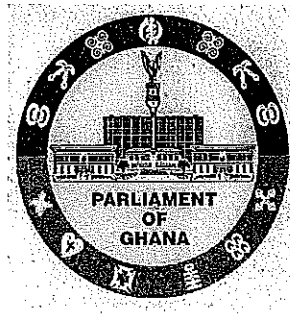


**IN THE THIRD MEETING OF THE FOURTH SESSION OF THE SIXTH  
PARLIAMENT OF THE FOURTH REPUBLIC OF GHANA**



**REPORT OF THE COMMITTEE  
ON DEFENCE AND INTERIOR**

ON THE

**NARCOTICS CONTROL  
COMMISSION BILL, 2015**

OCTOBER, 2016

Acc No : 1605 02  
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## **1.0 INTRODUCTION**

The Narcotics Control Commission Bill, 2015 was laid in Parliament by the Hon. Minister of State in Charge of Public Sector Reforms, Mr. Alhassan Azong on behalf of the Minister for the Interior on Tuesday, 27<sup>th</sup> October, 2015 in accordance with Article 75 of the 1992 Constitution of Ghana.

The Paper was accordingly referred to the Committee on Defence and Interior for consideration and report pursuant to Orders 156 and 158 of the Standing Orders of the Parliament of Ghana.

**1.1** The Committee met with the Hon. Deputy Minister for the Interior, Officials of the Narcotics Control Board and the Attorney-General's Department, various stakeholders including the West African Civil Society Institute, and, thoroughly deliberated on the provisions of the Bill.

**1.2** The Committee is grateful to the Hon. Minister and officials of the Agencies and institutions who attended upon it and made useful input that informed the reshaping of the Bill.

## **2.0 REFERENCE DOCUMENTS**

Your Committee referred to the following documents during its deliberations:

- i. The 1992 Constitution of the Republic of Ghana
- ii. The Standing Orders of the Parliament of Ghana
- iii. The Narcotics Control Board Bill, 2015
- iv. The Economic and Organised Crime Office Act, 2010

- v. The United Nations Convention Against Corruption
- vi. The African Union Convention on Corruption

### **3.0 BACKGROUND**

The purpose of the Bill is to provide for an Act of Parliament to establish the Narcotic Control Commission, to provide for offences related to narcotic drugs, and for related matters.

**3.1** Drug abuse, drug trafficking and drug related money laundering pose a serious threat to the national security of this country. The situation demands concerted institutional approach and a strong legal regime to deal with the scourge. To ensure public safety, there is the need to control the trafficking of prohibited narcotic drugs by specifically taking measures to prevent the illicit use of precursors used in the pharmaceutical industry for the preparation of orthodox medicines. It is in consonance with this that the Republic of Ghana is a signatory to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988). Ghana has gone further with this effort by putting in place PNDCL 236, the Narcotic Drugs Control, Enforcement and Sanction Act 1990, so as to bring under one enactment, offences related to the illicit dealing in narcotic drugs.

**3.2** The Narcotics Control Board was established to coordinate activities related to illicit narcotic drugs and psychotropic substances.

#### **4.0 OBJECTIVES OF THE BILL**

The Bill seeks to establish a body corporate with perpetual succession to be known as the Narcotics Control Commission which would be responsible for ensuring public safety by controlling and gradually eliminating traffic in prohibited narcotic drugs and by taking measures to prevent the illicit use of precursors, coordinating the treatment and rehabilitation of drug addicts and developing, in consultation with other public agencies, alternative means of livelihood for farmers who cultivate illicit narcotic plants.

The Bill makes provisions for an administrative Head and a Board of the Commission, to regulate its activities and functions.

#### **5.0 COMMITTEE'S OBSERVATIONS**

**5.1** The Committee observed that the growing rate at which Ghanaians are getting mentioned in drugs trafficking deals and use, not only does it tarnish the image of country on the international scene, but also is a threat to national security. This is essentially so as majority of those who are named to have indulged in this illicit business, are the youth, who are the future of the nation.

The Committee therefore sees the Bill as timely and necessary in ensuring that national security is intact. The introduction of the Bill is a progressive step as Ghana consolidates its fight against drug trafficking and money laundering.

**5.2** The Bill makes provision for accommodating the state of 'addiction to use of narcotic drugs' a public health issue, instead of a punishable offence. The Bill therefore provides for the treatment and rehabilitation of drug addicts.

**5.3** PNDCL 236 restricts the confiscation of properties to drug related offences only, and does not make provision for the freezing of accounts of persons found guilty of dealing in drugs.

The utilization of proceeds of realised from the sale of confiscated property is not provided for in the existing law. This Bill therefore seeks to address the weaknesses in PNDCL 236 which became law prior to the commencement of the Fourth Republican Constitution.

**5.4** The Bill seeks to precisely identify which provisions of other existing laws are relevant to the application herein suggested and areas of the proposed law that need modification.

**5.5** The Committee agreed that the position of the administrative head who is the 'Chief Executive Officer', be changed to read 'Director General' of the Commission, so as to match international standards.

**5.6** It was observed that some of the Clauses in the EOCO Act, have some bearing and are of much more relevance to the Narcotic Control Commission. These have been captured as part of amendments to the Bill.

## **6.0 RECOMMENDATIONS & CONCLUSION:**

Indeed, the rapid rise in illicit drug trafficking which is closely related to money laundering and financing of high level crime and terrorism, has convinced Government of the importance and urgency of re equipping the Narcotics Control Board as an

additional tool in enhancing the national security system. The Bill when passed into law will allow for the institution charged with the responsibility of detecting, controlling and preventing narcotic drugs from entering and leaving the shores of the country, to feel enabled to perform its duties.

- 6.1 After holding a series of hearings and stakeholder workshops to adequately brainstorm over the tenets of the Bill, it is the Committee's firm recommendation that this august House pass the Bill into an Act.
- 6.2 Noticing some few defects in some of the clauses of the Bill however, and the new provisions we have suggested to be included in the Bill, I beg to recommend it approval subject to the amendments herewith attached.
- 6.3 Even though the existing Narcotics Control Board is doing well in fighting drug peddling and usage in the country, their outcomes are seen as insufficient especially with the current money laundering and trafficking rate in Ghana and West Africa in a whole.

As Ghana moves to the stage of institutionalizing the structures of combating such crimes that are perpetuated to the detriment of national security and prestige, NACOB needs to have a stronger legal backing by being converted into a complete Commission. The benefits for doing this far outweigh the challenges, and if we succeed, we no doubt will see immediate progress in the sector under discussion and have other nations replicating our model.

The Committee after extensive consultations and thorough examination of the provisions of the Bill, hereby recommends its approval for passage into law, pursuant to the amendments proposed herein.

