

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 5

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THE DRUG CONTROL AND ENFORCEMENT ACT, 2015

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THE UNITED REPUBLIC OF TANZANIA



NO.5 OF 2015

I ASSENT,
JAKAYA MRISHO KIKWETE

President
11th May, 2015

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

[.....]

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

PART I
PRELIMINARY PROVISIONS

Short title
and
application

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

- (2) This Act shall apply to Mainland Tanzania.
- (3) In respect of Part III and IV, shall apply to conduct:
 - (a) inside or outside Mainland Tanzania on

- board a Tanzania ship or aircraft;
- (b) outside Mainland Tanzania, to-
- (i) a citizen of the United Republic or person who ordinarily reside in Mainland Tanzania;
 - (ii) a body corporate incorporated in or carrying on business in Mainland Tanzania;
 - (iii) any other person, in relation to the supply or possible supply by that person of any narcotic drug or psychotropic substance to a person in Mainland Tanzania;
 - (iv) on a ship registered in or having a nationality of a convention State other than Tanzania;
 - (v) a ship not registered in any state; or
 - (vi) on a ship assimilated under the international law of the sea, a ship of no nationality.

Interpretation
Act

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

“addict” means a person with a condition such that-

- (a) administration of a drug results in the person demonstrating impaired control in relation to use of that drug, or drug-seeking behavior suggesting such impaired control; and
- (b) cessation of the administration of the drug is likely to result in the person experiencing symptoms of mental or physical distress or disorder;

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

- “authorised officer” means any person authorized to perform duties and functions conferred to him under this Act;
- “cannabis” means any part of the plant of the genus cannabis, excluding the seeds, the mature stock, or fibre produce from the cannabis plant or cannabis resin;
- “cannabis oil” means a liquid containing any quantity of tetrahydro- cannabinol;
- “cannabis oil” means a liquid containing any quantity of tetrahydro- cannabinol;
- “cannabis plant” means a plant of the genus cannabis by whatever name called and includes any part of that plant;
- “cannabis resin” means the separated resin where the crude or purified is obtained from the cannabis plant;
- “chemical precursors” means a substance frequently used in the illicit manufacture of narcotic drugs or psychotropic substances as defined in Article 12 of the UN Convention Against Illicit Drugs and Psychotropic Substances mentioned in Table I and Table II as provided for in the Second Schedule to this Act;
- “coca leaf” means-
- (a) the leaf of the coca plant except a leaf from which all ecgonine, cocaine and any other ecgonine alkaloids have been removed;
 - (b) any mixture with or without any neutral material, which does not include any preparation containing no more than 0.1 percent of cocaine;

“coca plant” means the plant of any species of the genus erythroxylon;

“Council” means the National Drug Council Control established under section 5;

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

“court” means-

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

(b) in respect of :

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

(ii) precursor chemicals-

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

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

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

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

Cap.152

“dentist” means a person registered or licenced under the Medical Practitioners and Dentists Act;

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

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

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

“International Convention” means-

- (a) a Single Convention on Narcotic Drugs, 1961, adopted by the United Nations Conference at New York in March, 1961;
- (b) a Protocol amending the Convention mentioned in subclause (a), adopted y the United Nations Conference at Geneva in March, 1972;
- (c) a Convention on Psychotropic Substances, 1971, adopted by the United Nations Conference at Vienna in February1971;
- (d) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted at Vienna on 19th December, 1988; and

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

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

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

- (a) all processes other than production by which such drugs or substances may be obtained;
- (b) refining of such drugs or substances;
- (c) transformation of such drugs or substances; and
- (d) making of preparation otherwise than in a pharmaceutical industry or pharmacy on prescription with or containing such drugs or substances;

“manufactured drug” means-

- (a) all coca derivatives, medicinal cannabis, opium derivatives and poppy straw concentrate;
- (b) any other narcotic substance or preparation which the Authority may, having regard to the available information as to its nature or to a decision, if any, under any International Convention, by notice in the Gazette, declared to be a manufactured drug, but shall not include any narcotic substance or preparation

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

- Cap. 152 “medical practitioner” means a person registered or licensed under the Medical Practitioners and Dentists Act;
- “medicinal cannabis” means any extract or tincture of cannabis;
- “Minister” means the Minister responsible for drug control;
- “narcotic drug” means any substance specified in the Schedule or anything that contains any substance specified in that First Schedule to this Act;
- “opium” means-
- (a) the coagulated juice of the opium poppy; and
 - (b) any mixture, with or without any neutral material, of the coagulated juice of the opium poppy which does not include preparation containing no more than 0.2 percent of morphine;
- Cap.219 “opium derivative” means-
- (a) medicinal opium, that is, opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the Tanzania Food, Drugs and Cosmetics Act , or any other pharmaceutical notified in this behalf by the Government, whether in powder form or granulated or otherwise or mixed with neutral materials;

- (b) prepared opium, that is, any product of opium obtained by any series of operations designed to transform opium into an extract suitable for smoking and the other residue remaining after opium is smoked;
- (c) phenanthrene alkaloids, namely, morphine, codeine, the baine and their salts;
- (d) iacetylmorphine, that is, the alkaloid also known as diamorphine or heroin and its salt; and
- (e) all preparations containing more than two percent of morphine or containing any diacetylmorphine;

“opium poppy” means-

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

“place” includes vacant land, premises, vehicle, vessel or aircraft;

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

- “preparation” in relation to a narcotic drug or psychotropic substance, means any one or more such drugs or substances in dosage form or any solution or mixture, in whatever physical state, containing one or more such drugs or substances;
- “precursor chemicals” means a chemical used in the process of manufacturing of narcotic drugs or psychotropic substance;
- “production” means the separation of opium, poppy straw, coca leaves, cannabis or khat from the plants from which they are obtained;
- “prohibited plant” means cannabis plant, khat plant, coca plant, papaver somniferum or opium poppy and papaver setigerum;
- “psychotropic substance” means any substance, natural or synthetic, or any natural material or any salt or preparation of such substance or material included in a list of psychotropic substances specified in the First Schedule to this Act;
- “sell” includes offer or expose for sale;
- “supply” includes consignment, dispatch, transport, delivery, distribution as well as offer to supply;
- “transport” means taking from one place to another within the United Republic;
- “trafficking” means the importation, exportation, manufacture, buying, sale, giving, supplying, storing, administering, conveyance, delivery or distribution, by any person of narcotic drug or psychotropic substance any substance represented or held out by that person to be a narcotic drug or psychotropic substance or making of any offer but shall not include-

-
- (a) importation or exportation of any narcotic drugs or psychotropic substance or the making of any offer by or on behalf of any person who holds a licence under this Act in accordance with the licence;
 - (b) manufacturing, buying, selling, giving, supplying, administering, conveying, delivery or distribution of any narcotic drug or psychotropic substance or the making of any offer by or on behalf of any person who has a licence under this Act;
 - (c) selling or supplying or administering for medical purposes, and in accordance with the provisions of this Act, or the making of any offer by a medical practitioner or veterinary surgeon or dentist or by any other person qualified to do so on the instructions of the medical practitioner, veterinary surgeon or dentist;
 - (d) selling or supplying in accordance with the provisions of this Act of a narcotic drugs or psychotropic substance by a registered pharmacist;
 - (e) when use in relation to narcotic drugs and psychotropic substances, means any substance specified in the First Schedule to this Act or anything which contains any substance specified in the First Schedule to this Act to this Act.
- “user” means a person who smokes, inhales, ingests, injects or otherwise consumes any narcotic drug or psychotropic substances for other than medical or scientific purposes.

PART II
ESTABLISHMENT OF AN AUTHORITY FOR CONTROL AND
COMBATING DRUGS

Establishment
of the
Authority

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

Functions of
the Authority

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

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

- (a) implement the provisions of international conventions, bilateral and multilateral agreements on control of narcotic drugs and psychotropic substances;
- (b) develop and implement a national plan of action for drug control;
- (c) develop guidelines for addressing drug problem and its consequences to the general public;
- (d) update and adapt drug control laws and regulations;
- (e) promote the prevention of drug abuse and trafficking including education, dissemination of information to the general public and other drug initiatives;
- (f) take measures to combat drug trafficking including arrest, search, seize and investigate on drug related matters;

- (c) prevent, detect, and investigate the diversion of controlled pharmaceuticals and listed chemicals from legitimate sources while ensuring an adequate and uninterrupted supply for legitimate medical, commercial and scientific needs;
- (d) establish a viable data collection and analysis system at the national level on drug abuse and drug trafficking;
- (e) promote and ensuring international cooperation in drug control measures;
- (f) undertake, support and coordinate research on drug related issues;
- (g) coordinate and support stakeholders on control of drug abuse and trafficking;
- (h) sensitize and mobilize the community to participate in the fight against drug abuse and trafficking; and
- (i) train personnel dealing with control of drug abuse, trafficking, money laundering and chemical precursors;

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

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

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

The National
Drug
Control
Council

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

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

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

(b) other Members shall be:

(i) the Minister responsible for legal affairs;

(ii) the Minister responsible for home affairs;;

(iii) the Minister responsible for health;

(iv) the Minister responsible for community;
development;

(v) the Minister responsible for foreign affairs;

(vi) the Minister responsible for finance;

(vii) the Minister responsible youth development;

(viii) the Minister responsible for education;

(ix) the Minister responsible for agriculture; and

(x) the Minister responsible for transport.

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

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

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

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

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

Appointment
of the
Commissioner
General

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

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

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

Functions and
powers of the
Commissioner
General

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

- (a) represent the Authority within the international authorities competent in the matters related to drug control;
- (b) encourage and coordinate drug control action implemented by relevant stakeholders;
- (c) liaise with relevant international organizations on matters relating to drug control; and
- (d) ensure or facilitate the transmission of information and data to the competent international bodies as required by the treaties.

(2) The powers conferred on the Commissioner General shall include powers to order information from and to summon attendance of any person for the purpose of answering any question relating to drug abuse and trafficking.

Staff of the
Authority

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

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

Advisory
Committee

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

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

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

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

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

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

Obligation to take measures for preventing drug abuse

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

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

- (a) co-ordination of activities done by various officers and authorities under this Act or under any other written law for the time being in force in connection with the enforcement of the provisions of this Act and obligations under International Conventions;
- (b) render assistance to authorities in foreign countries and international organisations with a view to facilitate co-ordination and universal action for prevention and suppression of illicit traffic in narcotic drugs and psychotropic substances;
- (c) identification, treatment, education, after care, rehabilitation and social integration of drug addicts; and
- (d) such other matters as the Government deems necessary or expedient for effective preventing and combating the abuse of narcotic drugs, psychotropic substances and illicit trafficking of drugs.

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

Prohibition of cultivation of certain plants and substances,

11. - (1) Any person who:

- (a) cultivates any prohibited plant;
- (b) possess or supplies seeds in production of drugs;
- (c) being the owner, occupier or concerned in the management of any land or piece of land, permits the land to be used for purpose of cultivation of any prohibited plant;
- (d) produces, possesses, sells, purchases, transports, imports into Mainland Tanzania, exports, use or does any act or omits to do anything in respect of prohibited plants which act or omission amounting to contravention of the provisions of this Act,

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

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

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

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

(a) permit and regulate:

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

- (iii) production and manufacture of opium and production of poppy straw;
 - (iv) sale of opium and opium derivatives from Government factories for export from the Mainland Tanzania or to manufacturing chemists;
 - (v) manufacture of drugs other than prepared opium but not including manufacture of medicinal opium or any preparation containing any manufactured drugs from materials which the maker is lawfully entitled to possess;
 - (vi) manufacture, possession, transport, sale, purchase, consumption or use of psychotropic substances; or
 - (vii) importation in the Mainland Tanzania and transshipment of narcotic drugs and psychotropic substances.
- (b) prescribe any other matter requisite to render effective the control by the Government over any of the matters specified in paragraph (a).
- (2) Regulations made by the Authority may provide for regulating licensing, permits or otherwise the production, manufacture, possession, transport, import into and export from the Mainland Tanzania, sale, purchase, consumption, use, storage, distribution, disposal or acquisition of any narcotic drug or psychotropic substances.

Narcotic
drugs and
psychotropic
substances
not to be
subject to

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

distress or attachment

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

Restrictions on dealings in narcotic drugs and psychotropic substances

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

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

15.-(1) Any person who-

- (a) is found in possession or does an act or omits to do an act or any other thing in respect of narcotic drugs, psychotropic substances or preparation containing any manufactured drugs;
- (b) trafficks in narcotic drug or psychotropic substance, commits an offence and upon conviction shall be liable to life imprisonment; and
- (c) illegally possesses, traffics, diverts or deals in any way with precursor chemicals.

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

Possession of machines, equipment and laboratory for narcotic drugs and psychotropic substances

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

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

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

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

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

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

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

18. A person who-

- (a) smokes, inhales, sniffs, injects or otherwise uses any narcotic drug or psychotropic substance;
- (b) without lawful and reasonable excuse, is found in any house, room or place illegally used for smoking, injecting inhaling, sniffing any narcotic drug or psychotropic substance; or
- (c) without lawful and reasonable excuse, is found in possession of any pipe or other utensil for use in connection with smoking, inhaling, sniffing or otherwise using narcotic drugs or psychotropic substance,

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

Prohibition in respect of the owner or occupier of a premises

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

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

Prohibition for
administering
for narcotic
drug or
psychotropic
substance

20.-(1) Any person who-

- (a) administers a narcotic drug or psychotropic substance or causes or permits it to be administered except where an authorised person or a medical practitioner or dentist acting in his professional capacity and in accordance with the prevailing norms and standards or professional practice, authorised;
- (b) adds a narcotic drug or psychotropic substance to a food or drink or uses any other method to administer such drugs without the knowledge of the consumer; or
- (c) sells, supplies or acquires a narcotic drug or psychotropic substance on presentation of prescription knowing or having reasons to believe that the prescription is forged, unlawfully obtained or acquired or was issued more than six months before presentation,

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

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

- (a) in school or other education institutions, social service facilities or in their vicinities; or
- (b) the victims are persons under the age of eighteen years,

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

Embezzlement
by authorized
cultivators

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

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

Breach of terms, licence or permit

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

- (a) omits, without any reasonable cause, to maintain accounts or to submit returns in accordance with this Act;
- (b) fails to produce, maintain or to submit without any reasonable cause, accounts returns in accordance with this Act;
- (c) keeps any accounts or makes any statement which is false or which he knows or has reason to believe to be incorrect; or
- (d) wilfully does any act in breach of any of the conditions of the licence, permit or authorization for which a penalty is provided in this Act,

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

Finance of illegal activities

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

Prohibition in respect of aiding to commit offences under this Act

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

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

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

Preparation or attempt to commit offence

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

Subsequent offence

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

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

Penalty for offences for which no penalty is provided

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

Burden of proof

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

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

Unbailable
offences

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

- (a) that accused is charged of an offence involving trafficking of Amphetamine Type Stimulant (ATS), heroin, cocaine, mandrax, morphine, ecstasy, cannabis resin, prepared opium and any other manufactured drug weighing two hundred grammes or more;
- (b) that accused is charged of an offence involving trafficking of cannabis, khat and any other prohibited plant weighing one hundred kilogram or more; and
- (c) for precursor chemicals weighing more than thirty litres or one hundred kilograms, in solid form.

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

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

Offences by
companies

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

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

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

Release of certain addicts for purpose of undergoing treatment

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

- (a) age, character, antecedents;
- (b) physical or mental condition of the offender that it is expedient so to do,

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

(2) Where the addict is released for undergoing medical treatment, he shall be required to enter into a bond in the form prescribed by the Authority, with or without sureties, direct him to appear and furnish before the court within a period not exceeding three months, a report regarding the result of medical treatment and, in the meantime, abstain from commission of any offence under this Part.

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

PART IV ARREST PROCEDURE

Application
of the
Criminal
Procedure
Act with
necessary
modification

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

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

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

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

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

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

- (a) enter into and search any buildings, conveyance, or place;
- (b) in case of resistance, break, open any door or remove any obstacle to such entry;
- (c) seize any drug or substance and all materials used in the manufacture of any other article, anything or conveyance which he has reason to believe to have committed any offence under this Act.

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

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

Procedure of
seizure where
confiscation
is not

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

possible

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

Land owners
duty to give
information
of crops
illegally
cultivated

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

Powers of
attachment of
crops
illegally
cultivated

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

Authority to
direct certain
substance to
be disposed
of

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

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

- (a) their description, quantity, mode of packing, marks, numbers;
- (b) such other identifying particulars of the narcotic drugs or psychotropic substances;
- (c) packing in which they are packed;
- (d) country of origin; and
- (e) other particulars as such officer may consider relevant to the identity of the narcotic drugs or psychotropic substances in any proceedings under this Act.

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

- (a) certifying the correctness of the inventory so prepared;
- (b) taking, in the presence of such magistrate, photographs of such drugs or substances and certifying such photographs as true; or
- (c) allowing to draw representative samples of such drugs or substances, in the presence of such Magistrate and certifying the correctness of any list of sample so drawn.

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

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

Relevancy of
statements
under certain
circumstances

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

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

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

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

Presumption
of possession
of illicit
articles

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

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

Authorized
officers to take
charge of
articles seized

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

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

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

Obligation of various of officers to render assistance

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

Arrests and seizures to be reported within forty-eight hours

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

Vexatious or malicious entry, seizure, or arrest

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

- (a) without reasonable grounds of suspicion, enters or searches or causes to be entered or searched any building, conveyance or place;
- (b) unnecessarily seizes the property of any person on the pretence of seizing or searching for any narcotic drug or psychotropic substance or other article liable to be confiscated under this Act, or of seizing any document or article liable to be seized under this Act; or
- (c) unreasonably detains, searches or arrests any person,

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

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

Officers
refusing to
perform their
duties or aiding
offenders

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

- (a) refuses to perform the duties of his office, unless he has lawful excuse for doing so;
- (b) has been given the custody of any addict or any other person who has been charged with an offence under this Act releases him or cause him to escape;
- (c) willfully aids or connives for the contravention of any provision of this Act,

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

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

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

Powers to
confiscate
articles or

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

things in
connection
with offence

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

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

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

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

Confiscation in
case of no
conviction

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

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

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

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

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

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

Documents in
certain cases

46. Where a document-

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

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

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

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

Powers of an authorised officer to call for information

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

- (a) call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Act; and
 (b) require any person to produce or deliver any document or thing useful or relevant to the inquiry.

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

Arrest procedures

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

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

- (a) arrests a suspect shall:
- (i) actually touch or confine the body of the person arrested;
- (ii) inform the person arrested grounds or reasons for arrest and substance of the offence he is suspected to have committed;
- (iii) caution in writing and in a language which he understands, and, or inform that person of a right to or not to answer anything save for questions seeking particulars of his name and address, a right to call lawyer, relative or friend during interrogation;

- (iv) interrogate a person arrested about how he came about narcotic drug or psychotropic substance or precursor chemicals, or any other substances proved containing drug related effects;
- (v) cause or require a person arrested to admit or deny the offence in writing, and where necessary, procure a statement before a justice of peace within twenty four hours or such other reasonable time;
- (vi) where the time for recording a statement is extended, the officer to inform in writing, the arrested person, such extension and the reason for extension;
- (vii) record the dates and time when the interrogation was commenced, interrupted, continued and completed;
- (viii) allow or permit the arrested person to correct, alter or add to the record, or make any corrections, alterations or additions to the record;
- (ix) if a person arrested makes a statement admitting or confessing to the commission of offence or not and the statement is recorded, the recording officer shall read or cause it to be read to the arrested person and sign immediately below the last line of recorded statement and allow other person in attendance, if any to sign as a witness to a

signature of a person arrested;

- (x) the recording officer to write or cause to be written at the end of the statement a certificate certifying correctness of the statement in accordance with a form set out in the Third Schedule to this Act.
- (b) investigates an offence shall:
 - (i) personally go to the scene of crime to investigate and take stock of every article suspected to be used for commission of offence;
 - (ii) take every measure necessary for discovery and impound every article which may potentially be used as evidence;
 - (iii) examine orally every person acquainted with the facts and circumstances of the crime committed;
 - (iv) avoid to subject the arrested person to cruelty, inhuman or degrading treatment;
 - (v) if the circumstance calls for, or at the request of the arrested person, allow him access to medical treatment, give advice or render assistance in case of an illness or an injury;
 - (vi) if the arrested person is a child, cause a parent or guardian of the child to be informed that he is under restraint and the offence for which he is under restraint;
 - (vii) without unnecessary delay and subject to the provisions relating to bail, take or send the arrested person before a district court in the area where he has been arrested.

