

**THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES
(CONTROL) ACT, No. 3 of 2016.**

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THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) ACT, 2016.

An Act to consolidate and amend the law relating to narcotic drugs and psychotropic substances with respect to the control of the possession of, and trafficking in narcotic drugs and psychotropic substances and the cultivation of certain 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 other related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Commencement.

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

2. Interpretation.

In this Act, unless the context otherwise requires—

“accused person” includes a defendant in respect of an offence under this Act;

“addict” means a person addicted to any narcotic drug or psychotropic substance;

“bank” means a bank, financial institution or mortgage finance company as defined in section 2 of the Financial Institutions Act, 2004 and includes 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 tetrahydrocannabinol;

“cannabis plant” means any plant of the *genus* cannabis by whatever name called and includes any part of Khat plant;

“cannabis resin” means the separated resin, whether crude or purified, obtained from cannabis but does not include cannabis oil;

“catha edulis” of marungji, that means the whole leaves of the plant catha edulis;

“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;

“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 meaning assigned to it by the First Schedule to this Act;

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

“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 khat plant;

(c) engaging in the conveyance, production, manufacture, possession, sale, purchase, transportation, warehousing, concealment, use or consumption, importation, exportation or transshipment of narcotic drugs or psychotropic substances; or

(d) handling or letting out of any premises for the carrying on of any of the activities referred to in paragraphs (a) (b) and (c);

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) harboring 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;

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

- (a) all processes other than production, by which those drugs or substances may be obtained;
- (b) refining of such drugs or substances; and

(c) making of preparations otherwise than in a pharmacy on a prescription with or containing those drugs or substances;

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

“medicinal opium” means opium which has undergone the processes necessary to adopt it for medicinal use;

“Minister” means the Minister responsible for internal affairs;

“Ministry” means the Ministry responsible for internal affairs;

“narcotic drug” means any substance specified in the Second Schedule 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 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;

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

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

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

“produce” where the reference is to producing a narcotic drug or psychotropic substance, means producing it by manufacture, cultivation or any other method and

“production” shall be construed accordingly;

“prohibited plant” means any plant specified in the Third Schedule;

“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 the Fourth Schedule 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;

“respondent” means the person against whom an application under section 22 (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 Government or a local government;

“specified offence” means—

(a) an offence under section 4, 5, 6 and 7 and any other offence under this Act, specified by the Minister, by statutory order, for the purposes of this Act;

(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, counseling or procuring any offence in paragraph (a);

“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 making 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) Notwithstanding any other enactment, this Act applies to the entire territory of Uganda, including any free zone.
- (2) Parts II and III of this Act apply to conduct engaged in—
 - (a) inside or outside Uganda, on board a Ugandan ship, aircraft or conveyance;
 - (b) outside Uganda by—
 - (i) a Ugandan citizen or any person ordinarily resident in Uganda;
 - (ii) a body corporate incorporated in or carrying on business in Uganda; or
 - (iii) any other person relating to the supply or possible supply by that person of any narcotic drugs or psychotropic substances to Uganda.

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

4. Penalty for possession of narcotic drugs and psychotropic substances.

- (1) Subject to subsection (3) any 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 the Second Schedule to a fine of not less than five hundred currency points or three times the market value of the drug, whichever is greater; or to imprisonment of not less than ten years but not exceeding twenty five years, or both; and
- (b) in respect of a psychotropic substance listed in the Fourth Schedule, to a fine of not less than one hundred and fifty currency points or three times the market value of the psychotropic substance, whichever is greater or to imprisonment of not less than five years but 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 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
- (d) a person authorized under regulations made under this Act to be in possession of a narcotic drug or psychotropic substance.

- (4) Any person who has in his or her possession a parcel, package, container or any other thing containing an illicit 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 of not less than twenty four currency points but not exceeding one hundred and twenty currency points or to imprisonment of not less than one year but not exceeding five years, or both.

5. Penalty for trafficking in narcotic drugs and psychotropic substances.

Any person who traffics in a narcotic drug or psychotropic substance commits an offence and is liable in respect of the narcotic drug or psychotropic substance to a fine of not less than five hundred currency points or three times the market value of the narcotic drug or psychotropic substance, whichever is greater, and in addition, to imprisonment for life.

6. Penalty for other acts connected to narcotic drugs.

Subject to this Act, any person who—

- (a) smokes, inhales, sniffs, chews or otherwise uses any narcotic drug or psychotropic substances;
- (b) being the owner, occupier or concerned in the management of any premises, permits the premises to be used for—
 - (i) the preparation of opium 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;
- (c) has in his or her possession any pipe or other utensil for illicit use in smoking, inhaling or sniffing or in any other manner of using opium, cannabis, khat, heroine or cocaine or any utensil used for the preparation of opium or any other narcotic drug or psychotropic substance; or
- (d) recruits or promotes the use of smoking, inhaling, sniffing or in any other manner promotes the use of opium, cannabis, khat, heroin, cocaine or any other narcotic drug or psychotropic substance, commits an offence and is liable on conviction, to a fine of not less than twenty four currency points but not exceeding one hundred and twenty currency points or to imprisonment of not less than one year but not exceeding five years, or both.

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

(2) A veterinary surgeon shall not—

(a) prescribe, administer, sell or supply a narcotic drug or psychotropic substance for any animal;
or

(b) sign any prescription or order for the supply of a narcotic drug or psychotropic substance for any animal, except where the narcotic drug or psychotropic substance is required for the veterinary treatment of an animal.

(3) Any person who contravenes subsection (1) or (2) commits an offence and is liable on conviction, to a fine of not less than forty eight currency points but not exceeding one hundred and twenty currency points or to imprisonment of not less than two years but not exceeding five years, or both.

8. Removal of name from register.

Where a medical practitioner, dentist or veterinary surgeon 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 or veterinary surgeon, as the case may be.