Respectfully submitted



**FRITZ BAFFOUR (HON.)**  
**CHAIRMAN, COMMITTEE ON DEFENCE & INTERIOR**



**GLORIA SARKU KUMAWU**  
**CLERK, COMMITTEE ON DEFENCE & INTERIOR**

**October, 2016**

## APPENDIX

### PROPOSED AMENDMENTS TO THE NARCOTICS CONTROL COMMISSION BILL, 2015

#### **1. Clause 2: Objects of the Commission**

In clause 2 (c), line 1, after "agencies", insert "and civil society organisations".

#### **2. Clause 3: Functions of the Commission**

(a) Delete "military" and insert "relevant security agencies" in line 1 of subparagraph (ii) of paragraph (b).

(b) Insert after paragraph (ii)

"(iii) establish a security check desk at each point of entry into the country and point of exit out of the country".

(c) Delete "Act of Parliament" and insert "enactment" in line 3 of paragraph (d).

(d) Insert a new paragraph after paragraph (e) as follows:

"(f) ensure that an issue of drug addiction is treated as a public health issue."

(e) Delete "the" after "advise" in line 1 of paragraph (g) and insert "any".

(f) Delete "narcotic trade" and insert "trade in narcotic drugs" in line 2 of paragraph (j)

(g) Delete paragraphs (m) (n) and (o).

#### **3. Clause 4: Governing body of the Commission**

(a) Delete "Chief Executive Officer" and insert "Director-General" in paragraph (b) of subclause (1).

(b) Delete paragraph (d) and insert the following:

"(d) The Chief Executive Officer of the Food and Drugs Authority or a representative of the Food and Drugs Authority who is not below the rank of a Director."

(c) In paragraph (e) insert after "Centre" the following:

"or a representative of the Chief Executive Officer not below the rank of a Director."

(d) Delete paragraph (f) and insert the following:

"(f) the Executive Director of the Economic and Organised Crime Office or a representative of the Executive Director not below the rank of a Director."



(e) Delete paragraph (i) and insert "one representative of the Minister for the Interior not below the rank of a Director".

(f) In paragraph (j), line 1, delete "the Inspector-General of Police or".

(g) Delete paragraph (l) and insert the following:

"(l) the Director-General of the Prisons Service or a representative of the Director-General not below the rank of a Director."

(h) Delete paragraphs (m), (n), (o) and (q).

(i) Delete paragraph (p) and insert the following:

"(p) one representative from the Ghana Armed Forces not below the rank of a Colonel or its equivalent."

(j) Insert "chairperson and the other" before members in line 1 of subclause (2).

#### **4. Clause 6: Tenure of office of members**

(a) Delete "Chief Executive Officer" and insert "Director-General" in line 1 of subclause (2)

(b) Delete "Chief Executive Officer" and insert "Director-General" in line 1 of subclause (4)

(c) Delete "by letter addressed to a member" and insert "in writing" in line 1 of subclause (5).

#### **5. Clause 7: Meetings of the Board**

In subclause (3), line 1, delete "eleven" and insert "seven".

#### **6. Clause 8: Disclosure of interest**

Delete "the" and insert "that" in line 2 of paragraph (b).

#### **7. Clause 9: Establishment of committees**

Delete subclause (2) and insert the following:

"(2) without limiting subsection (1), the Board shall have standing committees for  
(a) enforcement;

- (b) drug demand reduction;
- (c) harm reduction;
- (d) alternative development; and
- (e) appointments and promotions."

**8. Clause 11: Regional offices of the Commission**

Delete clause 11 and insert the following:

**"Regional and district offices of the Commission**

11. (1) The Commission shall establish regional and district offices of the Commission.

(2) A regional or district office shall be provided with public officers appointed by the President in accordance with article 195 of the Constitution.

(3) A regional or district office shall perform the functions of the Commission in the region or district that the Board directs."

**9. Clause 12: Independence of the Commission**

(a) Delete subclause (2) and insert the following:

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

(b) Insert after subclause (2) the following:

"(3) The Minister may give policy directives consistent with the objects of the Act to the Commission."

**10. Clause 13: Appointment of Chief Executive Officer**

(a) In the head note delete "chief executive officer" and insert "Director-General".

(b) Delete subclause (4).

**11. Clause 14: Functions of the Chief Executive Officer**

(a) Delete "Chief Executive Officer" and insert "Director-General" in the head note.

(b) Delete "affairs of the" in line 1 of paragraph (a) of subclause (1).

(c) Delete "Chief Executive Officer" and insert "Director-General" in line 1 of subclause (2).

- (d) Delete "Chief Executive Officer" and insert "Director-General" in line 1 of subclause (3).

**12. Clause 15: Appointment of Deputy Chief Executive Officers**

- (a) Delete "Chief Executive Officers" and insert "Directors-General" in the head note.
- (b) Delete "Chief Executive Officers" and insert "Directors-General" in line 2 of subclause (1).
- (c) Delete subclause (2) and insert the following:  
"(2) A Deputy Director-General shall perform functions assigned by the Director-General acting on the advice of the Board."

**13. New provision**

Insert after clause 15 the following new provision:

**"Creation of Divisions**

The Commission shall have the following Divisions:

- (a) Administration and Finance;
- (b) Operations;
- (c) Demand Reduction; and
- (d) Legal and Prosecutions."

**14. Clause 16: Appointment of other staff**

- (a) Delete "transferred or" in line 1 of subclause (2).
- (b) Insert a new subclause (4) as follows:

"(4) The Board shall appoint a member of staff to be secretary to the Board."

**15. Clause 17: Terms and conditions of staff**

*Insert a new subclause (2) as follows:*

(2) For purposes of subsection (1), the ranks of the officers of the Commission and their equivalent ranks in the Bureau of National Investigations are as specified in the **Sixth Schedule**."

**16. Clause 18: Funds of the Commission**

Delete clause 18 and insert the following:

**"Funds of the Commission**

18. The funds of the Commission include

- (a) moneys approved by Parliament;
- (b) moneys generated or realised by the Commission in the performance of its functions; and
- (c) grants, gifts and donations."

16. Insert the following provisions after clause 20:

*"Powers of the Office*

**Authorised officers to exercise powers of police**

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

**Power to use firearms**

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

**Duties and powers of an officer**

..... (1) An officer may, upon reasonable cause,

- (a) profile a passenger at any airport, seaport or river port or any other place of entry into the country or place of exit out of the country;
- (b) detain a passenger at any airport, seaport or river port or any other place of entry into the country or place of exit out of the country;
- (c) prevent any passenger at any airport, seaport or river port or any other place of entry into the country or place of exit out of the country; from boarding an aircraft, vehicle or vessel;
- (d) physically open and search any luggage of any passenger, either accompanied or unaccompanied;
- (e) seize for further inspection, any luggage of any passenger, either accompanied or unaccompanied;

(f) conduct a search on the tarmac and any part of any airport or seaport in the country;

(g) demand for cargo and passenger manifest from an airline or shipping line operator;

(h) demand for waybill from an airline or shipping line operator;

(i) demand for shippers instructions for despatch of goods; and

(h) perform any other statutory duties or functions imposed on an officer under this Act.