- (c) searches for an article used or suspected to have been used in commission of an offence shall:
 - (i) stop, search and detain any vessel, boat, aircraft or vehicle suspected to have carried any substance with drug related effects;
 - (ii) stop, search and detain any person who is reasonably suspected of carrying, conveying, storing, transporting, cultivating, importing, exporting, possessing or any substance which has drug related effects;
 - (iii) not to detain a person, any vessel, boat aircrafts, vehicle, building for a period more than forty eight hours, unless further extension of time is made in writing by the officer in a form set out in the Third Schedule to this Act for the purpose of facilitation of further investigation;
 - (iv) if it is necessary, to cause a woman to be searched, the search shall be made by a woman;
 - (v) take or seize from the arrested person or any other person anything in connection with the offence for which he is arrested, or connected to any substance with drug related effects;
 - (vi) report the result or search to an immediate senior officer of the authority as soon as practicable;
 - (vii) record and issue a receipts or fill in the

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

- (d) seizes an article used or suspected to have been used in commission of an offence shall:
- (i) procure presence of and take statements of persons who will testify on an article seized;
 - (ii) record a statement of the arrested person relating to his relationship with article seized;
 - (iii) evaluate and determine size, volume, quantity, quality and value or estimated value of article seized;
 - (iv) keep safe custody of article seized from possible act of loss, theft, shrinkage, depreciation of quality or value.

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

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

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

Forfeiture
of property
Cap. 256

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

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

- (a) a person who is convicted of an offence under this Act;
- (b) a person who is convicted of a similar offence by a competent court of criminal jurisdiction outside the United Republic; and
- (c) an associate of a person referred in paragraphs (a) and (b).

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

- (a) any individual who had been or is managing the affairs or keeping the accounts of the person convicted under this section;
- (b) the trustee of any trust, where-
 - (i) the trust is created by such person; or
 - (ii) the value of the assets contributed by such person including the value of the assets, if any, contributed by him earlier to the trust amounts to not less than twenty percent of the value of the assets of the trust.

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

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

Prohibition
on holding
illegally
acquired
property
Cap. 256

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

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

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

Authority to
authorize
investigation
or survey

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

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

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

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

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

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

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

Burden of
proof

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

Payment
in lieu

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

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

Power to
take
possession

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

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

Arrangement
regarding
tracing,
realization of
property

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

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

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

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

PART VI
THE FUND FOR DRUG CONTROL

Establishment
of the Fund

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

Sources of
funds

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

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

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

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

Budget of the
Authority

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

Books of
accounts,
records and
annual reports

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

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

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

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

PART VII GENERAL PROVISIONS

Submission of
the drug
situation
report

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

Protection of
action taken in
good faith

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

Authority to have regard to international conventions while making rules

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

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

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

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

Bar of jurisdiction

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

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

Power of Authority to give directions

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

Power to delegate

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

Power of the Minister to make regulations

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

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

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

- (b) the form of bond to be executed for release of an adult convict for medical treatment under section 31 (1) and the bond to be executed by such convict before his release after the due admonition under section 31(2) ;
- (c) the Authority or the person by whom and the manner in which a document received from any place outside the United Republic shall be authenticated;
- (d) the manner in which and the conditions subject to which properties confiscated or forfeited shall be managed;
- (e) the disposal of all articles or things confiscated under this Act;
- (f) the drawing of samples and testing and analysis of such samples;
- (g) the rewards to be paid to the officers, informers and other persons;
- (h) the conditions and the manner in which narcotic drugs and psychotropic substances may be supplied for medical necessity to the addicts registered with the Government and to others subject to the provisions of this Act;
- (i) any other matter as the Minister may prescribe.

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

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

Cap. 403

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

Repeal and
savings
Cap. 95

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

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

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

FIRST SCHEDULE

Made under section 2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Benzylmorphine (benzylmorphine)

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

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

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

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

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

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

Bezitramide (1-(3-cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazoliny)-piperidine)

Cannabis (Indian Hemp) and cannabis resin (resin of Indian Hemp)

Catha edulis (khat)

Clonitazene (2-para-chlorbenzyl-1-diethylaminoethyl-5-nitrobenzimidazole)

Coca Leaf

Cocaine (methyl ester of benzoylecgonine)

Codoxime (dihydrocodeinone-6-carboxymethyloxime)

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

Desomorphine (dihydrodeoxymorphine)

Dextromoramide ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)butyl]-morpholine)
Diampromide (N-[2-(methylphenethylamino)-propyl]propionanilide)
Diethylthiambutene (diethylamino-1,1-di-(2-thienyl)-1-butene)
Difenoxin (1-(3-cyano-3,3-diphenylpropyl)-4-phenylisonipecotinic acid)
Dihydromorphine
Dimenoxadol (2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate)
Dimepheptanol (6-dimethylamino-4,4-diphenyl-3-heptanol)
Dimethylthiambutene (dimethylamino-1,1-di-(2-thienyl)-1-butene)
Dioxaphetyl butyrate (ethyl-4-morpholino-2,2-diphenylbutyrate)
Diphenoxylate (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Dipipanone (4,4-diphenyl-6-piperidine-3-heptanone)
Drotebanol (3,4-dimethoxy-17-methylmorphinan-6 β ,14-diol)
Ecgonine, its esters and derivatives, which are convertible to ecgonine and cocaine
Ethylmethylthiambutene (3-ethylmethylamino-1,1-di-(2-thienyl)-1-butene)
Etonitazene (1-diethylaminoethyl-2-para-ethoxybenzyl-5-nitrobenzimidazole)
Etorphine (tetrahydro-7 $_1$ -(1-hydroxy-1-methylbutyl)-6,14-endoethenorphine)
Etoxidine (1-[2-(2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Fentanyl (1-phenethyl-4-N-propionylanilinopiperidine)
Furethidine (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Heroin (diacetylmorphine)
Hydrocodone (dihydrocodeinone)
Hydromorphanol (14-hydroxydihydromorphine)
Hydroxypethidine (4-meta-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester)
Isomethadone (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)
Ketobemidone (4-meta-hydroxyphenyl-1-methyl-4-propionylpiperidine)
Levomethorphan ((-)-3-methoxy-N-methylmorphinan)
Levomoramide ((-)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)-butyl]morpholine)
Levophenacymorphan ((-)-3-hydroxy-N-phenacymorphinan)
Levorphanol ((-)-3-hydroxy-N-methylmorphinan)
Metazocine (2'-hydroxy-2,5,9-trimethyl-6,7-benzomorphan)
Methadone (6-dimethylamino-4,4-diphenyl-3-heptanone)
Methadone intermediate (4-cyano-2-dimethylamino-4,4-diphenylbutane)
Methyldesorphine (6-methyl-delta-6-deoxymorphine)

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

Sufentanil (N-[4-(methoxymethyl)-1-[2-(2-thienyl)-ethyl]-4-piperidyl]propionanilide)

Thebacon (acetyldihydrocodeinone)

Thebaine

Thiofentanyl (N-(1-[2-(2-thienyl)ethyl]-4-piperidyl)propionanilide)

Tilidine ((±)-ethyl-trans-2-(dimethylamino)-1-phenyl-3-cyclohexene-1-carboxylate)

Trimeperidine (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine); and
The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation;

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

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

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

Acetyldihydrocodeine

Codeine (3-methylmorphine)

Dextropropoxyphene (a -(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-butanol propionate)

Dihydrocodeine

Ethylmorphine (3-ethylmorphine)

Nicocodine (6-nicotinylcodeine)

Nicodicodine (6-nicotinyldihydrocodeine)

Norcodeine (N-demethylcodeine)

Pholcodeine (morphinylethylmorphine)

Propiram (N-(1-methyl-2-piperidinoethyl)-N-2-pyridylpropionamide)

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

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

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

Note: The names printed in capital in the left-hand column are the International Non-proprietary.

Names (INN). Other non-proprietary or trivial names also given where no INN has yet been recommended or when such names are commonly applied to the substances.

Also under international control are the salts of the substances listed in this Schedule, whenever the existence of such salts is possible.

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

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

tetrahydrocannabinol, the following isomers and their stereochemical variants:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECOND SCHEDULE

(Made under section 2)

TABLE I

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

TABLE II

Acetic anhydride
 Acetone
 Anthranilic acid
 Ethyl ether
 Phertylacetic acid

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

THIRD SCHEDULE

 THE UNITED REPUBLIC OF TANZANIA



(Made under section 48(2)(a)(b))

FORMS**Form No. DCEA 001**

FORENSIC LABORATORY SUBMISSION FORM
For submitting suspected drugs for analysis

New Submission
 Resubmission
 Additional Submission

Contact Person Information

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

Case Information

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

Suspect Information

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

Description of Exhibit Submitted

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

Request

Requested analysis of:

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

Submitted By

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

Signature: Date: Time:.....

Received by

Full Name of Receiving Officer: Title:

Signature: Date: Time:.....

THE UNITED REPUBLIC OF TANZANIA



DRUG CONTROL AND ENFORCEMENT AUTHORITY

FORM NO. 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 namelythis day of 20.....

NAME OF THE AUTHORISED OFFICER:

SIGNATURE OF THE OFFICER:

BEFORE ME:

NAME:.....

QUALIFICATION:

ADDRESS:.....

SIGNATURE:

DATE:

THE UNITED REPUBLIC OF TANZANIA

DRUG CONTROL AND ENFORCEMENT AUTHORITY

FORM NO. DCEA 003



CERTIFICATE OF SEIZURE

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

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

in the presence of:

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

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

4. Name of Executing officer:
Signature:
Date:

THE UNITED REPUBLIC OF TANZANIA

DRUG CONTROL AND ENFORCEMENT AUTHORITY

FORM NO. DCEA 004



OBSERVATION FORM

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

Table with 6 columns: 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:
Ido hereby declare that the entries made herein
above in respect of the substances emitted are correct according to my knowledge:
Dated at this day of 20.....

NAME AND SIGNATURE OF SUSPECT/ACCUSED

NAME AND SIGNATURE OF OFFICER

JAMHURI YA MUUNGANO WA TANZANIA



FOMU NA.DCEA 005

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

JALADA LA KESI NA:

JINA LA MTUHUMIWA:

KABILA/UTAIFA:

UMRI:

DINI:

MAKAZI:

AWANI: MTAA/KIJIJI KATA.....

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 49 CHA SHERIA YA KUTHIBITI
NA KUPAMBANA NA DAWA ZA KULEVYA NA./2014.

ONYO: Mimi (Jina na Wadhifa) nakuonya wewe

.....

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

.....
Saini ya Afisa wa Polisi

.....
Saini ya Mtuhumiwa

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

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

.....
Saini ya Afisa wa Polisi

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

SWALI: Je uko tayari kwa sasa kutoa maelezo yako?

JIBU:

.....
Saini ya Afisa wa Polisi

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

SWALI: Ugependa nani awepo kushuhudia ukitoa maelezo yako?

JIBU:

.....
Saini ya Afisa wa Polisi

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

MAELEZO:

UTHIBITISHO: Mimi. nathibitisha kuwa maelezo yangu 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: 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 PROPERTY FOR DISPOSAL OF EXHIBIT

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

MAGISTRATE REMARKS/ORDER

.....
NAME:.....
QUALIFICATION:
ADDRESS:
SIGNATURE:
DATE:.....
SEAL OF THE OFFICE

JAMHURI YA MUUNGANO WA TANZANIA



FOMU NA. DCEA 007

MAMLAKA YA UDHIBITI NA KUDHIBITI DAWA ZA KULEVYA

**MAELEZO YA SHAHIDI
JAZA KWA HERUFI KUBWA**

MAELEZO YAKAZI

KABILA/URAIA:DINI:.....

UMRI:ANUANI:.....

MAKAZI (MTAA AU KIJJI):

JINA LA M/KITI WA MTAA/KIJI:.....

SIMU YA MEZANISIMU YA MKONONI

TAREHE MAHALIMUDA WA KUENZA.....

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

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

Maelezo haya yametolewa hapa(eneo) leo tarehe

Mwezi mwaka..... muda:

Sahihi:

JINA LA MTUHUMIWA

SAHIHI YA SHAHIDI:

MAELEZO KAMILI:

UTHIBITISHO:

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

THE UNITED REPUBLIC OF TANZANIA
THE DRUG CONTROL AND ENFORCEMENT ACT



FORM NO. DCEA 008

GOVERNMENT CHEMIST ANALYSIS REPORT

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

- (1) On the day of 20.... at
(place)
I received (quantity) sealed packets/boxes/sacks/containers (whichever applicable) number(any marked number) purporting to be sent by (institution) suspected to have contained (type of exhibit) in the form No. purported to be signed by (officer of the institution sending the sample) which were handled to me by (officer(s) of the institution),
- (2) I have examined and analysed the said samples/exhibits the results of which are stated hereunder:

Exhibit 'A'

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

Exhibit 'B'

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

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

Dated at this day of 20....

Examining officer

Name

Signature.....

Title

Certifying officer

Name

Signature.....

Title

Official seal.

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

THOMAS D. KASHILILLA
Clerk of the National Assembly

SHERIA YA UDHIBITI NA USIMAMIZI WA DAWA ZA KULEVYA
YA MWAKA, 2015

MPANGILIO WA VIFUNGU

Kifungu *Kichwa cha Habari*

SEHEMU YA KWANZA
MASHARTI YA AWALI

1. Jina na tarehe ya kuanza kutumika.
2. Tafsiri.

SEHEMU YA PILI
KUANZISHWA, KWA MAMLAKA YA KUDHIBITI NA
KUPAMBANA NA DAWA ZA KULEVYA

3. Uanzishwaji wa Mamlaka.
4. Kazi za Mamlaka.
5. Baraza la Taifa la Kudhibiti Dawa za Kulevya.
6. Uteuzi wa Kamishna Mkuu.
7. Kazi na Mamlaka ya Kamishna Mkuu.
8. Watendaji wa Mamlaka.
9. Kamati ya Ushauri.
10. Wajibu wa kudhibiti dawa za kulevya.

SEHEMU YA TATU
KATAZO LA UMILIKI NA USAFIRISHAJI WA DAWA ZA KULEVYA ZA
NAKOTIKI NA SAIKOTROPIKI PAMOJA NA KILIMO CHA MIMEA
INAYOZALISHA DAWA ZA KULEVYA

11. Katazo la kilimo cha mimea inayozalisha dawa za kulevya.
12. Mamlaka ya kutoa idhini, kudhibiti na kusimamia kilimo, uzalishaji au uuzaji wa kasumba au majani ya koka.
13. Kutoshikiliwa kwa dawa za nakotiki na saikotropiki.
14. Masharti ya kutojihusisha na dawa za nakotiki na saikotropiki.

15. Katazo la kumiliki, kusafirisha, kununua, kutengeneza dawa za nakotiki, saikotropiki na kemikali bashirifu.
16. Umiliki wa mashine, mitambo na maabara za kutengeneza dawa za nakotiki na saikotropiki.
17. Katazo la kumiliki na kutumia kiasi kidogo cha nakotiki na saikotropiki.
18. Katazo la kuvuta, kunusa au kutumia dawa za nakotiki na saikotropiki.
19. Katazo kwa mmiliki au mtumiaji wa jengo.
20. Katazo la kumsababishia mtu atumie dawa za nakotiki au saikotropiki.
21. Wakulima kwenda kinyume na masharti ya kibali na leseni.
22. Kukiuka masharti ya leseni au kibali.
23. Kufadhili vitendo haramu.
24. Katazo la kusaidia kutendeka kwa makosa.
25. Maandalizi au jaribio la kutenda kosa.
26. Kurudia kutenda kosa.
27. Adhabu kwa makosa ambayo adhabu zake hazijaainishwa kwenye Sheria hii.
28. Wajibu wa kuthibitisha kosa.
29. Makosa yasiyo na dhamana.
30. Makosa ya kampuni.
31. Kuachiwa kwa baadhi ya watumiaji wa dawa za kulevya kwa Lengo la kupata tiba.

SEHEMU YA NNE
TARATIBU ZA UKAMATAJI

32. Kutumika kwa Sheria ya Mwenendo wa Makosa ya Jinai na kuweka marekebisho muhimu.
33. Utaratibu wa kukamata ambapo utaifishaji hauwezekani.
34. Jukumu kwa wamiliki wa ardhi kutoa taarifa za mazao ya dawa za kulevya yaliyolimwa isivyo halali.
35. Mamlaka ya kushikilia mazao yaliyolimwa isivyo halali.

36. Mamlaka kuamuru baadhi ya dawa kuharibiwa.
37. Umuhimu wa maelezo katika mazingira fulani.
38. Kuchukuliwa kuwa unamiliki vitu haramu.
39. Afisa muidhiniwa kusimamia vitu vilivyokamatwa.
40. Wajibu wa maofisa kusaidiana.
41. Ukamataji na utafishaji kutolewa taarifa ndani ya masaa arobaini na nane.
42. Udanganyifu katika uingiaji, utwaaji na ukamataji.
43. Afisa anayeshindwa kutekeleza majukumu yake au kumsaidia mhalifu.
44. Mamlaka ya kutaifisha kifaa au kitu kinachohusiana na kosa.
45. Utaifishaji kama mtu hajatiwa hatiani.
46. Nyaraka katika mazingira fulani.
47. Mamlaka ya afisa muidhiniwa kupata taarifa.
48. Taratibu za ukamataji.

SEHEMU YA TANO
UFILISI WA MALI ZILIZOTOKANA NA BIASHARA
YA DAWA ZA KULEVYA

49. Ufilisi wa mali.
50. Katazo la kushikilia mali iliyopatikana kwa njia zisizo halali.
51. Mamlaka kuagiza kufanyika kwa uchunguzi au ukaguzi.
52. Wajibu wa kuthibitisha kosa
53. Malipo mbadala.
54. Mamlaka ya kumiliki mali.
55. Utaratibu kuhusiana na ufuatiliaji, utambuizi wa mali.

SEHEMU YA SITA
MFUKO WA KUPAMBANA NA DAWA ZA KULEVYA

56. Kuanzishwa kwa Mfuko.
57. Vyanzo vya mapato vya Mfuko.
58. Bajeti ya Mamlaka.
59. Vitabu vya mahesabu, kumbukumbu na taarifa za mwaka.

SEHEMU YA SABA
MASHARTI YA JUMLA

60. Uwasilishaji taarifa ya mwaka ya Hali ya Dawa za Kulevya.
61. Ulindaji vitendo vilivyofanywa kwa nia njema.
62. Mamlaka kuzingatia Mikataba ya Kimataifa wakati wa kutengeneza kanuni.
63. Mamlaka ya Serikali kuanzisha vituo vya tiba kwa watumiaji na kutoa dawa za nakotiki.
64. Ukomo wa mamlaka.
65. Uwezo wa Mamlaka kutoa maelekezo.
66. Mamlaka ya kukasimu.
67. Mamlaka ya Waziri kutengeneza kanuni.
68. Matumizi ya Sheria ya Usimamizi wa Forodha.
69. Kufutwa kwa Sheria na kuruhusu baadhi ya masharti.