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

Any person who, in the course of treatment for a physical, dental or mental disorder, or an owner or caretaker of an animal is supplied with a narcotic drug or psychotropic substance, or with a prescription for a narcotic drug or psychotropic substance, by a medical practitioner or dentist treating him or her; or veterinary surgeon treating his or her animal, and without disclosing that fact, receives an additional narcotic drug or psychotropic substance, or a prescription for a narcotic drug or psychotropic substance, from another medical practitioner, dentist, or veterinary surgeon, commits an offence and is liable on conviction, to

a fine of not less than forty eight currency points but not exceeding one hundred and twenty currency points and in addition, to imprisonment of not less than two years but not exceeding five years, or both.

10. Supply or administration of narcotic drugs or psychotropic substances or other intoxicating inhalants to persons below the age of eighteen years.

Any person including a medical practitioner or dentist, who supplies or administers a narcotic drug or psychotropic substance or other intoxicating inhalant to a person who is below the age of eighteen years, without reasonable ground to believe that the child is not acquiring it for the purpose of abuse, commits an offence and is liable on conviction to a fine of not less than forty eight currency points but not exceeding one hundred and twenty currency points or to imprisonment of not less than two years but not exceeding five years, or both.

11. Penalty for cultivation of certain plants.

- (1) No person shall cultivate any prohibited plant from which an arcotic drug or psychotropic substance may be extracted, without the written consent of the Minister responsible for health.
- (2) Any person who—
 - (a) cultivates any prohibited plant; or
 - (b) as an owner, occupier or manager of premises, permits the premises to be used for the cultivation, gathering or production of any prohibited plant, commits an offence and on conviction, is liable to a fine of not less than one hundred and twenty currency points or three times the market value of the prohibited plant, whichever is the greater, or to imprisonment of not less than five years or both and

in the case of a second or subsequent offence, to imprisonment for life.

12. Power of entry in respect of Government and other land.

(1) Without prejudice to any other provision of this Act, a police officer not below the rank of Inspector shall by himself or herself or with such assistance as in his or her opinion is reasonable, enter upon and inspect any land where he or she has reasonable grounds to suspect that—

(a) a prohibited plant was or is cultivated on any Government land, held under a lease, licence or any other right, or illegally entered upon by any person; or

(b) there is a prohibited plant on Government land.

(2) Without prejudice to any other provision of this Act, where any police officer has reasonable grounds to suspect—

(a) that any prohibited plant was, or is cultivated on any land which is not Government land; or

(b) that any prohibited plant is on any land which is not Government land, he or she may, by himself or herself or with such assistance as in his or her opinion is reasonable, enter upon and inspect the land.

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

13. Power of court to order destruction of prohibited plants, etc.

A court which convicts any person of an offence under this Act, shall direct the Inspector General of Police or any police officer authorized 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.

The National Drug Authority may—

- (a) issue 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;
- (c) prescribe the records to be kept for the export, import, receipt, sale, disposal or distribution of a narcotic drug or psychotropic substance; and
- (d) determine the line of narcotic drugs or psychotropic substances which may be supplied and prescribed for medical, dental and veterinary purposes and prescriptions.

15. Penalty for failure to furnish information or to produce evidence.

Any person who—

- (a) fails or refuses to comply with any obligation to give information or to produce any book, record,

document or other material under this Act or any order made under this Act;

- (b) in compliance with the provisions of this Act, gives any information which he or she knows to be false or does not believe to be true, or produces or in any way makes use of any book, record, document or other material which contains any statement which to his or her knowledge is false in a material particular or which he or she does not believe to be true; or
- (c) for the purpose of obtaining, a grant or renewal of a licence or authority under the National Drug Policy and Authority Act—
 - (i) makes a statement or gives any information which he or she knows to be false in a material particular or which he or she does not believe to be true; or
 - (ii) produces or otherwise makes use of any book, record or other document or other material containing any statement which to his knowledge is false in a material particular or which he or she does not believe to be true, commits an offence and on conviction, is liable to a fine of not less than forty eight currency points but not exceeding one hundred and twenty currency points or to imprisonment of not less than two years but not exceeding five years, or both.

16. Privileged information.

Any 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 inform police officer.

For the avoidance of doubt—

- (a) any person, with an interest in any land, who has knowledge that a prohibited plant is cultivated on that land or that the land is prepared for the purpose of cultivating a prohibited plant, who does not promptly inform a police officer of the police unit nearest to the land on which the prohibited plant is cultivated or nearest to the ordinary place of residence or business of that person, shall have the burden of proving that he or she did not consent to, co-operate with or assist the cultivation of the prohibited plant on that land;
- (b) any reference to the owner, or holder of a lease, licence, grant, permit or other right in any land shall be deemed, where the land or the lease, licence, permit or other right, is held by another person, to be a reference to each of those persons; and
- (c) any reference to the cultivation of any plant shall be deemed to include a reference to all activities relating to cultivation of that plant and harvesting or gathering of the plant, or any part of it.

18. Penalty for vexatious or malicious entry, seizure, arrest, etc.

(1) A police officer or any other person authorized by the Inspector General of Police who—

- (a) without reasonable grounds of suspicion, enters or searches or causes to be entered or searched, any building, conveyance or place;
- (b) vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for a narcotic drug or psychotropic substances 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) vexatiously and unnecessarily detains, searches or arrests any person, commits an offence and on conviction, is liable to a fine not exceeding twenty four currency points or to imprisonment not exceeding one year, or both.

19. Penalty against police officer.

A police officer on whom any duty is imposed under this Act who—

- (a) refuses to perform such duty of his or her office, unless he or she has lawful excuse for doing so;
- (b) gives custody to a drug trafficker or any other person who is charged with an offence under this Act; or
- (c) willfully aids or abets or connives in, the contravention of any provision of this Act or any rule or order made under this Act, commits an offence and on conviction, is liable to imprisonment for life.

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

20. Forfeiture of narcotic drugs and psychotropic substances.

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 authorized 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 authorized 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 drugs and psychotropic substances 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, implements, etc.