(2) An officer is not liable for any civil claim or action in respect of a duty discharged or a power exercised under subsection (1) if that officer acts in good faith.

**Power to monitor activities of company, firm, partnership or enterprise dealing in precursors and controlled equipment**

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

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

(3) The fee for registration, license for import and export and permit for clearance shall be determined in accordance with the Fees and Charges (Miscellaneous Provisions) Act, 2009 (Act 793).

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

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

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

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

(6) A company, firm, partnership or enterprise that

(a) is unable to account for precursors in its possession; or

(b) deals in precursors or controlled equipment which contravenes this section

commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than two thousand penalty units or to a term of imprisonment of not less than two years and not more than five years or to both as specified in the table in the Sixth Schedule.

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

### **Oath of Secrecy**

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

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

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

(b) unlawfully remove any official document; or

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

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

(a) personal information relating to another officer of the Commission;

(b) information concerning operational activities of the Commission;

- (c) any instruction and directive concerning the operations of the Commission;
- (d) matters concerning proceedings and decisions of the following;
  - (i) the Commission;
  - (ii) the Board; and
  - (iii) the Committees of the Board.

(4) For purposes of subsection (3), classified information relates to information brought to the knowledge of an officer while the officer was in active service or after the officer stopped working for or with the Commission.

- (5) A person who contravenes this section is liable to
  - (a) disciplinary action under disciplinary proceedings in respect of which penalties shall be provided in Regulations to this Act;
  - (b) criminal prosecution and shall on conviction be liable to a termination of appointment without notice as well as a term of imprisonment specified in the Sixth Schedule; or
  - (c) both disciplinary action and criminal prosecution.

**Power of Entry, Search, Arrest and Seizure.**

..... (1) Where it appears to an officer that there is reasonable cause to suspect that in a vessel or on any premises, there is concealed or deposited

- (a) a property liable to forfeiture under this Act or to which an offence under this Act is reasonably suspected to have been committed, or is being committed or is about to be committed; or
- (b) a book or document directly or indirectly relating to or connected with any dealing, or intended dealing, whether within or outside Ghana in respect of a property that is liable to seizure or forfeiture under this Act or which would, if carried out be an offence under this Act, the officer may, at any time, with or without a warrant,
  - (i) enter the land or premises and search for and seize, any cargo or property, book or document found in the vessel or on the premises or on a person;
  - (ii) search a person who is in or on the premises, and for the

purpose of the search, detain the person and remove the person to a place that may be necessary to facilitate the search;

- (iii) arrest a person who is in or on the premises in whose possession any property liable to seizure or forfeiture under this Act is found, or whom the officer reasonably believes to have concealed or deposited the property;
- (iv) open, examine and search any article, container or receptacle; and
- (v) stop, search and detain any conveyance.

(2) Where necessary, the officer may

- (a) break open any outer or inner door or window of the premises and enter;
- (b) enter the premises and every part of the premises;
- (c) remove any obstruction to the entry, search, seizure or removal as the officer is empowered to effect;
- (d) detain every person found within the premises, on the premises until a search has been conducted on the premises.

(3) The provisions of this section do not apply in relation to banker's books in a bank.

(4) A vessel stopped, detained, seized or arrested for carrying a narcotic substance on board or concealed on the vessel or any attachments to the vessel or in parts of the vessel shall be transferred to the Commission and the transferring agency shall, within thirty-six hours, inform the Director-General in writing of the transfer.

#### **Forfeiture of property in the absence of proceedings or claim**

..... (1) Where property is seized under this Act, and

- (a) a prosecution for an offence is not instituted with regard to the property,



(b) proceedings are not commenced by the Attorney-General for the forfeiture of the property, or  
(c) a claim in writing is not made by a person who claims to be lawfully entitled to the property or that it is not liable to forfeiture under this Act, within six months from the date of its seizure, the property shall become forfeited immediately on the expiration of the period of six months.

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

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

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

(3) This section does not affect the power of an police officer to release a property from seizure under section 39.

### **Release of property seized**

.... (1) Where property is seized under this Act, an authorised officer other than the officer who effected the seizure, may, at any time, before it is forfeited under this Act, release the property to the person who the police officer considers to be lawfully entitled to the property, if the police officer is satisfied that the property is not liable to forfeiture under this Act and is not otherwise required for the purpose of proceedings under this Act.

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

### **Search of Person**

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

investigation under this Act.

(2) For purposes of a search referred to in subsection (1), the officer may detain that person without the authorisation of a court for a period as may be necessary to have the search carried out, which, in any case, shall not exceed forty-eight hours, and may remove that person to any place necessary to facilitate the search.

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

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

#### **Obstruction of inspection, search and arrest**

..... (1) A person who

- (a) refuses to allow an officer to enter or to have access to any premises;
- (b) fails to submit to search or refuses to allow an officer to conduct a search;
- (c) assaults, obstructs, hinders or delays the officer in effecting any entrance in the execution of a duty imposed or power conferred by this Act;
- (d) fails to comply with a lawful demand of an officer in the execution of the duties of the officer under this Act;
- (e) refuses or neglects to give any information which may reasonably be required of the person and which the person has power to give;
- (f) fails to produce, conceal or attempts to conceal any property, document, or book which is liable to seizure under this Act;
- (g) rescues or endeavours to rescue or causes to be rescued anything which has been duly seized; or

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

(i) before or after any seizure, breaks or otherwise destroys anything to prevent the seizure or securing of that thing

commits an offence and is liable on summary conviction to a fine imposed in accordance with the penalty specified in the Sixth Schedule.

(2) The person shall serve the additional term of imprisonment specified in the Sixth Schedule, if a fine imposed is not paid within one month of the conviction.

**Power to intercept communication.**

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

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

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

(c) intercept, track or listen to any conversation by any telecommunication.

(2) Where a person is charged with an offence under this Act or where any proceedings are taken under this Act, any information obtained by an officer under subsection (1), whether before or after that person is charged, or before or after those proceedings are commenced, is admissible in evidence at the trial of that person, or in those proceedings as the case may be.

(3) An authorisation by a court under subsection (1) shall be given in writing to an officer specified in the authorisation.

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

### **Seizure of Currency**

..... (1) An officer shall seize any currency, if

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

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

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

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

(2) An officer who seizes currency shall record

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

(b) the particulars and amount of each type of the currency, and

(c) any other relevant information as regards the currency, and send the record and the seized currency to the Director-General.