MAJEDWALI

JAMHURI YA MUUNGANO WA TANZANIA



NA.5 YA 2015

NAKUBALI,

JAKAYA MRISHO KIKWETE

Rais

11 Mei, 2015

Sheria kwa ajili ya kuainisha masharti bora ya udhibiti wa madawa ya kulevya; kuanzishwa kwa Mamlaka ya Udhibiti na Usimamizi wa Madawa ya Kulevya kwa ajili ya Kuzuia na kupambana na dawa za kulevya na usafirishaji wa dawa za kulevya, kufuta Sheria ya Kuzuia Biashara Haramu ya Dawa za Kulevya na kuainisha masharti mengine yanayohusiana na hayo.

[.....]

IMETUNGWA na Bunge la Jamhuri ya Muungano wa Tanzania.

SEHEMU YA KWANZA
MASHARTI YA UTANGULIZIJina na
tarehe ya
kuanza
kutumika

1.-(1) Sheria hii itajulikana kama Sheria ya Udhibiti na Usimaamizi wa Dawa za Kulevya ya Mwaka 2015 na itanza kutumika katika tarehe ambayo Waziri, kwa tangazo litakalochapishwa kwenye *Gazeti* la Serikali, atateua.

- (2) Sheria hii itatumika Tanzania Bara.
- (3) Kwa mujibu wa Sehemu ya III na IV, itatumika kwa makosa:
- (a) ndani au nje ya Tanzania Bara kwenye meli ya Tanzania au ndege;
 - (b) nje ya Tanzania Bara, kwa-
 - (i) raia wa Jamhuri ya Muungano au mtu ambaye ni mkazi wa Tanzania Bara;
 - (ii) Shirika au Kampuni hodhi lililosajiliwa au linaloendesha shughuli zake Tanzania Bara;
 - (iii) mtu mwingine yeyote, anayehusika kusambaza au anayekusudia kwamba kusambaza kwa mtu yeyote aliye Tanzania Bara dawa yoyote ya aina ya nakotiki au saikotropiki;
 - (iv) kwenye meli iliyosajiliwa nchini au iliyosajiliwa kwenye nchi nyingine yoyote mwanachama wa mikataba ya kimataifa mbali ya Tanzania;
 - (v) kwenye meli ambayo haijasajiliwa katika nchi yoyote; au
 - (vi) meli ambayo haijasajiliwa katika nchi yoyote iliyosimilishwa kwa mujibu wa sheria za kimataifa za masuala ya baharini, kwenye meli isiyo na utaifa.

Tafsiri

2. Katika Sheria hii, isipokuwa kama muktadha utahitaji vinginevyo:

“mtumiaji “ maana yake ni mtu ambaye aliye katika hali ya;

(a) matumizi ya dawa za kulevya yanasababisha mtumiaji kutawaliwa na matumizi ya hizo dawa za kulevya, au kuwa na tabia ya kutafuta kutumia dawa za kulevya muda wowote hali inayodhihirisha hizo; na

(b) akisha kutumia dawa za kulevya huwa na dalili za kurukwa na akili, kuwa na msongo wa mawazo au kuwa kichaa;

“Mamlaka” maana yake ni Mamlaka ya Kuzuia na Kupambana na Dawa za Kulevya kwa mujibu wa kifungu cha 3 cha Sheria hii;

“afisa muidhiniwa” maana yake ni mtu yeyote aliyepewa idhini ya kufanya kazi na kutimiza majukumu ya Mamlaka yaliyopo kwenye Sheria hii.

“bangi” maana yake ni sehemu yoyote ya mmea wa bangi ukiondoa mbegu, mti wa bangi uliokomaa, au nyuzi zinazotokana na bangi au bangi iliyosindikwa;

“bangi ya mafuta” maana yake ni majimaji yoyote yaliyochanganyikana na kiasi chochote cha kemikali ijulikanayo kama tetrahydro- cannabinol;

“mmea wa bangi” maana yake ni mmea wowote wa jamii ya bangi kwa jina lolote utakavyoitwa na hujumuisha sehemu yoyote ya mmea huo.

“bangi iliyosindikwa” maana yake ni utomvu ulitolewa kwenye mmea wa bangi na kusafishwa na baadae kusindikwa.

“kemikali bashirifu” maana yake ni kemikali ambazo

mara nyingi hutumika kutengeneza dawa za kulevya aina ya nakotiki na saikotropiki kama inavyoainishwa katika ibara ya 12 ya Mkataba wa Kimataifa wa Kuzuia Biashara ya Dawa za Kulevya na Saikotropiki kama zilivyo kwenye orodha ya I na ya II ya Jedwali la Pili la Sheria hii.

“jani la kokeini” maana yake ni-

- (a) jani la mmea wa kokeini isipokuwa jani ambalo limetolewa kemikali zote zijulikanazo kama ecgonine kokeini na kemikali zozote za ecgonine”;
- (b) mchanganyiko wowote uliochanganywa au usiochanganywa na kitu chochote ambao hauhusishi mchanganyiko wenye kiwango cha kokeini kisichozi asilimia 0.1 ya kokeini.

“mmea wa kokeini” maana yake ni mmea wa asili yoyote ya jamii ya “erythroxyton”;

“Baraza” maana yake ni Baraza la Kupambana na dawa za kulevya kama linavyoanzishwa na kifungu cha 5 cha sheria hii.

“kuchukua ” maana yake ni kuchukua kitu cha aina yoyote ikiwemo ndege, gari au chombo chochote;

“mahakama” maana yake ni-

- (a) kwa makosa yalioainishwa katika vifungu vya 11, 17, 19, 20, 21, 22, 25 , 29 na 30 ni mahakama ya chini;
- (b) kuhusiana na:
 - (i) dawa na nakotiki au saikotropiki zenye uzito si zaidi ya gram mia mbili, maana yake mahakama ya chini;
 - (ii) kemikali bashirifu-
 - (aa) si zaidi ya kilogram mia moja katika

hali yabisi au lita thelathini katika hali ya kimiminika, maana yake mahakama ya chini; na

(bb) zaidi ya kilogram mia moja katika hali yabisi au zaidi ya lita thelathini katika hali ya kimiminika, maana yake Mahakama Kuu;

(c) kuhusiana na kosa la kukiuka masharti ya kifungu cha 16 au 23, maana yake Mahakama Kuu;

“kulima” hujumuisha kupanda, kusambaza mbegu, kuchimbia, kuchanganya mbegu, kusaidia kwa namna yoyote ile au kuvuna.

Sura ya 152

“daktari wa meno” maana yake ni mtu aliyesajiliwa au kupewa leseni kwa mujibu wa Sheria ya Madaktari na Madaktari wa Meno;

“dawa” maana yake ni dawa za kulevya aina ya nakotiki na saikotropiki kama inavyoainishwa kwenye Jedwali la Kwanza la sheria hii;

“kutoa nje” utoaji nje ya Jamhuri ya Muungano hata ikiwa na mabadiliko na likifanana na maana ya neno jingine, na maana ya kutoa kutoka Jamhuri ya Muungano na kupeleka nje ya Jamhuri ya Muungano;

“usafirishaji haramu” kuhusiana na dawa za kulevya aina ya nakotiki na saikotropiki ina maana ya-

(a) kilimo cha mmea wowote wa kokeini au kukusanya sehemu yoyote ya mmea wa koka;

(b) kilimo cha mbaruti afyuni au mmea wowote wa bangi;

(c) kujihusisha katika kuzalisha, kutengeneza,

kumiliki, kuuza, kununua, kusafirisha, kuhifadhi, kuficha, kutumia, kuingiza ndani ya Jamhuri ya Muungano, kusafirisha nje ya Jamhuri ya Muungano au usafirishaji kwa njia ya maji kwa kutumia vyomba vya majini kwa dawa za kulevywa aina ya nakotiki au saikotropiki;

- (d) kujihusisha na shughuli zozote zinazohusiana na dawa za kulevywa aina ya nakotiki na saikotropiki;
- (e) kusimamia au kukodisha sehemu au eneo lolote la jengo, au mahali kwa ajili ya kuendeshea shughuli zinazohusiana na dawa za kulevywa, isipokuwa zile zilizoruhusiwa chini ya Sheria hii, au kuendana na masharti ya leseni, au kwa makubaliano au idhini iliyotolewa, na ikihusisha-
 - (i) ufadhili wa kifedha wa moja kwa moja ama usio wa moja kwa moja, shughuli yoyote iliyotajwa hapo juu;
 - (ii) kusaidia au kula njama katika kufanikisha au kuunga mkono kufanyika kwa shughuli yoyote iliyotajwa hapo juu; na
 - (iii) hifadhi mtu anayejihusisha kwenye shughuli tajwa;

“uingizaji ndani ya Jamhuri ya Muungano” hata likiwa na mabadiliko na likifanana na maana ya neno jingine, ina maana ya kuingiza ndani ya Jamhuri ya Muungano kutoka nje ya Jamhuri ya Muungano na inajumuisha kuleta kwenye bandari yoyote au viwanja vya ndege au katika eneo lolote la

Jamhuri ya Muungano dawa za kulevya aina ya nakotiki au saikotropiki zilizo kusudiwa kupelekwa nje ya Jamhuri ya Muungano bila ya dawa hizo kutolewa kwenye chombo, ndege, gari au kitu chochote kitembeacho kilichobeba dawa hizo;

“mkataba wa Kimataifa” inamaanisha-

- (a) Mkataba wa Kupambana na Dawa za Kulevya aina ya Nakotiki wa mwaka 1961, uliopitishwa na Mkutano wa Umoja wa Mataifa uliofanyika New York Machi, 1961;
- (b) azimio la kurekebisha Mkataba uliotajwa katika aya ndogo ya (a), uliopitishwa na Mkutano wa Umoja wa Mataifa Geneva Machi, 1972;
- (c) Mkataba wa Umoja wa Mataifa wa Kupambana na Dawa za Kulevya aina ya saikotropiki, wa mwaka 1971, uliopitishwa na Mkutano wa Umoja wa Mataifa Vienna Februari 1971;
- (d) Mkataba wa Umoja wa Mataifa wa kudhibiti Biashara ya Dawa za Kulevya aina ya Nakotiki na saikotropiki, uliopitishwa Vienna Desemba, 1988; na
- (e) Mkataba wowote wa Kimataifa au Azimio au hati nyingine zinazorekebisha Mkataba wa Kimataifa, unaohusiana na dawa za kulevya aina ya nakotiki au saikotropiki, ambao unaweza kuridhiwa au kukubaliwa na Jamhuri ya

Muungano baada ya kuanza kutumika kwa Sheria hii.

“mirungi” maana yake ni majani na vitawi vichanga vya mmea wa mrungi, wenye asili ya jamii ya mmea wa familia ya “celastraceae”;

“kutengeneza” kuhusiana na dawa za kulevya aina ya nakotiki au saikotropiki, hujumuisha-

- (a) hatua zote za utengenezaji isipokuwa unaohusisha uzalishaji ambao unaweza kusababisha upatikanaji wa dawa za kulevya
- (b) Kusafisha dawa za kulevya ili ziwe na thamani;
- (c) kuzibadilisha dawa za kulevya kutoka hali moja hadi nyingine; na
- (d) kutengeneza dawa za tiba nje ya kiwanda cha kutengeneza dawa zenye mchanganyiko wa dawa za tiba zenye madhara ya kulevya bila maelekezo ya kitaalam au ushauri wa daktari;

“dawa za kulevya zilizotengenezwa viwandani” hujumuisha-

- (a) mazalia yote ya kokeini, dawa za tiba zinazotengenezwa kutokana na bangi, mazalia kasumba na mimea ya kasumba halisi isipokuwa na mchanganyiko wa kitu chochote;
- (b) dawa yoyote aina ya nakotiki au iliyotengenezwa ambayo Mamlaka inaweza kulingana na taarifa ilizonazo aina ya

Sura ya 152

taarifa au maamuzi, kama yapo, chini ya Mkataba wa Kimataifa, kwa tangazo la *Gazeti* la Serikali, Mamlaka itatangaza kuwa ni dawa ya kulevya iliyotengezwa;

“tabibu” maana yake ni mtu aliyesajiliwa na kupewa leseni kwa mujibu wa Sheria ya Madaktari na Madaktari wa meno.

“dawa ya tiba iliyotengenezwa kutokana na bangi” maana yake ni dawa iliyotengenezwa kutokana na mmea wa bangi;

“Waziri” maana yake ni Waziri anayeshughulikia udhibiti wa dawa za kulevya;

“dawa za kulevya aina ya nakotiki” maana yake ni dawa yoyote iliyoorodheshwa kwenye Jedwali au kitu chochote chenye aina yoyote ya dawa iliyoorodheshwa katika Jedwali la Kwanza.

“kasumba” maana yake ni-

(a) utomvu wa mbaruti afyuni; na

(b) mchanganyiko wowote wa aina moja au wa aina mbalimbali za utomvu wa mibiriti afyuni, lakini haitahusisha mchanganyiko wenye kiasi cha mofini kisichozidi asilimia 0.2.

“mazalia ya kasumba” maana yake ni-

(a) dawa za tiba zilizotengenezwa kutokana na kasumba, ambayo imefanyiwa matengenezo ya kitaalam ya kuiwezesha kutumika kwa ajili ya tiba kwa kuendana na matakwa ya Sheria ya Chakula, Dawu na Vipodozi, au kitu chochote chenye asili ya kasumba kinachoweza kutumika kwa ajili ya tiba ambacho kimeidhinishwa na Serikali;

- (b) kasumba iliyotengenezwa, au kitu chochote kilichotengenezwa kupitia hatua mbalimbali kwa lengo la kubadilisha kasumba kwenda kwenye kitu kinachoweza kutumiwa kwa njia ya kuvuta na mabaki mengine ya kasumba hutumiwa pia kwa njia ya kuvuta;
- (c) kemikali za phenantrene, zijulikanazo kama morfina, kodeini baine na chumvi zitokanazo na kemikali hizo;
- (d) icetylmofini yaani kemikali ya alkaloid ambayo pia hujulikana kama diamofini au heroini pamoja na chumvi yake; na
- (e) utengezaji wowote unaohusisha mchanganyiko wa kiasi cha mofini kisichozidi asilimia 2 au yenye mchanganyiko wa kiasi chochote cha kemikali aina ya deacetylmofini.

“mbaruti afyuni” maana yake ni-

- (a) mmea jamii ya papava somniferum L; na
- (b) mmea wa jamii nyingine ya “papaver” ambapo kasumba au aina yoyote ya kemikali za “phenanthrene” zinaweza kutengenezwa kutokana na mmea huo na ni mmea ambao unaweza kutangazwa na Mamlaka kuwa mbaruti afyuni kupitia *Gazeti* la Serikali kwa mujibu wa Sheria hii;

“mahali” hujumuisha eneo la wazi, nyumba au eneo linalozunguka nyumba, magari, vyombo vya usafiri vya majini au ndege;

“mmea wa afyuni” maana yake ni sehemu zote za mmea wa afyuni isipokuwa mbegu za mbaruti afyuni baada ya kuvunwa, zikiwa nzima au zikiwa zimekatwa vipande, zikiwa zimepondwa au kusagwa au zikiwa zimetolewa au zikiwa bado

hazijatolewa sharubati.

- “mtumiaji” maana yake ni mtu ambaye anavuta, ananusa, anameza, anajidunga, au anayetumia kwa njia nyingine yoyote dawa yoyote ya nakotiki au saikotropiki kwa madhumuni yasiyo ya kiutabibu wala ya kisayansi;
- “muathirika” maana yake ni mtu mwenye hali ambayo-
- (a) kutumia dawa za kulevya anakuwa katika hali ya kutojizua kutoacha kutumia dawa za kulevya au anakuwa na tabia ya kuhitaji dawa za kulevya hali inayoonyesha kuwa mtu huyo hawezi kujizua kuacha kutumia dawa za kulevya.
 - (b) kuacha kwake kutumia dawa za kulevya kunawseza kumuaibisha kuwa na dalili ya kuchanganyikiwa, mwili kudhoofu au kuwa na hali isiyoeleweka.
- “uzalishaji” maana yake ni kutenganisha kasumba, mmea wa kasumba, majani ya koka, bangi au mirungi, kutoka kwenye mimea yake;
- “mimea iliyopigwa marufuku” maana yake ni mmea wa bangi, mmea wa mirungi, mmea wa koka, mmea wa papaver somniferum au mmea wa afyuni na mimea inayojulikana kama papaver setigerum;
- “saikotropiki” maana yake ni dawa yoyote ya kulevya ya asili au ya kutengenezwa au malighafi yoyote au chumvi yoyote au utayarishaji wa saikotropiki au kitu chochote kilichopo kwenye orodha ya saikotropiki kama ilivyoainishwa kwenye jedwali la kwanza.
- “kuuza” hujumuhisha kuonyesha nia ya kuuza au kuuza;
- “usambazaji” unajumuisha upelekeaji utumaji au usafirishaji;
- “usafirishaji na dawa za kulevya” maana yake ni

uingizaji, ununuaji, uuzaji, usambazaji, uhifadhi, usimamiaji, uchukuaji, upokeaji, au usambazaji wa dawa za kulevya aina ya nakotiki na saikotropiki au kitu chochote kitakachothibitika kuwa ni nakotiki au saikotropiki, utengenezaji wake unaofanywa na mtu yeyote lakini haihusishi:

- (a) utengenezaji, ununuaji, uuzaji, utoaji, usambazaji,
- (b) utengenezaji, ununuaji, utoaji, usambazaji, usimamiaji, uchukuaji, uwasilishaji au uenezaji wa dawa za kulevya aina yoyote ya nakotiki au saikotropiki au kuonesha nia ya kufanya biashara kwa niaba ya mwenye leseni chini ya Sheria;
- (c) uuzaji au usambazaji au usimamiaji wa dawa za tiba zenye madhara ya kulevya, na kwa kuendana na matakwa ya Sheria hii, au daktari au daktari wa mifugo au meno au mtu yeyote mwenye utaalum wa kufanya hivyo kwa maelezo ya daktari wa kawaida, daktari wa mifugo au wa meno;
- (d) uuzaji au usambazaji kuendana na matakwa ya Sheria hii kwa dawa za nakotiki au saikotropiki kunakofanywa na mfamasia anayetambulika kisheria;
- (e) matumizi kuhusiana na dawa za kulevya aina ya nakotiki na saikotropiki inamaanisha dawa zilizo rodheshwa kwenye jeduwali la kwanza au kituchochote chenye dawa za kulevya

SEHEMU YA PILI
KUANZISHWA KWA MAMLAKA YA KUDHIBITI
NA KUPAMBANA NA DAWA ZA KULEVYA

Uanzishwaji
wa mamlaka

3. Kunaanzishwa Mamlaka, ambayo itajulikana kama Mamlaka ya Kudhibiti na kusimamia Dawa za Kulevya.

Kazi za
mamlaka

4.-(1) Kazi za Mamlaka itakuwa ni kueleza, kuhamasisha, kuratibu na kutekeleza hatua zote zinazoelekezwa katika udhibiti wa dawa za kulevya, matumizi mabaya na biashara ya dawa za kulevya.

