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CHAPTER 37**THE NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES (CONTROL) ACT**

Commencement: See section 1

An Act to consolidate the law relating to narcotic drugs and psychotropic substances with respect to the control, possession and trafficking in narcotic drugs and psychotropic substances; to regulate the cultivation and gathering of prohibited plants; to provide for the forfeiture of property derived from or used in illicit traffic in narcotic drugs and psychotropic substances; to implement the provisions of international conventions on narcotic drugs and psychotropic substances and for related matters.

PART I—PRELIMINARY**1. Commencement**

This Act shall come into force on a date the Minister responsible for internal affairs, by statutory instrument, appoints.

2. Interpretation

In this Act, unless the context otherwise requires—

“bank” includes—

- (a) a financial institution licensed under the Financial Institutions Act;
- (b) microfinance deposit-taking institutions licensed under the Microfinance Deposit taking Act;
- (c) microfinance institution licensed under the Tier 4 Microfinance Institutions and Money Lenders Act; and
- (d) the Bank of Uganda;

“cannabis” means the flowering or fruiting tops of the cannabis plant, excluding the seeds and leaves when not accompanied by tops from which the resin has not been extracted, by whatever name they may be called;

- “cannabis oil” means any liquid containing any quantity however small of tetrahydro-cannabinol;
- “cannabis plant” means any plant of the genus cannabis by whatever name called and includes any part of that plant;
- “cannabis resin” means the separated resin, whether crude or purified, obtained from cannabis but does not include cannabis oil;
- “catha edulis” means the catha edulis plant;
- “charge” includes a lien, hypothecation, pledge and other security on property or created to secure the payment of a debt or performance of an obligation;
- “child” means a person below the age of eighteen years;
- “coca bush” means the plant of any species of the genus erythroxylon from which cocaine can be extracted;
- “coca leaves” means the leaves of the coca bush from which cocaine can be extracted either directly or by chemical transformation;
- “Commissioner” means the Commissioner of Customs;
- “conveyance” means a conveyance of any description used for the carriage of persons or goods; and includes any aircraft, vehicle or vessel;
- “court” means a court of competent jurisdiction;
- “cultivate” in relation to any plant, includes growing the plant, sowing or scattering the seed produced by the plant or any part of the plant, nurturing or tending the plant or harvesting the flowers, fruits, leaves or seeds or the whole or any part of the plant or any other form of cultivation such as cell culture;
- “currency point” has the value assigned to it in Schedule 1 to this Act;
- “dentist” means a person registered as a dentist under the Medical and Dental Practitioners Act;
- “export” means the taking or conveying, or causing to be taken or conveyed out of Uganda;
- “facility for treatment and rehabilitation” includes a health unit defined under the Mental Health Act;
- “illicit trafficking” in relation to narcotic drugs and psychotropic substances, means—
- (a) cultivating any coca bush or gathering any portion of a coca plant;
 - (b) cultivating the opium poppy, any cannabis plant; or Catha edulis; or
 - (c) handling or letting out of any premises for the carrying on of any of the activities referred to in paragraphs (a) and (b);

other than as permitted under this Act or any regulations made or any conditions of any licence issued under this Act and includes—

- (i) financing, directly or indirectly, any of those activities;
- (ii) abetting or conspiring in the furtherance of, or in support of doing any of, those activities; and
- (iii) harbouring persons engaged in any of those activities;

“international convention” means—

- (a) the Single Convention on Narcotic Drugs, 1961 adopted by the United Nations Conference at New York in March, 1961;
- (b) the Protocol, amending the Convention mentioned in paragraph (a), adopted by the United Nations Conference at Geneva in March, 1972;
- (c) the Convention on Psychotropic Substances, 1971 adopted by the United Nations Conference at Vienna in February, 1971;
- (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 any other instrument amending an international convention relating to narcotic drugs or psychotropic substances which may be ratified or acceded to by Uganda after the commencement of this Act;

“khat” means the leaves, twigs or the bark of the *Catha edulis* plant; “manufacture” in relation to narcotic drugs or psychotropic substances, includes—

- (a) all processes other than production, by which a narcotic drug or psychotropic substance may be obtained;
- (b) refining of a narcotic drug or psychotropic substance; or
- (c) making of preparations otherwise than in a pharmacy on a prescription with or containing a narcotic drug or psychotropic substance;

“medical practitioner” means a person registered under the Medical and Dental Practitioners Act;

“medical purpose” means the use of a narcotic drug or psychotropic substance for treatment or research that is provided by a medical practitioner, dentist, pharmacist or veterinary surgeon, while acting within the usual course of professional practice and in accordance

with a standard of care generally recognised and accepted within the respective profession;

“narcotic drug” means any substance specified in Schedule 2 or anything that contains any substance specified in that Schedule;

“opium” includes raw opium, powdered opium, and opium wholly or partially prepared for any use or purpose, whatever its content of morphine may be;

“opium poppy” means—

- (a) the plant of the species *papaver somniferum*; and
- (b) the plant of any other species of papaver from which opium or any *pherianthrene* alkaloid can be extracted and which the Minister responsible for health may by statutory instruments, declare to be opium poppy for the purposes of this Act;

“poppy straw” means all parts except the seeds of the opium poppy after harvesting, whether in their original form or cut, crushed or powdered;

“precursor” means any substance specified in Schedule 5 or anything that contains any substance specified in that schedule;

“premises” includes any land, building or other place;

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

“proceeds” in relation to an act or activity, means property wholly or partly derived or obtained directly or indirectly from that act or activity;

“production” where the reference is to producing a narcotic drug or psychotropic substance, means the separation of a narcotic drug or psychotropic substances from the plant from which the narcotic drug or psychotropic substance is obtained;

“prohibited plant” means any plant specified in Schedule 4;

“property” means any movable or immovable property, and includes—

- (a) any right, interest, title, claim, chose in action, power, privilege, whether present or future and whether vested or contingent, in relation to any property, or which is otherwise of value;

- (b) any transfer executed for conveying, assigning, appointing, surrendering, or otherwise transferring or disposing of

immovable property where the person executing the transfer is the proprietor or possessed of or in which he or she is entitled to a contingent right, either for his or her whole interest or for any lesser interest;

- (c) any monetary instrument;
- (d) any other instrument or securities; and
- (e) any other tangible or intangible property;

“psychotropic substance” means any substance specified in Schedule 3 or anything that contains any substance specified in that Schedule;

“registered pharmacist” means a person who is registered as a pharmacist under the Pharmacy and Drugs Act;

“substance use disorder” means a pattern of psychoactive substance use that appreciably increases the risk of harmful physical or mental health consequences to the person using a narcotic drug or psychotropic substance or others to an extent that warrants attention and advice from health professionals;

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

- (a) the importation or exportation of any narcotic drug or psychotropic substance or the making of any offer in respect of it by or on behalf of any person who holds a licence for it under this Act in accordance with the licence;
- (b) the manufacturing, buying, sale, giving, supplying, administering, conveying, delivery or distribution of any narcotic drug or psychotropic substance or the meaning of any offer in respect of it, by or on behalf of any person who has a licence for it under this Act in accordance with the licence; or
- (c) the selling or supplying or administering for medicinal purposes, and in accordance with this Act, or any narcotic drug or psychotropic substance or the making of any offer in respect of it, by a medical practitioner or veterinary surgeon or dentist or by any other person qualified to do so on the instruction of the medical practitioner or veterinary surgeon or dentist; or

- (d) the selling or supplying in accordance with this Act, of any narcotic drugs or psychotropic substances by a registered pharmacist;
- “veterinary surgeon” means a veterinary surgeon licensed under the Veterinary Surgeons Act to practice veterinary surgery and medicine.

3. Jurisdiction

- (1) This Act applies to the entire territory of Uganda.
- (2) This Act applies to conduct engaged in, inside or outside Uganda relating to the importation, exportation, manufacture, buying, sale, giving, supplying, storing, administering, conveying, delivering or distributing of a narcotic drug or psychotropic substance—
- (a) on board a vessel or aircraft registered in Uganda;
 - (b) by a Ugandan citizen or any person ordinarily resident in Uganda;
 - (c) by a body corporate incorporated in or carrying on business in Uganda; or
 - (d) by any other person relating to the supply or possible supply by that person of a narcotic drug or psychotropic substance.

PART II—PROHIBITION OF POSSESSION OF, AND TRAFFICKING IN, NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES AND PROHIBITION OF CULTIVATION OF PROHIBITED PLANTS

4. Penalty for possession of narcotic drugs and psychotropic substances

- (1) Subject to subsection (3), a person who has in his or her possession any narcotic drug or psychotropic substance commits an offence.
- (2) A person who commits an offence under subsection (1) is liable, on conviction—
- (a) in respect of a narcotic drug listed in Schedule 2 to this Act, to a fine not exceeding fifty thousand currency points or three times the market value of the narcotic drug, whichever is greater or imprisonment not exceeding twenty years, or both; or
 - (b) in respect of a psychotropic substance listed in Schedule 3 to this Act, to a fine not exceeding twenty-five thousand currency points

or three times the market value of the psychotropic substance, whichever is greater or to imprisonment not exceeding fifteen years, or both.

- (3) Subsection (1) does not apply to—
 - (a) a person who has possession of a narcotic drug or psychotropic substance under a licence issued under section 27 of the National Drug Policy and Authority Act, permitting him or her to have possession of the narcotic drug or psychotropic substance;
 - (b) a medical practitioner, dentist, veterinary surgeon or registered pharmacist who is in possession of a narcotic drug or psychotropic substance for any medical purpose;
 - (c) a clinical officer or a nurse with a certificate in specialist palliative care, in possession of a narcotic drug or psychotropic substance for purposes of prescription or supply authorised under the National Drug Policy and Authority Act;
 - (d) a person who possesses a narcotic drug or psychotropic substance for a medical purpose from, or using a prescription of, a medical practitioner, dentist or veterinary surgeon; or
 - (e) a person authorised under regulations made under this Act to be in possession of a narcotic drug or psychotropic substance.

5. Penalty for trafficking in narcotic drugs and psychotropic substances

A person who traffics in a narcotic drug or psychotropic substance represented or held out by him or her to be a narcotic drug or psychotropic substance commits an offence and is liable, on conviction—

- (a) in respect of the narcotic drug or psychotropic substance to a fine not exceeding fifty thousand currency points or three times the market value of the narcotic drug or psychotropic substance, whichever is greater or imprisonment for life or both; or
- (b) in respect of any substance, other than a narcotic drug or psychotropic substance, which he or she represents or holds out to be a narcotic drug or psychotropic substance, to a fine not exceeding twenty-five thousand currency points or imprisonment for a period not exceeding twenty years.

6. Penalty for other acts connected to narcotic drugs

- (1) Subject to this Act, a person who—
 - (a) smokes, inhales, sniffs, chews or otherwise uses any narcotic drug or psychotropic substance;
 - (b) without lawful and reasonable excuse, is found in any house, room or place where persons resort to for purposes of smoking, inhaling, sniffing, chewing or in any way using a narcotic drug or psychotropic substance;
 - (c) being the owner, occupier or concerned in the management of any premises, permits the premises to be used for—
 - (i) the preparation of narcotic drug or psychotropic substance for smoking or sale, or the smoking, inhaling, sniffing, chewing or otherwise using any narcotic drug or psychotropic substance; or
 - (ii) the manufacture, production, sale or distribution of any narcotic drug or psychotropic substance in contravention of this Act;
 - (d) diverts a precursor of a narcotic drug or psychotropic substance under his or her possession for illicit manufacture or production of a narcotic drug or psychotropic substance; or
 - (e) has in his or her possession or manufactures, any pipe, tool or other utensil for use in smoking, inhaling, sniffing or administering or in any other manner of using a narcotic drug or psychotropic substance or any other utensil used for the preparation of narcotic drug or psychotropic substance,

commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or imprisonment for a period not exceeding ten years, or both.