(3) Where currency is in the possession of the Commission and a period of one month has lapsed from the date of seizure, the currency shall by order of the Court be forfeited to the Republic unless within that period the owner has claimed the currency by giving notice of the claim in writing to the Director-General.

(4) A Court shall, on an application by or on behalf of a person by whom the currency was imported or exported, order the release of the currency seized in whole or in part after

hearing the Director-General or an authorised officer, if the seizure of the currency is no longer justified.

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

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

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

#### **17. Clause 21: Importation and exportation of narcotic drugs**

(a) Delete subclause (1) and insert the following:

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

(b) In line 2 of subclause (5), delete "Second Schedule" and insert "Fifth Schedule".

#### **18. Clause 22: Prohibition of possession of narcotic drugs**

(a) In clause 22 (1), line 2, insert "for use or for trafficking" after "drug".

(b) Delete subclause (2) of clause 22 and insert the following:

"(2) A person who commits the offence of unlawful possession or control of a narcotic drug

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

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

#### **18. Clause 23: Prohibited business relating to narcotics**

(a) In clause 23 (4), line 2, delete "Second Schedule" and insert "Fifth Schedule" and in line 3, insert "or production" after "use".

(b) Delete clause 23 (6) and insert the following:

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

(c) Delete clause 23 (7) and insert the following:

"(7) The person shall serve an additional term of imprisonment as specified in the Sixth Schedule if the fine is not paid."

#### **19. Clause 24: Cultivation of plants for narcotic purposes**

(a) Delete clause 24 (2) and insert the following:

"A person who cultivates a plant or owns a farm for the cultivation of a plant which can be used or consumed for narcotic purposes or from which a narcotic drug can be extracted or processed commits an offence and is liable on summary conviction to the fine or term of imprisonment as specified in the Sixth Schedule."

(b) Delete clause 24 (3) and insert the following:

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

#### **19. Clause 25: Use of narcotic drugs prohibited**

(a) In the head note, delete "use" and insert "Administration".

(b) Delete clause 25 (1).

(c) Delete clause 25 (3) and insert the following:

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

(d) Delete clause 25 (4) and insert the following:

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

**20. Clause 26: Offence of supply or purchase of narcotic drugs**

(a) In the head note, delete "supply or".

(b) In clause 26 (1), line 2, delete "supplies, administers, sells or".

(c) Delete clause 26 (3) and insert the following:

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

(d) Delete clause 26 (4) and insert the following:

"(4) The person shall serve an additional term of imprisonment specified in the Sixth Schedule if the fine is not paid."

**21. Clause 27: Special mitigating factors**

In clause 27 (1), line 2, delete "(2)" and in line 3, delete "in section 26 (5)" and insert "the Schedule".

**21. Clause 28: Use of property for narcotic offences**

(a) Delete clause 28 (1) and insert the following:

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

(a) for the purpose of dealing in narcotic drugs, or

(b) with the intention to facilitate, assist, promote, manage, establish or carry on an activity which is an offence under this Act

commits an offence."

(b) Delete clause 28 (3) and insert the following:

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

(c) Delete clause 28 (4) and insert the following:

"(4) The person shall serve an additional term of imprisonment specified in the Sixth Schedule if the fine is not paid."

**22. Clause 29: Interference with arrest and seizure**

(a) In clause 29 (b), line 2, after "seized" insert "or is likely to be seized".

(b) Insert "as specified in the Sixth Schedule" after "imprisonment" in the last line of clause 29.

**23. Clause 30: Special plea bargain**

(a) In clause 30, line 1, insert "for trafficking" after "drug" and in line 3, delete "half or less than" and insert "at least".

(b) Insert clause 30 after clause 27 on special mitigating factors.

**24. Clause 31: Previous convictions**

In clause 31 (2), line 1, delete "a police" and insert "any other".

**25. Clause 33: Power to apply to court for confiscation order without notice**

(a) In the head note, delete "without notice".

(b) In clause 33, lines 1 and 3, delete "Chief Executive Officer" and insert "Director-General".

(c) In clause 33, line 5, delete "without notice to that person".

**26. Clause 34: Application for confiscation order without notice**

(a) In the head note, delete "without notice".

(b) In clause 34 (1), lines 1 and 2, delete "Chief Executive Officer" and insert "Director-General".

(c) In clause 34 (1), line 2, delete "without notice to a respondent".

**28. Clause 36: Suspicion of money laundering**

In clause 36, line 1, delete "Chief Executive Officer" and insert "Director-General".

29. Insert the following provisions after clause 37:

**"Designated forensic laboratory**

..... The Commission shall establish a forensic laboratory for the testing, analysis, storage and destruction of any narcotic drug, precursor or controlled equipment in relation to the investigation of offences or to any court proceeding.



### **Disposal and storage of seized illicit drugs**

..... (1) Where the Court orders the forfeiture or destruction of any narcotic drug, precursor or controlled equipment, it shall be disposed of by a method ordered by the Court and the destruction shall be carried out in the presence of the representatives specified in paragraphs (a) to (d) and any two of the other representatives specified in paragraphs (e) to (g) as follows:

- (a) a representative of the Court that issued the Order;
- (b) a representative of the Commission;
- (c) a representative of the Prosecution;
- (d) a representative of the Defence Counsel;
- (e) a representative of an Analyst;
- (f) a representative of the Media;
- (g) a representative of the Environmental Protection Agency.

(2) The narcotic drug, precursor or controlled equipment shall be tested in Court in the course of prosecutions and immediately before its destruction.

(3) After the destruction has been duly executed, there shall be issued a certificate of destruction signed by the officials present."

### **40. Clause 39: Controlled delivery**

In clause 31, line 1, delete "Chief Executive Officer and insert "Director-General".

### **41. Clause 40: Regulations**

(a) In clause 40 (1), delete paragraph (a) and insert the following:

"(a) to amend the Schedules;"

(b) insert a new paragraph after clause 40 (1)(c) as follows:

"(d) to provide for the terms and conditions of service of staff of the Commission."

(c) In clause 40 (2), line 1, delete "responsible for Health" and in line 2, after "Minister", insert "responsible for Health".

(d) Insert the following after clause 40 (2) (a):

“(b) the classification of drugs and the appropriate penalties;”.