(2) katika utekelezaji wa kazi za Mamlaka ya kudhibiti na usimamizi dawa za Kulevya, Mamlaka itapaswa:

- (a) kusimamia utekelezaji wa mikataba ya kimataifa na maazimio na makubaliano kati ya nchi mbili au zaidi katika kudhibiti dawa za kulevya aina ya nakotiki na saikotropiki;
- (b) kuendeleza na kutekeleza mpango wa Taifa wa Kudhibiti Dawa za Kulevya;
- (c) kutengeneza miongozo inayoelezea tatizo la dawa za kulevya na madhara yake katika jamii;
- (d) kuboresha na kurekebisha sheria na kanuni za udhibiti wa dawa za kulevya;
- (e) kuhamasisha udhibiti wa matumizi na usafirishaji na dawa za kulevya ikiwemo kutoa elimu juu ya madhara ya dawa za kulevya, kusambaza taarifa kwa umma na juhudi nyingine za udhibiti;
- (f) kuchukuka hatua stahiki za kupambana na biashara ya dawa za kulevya zikiwemo kukamata, kupekua na uchunguzi wa masuala yanayohusiana na dawa za kulevya;
- (g) kuzuia, kupeleleza na kuchunguza uchepushaji wa dawa za tiba zenye madhara ya kulevya pamoja na kemikali zilizosajiliwa kutoka kwenye vyanzo halali wakati huo huo kuhakikisha dawa hizo zinapatikana kwa matumizi ya tiba, biashara na mahitaji ya kisayansi;

- (h) kuanzisha mfumo thabiti wa ukusanyaji wa taarifa na uchambuzi katika ngazi ya taifa kuhusu matumizi na biashara ya dawa za kulevya;
- (i) kuhamasisha na kuhakikisha kuwa jitihada zaushirikiano wa kimataifa katika kudhibiti dawa za kulevya zinaimarishwa;
- (j) kufanya, kuwezesha na kuratibu tafiti zinazohusiana na dawa za kulevya;
- (k) kuratibu na kuwawezesha wadau wanaojihusisha na udhibiti wa matumizi na biashara ya dawa za kulevya;
- (l) kuelimisha na kuhamasisha jamii kushiriki katika mapambano dhidi ya matumizi na biashara ya dawa za kulevya;
- (m) kutoa mafunzo kwa watendaji wanaojihusha na udhibiti wa matumizi na usafirishaji wa dawa za kulevya, fedha haramu na kemikali bashirifu.

(3) Mamlaka, katika kutekeleza kazi zake, na pale itakapohitajika, itashirikiana na mamlaka nyingine za kitaifa na kimataifa zilizoanzishwa kwa ajili ya kutekeleza kazi zinazohusu kuzuia, kupambana au kudhibiti dawa za kulevya Tanzania Bara;

(4) Mamlaka itahakikisha kuwa matakwa ya Mikataba ya Kimataifa yanatekelezwa kikamilifu na Serikali katika ngazi zote za kitaifa na mahusiano yake na nchi nyingine na vyombo vya kimataifa vinavyosimamia udhibiti wa dawa za kulevya, pamoja na utekelezaji katika ngazi za kitaifa na kimataifa yanaimarishwa.

Baraza la
Taifa la
Kudhibiti
Dawa za
Kulevya

5.-(1) Kutakuwa na Baraza la Taifa la Kudhibiti Dawa za kulevya.

(2) Baraza litakuwa na wajumbe kumi na moja ambao ni-

(a) Waziri Mkuu ambaye atakuwa Mwenyekiti;

(b) Wajumbe wengine watakuwa ni:

(i) Waziri mwenye dhamana na masuala ya sheria;

(ii) Waziri mwenye dhamana na masuala ya ndani ya nchi;

(iii) Waziri mwenye dhamana na masuala ya afya;

(iv) Waziri mwenye dhamana na masuala ya maendeleo ya jamii;

(v) Waziri mwenye dhamana na masuala ya Mambo ya nchi za nje;

(vi) Waziri mwenye dhamana na masuala ya fedha;

(vii) Waziri mwenye dhamana na masuala ya Vijana;

(viii) Waziri mwenye dhamana na masuala ya elimu;

(ix) Waziri mwenye dhamana na masuala ya kilimo; na

(x) Waziri mwenye dhamana ya masuala ya usafirishaji.

(3) Mawaziri wengine wanaweza kualikwa katika kikao cha Baraza kutegemeana na ajenda inayojadiliwa na Baraza na pia Baraza linaweza kumualika mtu mwingine yeyote kuhudhuria kama itaona ni muhimu kufanya hivyo.

(4) Jukumu kuu la Baraza litakuwa ni kusimamia utekelezaji wa Sera ya Taifa ya Kudhibiti Dawa za kulevya.

(5) Baraza litafanya vikao si chini ya viwili kwa mwaka na itafanya kikao maalum pale itakapohitajika.

(6) Endapo Waziri Mkuu atashindwa kuhudhuria kikao cha Baraza chini ya kifungu hiki kwa sababu yoyote ile, Mwenyekiti wa kikao atakuwa Waziri anayeshughulika na masuala ya Sheria, na asipokuwepo kikao kitaongozwa na Waziri anayeshughulika na mambo ya ndani ya nchi na asipokuwepo kikao kitaongozwa na Waziri anayeshughulika na masuala ya afya.

Uteuzi wa
Kamishna
Mkuu

6.-(1) Kutakuwa na Kamishna Mkuu wa Mamlaka ambaye atateuliwa na Rais kutoka miongoni mwa watumishi wa umma wenye sifa zinazofaa.

(2) Kamishna Mkuu atakuwa Mtendaji Mkuu na afisa masuuli wa Mamlaka.

(3) Kamishna Mkuu atakuwa Katibu wa Baraza na atakuwa na wajibu wa kutekeleza maamuzi ya Baraza.

Kazi na
mamlaka ya
Kamishna
Mkuu

7.-(1) Kamishna Mkuu atatekeleza majukumu yafuatayo:

- (a) ataiwakilisha Mamlaka kwenye Mamlaka za kimataifa zinazohusika na masuala ya udhibiti wa dawa za kulevya;
- (b) kuhamasisha na kuratibu kazi za udhibiti wa dawa za kulevya zinazofanywa na wadau husika;
- (c) atakuwa kiungo cha kuendeleza ushirikiano na taasisi za kimataifa zinazohusika na dawa za kulevya.

(d) atahakikisha au kuwezesha usambazaji wa taarifa na takwimu kwenye vyombo vya kimataifa vinavyoaminika kama inavyotakiwa na mikataba hiyo ya kimataifa.

(2) Mamlaka aliyopewa Kamishna Mkuu ni pamoja na kuamuru kupewa taarifa na uwezo wa kumuita mtu yeyote kufika na kujibu swali lolote kuhusiana na masuala ya matumizi na usafirishaji wa dawa za kulevya.

Watendaji
wa Mamlaka

8.-(1) Kamishna Mkuu, kwa idhini ya Baraza, anaweza kuteua au kuajiri maafisa na wafanyakazi wengine wa Mamlaka kama atakavyoona ni muhimu kufanya hivyo kwa ajili ya utekelezaji bora na wenye ufanisi wa kazi chini ya Sheria hii.

(2) Vigezo na masharti ya ajira, mishahara na posho za maafisa na wafanyakazi wa Mamlaka baada ya kupendekezwa na Baraza, yatapelekwa kwa Rais kwa ajili ya kupata idhini yake.

Kamati ya
Ushauri

9.-(1) Itaanzishwa Kamati, itakayojulikana kama Kamati ya Ushauri.

(2) Kamati itakuwa na majukumu ya kumshauri Kamishna Mkuu kuhusiana na masuala ya udhibiti wa dawa za kulevya.

(3) Kamati itakuwa na wajumbe wasiozidi tisa kutoka Wizara mbalimbali, Idara za Serikali, vyombo vya dola, asasi za kiraia na mdau yeyote muhimu katika udhibiti wa dawa za kulevya.

(4) Waziri atateua watu wenye ujuzi na uzoefu katika masuala yanayohusiana na udhibiti wa dawa za kulevya au watu ambao mchango wao unaweza kuwa na msaada mkubwa katika utayarishaji na utekelezaji wa sera ya Taifa kuhusu dawa za kulevya, kuwa wajumbe wa Kamati ya Ushauri.

(5) Mwenyekiti anaweza kumualika mtu yeyote kuhudhuria mojawapo ya kikao cha Kamati kwa lengo la kuisaidia kufikia maamuzi, hata hivyo, mtu huyo hatakuwa na haki ya kupiga kura.

(6) Muda wa kukaa madarakani kwa kila mjumbe wa Kamati utakuwa ni miaka mitatu na anaweza kuteuliwa kwa kipindi kingine.

Wajibu wa kudhibiti dawa za kulevya

10.-(1) Serikali itachukua hatua stahiki kwa lengo la kuzuia na kupambana na matumizi ya dawa za kulevya za nakotiki na saikotropiki pamoja na usafirishaji haramu.

(2) Hatua zinazoweza kuchukuliwa na Serikali kwa mujibu wa kifungu kidogo cha (1), zitajumuisha-

- (a) kuratibu shughuli zinazofanywa na maafisa na taasisi chini ya Sheria hii na Sheria yoyote kuhusiana na utekelezaji wa masharti ya Sheria hii na matakwa ya mikataba ya kimataifa;
- (b) Kusaidia mamlaka husika katika nchi za nje na mashirika ya kimataifa kwa lengo la kuwezesha shughuli za uratibu ili kuwa na mikakati ya pamoja ya kudhibiti matumizi na biashara haramu ya dawa za kulevya za nakotiki na saikotropiki;
- (c) Kutambua, kutibu, kuelimisha, kuwaweka katika uangalizi maalumu baada ya tiba na kuwarudisha katika hali ya kawaida na kuwafanya warudi na wakubalike katika jamii; na
- (d) masuala mengine kama ambavyo Serikali itaona inafaa katika kuleta ufanisi katika kuzuia na kupambana na matumizi ya dawa

dawa za kulevya za nakotiki na saikotropiki.

SEHEMU YA TATU

KATAZO LA UMILIKI NA USAFIRISHAJI WA DAWA ZA
KULEVYA ZA NAKOTIKI NA SAIKOTROPIKI PAMOJA NA
KILIMO CHA MIMBA INAYOZALISHA DAWA ZA KULEVYA

Katazo la
kilimo cha
mimea
inayozalisha
dawa za
kulevya

11.-(1) Mtu yoyote ambaye:

- (a) analima mimea iliyokatazwa;
- (b) anamiliki au kusambaza mbegu zinazozalisha dawa za kulevya;
- (c) anamiliki, ana mamlaka au msimamizi wa jengo, eneo au mahali, anaruhusu maeneo haya kutumika kwa ajili ya kilimo cha mimea inayokatazwa;
- (d) anazalisha, kumiliki, kuuza, kununua, kusafirisha, anaingiza ndani ya Tanzania Bara, anasafirisha kwenda nje ya Tanzania Bara, anatumia au anafanya jambo lolote au anazembea kufanya jambo lolote linalohusiana na mimea iliyokatazwa au mimea ya kuzalisha dawa za kulevya akaenda kinyume na masharti ya Sheria hii,

atakuwa ametenda kosa na akitiwa hatiani atapewa adhabu ya kifungo kisichopungua miaka thelathini.

(2) Kwa madhumuni ya kifungu hiki neno “kilimo” linajumuisha “ukusanyaji”.

Mamlaka
kutoa idhini,
kudhibiti na
kusimamia
kilimo,

12.-(1) Mamlaka inaweza kwa kupitia kanuni-

- (a) kutoa vibali na kusimamia-
 - (i) kilimo au ukusanyaji wa sehemu yoyote ya mmea wa koka, mmea wa

uzalishaji au
uuzaji wa
kasumba au
majani ya
koka

- bangi, mmea wa mrungi, usafirishaji, uingizaji, Tanzania Bara, utumiaji au ukusanyaji wa majani ya koka kwa niaba tu ya Serikali;
- (ii) kilimo cha mibaruti afyuni kwa matumizi pekee ya Serikali;
 - (iii) uzalishaji na utengenezaji wa kasumba na uzalishaji wa mimea afyuni;
 - (iv) uuzaji wa kasumba na mazalia yake kutoka viwanda vya Serikali kwa ajili ya kusafirisha nje ya au Tanzania Bara kwa wataalam wa kutengeneza dawa; utengenezaji, umiliki, usafirishaji, uuzaji, ununuzi, na utumiaji wa saikotropiki; au
 - (v) utengenezaji wa dawa za viwandani isipokuwa kasumba bila kuhusisha utengenezaji wa dawa ya tiba yenye asili ya kulevya inayotokana na kasumba zilizotengenezwa viwandani ambazo zimetokana na malighafi zinazomilikiwa kihalali na mtengenezaji;
 - (vi) utengenezaji, umiliki, usafirishaji, uuzaji, ununuzi, na utumiaji wa saikotropiki; au
 - (vii) uingizaji Tanzania bara na upitishaji wa dawa za nakotiki na saikotropiki;
- (b) kuagiza jambo lolote muhimu litakaloiwezesha Serikali kudhibiti kikamilifu mambo yaliyoelezwa katika aya (a).
- (2) Kanuni zilizotayarishwa na Mamlaka zinaweza kuainisha masharti yanayohusu utoaji leseni, vibali au uzalishaji, utengenezaji, umiliki, usafirishaji,

uingizaji Tanzania Bara na usafirishaji nje ya nchi, uuzaji, ununuzi, matumizi, uhifadhi, usambazaji, kuharibu au namna ya kupata dawa za nakotiki au saikotropiki.

Kutoshikiliwa kwa dawa za nakotiki na saikotropiki

13. Bila kujali jambo lolote linalokwenda kinyume na yaliainishwa kwenye sheria yeyote au mkataba wowote, ni marufuku kwa dawa za kulevya za nakotiki, saikotropiki au mimea inayokatazwa, kushikiliwa na mtu yeyote kwa ajili ya kukomboa fedha kwa amri ya mahakama yoyote au mamlaka yoyote au vinginevyo.

Masharti ya kutojihusisha na dawa za nakotiki na saikotropiki

14. Mtu yeyote katika Tanzania Bara hatoruhusiwa kujihusisha au kusimamia biashara yoyote ya dawa za nakotiki au saikotropiki zinazopatikana nje ya nchi au kupelekwa kwa mtu yeyote nje ya Tanzania Bara bila idhini au kibali cha Mamlaka na kwa kuzingatia masharti yatakavyotolewa na Mamlaka.

Katazo la kumiliki, kusafirisha, kununua, kutengeneza dawa za nakotiki, saikotropiki na kemikali bashirifu

15.-(1) Mtu yeyote ambaye-

- (a) akikutwa anamiliki au kufanya jambo lolote au kuacha kufanya jambo lolote kuhusiana na dawa za nakotiki au saikotropiki au utayarishaji wenye dawa za kutengenezwa viwandani;
- (b) anasafirisha dawa yoyote ya nakotiki au saikotropiki; na
- (c) kinyume cha Sheria anamiliki, anasafirisha, anachepusha au anajihusisha kwa njia yoyote ile na kemikali bashirifu.

(2) Mtu yeyote anayezalisha, kumiliki, kusafirisha, kupeleka nje ya nchi, kuingiza katika Jamhuri ya Muungano, kuuza, kununua au kufanya kitendo chochote au kuacha kufanya kitendo chochote kuhusiana na dawa za kulevya ambazo hazijaorodheshwa kwenye Jedwali lililopo katika Sheria hii, lakini imethibitishwa kuwa dawa hizo zinaathiri

kama dawa za kulevya, anatenda kosa na akitiwa hatiani atapewa adhabu ya kifungo cha maisha.

Umiliki wa mashine, mitambo na maabara za kutengeneza dawa za nakotiki na saikotropiki

16. Mtu yeyote anayemiliki mashine, mtambo, maabara au chombo chochote kwa lengo la kutayarisha, kuzalisha au kutengeneza dawa za nakotiki au saikotropiki, anatenda kosa na akipatikana na hatia atapewa adhabu ya kifungo cha maisha na nyongeza ya faini isiyopungua shilingi milioni mia mbili.

Katazo kumiliki, Kutumia kiasi Kidogo cha Nakotiki na Saikotropiki

17.-(1) Mtu yeyote anayekiuka sharti lolote kwenye Sheria hii au kibali kinachotolewa chini ya Sheria hii, anamiliki kiasi kidogo cha dawa za kulevya aina ya nakotiki au saikotropiki ambacho kimethibitishwa kuwa ni kwa ajili ya matumizi binafsi au anatumia dawa za kulevya aina ya nakotiki na saikotropiki, akitiwa hatiani bila kuathiri chochote kilichopo kwenye Sehemu hii, atawajibika, iwapo-

- (a) dawa za kulevya aina ya nakotiki au saikotropiki anazohusishwa nazo ni kokeini, mafini, diacetyl – mafini au dawa kokeini, mafini, diacetyl – mafini au dawa yoyotya kulevya aina ya nakotiki au saikotropiki itakavyokuwa imeainishwa na Waziri kwenye Gazeti la Serikali, kulipa faini isiyopungua milioni moja au kutumikia kifungo cha miaka mitano au vyote kwa pamoja.
- (b) kama dawa za kulevya husika ni tofauti na zile zinazotajwa katika aya (a), atatakiwa kulipa faini isiyopungua shilingi laki tano au kutumikia kifungo cha miaka mitatu au vyote kwa pamoja.

(2) Jukumu la kuthibitisha kuwa kiasi kidogo cha dawa za kulevya alichokutwa nacho mtuhumiwa ni kwa ajili ya matumizi yake binafsi na si kwa ajili ya kuuza au kusambaza kwa watu, litakuwa juu yake.

(3) Neno “kiasi kidogo cha dawa za kulevya” kama lilivyotumika katika kifungu hiki lina maana kiasi kitakachoainishwa na Waziri kwenye miongozo na kanuni.

Katazo la kuvuta, kunusa au kutumia dawa za nakotiki au saikotropiki

18. Mtu ambaye-

- (a) anavuta, ananusa, anajidunga au vinginevyo anatumia dawa yoyote ya kulevya;
- (b) kinyume na sheria na bila kuwa na sababu za msingi, anakutwa katika nyumba, chumba au mahali panapotumika kinyume na Sheria kuvutia, kunusia aina yoyote ya dawa za kulevya; au
- (c) kinyume cha sheria na bila sababu za msingi, anamiliki aina yoyote ya kiko au kifaa au chombo kinachotumika kwa ajili ya kuvuta, kunusa au kwa namna nyingine anatumia dawa za kulevya,

anatenda kosa na akitiwa hatiani atatozwa faini isiyopungua shilingi milioni moja au kifungo cha miaka mitatu au vyote kwa pamoja.

Katazo kwa mmiliki au mtumiaji wa jengo

19.-(1) Mtu ambaye ni mmiliki, anayeishi, au mtu anayehusika na usimamiaji wa jengo, nyumba, boma, kiwanja, chombo cha usafirishaji, hatoruhusu vitumike kwa lengo la kutayarisha dawa za kulevya au kwa ajili ya kuvuta, kuuza, kujidunga, kunusa au kutumia dawa hizo kwa namna yoyote ile isipokuwa tu kwa kibali kutoka mamlaka husika.

(2) Mtu yeyote atakaye kwenda kinyume na kifungu kidogo cha (1), anatenda kosa na akipatikana na hatia atatozwa faini isiyopungua shilingi milioni tano au kifungu kisichopungua miaka mitatu au vyote kwa pamoja.

Katazo la
kumsababishia
mtu atumie
Dawa za
nakotiki
saikotropiki

20.-(1) Mtu yeyote ambaye-

- (a) anatoa dawa za nakotiki au saikotropiki au anasababisha au kuruhusu dawa hizo zitolewe isipokuwa afisa muidhiniwa au ni daktari wa binadamu au daktari wa meno ambaye anatoa dawa hizo kwa mujibu wa maadili ya taaluma yake na viwango vilivyoruhusiwa;
- (b) anaye mwekea mtu dawa za kulevya kwenye chakula au kinywaji au anatomia njia yoyote ile kumwekea dawa hizo bila ya mtumiaji kujua; au
- (c) anauza, anasambaza au kupata dawa za nakotiki na saikotropiki kwa cheti cha daktari huku akijua au akiwa na sababu za kuamini kuwa cheti hicho kimegushiwa au kimepatikana isivyo halali au kimetolewa zaidi ya miezi sita tangu cheti kiandikwe,

anatenda kosa na akipatikana na hatia atatozwa faini isiyopungua shilingi milioni ishirini au kifungu kisichopungua miaka thelathini au vyote kwa pamoja.

(2) Endapo kosa limetendeka chini ya kifungu kidogo cha (1):

- (a) mashuleni au kwenye taasisi za elimu, vituo vya huduma za kijamii au maeneo yanayozunguka taasisi hizo; au
- (b) waathirika ni watu walio chini ya miaka kumi na nane mtu huyo anatenda kosa na

akipatikana na hatia atatumikia kifungo kisichopungua miaka thelathini.