(2) Any person who, knowingly or who has reason to believe that a parcel, package, container or any other thing contains a narcotic drug or psychotropic substance, handles the parcel, package, container or other thing, except where the person does so in the course of his or her official duties, commits an offence and is liable, on conviction to a fine not less than twenty-four currency points but not exceeding one hundred twenty currency points or imprisonment not less than one year but not exceeding five years, or to both.

(3) A person who commits any offence under subsection (2) in relation to any narcotic drug or psychotropic substance with a view to aiding,

abetting or procuring the trafficking in the narcotic drug or psychotropic substance is liable to the penalty prescribed in section 5.

7. Provisions relating to certain prescriptions

- (1) A medical practitioner or dentist shall not—
 - (a) prescribe for, administer, sell or supply to, any person a narcotic drug or psychotropic substance; or
 - (b) sign any prescription or order for the supply to, any person of a narcotic drug or psychotropic substance,

except where the narcotic drug or psychotropic substance is required for the medical or dental treatment of that person.

(2) A pharmacist shall not sell or supply a narcotic drug or psychotropic substance to any person except where the narcotic drug or psychotropic substance has been prescribed by a medical practitioner, dentist or clinical officer or a nurse with a certificate in specialist palliative care.

- (3) A veterinary surgeon shall not—
 - (a) prescribe, administer, sell or supply a narcotic drug or psychotropic substance; or
 - (b) sign any prescription or order for the supply of a narcotic drug or psychotropic substance to an animal, except where the narcotic drug or psychotropic substance is required for the veterinary treatment of the animal.

(4) A clinical officer or a nurse with a certificate in specialist palliative care, shall not prescribe or supply to any person a narcotic drug or psychotropic substance except where the narcotic drug or psychotropic substance is required for palliative care.

(5) The Minister responsible for health may, by statutory instrument, authorise any other person to prescribe or supply a narcotic drug or psychotropic substance.

- (6) A person authorised under subsection (5) shall not
 - (a) prescribe or supply to, any person a narcotic drug or psychotropic substance; or
 - (b) sign any prescription or order for the supply to, any person of a narcotic drug or psychotropic substance,

except where the narcotic drug or psychotropic substance is required for medical treatment of that person.

(7) A person who contravenes this section commits an offence and is liable, on conviction to a fine not exceeding fifty thousand currency points or to imprisonment not exceeding ten years, or both.

8. Removal of name from register

Where a medical practitioner, dentist, pharmacist, veterinary surgeon, clinical officer or nurse with a certificate in specialist palliative care or any other person authorised by the Minister responsible for health is convicted of an offence under this Act, he or she shall, notwithstanding any other written law, be liable to have his or her name removed from the register of practitioners licensed or registered to practice within Uganda as a medical practitioner, dentist, pharmacist, veterinary surgeon, clinical officer or nurse as the case may be.

9. Penalty for receiving additional narcotic drug, psychotropic substance or prescription without disclosure of earlier receipt

(1) A person who, in the course of treatment for a physical, dental or mental disease, or an owner or caretaker of an animal who, is supplied with or receives a prescription of a narcotic drug or psychotropic substance by a medical practitioner, pharmacist, dentist or veterinary surgeon, shall disclose to a medical practitioner, pharmacist, dentist or veterinary surgeon that he or she was supplied with or received a prescription of a narcotic drug or psychotropic substance before he or she is supplied with or receives a prescription for additional narcotic drugs or psychotropic substance.

(2) A person who fails to disclose to a medical practitioner, pharmacist, dentist or veterinary surgeon under subsection (1) and he or she is supplied with or receives a prescription for additional narcotic drug or psychotropic substance, commits an offence and is liable, on conviction, to a fine not exceeding twenty thousand currency points or to imprisonment for a period not exceeding ten years, or both.

10. Supply of narcotic drugs or psychotropic substances to a child

A medical practitioner, pharmacist, dentist or any person who, knowingly supplies or administers a narcotic drug or psychotropic substance to a child, where the narcotic drug or psychotropic substance is not required in the treatment of the child, commits an offence and is liable, on conviction to a fine not exceeding fifty thousand currency points or to imprisonment for life, or both.

11. Penalty for cultivation of prohibited plants

(1) The Minister responsible for health may issue a licence to cultivate or gather a prohibited plant.

(2) A person shall not knowingly cultivate or gather a prohibited plant without a licence issued by the Minister responsible for health.

(3) The Minister responsible for health may issue a licence subject to conditions as the Minister may consider necessary.

(4) The Minister responsible for health shall issue regulations for the procedures and conditions to be fulfilled for grant of a licence under subsection (1).

(5) A person who—

- (a) cultivates or gathers a prohibited plant without a licence; or
- (b) being the owner, occupier or manager of premises, knowingly permits the premises to be used for the cultivation, gathering or production of a prohibited plant,

commits an offence and is liable, on conviction to a fine not exceeding one hundred twenty currency points or three times the market value of the prohibited plant, whichever is greater, or to imprisonment for a period not exceeding five years, or both, and in the case of a second or subsequent offence, to imprisonment for life.

12. Power of entry in respect to land

(1) A police officer not below the rank of Inspector or a person authorised under this Act who has reasonable grounds to believe that a prohibited plant was, or is being cultivated on any land or in any premises

without a licence may, by himself or herself or with such assistance as in his or her opinion is reasonable, enter upon and inspect the land or premises.

(2) A police officer who enters land or premises under subsection (1) may arrest or cause the arrest of the person suspected of cultivating the prohibited plant and confiscate the prohibited plant cultivated in contravention of the provisions of this Act.

(3) A person who obstructs a police officer or an authorised person in the performance of his or her functions under this section commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or to imprisonment not exceeding two years, or both.

13. Power of court to order destruction of prohibited plants

A court which convicts any person of an offence under this Act, shall direct the Inspector General of Police or any police officer authorised by the Inspector General of Police, to destroy all the prohibited plants found on any land to which the offence relates; and the Inspector General of Police or the police officer, as the case may be, shall cause all the plants to be destroyed.

14. National Drug Authority to issue licences for export, import, manufacture, etc.

(1) The National Drug Authority may—
(a) issue, for medical purposes, licences, for sale, manufacture, production or distribution of specified narcotic drugs or psychotropic substances;
(b) prescribe the manner in which a narcotic drug or psychotropic substance is to be packed or marked for export; and
(c) prescribe the records to be kept for the export, import, receipt, sale, manufacture, production, disposal or distribution of narcotic drugs, psychotropic substances or precursors.

(2) The records prescribed under subsection (1)(c) shall be kept by a licensee for a period of seven years.

The National Drug Authority shall—

- (a) keep and maintain a register of persons authorised to sell, manufacture, produce, import, export or distribute narcotic or psychotropic substances; and
- (b) regulate and issue guidelines for conducting clinical trials involving narcotic drugs and psychotropic substances.

15. Penalty for failure to furnish information or to produce records and documents

A person who—

- (a) fails or refuses to comply with any obligation to provide information or to produce a book, record, document or other material required under this Act or any order made under this Act;
- (b) in compliance with the provisions of this Act, gives information which is false, or produces a book, record, document or other material which contains any statement which is false in a material particular; or
- (c) for the purpose of obtaining, a grant or renewal of a licence or any other authority under the National Drug Policy and Authority Act—
 - (i) makes a statement or gives information which is false in a material particular; or
 - (ii) produces a book, record, document or other material containing a statement which is false in a material particular, commits an offence and is liable, on conviction to a fine not exceeding twenty-five thousand currency points or imprisonment for a period not exceeding ten years, or both.

16. Privileged Information

A police officer or other person acting in exercise of powers vested in him or her under any provision of this Act, or any rule or order made under the Act, shall not be compelled to reveal the source of any information concerning an offence under the Act.

17. Owner of land to report to police cultivation of prohibited plants

- (1) The owner of land or any other person with interest in land, who knowingly or has reason to believe that a prohibited plant is cultivated on that

land in contravention of this Act or that the land is prepared for the purpose of cultivating a prohibited plant, shall report to a police authority.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction to a fine not exceeding five hundred currency points or three times the market value of the prohibited plant, whichever is greater, or to imprisonment for a period not exceeding five years; or both.

(3) For purposes of this section, a reference to the owner of land or any other person with interest in land includes a holder of a lease, licence, grant, permit or other right in land, whether held individually or in association with others.

18. Penalty for malicious entry, seizure or arrest

A police officer or any other person authorised by the Inspector General of Police for purposes of this Act, who—

- (a) without reasonable grounds of suspicion, enters or searches or causes to be entered or searched, any building, conveyance or place;
- (b) without reasonable cause, seizes the property of any person on the pretence of seizing or searching for a narcotic drug or psychotropic substance or other article liable to be confiscated under this Act or seizes any document or article liable to be seized under this Act; or
- (c) without reasonable cause, detains, searches or arrests any person, commits an offence and is liable, on conviction to a fine not exceeding twenty-four currency points or imprisonment not exceeding ten years, or both.

19. Penalty against police officer or any other person authorised by Inspector General of Police

A police officer or any other person authorised by the Inspector General of Police, on whom any duty is imposed under this Act who—

- (a) refuses to perform such duty, unless he or she has lawful excuse for doing so;
- (b) gives custody to a person with substance use disorder or any other person who is charged with an offence under this Act; or

(c) wilfully aids or connives at the contravention of any provision of this Act or any rule or order made under this Act, commits an offence and is liable, on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding five years, or both.

PART III—FORFEITURE OF NARCOTIC DRUGS, PSYCHOTROPIC SUBSTANCES, IMPLEMENTS AND CONVEYANCE

20. Forfeiture of narcotic drug or psychotropic substance

Where—

(a) any person is found in possession of a narcotic drug or psychotropic substance

- (i) without legal authority to possess the narcotic drug or psychotropic substance; or
- (ii) in excess of the quantity or of a different quality from what he or she is authorised to have in his or her possession;

(b) a narcotic drug or psychotropic substance is found in a place, other than a place it is authorised to be kept; or

(c) a contravention of any provision of this Act is committed in relation to any narcotic drug or psychotropic substance, the narcotic drug or psychotropic substance found in the possession of that person or found in that place or in relation to which a contravention of any provision of this Act is committed, shall be forfeited to the State.

21. Forfeiture of conveyance, implement, etc

(1) A court which convicts a person of an offence under this Act may, in addition to any other penalty prescribed under this Act, order the forfeiture to the State—

(a) any chemical, machinery, equipment, implement, pipe, utensil, or other article used in the commission of the offence; or

(b) any conveyance used in the commission of the offence or for carrying any narcotic drug or psychotropic substance or for carrying any chemical, or any machinery, equipment, implement, pipe, utensil or other article used in the commission of the offence.

(2) Notwithstanding subsection (1) where a conveyance or an article is used in the commission of an offence without the involvement of an owner, the owner may apply to court for restoration of the conveyance or article.