- (1) Any chemical, machinery, equipment, implement, pipe, utensil, or other article used for the commission of any offence under this Act shall be forfeited to the State.
- (2) Any conveyance used for the commission of an offence under this Act 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 for the commission of any offence under this Act, shall be forfeited to the State.
- (3) Where an application is made, by an owner of a conveyance which is subject of an offence under this Act, to the court in which proceedings under this Act for the forfeiture and condemnation of any conveyance, except proceedings under Part IV are pending, and the court is 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 shall be restored to that person by the court.

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

22. Application for restraint order.

- (1) Where there are reasonable grounds to believe that a 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 all or any of the property of the person who is believed to have committed the offence.
- (2) An application for a restraint order under subsection (1), maybe made *ex parte* to the court, accompanied by an affidavit sworn on the information and belief of the Attorney General deposing 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 where it is decided that no complaint is to be made or information given, in respect of the commission of a specified offence; or
 - (b) where, after the investigation in subsection (1), a complaint is made or information is given and a final decision is given in respect of the commission of a specified 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 the decision of the court, the decision on that appeal;
 - (b) where there is more than one appeal from the decision of the court, the decision made on the last appeal; or
 - (c) where no appeal is preferred, the decision of the court where the application for a restraint order is made.

23. 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 22, shall, while the application is pending and subject to the other provisions of this Part, be void.
- (2) Where an application made under section 22 is dismissed by the court, and the Attorney General informs the court of an intention to appeal against the dismissal, 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.

24. Statement of assets and examination of respondent.

- (1) The court may, before or after an order is made on an application made under section 22, direct the respondent to submit, within a specified time, a statement of his or her assets and liabilities.
- (2) A respondent who, after being directed by court to do so under subsection (1)—
 - (a) refuses or fails to submit a statement of his or her assets and liabilities; or
 - (b) submits a statement which is false or misleading in any material particular, commits an offence and on conviction, is liable to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years, or both.

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.
- (4) Notwithstanding subsection (2), the court may, pending decision on an application under section 22, attach

any movable property of the respondent including money payable to him or her.

26. Restraint order.

- (1) Where an application for a restraint order is made under section 22 and the court is satisfied of the matters referred to in that section in relation to the respondent, the court may make a restraint order—
 - (a) prohibiting the respondent or any other person acting on his or her behalf, from disposing of, or in anyway dealing with the property specified in the order or any interest in the property; or
 - (b) directing the Official Receiver to take custody and control of the property specified in the order and to manage or deal with the property in accordance with the directions of the court.

- (2) Where an order is made under subsection (1) (b)—
 - (a) every person who is in possession of any property to which the order relates shall immediately, hand over the property to the Official Receiver; and where that person refuses to hand over the property, the Official Receiver shall recover possession of that property using any means he or she may deem reasonable; and
 - (b) without prejudice to subsection (1), a bank shall not pay to a respondent, or to 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 transfers of 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—
 - (a) any court from enforcing a mortgage or charge against any property in respect of which a restraint order is made, where the court is satisfied that—
 - (i) the mortgage or charge was created bona fide for valuable consideration; or
 - (ii) the person in whose favour the mortgage or charge 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; or
 - (b) the recovery of any revenue due to the Government or a local government by sale of any property, in respect of which a 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 on conviction, is liable to imprisonment of not less than five years or a fine of not less than one hundred and twenty currency points, or both.

31. Management of property by Official Receiver.

(1) Where the court directs the Official Receiver under section 26 to have the custody and control of any property specified in a restraint order, the court may—

(a) on the application of the Attorney-General, the Official Receiver or the person against whom the order is made—

(i) give instructions for the management of the property to the Official Receiver; and

(ii) make a decision on any question that may arise in the course of the management of the property by the Official Receiver; or

(b) on the application of the Attorney General or of the Official Receiver, direct the person against whom the restraint order has been made, to furnish to the Official Receiver, within such time as may be specified by the court, such information and particulars relating to the property, in respect of which the restraint order has been made, as may be specified in the direction.

(2) The Official Receiver shall not be personally liable—

- (a) for any loss or damage, sustained by any person claiming the property or an interest in the property, arising as a result of taking custody or control of the property by the Official Receiver; or
 - (b) for the cost of proceedings taken to establish any claim to the property or to any interest in the property, except where the court is of the opinion that the Official Receiver is guilty of negligence in respect of taking custody or control of the property.
- (3) The Official Receiver shall not be personally liable for any taxes, duties, rates or local government or other statutory charges imposed by or under any law on the property of any person which the Official Receiver is directed by a restraint order to take custody and control of, except to the extent, if any, of rents and profits received by the Official Receiver in respect of that property, on or after the date of the restraint order.
- (4) Where the Official Receiver takes custody and control of property of any person under a restraint order, the Official Receiver shall be entitled to receive, in respect of the exercise and the performance of his or her functions in relation to the property by virtue of a receiving order fees payable in similar circumstances under the Bankruptcy Act.

32. 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) before the expiry of six months or such further time as maybe allowed by the court, from the date of a restraint order, no complaint is made or information is laid 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.

33. Stay of hearing of application.

Where an application has been made to the court under section 22 against any person on the ground that he or she committed a specified offence, the court may, on the application of the Attorney General or the respondent, stay the hearing of the application for a restraint order until a

final decision is made in respect of the complaint or information.

34. Death of a person against whom a restraint order is made.

- (1) Where a person against whom a restraint order is made dies within the period specified in section 31 (1) (b) or before the complaint made or information laid against him or her in any court in respect of a specified offence is finally decided or any appeal against any such decision is finally disposed of, his or her legal representative may apply to the court within ninety 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 41 and sections 36, 37, 38, 39 and 41 (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.

35. 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.

36. Forfeiture of property

- (1) Subject to this Part, where any person commits a specified offence, all the proceeds derived by him or

her from the trafficking in drugs and psychotropic substances, shall, on the date of conviction, be forfeited to the State.