Wakulima
kwenda
kinyume na
masharti ya
vibali na leseni

21. Mtu yeyote aliyepewa leseni na Serikali kulima mimea ya mibaruti afyuni na isivyo halali akauza au akashindwa kuitunza inavyotakiwa mimea au sehemu ya mimea hiyo, anatenda kosa na akipatikana na hatia atatakiwa kulipa faini ya shilingi milioni kumi na tano au kifungo kisichopungua miaka thelathini au vyote kwa pamoja, na mahakama inaweza, kwa sababu zitakazoelezwa katika hukumu kutoa adhabu isiyopungua faini ya shilingi milioni thelathini iwapo mkosaji amerudia kosa.

Kukiuka
masharti ya
leseni au kibali

22. Endapo mwenye leseni, kibali au idhini iliyotolewa kulingana na matakwa ya Sheria hii-

- (a) anaacha bila sababu za msingi kutunza mahesabu au kuwasilisha marejesho kwa mujibu wa Sheria hii;
- (b) bila sababu za msingi anashindwa kutoa, kutunza akaunti za mahesabu au kuwasilisha marejesho kwa mujibu wa Sheria hii;
- (c) kutunza kumbukumbu za mahesabu au kutoa taarifa ambazo anajua au anazo sababu kuamini kuwa taarifa alizotoa si sahihi;
- (d) kufanya tendo lolote kwa makusudi huku akifahamu kuwa anavunja masharti ya leseni, kibali au ruhusa ambavyo adhabu zinatolewa katika Sheria hii,

anatenda kosa na akipatikana na hatia atatakiwa kulipa faini isiyopungua shilingi milioni ishirini na tano au

kutumikia kifungo kisichopungua miaka thelathini au vyote kwa pamoja na nyongeza ya kufutiwa leseni au kibali chake.

Kufadhili
vitendo
haramu

23. Mtu ambaye anajua moja kwa moja au anajua kwa namna nyingine kuwa anafadhili vitendo vilivyoainishwa katika kifungu cha 15 au kumhifadhi mtu yeyote anayejihusisha na vitendo husika, anatenda kosa na akipatikana na hatia atatakiwa kulipa faini isiyopungua shilingi bilioni moja na nyongeza ya kifungo cha maisha.

Katazo la
kusaidia
kutendeka
kwa
makosa

24. Bila kujali yaliyomo katika sheria nyingine; mtu yeyote atakaye-

- (a) kula njama na mtu yeyote kutenda kosa;
- (b) shawishi, chochea, saidia, ficha au kujaribu kushawishi, kusaidia, shirikiana, au kimficha mtu alietenda kosa;
- (c) sababisha au kujaribu kusababisha kufanyika kwa kosa chini ya sheria hii;
- (d) vinginevyo moja kwa moja au vinginevyo anajua anahusika na utendaji wa kosa chini ya Sheria atashitaiwa kwa makosa husika kama mkosaji mkuu,

anatenda kosa na akitiwa hatiani atatakiwa kulipa faini ya shilingi milioni tano au kutumikia kifungo kwa kipindi kisichopungua miaka thelathini au vyote kwa pamoja.

Maandalizi au
jaribio la
kutenda kosa

25. Endapo mtu atajaribu kutenda au kuacha kufanya kitu kinachopelekea utendaji wa kosa chini ya Sehemu hii na kutokana na mazingira yaliyopo anaweza akachukuliwa kuwa alikusudia kutimiza nia ya kutenda kosa hilo lakini alizuiwa na mazingira tofauti na nia yake, atawajibika kutumikia kifungo si chini ya nusu ya kifungo

anachostahili mtu ambaye angeweza kuadhibiwa kama angetenda kosa hilo, na kulipa nusu ya faini yote ambayo angelitenda kama angelitenda kosa hilo.

Kurudia
kutenda kosa

26.-(1) Mtu yeyote aliyetiwa hatiani kwa makosa chini ya Sheria hii, akitiwa hatiani kwa kosa jingine na kwa kila kosa linalojirudia atatakiwa kulipa faini ya shilingi milioni kumi au kifungo cha maisha.

(2) Endapo mtu atahukumiwa chini ya vifungu vya 19, 20 na 25, na Mahakama yenye mamlaka nje ya Tanzania Bara chini ya sheria yoyote inayofanana na masharti ya sheria yetu kuhusiana na kutiwa hatiani, atashughulikiwa kwa mujibu wa kifungu kidogo cha (1) kama vile amehukumiwa na Mahakama ya Tanzania Bara.

Adhabu
kwa makosa
ambayo
adhabu zake
haziainishwa
kwenye Sheria
hii

27. Mtu yeyote ambaye anakiuka masharti yaliyomo kwenye Sheria hii au masharti ya leseni, kibali au idhini iliyotolewa chini ya Sheria hii, ambapo hakuna adhabu mahsusi iliyoaainishwa katika Sehemu hii, akipatikana na hatia atawajibika kulipa faini isiyozidi shilingi milioni ishirini au kifungo kisichozidi miaka thelathini au vyote kwa pamoja.

Wajibu wa
kuthibitisha
kosa

28.-(1) Katika uendeshaji wa mashauri ya kumiliki, kujihusisha na kusafirisha, kuuza, kilimo, ununuzi, utumiaji au kufadhili dawa za nakotiki au saikotropiki, jukumu la kuthibitisha kuwa dawa za nakotiki au saikotropiki zilimilikiwa, kuhusishwa, kusafirishwa, kuuzwa, kulimwa, kununuliwa, kutumiwa au kufadhiliwa kwa mujibu wa masharti ya leseni, kibali au mamlaka yaliyotolewa chini ya Sheria hii, Miongozo, Kanuni au amri, litakuwa jukumu la mshitakiwa.

(2) Bila kujali masharti ya kifungu kidogo cha (1), itakuwa ni utetezi kwa mtu yeyote aliyeshitakiwa kwa kosa la kujihusisha na umiliki wa dawa za nakotiki au saikotropiki iwapo ataithibitishia na kuiridhisha Mahakama kuwa umilikaji wa dawa hizo za nakotiki au saikotropiki ulizingatia mazingira ya tukio kwa umakini.

Makosa yasiyo
na dhamana

29.- (1) Afisa polisi mkuu wa kituo au afisa wa Mamlaka au mahakama ambapo mtuhumiwa amepelekwa au kushitakiwa haitatoa dhamana kwa mtuhumiwa huyo endapo-

- (a) Mtuhumiwa anashitakiwa kwa kosa la kujihusisha na usafirishaji wa dawa za kulevya aina ya amfetamini, heroini; kokeini, mandrax, mofini, bangi iliyosindikwa, kasumba na dawa nyingine yoyote ya kulevya yenye uzito wa kuanzia gram mia mbili au zaidi;
- (b) mtuhumiwa anashitakiwa kwa kosa la kujihusisha na usafirishaji wa bangi, mirungi na aina yoyote ya mmea uliokatazwa wenye uzito wa kilogram mia moja au zaidi; na
- (c) kwa kemikali bashirifu zenye uzito wa lita thelathini au uzito wa kilogram mia moja katika umbo yabisi.

(2) endapo kutakuwa na mkinzano wowote katika masuala yanayohusu uzito, aina ya kemikali au masuala yoyote yanayofanana na hayo katika kifungu hiki, uzito, aina ya kemikali au kitu chochote kinachohusiana na vitu hiyo, majibu ya Mkemia wa Serikali ndiyo yatakayotambuliwa rasmi.

(3) Masharti ya kutoa dhamana kama yaliyoainishwa chini ya kifungu cha 148 cha Sheria ya Mwenendo wa Makosa ya Jinai, yatatumika sambamba kwa Omakosa yote chini ya Sheria hii.

Makosa ya kampuni

30.-(1) Endapo kosa limetendwa chini ya Sheria hii na Kampuni, kila mtu ambaye wakati kosa linatendeka, alikuwa anaongoza au anasimamia shughuli za uendeshaji wa kampuni atachukuliwa kuwa ametenda kosa na atastahili kushitakiwa na kuadhibiwa ipasavyo.

(2) Kifungu cha (1) hakitasababisha mtu yeyote kupewa adhabu yoyote iwapo atathibitisha kwamba kosa lilitendeka bila yeye kufahamu au alifanya jitihada kuzuia kutendeka kwa kosa hilo.

(3) Bila kujali kifungu kidogo cha (2), pale ambapo kosa chini ya sehemu hii limefanywa na kampuni na kuthibitishwa kwamba kosa limetendeka kwa ruhusa au nia ovu, au imesababishwa na uzembe wa mkurugenzi yeyote, meneja, katibu au afisa mwingine wa kampuni, mkurugenzi huyo, meneja, katibu au afisa mwingine wa kampuni atashtakiwa na kuadhibiwa ipasavyo na kampuni hiyo itafutiwa kibali au kutaifishwa.

Kuachiwa kwa baadhi ya watumiaji wa dawa za kulevy kwa lengo la kupata tiba

31.-(1) Endapo muathirika atakapotywa hatiani kwa kosa chini ya kifungu cha 18 na mahakama ambayo imemtia hatiani imeona kwamba kutokana na-

- (a) umri, tabia au historia ya mtumiaji;
- (b) hali ya mwili na akili ya mkosaji, kwa kadiri itakavyoona inafaa;

hivyo bila ya kuathiri chochote kilichopo katika Sheria hii au sheria nyingine yoyote mahakama yaweza badala ya kutoa adhabu ya kifungo, kwa ridhaa yake ikaelekeza kwamba mtumiaji huyo aachiwe kwa ajili ya kupata tiba ya kuondoa sumu mwilini katika hosipitali au taasisi inayoendeshwa na kutambuliwa na Serikali

(2) Endapo muathirika ataachiwa kwa ajili ya kupata matibabu, atapaswa kuingia makubaliano kama itakavyoelekezwa na Mamlaka, akiwa na wadhamini au la, kumuelekeza kuja na kutoa taarifa inayohusu matibabu yake kwenye mahakama kwa kipindi kisichozidi miezi mitatu na katika kipindi hicho hatokuwa kutenda kosa lolote chini ya Sehemu hii.

(3) Endapo mhalifu atashindwa kufuata masharti ya kuacha kutenda kosa baada ya kuachiwa na mahakama kwa ajili ya kwenda kupata matibabu kwa kuzingatia kifungu kidogo cha (2), mahakama inaweza kumuamuru mtuhumiwa huyo kwenda mahakamani kwa ajili ya kuhukumiwa.

SEHEMU YA NNE TARATIBU ZA UKAMATAJI

Kutumika kwa
Sheria ya
Mwenendo wa
Makosa ya
Jinai na
kuweka
marekebisho
muhimu

32.-(1) Maafisa wa Mamlaka watakuwa na uwezo wa kukamata kupekuwa, kushikilia na kufanya upelelezi kuhusiana na makosa yaliyoainishwa chini ya Sheria hii.

(2) Masharti ya sheria nyingine yeyote inayotumika katik Jamhuri ya Muungano wa Tanzania kuhusiana na mamlaka na wajibu wa kuchunguza, kukamata, kupekua na kushikilia vitu kwa maafisa wa jeshi la polisi, afisa forodha, au mtu mwingine mwenye mamlaka

ya kukamata, yatatumika pia katika sheria hii.

(3) Afisa wa Mamlaka atakuwa na uwezo wa kumkamata, kupekua, kuchunguza, kushikili na kuchukua maelezo yanayohusiana na jambo lolote chini ya Sheria hii, kama vile ni afisa wa polisi anayetokeleza majukumu na kutimiza wajibu wake chini ya Sheria ya Mwenendo wa Makosa ya Jinai ya Ushuru wa Forodha au Sheria nyingine yoyote inayotoa uwezo wa kukamata na kushikilia vitu.

(4) Matakwa ya Sheria nyingine yoyote inayotumika katika jamhuri ya Muungano kuhusiana na mamlaka na wajibu wa kuchunguza, kukamata, kupekua, kushikilia na kuchukua maelezo kwa afisa wa polisi, maafisa forodha, au mtu mwingine mwenye mamlaka ya kukamata, yatatumika na afisa anayetumia Sheria hii.

(5) Kitu chochote kilichokamatwa au kuchukuliwa maelezo na afisa kitapokelewa mahakamani kama ushahidi.

(6) Afisa yeyote aliyetajwa katika kifungu kidogo cha (1), muda wowote anaweza-

- (a) kuingia na kupekua jingo lolote, chombo chochote cha uchukuzi au mahali;
- (b) iwapo kuna upinzani, kuvunja mlango wowote au kuondoa kizuizi chochote cha kuingia mahali hapo.
- (c) Kukamata dawa yoyote na vifaa vyote vilivyotumika katika kutengeneza dawa au kifaa chochote, au chombo cha usafirishaji akiamini kuwa vyombo au vifaa hivyo vimetumika katika utendaji wa makosa chini ya Sheria hii.
- (7) Endapo afisa anachukua taarifa au kurekodi sababu za kukamata bila kuchelewa kupeleka nakala ya taarifa au rekodi hiyo kwa mkuu wake wa kazi.

Utaribu wa
kukamata ambapo
utaifishaji
hauwezekani

33. Pale ambapo haiwezekani kushikilia vitu vikiwemo mazao yaliyopo ambayo yanastahili kutaifishwa, afisa yeyote aliyeidhinishwa chini ya kifungu cha 33 anaweza kumpatia mmiliki au mtu mwenye kumiliki vitu hivyo na kuamuru kwamba hataondoa, au kuachana na vitu hivyo au vinginevyo kujihusisha na vitu hivyo isipokuwa kwa ruhusa ya afisa huyo.

Jukumu kwa
wamiliki wa ardhi
kutoa taarifa za
mazao ya dawa za
kulevya
yaliyolimwa isivyo
halali

34. Kila mmiliki, anayeishi, au mtu anayesimamia ardhi yoyote, nyumba au sehemu atatoa taarifa haraka kwa afisa yeyote wa polisi au afisa wa idara zilizotajwa katika kifungu cha 33 juu ya uwepo wa mazao yanayozalisha dawa za kulevya, dawa za nakotiki au saikotropiki ambazo zimelimwa isivyo halali, imezalishwa au kutengenezwa ndani ya ardhi yake, jengo au eneo na kila mmiliki ambaye anajua lakini anapuuza kutoa taarifa hiyo, anatenda kosa na akipatikana na hatia atatakiwa kulipa faini ya shilingi milioni ishirini, au kifungo cha miaka thelathini au vyote kwa pamoja.

Mamlaka ya
kushikilia mazao
yaliyolimwa
isivyo halali

35. Afisa yeyote mwenye mamlaka chini ya Sheria hii, anaweza kuamuru kushikiliwa kwa mazao ya mimea ya mibaruti afyuni, mimea ya bangi, mirungi, mimea jamii ya koka au mimea mingine ya dawa za kulevya iwapo anaamini kuwa imelimwa isivyo halali, na anaweza kutoa amri hiyo, ikiwemo amri ya kuharibu mimea hiyo kama atakavyoona inafaa.

Mamlaka kuamuru
baadhi ya dawa
kuharibiwa

36.-(1) Mamlaka inaweza, kwa kuzingatia hali ya hatari ya dawa za nakotiki au saikotropiki au urahisi wa kuweza kuibiwa, kubadilishwa, ufinyu wa mahali maalum pa kuhifadhia, sehemu au mambo mengine yanayoweza kuzingatiwa, kwa Notisi katika *Gazeti* la Serikali, kuamuru dawa hizo za nakotiki na saikotropiki ziharibiwe kwa utaratibu kama Mamlaka itakavyoamua baada ya kufuata taratibu zilizoainishwa.

(2) Endapo dawa za kulevya aina ya nakotiki na saikotropiki zimekamatwa, afisa aliyekamata dawa hizo au dawa za saikotropiki ataandaa orodha ya kuonyesha taarifa zinazohusu-

- (a) aina ya dawa za nakotiki au saikotropiki, ikiwa na maelezo kuhusiana na aina, kiasi, jinsi ilivyopakiwa, alama, namba;
- (b) alama yoyote ya kuitambua dawa ya nakotiki au saikotropiki;
- (c) jinsi ilivyofungwa,
- (d) nchi ilipotoka; na
- (e) vitu vingine ambavyo afisa ataona inafaa kwa ajili ya utambuzi wa dawa za nakotiki au saikotropiki katika mashauri yoyote chini ya Sheria hii.

(3) Afisa aliyekamata dawa hizo au dawa za saikotropiki atatuma maombi kwa Hakimu yeyote mwenye mamlaka chini ya Sheria hii kwa madhumuni ya-

- (a) kujiridhisha na usahihi wa orodha iliyotayarishwa;
- (b) kupiga picha dawa za kulevya mbele ya Hakimu na kuthibitisha kuwa picha hizo ni za kweli;

(c) kuruhusu kuchukua sampuli ya dawa hizo au vitu mbele ya Hakimu huyo, na kuthibitisha usahihi wa orodha ya sampuli iliyochukuliwa.

(4) Pale ambapo ombi limefanywa chini ya kifungu kidogo cha (3), Hakimu atakubali mara moja ombi hilo.

(5) Bila ya kuathiri masharti yaliyomo katika Sheria ya Ushahidi au Sheria ya Mwenenedo wa Makosa ya Jinai, kila Mahakama inayohukumu kosa chini ya Sheria hii, itachukua orodha, picha za dawa za nakotiki au saikotropiki na orodha ya sampuli zilizochukuliwa chini ya kifungu kidogo cha (3) na kuthibitishwa na Hakimu, kama ushahidi wa awali kuhusiana na kosa hilo.

Sura ya 6 na
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Umuhimu wa
maelezo katika
mazingira fulani

37.-(1) Maelezo yaliyotolewa na kusainiwa mbele ya afisa mwenye mamlaka chini ya kifungu cha 51 cha Sheria hii, kuchunguza makosa, katika na wakati wa mahojiano au mwenendo wa kesi na afisa huyo, yatakuwa ni muhimu kwa madhumuni ya kuthibitisha, shitaka lolote la kosa lolote chini ya Sheria hii na ukweli wa maelezo yaliyomo-

(a) endapo mtu aliyetoa maelezo amefariki dunia au hawezi kupatikana au hawezi kutoa ushahidi au amezuiwa na adui yake au uwepo wake hayawezekani pasipokuwa na ucheleweshaji au gharama ambapo kutokana na mazingira ya kesi mahakama inaona hakuna haja; au

(b) endapo mtu aliyetoa maelezo anahojiwa kama shahidi katika kesi iliyopo mahakamani; na mahakama ina maoni ya kwamba kwa kuangalia mazingira ya kesi maelezo hayo yatachukuliwa kama ushahidi ili kuhakikisha haki inatendeka.

(2) Endapo kutatokea kukinzana kati ya masharti ya kifungu hiki na vile vya Sheria ya Ushahidi, masharti ya kifungu hiki yatakuwa na nguvu.

Kuchukuliwa kuwa unamiliki vitu haramu

38. Katika mashitaka chini ya sheria hii, inaweza kuchukuliwa, isipokuwa kama itathibitishwa kwamba mtuhumiwa ametenda kosa chini ya Sehemu hii ya Tatu

- (a) madawa ya nakotiki au saikotropiki;
- (b) baruti afuyuni, mimea ya bangi, mirungi au mimea ya koka inayolimwa katika ardhi yoyote;
- (c) kifaa chochote kilichobuniwa maalum au aina yoyote ya chombo kilichochukuliwa maalum kwa ajili ya kutengenezea aina yoyote ya dawa za nakotiki au saikotropiki; au
- (d) malighafi yoyote iliyotumika kutengenezea dawa za nakotiki au saikotropiki, au mabaki yoyote ya vitu vilivyobaki kwenye dawa zilizotengenezwa nakotiki au saikotropiki kushindwa kuthibitisha umiliki wake.

