

Chapter 15:02

PREVIOUS CHAPTER**DANGEROUS DRUGS ACT**

Acts 28/1955 (Federal), 25/1956 (Federal), 61/1971, 18/1989 (s. 26), 3/1995; 1/1996, 22/2001; R.G.N. 685/1963.

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SCHEDULE: Drugs to Which Part IV Applies.

AN ACT to control the importation, exportation, production, possession, sale, distribution and use of dangerous drugs; and to provide for matters incidental thereto.

[Date of commencement: 15th April, 1956.]

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Dangerous Drugs Act [Chapter 15:02].

2 Interpretation

(1) In this Act—

“corresponding law” means a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside Zimbabwe to be a law providing for the control and regulation in that country of the manufacture, sale, use, export and import of drugs in accordance with the Hague Convention, the Geneva Convention (No. 1) and the Geneva Convention (No. 2);

“Geneva Convention (No. 1)” means the International Opium Convention signed at Geneva on the 19th February, 1925;

“Geneva Convention (No. 2)” means the International Convention for limiting the manufacture, regulation and distribution of narcotic drugs signed at Geneva on the 13th July, 1931;

“Hague Convention” means the International Opium Convention signed at the Hague on the 3rd January, 1912;

“inspector” means an inspector appointed in terms of section fifteen;

“Minister” means the Minister of Health and Child Welfare or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“Registrar” means the Director-General referred to in section 26 of the Medicines and Allied Substances Control Act [Chapter 15:03];

[Definition to be changed by the Chief Law Reviser, in conformity with amendments to Chapter 15:03]

“Secretary” means the Secretary of the Ministry for which the Minister is responsible; [By S.I. 81 of 2001, the Minister of Health and Child Welfare was assigned, with effect from the 9 March, 2001.]

“specified police officer” means any member of the Police Force of or above the rank of sergeant.

(2) In any certificate such as is referred to in the definition of “corresponding law” in subsection (1), a statement as to the effect of the law mentioned in such certificate or a statement in any such certificate that any facts constitute an offence against that law shall be conclusive.

PART II

COCA LEAVES, INDIAN HEMP AND RAW OPIUM

3 Application of this Part

(1) The drugs to which this Part applies are—

- (a) coca leaves;
- (b) “Indian hemp”, “bhang”, “camba”, “dagga”, “mbanje” or “intsangu”, resins obtained therefrom and all preparations of which such resins form the base;
- (c) raw opium.

(2) In this section—

“coca leaves” means the leaves of any plant of the genus of the erythroxylaceae from which cocaine can be extracted either directly or by chemical transformation;

“Indian hemp”, “bhang”, “camba”, “dagga”, “mbanje” or “intsangu” means the whole or any portion, whether green or dry, of the plant, including the seeds thereof, but excluding—

(a) any fibre extracted from the plant for use as or in the manufacture of cordage, canvas or similar products; or

(b) any seed which has been crushed, comminuted or otherwise processed in such a manner as to prevent germination; or

(c) the fixed oil obtained from the seed;

“medicinal opium” means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, whether it is in the form of powder or is granulated or is in any other form, and whether it is or is not mixed with neutral substances;

“raw opium” includes powdered or granulated opium, but does not include medicinal opium.

(3) Any reference in this Part or in any regulation made thereunder to plants from which such drugs are derived shall include a reference to the plant “Indian hemp”, “bhang”, “camba”, “dagga”, “mbanje” or “intsangu”.

4 Restriction on import and export of drugs to which this Part applies and of plants from which such drugs are derived

(1) No person shall import into or export from Zimbabwe any drugs to which this Part applies, or plants from which such drugs are derived, except under and in accordance with the terms of a licence issued by the Minister.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level twelve or to imprisonment for a period not exceeding ten year or to both such fine and such imprisonment.

[inserted by Act 22 of 2001 with effect from 10 September, 2002]

5 Special restriction on export to certain countries of drugs to which this Part applies and of plants from which such drugs are derived

If at any time the importation into a foreign country of a drug to which this Part applies or plant from which any such drug is derived is prohibited or restricted by the laws of that country, there shall, while that prohibition or restriction is in force, be attached to every licence which is issued under this Act authorizing the export of that drug or plant from Zimbabwe, such conditions as appear necessary for preventing or restricting, as the case may be, the exportation of that drug or plant from Zimbabwe to that country during such time as the importation of that drug or plant into that country is so prohibited or restricted, and any such licences issued before the prohibition or restriction came into force shall, if the Minister by order so directs, be deemed to be subject to the like conditions.