- (2) Without prejudice to subsection (1), the court shall forfeit to the State all monies found on the person of any person convicted of an offence under this Act.
- (3) Where the property of any convicted person is forfeited under this section, the Minister may in consultation with the Minister responsible for finance, allocate a portion of the total proceeds of the property to the police to facilitate the operations of the police under this Act.
- (4) The Minister responsible for finance may for the purposes of subsection (3) establish a special fund, in accordance with the Public Finance Management Act, 2015.

37. Certain liabilities not affected by section 36.

Section 36 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
- (c) the right of any local authority to recover any arrears of revenue through the sale of the property.

38. Provisions for payment of money owed.

- (1) Where a person in respect of whom a notice is published under section 40 (2) or (5), 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 36, 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 40 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 40 (2) or (5), 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.

39. Claim by person who commits a specified offence.

(1) Any person in respect of whom a notice is published under section 40 (2) or (5) may apply to the court, within thirty days after the publication of the notice, for release from forfeiture, any of his or her property, on the ground that he or she acquired it—

- (a) by succession;

- (b) by gift from a relation 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 40 (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 36.
- (3) In this section, "relation" includes, in the case of a man, his wife or reputed wife and in the case of a woman her husband or reputed husband.

40. 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 37 and 38 (2) and the person to whom the notice is to apply and any relief to which that person is entitled under section 37, 38 or 39.

- (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) Without prejudice to subsections (1) and (2), the Attorney General may apply to court to recover any forfeiture imposed by section 36.
- (5) Where an application is made under subsection (4), the court shall, as soon as possible, publish in a newspaper of wide circulation in Uganda and in the *Gazette*, a notice of the application, the rights of the persons referred to in section 37 or 38 and the person in respect of whom the notice is to apply and any relief to which that person is entitled under section 37, 38 or 39.
- (6) The Court may examine the person, in respect of whose property the application is made—
 - (a) to determine his or her property with respect to any matter relating to the application made under section 37, 38 or 39; or
 - (b) where that person is not convicted of the specified offence referred to in the application under subsection (4), with his or her consent, in respect of the specified offence he or she is alleged to have committed, and receive any other evidence as it considers necessary to adjudicate on the matters before it.

41. Forfeiture order.

- (1) At the conclusion of the proceedings under section 40, 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 38 (1);
 - (d) the property excluded from forfeiture under section 39;
 - (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 State shall be treated for all purposes as if it were a transfer or other document effecting the transfer of immovable property and the Registrar of Titles, shall take due notice of the order and make the necessary annotations on the land register.

42. Effect of forfeiture order.

- (1) Where an order is made under section 41—
- (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 absolutely, 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 41 (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 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 41 (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 41 (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.

43. Penalty for contravention of forfeiture order.

Any person who contravenes section 42 (3) commits an offence and on conviction, is liable to a fine which is 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.

44. Restoration of forfeited property.

- (1) Where a conviction for a specified offence is set aside by court on appeal, the court shall order for the restoration of the forfeited property.
- (2) The court, to which any application is made under subsection(1), may after giving notice to the Attorney-General and after hearing the applicant and the Attorney-General and receiving and considering any evidence that it considers necessary for a proper decision in the matter, make an order it considers proper and just.

45. Arrangement regarding tracing, realising, etc. 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 41; 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.

46. Arrangement regarding tracing, realization, etc. 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 other 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 may, by 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 without unreasonable delay and where a resolution nullifying the order is passed by Parliament within twenty one days of sitting 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.

47. Procedure.

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

(2) Subject to this Part, the practice and procedure of the High 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 90.

48. Concealing or transferring proceeds of drug 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 drug trafficking; or

(b) converts or transfers any property which in whole or in part directly or indirectly represents, his or her proceeds of drug trafficking or removes the property from Uganda, commits an offence.

(2) Any person who, knowing or who has reasonable grounds to suspect that any property, in whole or in part, directly or indirectly represents, another person's proceeds of drug trafficking—

(a) conceals or disguises that property; or

(b) converts or transfers that property or removes it from Uganda, commits an offence.

(3) Any person who, knowing or who has reasonable grounds to suspect that any property, in whole or in part directly or indirectly represents another person's proceeds of drug trafficking, acquires that property, commits an offence.

(4) In subsections (1) (a) and (2) (a), the reference to concealing or disguising any property includes reference to concealing or disguising the nature, source, location, disposition, movement, ownership or any rights with respect to that property.

(5) A person who commits any offence under this section is liable on conviction, to imprisonment of not less than five years but not exceeding fourteen years.

49. Prohibition of holding of property acquired in contravention of this Act.

(1) A person shall not by himself or herself or through any other person on his or her behalf hold any property acquired in contravention with this Act.

(2) Where a person holds any property acquired in contravention of sub-clause (1), such property shall be forfeited to the State.

50. Provisions of Part 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

51. Interpretation of Part V.

In this Part, unless the context otherwise requires—

‘centre’ means a rehabilitation centre established under section 52;

‘Committee’ means the Advisory Committee for the Rehabilitation of Narcotic Addicts appointed under section 56;

‘Fund’ means the Rehabilitation Fund established under section 53; ‘Minister’ means the Minister responsible for health.

52. Rehabilitation centres.

- (1) The Minister may establish centres to be known as rehabilitation centres.
- (2) The object of a centre is to provide for the care, treatment and rehabilitation of persons addicted to narcotic drugs or psychotropic substances.