Afisa muidhiniwa kusimamia vitu vilivyokamatwa

39.-(1) Afisa aliyeidhinishwa chini ya kifungu cha 44 atachukua hatua ya kuweka katika uangalizi, kusubiri amri ya Hakim, mkazi na kuruhusu afisa aliyekamata vitu hivyo ambaye amekaimishwa kufanya hivyo, kuvipiga muhuri vitu hivyo au kuchukua sampuli

za vitu hivyo na sampuli hizo zilizochukuliwa zitafungwa na lakiri ya ofisi ya ofisa huyo.

(2) Afisa yeyote atakayeshindwa kufuata masharti yanayohusu uhifadhi wa vitu vilivyokamatwa na akasababisha kupotea kwa vitu hivyo anatenda kosa na akipatikana na hatia, atatakiwa kulipa faini ya shilingi milioni kumi na tano au kifungo cha miaka mitano au vyote kwa pamoja.

Wajibu wa maofisa kusaidiana

40. Maafisa wote waliyotajwa katika Sheria hii, ambao kazi au mamlaka mahsusi au ya jumla wamepewa chini ya Sheria hii baada ya kupewa taarifa au kutakiwa kufanya hivyo, watapaswa kisheria kusaidiana katika kutekeleza masharti ya sheria hii.

Ukamataji na utafishaji kutolewa taarifa ndani ya masaa arobaini na nane

41. Endapo mtu yeyote amekamata watuhumiwa au vitu chini ya Sheria hii anatakiwa ndani ya masaa arobaini na nane baada ya kukamata au kushikilia vitu hivyo kutoa taarifa kamili ya maelezo ya kukamatwa huko au kushikilia huko kwa afisa wa juu anayemfuatia.

Udanganyifu katika utwaaji, uingiaji na ukamataji

42.-(1) Afisa yeyote ambaye katika kutekeleza mamlaka aliyopewa chini ya Sheria hii-

- (a) bila ya kuwa sababu zozote za kutilia shaka, anangia au kupekua au kusababisha kuingia au kukagua jengo lolote, chombo cha uchukuzi au mahali;
- (b) bila ya ulazima wowote anakamata mali ya mtuyeyote kwa lengo la kukamata kitu au kufanya ukaguzi wa madawa ya nakotiki au saikotropiki au vitu vingine

vinavyopaswa kutaifishwa chini ya sheria hii, au kushikilia nyaraka yoyote au kitu kinachoweza kushikiliwa chini ya sheria hii; au

- (c) bila ya sababu anamzuia, anamkagua au kumkamata mtu yeyote,

atatenda kosa na akipatikana na hatia atatakiwa kulipa faini isiyozidi shilingi milioni mbili au kifungo kwa kipindi cha mwaka mmoja au vyote kwa pamoja.

(2) Mtu ambaye kwa hiari au kwa nia ovu anatoa taarifa za uongo na kusababisha kukamata au kufanyika kwa ukaguzi chini ya Sheria hii, anatenda kosa na akipatikana na hatia atatakiwa kulipa faini isiyozidi shilling milioni moja au kifungo cha miezi sita au vyote kwa pamoja.

Afisa anayeshindwa kutekeleza majukumu kufanya kazi yake au kumsaidia mhalifu

43.-(1) Afisa ambaye amepewa jukumu lolote chini ya Sheria hii-

- (a) anakataa kufanya kazi ya ofisi yake, isipokuwa kama ana sababu za msingi za kufanya hivyo;
- (b) amepewa uangalizi wa muathirika yeyote au mtu yeyote ambaye anashitakiwa kwa kosa chini ya Sheria hii anamwachia au kusababisha kutoka.
- (c) kwa hiari anasaidia katika au anaachia kwa makusudi katika, kuvunjwa kwa masharti yoyote chini ya Sheria hii, anatenda kosa na akipatikana na hatia atatakiwa kulipa faini isiyopungua shilingi milioni tano au kifungo kisichopungua miaka miwili au vyote kwa pamoja.

(2) Maelezo “afisa” katika kifungu hiki yanajumuisha mtu aliyeajiriwa hospitalini au taasisi inayoendeshwa au kutambuliwa na Serikali kwa ajili ya kutoa usugu wa matumizi ya dawa za kulevy au sumu.

(3) Mahakama haitatambua kosa chini ya kifungu kidogo cha (1) isipokuwa kwa malalamiko ya maandishi yaliyotolewa na Mamlaka.

Mamlaka ya
kutaifisha kifaa au
kitu kinachohusiana
na kosa

44-(1) Endapo kosa chini ya Sehemu ya Tatu limetendeka, madawa ya nakotiki, saikotropiki, mibaruti afuyuni, mimea ya kokeini, mirungi, mimea ya bangi, malighafi zinazotumika, vifaa na vyombo kuhusiana na kosa lililotendwa, vitataifishwa.

(2) Dawa zozote za nakotiki au saikotropiki ambayo yametengenezwa kihalali, kuingizwa au kupelekwa nje ya Tanzania Bara, kusafirishwa, kutengenezwa, kumilikiwa, kutumiwa, kununuliwa au kuuzwa au kwa kongeza madawa yoyote ya nakotiki au saikotropiki ambayo yanatakiwa kutaifishwa na chombo cha kuwekea vitu, kufungia, kufunika ambamo madawa yoyote ya nakotiki au saikotropiki, michanganyo, vifaa au vyombo vinavyoweza kutaifishwa chini ya kifungu kidogo cha (1) vimepatikana, na ndani yake, vyombo vya kuwekea vitu au kufungia vitataifishwa.

(3) Kitu chochote kianchotumika kwa ajili ya kufichia madawa yoyote ya nakotiki au saikotropiki ambayo yanatakiwa kutaifishwa chini ya sheria hii yatataifishwa.

(4) Endapo madawa ya nakotiki au saikotropiki yameuzwa na mtu mwenye uelewa au kuna sababu za kuamini kwamba madawa au mchanganyiko, utataifishwa chini ya Sheria hii, mapato ya mauzo chini ya Sheria hii nayo yatataifishwa.

Utaifishaji kama mtu hajatiwa hatiani

45.-(1) Katika shtaka la makosa chini ya Sheria hii, ama mtuhumiwa ametiwa hatiani au ameachiwa, Mahakama itaamua kama vifaa au vitu vilivyokamatwa vinatakiwa kutaifishwa.

(2) Endapo kitu chochote chini ya Sheria hii kinaonekana kuwa kinastahili kutaifishwa, lakini mtu aliyetenda kosa linalohusiana na kitu hicho hajulikani au hawezi kupatikana, mahakama inaweza ikachunguza na kuamua, na inaweza, kwa utaratibu unaotumika kuamrisha mali hiyo itaifishwe.

(3) Amri ya kutaifisha kitu au chombo haitatolewa mpaka-

- (a) kupita mwezi mmoja tangu kukamatwa kwake;
- (b) bila ya kumsikiliza mtu yeyote anayedai haki;
- (c) bila ya ushahidi kama upo uliotolewa kuhusiana na madai.

(4) Endapo kitu au kifaa ambacho si dawa ya nakotiki, saikotropiki, mibaruti afyuni, mimea ya koka, mrungi au mmea wa bangi, ambao ni rahisi kuharibika, au iwapo Mahakama inaona uuzwaji wake utakuwa ni kwa faida ya mmiliki, inaweza kuelekeza kiuzwe.

(5) Mtu yeyote ambaye anadai haki ya mali ambayo Mahakama imetaifisha chini ya Sheria hii, anaweza kukata rufaa mahakama ya juu dhidi ya amri ya kutaifisha.

Nyaraka katika mazingira fulani

46. Endapo nyaraka yoyote-

- (a) imetolewa au kuwasilishwa na mtu yeyote au imechukuliwa kutoka kwenye uangalizi au usimamizi wa mtu yeyote chini ya Sheria hii, au chini ya Sheria nyingine yeyote; au
- (b) imepokelewa kutoka sehemu yoyote nje ya Jamhuri ya Muungano, na imethibitishwa na mamlaka hiyo au mtu na kwa namna iliyowekwa na Mamlaka,

wakati wa uchunguzi wa kosa lolote chini ya sheria hii, kama nyaraka hiyo itatolewa katika mwenendo wowote chini ya sheria hii, katika ushahidi dhidi yake au dhidi ya mtu mwingine yeyote ambaye wanashitakiwa pamoja naye, mahakama-

- (i) itaikubali nyaraka katika ushahidi, bila ya kujali kuwa ina mhuri, kama nyaraka hiyo inakubalika katika ushahidi.
- (ii) endapo itawasilishwa chini ya aya ya (a), nayo itapokelewa, isipokuwa kama itathibitika vinginevyo, ukweli wa yaliyomo katika nyaraka hiyo.

Mamlaka ya afisa muidhiniwa kupata taarifa

47-(1) Afisa yeyote ambaye ameidhinishwa chini ya sheria hii, anaweza, wakati wowote wa uchunguzi kuhusiana na kukiuka masharti yoyote ya Sheria hii-

- (a) kutaka taarifa kutoka kwa mtu yeyote kwa madhumuni ya kujiridhisha kama kuna ukiukwaji wowote wa masharti ya Sheria hii; na
 - (b) kutamka ya kwamba mtu yeyote kutoa au kupeleka nyaraka yoyote au kitu kitakachotumika au muhimu kuhusiana na uchunguzi.
- (2) Afisa anayetokeleza mamlaka aliyopewa chini ya masharti ya Sheria hii, hatalazimishwa kusema wapi alipopata taarifa juu ya kutendeka kwa kosa.

Taratibu za
Ukamataji

48.-(1) Taratibu za ukamataji na uwezo waliyopewa maafisa wa Mamlaka chini ya Sehemu hii yatatumika kama yalivyo.

(2) Kwa madhumuni ya kifungu kidogo cha (1) afisa wa Mamlaka au vyombo vingine vya utekelezaji ambaye-

- (a) atakamata mtuhumiwa kwa:
 - (i) kumgusa mtu mkono au kumweka chini ya ulinzi wake mtu aliyekamatwa;
 - (ii) kutoa taarifa kwa mtu aliyekamatwa msingi au sababu ya kukamatwa kwake na maelezo ya kosa analotuhumiwa kulitenda;
 - (iii) tahadhari katika maandishi na kwa lugha anayoielewa, au kumfahamisha mtuhumiwa haki ya kujibu au kutojibu chochote isipokuwa kwa maswali yanayohusu jina lake na anwani, haki ya kumwita

- wakili wake, jamaa, au rafiki wakati wa mahojiano;
- (iv) kumhoji mtu aliyekamatwa ni jinsi gani anahusiana na dawa za kulevya au kemikali bashirifu au kitu kingine chochote chenye madhara sawa na dawa za kulevya;
 - (v) kumtaka au kuhakikisha kuwa mtuhumiwa anakubali au kukataa kosa kwa maandishi, na inapolazimu, kuchukua maelezo yake mbele ya mlinzi wa amani ndani ya saa ishirini na nne au kwa muda wowote ilimradi muda huo usipitilize sana;
 - (vi) endapo muda wa kuchukua maelezo utakuwa mrefu, afisa atamfahamisha kwa maandishi mtuhumiwa kuhusu kuendelea kwa muda huo na sababu za kuendelea huko;
 - (vii) kuandika tarehe na muda ambao mahojiano yalianza, kukatishwa, kuendelea na kumalizika;
 - (viii) kumruhusu mtuhumiwa kusahihisha, kubadilisha au kuongeza kilichoandikwa, au kufanya marekebisho yoyote, mabadiliko au nyongeza ya kilichoandikwa;

- (ix) endapo mtuhumiwa anatoa maelezo ya kukubali au kukiri kosa au kukana wakati maelezo yanachukuliwa, afisa anayechukua maelezo hayo atayasoma au kuhakikisha kuwa yanasomwa mbele ya mtuhumiwa ambaye atasaini punde tu chini ya mstari wa mwisho wa maelezo hayo na kuruhuru mtu mwingine aliyepo, kama mtu mwingine atakuwepo, atasaini chini ya mstari wa mwisho wa maelezo hayo na kuruhuru mtu mwingine aliyepo, kama mtu mwingine atakuwepo, atasaini kama shahidi wa mtuhumiwa;
- (x) Afisa anayechukua maelezo atajaza hati ya uthibitisho au kuhakikisha kuwa hati hiyo inajazwa ili kuthibitisha usahihi wa maelezo kulingana na fomu iliyopo kwenye Jedwali la tatu la Sheria hii.
- (xi) anafanya upelelezi wa kosa:

(b) anafanya upelelezi wa kosa:

- (i) yeye mwenyewe kwenda kwenye eneo la tukio kupanya upelelezi na atachukua kila kitu kinachohusika kutumika katika kutenda kosa;

- (ii) kuchukua hatua zote muhimu kwa ajili ya kugundua na kukamata kila kitu ambacho kinaweza kutumika kutumika kama ushahidi;
 - (iii) kumhoji kwa mdomo mtu yeyote ambaye ana maelezo na anajua mazingira ya kosa kuepuka lililotendeka;
 - (ii) kuepuka kumfanyia ukatili, vitendo vya kinyama au udhalilishaji mtu aliyekamatwa;
 - (iii) mtu aliyekamatwa anaweza kuruhusiwa kupata tiba au ushauri endapo atakuwa anaumwa au kuumia kwa kuangalia afya yake au maombi atakayotoa;
 - (iv) iwapo mtu aliyekamatwa ni mtoto, mzazi au mlezi wa mtoto huyo afahamishwe kuhusu kushikiliwa kwa mtoto huyo na kosa alilotenda;
 - (v) bila kuchelewa na kwa mujibu wa vifungu vinavyohusiana na dhamana, kumpeleka mtu aliyekamatwa mahakama ya wilaya iliyopo eneo alilokamatwa.
- (c) kufanya upekuzi wa kifaa kilichotumika au kinachohisiwa kutumika katika utendaji wa kosa kwa:
- (i) kusimamisha, pekua na kushikilia chombo chochote, boti, ndege, gari au chombo chochote cha usafiri kinachoshukiwa kubeba kitu chochote kinachohisiwa kuwa dawa za kulevya;

- (ii) kumsimamisha, kumpekua na kumshikilia mtu yeyote ambaye anashukiwa kubeba, kuhamisha, kuhifadhi, kusafirisha, kulima, kuingiza nchini, kutoa nchini au kumiliki kitu chochote kinachodhaniwa kuwa dawa za kulevya;
- (iii) kutoshikilia mtu, chombo chochote, boti, ndege, gari, jengo kwa kipindi cha zaidi maandishi kufuatana na fomu iliyopo kwenye Jedwali la Tatu la Sheria hii kwa madhumuni ya kusaidia uchunguzi zaidi;
- (iv) kama kuna ulazima wa kumkagua mwanamke, ukaguzi huo utafanywa na mwanamke mwenzake;
- (v) kuchukua au kukamata kutoka kwa mtu aliyekamatwa au mtu yeyote kitu chochote kinachohusiana na kosa ambalo amekamatwa nalo, au chochote chenye madhara kama dawa za kulevya;
- (vi) kutoa taarifa ya upekuzi kwa afisa wa Mamlaka aliye juu yake haraka kadiri inavyowezekana;
- (vii) kurekodi na kutoa stakabadhi au kuorodhesha kifaa au kitu chochote kilichokamatwa katika

fomu ya Uchunguzi iliyopo kwenye Jedwali la Tatu la Sheria hii.

(d) kushikilia kifaa kilichotumika au kinachohisiwa kutumika katika kutenda kosa kwa:

- (i) kuhakikisha uwepo na kuchukua maelezo ya watu watakaotoa ushahidi juu ya kifaa kilichoshikiliwa;
- (ii) kurekodi maelezo ya mtu aliyeshikiliwa kuhusu uhusiano wake na kifaa kinachoshikiliwa;
- (iii) kutathmini na kuamua ukubwa, ujazo, wingi, ubora na thamani au thamani iliyokadiriwa ya kifaa kilichoshikiliwa;
- (iv) kukiweka chini ya uangalizi kifaa kianchoshikiliwa kutokana na kitendo chochote cha upotevu, wizi, kusinyaa, kushuka kwa ubora au thamani.

(3) Afisa wa mamlaka ambaye atashindwa kutekeleza majukumu yake au kuacha kufanya kitendo kutokana na uzembe huo, matokeo yake mtu anayetuhumiwa au kushitakiwa kwa kosa linalohusiana na dawa za nakotiki au saikrotiki akashindwa kukamatwa au kusababisha upelelezi dhidi ya mshtakiwa usifanyike vizuri atachukuliwa hatua za kinidhamu mbali na kuwajibika kwa kosa la jinai kama litakavyojitokeza kuhusiana na kutotimiza wajibu wake au kutokana na kuzembea huko.

(4) Endapo kutatokea ukinzani baina ya masharti ya kifungu hiki ya yake ya Sheria ya Mwenendo wa Makosa ya Jinai, Sheria hii itapewa kipaumbele.

SEHEMU YA TANO
UFILISI WA MALI ZILIZOTOKANA NA BIASHARA YA DAWA
ZA KULEVYA

Ufilisi wa mali
Sura 256

49.-(1) Kwa kuzingatia Sehemu hii, pale mtu anapotiwa hatiani kwa kosa lililopo Sehemu ya Tatu, mali anazomiliki kuanzia tarehe aliyotiwa hatiani kwa kosa linalofanana au alizopata baada ya tarehe hiyo, zitafilisiwa na Serikali kwa mujibu wa masharti ya Sheria ya Utaifishaji wa Mali Zinazohusiana na Uhalifu.

(2) Masharti ya kifungu kidogo cha (1) yatatumika-

(a) mtu yoyote aliyetiwa hatiani kwa kosa chini ya Sheria hii;

(b) mtu yeyote aliyetiwa hatiani kwa kosa linalofanana nje ya Jamhuri ya Muungano na mahakama yenye uwezo wa kisheria katika mashauri ya jinai.

(c) kila mshirika wa mtu anayetajwa kwenye aya za (a) na (b).

(3) Kwa madhumuni ya Sehemu hii, kama muktadha unahitaji vinginevyo-

“mshirika” maana yake ni-

(a) mtu yeyote ambaye alikuwa au ni msimamizi wa shughuli au mtunza fedha wa mtu aliyetiwa hatiani chini ya kifungu hiki;

(b) madhumuni wa dhamana yoyote, ambapo-

(i) dhamana imewekwa na mtu huyo;
au

- (ii) thamani ya raslimali zilizochangiwa na mtu huyo zikiwemo thamani ya mali, kama zipo, zilichangiwa na yeye awali kwenye dhamana kwa kiasi si chini ya asiliamia ishirini ya thamani ya mali za dhamana.

(4) Mali haitafilisiwa chini ya Sheria hii iwapo mali hiyo ilipatikana na mtu ambaye masharti ya Sheria hii yalitumika, miaka mitano kabla ya tarehe ya kushtakiwa kwa kosa linalohusiana na biashara haramu ya dawa za kulevya.

(5) Iwapo afisa aliyeidhinishwa kwa maandishi anafikiri kuwa mali yoyote ya mtu huyo inashikiliwa kwa niaba yake na mtu mwingine, afisa huyo ataagiza mtu huyo apeleke mali hizo kwa lengo la kutaifishwa.

Katazo la kushikilia mali iliyopatikana kwa njia zisizo halali

50.-(1) Mtu haruhusiwi kushikilia mali iliyopatikana isivyo halali, aidha yeye binafsi au kwa kumtumia mtu mwingine.

(2) Endapo mtu anashikilia mali zilizopatikana isivyo halali kinyume na kifungu kidogo(1), mali hizo zitafilisiwa kwa mujibu wa Sheria ya Utaifishaji Mali zinazohusiana na Uhalifu.

Mamlaka ya kuagiza kufanyika kwa uchunguzi au ukaguzi

51.-(1)Mamlaka inaweza kumuagiza afisa yeyote kumhoji, kumpeleleza au kufanyia uchunguzi mtu au kikundi cha watu kama itakavyoona inafaa.

(2) Afisa aliyeidhinishwa na Mamlaka, anaweza baada ya kupata taarifa za mtu yeyote anayehusiana na Sehemu hii, anashtakiwa kwa kufanya kosa lolote iwe ni katika Jamhuri ya Muungano au nje ya nchi ataendelea na hatua zote muhimu za kufuatilia

na kutambua kila aina ya mali alizopata kutokana na uhalifu.

