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THE DRUG CONTROL AND ENFORCEMENT ACT,

(CAP.95)

REGULATIONS

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THE DRUG CONTROL AND ENFORCEMENT ACT,

(CAP.95)

REGULATIONS

*(Made under Sections 67)*

THE DRUGS CONTROL AND ENFORCEMENT (GENERAL)  
REGULATIONS, 2016

PART I  
PRELIMINARY PROVISIONS

- Citation. 1. These Regulations may be cited as The Drug Control and Enforcement (General) Regulations, 2016.
- Interpretation 2. In these Regulations, unless the contents requires otherwise-
- Cap.95 “Act” means the Drug Control and Enforcement Act;  
“cannabis herb” means dried leaves and flowering tops of the pant of the genus cannabis;  
“treatment” means the process that begins when psychoactive substance abusers come into contact with a health provider or any other community service and may continue through a succession of specific interventions which aims at reducing the dependence on psychoactive substances, as well as reducing the negative

health and social consequences caused by, or associated with the use of such substances;

“rehabilitation centre” means a setting where an individual with drug related problems achieves an optimal state of health, psychological functioning and social well-being;

“wrappers” means dry and clean plastic bags or papers with appropriate labeling that are used to cover the drawn samples.

“Minister” means the Minister responsible for drugs.

## PART II

### REGULATION OF SMALL QUANTITY

Small quantity of narcotic drugs or psychotropic substances

3.-(1) Subject to Section 17 (3) of the Act, the following quantity of narcotic drugs and psychotropic substances shall be treated as small quantity:

- (a) cannabis that does not exceed 50g;
- (b) cannabis resin or cannabis oil that does not exceed 5g;
- (c) cocaine, heroin, Amphetamine Type Stimulant (ATS), Lysergic Acid Diethylamide (LSD), Fentanyl or Fentanyl analogues that does not exceed 2g;
- (d) catha edulis (Khat) that does not exceed 2kg; and
- (e) other drugs that does not exceed 10g.

(2) Any quantity of narcotic drugs or psychotropic substances that exceeds small quantity shall not be treated as it was not intended for own consumption.

## PART III

### MANAGEMENT AND DISPOSITION OF CONFISCATED OR FORFEITED PROPERTIES AND AUTHENTICATION OF DOCUMENTS

Management of properties

4. - (1) The Authority shall secure, store and dispose of confiscated or forfeited properties in

accordance with these Regulations.

(2) Subject to subregulation (1), management measures of confiscated or forfeited properties shall depend on the nature of the property.

Disposal of properties

5.-(1) The Commissioner General shall decide on the disposal of confiscated or forfeited properties upon approval of the Council.

(2) Disposal of confiscated properties shall be either by donation, sale, destruction or retained for use by the authority in the drug control activities.

(3) The Authority may donate the confiscated or forfeited property for use in drug control to public or any other stakeholder.

(4) Sale of any property forfeited under the Act shall be in accordance with the Public Procurement Act.

(5) Former owners whose property is confiscated, and their relatives, shall not participate in auction.

(6) The gross amount of moneys arising out of the disposal of confiscated or forfeited properties shall be deposited into or accounted for the Drug Control Fund.

(7) Any cost incurred during the process of disposal shall appear in the books of accounts fully supported by proper voucher or documents.

Appointment of a trustee

6.- (1) The Authority may appoint a trustee to sale the confiscated or forfeited properties.

(2) When appointing a trustee the Authority shall have regard to the following:

(a) the trustee shall be a fit and proper person to perform the trust;

(b) the trustee shall possess the necessary skills and expertise to fulfil his mandate;

(2) The following persons shall not qualify to be appointed as a trustee:

(a) if he is convicted of any criminal offence

involving drug trafficking, fraud or dishonest; or

- (b) if he is adjudged bankrupt under any written law or enters into any agreement or scheme of composition with his creditors, or takes advantage of any law for the benefit of any of the defendants.

(3) The appointment of a trustee shall be subject to the procedures under Public Procurement Act and its Regulations.

(4) A trustee shall be entitled to remuneration and expenses in respect of the performance of his duties in relation to the sale of the confiscated or forfeited properties.

(5) For selling any property a trustee shall be paid 6% percent of the net amount realised.

(6) The Authority shall set the minimum price for sale of the confiscated or forfeited properties or articles.