(3) Where an application is made under subsection (2) to the court in which proceedings for the forfeiture and condemnation of any conveyance or article used in the commission of an offence, except where proceedings under Part IV are pending, the court if satisfied beyond reasonable doubt that—

- (a) the person who was the owner of the conveyance; and
- (b) in the case of an aircraft or ship, the person who was the officer responsible for the aircraft or ship, when it was used,

was not concerned in or privy to the use, the conveyance or article shall be restored to that person by the court.

PART IV—RESTRAINT ORDER, FORFEITURE OF PROPERTY AND PROCEEDS OF CRIME

22. Interpretation of Part

(1) In this Part, unless the context otherwise requires—

“court” means the High Court;

“defendant” has the same meaning as in the Civil Procedure Act;

“respondent” means the person against whom an application under section 23 (1) is made;

“restraint order” means any order made under section 26;

“revenue” means all tolls, taxes, rates, duties, fees, fines, penalties, rents and other sums due to the government or a local government;

“specified offence” means—

- (a) an offence under section 4, 5, 6 or 7 or any other offence under this Act, specified by the Minister responsible for internal affairs, by statutory order, for the purposes of this Part;
- (b) a conspiracy to commit or an attempt to commit any offence in paragraph (a);
- (c) inciting another person or attempting to incite any person to commit any offence in paragraph (a); or
- (d) aiding, abetting, counselling or procuring any offence in paragraph (a).

(2) For purposes of this Part, a reference to an “accused person” includes a reference to a defendant in respect of an offence under this Act.

23. Application for restraint order

(1) Where there are reasonable grounds to believe that any person has committed a specified offence and after investigations have commenced in relation to the offence, the Attorney General may apply to the court for a restraint order in respect of any property which the Attorney General believes are proceeds of crime.

(2) An application for a restraint order under subsection (1), may be made *ex parte* to the court, accompanied by an affidavit sworn on the information and belief of the Attorney General deponing to the following matters—

- (a) the offence alleged to have been committed by the person and in relation to which investigation has commenced;
- (b) the grounds for believing that the person committed the offence; and
- (c) a description as far as is possible, of the property, in respect of which the restraint order is sought.

(3) An application for a restraint order shall not be entertained against any person—

- (a) after the investigation in subsection (1) is concluded and it is determined that no specified offence was committed by the person against whom a restraint order is sought; or
- (b) where, after the investigation in subsection (1), the person against whom a restraint order is sought, is charged with a specified offence and a final decision for conviction is given in respect of the commission of that offence, by the court.

(4) In this section “final decision” in respect of a complaint or information, means—

- (a) where there is an appeal from a decision of a court, the decision on that appeal; or
- (b) where there is more than one appeal from the decision of the court, the decision made on the last appeal.

24. Transfer after notice of application for restraint order

(1) A transfer of any property or right or interest in the property, in respect of which an application is made under section 23, shall, while the application is pending and subject to the other provisions of this Part, be void.

(2) Where an application made under section 23 is dismissed by the court, and the Attorney General files a notice of appeal, the court may direct that this section continues to apply to the property in respect of which the application is made, until the appeal is finally disposed of.

25. Service of notice of application for restraint order

(1) Subject to this Act, a copy of the application for a restraint order shall be served on the respondent using the procedure for service of a notice of motion.

(2) The respondent shall be given reasonable opportunity of being heard before a final order is made on the application in accordance with the rules of court made in respect of the application, or until such rules are made, in accordance with the rules of court applicable to the hearing of motions.

(3) Notwithstanding subsection (1), the court may make an interlocutory order to meet the ends of justice and to prevent the respondent from defeating the purpose of the provisions of this Part, before the service of notice under subsection (1) on the respondent.

26. Restraint order

(1) Where an application for a restraint order is made under section 23 and court is satisfied with the matters referred to in section 23(2), the court may make a restraint order prohibiting the respondent or any other person acting on his or her behalf, from disposing of, or in any way dealing with the property specified in the order or any interest in the property except in the manner that may be specified in the order.

(2) Without prejudice to subsection (1), where an order is made under subsection (1), a bank shall not pay to a respondent, or any other person, on the order of, or on behalf of the respondent, any money from sums held in any account by the bank in the name of the respondent.

27. Notice of restraint order

A restraint order made under section 26 shall be served on the respondent in the same manner as if it is an order of injunction and shall be published in at least one newspaper of wide circulation in Uganda and in the *Gazette* and, where any property to which the order relates is situated in a country other than Uganda on the date of the order, the order shall be published in at least one newspaper of wide circulation in that country.

28. Effect of restraint order

- (1) Where a restraint order is made by the court in respect of any property, all dealings in that property or any interest in that property, during the period when the restraint order is in force, shall be void.
 - (2) Nothing in subsection (1) shall prevent court from enforcing a mortgage, charge or any other transaction against any property in respect of which a restraint order is made, where the court is satisfied that—
 - (a) the mortgage, charge or transaction was registered or executed before the restraint order was granted;
 - (b) the recovery of any revenue due to Government or a local government by sale of any property, in respect of which the restraint order is made;
 - (c) the mortgage, charge or transaction was created bona fide for valuable consideration without notice of the application referred to in section 23; or
 - (d) the person in whose favor the mortgage, charge or transaction was created and registered was not concerned with, or privy to, the commission of a specified offence by the person against whom the restraint order is made.
 - (3) Where a restraint order is made in respect of any property, the Attorney General shall be a party to any action or other proceeding for the enforcement of any mortgage or charge against the property.
- 29. Duration of restraint order**
- Subject to this Part, a restraint order in respect of any property shall remain in force until it is revoked by the court or until the property, in respect of which it is made, is forfeited to the State.

30. Offences in respect of restraint order

Any person on whom a restraint order is served, and who, while the order is in force, contravenes the restraint order, commits an offence and is liable, on conviction to imprisonment for a period not exceeding five years.

31. Exclusion of property, recognition of claims and revocation of restraint order

(1) Any person who has title to any property or who claims an interest, including a mortgage or charge in or over any property in respect of which a restraint order is made, may apply to the court, within thirty days after the making of the restraint order, stating the particulars of his or her claim; and where the court is satisfied that the applicant has title to the property, the court may exclude the property from the operation of the restraint order.

(2) An application under subsection (1) may be entertained by the court after the expiry of the period of thirty days if the court is satisfied that there are sufficient reasons to do so.

(3) No order excluding the property from the operation of a restraining order, shall be made under subsection (1), by the court where there is reasonable ground to believe that the applicant was concerned in, or privy to, the specified offence alleged to have been committed by the person against whom the restraint order is made.

(4) Where—

- (a) after the expiry of six months or such further time as may be allowed by the court, from the date of a restraint order, no charge is preferred before any court, in respect of any specified offence against the person against whom the restraint order is made; or
- (b) a person is charged in respect of a specified offence and the person is discharged or acquitted and there is no pending proceedings against the person or an appeal against the acquittal or the acquittal is confirmed on appeal,

the court may, on the application of the person against whom the restraint order is made, revoke the restraint order.

32. Stay of hearing of application

Where an application has been made to the court under section 23 for a restraint order and the person against whom the restraint order is sought is charged with specified offences, court may, on the application of the Attorney General or the respondent, stay the hearing of the application made under section 23 until a final decision is made in respect of the criminal charges.

33. Death of person against whom restraint order is made

(1) Where a person against whom a restraint order is made dies before the complaint made or information laid against him or her in any court in respect of a specified offence is decided or any appeal against any such decision is disposed of, his or her legal representative may apply to the court within sixty days after his or her death, for the revocation or variation of the restraint order.

(2) After considering the evidence of the Attorney General and the application of the legal representative of the deceased person under subsection (1), court may—

- (a) where it is satisfied that the person against whom the restraint order is made, committed the specified offence referred to in the application for the restraint order, make an order in accordance with section 39 and the provisions of sections 35, 36, 37 and 39 (3) and (4) shall, with the necessary modifications, apply to the proceedings under this subsection; and
- (b) in any other case, revoke the restraint order.

34. Variation of restraint order

Where an application is made by the person against whom a restraint order is made, or by any other person, the court may vary the restraint order in such manner as it may consider necessary, to meet the ends of justice.

35. Certain liabilities to property under restraint order

The restraint order shall not affect—

- (a) the rights of any person who has a mortgage or charge in respect of property liable to forfeiture, where—

- (i) the mortgage or charge was created before the commission of the specified offence, in good faith and for valuable consideration; and
- (ii) the mortgagee or chargee is not concerned with or privy to the commission of the offence; or
- (b) the right of any local authority to recover any arrears of revenue through the sale of the property.

36. Provisions for payment of money owed

(1) Where a person in respect of whom a notice is published under section 38 (2), owed immediately before the commission of the specified offence, money which is not secured by or charged on the property which is liable to forfeiture under section 39, the person to whom the money is due, may apply to the court, within thirty days after the publication of the notice in a newspaper under section 38 or such further time as may be allowed by the court, requesting that part of the property of the person against whom a notice is published, is made liable to forfeiture and placed at the disposal of the Official Receiver for the payment of the money owed.

(2) On the receipt of an application under subsection (1) and on satisfaction that the applicant was not concerned with, or privy to, the commission of the offence, the court may release from forfeiture and place at the disposal of the official receiver, part of the property of the person in respect of whom the notice is published under section 38 (2), as it thinks fit, taking into account—

- (a) whether the liability was incurred *bona fide*;
- (b) the secured debts of the person in respect of whom the notice is published;
- (c) the revenues that the person in respect of whom the notice is published owes to the Government or any local government; and
- (d) the proportion of the total liabilities to the total assets of the person in respect of whom the notice is published.

37. Claim by person who commits a specified offence

(1) Any person in respect of whom a notice is published under section 38 (2) may apply to the court, within thirty days after the publication of the notice in a newspaper of wide circulation, for release from forfeiture, any of his or her property, on the ground that he or she acquired it

- (a) by succession or that the property is held by him or her in trust for the benefit of another person;
 - (b) by gift from any person who was not concerned with, or privy to, the specified offence of which he or she is convicted or with reference to which the application for forfeiture is made under section 39(4), or any other offence under this Act; or
 - (c) with money earned by him or her through lawful means.
- (2) Where the court is satisfied that the property was acquired by the person applying under subsection (1) in any manner specified in that subsection, the court shall, subject to any terms and conditions as may be specified by it, exclude the property from that forfeited to the State under section 39.

38. Procedure in respect of forfeiture

(1) Where a person is convicted of a specified offence by a court other than the High Court, the court convicting him or her shall, as soon as possible after the conviction make a report to the High Court stating the particulars of the person convicted, the offence for which the person is convicted and other particulars as may be prescribed by regulations.

(2) The High Court on receiving a report under subsection (1), or on convicting any person for a specified offence, shall publish in a newspaper of wide circulation in Uganda and in the *Gazette*, a notice of the conviction, the liability for the property to be forfeited, the rights of the persons referred to in sections 35 and 36 (2) and the person to whom the notice is to apply and any relief to which that person is entitled under sections 35, 36 or 37.

(3) For the purposes of this Part, the conviction of a person for a specified offence shall be deemed to be conclusive evidence that the person committed the specified offence.

(4) The Court may examine the person, in respect of whose property the application is made to determine his or her property with respect to any matter relating to the application made under sections 35, 36 or 37 and receive any other evidence as it considers necessary to adjudicate on the matters before it.