#### **42. Clause 41: Interpretation**

(a) Insert the following definitions in clause 41 in alphabetical order:

“alternative development” means a process to prevent and eliminate the illicit cultivation of plants containing narcotic drugs and psychotropic substances through specifically designed sustainable rural development measures in the context of sustained national growth and sustainable development efforts in countries taking action against drugs, recognizing the particular socio-cultural characteristics of the target communities and groups within the framework of a comprehensive and permanent solution to the problem of illicit drugs;

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

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

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

“Director-General” means the Director-General appointed under section 13 and includes a Deputy Director-General appointed under section 15;

“drug demand reduction” means policies or programmes directed towards reducing the consumer demand for narcotic drugs and psychotropic substances covered by the 1961, 1971 and 1988 International Drug Control Conventions and may be in the nature of the primary prevention of drug use and the treatment of drug users seeking help, such as drug education and mass education programmes;

“fire arms” includes a gun, a rifle, a machine gun, a cap gun, a flintlock gun or pistol revolver, a pistol or any other fire arm and an air gun, an air rifle or air pistol whether whole or in detached pieces;

“harm reduction” means policies, programmes and practices that aim primarily to

reduce the adverse health, social and economic consequences of the use of legal and illegal psychoactive drugs and may be in the nature of approaches to psychoactive drug use that aim to reduce the harms associated with drug use for people who are unable or unwilling to abstain and in which the prevention of harm is given the highest priority rather than achieving indefinite abstinence from illicit drug use regardless of the unintended negative consequences;

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

"possession for use" means the possession or control of a quantity of a narcotic drug which does not exceed the quantity which can reasonably be used by an individual in a day;

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

"waybill" includes a house or in-house waybill."

(b) Delete the definition of "Chief Executive Officer".

(c) In the definition for "narcotic drug", delete "First and Second Schedules" and insert "First to Fifth Schedules"

(d) Delete the definition for "trafficking" and insert the following:

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

- (a) trading, supplying or in any other manner dealing in a narcotic drug in contravention of this Act;
- (b) transporting or storing a narcotic drug in contravention of this Act;
- (c) entering into or being otherwise concerned in an arrangement by which
  - (i) the retention or control by or on behalf of another person of that other person's proceeds from narcotic drug trafficking is facilitated; or

(ii) the proceeds of narcotic drug trafficking by a person are used to ensure that funds are placed at the other person's disposal or used for the other person's benefit to acquire property by way of investment;.

43. Insert a new provision after clause 42 as follows:

**"Consequential amendment**

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

**44. Clause 43: Transitional provisions**

Delete clause 43 and insert the following:

**"Transitional provisions**

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

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

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

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

45. Replace the First and Second Schedules with the attached sheet.

## FIRST SCHEDULE

(Section 41)

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

- (1) Opium
- (2) Codeine (methyilmorphine)
- (3) Morphine (7,8-didehydro-4,5-epoxy-17-methylmorphinan-3,6-diol)
- (4) Thebaine (paramorphine)  
and the salts, derivatives and salts of derivatives of the substances set out in subitems (1) to (4), including:
  - (5) Acetorphine (acetyletorphine)
  - (6) Acetyldihydrocodeine
  - (7) (4,5-epoxy-3-methoxy-17-methylmorphinan-6-ol acetate)
  - (8) Benzylmorphine (7,8-didehydro-4,5-epoxy-17-methyl-3-(phenylmethoxy) morphinan-6-ol)  
Codoxime (dihydrocodeinone O-(carboxymethyl) oxime)
  - (9) Desomorphine (dihydrodeoxymorphine)
  - (10) Diacetylmorphine (heroin)
  - (11) Dihydrocodeine (4,5-epoxy-3-methoxy-17-methylmorphinan-6-ol)
  - (12) Dihydromorphine (4,5-epoxy-17-methylmorphinan-3,6-diol)
  - (13) Ethylmorphine (7,8-didehydro-4,5-epoxy-3-ethoxy-17-methylmorphinan-6-ol)
  - (14) Etorphine (tetrahydro-7a-(1-hydroxy-1-methylbutyl)-6,14-endo-ethenooripavine)
  - (15) Hydrocodone (dihydrocodeinone)
  - (16) Hydromorphinol (dihydro-14-hydroxymorphine)
  - (17) Hydromorphone (dihydromorphinone)
  - (18) Methyldesorphine ( $\Delta^6$ -deoxy-6-methylmorphine)
  - (19) Methyldihydromorphine (dihydro-6-methylmorphine)
  - (20) Metopon (dihydromethylmorphinone)
  - (21) Morphine-N-oxide (morphine oxide)

- (22) Myrophine (benzylmorphine myristate)
- (23) Nalorphine (N-allylnormorphine)
- (24) Nicocodine (6—nicotinylcudeine)
- (25) Nicomorphine (dinicotinylmorphine)
- (26) Norcodeine (N-desmethylocodeine)
- (27) Normorphine (N-desmethylnormorphine)
- (28) Oxycodone (dihydrohydroxycodeinone)
- (29) Oxymorphone (dihydrohydroxymorphinone)
- (30) Pholcodine (3-[2-(4—morpholinyl)ethyl]morphine)
- (31) Thebacon (acetyldihydrocodeinone)

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

- (1) Coca leaves (except coca leaves and extracts of coca leaves from which cocaine, ecgonine and derivatives of ecgonine or their salts have been removed.
- (2) Cocaine (benzoylraethylecgonine)
- (3) Ecgonine (3-hydroxy-2-tropane carboxylic acid) its derivatives, their salts, isomers and salts of isomers;

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

- (1) Allylprodine (3-allyl-1-methyl-4-1-phenyl-4-piperidinol propionate)
- (2) Alphameprodine (α-3-ethyl-1-methyl—4-phenyl-4-piperidinol propionate)
- (3) Alphaprodine (α-1,3-dimethyl-4—phenyl-4—piperidinol propionate)
- (4) Anileridine (ethyl ethyl-1-[2-(p-aminophenyl)ethyl-4-phenylpiperidine-4-carboxylate)
- (5) Betameprodine (β-3-ethyl-1-methyl—4—phenyl—4 - piperidinol propionate)
- (6) Betaprodine (β - 1,3 - dimethyl -4- phenyl - piperidinol propionate)

- (7) Benzethidine (ethyl 1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylate)
- (8) Diphenoxylate (ethyl-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylate)
- (9) Difenoazin(1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylate)
- (10) Etoxidine(ethyl 1-[2-(2-hydroxyethoxy) ethyl]-4-phenylpiperidine-4-carboxylate)
- (11) Furethidine(citlyl-(2-tetrahydrofurfuryl (loxyethyl)-4-phenylpiperidine-4-carboxylate)
- (12) Hydroxypethidine (ethyl 4-(m-hydroxyphenyl)-1-methylpiperidine-4-carboxylate)
- (13) Ketobemidone (1-[4-(m-hydroxyphenyl)-1-methyl-4-piperidyl]-1-propanone)
- (14) Methylphenylisonipecotonitrile (4-cyano-1-methyl-4-phenylpiperidine)
- (15) Morpheridine (ethyl 1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylate)
- (16) Norpethidine (ethyl 4-phenylpiperidine-4-carboxylate)
- (17) Pethidine (ethyl 1-methyl-4-phenylpiperidine-4-carboxylate)
- (18) Phenoperidine (ethyl 1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylate)
- (19) Piminodine (ethyl 1-[3-(phenylamino)propyl]-4-phenylpiperidine-4-carboxylate)
- (20) Propoperidine (isopropyl 1-methyl-4-phenylpiperidine-4-carboxylate)
- (21) Trimeperidine (1,2,5-trimethyl-4-phenyl-4-piperidinol propionate)
- (22) Pethidine Intermediate C (1-methyl-4-phenylpiperidine-4-carboxylate) but not including
- (23) Carbamethidine (ethyl 1-(2-carbamylethyl)-4-phenylpiperidine-4-carboxylate)
- (24) Oxpheneridine (ethyl 1-(2-hydroxy-2-phenylethyl)-4-phenylpiperidine-4-carboxylate)