(3) Endapo Afisa anapokuwa anahoji au kupeleleza, kuchunguza, au chini ya kifungu kidogo cha (1), ana sababu za kuamini pasipo shaka kuwa mali yoyote inayohusiana na uchunguzi au upelelezi au ukaguzi uliofanyika kwa njia ya uhalifu na kuna uwezekano mali hizo zikafichwa, kuhamishwa au kutumika kwa njia yoyote na kuweza kukwamisha kazi ya kutaifisha mali hizo chini ya sehemu hii anaweza kutoa amri ya kukamatwa kwa mali hizo.

(4) Endapo mali husika kulingana na kifungu kidogo cha (3) zitahamishwa, uhamishaji huo utakuwa batili.

(5) Afisa anayefanya mahojiano, upelelezi au uchuguzi, ndani ya siku thelethini anaweza kumuita mmiliki wa mali atoe maelezo kuhusu kipato chake au mali husika kwa jinsi au njia gani alizozipata na aeleze ni kwanini mali zake zote au sehemu ya mali zake zisijulikane kuwa zilipatikana kwa njia za uhalifu na kwanini zisitaifishwe.

(6) Endapo mhusika hakuitikia wito wa afisa muidhiniwa kwenda kutoa utetezi wake ndani ya kipindi kilichotolewa, afisa huyo anaweza kuendelea kurekodi matokeo kwa kuzingatia ushahidi uliopo mbele yake.

Wajibu wa
kuthibitisha kosa

52. Katika mashauri yoyote chini ya Sehemu hii, jukumu la kuthibitisha kuwa mali yoyote haikupatikana kihalali litakuwa juu ya mshtakiwa.

Malipo mbadala

53.-(1) Endapo afisa muidhiniwa atatamka kwamba mali yoyote ipo kwa ajili ya kufilisiwa na Serikali na sehemu ya chanzo cha mali imethibitishwa

bila shaka yeyote na afisa muidhiniwa kwamba imepatikana kwa njia isiyo halali kwa aliyeidhinishwa, afisa huyo anaweza kutoa amri ya chaguo kwa mtu aliyeathirika kulipa fedha kiasi ambacho kina thamani sawa na thamani ya soko ya mali hiyo.

(2) Mtu yeyote ambaye hajaridhika na uamuzi wa afisa aliyeidhinishwa anaweza ndani ya siku thelathini kutoka tarehe ya uamuzi kukata rufaa Mahakama Kuu.

Mamlaka ya kumiliki mali

54.-(1) Endapo mali yoyote inapotangazwa kufilisiwa na Serikali au mtu aliyeathirika na uamuzi anashindwa kulipa fedha mbadala wa sehamu yoyote ambayo inapaswa kufilisiwa, afisa aliyeidhinishwa anaweza kutoamini kuwa mtu aliyeathirika au mtu mwingine ambaye anaweza kuwa ni mmiliki wa mali hiyo kuisalimisha au kujivua umiliki.

(2) Mtu yeyote ambaye anakataa au kushindwa kufuata amri iliyotolewa chini ya kifungu kidogo cha (1), anatenda kosa, na Mamlaka inaweza kuchukua umiliki wa mali, na kwa lengo hilo Mamlaka inaweza kutumia nguvu kadiri itakavyoona inafaa.

Utaratibu kuhusiana na ufuatiliaji, utambuzi wa mali

55.-(1) Serikali ya Jamhuri ya Muungano inaweza kuingia katika makubaliano-

(a) na Serikali ya nchi nyingine yoyote:

(i) kuweka utaratibu wa kukomboa na kukabidhiana umiliki wa mali kwa Serikali ya Jamhuri ya Muungano, kwa mali yoyote iliyofilisiwa ambayo ipo katika nchi hiyo; au

- (ii) kufuatilia na kutunza mali yeyote katika nchi hiyo inamilikiwa au iliyopo chini ya udhibiti wa mtu yeyote ambaye ana, au anatuhumiwa ametenda kosa chini ya Sheria hii.
- (b) kwa msingi wa uwiano na Serikali ya nchi nyingine:
 - (i) kuhusiana na kukomboa na kukabidhi umiliki kwa Serikali ya nchi hiyo mali yoyote iliyopo katika Jamhuri ya Muungano ambayo imetaifishwa au kufilisiwa na mamlaka ya nchi hiyo kutokana na maamuzi ya Mamlaka kwa mtu yeyote kwa kosa dhidi ya sheria husika ya nchi hiyo; au
 - (ii) kwa kutunza mali yoyote katika Jamhuri ya Muungano ambayo inamilikiwa na au ipo chini ya udhibiti wa mtu yeyote ambaye anatuhumiwa kutenda kosa dhidi ya sheria husika.

Sura ya 254

(2) Hakuna kitu katika kifungu kidogo cha (1) kitakacho chukuliwa kama kinazuia kupata msaada katika masuala ya jinai kama inavyoelezwa katika Sheria ya Makubaliano Katika Masuala ya Jinai.

SEHEMU YA SITA
MFUKO WA KUPAMBANA NA DAWA ZA
KULEVYA

Kuanzishwa kwa
Mfuko

56. Mamlaka itaanzisha kwa tangazo katika

Gazeti la Serikali mfuko utakaojulikana kama Mfuko wa Kupambana na Dawa za kulevywa.

Vyanzo vya mapato vya Mfuko

57.-(1) Vyanzo vya mapato vya Mfuko vitajumuisha-

- (a) fedha zitakazotengwa kwa ajili ya Mfuko na Bunge;
- (b) kiasi cha fedha kitakachopatikana kwa kuuza mali iliyofilisiwa chini ya Sheria hii;
- (c) mkopo usio na riba, zawadi na michango itakayotolewa na mtu yeyote au taasisi;
- (d) fedha yoyote iliyokopwa au kupokelewa au kupatikana kwa madhumuni ya kazi za Mfuko.

(2) Mfuko utatumiwa na Mamlaka kugharamia matumizi yanayotokana na hatua zitazochukuliwa katika kupambana na usafirishaji haramu na kuthibiti matumizi ya dawa za nakotiki na saikotropiki.

(3) Kamishna Mkuu atakuwa afisa masuuli wa Mfuko.

Bajeti ya Mamlaka

58. Mamlaka itakuwa na bajeti yake kwa ajili ya kuendeshea shughuli zake za utawala za kuthibiti dawa za kulevywa na kusaidia shughuli maalumu, matukio maalumu au jitihada zinazochukuliwa na ofisi za umma na taasisi pamoja na vyama vinavyoshiriki katika jitihada za kuthibiti matumizi na biashara ya dawa za kulevywa.

Vitabu vya mahesabu, kumbukumbu na taarifa za mwaka

59.-(1) Mamlaka itaweka vitabu vya mahesabu na kutunza kumbukumbu sahihi za shughuli za Mfuko kwa mujibu wa viwango vya hesabu vinavyokubalika.

(2) Mfuko wa Mamlaka kila mwisho wa mwaka wa fedha, utakaguliwa na mdhibiti na Mkaguzi Mkuu wa Hesabu za Serikali.

(3) Mamlaka itawasilisha kwa Waziri taarifa zilizokaguliwa na taarifa ya mwisho wa mwaka ikiwa ni pamoja na taarifa za kina kuhusu shughuli za mfuko kwa kila mwaka wa fedha unaoishia tarehe 30 Juni.

(4) Waziri atawasilisha Bungeni maelezo ya mahesabu yaliyokaguliwa.

SEHEMU YA SABA MASHARTI YA JUMLA

Kuwasilisha taarifa ya mwaka ya Hali ya Dawa za Kulevya

60. Mamlaka itachapisha taarifa za kila mwaka zikielezea hali ya taifa ya dawa za kulevya na maendeleo yake kuhusu usambazaji na mahitaji ya dawa za kulevya na kutengeneza mapendekezo yatakayo amasisha shughuli za udhibiti wa dawa za kulevya na taarifa hiyo itatolewa Bungeni.

Kulinda vitendo vilivyofanywa kwa nia njema

61. Hakuna shauri lolote, shtaka au hatua nyingine za kisheria zitakazochukuliwa dhidi ya mamlaka au afisa yeyote wa serikali au mtu mwingine yeyote anayetumia mamlaka au kufanya kazi zozote au majukumu yoyote chini ya sheria hii kwa chochote alichofanya kwa nia njema au kukusudiwa kufanywa chini ya sheria hii, kanuni au amri iliyotolewa chini yake.

Mamlaka kuzingatia
Mikataba ya
Kimataifa wakati wa
kutengeneza kanuni.

62. Endapo chini ya Sheria hii Mamlaka imepewa uwezo wa kutengeneza Kanuni, inaweza wakati wa kutengezeza kanuni kuzingatia masharti ya Mkataba wa Kimataifa wa kudhibiti Dawa za Kulevya Aina ya Nakotiki wa mwaka 1961, Azimio la mwaka 1972 lililorekebisha mkataba huu na Mkataba wa Kimataifa wa Kudhibiti Dawa za Kulevya aina ya Saikotropiki, ya mwaka 1971, Mkataba wa Umoja wa Mataifa dhidi ya Kudhibiti Biashara ya Dawa za Kulevya za Nakotiki na Saikotropiki ulioasiliwa tarehe 19 Desemba 1988, na masharti ya mikataba mingine ya kimataifa inayohusiana na dawa za nakotiki na saikotropiki ambayo Jamhuri ya Muungano ni mwanachama.

Mamlaka ya
Serikali kuanzisha
vituo vya tiba kwa
watumiaji na kutoa
dawa za nakotiki

63.-(1) Serikali inaweza, kuanzisha vituo vingi vya tiba kama itakavyoona inafaa kwa ajili ya kutambua, kutibu, kuelimisha, kuwatunza, kuwarudisha katika hali ya awali, kuwarudisha katika jamii watumiaji na kusambaza kwa kufuata masharti yaliyotolewa na kwa namna ambayo itaelezewa na Mamlaka kuhusu dawa za nakotiki na saikotropiki na kwa watumiaji waliosajiliwa na Serikali na kwa wengine ambao usambazaji huu unatokana na ulazima wa tiba.

(2) Mamlaka inaweza, kwa kushauriana na Waziri mwenye dhamana ya afya kutengeneza kanuni kwa ajili ya kuanzisha, kuteua, kutunza, kusimamia na kusambaza dawa za nakotiki na saikotropiki kutoka katika vituo vya tiba vilivyotajwa katika kifungu kidogo cha (1), na kwa ajili ya uteuzi, mafunzo, mamlaka, kazi na watu walioajiriwa katika vituo hivyo.

Ukomo wa
mamlaka

64. Mahakama ya madai haitashughulikia kesi au mwenendo dhidi ya uamuzi wowote unaofanywa au amri inayotolewa na Afisa yeyote au mamlaka chini ya sheria hii juu ya masuala yafuatayo-

- (a) kushikilia, kukataa au kufuta leseni yoyote ya ulimaji mibaruti afyuni;
- (b) upimaji, uchunguzi na upembuzi kutokana na ubora na kiwango cha kasumba na kupunguza au kuongezwa kwa ubora wa nyongeza ya kiwango cha bei utakaopangwa kulingana na ubora utakaofanywa kutokana na uchunguzi huo; na
- (c) kutaifisha kasumba ambayo umechanganywa na vitu vingine.

Uwezo wa
Mamlaka kutoa
maelekezo

65. Mamlaka inaweza kutoa maelekezo kadiri itakavyoona inafaa kwa Idara yoyote ya Serikali kuhusiana na utekelezaji wa masharti ya Sheria hii, na idara hiyo itafuata maelekezo hayo.

Mamlaka ya
kukasimu

66. Mamlaka inaweza, kwa tangazo lililochapishwa katika *Gazeti* la Serikali, kukasimu, kwa mujibu wa masharti na kwa ukomo kama itakavyoelezewa katika Tangazo, mamlaka hayo na kazi zake chini ya sheria hii, isipokuwa mamlaka ya kutengeneza Kanuni, kama itakavyoona inafaa, kwa mamlaka yoyote au Kamishna Mkuu.

Mamlaka ya Waziri
kutengeneza kanuni

67.-(1) Kwa mujibu wa masharti ya Sheria hii, Waziri anaweza kwa notisi itakayotangazwa katika *Gazeti*, kutengeneza kanuni kwa ajili ya utekelezaji bora wa madhumuni ya Sheria hii.

(2) Bila ya kuathiri mamlaka ya kifungu kidogo cha (1), kanuni zitahusu mambo yafuatayo-

- (a) namna ambayo kiwango cha asilima wakati wa uandaaji wa kimiminika kitakavyopimwa;
- (b) aina ya makubaliano yatakavyotekelezwa kwa ajili ya kumuachia mtu mzima aliyepatikana na hatia kwa ajili ya matibabu chini ya kifungu cha 31(1) na dhamana itakavyotekelezwa na mtu huyo kabla ya kuachiwa baada ya kupewa onyo chini ya kifungu cha 31(2);
- (c) mamlaka au mtu ambaye nyaraka imepokelewa kutoka sehemu yeyote nje ya Jamhuri ya Muungano itathibitishwa;
- (d) utaratibu wa masharti na namna mali zilizotaifisha na kufilisiwa zitakavyosimamiwa;
- (e) uuzaji wa vifaa au vitu vilivyotaifishwa chini ya sheria hii;
- (f) uchukuaji sampuli na upimaji na uchambuaaji wa Sampuli hizo;
- (g) tuzo watakazopewa maafisa, watoa taarifa na watu wengine;
- (h) masharti na utaratibu ambao madawa ya nakotini na saikotripiki yanaweza kusambazwa kwa ajili ya

matumizi ya tiba kwa watumiaji madawa waliosajiliwa na Serikali na wengine, kwa mujibu wa masharti ya sheria hii;

- (i) jambo lolote ambalo Waziri atalielezea.

Matumizi ya Sheria wa Usimamizi ya Forodha

68.-(1) Makatazo yote na mazuio yaliyowekwa chini ya sheria hii juu ya kuingiza ndani ya Jamhuri ya Muungano, kupeleka nje ya Jamhuri ya Muungano na kupitisha dawa za nakotiki au saikotropiki, zitachukuliwa kuwa ni makatazo na mazuio yaliyowekwa chini ya Sheria ya Usimamizi wa Forodha, na masharti ya sheria hiyo yatatumika ipasavyo.

(2) Iwapo kufanya kitu chochote ni kosa chini ya Sheria ya Usimamizi wa Forodha na chini ya Sheria hii, basi Sheria ya Usimamizi wa Forodha haitazuia mhalifu kuadhibiwa chini ya Sheria hii.

Sura ya 403

Kufutwa kwa Sheria na kuruhusu baadhi ya masharti Sura ya 95

69.-(1) Sheria ya Kupambana na Biashara Haramu ya Dawa za kulevya imefutwa.

(2) Bila ya kuathiri kufutwa kwa sheria, kitu chochote kilichofanywa au hatua yoyote iliyochukuliwa au inayotaka kuchukuliwa au kufanywa chini ya sheria iliyofutwa chini ya kifungu kidogo cha (1), isipokuwa kama haiendi kinyume na masharti ya sheria hii itachukuliwa kuwa imefanywa chini ya masharti ya Sheria hii.

(3) Hakuna katika Sheria hii au kanuni yoyote inayotungwa itaathiri kitendo chochote kinachotekelezwa kisheria kwa wakati huo au Kanuni yeyote iliyotungwa ambayo inaweka katazo au kutoa adhabu ambayo haitolewi chini ya Sheria hii au kuweka au kutoa adhabu ya juu zaidi ya katazo lililowekwa au

adhabu husika iliyotolewa kwa ajili hiyo au chini ya Sheria hii kwa ajili ya kulima mimea ya bangi au matumizi au biashara ya dawa za nakotiki au saikotropiki ndani ya Jamhuri ya Muungano.

JEDWALI LA KWANZA

(Chini ya kifungu cha 2)

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

Acetorphine (3-O-acetyltetrahydro- 7₁-(1-hydroxy-1-methylbutyl)-6,14-endoetheno-
oripavine)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Betaprodine (beta-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
Bezitramide (1-(3-cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazolyl)-piperidine)
Cannabis (Indian Hemp) and cannabis resin (resin of Indian Hemp)
Catha edulis (khat)
Clonitazene (2-para-chlorbenzyl-1-diethylaminoethyl-5-nitrobenzimidazole)
Coca Leaf
Cocaine (methyl ester of benzoylecgonine)
Codoxime (dihydrocodeinone-6-carboxymethyloxime)

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

Desomorphine (dihydrodeoxymorphine)

Dextromoramide ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)butyl]-morpholine)
Diampromide (N-[2-(methylphenethylamino)-propyl]propionanilide)
Diethylthiambutene (diethylamino-1,1-di-(2-thienyl)-1-butene)
Difenoxin (1-(3-cyano-3,3-diphenylpropyl)-4-phenylisonipecotinic acid)
Dihydromorphine
Dimenoxadol (2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate)
Dimepheptanol (6-dimethylamino-4,4-diphenyl-3-heptanol)

Dimethylthiambutene (dimethylamino-1,1-di-(2-thienyl)-1-butene)
Dioxaphetyl butyrate (ethyl-4-morpholino-2,2-diphenylbutyrate)
Diphenoxylate (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Dipipanone (4,4-diphenyl-6-piperidine-3-heptanone)
Drotebanol (3,4-dimethoxy-17-methylmorphinan-6 β ,14-diol)
Ecgonine, its esters and derivatives, which are convertible to ecgonise and cocaine
Ethylmethylthiambutene (3-ethylmethylamino-1,1-di-(2-thienyl)-1-butene)
Etonitazene (1-diethylaminoethyl-2-para-ethoxybenzyl-5-nitrobenzimidazole)
Etorphine (tetrahydro-7-(1-hydroxy-1-methylbutyl)-6,14-endoetheno-oripavine)
Etoperidine (1-[2-(2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Fentanyl (1-phenethyl-4-N-propionylanilino-piperidine)
Furethidine (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Heroin (diacetylmorphine)
Hydrocodone (dihydrocodeinone)
Hydromorphanol (14-hydroxydihydromorphine)
Hydroxypethidine (4-meta-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester)
Isomethadone (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)
Ketobemidone (4-meta-hydroxyphenyl-1-methyl-4-propionylpiperidine)
Levomethorphan ((-)-3-methoxy-N-methylmorphinan)
Levomoramide ((-)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)-butyl]morpholine)
Levophenacymorphan ((-)-3-hydroxy-N-phenacymorphinan)
Levorphanol ((-)-3-hydroxy-N-methylmorphinan)
Metazocine (2'-hydroxy-2,5,9-trimethyl-6,7-benzomorphan)
Methadone (6-dimethylamino-4,4-diphenyl-3-heptanone)
Methadone intermediate (4-cyano-2-dimethylamino-4,4-diphenylbutane)
Methyldesorphine (6-methyl-delta-6-deoxymorphine)
Methyldihydromorphine (6-methyldihydromorphine)
3-methylfentanyl (N-(3-methyl-1-phenethyl-4-piperidyl)propionanilide)
3-methylthiofentanyl (N-[3-methyl-1-[2-(2-thienyl)ethyl]-4-piperidyl]propionanilide)
Metopon (5-methyldihydromorphinone) Mirungi
Moramide intermediate (2-methyl-3-morpholino-1,1-diphenylpropane carboxylic acid)
Morpheridine (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)

Morphine

Morphine methobromide and other pentavalent nitrogen morphine derivatives, including

In particular the morphine-N-oxide derivatives, one of which is Codeine-N-oxide

Morphine-N-Oxide

MPPP (1-methyl-4-phenyl-4-piperidinol propionate ester) Myrophine

(myristylbenzylmorphine)

Nicomorphine (3,6-dinicotinylmorphine)

Noracymethadol ((±)-alpha-3-acetoxy-6-methylamino-4,4-diphenylheptane)

Norlevorphenol ((-)-3-hydroxymorphinan)

Normethadone (dimethylamino-4,4-diphenyl-3-hexanone)

Normorphine (demethylmorphine) or (N-demethylated morphine)

Norpipanone (4,4-diphenyl-6-piperidino-3-hexanone)

Oxycodone (hydroxydihydrocodeinone)

Oxymorphone (14-hydroxydihydromorphinone)

Para-fluorofentanyl (4'-fluoro-N-(1-phenethyl-4-piperidyl)propionanilide)

PEPAP (1-phenethyl-4-phenyl-4-piperidinol acetate ester)

Pethidine (1-methyl-phenylpiperidine-1-carboxylic acid ethyl ester)

Pethidine intermediate A (4-cyano-1-methyl-4-phenylpiperidine)

Pethidine intermediate B (4-phenylpiperidine-4-carboxylic acid ethyl ester)

Pethidine intermediate C (1-methyl-4-phenylpiperidine-4-carboxylic acid)

Phenadoxone (6-morpholino-4,4-diphenyl-3-heptanone)

Phenampromide (N-(1-methyl-2-piperidinoethyl)-propionanilide)

Phenazocine (2'-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphan)

Phenomorphin (3-hydroxy-N-phenethylmorphinan)

Phenoperidine (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)

Piminodine (4-phenyl-1-(3-phenylaminopropyl)-piperidine-4-carboxylic acid ethyl ester)

Piritramide (1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino)-piperidine-4-carboxylic acid amide)

Proheptazine (1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane)

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

Racemethorphan ((±)-3-methoxy-N-methylmorphinan)

Racemoramide ((±)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)-butyl]-morpholine) Racemorphan ((±)-3-hydroxy-N-methylmorphinan)

Sufentanil (N-[4-(methoxymethyl)-1-[2-(2-thienyl)-ethyl]-4-piperidyl]propionanilide)

Thebacon (acetyldihydrocodeinone) Thebaine Thiofentanyl (N-(1-[2-(2-thienyl)

ethyl]-4-piperidyl]propionanilide) Tilidine ((±)-ethyl-trans-2-(dimethylamino)-1-

phenyl-3-cyclohexene-1-carboxylate) Trimeperidine (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine); and

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

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

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

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

Acetyldihydrocodeine

Codeine (3-methylmorphine)

Dextropropoxyphene (a -(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-butanol propionate)

Dihydrocodeine

Ethylmorphine (3-ethylmorphine)

Nicocodine (6-nicotinylcodeine)

Nicodicodine (6-nicotinyldihydrocodeine)

Norcodeine (N-demethylcodeine)

Pholcodeine (morphinylethylmorphine)

Propiram (N-(1-methyl-2-piperidinoethyl)-N-2-pyridylpropionamide)

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of

such isomers is possible within the specific chemical designation;

The salts of the drugs listed in this Schedule, including the salts of the isomers as provided above

whenever the existence of such salts is possible.