39. Forfeiture order

(1) At the conclusion of the proceedings under section 38, the court shall make an order determining whether or not the person against whom the application is made committed a specified offence.

(2) Where the court determines that the person against whom an application is brought, committed a specified offence, the order shall specify—

- (a) the property to which the order applies;
- (b) any mortgage or charge secured by or over the property;
- (c) the property placed at the disposal of the Official Receiver under section 36 (1);
- (d) the property excluded from forfeiture under section 37;
- (e) the property forfeited to the State; and
- (f) the extent to which any property forfeited to the State is liable for arrears of revenue due to a local government.

(3) A notice shall be published in a newspaper of wide circulation in Uganda and in the *Gazette*, stating the particulars of the property placed at the disposal of the Official Receiver and the property forfeited to the State under subsection (2).

(4) An order made under subsection (1) so far as it relates to immovable property forfeited to the State shall be treated for all purposes as if it were a transfer or other document effecting the transfer of immovable property and the Commissioner of Lands or Registrar of Titles, as the case may be, shall take due notice of the order and make the necessary annotations on the land register.

40. Effect of forfeiture order

(1) Where an order is made under section 39—

- (a) no mortgage or charge in favour of any person or authority, other than the Government or a local government, except a mortgage or charge mentioned in the order as secured by any or all of the property in respect of which the order is made, shall be enforceable by any court or other authority in respect of the property stated in the order, and
- (b) the property stated in the order as forfeited to the State, shall vest in the Government, subject only to a mortgage, charge, or arrears

of revenue due to a local government, to which as expressly stated in the order, the property is subject.

(2) An order made under section 39 (1) in respect of immovable property shall be treated for all purposes as if it were a transfer or other document effecting the transfer of immovable property and, on the production of a certified copy of the order, the Registrar of Titles or the Commissioner of Lands, as the case may be, shall make the necessary annotations on the land register.

(3) A person who is in possession of any property forfeited to the State under section 39 (1) shall, on the production of a certified copy of the order, immediately hand over possession of the property to an officer specified by a general or special order, by the Minister responsible for finance.

(4) Without prejudice to subsection (3), an order made under section 39 (1) may be executed as if it is an order for the delivery of possession of movable or immovable property, as the case may be.

41. Penalty for contravention of forfeiture order

Any person who contravenes section 40 (3) commits an offence and is liable, on conviction to a fine not less than the value of the property, which he or she refused or failed to hand over and to imprisonment not exceeding two years, or both.

42. Restoration of forfeited property

Where a conviction for a specified offence is set aside by a court on appeal, the court shall, where there is forfeited property order for restoration of the forfeited property.

43. Arrangement regarding tracing or realising of property in a country other than Uganda

The Government may enter into an arrangement with the government of any other country and make provisions for

- (a) recovering and handing over to the Government of Uganda any property which is in that country in respect of which an order of forfeiture is made under section 39; or

- (b) tracing and preserving any property in another country which is owned by or under the control of any person who has or is suspected to have committed any offence under this Act.

44. Arrangement regarding tracing or realising of property in Uganda

(1) The Government of Uganda may enter into a reciprocal arrangement with the government of any other country for—

- (a) recovering, and handing over to the government of that country of any property in Uganda, which is confiscated by or forfeited to the government of that country in consequence of the commission by any person of an offence under a corresponding law of that country; or
- (b) tracing and preserving any property in Uganda owned by or under the control of any person who has, or is suspected to have committed an offence under a corresponding law of that other country.

(2) Where an arrangement referred to in subsection (1) is entered into between the Government of Uganda and the government of any other country, the Minister responsible for internal affairs may, by statutory order, give effect to the arrangement and prescribe the procedure for recovering and handing over possession to the government of that country, or for tracing and preserving of any property to which the arrangement applies.

(3) An order made under subsection (2) shall be laid before Parliament within three months from the date the statutory order was made and where a resolution nullifying the order is passed by Parliament within twenty-one sitting days of Parliament, it shall immediately be void, but without prejudice to the validity of anything previously done under it or the issuing of a new order.

45. Procedure

(1) Proceedings under this Part shall be deemed to be civil proceedings.

(2) Subject to this Part, the practice and procedure of the court or any other court regarding any matter referred to in this Part shall be governed by rules made by the Chief Justice under section 83.

46. Concealing or transferring proceeds of trafficking

- (1) Any person who—
(a) conceals or disguises any property which in whole or in part directly or indirectly represents, his or her proceeds of trafficking; or
(b) converts or transfers any property which in whole or in part directly or indirectly represents, his or her proceeds of trafficking or removes the property from Uganda, for the purpose of avoiding prosecution for a specified offence, commits an offence.
- (2) Any person who, knowingly or has reasonable grounds to suspect that any property, in whole or in part, directly or indirectly represents, another person's proceeds of trafficking—
(a) conceals or disguises that property; or
(b) converts or transfers that property or removes it from Uganda, for the purpose of assisting that other person to avoid prosecution for a specified offence or the making or enforcement of a restraint order, commits an offence.
- (3) Any person who, knowingly or has reasonable grounds to suspect that any property, in whole or in part directly or indirectly represents, another person's proceeds of trafficking, acquires that property, commits an offence.
- (4) In subsections (1) (a) and (2) (a), the references to concealing or disguising any property include reference to concealing or disguising the nature, source, location, disposition, movement or ownership or any rights with respect to that property.
- (5) For the purposes of subsection (3), consideration given for any property is inadequate if its value is significantly less than the value of the property.
- (6) The provision of services or goods which are of assistance to a person in trafficking shall not be treated as consideration given for any property.
- (7) A person who commits an offence under this section is liable, on conviction to imprisonment for a period not exceeding twenty years.

47. Provisions of Part IV in addition to and not in derogation of Parts II and III

The provisions of this Part are in addition to, and not in derogation of, the provisions of Part II and Part III, in relation to conveyance or forfeiture of any narcotic drug or psychotropic substance, or any other article or thing.

PART V—REHABILITATION

48. Interpretation of Part

In this Part, unless the context otherwise requires, “centre” means a treatment and rehabilitation centre established under section 49;

49. Treatment and Rehabilitation centres

(1) The Minister responsible for health may establish, designate, or approve treatment and rehabilitation centres for the treatment and rehabilitation of persons with substance use disorder.

(2) The Minister responsible for health may authorise a person to establish a private treatment and rehabilitation centre for the treatment and rehabilitation of persons with substance use disorder.

(3) A person who wishes to establish a private treatment and rehabilitation centre under subsection (2), shall, make an application to the Uganda Mental Health Advisory Board established under the Mental Health Act for accreditation of the centre.

(4) A person who has received accreditation under subsection (3), shall, apply to the Minister responsible for health for authorisation to establish a private centre.

50. Functions of the Uganda Mental Health Advisory Board

The Uganda Mental Health Advisory Board shall advise the Minister responsible for health on matters, that may be referred to it by the Minister, relating to the administration of the centres and the care, treatment and rehabilitation of persons with substance use disorder.

51. Treatment, rehabilitation and admission of person with substance use disorder

(1] A medical practitioner, mental health practitioner, parent, guardian or concerned person, may refer a person with substance use disorder to a health unit or centre for treatment, care or rehabilitation.

(2) A person with substance use disorder who has attained the age of eighteen years, may submit voluntarily to a health unit or centre, for voluntary treatment, care or rehabilitation in accordance with the Mental Health Act.

(3) A person shall not be provided with treatment, care or rehabilitation or be admitted at a health unit or centre, except in accordance with Part III of the Mental Health Act.

52. Treatment, care and rehabilitation of convicted person with substance use disorder

(1] A court which convicts any person for an offence under this Act may, if it is satisfied that the person has a substance use disorder, order that a part, of the period of imprisonment imposed on him or her be spent in a centre specified by the court.

(2) The court may, on the application of the Attorney General or the convicted person, vary or revoke the order, made under subsection (1).

(3) Where, on the report of the officer in charge of a centre to which a convicted person is committed under subsection (1), the court which committed him or her to the centre is satisfied that the convicted person has successfully undergone the treatment and rehabilitation programme of the centre and that he or she no longer has substance use disorder, the court may, having regard to all the circumstances of the case, grant remission of the whole or part of the remaining period of imprisonment imposed on the convicted person.

53. Treatment of prisoner with substance use disorder or child in a remand home with substance use disorder

(1] Where it appears to the officer in charge of a prison, through person observation or from information provided, that a prisoner or a child in

a remand home may have substance use disorder, the officer in charge of the prison shall cause an examination of the mental health status of the prisoner or child, to be carried out in accordance with the Mental Health Act.

(2) Where as a result of the examination carried out under sub-section (1), the psychiatrist, medical practitioner or mental health care practitioner determines that the nature of substance use disorder of the prisoner or a child in a remand home can only be treated in a centre, the officer in charge of the prison, shall apply to court for an order to cause the prisoner or child in remand home to be transferred to a treatment and rehabilitation centre.

(3) Where as a result of the examination carried out under subsection (1), it is determined that the prisoner or child in a remand home can be treated in the prison or remand home, the officer in charge shall take the necessary steps to ensure that the required treatment, care or rehabilitation is provided to that prisoner or child in a remand home.

(4) A person who makes an assessment, treats, cares, rehabilitates or carries out any process on a prisoner or child in a remand home with substance use disorder, shall, make the assessment, treatment, care, rehabilitation or any process in accordance with Part VI of the Mental Health Act.

**PART VI—INTERNATIONAL ASSISTANCE IN NARCOTIC DRUGS
AND PSYCHOTROPIC SUBSTANCES INVESTIGATIONS AND
PROCEEDINGS**

54. Request to and by other countries

(1) For the purposes of investigations or proceedings under this Act, the Attorney General may request an appropriate authority of another country to arrange for—

- (a) evidence to be taken, or information, documents or articles to be produced or obtained in that country;
- (b) a warrant or other instrument authorising search and seizure to be obtained and executed in that country;
- (c) a person from that country to come to Uganda to assist in the investigation or proceedings;
- (d) a restraint order or forfeiture order made under this Act to be enforced in that country, or a similar order to be obtained and executed in that country;

- (e) an order or notice under this Act to be served on a person in that country; or
- (f) other assistance to be provided, under a treaty or any other arrangement between Uganda and that country.

(2) Requests by other countries to Uganda for assistance of the kind specified in subsection (1) may be made to the Attorney General.

55. Evidence obtained from another country

Evidence, a document or an article obtained in response to a request made under section 54 shall—

- (a) be admissible as evidence in Uganda;
- (b) not be used for a purpose other than that specified in the request, except with the consent of the appropriate authority of the other country; and
- (c) be returned when its use is no longer required, except where the appropriate authority of that country indicates to the contrary.

56. Transfer to Uganda of a person to assist in an investigation or proceedings

(1) The effect of a request under paragraph (c) of section 54 shall be to authorise the entry into and the departure from Uganda of a person who is the subject of the request, and authorise the presence of that person in Uganda for as long as is necessary for the purposes of the request.

(2) Where the person who is the subject of a request under paragraph (c) of section 54 is in custody in that other country by virtue of a sentence or order of a court or tribunal exercising criminal jurisdiction, the effect of the request shall be to authorise the detention in custody of the person during transit to and from Uganda and in Uganda in such places as the Attorney General may specify.