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

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

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

- (1) Acetylmethadol (6-dimethylamino-4,4-diphenyl-3-heptanol acetate)
- (2) Alphacetylmethadol ( $\alpha$ -6-dimethylamino-4,4-diphenyl-3-heptanol acetate)
- (3) Alphamethadol ( $\alpha$ -6-dimethylamino-4,4-diphenyl-3-heptanol)
- (4) Betacetylmethadol ( $\beta$ -6-dimethylamino-4,4-diphenyl-3-heptanol acetate)
- (5) Betamethadol (6-6-dimethylamino-4,4-diphenyl-3-heptanol)
- (6) Dimepheptanol (6-dimethylamino-4,4-diphenyl-3-heptanol)
- (7) Noracymethadol ( $\alpha$ -6-dimethylamino-4,4-diphenyl-3-heptanol acetate)

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

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

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

- (1) Diethylthiambutene (N,N-di-ethyl-1-methyl-3,3-di-2-thienylallylamine)



- (2) Dimethylthiambutene (N,N,l-trimethyl-3,3-di-2-thienylallylamine)
- (3) Ethylmethylthiambutene (N-ethyl-N,l-dimethyl-3,3-di-2-thienylallylamine)

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

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

I. Morphinans, their salts, derivatives and salts of derivatives including:

- (1) Buprenorphine(17-(cyclopropylmethyl)- $\alpha$ -(1,1-dimethylethyl)-4,5-epoxy-18,19-dihydro-3-hydroxy-6-methoxy- $\alpha$ -methyl-6,14-ethenomorphinan-7-methanol)
- (2) Drotebanol (6 $\beta$ ,14-dihydroxy-3,4-dimethoxy-17-methylmorphinan)
- (3) Levomethorphan (l-3-methoxy-17-methylmorphinan)
- (4) Levorphanol (l-3-hydroxy-17-methylmorphinan)
- (5) Levophenacymorphan (l-3-hydroxy-17-phenacymorphinan)
- (6) Norlevorphanol (l-3-hydroxymorphinan)
- (7) Phenomorphan (3-hydroxy-17-(2-phenylethyl)morphinan)
- (8) Racemethorphan (d,l-3-methoxy-17-methylmorphinan)
- (9) Racemorphan (d,l-3-hydroxy-N-methylmorphinan)

J. Benzazocines, their salts, derivatives and salts of derivatives including:

- (1) Phenazocine (1,2,3,4,5,6-hexahydro-6,11-dimethyl-3-phenethyl-2,6-methano-3-benzazocin-8-ol)
- (2) Metazocin (1,2,3,4,5,6-hexahydro-3,6,11-trimethyl-2,6-methano-3-benzazocin-8-ol)
- (3) Pentazocin (1,2,3,4,5,6-hexahydro-6,11-dimethyl-3-(3-methyl-2-butenyl)-2,6-methano-3-benzazocin-8-ol)

K. Ampromides, their salts, derivatives and salts of derivatives including:

- (1) Diampromide (N-[2-(methylphenethylamino)propyl] propionanilide)
- (2) Phenampromide (N-(1-methyl-2-piperidino) ethyl) propionanilide)
- (3) Propiram (N-{ 1-methyl-2-piperidinoethyl)-N-2-pyridylpropionamide)

L. Benzimidazoles, their salts, derivatives and salts of derivatives including:

- (1) Clonitazene (2-(p-chlorobenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole)
- (2) Etonitazene (2-(p-ethoxybenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole)
- (3) Bezitramide (1-(3-cyano-3,3-diphenylpropyl)—4-(2-oxo-3-propionyl-1-benzimidazoliny)-piperidine)

M. Piritramide (1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino)piperidine-4-carboxylic acid amide), its salts, derivatives and salts of derivatives

N. Fentanils. their salts, derivatives, and analogues and salts of derivatives and analogues, including:

- (1) Acetyl-tt-methylfentanyl (N-[1-(a-methylphenethyl)-4-piperidyl] acetanilide)
- (2) Alfentanil (N-[1-[2-(4-ethyl-4,5-dihydro-5-oxo-1H-tetrazol-1-yl)ethyl]^(1,3)-diethoxymethyl]-4-piperidyl]propionanilide)
- (3) Carfentanil (methyl 4-[(1-oxopropyl)phenylamino]-1-(2-phenethyl)-4-piperidinecarboxylate)
- (4) p-Fluorofentanyl (4-fluoro-N-(1-phenethyl)-4-piperidyl) (propionanilide)
- (5) Fentanyl (N-(1-phenethyl-4-piperidyl) propionanilide)
- (6)  $\beta$ -Hydroxyfentanyl (N-[1-(6-hydroxyphenethyl)-4-piperidyl] propionanilide)

- (7)  $\beta$ -Hydroxy-3-methylfentanyl (N-[l-( $\beta$ -hydroxyphenethyl)-3-methyl-4-piperidyl] propionanilide)
- (8)  $\alpha$ -Methylfentanyl (N-[l-( $\alpha$ -methylphenethyl)-4-piperidyl] propionanilide)
- (9)  $\alpha$ -Methylthiofentanyl (N-[l-[l-methyl-2-(2-thienyl) ethyl]-4-piperidyl] propionanilide)
- (10) 3-Methylfentanyl (N-(3-methyl-1-phenethyl-4-piperidyl) (propionanilide)
- (11) 3-Methylthiofentanyl (N-[3-methyl-l-[2-(2-thienyl) ethyl]-4-piperidyl] propionanilide)
- (12) Remifentanyl (dimethyl 4-carboxy-4-(N-phenylpropionamido)-l-piperidinepropionate)
- (13) Sufentanyl (N-[4-{methoxymethyl}-l-[2-(2-thienyl)ethyl]-4-piperidyl] propionanilide)
- (14) Thiofentanyl (N-[1-[2-(2-thienyl)ethyl]-4-piperidyl]propionanilide).