Responsibility of trustee over seized property

7. When taking control of seized property the trustee shall-

- (a) in the case of movable property-
  - (i) keep the property in a storage facility suitable for the type of asset concerned, until the finalisation of the matter;
  - (ii) subject to depreciation or decay or where storage of the property is costly, the trustee shall, for the purpose of preserving the value of the asset and minimizing the cost of preserving it, dispose of the property with the consent of the Authority;
  - (iii) if the property is subject to a credit agreement the trustee shall return the property to the credit provider; or

- (iv) release the movable property to the accused under conditions that the accused shall preserve its value.
- (b) in the case of immovable property-
  - (i) ensure that the necessary caveats are entered in the relevant register with jurisdiction over the immovable property concerned;
  - (ii) determine whether the property shall be sold with the consent of the Authority in order to settle the outstanding mortgage bond and other charges against the property;
  - (iii) being let by the accused, collect rent on behalf of the landlord and perform the obligations of landlord in respect of the property;
  - (iv) that is unoccupied, secure tenants for the property at market related rates with the consent of the Authority.
- (c) in the case of a business seized as a going concern-
  - (i) assess whether the business is viable and recommend a strategy for its management;
  - (ii) with the consent of the Authority, dispose of the business as a going concern;
  - (iii) apply to the court for an order of winding up the business, where the business is not a legitimate or viable concern;
- (d) in the case of perishable items-
  - (i) store and maintain perishables in an appropriate storage facility in a manner that would preserve their value;
  - (ii) sell perishable items, on an urgent basis, in order to prevent destruction

or damage.

(e) in the case of shares and other financial instruments-

- (i) retain bearer shares under his control;
- (ii) continue trading in the shares on the Stock Exchange with the consent of the defendant or the court and on the advice of a reputable stock broker;
- (iii) act in the place and shoes of the defendant where shares entitles the defendant to a controlling interest in a company.

Authenticity of document

8. A document from any place outside the United Republic shall not be admissible unless that document is verified by the relevant competent authority.

#### PART IV TREATMENT OF DRUG ADDICTS

Execution of Bond

9. An addict who is released for the purpose undergoing medical treatment under section 31(1) of the Act shall execute bond in a manner prescribed in the First Schedule to these Regulations.

Reporting time of the addict for treatment

10.-(1) Where the court issues an order for the release of an addict to undergo medical treatment for detoxification or de-addiction, that addict shall, within fourteen days from the date of order, report to the treatment centre.

(2) Where there is reasonable ground for delay to report, the addict shall report at the nearest Court to apply for extension of time to report.

(3) Upon satisfaction by the court that there is reasonable ground to grant extension for treatment, may grant such extension as it deems fit.



Permission for  
addict to travel out  
of the country

11. The addict who undergoes medical treatment under this part shall not leave the country for the entire period of his treatment except with prior written permission of the Authority.

Conditions of bond

12. The addict shall not, during the time of bond, use or possess any narcotic or psychotropic substances unless prescribed by the recognized medical practitioner.

Transfer of addict

13. -(1) When an addict is transferred from one center to another, the Authority may appoint a person to accompany the addict on its behalf.

(2) When the addict is transferred in accordance with this regulation the Authority shall fill in form II as prescribed in the First Schedule to these Regulations.

#### PART V DESTRUCTION OF DRUGS

Destruction of  
seized drugs

14. -(1) The destruction of seized narcotic drug or psychotropic substance except for drugs mentioned under the Tanzania Food and Drugs Authority Act, shall be carried out in the presence of-

- (a) a judge or magistrate, as the case may be;
- (b) a representative of the Commissioner General, Inspector General of Police, Director of Public Prosecutions, Chief Government Chemist;
- (c) a representative from National Environment Management Council and the Tanzania Intelligence Security Services; and
- (d) any other person as the Commissioner General may appoint.

(2) Notwithstanding sub regulation (1), the Commissioner General or an authorized officer may

order the seized narcotic drug or psychotropic substance be destroyed in the absence of persons mentioned under this regulation.

(3) Narcotic drugs and psychotropic substances shall be destroyed in such a manner to protect health and ensure safety, and in compliance with environmental management requirements.

(4) Subject to such other conditions as may be determined by the executing officer, where the narcotic drug or psychotropic substance is—

- (a) a prohibited plants, destruction may be done by uprooting and burning such plants; and
- (b) in case of other narcotic drugs or psychotropic substances, destruction may be done by incineration or such other method as may be determined by the executing officer.

