Likewise addition of definitions of various terms used in the Act has been proposed as well as deleting the repeatedly ones. Further the Bill propose to amend section 2 to clearly indicate jurisdiction of courts.

It is proposed to amend section 4 and 7 for the purpose of empowering the Drug Control and Enforcement Authority to access and obtain information from various sources that will assist its major function of combating drugs. It is proposed to amend section 9 to provide for the appointment of the Chairman and Secretary to the Advisory Committee and a number of meetings of the Committee.

Further, it is proposed to delete section 14 in order to avoid overlapping of powers between the Authority and other authorities empowered to issue permits for importation of drugs and substitute the same with a provision providing for a list of prohibited drugs, psychotropic substances and precursor chemical by giving powers to the Minister responsible to add to the schedule new or emerging psychoactive substances.

It is proposed to add a new subsection in section 15 to criminalize the act of facilitating or causing any human being to be placed under debt bondage for purposes of drug trafficking. The act is not provided for under the Ant-Trafficking in Persons Act (Cap.433). It is also proposed to add a new section 15A to give jurisdiction to subordinate courts to deal with cases involving trafficking of small amount of drugs other than the small amount intended to be dealt with under section 17 of the Act. The intention is to draw a line between the offenders trafficking drugs in small amount and big traffickers for the purposes of giving stiff sentence to big traffickers as well as reducing backlog of cases in the High Court. Currently, all cases that exceed the small amount provided under section 17 of the Act are supposed to be charged under section 15 which offence automatically turns to be an economic offence.

Section 27 which do not have minimum sentence of a fine or imprisonment was or is ineffective. It is therefore proposed to amend this section to cure the anomaly.

It is proposed to amend section 29 to make all offences involving possession of machines, equipment and laboratory for manufacturing of illicit drugs, offences involving drug abuse to children by administration of drug substances, trafficking and financing drug trafficking activities unailable. It is also proposed to review and reduce the weight of various drugs for purposes of bail. The experience for the past two years of enforcement this Act has shown that more than fifty percentum of drug traffickers have been taking advantage of the low weight provided for the purpose of bail consideration thus encouraging small traffickers to increase the amount paying regard to the fact that once arrested and charge will continue to enjoy their freedom and manage their illicit business. Reducing weight will cure this mischief.

It is proposed to amend section 32 to widen powers of officers of the Authority or those exercising their powers of arrest, search and seizure under this Act to enjoy those powers under this Act or other powers provided under any other written laws. Section 34 is amended in order to delete the repeated words and updating the punishment under that section. It is also proposed to amend section 36 that deals with the Authority's power of disposal of illicit drugs to include precursor chemicals on substances to be disposed of. It is further proposed to amend section 38 that refers to presumption of possession of illicit articles to include machines, equipment and laboratory for manufacturing of illicit drugs which was not covered before.

It is proposed to add a new section 40A to enable the Authority to possess and use firearms and ammunition paying regard to the nature of its operations. It is proposed that section 45 be deleted as it is placed in a part that does not deal with forfeiture of properties. Its contents are addressed in a new section 49A. It is proposed to amend section 47 to create an offence for the act of failure to comply with the provisions of that section. It is also proposed to amend section 48 to enable the use of electronic devices such as audio, video, digital or other media equipment in recording interviews and other evidence. Furthermore it is proposed to add new section 48A in order to put in place procedures for submission of samples to the Government Chemist for the purpose of conducting forensic investigation and preparation of reports.

It is proposed to amend section 49 when dealing with assets forfeiture under this Act to include the properties own by the accused/suspect for a period of ten years back counting from the date of charging and those owned, held or managed by him through a third party. It is also proposed to introduce a new section to address and include confiscation of properties the area that was covered in section 45 the section which has been proposed to be deleted. It is proposed to amend sections 50, 51,52, 53, 54 and 55 together with addition of new sections 49A and 51A for purposes of creating effective mechanism for seizure of properties, prevention of potential crimes and fostering international cooperation.

It is also proposed to amend section 65 to give powers to the Commissioner General to issue directives instead of directions as it is provided now in the provision and create it an offence for a person who contravenes the requirement of this section.

The Bill also amends the Schedules to update the list of Narcotic Drugs and Psychotropic Substances in accordance with International Conventions. It is also proposed to amend the forms



to remove typographical errors, delete the forms which were repeatedly made and substitute them with new ones.