53. Rehabilitation Fund.

- (1) The Minister shall establish a special fund to be known as the Rehabilitation Fund.
- (2) The Fund shall consist of—
 - (a) sums provided by Parliament;
 - (b) portions of the property forfeited to the State under Part IV, as may be assigned to the Fund by the Minister responsible for finance, by statutory order;
 - (c) sums or other property received by the Fund as fees, contributions, gifts or grants from or as testamentary bequest by, any person;
 - (d) sums allocated to the Fund, from time to time, from loan funds;
 - (e) money earned or arising from any property, investment, mortgage and debenture acquired by, or vested in the Fund;
 - (f) any property, mortgage, debenture, or investment, acquired by or vested in the Fund;
 - (g) sums borrowed by the Fund for the purposes of meeting any of its obligations or discharging any of its functions; and
 - (h) all other sums or other property which may in any manner become payable to, or vested in the Fund.
- (3) For the purposes of this section “loan funds” means sums that may be made available from time to time, by the Government, as loans.
- (4) Where a statutory order assigning any immovable property to the Fund is made under subsection (2) (b), the Minister shall deal with the property in such manner as he or she thinks fit and may sell the property and use the proceeds of sale, for any of the purposes for which the Fund is established.

(5) The money of the Fund shall be used to meet the capital and current expenditure of the centers.

54. Board to manage the Fund.

(1) Subject to this Part, the Fund shall be administered by a board consisting of five members; namely the Permanent Secretary of the Ministry responsible for health, one person appointed by the Minister responsible for gender and social development, one person appointed by the Minister responsible for finance and two persons appointed by the Minister responsible for internal affairs.

(2) One of the members of the Board shall be appointed as the Chairperson of the Board.

55. Management of the Fund.

The Board shall—

(a) impose conditions on any expenditure authorized by the Board, including reasonable prohibitions, restrictions or requirements concerning such expenditure;

(b) keep proper books of accounts of the Fund; and

(c) cause to be prepared in respect of each financial year, books of accounts and financial statements as required by the relevant law.

56. Advisory Committee for the Rehabilitation of Narcotic Addicts.

(1) The Minister shall appoint a Committee to be known as the Advisory Committee for the Rehabilitation of Narcotic Addicts.

(2) The Committee shall consist of a Chairperson and a number of members, not exceeding seven, as the Minister may determine.

- (3) The Chairperson and members of the Committee shall be appointed from among persons who are qualified and have experience, and proven capacity in, the care, treatment and rehabilitation of persons addicted to narcotic drugs or psychotropic substances or, administration or finance.

57. Functions of the Committee.

The Committee shall advise the Minister 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 drug addicts.

58. Committal of persons to centres.

- (1) A court which convicts any person for an offence under this Act may, if it is satisfied that that person is addicted to a narcotic drug or psychotropic substance and that he or she is in possession of a narcotic drug or psychotropic substance only for his or her personal consumption, 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 program of the centre and that he or she is no longer an addict, 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.

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

59. Request to and by other countries.

- (1) For the purposes of investigations or proceedings under this Act, the Attorney-General may request the 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 authorizing 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) A request by another country to Uganda made under subsection (1), shall be made to the Attorney-General.

60. Evidence, etc. obtained from another country.

Evidence, a document or an article obtained in response to a request made under section 59 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.

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

- (1) The effect of a request under section 59(c) shall be to authorize the entry into and the departure from Uganda of a person who is the subject of the request, and authorize 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 section 59(1) 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 authorize 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 who is in Uganda following a request under section 59(1) 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.

62. Requests to Uganda for evidence.

- (1) Where another country requests assistance from Uganda, to obtain evidence for the purpose of an investigation or proceedings in relation to an offence under a corresponding law of that other 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) The Evidence received by the court shall be certified or verified by the court in such manner as the Attorney-General may specify and shall, be furnished to the Attorney-General for transmission to the country which made the request.

63. Request to Uganda for search warrants.

- (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 other 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 drug 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 the 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.

64. 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 41, as the case may be.

PART VII—ESTABLISHMENT OF A NATIONAL CO-ORDINATION COMMITTEE FOR NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES CONTROL

65. Interpretation of Part VII

In this Part, unless the context otherwise requires—

‘Committee’ means the National Co-ordination Committee for Drug Control;

‘Fund’ means the National Fund for Drug Control.

66. Government obligation to take measures for preventing drug 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 the abuse of narcotic drugs and psychotropic substances 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) co-ordination of the actions of the various officers and authorities under this Act or any other law, for the enforcement of this Act and obligations under international conventions;
 - (b) providing assistance to the appropriate authorities of other countries and the appropriate

international organizations to facilitate co-ordination and universal action for the prevention and suppression of illicit trafficking in narcotic drugs and psychotropic substances;

(c) identification, treatment, education, aftercare, rehabilitation and social integration of addicts; 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 the abuse of narcotic drugs and psychotropic substances and illicit trafficking of narcotic drugs and psychotropic substances.

67. Establishment of a National Co-ordination Committee for Drug Control.

(1) There shall be established a Committee in the Ministry of Internal Affairs known as the National Co-ordination Committee for Drug Control whose Members shall be nominated by the Permanent Secretary of the Ministry responsible for internal affairs.

(2) The Committee, shall comprise the following members—

(a) the Permanent Secretary of the Ministry, who shall be the Chairperson of the Committee;

(b) the Permanent Secretaries or persons nominated by the Permanent Secretaries of the Ministries responsible for—

(i) justice;

(ii) health;

(iii) education;

(iv) foreign affairs;

(v) finance; and

(vi) youth development and social affairs;

- (c) the Director, Criminal Investigation Department;
 - (d) the Commissioner of Customs, Uganda Revenue Authority;
 - (e) the Executive Secretary, National Drug Authority;
 - (f) the Officer in Charge of the Anti-Narcotics Unit; and
 - (g) the Executive Director of the National Mental Referral Hospital or his or her representative.
- (3) The Committee may co-opt any other member as it deems fit.