(3) A person in Uganda following a request under subsection (1) of section 54 shall not—

- (a) be detained, prosecuted or punished for an offence that is alleged to be committed, or is committed, prior to that person's departure from the country to which a request was made;

- (b) be subjected to any civil suit in respect of any act or omission that is alleged to have occurred, or that occurred, prior to that person's departure from the country to which the request was made;
- (c) be required to give evidence or produce a document or anything which he or she would not be required to give or produce in a criminal proceeding in Uganda;
- (d) be required to give evidence or produce a document or anything which he or she would not be required to give or produce, without the requesting country conceding any claim by that person to a privilege or immunity under the law of the country to which the request was made, in any criminal proceedings in the country to which the request was made; or
- (e) be required to give evidence or produce a document or thing in any proceeding in Uganda other than the proceeding to which the request relates.

57. Requests to Uganda for evidence

(1) Where another country requests assistance from Uganda to obtain evidence for the purpose of an investigation or a proceeding in relation to an offence under a corresponding law of that country, the Attorney General may nominate a court in Uganda to receive the necessary evidence, in order to give effect to the request.

(2) A court nominated under subsection (1) shall have the same power to secure the attendance of witnesses, administer oaths and receive evidence as it has for the purposes of other proceedings before it.

(3) Evidence received by the court shall be certified or verified by the court in such manner as the Attorney General may specify and which shall, be furnished to the Attorney General for transmission to the country which made the request.

58. Request to Uganda for search warrant

(1) Where another country requests assistance from Uganda to obtain and execute a search and seizure warrant for the purposes of an investigation or proceedings relating to the corresponding law of that country, the Attorney General may apply to court for the warrant requested.

(2) Where, on application, the court is satisfied that—
(a) a proceeding or investigation relating to a narcotic drug or psychotropic substance offence has commenced in the country which made the request; and
(b) there are reasonable grounds for believing that anything relevant to the investigation or proceedings is located in Uganda,
the court may issue a warrant under this section authorising entry for the purpose of search and seizure of that thing.

(3) The procedure for making and disposing of an application for and execution of a search warrant shall be the same as the procedure for the issue of a warrant under the Criminal Procedure Code Act and the Magistrates Courts Act.

59. Requests to Uganda for enforcement of certain orders

(1) Where a court or tribunal of another country issues a restraint order, forfeiture order or a pecuniary penalty order in respect of an offence under a corresponding law of that country and that country requests for assistance from Uganda to enforce the order against property believed to be located in Uganda, the Attorney General may apply to the High Court for registration of the order.

(2) Where the Attorney General makes an application under subsection (1), the High Court shall register the order.

(3) An order registered in accordance with this section shall have the effect and may be enforced as if it were an order made under section 26 or 39, as the case may be.

PART VII—ESTABLISHMENT OF NATIONAL COORDINATION COMMITTEE FOR NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES CONTROL

60. Interpretation of Part

In this Part, unless the context otherwise requires “Committee” means the National Coordination Committee for Narcotic Drugs and Psychotropic Substances Control.

61. Government obligation to take measures for preventing narcotic drugs and psychotropic substances abuse

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

(2) In particular, and without prejudice to the general effect of subsection (1), the measures which Government may take under subsection (1) include—

- (a) coordination of actions by various officers and authorities under this Act or any other law for the enforcement of this Act and obligations under the international conventions;
- (b) assistance to the appropriate authorities in other countries and the appropriate international organisation to facilitate coordination and universal action for prevention and suppression of illicit traffic in narcotic drugs and psychotropic substances;
- (c) identification, treatment, education, aftercare, rehabilitation and social integration of persons with substance use disorder; and
- (d) such other matters as the Government may deem necessary or expedient for securing the effective implementation of this Act and preventing and combating narcotic drugs, psychotropic substances abuse and illicit trafficking of narcotic drugs and psychotropic substances.

(2) Establishment of National Coordination Committee for Narcotic Drugs and Psychotropic Substances Control

(1) There is established a committee to be known as the National Coordination Committee for Narcotic Drugs and Psychotropic Substances Control.

- (2) The Committee, shall comprise the following members—
 - (a) the Permanent Secretary of the Ministry responsible for health, who shall be the Chairperson of the Committee;
 - (b) the Permanent Secretaries of the ministries responsible for—
 - (i) internal affairs;
 - (ii) education;
 - (iii) foreign affairs;

- (iv) finance;
 - (v) agriculture; and
 - (vi) youth development and social affairs;
 - (c) the Solicitor General;
 - (d) the Director, Criminal Investigation Department;
 - (e) the Commissioner of Customs, Uganda Revenue Authority;
 - (f) Secretary to the National Drug Authority;
 - (g) the Officer in Charge of the Anti-Narcotics Unit; and
 - (h) a consultant in psychiatry and mental health appointed by the Minister responsible for health.
- (3) The Committee may co-opt any other member as it deems fit.

63. Functions of Committee

- (1) The Committee shall be responsible for defining, promoting and coordinating the policy of the Government for the control of narcotic drugs and psychotropic substances abuse and trafficking.
- (2) Under subsection (1), the Committee shall perform the following functions—
 - (a) developing and implementing a national plan for the control of narcotic drugs and psychotropic substances;
 - (b) implementing the provisions of international conventions on narcotic drugs and psychotropic substances;
 - (c) promoting the prevention of narcotic drugs or psychotropic substances abuse and public information for youngsters, families, professionals, educators and the general public, by supporting initiatives in the field of information and prevention;
 - (d) establishing a viable data collection and analysis system at the national level on narcotic drug and psychotropic substance abuse and trafficking;
 - (e) developing treatment and rehabilitation programmes for persons with substance use disorder;
 - (f) undertaking research on substance use disorder;
 - (g) training personnel in charge of measures on narcotic drugs and psychotropic substances abuse and trafficking, money laundering and precursors;
 - (h) promoting and ensuring international cooperation; and

(i) ensuring coordination and support of activities of non-governmental organisations and associations participating in narcotic drugs and psychotropic substances abuse control.

(3) The Committee shall ensure that the requirements of international conventions are effectively fulfilled by Government at the national level and in its relations with other states and international bodies in charge of narcotic drugs and psychotropic substances control, and in the implementation of the narcotic drugs and psychotropic substances control machinery, at the national and international levels.

64. Remuneration of Committee

The Chairperson and the members of the Committee shall be paid such remuneration as the Minister responsible for health may, in consultation with the Minister responsible for finance and Minister responsible for internal affairs, specify in the instruments of appointment.

65. Reports of Committee to be laid before Parliament

The Minister responsible for health shall publish and lay before Parliament, annually, a report describing the situation and developments on the supply and demand of narcotic drugs and psychotropic substances in Uganda and proposals on the promotion of anti-narcotic drugs and psychotropic substances activities.

PART VIII—MISCELLANEOUS

66. Offences by bodies corporate

Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, that person as well as the body corporate, shall be deemed to have committed that offence and the body corporate is liable to be proceeded against and punished accordingly; and in addition the court may, make an order directing that the body corporate be de-registered.

67. Analysts

(1) The Minister responsible for internal affairs may, by notice in the *Gazette*, designate any duly qualified analyst for the purposes of implementing this Act.

(2) In any prosecution or other proceedings under this Act a certificate signed or purported to be signed by an analyst, designated under subsection (1), stating that he or she analysed or examined any substance and indicating the result to be his or her analysis or examination, shall be admissible in evidence and shall be *prima facie* evidence of the statements contained in the certificate and of the authority of the person giving or making the certificate, without any proof of appointment or designation or signature.

68. Burden of proof in respect of certain matters

During any proceedings against any person for an offence under this Act, it shall not be necessary for the prosecution to negative by evidence any licence, authority, or other matter of exception or defence, and the burden of proving any such matter shall be on the person seeking to avail himself or herself of it.

69. Power to question and request production of documents

(1) For the purposes of investigating the commission, or of preventing the commission of any offence under this Act or for the purpose of giving effect to any provision of this Act, a police officer at the rank of Inspector or a person authorised may—

- (a) question any person on any matter relevant to that purpose; or
- (b) request any person to produce, within a reasonable time not exceeding seven days, as may be specified by the police officer; or may be allowed access to documents or other materials relevant for the investigation in the possession or control of that person.

(2) A person who does not answer fully and truthfully any question or comply with any request of the police officer under subsection (1) commits an offence and is liable, on conviction to a fine not exceeding forty eight currency points or to imprisonment not exceeding two years, or both.

(3) A police officer at the rank of Inspector or a person authorised may take one or more copies of any document produced before him or her, or to which he or she is allowed to have access, under subsection (1).

- (4) Subsection (1) shall—
(a) have effect, notwithstanding any obligation to secrecy or any other restriction on the disclosure of information imposed by any written law, other than this Act; and
(b) not confer any right to produce, or to have access to excluded material or items subject to legal privilege.

(5) Where a document or other material, in respect of which a request to produce or to be allowed access is made under subsection (1)(b), consists of information contained in a computer, the request shall have effect as a request to produce the information in a form in which it can be taken away or as a request to give access to the information in a form in which it is visible and legible.

70. Interpretation *vis-a-vis* section 69

- (1) Subject to subsection (4) of section 69, “items subject to legal privilege” means—
(a) communications between an advocate and a client or any person representing the client, made in connection with giving of legal advice to the client;
(b) communication between
(i) an advocate and a client or any person representing the client; or
(ii) an advocate, a client, or a representative of a client, and any other person,
made in connection with or in contemplation of legal proceedings and for the purposes of those legal proceedings; or
(c) items enclosed in or referred to in communications in paragraphs (a) and (b) and made—
(i) in connection with the giving of legal advice; or
(ii) in connection with or in contemplation of, legal proceedings and for the purposes of the proceedings,
where the items are in the possession of a person who is entitled to possess them.

(2) Any item held with the intention of furthering a criminal purpose is not subject to legal privilege.

(3) Subject to subsection (4) of section 69, “excluded material” means—

- (a) personal records which a person acquires or creates in the course of any trade, business, profession or other occupation or for the purposes of any paid or unpaid office and which he or she holds in confidence;
- (b) human tissue or tissue fluid which is taken for the purposes of diagnosis or medical treatment and which a person holds in confidence; or
- (c) journalistic material which a person holds in confidence and which consists of documents or other records.

(4) A person holds material other than a journalistic material in confidence for the purposes of this section if he or she holds it subject—

- (a) to an express or implied undertaking to hold it in confidence; or
- (b) to a restriction on disclosure or an obligation of secrecy contained in any written law, whether enacted before or after the commencement of this Act.

(5) A person holds a journalistic material in confidence for the purposes of subsection (4) where—

- (a) he or she holds it subject to an undertaking, restriction or obligation; and
- (b) the journalistic material is continuously held, by one or more persons, subject to an undertaking, restriction or obligation, since it was first acquired or created for the purposes of journalism.

(6) In subsection (3)—

“document” includes, in addition to a document in writing—

- (a) any map, plan, graph or drawing;
- (b) any photography;
- (c) any disc, tape, sound track or other device, other than visual images, in which sounds or other data are embodied so as to be capable with or without the aid of other equipment, of being reproduced; and

- (d) any film, microfilm, negative, tape or other device in which one or more visual images are embodied so as to be capable of being reproduced from it;

“journalistic material” means material acquired or created for the purposes of journalism but only where the material is in the possession of a person who acquired or created it for that purpose and a person who receives material from another person who intends that the recipient shall use the journalistic materials for that purpose is deemed to have acquired it for those purposes;

“personal records” means documentary and other records, concerning an individual, whether living or deceased, who can be identified from the personal records and which relate to the person’s—

- (a) physical or mental health;
- (b) spiritual counselling or assistance given or to be given to him or her; or
- (c) counselling or assistance given or to be given to him or her, for the purposes of his or her personal welfare, by any voluntary organisation, or by any individual who—
 - (i) by reason of his or her office or occupation has responsibilities for that person’s welfare; or
 - (ii) by reason of an order of a court has responsibilities for that person’s supervision.