6 Regulations

(1) The Minister may by regulation—

(a) prohibit, control or restrict the production, possession, sale, use or distribution of drugs to which this Part applies, and the cultivation of plants from which such drugs are derived;

(b) prescribe measures to be taken for the eradication of plants, to which regulations made under paragraph (a) apply, found to be growing wild.

(2) Any person who contravenes any provision of regulations made in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level twelve or to imprisonment for a period not exceeding ten years or to both such fine

and such imprisonment.

[inserted by Act 22 of 2001 with effect from 10 September, 2002]

PART III

PREPARED OPIUM AND PREPARED INDIAN HEMP

7 Interpretation of terms in Part III

In this Part—

“Indian hemp” means any portion of the plant *cannabis sativa* L., including the plant commonly known as dagga, and any resin therefrom;

“prepared Indian hemp” means Indian hemp which has been prepared for smoking and any dross or other residue remaining after Indian hemp has been smoked;

“prepared opium” means opium prepared for smoking and any dross or other residue remaining after opium has been smoked

8 Import and export of prepared opium or prepared Indian hemp prohibited

(1) No person shall import into or export from Zimbabwe any prepared opium or prepared Indian hemp.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level twelve or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.

[inserted by Act 22 of 2001 with effect from 10 September, 2002]

9 Offences

(1) No person shall—

(a) manufacture, sell or otherwise deal in prepared opium or prepared Indian hemp; or

(b) have in his possession any prepared opium or prepared Indian hemp;

or
(b) have in his possession any prepared opium or prepared Indian hemp;

or
(c) being the occupier of any premises, permit those premises to be used for the purpose of the preparation of opium or Indian hemp for smoking or the sale or smoking of prepared opium or prepared Indian hemp; or

(d) be concerned in the management of any premises used for any purpose referred to in paragraph (c); or

(e) have in his possession any pipes or other utensils for use in connection with the smoking of opium or Indian hemp or any utensils used in connection with the preparation of opium or Indian hemp for smoking; or

(f) smoke or otherwise use prepared opium or prepared Indian hemp or frequent a place used for the purpose of smoking opium or Indian hemp; or

(g) incite or in any way influence another person to smoke or otherwise use prepared opium or prepared Indian hemp or to procure or supply prepared opium or prepared Indian hemp.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level twelve or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.

[inserted by Act 22 of 2001 with effect from 10 September, 2002] PART IV

MEDICINAL OPIUM, COCAINE, MORPHINE AND OTHER DRUGS

10 Application of this Part

(1) Save as is provided in Part V, the drugs to which this Part applies are the drugs specified in the Schedule.

(2) If it appears to the Minister that any derivative of morphine or cocaine or of any salts of morphine or cocaine or any alkaloid of opium or any other drug of whatever kind not specified in the Schedule—

(a) is or is likely to be productive, if improperly used, of ill effects substantially of the same character or nature as or analagous to those produced by morphine or cocaine; or

(b) is capable of being converted into a substance which is likely to be productive, if improperly used, of such effects;

he may, by statutory instrument, apply this Part to such derivative or alkaloid or drug in the same manner as it applies to drugs specified in the Schedule.

(3) The Minister may, by statutory instrument, apply this Part, with such modifications as may be specified, to any of the following drugs—

(a) methylmorphine (commonly known as codeine); and

(b) ethylmorphine;

and their respective salts.

(4) If it is made to appear to the Minister that a finding with respect to a preparation containing any of the drugs to which this Part applies has, in pursuance of article 8 of the Geneva Convention (No. 1), been communicated by the Economic and Social Council of the United Nations to the parties to the said Convention, the Minister may, by statutory instrument, declare that this Part shall, as from such date as may be specified in the notice, cease to apply to the preparation specified therein.

11 Restriction on import and export of drugs to which this Part applies

(1) No person shall import into or export from Zimbabwe any drugs to which this Part applies, except under and in accordance with the terms of a licence issued by the Minister.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level twelve or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.