(5) Upon destruction of the seized narcotic drug or psychotropic substance, in accordance with subregulation (4), the Judge or Magistrate in attendance shall, if satisfied that the destruction of all seized substance is complete, fill in a certificate of destruction prescribed in form I of the Second Schedule to these Regulations.

(6) Where a small quantity is seized the magistrate may order for destruction upon application by a prosecutor in the presence of the magistrate, prosecutor or an authorized officer.

(7) Upon destruction of the seized narcotic drug or psychotropic substance, in accordance with subregulation (2), the magistrate in attendance shall, if satisfied that the destruction of all seized substance is complete, by fill in a certificate of destruction prescribed in form II of the Second Schedule to these Regulations.

PART VI  
GENERAL PROCEDURE FOR SAMPLING STORAGE

Sampling  
classification of  
Drugs

15.- (1) Where any narcotic drug or psychotropic substance is seized, the officer seizing such substances shall prepare inventory of such narcotic drug or psychotropic substance.

(2) The inventory of narcotic drug or psychotropic substance shall contain-

- (a) description, mark and quantity of narcotic drug or psychotropic substance;
- (b) mode of packing;
- (c) country of origin; and
- (d) any other relevant particular that the officer may consider relevant.

(2) As soon as practicable but in any case not later than forty eight hours after the seizure, the authorized officer in- charge of the seized substance shall-

- (a) prepare a report of the seized substances and delivered to the Authority; and
- (b) cause the whole amount of the seized substance to be delivered or transferred into the safe custody at such locations and places as the Commissioner General may direct.

Management and  
drawing of samples

16. Immediately following the seizure of a narcotic drug or psychotropic substance, the authorized officer in-charge of the seized substance shall take all reasonable steps to ensure that:-

- (a) all the packages or containers seized are serially numbered for purposes of identification and the date of seizure is indicated;-
- (b) in case the substance is in loose form, it is packed in unit containers and serial numbers are assigned to each package or container;
- (c) where it is physically possible to count and weigh the seized drug, the officer in charge

shall measure and record gross or net weight.

- (d) the gross weight, particulars of the drugs and the date of seizure is indicated on each package;
- (e) the seized substance is displayed and photographed, videotaped or otherwise recorded to depict it as originally packaged.
- (f) samples from the seized substance are drawn in duplicate in all cases in the presence of witness and where necessary the person from whose possession it has been recovered or the owner, occupier or representative of the owner of the premises; and
- (g) all items of evidentiary value that relates to the seized substance are stored in secure and appropriate condition for the prevention from loss, theft or any other form of misappropriation, accident or accelerated deterioration.

Quantity to be drawn for sampling

17. The quantity to be drawn for each sample for chemical test shall not be less than 5g or 5ml in respect of all narcotic drugs and psychotropic substances, save for the opium, where a quantity of 24 grams in each case is required for chemical test.

Method of drawing samples

18.-(1) Subject to regulation 14, one sample in duplicate shall be drawn in case substances are found in a single package or container.

(2) Where the seizure is more than one package or container, one sample in duplicate from each package shall be drawn.

(3) Where-

- (a) the packages or containers seized together are of identical size, weight, markings;
- (b) the contents of each package are of similar colour, texture and give identical results on

colour tests;

- (c) the drawing samples from individual package or container are unreasonably lengthy exercise; and
- (d) the packages or containers may be carefully bunched in lots of 40 packages or containers, in case of cannabis and in lots of 10 packages or containers; in case of other drugs.

(4) The lots under subregulation (3) shall be considered as a unit during sampling.

(5) A small quantity of substance shall be taken out from each of the member package of the particular lot, mixed thoroughly to make the mixture homogeneous from which two representative samples weighing the prescribed quantity of 5gms, 5ml or 24gms, as the case may be, shall be drawn.

(6) The seized substance in the packages or containers shall be well mixed to make it homogeneous before sample is drawn.

Bunching for  
cannabis resin,  
cannabis herb and  
khat

19 -(1) Where after making lots of cannabis herb and khat -

- (a) the remaining number of packages or containers are less than 40 but more than 20, the remaining number shall be termed as a lot; and
- (b) the remaining number of packages is less than 20, representative samples shall not be drawn.

(2) Where after making lots of cannabis resin, cannabis oil or other drugs-

- (a) the remaining number of packages or containers is less than 10 but more than 5 the remaining number shall be termed as lot;
- (b) if the remaining number of packages is less than 5, no representative samples need to be drawn.