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

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

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

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

tetrahydrocannabinol, the following isomers and their stereochemical variants:

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

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

TMA

(±)-3,4,5-trimethoxy- a -
 methylphenethylamine.

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

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

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

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

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

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

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

INN	Other Non-proprietary Or trivial names	Chemicals name
ALLOBARBITAL ALPRAZOLAM		5,5-diallylbarbituric acid 8-chloro-1-methyl-
AMFERPRAMONE		6-phenyl-4H-s triazolo[4,3-a][1,4] benzodiazepine 2-(diethylamino) propiofenone
BARBITAL BENZFETAMI BROMAZEPAM	benzphetamine	5,5-diethylbarbituric acid N-benzyl-N,a- dimethylphenethylamine 7-bromo-1,3-dihydro-5-(2-pyridyl)-
BUTOBARBITAL	butobarbital	2H-1,4- benzodiazepin-2-one
CAMAZEPAM		5-butyl-5-ethylbarbituric acid 7-chloro-1,3,- dihydro-3-hydroxy-

CHLORDIA-ZEPOXIDE	1- methyl-5-phenyl-2H-1,4-benzodiazepin-2-one dimethylcarbamate (ester)
CLOBAZAM	benzodiazepin-2-one
CLONAZEPAM	dimethylcarbamate (ester)
CLORAZEPATE	7-chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1,4-
CLOTIAZEPAM	7-chloro-2-(methylamino)-5-phenyl-3H-1,4-benzodiazepin-4-oxide
CLOXAZOLAM	7-chloro-1-methyl-5-phenyl-1H-1,5-benzodiazepin-2,4(3H,5H)-dione
ELORAZEPAM	5-(o-chlorophenyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one
DIAZEPAM	7-chloro-2,3-dihydro-2-oxo-5-phenyl-1H-1,4-benzodiazepine-3-carboxylic acid
ESTAZOLAM	5-(o-chlorophenyl)-7-ethyl-1,3-dihydro-1-methyl-2H-thieno[2,3-e]-1,4-diazepin-2-one
ETHCHLORVYNOL	10-chloro-11b-(o-chlorophenyl)-2,3,7,11btetrahydro-oxazolo-[3,2-[1,4]benzodiazepin-6(5H)-one
	7-chloro-5-(o-chlorophenyl)-1,3-dihydro-2H-1,4- benzodiazepin-2-one
	7-chloro-1,3-dihydro-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one
	8-chloro-6-phenyl-4H-s-triazolo[4,3-

		a][1,4]benzodiazepine
		1-chloro-3-ethyl-1-penten-4-yn-3-ol
ETHINAMATE ETHYL LOFLAZEPATE		1-ethynyl cyclohexanol carbamate ethyl 7
ETILAMFETAMINE	N-ethylamphetami ne	-chloro-5-(o-fluorophenyl)-2,3-dihydro-2-oxo-1H-1,4-benzodiazepine-3-carboxylate
FENCAMFAMIN		N-ethyl-a-methylphenethylamine
FENPROPOREX		N-ethyl-3-phenyl-2-norbornanamine
FLUDIAZEPAM		(+)-3-[(a-methylphenethyl)amino] propionitrile
		7-chloro-5-(o-fluorophenyl)-1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one
FLURAZEPAM		7-chloro-1-[2-(diethylamino)ethyl]-5-(ofluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one
		7-chloro-1,3-dihydro-5-phenyl-1-(2,2,2-trifluoroethyl)-2H-1,4-benzodiazepin-2-one
HALAZEPAM		10-bromo-11b-(o-fluorophenyl)-2,3,7,11b tetrahydro-oxazolo-[3,2-d][1,4]benzodiazepin-6(5H)-one
HALOXAZOLAM		(-)-N,N-dimethyl-1,2-diphenylethylamine-6-(o-chlorophenyl)-2,4-dihydro-2-[(4-methyl-1-piperazinyl) methylene]-8-nitro-1Himidazo[1,2-a][1,4]benzodiazepin-1-one
KETAZOLAM		

LEFETAMINESPA	hydroxy-2H-1,4-benzodiazepin-2-one
LOPRAZOLAM	[1,4]benzodiazepin-1-one
LORAZEPAM	5-(p-chlorophenyl)-2,5-dihydro-3Himidazo[2,1-a]isoindol-5-ol
LORMETAZEPAM	oxazino[3,2-d][1,4]benzodiazepin-4,7(6H)
MAZINDOL	dione
MEDAZEPAM	7-chloro-2,3-dihydro-1-methyl-5-phenyl-1H-1,4-benzodiazepine
MEFENOREX	N-(3-chloropropyl)-a-methylphenethylamine
MEPROBAMATE	2-methyl-2-propyl-1,3-propanedioldicarbamate
METHYLPHENOBARBITAL	5-ethyl-1-methyl-5-phenylbarbituric acid
METHYPRYLON	3,3-diethyl-5-methyl-2,4-piperidine-dione
MIDAZOLAM	7-chloro-5-(o-chlorophenyl)-1,3-dihydro-3-
NIMETAZEPAM	7-chloro-5-(o-chlorophenyl)-1,3-dihydro-3-
NITRAZEPAM	
NORDAZEPAM	hydroxy-1-methyl-2H-1,4-benzodiazepin-2-one

OXAZEPAM	8-chloro-6-(o-fluorophenyl)-1-methyl-4Himidazo [1,5-a][1,4]benzodiazepine
OXAZOLAM	1,3-dihydro-1-methyl-7-nitro-5-phenyl-2H-1,4-benzodiazepin-2-one
PEMOLINE	
PHENDIMETRAZINE	1,3-dihydro-7-nitro-5-phenyl-2H-1,4-benzodiazepin-2-one
PHENOBARBITAL	
PHENTERMINE	7-chloro-1,3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one
PINAZEPAM	7-chloro-1,3-dihydro-3-hydroxy-5-phenyl-2H-1,4-benzodiazepin-2-one
PIPRADOL	
PRAZEPAM	propanedioldicarba mate
PROPYLHEXEDRINE	10-chloro-2,3,7,11b-tetrahydro-2-methyl-11b-phenyloxazolo[3,2-d][1,4]benzodiazepin-6(5H)-one
PYROVALERONE	
SECBUTABARBITAL	2-amino-5-phenyl-2-oxazolin-4-one±
TEMAZEPAM	2-amino-5-phenyl-4-oxazolidinone
TETRAZEPAM	(+)-(2S,3S)-3,4-dimethyl-2-phenylmorpholine
TRIAZOLAM	
VINYLBITAL	5-ethyl-5-phenylbarbituric acid a,a-dimethylphenethylamine 7-chloro-1,3-dihydro-5-phenyl-1-(2-propynyl)-2H-1,4-benzo-diazepin-2-one a,a-diphenyl-2-piperidinemethanol 7-chloro-1-(cyclopylmethyl)-1,3-

dihydro-5-
phenyl-2H-1,4-benzodiazepin-2-one

N,a-dimethylcyclohexane ethylamine
4'-methyl-2-(1-
pyrrolidinyl)valerophenone
5-sec-butyl-5-ethylbarbituric acid
7-chloro-1,3-dihydro-3-hydroxy-1-

methyl-
5-phenyl-2H-1,4-benzodiazepin-2-
one
7-chloro-5-(1-cyclohexen-1-yl)-
1,3dihydro-
1-methyl-2H-1,4-benzodiazepin-2-
one
8-chloro-6-(o-chlorophenyl)-1-
methyl-4H-striazolo[
4,3-a]
[1,4]benzodiazepine
5-(1-methylbutyl)-5-vinylbarbituric
acid

JEDWALI LA PILI

(Chini ya kifungu cha 2)

TABLE I

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

TABLE II

Acetic anhydride
Acetone
Anthranilic acid
Ethyl ether
Phertylacetic acid

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

JEDWALI LA TATU*(Kifungu cha 48(2(a) and (b))***JAMHURI MUUNGANO WA TANZANIA****Fomu Na. DCEA 001**

**MAMLAKA YA KUDHIBITI NA KUPAMBANA NA DAWA ZA KULEVYA
FOMU YA KUWASILISHA VIELELEZO MAABARA
Kwa Uchunguzi wa Dawa za Kulevya**

Wasilisho Na. 1

Wasilisho la 2

Wasilisho la 3

TAARIFA ZA AFISA ANAYEWASILISHA

Jina la Idara/Taasisi inayowasilisha Vielelezo:

Afisa anayewasilisha: Jina Kamili:Cheo:

Anwani ya makazi:

Mkoa Wilaya Kituo cha Kazi.....

Simu ya Ofisini:Simu ya Mkononi.....

Kinakilishi:Barua Pepe:

TAARIFA ZA KESI

Namba ya Kesi Aina ya Kosa:

Eneo la Ukamataji/Tukio: Mkoa Wilaya..... Kata.....

Kijiji/: mtaa.....

TAARIFA ZA MTUHUMIWA/WATUHUMIWA

Na.	Jina la Mtuhumiwa (Kwanza, kati, mwisho)	Jinsi (Me/Ke)	Tarehe ya Kuzaliwa	Uraia	Namba ya Kitambulisho/ Hatiya kusafiria

TAARIFA YA KIELELEZO/VIELELEZO VILIVYOWASILISHWA

Na.	Idadi na maelezo ya Kielelezo	Aina ya Dawa ya Kulevya/ Kemikali inayoshukiwa

UCHUNGUZI UNAOOMBWA :

Maombi ya uchunguzi wa:

1. Utambuzi wa sampuli,
Aina ya dawa za kulevya,
2. Uzito wa dawa za Kulevya,
3. Athari ya dawa ya Kulevya husika kwa binadamu.

Kielelezo/Vielelezo vimewasilishwa na:

Jina kamili : Cheo:

Saini: Tarehe:..... Muda:.....

Vimepokelewa na:

Jina Kamili la Mpokeaji:: Cheo.....

Saini:

Tarehe ya Kuwasilishwa:

Muda wa Kuwasilishwa:.....

JAMHURI MUUNGANO WA TANZANIA
Fomu Na. DCEA 002



MAMLAKA YA KUDHIBITI NA KUPAMBANA NA DAWA ZA KULEVYA

HATI YA PICHA ZA MNATO/VIDEO

Mimi, , Hakimu wa Wilaya/Hakimu Mkazi, nathibitisha kuwa..... picha za mnato/video zilizohifadhiwa kwenye (zilivyohifadhiwa) zimechukuliwa na (mchukuaji wa picha/video) mbele yangu kabla ya kuharibiwa kwa kielelezo ambacho ni:.....
Leosiku ya20.....
Jina la Afisa Aliyeidhinishwa:
Saini ya Afisa Aliyeidhinishwa:
Mbele yangu:
Jina:.....
Wadhifa/Wasifu:.....
Anwani:.....
Saini:
Tarehe:

JAMHURI MUUNGANO WA TANZANIA
Fomu Na. DCEA 003



MAMLAKA YA KUDHIBITI NA KUPAMBANA NA DAWA ZA KULEVYA

HATI YA UKAMATAJI

Mimi(Jina)..... (cheo), nathibitisha kuwa
nimefanya upekuzi siku ya (tarehe) eneo la
.....(mahali) ambapo vitu vifuatavyo vilikamatwa:

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

Mbele ya:

1. Jina la Shahidi:mahali anakotoka.....
Saini:.....
2. Jina la Shahidi: mahali anakotoka.....
Saini:.....
3. Jina/majina na Saini ya watu waliofanya upekuzi
 - a. Jina:
Saini:
 - b. Jina:
Saini:
 - c. Jina:
Saini:
 - d. Jina:

- Saini:
- e. Jina:
Saini:
- f. Jina:
Saini:
- 4. Jina la Afisa Mtekelezaji:.....
Saini:
Tarehe:.....

JAMHURI YA MUUNGANO WA TANZANIA

Fomu Na. DCEA 004



MAMLAKA YA KUDHIBITI NA KUPAMBANA NA DAWA ZA KULEVYA

FOMU YA UANGALIZI

Jina la Mtuhumiwa:aliye kwenye uangalizi
Umri:**Kabila/Uraia:**.....
Makazi:..... **Simu:**
Tarehe na Muda wa Ukamataji:.....
Namba ya Ndege/Meli/gari/Chombo cha Usafiri:.....
Wakati wa Uangalizi Mtuhumiwa ametoa kete/pipi zinazodhaniwa kuwa na dawa za kulevya kama ifuatavyo:

Tarehe	Muda	Kete/Pipi zilizotolewa	Jina na Saini ya Mtuhumiwa	Jina la Shahidi Huru	Jina na Saini ya Afisa

Muda aliomaliza kutoa pipi/kete:.....

Tamko la Mtu aliye Chini ya Uangalizi

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

Imetiwa saini tarehe:...../...../20.....

Jina la Mtuhumiwa:

Saini :

Jina la Afisa:.....

Saini:.....

JAMHURI YA MUUNGANO WA TANZANIA

FOMU NA.DCEA 005

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

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

ONYO: Mimi (Jina na Wadhifa) nakuonya wewe

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

.....
 Saini ya Afisa wa Polisi

.....
 Saini ya Mtuhumiwa

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

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

.....
Saini ya Afisa mwidhiniwa
Tarehe

SWALI: Je uko tayari kwa sasa kutoa maelezo yako?

JIBU:

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

.....
Saini ya Afisa Mwidhiniwa
Tarehe

SWALI: Ugependa nani awepo kushuhudia ukitoa maelezo yako?

JIBU:

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

.....
Saini ya Afisa mwidhiniwa
Tarehe

MAELEZO:

UTHIBITISHO: Mimi nathibitisha kuwa maelezo yangu 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: Mimi (jina na wadhifa) nathibitisha
kuandika maelezo ya mtuhumiwa kwa uaminifu
na kama alivyoeleza.

Jina la Afisa Mwidhiniwa:

Sahihi:

Muda wa kumaliza maelezo:

JAMHURI YA MUUNGANO WA TANZANIA



Fomu Na. DCEA 006

MAMLAKA YA KUDHIBITI NA KUPAMBANA NA DAWA ZA KULEVYA

ORODHA YA VIELELEZO VILIVYOKAMATWA VITAKAVYOHARIBIWA

Na. ya Usajili	Tarehe	Maelezo ya Kifaa/Kitu	Makadirio ya thamani/uzito	Jina la Mtuhumiwa na saini	Jina la Afisa na Saini	ni ali Kifaa/Kitu

Maoni ya Hakimu/ Amri:.....
Jina:
Anwani:
Wadhifa :.....
Saini:
Tarehe:
Muhuri wa Ofisi:

JAMHURI YA MUUNGANO WA TANZANIA

FOMU NA. DCEA 007



MAMLAKA YA UTHIBITI NA KUDHIBITI DAWA ZA KULEVYA

MAELEZO YA SHAHIDI
JAZA KWA HERUFI KUBWA

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

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

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

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

UTHIBITISHO:

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

JAMHURI YA MUUNGANO WA TANZANIA

Fomu Na. DCE 008



MAMLAKA YA KUDHIBITI NA KUPAMBANA NA DAWA ZA KULEVYA
TAARIFA YA UCHUNGUZI YA OFISI YA WAKALA WA MKEMIA MKUU WA SERIKALI

Mimi, (Jina la Mkemia) wa Ofisi ya Wakala wa Mkemia
Mkuu wa Serikali, ambaye ni Afisa niliyeidhinishwa kufanya uchunguzi wa vielelezo, nathibitisha
kuwa:

1. Tarehe/...../20.....eneo la
(Mahali), nilipokea pakiti/sanduku/magunia/kilo..... (kiasi) (yeyote
inayohusika) yenye namba..... (alama yoyote inayosemekana
kutumwa na (taasisi iliyowasilisha kielelezo)
kutumia fomu na. (Afisa Mwenye Dhamana) ambayo
iliwasilishwa kwangu na:
(Mwasilishaji/Wawasilishaji).
2. Nimefanya uchunguzi wa sampuli/kielelezo/vielelezo na kupata matokeo yafuatayo:

Kielelezo 'A'

- a. Kimegundulika kuwa na dawa ya kulevya/hakijagundulika kuwa na aina
yoyote ya dawa ya Kulevya
- b. Aina ya dawa iliyogundulika/zilizogundulika kuwemo
- c. Uzito wa dawa hizo katika kilogramu/ Gramu
- d. Athari za dawa hiyo endapo itatumiwa na binada

Kielelezo 'B'

- a. Kimegundulika kuwa na dawa ya kulevya/hakijagundulika kuwa na aina
Yoyote
ya dawa ya Kulevya
 - b. Aina ya dawa iliyogundulika/zilizogundulika kuwemo
 - c. Uzito wa dawa hizo katika kilogramu/ Gramu
 - d. Athari za dawa hiyo endapo itatumiwa na binadamu
- Maoni mengine (Kama yapo).....

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

Mchunguzi/Mkemia Aliyefanya Uchunguzi

Jina:

Saini:

Cheo:.....

Afisa Aliyethibitisha

Jina:

Saini:

Cheo:.....

Muhuri wa moto

Imepitishwa na Bunge tarehe 24 Machi, 2015.

THOMAS D. KASHILILLA
Katibu wa Bunge