[inserted by Act 22 of 2001 with effect from 10 September, 2002]

12 Power to control manufacture, sale, etc., of drugs to which this Part applies

(1) For the purpose of preventing the improper use of the drugs to which this Part applies, the Minister may by regulation prohibit, control or restrict the manufacture, sale, possession or distribution of those drugs and in particular, but without prejudice to the generality of the foregoing—

(a) prohibit the manufacture of any such drug except on premises licensed for the purpose by the Minister and subject to any conditions specified in the licence;

(b) prohibit the manufacture, sale or distribution of any such drug except by persons licensed or otherwise authorized under the regulations by the Minister and subject to any conditions specified in the licence or authority;

(c) regulate the issue of prescriptions containing any such drug and the dispensing of any such prescriptions;

(d) require persons engaged in the manufacture, sale or distribution of any such drug to keep such books and furnish such information either in writing or otherwise as may be prescribed by the regulations.

(2) Regulations made under this section shall provide for authorizing a person lawfully carrying on business in accordance with any law relating to pharmacy and poisons as an authorized seller of poisons—

(a) in the ordinary course of his retail business to manufacture, at any premises duly registered under any such law, any preparation, admixture or extract of a drug to which this Part applies; or

(b) to carry on at any such premises as aforesaid the business of retailing, dispensing or compounding any such drug;

subject to the power of the Minister to withdraw the authorization in the case of a person who has been convicted of an offence against this Act and who cannot, in the

opinion of the Minister, properly be allowed to carry on the business of manufacturing or selling or distributing, as the case may be, any such drug.

(3) Nothing in any regulations made under this section shall be deemed to authorize the sale by retail of poisons by a person who is not qualified in that behalf under or otherwise than in accordance with any law relating to pharmacy and poisons or to be in derogation of practitioner any such law prohibiting, restricting or regulating the sale of poisons.

(4) Any person who contravenes any provision of regulations made in terms of this section shall be guilty of an offence and liable to a fine not exceeding level twelve or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.

[inserted by Act 22 of 2001 with effect from 10 September, 2002]

PART V

CONTROL OF TRADE IN NEW DRUGS

13 Prohibition of trade etc., in new drugs

(1) No person shall trade in or manufacture for the purposes of trade any product obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not being a product which was on the 13th July, 1931, being used for medical or scientific purposes:

Provided that, if the Minister is satisfied that any such product is of medical or scientific value, he may, by statutory instrument, direct that this section shall cease to apply to that product.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level twelve or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.

[inserted by Act 22 of 2001 with effect from 10 September, 2002]

14 Power to apply Part IV to new drugs

If it is made to appear to the Minister that a decision with respect to any product mentioned in section thirteen has, in pursuance of article 11 of the Geneva Convention (No. 2), been communicated by the Secretary-General of the United Nations to the parties to the said Convention, the Minister may, by statutory instrument, as the circumstances require, either declare that the provisions of Part IV shall apply to that product in the same manner as they apply to the drugs to which Part IV applies, or apply Part IV to that product with such modifications as may be specified in the notice.

PART VI

GENERAL

15 Appointment of inspectors

(1) Subject to subsection (2), the Minister shall appoint one or more inspectors for the purpose of enforcing this Act.

(2) No person shall be qualified for appointment as an inspector unless he is a person duly authorized to act as a compounder or dispenser of poisons or drugs in terms of any law relating to pharmacy and poisons.

16 Powers of inspection

(1) Any inspector shall, for enforcing this Act, have power at all reasonable times to enter the premises on which any pharmaceutical chemist, general dealer or licensed manufacturer of any drug to which this Act applies carries on business, and any premises owned or occupied by any person authorized to be in possession of any such drug, and to enter any other premises in which he has reasonable cause to suspect that an offence against this Act has been committed, and in either case shall have power to make such examination and inquiry and do such other things, including the checking

of stocks and the taking, on payment therefor, of samples as may be necessary for ascertaining whether this Act is being complied with.

(2) All books, records and documents required to be kept by any person under this Act shall be open to inspection by any police officer or by any other member of a police force authorized in writing by a magistrate or by a police officer.

(3) If any person wilfully delays or obstructs an inspector or a member of a police force in the exercise of his powers under this section, or refuses to allow any sample to be taken in accordance with this section, or fails without reasonable excuse to give any information which he is duly required under this section to give, he shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[amended by Act 22 of 2001 with effect from 10 September, 2002]

17 Powers of search seizure and forfeiture

(1) Any inspector, customs officer or specified police officer and any other police officer authorized thereto in writing by a magistrate or by a specified police officer may at any time—

(a) search any person suspected upon reasonable grounds of being in unlawful possession of drugs to which this Act applies or plants from which such drugs are derived:

Provided that a person shall be searched only by a person of like sex;

(b) search any premises, place, receptacle, aircraft, ship, train or other vehicle of whatsoever description wherein or whereby it is suspected upon reasonable grounds that such drugs are being produced, kept, used, sold or distributed in contravention of this Act.