## **MADHUMUNI NA SABABU**

Muswada huu unapendekeza kufanya marekebisho katika Sheria ya Kudhibiti na Kupambana na Dawa za Kulevya, Sura ya 95 ili kuondoa upungufu ambao umebainika katika utekelezaji wa Sheria hii. Mapendekezo yanajumuisha mamlaka ya mahakama na Mamlaka katika kushughulikia makosa mengine yanayoweza kutokea katika kutekeleza majukumu yake, mathalan utakatishaji fedha, kughushi na usafirishaji haramu wa watu. Lengo ni kupanua wigo na kuipa Mamlaka nguvu ya kudhibiti na kupambana na Dawa za Kulevya ili kuendana na wakati pamoja na kuongeza ufanisi katika kushughulikia waraibu wa dawa za kulevya wafikishwapo mahakamani chini ya kifungu cha 18, kuainisha makosa mapya ili kuziba mianya iliyokuwepo wazi bila kushughulikiwa na Sheria na kuifanya Sheria kutekelezwa kwa ufanisi.

Kifungu cha 1(3) kinapendekezwa kurekebisha ili kujumuisha njia nyingine za usafirishaji kwa lengo la kupanua wigo wa udhibiti wa dawa za kulevya. Aidha, tafsiri za maneno mbalimbali yaliyotumika kwenye Sheria zimeongezwa pamoja na kufuta maneno yanayojirudia.

Kifungu cha 2 kinapendekeza kurekebisha tafsiri za maneno mbalimbali na kuainisha Mahakama zinazoshughulikia makosa yaliyomo kwenye Sheria. Vilevile inapendekezwa kufanya marekebisho katika vifungu vya 4 na 7 ili kuipatia Mamlaka uwezo wa kupata taarifa kutoka vyanzo mbalimbali.

Inapendekezwa kufanya marekebisho katika kifungu cha 9 ili kuainisha uteuzi wa Mwenyekiti wa Kamati ya Ushauri na Katibu pamoja na kuainisha vikao vya Kamati ya Ushauri.

Inapendekezwa kufutwa kifungu cha 14 na kuweka kifungu kipya dhamira ikiwa ni kuondoa mkanganyiko na muingiliano wa majukumu na mamlaka nyingine zinazotoa vibali vya kuingiza dawa nchini. Aidha, inapendekezwa kumpa mamlaka Waziri mwenye dhamana kuorodhesha dawa na kemikali bashirifu mpya zinazojitokeza na kuhitaji kudhibitiwa na kuainisha orodha ya dawa na kemikali hizo.

Inapendekezwa kuboresha kifungu cha 15 kwa kufuta kosa la kumiliki na kulichanganya kwenye kosa la kusafirisha. Vile vile, inapendekezwa kuongeza kifungu cha 15 kinachodhibiti matukio ya watu kuwekwa rehani kwa ajili ya kuwezesha biashara ya dawa za kulevya kutokana na kuongezeka kwa matukio hayo siku za hivi karibuni. Kosa hili halikuainishwa katika Sheria ya Usafirishaji Haramu wa Watu, Sura ya 433. Kifungu kipya cha 15A kinapendekezwa ili kuweka mlingano wa makosa na adhabu na kuwezesha mahakama za chini kushughulikia makosa ya usafirishaji wa kiasi kidogo cha dawa za kulevya. Hatua hii itapunguza msongamano Mahakama Kuu. Kwa sasa, mashauri yote yanayozidi kiwango kidogo chini ya kifungu cha 17 hupelekwa Mahakama Kuu hali ambayo imefanya mashauri madogo kurundikana Mahakama Kuu kwani mashauri yote chini ya kifungu cha 15 cha Sheria hii huwa ni ya Uhujumu Uchumi baada ya Marekebisho ya Sheria Na. 3 ya mwaka 2016.