68. Functions of the Committee

- (1) The Committee shall be responsible for defining, promoting and coordinating the policy of the Government for the control of drug abuse and trafficking.
- (2) For the purposes of subsection (1), the Committee shall—
- (a) develop and implement a national plan of action for drug control;
 - (b) implement the international conventions on narcotic drugs and psychotropic substances;
 - (c) update and adapt drug control laws and regulations;
 - (d) promote the prevention of drug abuse and provide public information for youngsters, families, professors, educators and the general public, that supports initiatives in the field of information and prevention;
 - (e) establish a viable data collection and analysis system on drug abuse and drug trafficking at the national level;
 - (f) develop treatment and rehabilitation programmes for drug addicts;

- (g) undertake research on drug addiction;
 - (h) train personnel in-charge of measures on drug abuse and drug trafficking, money laundering and precursors;
 - (i) promote and ensure international co-operation; and
 - (j) ensure the co-ordination and support of the activities of the non-governmental organisations and associations participating in drug 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 drug control, and in the implementation of the drug control machinery, at the national and international levels.
- (4) The committee shall annually, publish 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 drug activities.

69. Report of Committee to be laid before Parliament.

The Minister shall lay before Parliament the report published under section 68(4).

70. Establishment of Secretariat.

- (1) The Committee shall have a Secretariat which shall be responsible for the day to day operations of the Committee.

- (2) The Secretariat shall be headed by the Executive Secretary.
- (3) The Executive Secretary shall be a person with skills and experience in drug control and law enforcement.
- (4) The Executive Secretary shall be responsible for taking the minutes of the meetings of the Committee and for keeping the records of the transactions of the Committee.
- (5) The Secretariat shall have such other officers and employees as may appear to the Committee to be necessary for the discharge of the functions of the Committee.
- (6) The Executive Secretary and the other officers and employees of the Committee shall be public officers.

71. Establishment of the National Fund for Drug Control.

- (1) There shall be established a fund to be known as the National Fund for Drug Control.
- (2) The Fund shall consist of—
 - (a) sums of money allocated to the Fund by Parliament;
 - (b) fifteen percent of the proceeds of the sale of any property forfeited under Part IV;
 - (c) any grants that may be made to the fund by any person or institution; and
 - (d) any income from investment of the amounts credited to the Fund under this subsection.
- (3) The Committee shall monitor the allotment and use of the money of the Fund by the Secretariat and administer the Fund.

- (4) The Fund shall be applied by the Committee to meet the expenditure incurred on measures for combating illicit trafficking in or controlling abuse of narcotic drugs and psychotropic substances.

72. Administration of the Fund.

The Committee shall administer the money of the Fund to meet the specific needs of Government departments, public institutions, public offices, associations and private parties, in the execution of its decisions or orientation, for the purposes of this Part.

PART VIII—MISCELLANEOUS.

73. 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.

74. Analysts

- (1) The Minister may, by notice published in the *Gazette*, designate any duly qualified person as an 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 analyzed or examined any substance and indicating the result to 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.

75. 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 negate 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.

76. Power to question and request production of documents, etc.

- (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—
 - (a) may question any person on any matter relevant to that purpose; or
 - (b) may request any person to produce, within a reasonable time, not exceeding seven days, as may be specified by the police officer; and
 - (c) shall be allowed access to documents or other materials relevant for the investigation in the possession or control of any 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 on conviction, is liable to a fine not exceeding forty eight currency points or to imprisonment not exceeding two years, or both.

- (3) A police officer 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) or (c) as the case may be, 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.

77. Interpretation vis a vis section 76.

- (1) Subject to section 76(4), “items subject to legal privilege” means—
 - (a) communication 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 and includes items

enclosed in or referred to in the communication made under paragraph (a) or (b) which is made—

(a) in connection with the giving of legal advice; or

(b) 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 section 76(4), “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; and

(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—

(a) subject to an express or implied undertaking to hold it in confidence; or

- (b) subject 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.

78. Inspection.

Any police officer or any other person authorised in writing by the Inspector General of Police for the purposes of this section, the Executive Secretary of 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.

79. Power to search persons, vehicles, etc.

(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 authorized 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 authorized in subsections (1) and (2) may use such assistance and such force as may be reasonable for carrying out the functions under this section.

80. 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 information on oath is brought before a magistrate alleging that there is reasonable ground to suspect that there is concealed on any person, animal or thing or in any receptacle, premises or other place, any movable property—
- (a) liable to forfeiture under Part IV;
 - (b) in respect of which a restraint order was made under section 26; or
 - (c) liable to forfeiture under section 36, 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 or to search any person, animal, thing or receptacle.
- (4) A police officer authorised by a warrant under subsection (3) to search any person, animal, thing, receptacle, premises or other place may search the person, animal, thing or receptacle, or enter and search any building, premises or other place and may use such assistance and such force as may be

reasonable, and break open any lock, and seize any movable property, referred to in subsection (3) found on the person, animal, thing, receptacle, premises or other place.

- (5) 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) or (3) 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) or (4) without obtaining a warrant for search.

81. 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 or 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) a tracing device to be placed on board the vehicle, vessel, aircraft or other conveyance; or

(d) 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.

82. Undercover monitoring by use of any means.

Where a police officer has reasonable ground to suspect that an offence under Part II or 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.

83. 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.

84. 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.

85. 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, within fourteen days, 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 at least 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, within thirty days 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 in such manner as may be prescribed by regulations.

86. 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.

87. 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 who is about to commit, an offence under this Act.

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

88. Punishment of attempt to commit offences under this Act etc.

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, conceals 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.