O. Tilidine (ethyl-2-(dimethylamino)-1-phenyl-3-cyclohex-ene-1-carboxylate), its salts, derivatives and salts of derivatives.

P. Methylendioxypropylvalerone (MDPV), its salts, derivatives, isomers and analogues and salts of derivatives, isomers and analogues.

Q. Methamphetamine (N, $\alpha$ -dimethylbenzeneethanamine), its salts, derivatives, isomers and analogues and salts of derivatives, isomers and analogues.

R. Amphetamines, their salts, derivatives, isomers and analogues and salts of derivatives, isomers and analogues including:

- (1) amphetamine ( $\alpha$ -methylbenzene-ethanamine)
- (2) N-ethylamphetamine (N-ethyl- $\alpha$ -methylbenzeneethanamine)
- (3) 4-methyl-2,5-dimethoxyamphetamine (STP) dimethoxy-4, $\alpha$ -dimethylbenzeneethanamine)
- (4) 3,4-methylendioxyamphetamine (MDA) ( $\alpha$ -methyl-1,3-benzodioxole-5-ethanamine)

- (5) 2,5-dimethoxyamphetamine (2,5-dimethoxy- $\alpha$ -methylbenzene-ethanamine)
- (6) 4-methoxyamphetamine ethanamine)
- (7) 2,4,5-trimethoxyamphetamine (2,4,5-trimethoxy- $\alpha$ -methylbenzeneethanamine)
- (8) N-methyl-3,4-methylenedioxy- amphetamine (N, $\alpha$ - dimethyl-1,3-benzodioxole-5-ethanamine)
- (9) 4-ethoxy-2,5-dimethoxyamphetamine (4-ethoxy-2,5- dimethoxy- $\alpha$ -methylbenzeneethanamine)
- (10) 5-methoxy-3,4-methylenedioxy- amphetamine (7-methoxy- $\alpha$ -methyl-1,3-benzodioxole-5-ethanamine)
- (11) N,N-dimethyl-3,4-methylenedioxyamphetamine (N,N,  $\alpha$ - trimethyl-1,3-benzodioxole-5-ethanamine)
- (12) N-ethyl-3,4-methylenedioxyamphetamine (N-ethyl- $\alpha$ -methyl-1,3-benzodioxole-5-ethanamine)
- (13) 4-ethyl-2,5-dimethoxyamphetamine (DOET) (4-ethyl-2,5-dimethoxy- $\alpha$ -methylbenzeneethanamine)
- (14) 4-bromo-2,5-dimethoxyamphetamine (4-bromo-2,5-dimethoxy- $\alpha$ -methylbenzeneethanamine)
- (15) 4-chloro-2,5-dimethoxyamphetamine (4-chloro-2,5-dimethoxy- $\alpha$ -methylbenzeneethanamine)
- (16) 4-ethoxyamphetamine (4-ethoxy- $\alpha$ -methylbenzene-ethanamine)
- (17) Benzphetamine (N-benzyl-N, $\alpha$ -dimethylbenzene-ethanamine)
- (18) N-Propyl-3,4-methylenedioxy- amphetamine ( $\alpha$ -methyl-N-propyl-1,3-benzodioxole-5-ethanamine)
- (19) N-(2-Hydroxyethyl)- $\alpha$ -methyl-benzeneethanamine
- (20) N-hydroxy-3,4-methylenedioxy-amphetamine(N-[ $\alpha$ -methyl-3,4-methylenedioxy) phenethyl]hydroxylamine)

- (21) 3,4,5-trimethoxyamphetamine (3,4,5-trimethoxy- $\alpha$ -methylbenzeneethanamine)
- S. Flunitrazepam (5-(*o*-fluorophenyl)-1,3-dihydro-1-methyl-7-nitro-2H-1,4-benzodiazepin-2-one) and any of its salts or derivatives
- T. 4-hydroxybutanoic acid (GHB) and any of its salts
- U. Acetylfentanyl
- V. MT -45
- W. Para Methoxymethylamphetamine (PMMA)
- X.  $\alpha$ - Pyrrolidinovalerophenone ( $\alpha$  - PVP)
- Y. Para – Methyl – 4 – methylaminorex (4,4'- DMAR)
- Z. Methoxetamine( MXE )
- AA. Alpha – Phenylacetoacetonitrile (APAAN)

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

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

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

## SECOND SCHEDULE

(Section 41)

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

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

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

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

### THIRD SCHEDULE

(Section 41)

- (1) Methylphenidate (n-phenyl-2-piperidineacetic acid methyl ester) and any salt thereof
- (2) Methaqualone (2-methyl-3-(2-methylphenyl)-4(3H)-quinazolinone) and any salt thereof
- (3) Mecloqualone (2-methyl-3-(2-chlorophenyl)-4(3H)-quinazolinone) and any salt thereof
- (4) Lysergic acid diethylamide (LSD) (N,N-diethyllysergamide) and any salt thereof
- (5) N,N-Diethyltryptamine (DET) (3-[(2-diethylamino)ethyl]indole) and any salt thereof
- (6) N,N – Dimethyltryptamine (DMT) (3-[2-dimethylamino ethyl] indole) and any salt thereof
- (7) N-Methyl-3-piperidyl benzilate (LBJ) (3-[(hydroxydiphenylacetyl)oxy]-1-methylpiperidine) and any salt thereof
- (8) Harmaline (dihydro-4,9-methoxy-7-methyl-1H-pyrido(3,4-b)4,9-dihydro-7-methoxy-1-methyl-3H-pyrido(3,4-b)indole) and any salt thereof
- (9) Harmalol (4,9-dihydro-1-methyl-3H-pyrido(3,4-b)indol-7-ol) and any salt thereof
- (10) Psilocin (3-[2-(dimethylamino)ethyl]-4-hydroxyindole) and any salt thereof
- (11) Psilocybin (3-[2-(dimethylamino)ethyl]-4-phosphoryloxyindole) and any salt thereof
- (12) N-(1-phenylcyclohexyl)ethylamine (PCE) and any salt thereof
- (13) 1-[1-(2-Thienyl) cyclohexyl]piperidine (TCP) and any salt thereof
- (14) 1-Phenyl-N-propylcyclohexanamine and any salt thereof
- (15) Rolicyclidine (1-(1-phenylcyclohexyl) pyrrolidine) and any salt thereof
- (16) Mescaline (3,4,5-trimethoxybenzeneethanamine) and any salt thereof, but not peyote (Lophophora)