71. Inspection

A police officer at the rank of Inspector or any other person authorised in writing by the Inspector General of Police for the purposes of this section, the Secretary to the National Drug Authority or any person authorised by him or her shall, for the purpose of the execution of this Act, have power to enter any premises, or other place, of any person lawfully carrying on business as a producer, manufacturer, seller or distributor, or who deals in any narcotic drugs or psychotropic substances and to demand the production of, and to inspect, any books or documents relating to the dealings in any narcotic drug or psychotropic substance and to inspect the stocks of the narcotic drugs or psychotropic substance, which in the opinion of that person, is below standard or unfit for use for medicinal purposes.

72. Power to search persons or vehicles

- (1) Any police officer, or any other person authorised in writing by the Inspector General of Police for purposes of this section, who has reasonable cause to suspect that any person is in possession of, or is removing, a narcotic drug or psychotropic substance in contravention of this Act may—
- (a) stop and search that person, any conveyance in which he or she is and any package in his or her possession or under his or her control;
 - (b) seize and detain for purposes of proceedings under this Act any narcotic drug or psychotropic substance or any other thing, including any conveyance, which appears to be evidence of the commission of an offence under this Act, found in the course of the search; and
 - (c) arrest and detain that person subject to Article 23 of the Constitution, until he or she is brought before a magistrate and dealt with according to the law.

(2) Any police officer, or any other person authorised in writing by the Inspector General of Police for the purposes of this section, who has reasonable cause to suspect that any motor vehicle, aircraft, ship, carriage or other conveyance was or is used in the commission of any offence under this Act, may stop, enter and search the motor vehicle, aircraft, ship, carriage or conveyance and may for that purpose break open any door and remove any other impediment or obstruction to an entry.

(3) A police officer or a person authorised in subsections (1) and (2) may use such assistance and such force as may be reasonable for carrying out the functions under this section.

73. Power to search premises

- (1) Where information on oath, is brought before a magistrate, alleging that there is reasonable ground for suspecting that
- (a) an offence under this Act was or is being committed or will be committed and that evidence of the commission of or plan to commit the offence is available on any premises or other place; or
 - (b) any document or other material, in the possession of or under the control of any person or in any premises or other place which is directly or indirectly related to, or connected with, any transaction

or dealing which is, or any intended transaction or dealing which if carried out, would be—

- (i) an offence under this Act; or
- (ii) in the case of a transaction or dealing carried out or intended to be carried out in any country other than Uganda, an offence against a corresponding law in force in that country,

the magistrate may, by warrant, authorise a police officer named in the warrant, with such assistance as that police officer thinks reasonable, at any time within one month from the date of the warrant, to enter and search the premises or other place named in the warrant.

(2) A police officer authorised by any warrant under subsection (1) to search any premises or other place may enter and search the premises or other place, including any receptacle found there and every person found there or who, the police officer has reasonable ground to believe, recently left those premises or that other place, and for that purpose the police officer may use such assistance and such force as may be reasonable and may break open any lock, and may seize any narcotic drug or psychotropic substance, or document or other material referred to in subsection (1), found there or on any person, and any other article or thing which he or she has reasonable ground to believe to be evidence of the commission or intended commission of any offence under this Act.

(3) Where any police officer not below the rank of Inspector, for reasons to be recorded in writing, is satisfied that the delay caused by the time required to apply for and obtain a warrant to enter and search under subsection (1) of this section would defeat the purpose of the search, he or she may exercise the powers conferred on him or her by subsection (2) without obtaining a warrant for search.

74. Controlled delivery

Where any police officer acting in the ordinary course of duty has reason to believe that there is present on any vehicle, vessel, aircraft or other conveyance a narcotic drug or psychotropic substance which is the subject of an offence or possible offence under Part II and Part III of this Act, or any controlled chemical item, or controlled equipment or any other thing used or likely to be used in the commission of an offence under this Act, he or she may, with the consent of the Attorney General, for the purposes of permitting further investigation of any offence, allow—

- (a) the vehicle, vessel, aircraft or other conveyance to leave or enter Uganda;
- (b) the narcotic drug or psychotropic substance, controlled chemical or equipment or other thing on or in the vehicle, vessel, aircraft or other conveyance, to be delivered or collected;
- (c) allow a tracing device to be placed on board the vehicle, vessel, aircraft or other conveyance; and
- (d) allow any person who has possession or custody of a narcotic drug or psychotropic substance, controlled chemical or equipment, or other thing to enter or leave Uganda.

75. Undercover monitoring by use of any means

Where a police officer has reasonable ground to suspect that an offence under Part II and Part III of this Act is about to be committed by any person, he or she may monitor and record by any means, the conduct, movements and communications, including the telecommunication transmissions of that person.

76. Monitoring of mail

Where a police officer has reasonable grounds to suspect that an unlawful consignment of any narcotic drug or psychotropic substance is being forwarded through the postal and courier service in Uganda, the police officer shall, carry out an inspection at any time in the postal or courier services to detect that consignment, and where the inspection gives rise to a reasonable suspicion that a particular package is such a consignment, open, seize and detain the consignment for further investigation.

77. Seizure of narcotic drugs and conveyance

Subject to this Act, all articles and things, including any narcotic drug or psychotropic substance, motor vehicle, aircraft, ship, carriage or other conveyance, that are liable to forfeiture under any provision of this Act may be seized and detained by any police officer or any other person authorised in writing by the Inspector General of Police for the purposes of this Act.

78. Notice of seizure

(1) Where a narcotic drug or psychotropic substance, motor vehicle, aircraft, ship, carriage or other conveyance or any other article or thing liable to forfeiture is seized under this Act, notice of the seizure shall be given by the person seizing it, as soon as possible, to the owner or to the person in charge of it, where that person is not the owner.

(2) A notice under subsection (1) shall be given to the owner or person in charge—

- (a) by delivering the notice personally to the owner or person in charge, or by sending the notice by post to his or her usual place of abode or business premises; or
- (b) by publishing the notice in one newspaper of wide circulation in Uganda, where the owner or person in charge is not known or, if known, he or she cannot be found after reasonable enquiry and his or her usual place of abode and his or her business premises are not known, or if he or she refuses to accept service of notice.

(3) Any person who claims any article or thing referred to in subsection (1) and seized under this Act, as the owner or person duly authorised by the owner, may give notice to the Inspector General of Police that, he or she claims the article or thing within thirty days of the date on which the notice of seizure was delivered under subsection (2) (a) or, if the notice of seizure was not delivered, of the date on which the owner learnt of the seizure.

(4) No notice of claim shall be entertained by the Inspector General of Police under subsection (3) after the expiry of ninety days from the date of the seizure.

(5) Any narcotic drug or psychotropic substance, motor vehicle, aircraft, ship, carriage or other conveyance or any other article or thing seized under this Act and in respect of which no notice of claim is given before the expiry of the time prescribed by subsection (4), shall be deemed to be taken and condemned and may be disposed of by the Minister responsible for internal affairs in such manner as may be prescribed by regulations.

79. Condemnation of seized things

Where a person is convicted of an offence under this Act and any narcotic drug or psychotropic substance, motor vehicle, aircraft, ship, carriage or other conveyance or any other article or thing, liable to forfeiture to the State under this Act, in respect of that offence is seized, the court that convicts that person may, in addition to any other penalty imposed on him or her, order that the narcotic drug, psychotropic substance, motor vehicle, aircraft, ship, carriage or other conveyance or other article or thing be condemned and forfeited to the State.

80. Power to arrest without warrant

(1) Any police officer may arrest without a warrant any person who commits or attempts to commit, or is reasonably suspected by the police officer to have committed or attempted to commit or is about to commit an offence under this Act.

(2) The provisions of subsection (1) shall be in addition to, and not in derogation of the provisions of any other written law.

81. Punishment of attempt to commit offences under Act

Notwithstanding anything in any other written law, a person who—

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

may be charged, tried, convicted and punished in all respects as if he or she is the principal offender.

82. Regulations

(1) The Minister responsible for internal affairs may make regulations generally for carrying out the purposes of this Act.

(2) Without prejudice to the general effect of subsection (1), the Minister responsible for internal affairs may, make regulations for all or any of the following matters—

- (a) the manner of disposal or destruction of a narcotic drug and psychotropic substance;
- (b) the manner of destruction of prohibited plants;
- (c) the form of notice of application for a restraint order;
- (d) the manner of hearing a respondent in an application for a restraint order;
- (e) the manner of keeping of records and furnishing information, by any person with respect to narcotic drugs or psychotropic substances or in connection with dealings in narcotic drugs or psychotropic substances;
- (f) the forms for any other purpose under this Act, other than those prescribed under the other provisions of this subsection;
- (g) determining the date for the enforcement of the prohibition of growing and dealing in Catha edulis plant; and
- (h) any other matter that may be, or is required to be prescribed by this Act, by the Minister responsible for internal affairs, by regulations.

(3) Without prejudice to the general effect of subsection (1), the Minister responsible for health may, by regulation make provision for all or any of the following matters—

- (a) the administration and management of, and all matters relating to centres established under section 49, including the security and safety of the persons committed or admitted into the rehabilitation centres;
- (b) quality and quantity of narcotic drug or psychotropic substance an authorised person may be in possession with;
- (c) the terms, conditions and durations of the licence issued under this Act;
- (d) class of narcotic drugs or psychotropic substances to be managed by the centres;
- (e) personnel and standards to be observed by the centres;
- (f) fees payable under this Act; and
- (g) for any other matter that may be, or is required to be prescribed by this Act by the Minister responsible for health.

(4) Regulations made under subsection (3), may also provide for authorising any person who is licensed or authorised and who lawfully operates a pharmacy for the retailing of poisons in accordance with the provisions of the National Drug Policy and Authority Act—

- (a) to manufacture at the pharmacy in the ordinary course of retail business, any preparation, admixture, or extract of any narcotic drug or psychotropic substance to which this Act applies; or
- (b) to carry on at the pharmacy the business of retailing, dispensing, or compounding, any narcotic drug or psychotropic substance, subject to the powers of the Minister responsible for health to withdraw the authorisation in the case of a person who is convicted of an offence under this Act or under the National Drug Policy and Authority Act or who cannot, in the opinion of the Minister responsible for health, properly be allowed to carry on the business of manufacturing, selling or distributing, as the case may be, of narcotic drugs or psychotropic substances.

(5) Nothing in any regulations made under this Act, shall be taken as authorising the sale or the keeping of a shop for the retailing, dispensing, or compounding of a narcotic drug or psychotropic substance by a person who is not qualified to do so under the National Drug Policy and Authority Act, or to be in derogation of the provisions of that Act which prohibit, restrict or regulate the sale of poisons.