89. Regulations.

- (1) The Minister may make regulations generally for carrying out the purposes of this Act.
- (2) Without prejudice to the general effect of subsection (1), the Minister may, make regulations for—
 - (a) the manner of disposal or destruction of narcotic drugs and psychotropic substances;
 - (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*; and

- (h) any other matter that may be, or is required to be prescribed by this Act, by the Minister, by regulations.
- (3) The regulations 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 drugs 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 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, properly be allowed to carry on the business of manufacturing, selling or distributing, as the case may be, of narcotic drugs or psychotropic substances.
- (4) The Minister responsible for health may, make regulations for—
- (a) the administration and management of, and all matters relating to rehabilitation centres including the security and safety of the persons committed or admitted into the rehabilitation centres;
 - (b) the terms and conditions of appointment of the Chairperson and the other members of the Advisory Committee for Rehabilitation of Narcotic Addicts; and

- (c) for any other matter that may be, or is required to be prescribed by this Act by the Minister responsible for health.
- (5) Nothing in any regulations made under this Act, shall betaken as authorising the sale or the keeping of a shop for the retailing, dispensing, or compounding of drugs 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 or as the case may be, the Minister responsible for health may, in respect of the contravention of any regulations made by him or her under this section as may be necessary, prescribe as a penalty—
- (a) any fine not exceeding one hundred and 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); and
 - (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.

90. 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 court in regard to the 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.

91. 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, psychotropic substance or prohibited plant, signed by a 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 an officer authorized the Minister, by notice published in the *Gazette*, for the purposes of this section.

92. Power to amend Schedules.

- (1) The Minister may, by statutory instrument, with the approval of the Cabinet amend the First Schedule to this Act.
- (2) The Minister may, by statutory order, add any substance or plant to the Second, Third and Fourth Schedules, as the case may be, and may from time to time, in public interest, delete from any such Schedule, any substance or plant.

93. Amendment of the National Drug Policy and Authority Act, Cap 206.

Sections 26, 29, 47, 48, 49, and 60 (1) (b) and (c) of the National Drug Policy and Authority Act are repealed.

SCHEDULES.

FIRST SCHEDULE

Sections 2, 92(1)

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings

SECOND SCHEDULE

Sections 2, 4, 93(2)

NARCOTIC DRUGS

Acetorphine (3-O-acetyltetrahydro-7 α -(1-hydroxy-1-methylbutyl)-6, 14endotheno-orphavine)

Acetyl-alpha-methylfenatanyl (N-[1-(α -methylphenethyl)-4-piperidyl] acetanilide)

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

Alfentanil-(N-[1-[2-(4-ethyl-4,5-dihydro-5-oxo-1H-tetrazolylethyl)-(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-(α -methylphenethyl)-4-piperidyl] propionanilide) Alpha-menthylthiofentanyi (N-[1-[1-methyl-2-(2-thinenyl-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-proplonoxypiperidine)

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

Betamethadine(beta-1,3-dimethyl-4-phenyl-4-propionoxypiperdine)Bezitramide (1-(3-cyano-3, 3-diphenylpropyl)-4-(2-oxo-3-propionyl-1benzimidazoliny)-piperidine).

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

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

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 (Dihydrodeoxymorphine)

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)

Dioxaphetylbutyrate(ethyl-4-morpholiono-2,2-diphenylbutyrate)

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

Dipipanone (4,4-diphenyl-6-piperidine-3-heptanone)
Drotebanol (3,4-dimethoxy-17-methylmorphinan-6,3,14-diol)
Ecgonine, its esters and derivatives which are convertible to ecogonine and cocaine
Ethylmethylthiambutene (3-ethylmethylamino-1,1-di-(2'-thienyl)-1butene)
Etonitazene (1-diethylaminoethyl-2-para-ethoxybenzyl-5nitrobenzimidazole)
Etorphine (tetrahydro-7x-(1-hydroxyl-1-methylbutyl)-6, 14-endoethenoopipavine)
Etoxidine (1-[2-(2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-4carboxylic acid ethyl ester)
Fentanyl (1-phenethyl-4-N-propionylanilionopiperidine)
Furethidine (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidien-4carboxylic acid ethyl ester)
Heroin (diacetylmorphine)
Hydrocodone (Dihydrocodeinone)
Hydromorphinol (14-hydroxydihydromorphine)
Hydromorphone (dihydromorphinone)
Hydroxypethidine (4-meta-hydroxyphenyl-1-methylpiperidine-4carboxylic 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)
Levophenancylmorphan ((-)-3-hydroxy-N-phenacylmorphinan)
Levorphanol* ((-)-3-hydroxy-N-methylmorphinan)
Metazocine (2'-hydroxy-2,5,9-trimethyl-6,7-benzomorphan)
Methadone (6-dimethylamino-4,4-diphenyl-3-hepatanone)
Methadone-Intermediate (4-cyano-2-dimethylamino-4,4-diphnylbutane)

Methyl-desorphan (6-methyl-delta-6-deoxymorphine)
Methyl-dihydromorphine (6-methyl-dihydromorphine)
3-methylfentanyl (N-(3-methyl-1-phenethyl-4-piperidyl) propionanilide)
3-methylfentanyl (N-(3-methyl-1-[2-(2-thienyl)ethyl]-4-piperidyl) propionanilide)
Metopon (5-methyl-dihydromorphinone)
Moramide-Intermediate (2-methyl-3-morpholino-1-diphenylpropane carboxylic acid)
Morpheridine (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Morphine
Morphine methobromide and other pentavalent nitrogen morphine derivatives, including in Particular the morphine-N-oxide derivatives, one of which is Codein-N-Oxide
Morphine -N-Oxide
MPPP (1-methyl-4-phenyl-4-piperidinol propionate (ester))
Myrophine (myristylbenzylmorphine)
Nicomorphine (3,6-diacetylmorphine)
Noracymethadol ((+)-alpha-3-acetoxy-6-methylamine-4,4-diphenylheptane)
Norlevorphanol ((-)-3-hydroxymorphinan)
Normethadone (6-dimethylamino-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-fluorofentanyl (4'-fluoro-N-(1-phenethyl-4-piperidyl) propionanilide)
PEPAP (1-phenethyl-4-phenyl-4-piperidinol acetate (ester))
Pethidine (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Pethidine-Intermediate-A (4-cyano-1-methyl-4-phenylpiperidine)

Pethidine-Intermediate – B (4-phenylpiperidine-4-carboxylic acid ethyl ester)

Pethidine –Intermediate- C (L-methyl-4-phenylpiperidine-4-carboxylic acid)