Storage of samples

20 -(1) The sample in duplicate shall be kept in dry and clean sealed plastic bags or containers, as it is convenient and safe.

(2)The plastic bags or containers shall be kept in a paper envelope and may be marked as original and duplicate.

(3)The envelopes shall bear the registration number of the packages or containers from which the sample has been drawn.

(4)The duplicate envelopes containing the sample shall have a reference of the test memo and shall be eligible.

(5) The envelope shall be sealed and marked top secret to be sent to the recognized government forensic laboratory.

(6) The sealed envelopes shall bear signature of witnesses, the owner, occupier, possessor and seizing and of the authorized officer.

Dispatch of samples for testing

21. The officer in charge or the sampling officer shall dispatch samples of the seized drugs to the nearest recognized government forensic laboratory.

Preparation of inventory

22.-(1) The officer in charge or the sampling officer shall prepare detailed sampling inventory of such packages or containers shall be prepared and original wrappers shall be preserved for evidentiary purposes.

(2) Detailed sampling inventory shall be made in the form I prescribed in the Third Schedule to these Regulations.

## PART VII REWARDS

Reward to informers or officers and other persons

23.-(1) Where any person or informer gives information concerning the commission of drug offence and that information bear significant results, such person or informer shall be rewarded by the

Commissioner General.

(2) Any officer who provides extraordinary contribution concerning drug control shall be rewarded.

(3) A reward may be provided on the following grounds:-

- (a) sensitivity of information;
- (b) extraordinary role played;
- (c) distinguished service;
- (d) risk taken by the informant; and
- (e) any other ground as the Commissioner General may deem fit.

(4) A person who is to be rewarded his identity may be kept confidential depending on the matter in issue.

(5) A reward may be in the form of cash, promotion, certificate or any other form the Commissioner General may deem fit.

(6) The source of funds for a reward shall come from the Drug Control Fund or any other recognized source.

#### PART VIII TREATMENT CENTRES

Registration,  
certification and  
accreditation of  
treatment centres

24.-(1) Any drug dependence treatment center established under the Act shall be registered, certified and accredited by the ministry responsible for health and approved by the Authority.

(2) The approval by the Authority shall take into account-

- (a) risk for diversion or trafficking of narcotic drugs and psychotropic substances; and
- (b) minimum standards for such services.

Submission of  
information

25. Each drug dependence treatment center shall submit information on stock and consumption of narcotic drug or psychotropic substance records

to the Council in quarterly basis.

Record keeping

26.-(1) Each centre shall maintain the records of its activities for a minimum period of five years.

(2) The records maintained by the centre shall be available for inspection by the Authority or any relevant organ.

Non compliance

27. Where the treatment centre fails to comply with these Regulations, the Authority may-

- (a) revoke the approval ;
- (b) issue compliance order; or
- (c) take any other action as it may deem fit.

Termination of service

28. Any drug dependence treatment centre that intends to terminate services, shall notify the Authority within ninety days prior to termination and the notification shall state-

- (a) the reasons for termination; and
- (b) ways and means of transfer drug dependent persons to other centres.

Development of rules and guidelines

29.-(1) The Authority may coordinate the development of various rules and guidelines for the purpose of improvement of treatment and rehabilitation services.

(2) All drug dependence treatment and rehabilitation centres shall adhere to the developed rules and guidelines.

Supportive supervision

30. Supportive supervision of treatment and rehabilitation services shall be conducted quarterly by the Authority in collaboration with respective stakeholders.





*Drugs Control and Enforcement (General)*

*G.N. No. 173 (conid.)*

**FIRST SCHEDULE**

*(Made under Regulation 9)*

**Form I**

**BOND FOR RELEASE OF ADDICT CONVICT FOR MEDICAL TREATMENT**

I.....(Male/Female) of P. O Box..... residing at..... citizen of  
....., place of domicile .....born  
on.....at.....Married/Single/Widow/Divorced with ... children. Being a  
convict in Criminal Case No..... in the High/Resident/District court  
of.....at.....do hereby agree to undergo drug dependence treatment at  
.....for surety of (if any).....(guardian/parent/other  
relative/friend) and further agree to report at.....treatment center within fourteen  
days after signing this bond.

.....  
Addict Signature

Name of Surety .....  
Signature .....  
Date.....

Name of Social Worker/Probation Officer .....  
Signature .....  
Date .....