Kifungu cha 27 kinapendekezwa kufanyia marekebisho ili kuainisha adhabu ya chini kama ilivyo kwenye vifungu vingine. Aidha, kifungu cha 29 inapendekezwa kurekebisha kuongeza makosa yasiyostahili dhamana kujumuisha makosa makubwa ya kumiliki mitambo ya kutengeneza dawa za kulevya, kufadhili biashara ya dawa za kulevya na kuwaingiza watoto kwenye biashara na matumizi ya dawa za kulevya. Marekebisho ya viwango vya uzito vinavyostahili dhamana kwa aina na makosa mbalimbali ya dawa za kulevya vimependekezwa ili kupunguza viwango vya utunzaji na usambazaji wa dawa za kulevya nchini kwa cocaine na heroin. Dhamira ni kuzuia wafanyabiashara hiyo kuendelea kwa kufanya biashara ya bangi na mirungi kwani uzito unaotumika kama kigezo cha dhamana uko juu.

Vile vile, inapendekezwa kurekebisha kifungu cha 31 ili kuweka vigezo na utaratibu mzuri wa kuamua ama kutoa adhabu ya kifungu au kumpeleka mtuhumiwa kwenye kituo cha tiba au kurekebu tabia pale atakapotibiwa hatiani kwa makosa chini ya kifungu cha 18.

Kifungu cha 32 kinapendekezwa kufanyiwa marekebisho ili kupanua wigo wa matumizi yake kwa maafisa wa mamlaka au wale walioruhusiwa kutekeleza majukumu ya kumata, kupekua na kutaifisha mali chini ya Sheria hii. Vile vile, kifungu cha 34 kinarekebisha ili kuondoa maneno yanayojirudia na kupotosha maana ya kifungu hicho na pia kuhuisha adhabu inayotolewa.

Kifungu cha 36 kinapendekezwa kufanyiwa marekebisho ili kuongeza kemikali bashirifu katika taratibu za kuteketeza dawa za kulevya pamoja na kukiboresha ili kitumike katika mazingira tofauti. Aidha, kifungu cha 38 kinarekebisha ili kuongeza mashine, vifaa, maabara zinazotumika kuzalisha dawa za kulevya kwa lengo la kupanua wigo wa udhibiti wa vifaa vinavyotumika kutengeneza dawa za kulevya.

Inapendekezwa kuongezwa kifungu cha 40A ili kuwezesha maafisa wa Mamlaka kumiliki na kutumia silaha, pale inapobidi. Vile vile, inapendekezwa kufuta kifungu cha 45 kwa kuwa kiliwekwa sehemu isiyohusiana na utafishaji wa mali na kuhamishiwa katika kifungu kipya cha 49A ambacho kitaainisha maudhui ya kilichokuwa kifungu cha 45. Kifungu cha 47 kinapendekezwa kurekebisha kwa lengo la kuainisha kosa la kukiuka masharti ya kifungu hicho.

Aidha, inapendekezwa kifungu cha 48 kirekebishwe kuwezesha uchukuaji wa maelezo ya watuhumiwa au mashahidi kwa njia za kisasa kama vile rekoda, video, vifaa vya kidijitali n.k. Vile vile inapendekezwa kuongeza kifungu kipya cha 48A ili kuweka bayana utaratibu wa Mkemia Mkuu wa Serikali kupokea vielelezo vya Madawa ya Kulevya na kutoa ripoti ya uchunguzi huo.

Inapendekezwa kufanyia marekebisho ya vifungu 49, 50, 51, 52, 53, 54 na 55 na pia kuongeza vifungu vipya vya 49A na 51A ili kuweka utaratibu mzuri wa kutaifisha mali na mazalia ya uhalifu. Njia mbili zitatumika kutaifisha mali (Administrative Forfeiture) ambayo itatumiwa na Kamishna Jenerali na kupitia njia ya Mahakama (Judicial Forfeiture).

Aidha, kifungu cha 65 kinapendekezwa kufanyiwa marekebisho ili kumpa mamlaka Kamishna Jenerali kutoa maelekezo badala ya miongozo na kuainisha kuwa ukiukaji wowote wa maelekezo yake ni kosa.

Muswada unapendekeza kufanyia marekebisho Majedwali kwa lengo la kuboresha orodha ya dawa za kulevya kulingana na viwango vya kimataifa.

Vile vile, inapendekezwa kufanya marekebisho ya fomu mbalimbali na kuziboresha baadhi ili kuleta ufanisi katika utekelezaji wa masharti yake.

Dodoma,  
24 Oktoba, 2017

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*Waziri Mkuu*