(2) Any inspector, customs officer or specified police officer and any other police officer authorized thereto in writing by a magistrate or by a specified police officer may at any time enter upon and inspect any land, building or other structure on or in which plants, from which drugs to which this Act applies are derived, may be found, for the purpose of ascertaining if any such plants are being cultivated in contravention of this Act.

(3) If on any search or inspection made in terms of this section any drug to which this Act applies, pipe, receptacle or appliance for smoking or using the same or any plant which it is suspected upon reasonable grounds is being cultivated in contravention of this Act is found, it may be seized and removed, together with any books, accounts or documents relating thereto.

(4) Notwithstanding subsections (1) and (2), if any delay involved in securing written authority from a magistrate or a specified police officer would defeat the objects of this section, it shall be lawful for any police officer who is required by those subsections to have that written authority to exercise, on the production by him, if he is not in uniform, of proof of his identity, the powers conferred by this section without written authority, but he shall as soon as possible thereafter report to his commanding officer or to a magistrate what he has done.

(5) Any person who resists, hinders or obstructs an inspector or other person in the lawful exercise of his powers under this section shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[amended by Act 22 of 2001 with effect from 10 September, 2002].

(6) If on the trial of any person for contravening or failing to comply with any provision of this Act or any condition of any authority or licence issued thereunder it is proved that any drug, pipe, receptacle, appliance or plant seized under this section

was produced, possessed, kept, used, sold, distributed or cultivated in contravention of this Act, it shall be forfeited to the State.

18 Persons upon whom powers of inspection, etc., are conferred to produce proof of identity

Any person upon whom powers of inspection, search, seizure or forfeiture are conferred under this Act who fails on demand to produce—

(a) in the case of an inspector, a certificate under the hand of the Secretary of his appointment as an inspector;

(b) in the case of—

(i) a customs officer; or

(ii) a specified police officer;

who is not in uniform, proof of his identity;

(c) in the case of a police officer authorized in writing by a magistrate or by a specified police officer, to exercise those powers, his authority in writing;

shall not, save as is provided in subsection (4) of section seventeen, thereafter be entitled to exercise those powers until he has produced that certificate, proof of identity or authority in writing, as the case may be.

19 Offences and penalties

(1) Subject to this section, any person—

(a);

[repealed by Act 22 of 2001 with effect from 10 September, 2002]

(b) who acts in contravention of or fails to comply with the conditions of a licence issued or authority granted under or in pursuance of this Act; or

(c) who for the purpose of obtaining, whether for himself or for any other person, the issue, grant or renewal of any such licence or authority as aforesaid makes a declaration or statement which is false in any particular, or knowingly utters, produces or makes use of any such declaration or statement or a document containing the same; or

(d)

[repealed by Act 22 of 2001 with effect from 10 September, 2002]

shall be guilty of an offence and, subject to subsection (3), liable to a fine not exceeding level seven or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[amended by Act 22 of 2001 with effect from 10 September, 2002]

(2) Any person who in Zimbabwe aids, abets, counsels or procures the commission outside Zimbabwe of an offence punishable under a corresponding law in force in that place, or does an act preparatory to or in furtherance of an act which, if committed in Zimbabwe, would constitute an offence in terms of this Act shall be guilty of an offence and liable, subject to subsection (3), to a fine not exceeding level twelve or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.

[amended by Act 22 of 2001 with effect from 10 September, 2002]

(3) Notwithstanding any other provision of this section, any person who is guilty of an offence under this Act involving unlawful dealing in any drug, other than Indian hemp, to which Part II applies, or any drug to which Part III or Part IV applies, shall be liable to a fine not exceeding level fourteen or to imprisonment for a period not exceeding twenty years or to both such fine and such imprisonment.