(6) The Minister responsible for internal affairs or the Minister responsible for health may, in respect of the contravention of any regulations made by him or her under this section, prescribe as a penalty, all or any of the following—

- (a) any fine not exceeding one hundred twenty currency points or imprisonment not exceeding five years, or both;
- (b) an extra penalty not exceeding ten currency points in respect of each day on which the offence continues;
- (c) a higher penalty for a second or subsequent offence;
- (d) a minimum penalty not exceeding the fine or imprisonment specified in paragraph (a);
- (e) a requirement that the court which convicts the offender shall forfeit to the State any narcotic drug or psychotropic substance or any other matter or thing involved in the commission of the offence.

83. Power of Chief Justice to make rules

The Chief Justice may make rules prescribing the practice and procedure of the High Court and any other courts in regard to proceedings for forfeiture and condemnation under this Act and the proceedings for restraint orders under Part IV, and for matters connected with or incidental to those proceedings.

84. Valuation of goods for penalty

(1) Where in any prosecution under this Act a fine is to be determined by the market value of the narcotic drug, psychotropic substance or prohibited plant, a certificate of the market value of the narcotic drug or psychotropic substance, signed by the proper officer, shall be accepted by the court as *prima facie* evidence of the value of the narcotic drug, psychotropic substance or prohibited plant.

(2) In this section “proper officer” means the officer authorised by the Minister responsible for internal affairs, by notice in the *Gazette*, for the purposes of this section.

85. Power to amend Schedules

(1) The Minister responsible for internal affairs may, by statutory instrument, with the approval of the Cabinet amend Schedule 1 to this Act.

(2) The Minister responsible for health may, by statutory instrument with the approval of Parliament, amend Schedules 2, 3, 4 and 5 to this Act.

SCHEDULE

S Schedule 1

Sections 2, 85(1)

Currency Point

A currency point is equivalent to twenty thousand shillings

Schedule 2

Sections 2, 4, 85(2)

Narcotic Drugs

Acetorphine (3-O-acetyltetrahydro-7x-(1-hydroxy-1-methylbutyl)-6,14-endotheno-oripavine)

Acetyl-alpha-methylfenatanyl (N-[1-(a-methyphenethyl)-4-piperidy] acetanilide)

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

Alfentanil (N-[1-[2-(4-ethyl-4,5-dihydro-5-oxo-1H-tetrazol-ylethyl)-(methoxymethyl)-4-piperidinyl]-N-phenylpropanamide monohydrochloride)

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-diphenyl-4-propionoxypiperidine)

Alphamethadol (alpha-6-dimethylamino-4,4-diphenyl-3-heptanol) Alpha-methylfentanyl (N-[1-(a-methylphenethyl)-4-piperidyl] propionanilide)

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

Alphaprodine (alpha-1,3-dimethyl-4-phenyl-4-propionoxy piperidine)

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

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

Benyimorphine (3-benzimorphine)

Betacetylmethadol (beta-3-acetaxy-6-dimethylamino-4,4-diphenylheptane) Beta-hydroxyfentanyl (N-[1-(beta-hydroxyphenethyl)-4-piperidyl] propionanilide)

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

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

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

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

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

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

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

Coca Leaf

Cocaine (methyl ester of benzolecgonine)

Codoxime (dihydrocodeinone-6-carboxymethyloxime)

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

Desomorphine (Dihydrodeoxymorphone)

Dextromoramide ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(pyrrolidinyl)
-butyl]-morpholine)

Diampromide (N-[(2-methylphnethylamino)-propyl]-propionanilide)

Diethylthiambutene (3-diethylamino-1,1-di-(2'-thienyl)-butene) Difenoxin
(1-(3-cyano-3,3-diphenylpropyl)-4-phenylisonipecotic acid)

Dihydromorphine

Dimenoxadol (2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate)

Dimepheptanol (6-dimethylamino-4,4-diphenyl-3-heptanol)

Dimethylthiambutene (3-dimethylamino-1,1-di-(2'-thienyl)-1-butene)

Dioxaphetyl butyrate (ethyl-4-morpholino-2,2-diphenylbutyrate)

Diphenoxylate (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-
carboxylic acid ethyl ester)

Dipipanone (4,4-diphenyl-6-piperidine-3-heptanone)

Drotebanol (3,4-dimethoxy-17-methylmorphinan-6,14-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-7x-(1-hydroxyl-1-methylbutyl)-6,14-endoetheno
oripavine)

Etoxeridine (1-[2-(2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-4-
carboxylic acid ethyl ester)

Fentanyl (1-phenethyl-4-N-propionylanilinopiperidine)

Furethidine (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidien-4-
carboxylic acid ethyl ester)

Heroin (diacetylmorphine)

Hydrocodone (Dihydrocodeinone)

Hydromorhinol (14-hydroxydihydromorphone)

Hydromorphone (dihydromorphinone)

- 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- propionylpiperideine)
- Levomethorphan* ((-)3-methoxy-N-methylmorphinan)
- Levomoramide ((-)4-[2-methyl-4-oxo-3,3-diphenyl-4(l- pyrrolidinyl) butyl]-morpholine)
- Levophenacylmorphan ((-)3-hydroxy-N- phenacylmorphinan)
- Levorphanel* ((-)3-hydroxy-N-methylmorphan)
- 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-l-phenethyl-4-piperidyl) priopionanilide) 3-methylfentanyl
(N-(3-methyl-l-[2-(2- thienyl) ethyl]-4-piperidyl] propionanilide) Metopon
(5-methyldihydromorphinone)
- Moramide-Intermediate (2-methyl-3-morpholino-l- diphenyipropane carboxyide acid)
- Morpheridine (1-(2-morpholinoethyl)-4-phenypiperidine-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 Codein-N-Oxide
- Morphine N-Oxide
- MPPP (l-methyl-4-phenyl-4-piperidinol propionate (ester))
- Myrophine (myristylbenzylmorphine)
- Nicomorphine (3,6-dinicetinylmorphine)
- Noracymethadol ((+)-alpha-3-acetoxy-6-methylamine-4,4- diphenylheptane)
- Norlevorphanol ((-)3-hydroxymorphian)
- Normethadone (6-diethylamino-4,4-diphenyl-3- bexanone)
- Normorphine (demethylmorphine) or (N-demethylated morphine)
- Norpipanone (4,4-diphenyl-6-piperidino-3-hexanone)
- Opium
- Oxycodone (14-hydroxydihydrocodeinone)
- Oxymorphone (14-hydroxydihydromorphinone)
- Para-fluofentanyl (4'-fluoro-N-(l-phenethyl-4-piperidyl) propionanilide)
- PEPAP (l-phenethyl-4-phenyl-4-piperidinol acetate (ester))
- Pethidine (l-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)

Pethidine-Intermediate-A (4-cyno-1-methyl-4- phenylpiperidine)
Pethidine-Intermediate – B (4-phenylpiperidine-4-carboxylic acid ethyl ester)
Pethidine –Intermediate- C (L-mthy-4-pheylpiperidine-4- carboxylic acid)
Phenadoxone (6-morpholio-4,4-dimethyl-3-heptanone)
Phenampromide (N-(1-methyl-2-piperidinoethyl)- propionanilide)
Phenazocine (2'-hydroxy-5,9-dimethyl-2-phenethyl-6,7- benzomorphan)
Phenomorphan (3-hydroxy-N-phenethylmorphinan)
Phenoperidine (1-(3-hydroxy-3-phenylaminopropyl)-4- phenylpiperidine-
4-carboxylic acid ethylester)
Piminodine (4-phenyl-1-(3-phenylaminopropyl)-piperidine-4- carboxyclic
acid ethylester)
Piritramide (1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino)- piperidine-
4carboxylic acid amide)
Proheptazine (1,3-dimethyl-4-proplonoxyazzcycloheptane)
Properidine (1-methyl-4-phenylpiperidine-4-carboxyclic 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-(thienyl)ethyl-]4piperidyl] propionanilide) Tilidine
((±)-ethyl-trans-2-(dimethylamino)-1- phenyl-3-cyclohexene-1-
carboxylate)
Trimeperidien (1,2,5-trimethyl-4-phenyl-4- propionoxypiperidine)

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.

Acetyldihydrocodeine
Codeine (3-methylmorphine)

Dextropropoxyphene (x-(+)-4-dimethylamino-1,2-diphenyl- 3-methyl-2-butanol propionate)
Dihydrocodeine
Ethylmorphine (3-ethyimorphine)
Nicocodine (6-nicotinylcodeine)
Nicodicodine (6-nicotinylhydrocodeine)
Norcodeine (N-demethylcodeine)
Pholcodine (morpholinylethylmorphine)
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.

Any material, compound, mixture or preparation containing any of the narcotic drugs listed in this schedule.

Schedule 3

Sections 2, 4, 85(2)

Psychotropic Substances

NOTE: The names printed in capitals in the left-hand column are the International Non-proprietary Names (INN). Other non-proprietary or trivial names also are 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
BROLAMFEATAMINE	DOB	(±)-4-bromo-2, 5-dimethoxy- amethylphenethylamine
CATHINONE		(—)-(S)-2-aminopropiophenone
	DET	3-[2-(diethylamino)ethyl]indole
	DMA	(±)-2,5-dimethoxy-a- methylphenethylamine
	DMHP	3-(1,2-dimethylheptyl)- 7.8.9.10-tetrahydro-6,6,9- trimethyl- 6H-dibenzo[b,d] pyran-1-ol
	DMT	3-[2-(dimethylamino) ethyl]indole
	DOET	(±)-4-ethyl-2,5-dimethoxy- a-phenethylamine
ETICYCLIDINE	PCE	N-ethyl-1- phenylcyclohexylamine
(+)-LYSERGIVE	LSD, LSD-25	9,10-didehydro-N,N-diethyl- 6-methylergoline-8-b- carboxamide
	MDMA	(±)-N, μ -dimethyl-3,4- (methylenedioxy) phenethylamine mescaline 3,4,5- trimethoxyphenethylamine 4-methylaminorex
	MMDA	2-methoxy- μ -methyl-4,5- (methylenedioxy) phenethylamine
	N-ethyl MDA	(±)-N-ethyl- μ -methyl-3,4- (methy- lenedioxy) phenethylamine

		N-hydroxy MDA (\pm)-N-(μ -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
	PMA	p-methoxy- μ -methylpene-thylamine
	psilocine, psilotsin	3-[2- (dimethylamino)ethyl]indol-4-ol
PSILOCYBINE		3-[2- (dimethylamino)ethyl]indol-4-yl dihydrogen phosphate
ROLICYCLIDINE	PHP, PCPY STP, DOM	1-(1-phenylcyclohexyl) pyrrolidine 2,5-dimethoxy- μ ,4-dimethylphenethylamine
TENAMFETAMINE	MDA	μ -methyl-3,4-(methylenedioxy) phenethylamine
TENOCYCLIDINE	TCP	1-[1-(2-thienyl)cyclohexyl] piperidine tetrahydrocannabinol, the following isomers and their sterochemical variants: 7,8,9,10-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d} pyran-1-ol (9R, 10aR)-88, 9, 10, 10a-tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo[b,d} pyran-1-ol (6, 6, 9-trimethyl-3-pentyl-6H-debenzo[b,d} pyran-1-ol (6aR,9R10aR)-6a,9,10,10a-tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyran-1-ol (6aR,10aR)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyran-1-ol (6aR,10aR)-6a,7,8,10,10a-hexahydro-6,6-dimethyl-9-methylene-3-pentyl-6H-dibenzo[b,d] pyran-1-ol
	TMA	(\pm)-3,4,5-trimethoxy- μ -methylpene- thylamine