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

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

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

Phenomorphin (3-hydroxy-N-phenethylmorphinan)

Phenoperidine (1-(3-hydroxy-3-phenylaminopropyl)-4-phenylpiperidine-4-carboxylic acid ethylester)

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

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

Proheptazine (1,3-dimethyl-4-proplonoxycycloheptane)

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

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

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

Racemorphan ((±)-3-hydroxy-N-methylmorphinan)

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

Thebacon (acetyldihydrocodeinone)

Thebaine

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

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

Trimeperidien (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine); and

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

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

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

Acetyldihydrocodeine

Codeine (3-methylmorphine)

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

Dihydrocodeine

Ethylmorphine (3-ethylmorphine)

Nicocodine (6-nicotinylcodeine)

Nicodicodine (6-nicotinyldihydrocodeine)

Norcodeine (N-demethylcodeine)

Pholcodine (morpholinylethylmorphine)

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

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.

THIRD SCHEDULE

Sections 2, 11, 92(2)

PROHIBITED PLANTS

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

FOURTH SCHEDULE

Sections 2, 4, 92(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 Chemical Name or Trivial Names
BROLAMFEATAMINE DOB	(±)-4-bromo-2,5-dimethoxy- amethylphenethylamine
CATHINONE	(—)-(S)-2- aminopropiophenone
	DET 3-[2- (diethylamino)ethyl]indole
	DMA (±)-2,5-dimethoxy- α - 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- phenethylamine
ETICYCLIDINE	PCE N-ethyl-1- phenylcyclohexylamine
(+)-LYSERGIVE	LSD, LSD-25 9,10-didehydro-N,N-diethyl-

		6methylergoline-8-b-carboxamide
	MDMA	(±)-N,μ-dimethyl-3,4-(methylenedioxy)phenethylamine mescaline
		3,4,5-trimethoxyphenethylamine
	MMDA	4-methylaminorex
		2-methoxy-μ-methyl-4,5-(methylenedioxy)phenethylamine
	N-ethyl MDA	(±)-N-ethyl-μ-methyl-3,4-(methylenedioxy)phenethylamine
		N-hydroxy MDA (±)-N-(μ-
PSILOCYBINE		3-[2-(dimethylamino)ethyl]indol-4-yl dihydrogen phosphate
ROLICYCLIDINE	PHP, PCPY	1-(1-phenylcyclohexyl)pyrrolidine
	STP, DOM	2,5-dimethoxy-μ,4-dimethylphenethylamine
TENAMFETAMINE	MDA	μ-methyl-3,4-(methylenedioxy)phenethylamine
LEFETAMINE	SPA	(—)-N,N-dimethyl-1,2diphenylethylamine
LOPRAZOLAM		6-(o-chlorophenyl)-2,4-dihydro-2[(4methyl-1-peperazinyl)methylene]-8nitro-1H-imidazo [1,2-a][1,4] benzodiazepin-2-one

MAZINDOL	5-(p-chlorophenyl)-2,5-dihydro-3Himidazo [2,1-a]isoindol-5-ol
MEDAZEPAM	7-chloro-2,3-dihydro-1-methyl-5phenyl-1H-1,4-benzodiazepine
MEFENOREX	N-(3-chlorpropyl)-μ-methylphenethylamine
MEPROBAMATE	2-methyl-2-propyl-1-3-propanediol, dicarbamate
METHYLPHENOBARBITAL	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-5phenyl-2H 1,4-benzodiazepin-2-one
NITRAZEPAM	1,3-dihydro-7-nitro-5-phenyl-2H-1,4benzodiazepin-2-one
NORDAZEPAM	7-chloro,1,3-dihydro-5-phenyl-2H-1,4benzodiazepin-2-one
OXAZEPAM	7-chloro-1,3-dihydro-3-hydroxy-5phenyl-2H-1,4-benzodiazepin-2-one
OXAZOLAM	10-chloro-2,3,7,11b-tetrahydro2methyl-11b-phenyloxazolo[3,2-d][1,4] benzodiazepin-

	6(5H)-one
PERMOLINE**	2-amino-5-phenyl-2-oxazolin-4one (=2 imino-5-phenyl-4oxazolidinone)
PHENDIMETRAZINE	(+)-(2S,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-(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-1,4benzodiazepin -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-

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-1-hydroxy-1-phenylpropane
CYCLOBARBITAL	5-(1-cyclohexen-1-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)-2,6-methano-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-1-methyl-6-phenyl-4H-benzotriazolo[4,3-a][1,4]benzodiazepine
AMFEPRAMONE	2-(diethylamino) propiophenone
BARBITAL	5,5-diethylbarbituric acid
BENZPHETAMINE	N-benzyl-N, μ -dimethylphene-
BROMAZEPAM	7-bromo-1,3-dihydro-5-(2-

BUTOBARBITAL	pyridyl)- 2H-1,4-benzodiazepin-2-one
CAMAZEPAM	5-butyl-5-ethylbarbituric acid
	7-chloro-1,3,-dihydro-3- hydroxyl-1methyl-5-phenyl- 2H-1,4-benzodiazepin-2-one
CHLORDIAZEPOXIDE	dimethylcarbamate (ester) 7-chloro-2-(methylamino)-5- phenyl- 3H-1,4-benzodiazepine-4- oxide

Cross References

1. ***Bankruptcy Act, Cap 67***
2. ***Civil Procedure Act, Cap 71***
3. ***Criminal Procedure Code Act, Cap 116***
4. ***Financial Institutions Act, Act No. 2 of 2004***
5. ***Magistrates Courts Act, Cap 16***
6. ***Medical and Dental Practitioners Act, Cap 272***
7. ***National Drug Policy and Authority Act, Cap 206***
8. ***Pharmacy and Drugs Act, Cap 280***
9. ***Public Finance Management Act, Act No 3 of 2015***
10. ***Veterinary Surgeons Act, Cap 277***