I hereby direct in accordance with Section 31 (2) of the Act, the above named addict to be given  
bond for the treatment of drug dependence with effect from ..... day of.....20..

**APPROVED**

.....  
JUDGE/MAGISTRATE Date

*Drugs Control and Enforcement (General)*

*G.N. No. 173 (conid.)*

**Form II**

*(Made under Regulation 12)*

TRANSFER OF ADDICT FROM ONE MEDICAL TREATMENT CENTRE TO ANOTHER

To In-Charge of (Centre Name).....  
Where—as Mr/Mrs/Miss.....with Registry/admission card  
No...registration No.....aged.....years of (residence).....was  
ordered by the magistrate/ judge to attend drug dependence treatment at.....centre.

NOW after being satisfied with the reasons for transfer, I hereby direct, in accordance with paragraph 8 of these Regulations, the above named addict to be transferred to the.....Centre with effect from.....day of.....20..

APPROVED

.....  
COMMISSIONER GENERAL

**C.C**

- (i) In-charge Transferring Centre
- (ii) In-charge Receiving Centre

*Drugs Control and Enforcement (General)*

G.N. No. 173 (conid.)

**SECOND SCHEDULE**

(Made under Regulation 13(5))

**CERTIFICATE OF DESTRUCTION**

**FORM I**

This is to certify that the following narcotic drugs or psychotropic substances were destroyed in our presence this ..... day of.....20..

- 1. Case No (if applicable).....
- 2. Narcotic Drug/Psychotropic Substance: .....
- 3. Seizing agency:.....
- 4. Date of seizure:.....
- 5. Place of Seizure: .....
- 6. Seized substance registration number: .....
- 7. Gross weight of the drug seized: .....
- 8. Net weight of the narcotic drugs or psychotropic substances (after taking samples, etc.):  
.....
- 9. Where and how destroyed.....

**Signature(s), name(s) and designation(s) of judge/magistrate, Prosecutor, GCLA officer and DCEA authorized officer.**

**Judge/magistrate**

.....	.....	.....
<b>Name</b>	<b>Designation</b>	<b>Signature</b>
<b>Other witnesses</b>		

.....	.....	.....
<b>Name</b>	<b>Designation</b>	<b>Signature</b>

.....	.....	.....
<b>Name</b>	<b>Designation</b>	<b>Signature</b>

*Drugs Control and Enforcement (General)*

*G.N. No. 173 (conid.)*

**CERTIFICATE OF DESTRUCTION**

**FORM II**

*(Made under Regulation 13(7))*

This is to certify that the following narcotic drugs or psychotropic substances were destroyed in our presence this ..... day of.....20..

- 1. Case No (if applicable).....
- 2. Description of Narcotic Drug/Psychotropic Substance: .....
- 3. Seizing agency:.....
- 4. Date of seizure:.....
- 5. Place of Seizure: .....
- 6. Seized substance registration number: .....
- 7. Gross weight of the drug seized: .....
- 8. Net weight of the narcotic drugs or psychotropic substances (after taking samples, etc.):  
.....
- 9. Where and how destroyed.....

**Signature(s), name(s) and designation(s) authorized officer.**

**WITNESSES**

.....	.....	.....
<b>Name</b>	<b>Designation</b>	<b>Signature</b>
.....	.....	.....
<b>Name</b>	<b>Designation</b>	<b>Signature</b>

*Drugs Control and Enforcement (General)*

G.N. No. 173 (conid.)

**THIRD SCHEDULE**

**SAMPLING INVENTORY FORM**

**FORM I**

*(Made under Regulation 21(2))*

Investigation Register (IR) No. ....

Seizing Agency:.....

Sampling Officer:.....

Date of Sampling:.....

Place of Sampling:.....

Name and Designation of the Officer Preparing this Inventory:.....

SI no.	Package marked as	Description of package	Marks found	Description of content	Gross wt in gms	Net wt in gms	Rep. samples marked as	Wt. of each sample in gms

Name and Title of authorized officer:.....

Signature: .....

Date:.....

Sampling Officer

Name:.....

Title:.....

Organization:.....

Signature:.....

Date:.....

*Drugs Control and Enforcement (General)*

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*G.N. No. 173 (conid.)*

Witness (es)

Name:.....

Title:.....

Organization:.....

Signature:.....

Date:.....

Dar es Salaam,  
15<sup>th</sup> April, 2016

KASSIM M. MAJALIWA  
*Prime Minister*