CLOBAZAM	7-chloro-1-methyl-5phenyl-1H-1,5-benzodiazepine-2,4(3H,5H)-dione	
CLONAZEPAM	5-(o-chlorophenyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one	
CLORAZEPATE	7-chloro-2,3-dihydro-2-oxo-5-phenyl-1H-1,4-benzodiazepine-3-carboxylic acid	
CLOTIAZEPAM	5-(o-chlorophenyl)-7-cthyll,3-di-hydro-1-methyl-2H-theno[2,3-e]-1,4-diazepin-2-one	
CLOXAZOLAM	10-chloro-11b-(o-chlorophenyl)-2,3,7,11b-tetrahydroxazolo-[3,2-d][1,4]benzodiazepin-6(5H)-one	
DELORAZEPAM	7-chloro-5-(o-chlorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one	
DIAZEPAM	7-chloro-1,3-dihydro-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one	
ESTAZOLAM	8-chloro-6-phenyl-4H-s-triazolo[4,3-a][1,4]benzodiazepine	
ETHCHLORVYNOL	l-chloro-3-ethyl-l-penten-4-yn-3-ol	
ETHINAMATE ETHYL	1-ethynylcyclohexanol carbamate	
LOFLAZEPATE	ethyl 7-chloro-5-(o-fluorophenyl)-2,3-dihydro	
ETTLAMFETAMINE	2-oxo-1H-1,4-benzodiazepine-3-carboxylate	
FENCAMFAMIN	N-ethylampheta-mine	N-ethyl- μ -methylphenethylamine
FENPROPOREX		N-ethyl-3-phenyl-2-norbornanamine
FLUDIAZEPAM		(\pm)-3-[μ -methylphenethyl]amino] propionitrile
FLUNTTRAZEPAM		7-chloro-5-(o-fluorophenyl)-1,3-dihydro-1- methyl-2H-1,4-benzodiazepin-2-one
		5-(o-fluorophenyl)-1,3-dihydro-1-methyl-7-nitro-2H-1,4-benzodiazepin- 2-one

HALAZEPAM

7-chloro-1-[2-(diethylamino)ethyl]-
5-(o-fluorophenyl)-1,3-dihydro-2H-
P,4-benzodiazepin-2-one

HALOXAZOLAM

7-chloro-1,3-dihydro-5-phynyl-
1-(2,2,2-trifluoroethyl)-2H-1,4-
benzodiazepin-2-one

KETAZOLAM

[3,2-d][1,4] benzodiazepin-6(5H)-
one 11-chloro-8,12b-dihydro-2,8-
dimethyl-12b-phenyl-4H-[1,3]
oxazino [3,2-d][1,4] benzodiazepin-
4,7(6H)-dione

LEFETAMINE

SPA

()-N,N-dimethyl-1,2-
diphenylethyla-mine

LOPRAZOLAM

6-(o-chlorophenyl)-2,4-
dihydro-2[(4methyl-1-peperazinyl)
methylene]-8-nitro-1H-imidazo
[1,2-a][1,4] benzodiazepin-2-one

MAZINDOL

5-(p-chlorophenyl)-2,5-dihydro-3H-
imidazo [2,1-a]isoindol-5-ol

MEDAZEPAM

7-chloro-2,3-dihydro-1-methyl-5-
phenyl-1H-1,4-benzodiazepine

MEFENOREX

N-(3-chlorpropyl)- μ -
methylphenethylamine

MEPROBAMATE

2-methyl-2-propyl-1-3-propanediol,
dicarbamate

**METHYLPHENOBAR
-BITAL**

5-ethyl-1-methyl-5-phenylbarbituric
acid

METHYPRYLON

3,3-dithyl-5-methyl-2,4-
piperidinedione

MIDAZOLAM

8-chlor-6-(o-fluorophenyl)-1-methyl-
4H-imidazol[1,5-a][1,4] benzodiazepine

NIMETAZEPAM

1,3-dihydro-1-methyl-7-nitro-5-
phenyl-2H 1,4-benzodiazepin-2-one

NITRAZEPAM

1,3-dihydro-7-nitro-5-phenyl-2H-
1,4-benzodiazepin-2-one

NORDAZEPAM

7-chloro,1,3-dihydro-5-phenyl-2H-
1,4-benzodiazepin-2-one

OXAZEPAM	7-chloro-1,3-dihydro-3-hydroxy-5-phenyl-2H-1,4-benzodiazepin-2-one
OXAZOLAM	10-chloro-2,3,7,11b-tetrahydro-2methyl-11b-phenyloxazolo[3,2-d][1,4]benzodiazepin-6(5H)-one
PERMOLINE**	2-amino-5-phenyl-2-oxazolin-4-one(=2 imino-5-phenyl-4-oxazolidinone)
PHENDIMETRAZINE	(+)-(SS,3S)-3,4-dimethyl-2-phenylmorpholine
PHENOBARBITAL	5-ethyl-5-phenylbarbituric acid
PHENTERMINE	μ,μ -dimethylphenethylamine
PINAZEPAM	7-chloro-1,3-dihydro-5-phenyl-1-l-(2-propynyl)-2H-1,4-benzodiazepin-2-one
PIPRADROL	μ,μ -diphenyl-2-piperidinemethanol
PRAZEPAM	7-chloro-1-(cyclopropylmethyl)-1,3-dihydro-5-phenyl-2H-1,4-benzodiazepin-2-one
PROPYLHEXEDRINE	N, μ -dimethylcyclohexaneethylamine
PYROVALERONE	4-methyl-2-(1-pyrrolidinyl)valerophenone
SECBUTABARBITAL	5-sec-butyl-5-ethylbarbituric acid
TEMAZEPAM	7-chloro-1,3-dihydro-3-hydroxy-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one
TETRAZEPAM	7-chloro-5-(1-cyclohexen-1-yl)-1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one
TRIAZOLAM	8-chloro-6-(o-chlorophenyl)-1-methyl-4H-s-triazolo[4,3-a][1,4]benzodiazepine
VINYLBITAL	5-(1-methylbutyl)-5-vinylbarbituric acid
AMFETAMINE	(\pm)-2-amino-1-phenylpropane
DEXAMFETAMINE	(+)-2-amino-1-phenylpropane

FENETYLLINE		dl-3, 7-dihydro-1,3-dimethyl-7-(2-[1-methyl-2phenylethyl]amino)(ethyl)-1H-purine-2,6-dione
LEVAMFETAMINE		levomethamphetamine 1- μ -methylphenethylamine tamine
MECLOQUALONE		1-N, μ -dimethylphenethyl-amine, 3-(o-chlorophenyl)-2-methyl-4(3H)-quina-zolinone
METHAMFETAMINE		(+)-2-methylamino-l-phenylpropane
METHAQUALONE		2-methyl-3-o-tolyl-4(3H)-quinazolinone
METHYLPHENIDATE		2-phenyl-2-(2-piperidyl) acetic acid, methyl ester
PHENCYCLIDINE		1-(1-phenylcyclohexyl) piperidine
PHENMETRAZINE	PCP	3-methyl-2-phenylmorpholine

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

AMOBARBITAL		5-ethyl-5-(3-methylbutyl) barbituric acid
BUTALBITAL		5-allyl-5-isobutylbarbituric acid
CATHINE		d-threo-2-amino-l-hydroxy-lphenylpropane
CYCLOBARBITAL		5-(l-cyclohexen-l-yl)-5- ethylbarbituric acid
GLUTETHIMIDE		2-ethyl-2- phenylglutarimide
PENTAZOCINE		1, 2, 3, 4, 5,6-hexahydro-6, 11-dimethyl -3-(3-methyl-2-butenyl)-2,6methano-3-benzazocin-8-01
PENTOBARBITAL		5-ethyl-5-(1-methylbutyl) barbituric acid
SECOBARBITAL		5-allyl-5-(1-methylbutyl) barbituric acid

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

ALLOBARBITAL		5,5-diallylbarbituric acid
ALPRAZOLAM		8-chloro-l-methyl-6-phenyl- 4H-benzolo[4,3- a][1,4]benzodiazepine
AMFEPRAMONE		2-(diethylamino) propiophenone

BARBITAL	5,5-diethylbarbituric acid
BENZPHETAMINE	N-benzyl-N, μ - dimethylphene-thylamine
BROMAZEPAM	7-bromo-1,3-dihydro-5-(2- pyridyl)-2H-1,4-benzodiazepin-2-one
BUTOBARBITAL	5-butyl-5-ethylbarbituric acid
CAMAZEPAM	7-chloro-1,3,-dihydro-3-hydroxyl-1methyl-5-phenyl-2H-1,4-benzodiazepin-2-one dimethylcarbamate (ester)
CHLORDIAZEPOXIDE	7-chloro-2-(methylamino)-5-phenyl-3H-1,4-benzodiazepine-4-oxide

The isomers, unless specifically excepted, of the substances 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.

Any material, compound, mixture or preparation containing any of the psychotropic substances listed in this schedule.

Schedule 4

Sections 2, 11, 85(2)

Prohibited Plants

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

Schedule 5

Sections 2, 6, 14, 85(2)

Controlled Precursors and Essential Chemicals

Table I

1. Acetic anhydride
2. N-Acylanthranilic acid
3. 4-Anilino-N-phenethylpiperidine (ANPP)
4. Ephedrine
5. Ergometrine
6. Ergotamine
7. Isosafrole
8. Lysergic acid
9. 3,4-MDP-2-P methyl glycidate
10. 3,4-MDP-2-P methyl glycidic acid (PMK glycidic acid)
11. 3,4-Methylenedioxymethyl-2-propanone
12. Norephedrine
13. N-Phenethyl-4-piperidone (NPP)
14. Phenylacetic acid
15. 1-Phenyl-2-propanone
16. alpha-Phenylacetooacetamide (APAA)
17. alpha-Phenylacetooacetonitrile (APAAN)
18. Piperonal
19. Potassium permanganate
20. Pseudoephedrine
21. Safrole

Table II

1. Acetone (2-propanone)
2. Anthranilic acid (2-aminobenzoic acid)

3. Ethyl ether
4. Hydrochloric Acid
5. Methyl ethyl ketone (2-butanone)
6. Piperidine
7. Sulphuric acid
8. Toluene (methyl benzene)

The salts of the substances listed in Table I & Table II whenever the existence of such salts is possible. (The salts of Hydrochloric acid and Sulfuric acid are specifically excluded);

The isomers of Ephedrine and Pseudoephedrine, the halogenated and alkylated forms Ephedrine and Pseudoephedrine and the salts;

History: Act 2/2024

Cross References

Constitution

Convention on Psychotropic Substances, 1971

Civil Procedure Act, Cap. 282

Criminal Procedure Code Act, Cap. 122

Financial Institutions Act, Cap. 57

Magistrates Courts Act, Cap. 19

Medical and Dental Practitioners Act, Cap. 300

Mental Health Act, Cap. 308

Microfinance Deposit-Taking Institutions Act, Cap. 58

National Drug Policy and Authority Act, Cap. 198

Pharmacy and Drugs Act, Cap. 309

Public Finance Management Act, Cap. 171

Single Convention on Narcotic Drugs, 1961

Tier 4 Microfinance Institutions and Money Lenders Act, Cap. 61

United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 Veterinary Surgeons Act, Cap. 306