- (17) 4-Methylaminorex (4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine) and any salt thereof
- (18) Calhinone ((-)-....-aminopropiophenone) and any salt thereof
- (19) Fenetylline dihydro-1,3-dimethyl-7-(2-[(1-methyl-2-phenethyl)amino]ethyl)-1-H-purine-2,6-dione) and any salt thereof
- (20) 2-Methylamino-1-phenyl-1-propanone and any salt thereof
- (21) 1-[1-(Phenylmethyl)cyclohexyl]piperidine and any salt thereof
- (22) 1-[1-(4-Methylphenyl)cyclohexyl]piperidine and any salt thereof
- (23) 4-bromo-2,5-dimethoxybenzeneethanamine and any salt, isomer or salt of isomer thereof
- (24) Aminorex (4,5-dihydro-5-phenyl-2-oxazolamine) and any salt thereof
- (25) Etryptamine (3-(2-aminobutyl)indole) and any salt thereof
- (26) Lefetamine ((-)-N,N-dimethyl- $\alpha$ -phenylbenzeneethanamine) and any salt thereof
- (27) Mesocarb (3-( $\alpha$ -methylphenethyl)-N-(phenylcarbamoyl)sydnoneimine) and any salt thereof
- (28) Zipeprol (4-(2-methoxy-2-phenylethyl)- $\alpha$ -(methoxyphenylmethyl)-1-piperazineethanol) and any salt thereof
- (29) Amineptine (7-[(10,11-dihydro-5H-dibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid) and any salt thereof
- (30) Benzylpiperazine [BZP], namely 1-benzylpiperazine and its salts, isomers and salts of isomers
- (31) Trifluoromethylphenylpiperazine [TFMPP], namely 1-(3-trifluoromethylphenyl)piperazine and its salts, isomers and salts of isomers

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

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



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

#### **FOURTH SCHEDULE**

(Section 41)

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

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

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

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

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

**FIFTH SCHEDULE**  
(Section 21(5) and 23(4))

PART 1  
CLASS A PRECURSORS

- (1) Acetic anhydride
- (2) N-Acetylanthranilic acid (2-acetamidobenzoic acid) and its salts
- (3) Anthranilic acid (2-aminobenzoic acid) and its salts
- (4) Ephedrine (erythro-2-(methylamino)-1-phenylpropan-1-ol), its salts and any plant containing ephedrine or any of its salts
- (5) Ergometrine (9,10-didehydro-N-(2-hydroxy-1-methylethyl)-6-methylergoline-8-carboxamide) and its salts
- (6) Ergotamine (12'-hydroxy-2'-methyl-5'-(phenylmethyl)ergota-man-3',6',18-trione) and its salts
- (7) Isosafrole (5-(1-propenyl)-1,3-benzodioxole)
- (8) Lysergic acid (9,10-didehydro-6-methylergoline-8-carboxylic acid) and its salts
- (9) 3,4-Methylenedioxyphenyl-2-propanone (1-(1,3-benzodioxole)-2-propanone)
- (10) Norephedrine (Phenylpropanolamine) and its salts
- (11) 1-Phenyl-2-propanone
- (12) Phenylacetic acid and its salts
- (13) Piperidine and its salts
- (14) Piperonal (1,3-benzodioxole-5-carboxaldehyde)
- (15) Potassium permanganate
- (16) Pseudoephedrine (threo-2-(methylamino)-1-phenylpropan-1-ol), its salts and any plant containing pseudoephedrine or any of its salts

(17) Safrole (5-(2-propenyl)-1,3-benzodioxole) and any essential oil containing more than 4% safrole

(18) Gamma-butyrolactone (dihydro-2(3H)-furanone)

(19) 1,4-butanediol

(20) Red Phosphorus

(21) White Phosphorus

(22) Hypophosphorous acid, its salts and derivatives

(23) Hydriodic acid

Each Class A precursor includes synthetic and natural forms.

## PART 2 CLASS B PRECURSORS

(1) Acetone

(2) Ethyl ether

(3) Hydrochloric acid

(4) Methyl ethyl ketone

(5) Sulphuric acid

(6) Toluene

*Each Class B precursor includes synthetic forms.*

## PART 3

### PREPARATIONS AND MIXTURES

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

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

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

### SIXTH SCHEDULE

(Sections 21, 22, 23, 24, 25, 28 and 29)

#### Table of Offences and Penalties

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

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

SECTION	TYPE OF OFFENCE	FINE	CUSTODIAL SENTENCE	DEFAULT SENTENCE
21	Importation or Exportation of narcotic drugs	Not less than ten thousand penalty units and not more than twenty-five thousand penalty units.	AND Not less than ten years and not more than twenty-five years imprisonment	ten years imprisonment
22	Possession for	Not less than two	N/A	Not more than

	use	hundred penalty units and not more than five hundred penalty units.		fifteen months imprisonment
22	Possession for Trafficking	Not less than ten thousand penalty units and not more than twenty-five thousand penalty units.	AND Not less than ten years and not more than twenty-five years imprisonment.	Ten years imprisonment
23	Prohibited Business relating to narcotic drugs	Not less than ten thousand penalty units and not more than twenty-five thousand penalty units.	AND Not less than ten years and not more than twenty-five years imprisonment	tenyears imprisonment
24	Cultivation of plants for narcotic purposes	Not less than two thousand penalty units and not more than ten thousand penalty units	OR Not less than five years and not more than ten years	Not less than twoyears and not more than five years imprisonment
25	Administration of narcotic drugs	Not less than five thousand penalty units and not more than ten thousand penalty units.	OR Not less than five years and not more than ten years imprisonment.	Five years imprisonment
26	Purchase of narcotic drugs	Not less than two thousand penalty units and not more than ten thousand penalty units	OR Not less than four years and not more than ten years	Four years

			imprisonment	
28	Use of Property for narcotic offence	Not less than ten thousand penalty units and not more than twenty thousand penalty units	AND Not less than ten years and not more than twenty years imprisonment	Ten years
29	Interference with arrest and seizure	Not less than five hundred penalty units and not more than one thousand penalty units.	OR Not less than three years and not more than five years imprisonment or to both.	

Additional Table of offences and penalties for new clauses.

SECTION	TYPE OF OFFENCE	FINE	CUSTODIAL SENTENCE	DEFAULT SENTENCE
24	Dealing in precursors and controlled equipment contrary to this Act	Not less than one thousand penalty units and not more than two thousand penalty units.	OR Not less than two years and not more than five years imprisonment or to both	Ten years imprisonment
25	Oath of secrecy	N/A	Not less than five years and not more than ten years imprisonment.	N/A
29	Obstruction of	Not less than five	OR	Not less than

	inspection, search and arrest	hundred penalty units and not more than one thousand penalty units.	Not less than six months and not more than one year imprisonment or to both.	one year and not more than two years imprisonment
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## SEVENTH SCHEDULE

### CONTROLLED EQUIPMENT

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

**EIGHTH SCHEDULE**

**OATH OF SECRECY**

I, \_\_\_\_\_, holding the office  
of \_\_\_\_\_

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

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