[amended by Act 22 of 2001 with effect from 10 September, 2002]

(4)

[repealed by Act 22 of 2001 with effect from 10 September, 2002]

(5) Any person who is convicted of any offence in terms of subsection (1) which

involves a contravention of any provision of this Act relating to the keeping of books or the issuing or dispensing of prescriptions containing any drug to which this Act applies shall be liable to a fine not exceeding—

(a) for a first such offence, level four or 8imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

(b) for a second and subsequent such offence, level six or imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

[amended by Act 22 of 2001 with effect from 10 September, 2002]

(6) Indian hemp or other article forfeited under this Act shall, unless the court otherwise directs, be burned or otherwise destroyed in the presence of a specified police officer.

(7) For the purposes of subsection (3)—

“deal in”, in relation to any drug, includes to sell or to perform any act, whether as a principal, agent, carrier, messenger or otherwise, in connection with the delivery, collection, importation, exportation, transshipment, supply, administration, manufacture, cultivation, procurement or transmission of such drug.

19A Offences involving juveniles

Where an offence of which a person is convicted under this Act involves—

(a) unlawfully supplying a drug to or procuring a drug for a person under the age of eighteen years, or offering so to supply or procure a drug; or

(b) inciting or influencing a person under the age of eighteen years unlawfully to smoke or use any drug in contravention of Part III;

the court shall have regard to that fact as an aggravating feature when imposing sentence on the convicted person.

[inserted by Act 22 of 2001 with effect from 10 September, 2002]

20 Forfeiture on conviction, and prohibition from driving and flying

(1) Where any person is convicted of any offence under section nineteen the court—

(a) shall order that any drug to which the conviction relates be forfeited to the State, unless the drug is further required as an exhibit at a trial; and

(b) may order that any vehicle, aircraft, vessel, boat, animal, receptacle, container or thing in or upon which such drug was found or was used for the purpose of or in connection with such drug, be forfeited to the State, and section 62 of the Criminal Procedure and Evidence Act [Chapter 9:07] shall thereupon apply, mutatis mutandis, in respect of the vehicle, aircraft, vessel, boat, animal, receptacle, container or thing.

(2) If it is established to the satisfaction of the court convicting a person of an offence under section nineteen that the convicted person used any motor vehicle or aircraft to convey the drug to which the conviction relates, the court may order that the convicted person—

(a) where the motor vehicle concerned was driven by another person, such other person, be prohibited from driving all classes of motor vehicles for a period not exceeding fifteen years and the appropriate provisions of the Road Traffic Act [Chapter 13:11];

(b) where the aircraft concerned was flown by another person, be prohibited from flying all types of aircraft for a period not exceeding fifteen years and the appropriate provisions of the Aviation Act [Chapter 13:03]; shall apply, mutatis mutandis, in respect of any such prohibition.

21 Safe custody of forfeited drugs

(1) Upon the conclusion of criminal proceedings resulting in the conviction of a person of an offence under section nineteen and if any drugs are forfeited to the State in terms of this Act or any other enactment, the court shall order that the drugs, other

than Indian hemp, be delivered forthwith to the Registrar for safe custody, and shall ensure that the Registrar is given full particulars of such drugs, including their quantity and any other relevant information relating thereto.

(2) Pending their destruction in terms of section twenty-two, the Registrar shall store any drugs delivered to him under subsection (1) in a place of maximum security under his personal control, free from contamination by moisture or dust, and shall protect them from access by any other person, and shall keep and maintain them in such a safe manner as to avoid and prevent any deterioration whatsoever.

22 Destruction of forfeited drugs

(1) Within seven days of the receipt from the court of any consignment of drugs in terms of section twenty-one, the Registrar shall communicate in writing to the Commissioner of Police, the Director of Customs and Excise and the Attorney-General, the full particulars of such drugs, including their quantity and all other relevant information, which particulars shall correspond strictly in every material respect with the particulars furnished to the Registrar by the court at the time of delivery to him of the drugs.

(2) Within fourteen days of the written communication referred to in subsection (1), the Registrar shall appoint a date and time, which shall not be before the expiry of the period within which an appeal against the conviction concerned may be noted, for the total destruction by incineration of the drugs to which the communication relates:

Provided that, where an appeal has been noted, the drugs shall not be destroyed until such time as the appeal has been abandoned or determined.

(3) There is hereby constituted a panel comprising a senior police officer of or above the rank of superintendent designated by the Commissioner of Police, a senior customs officer designated by the Director of Customs and Excise, and a senior official of the Ministry responsible for justice designated by the Attorney-General, who shall assist the Registrar in the destruction of all drugs, other than Indian hemp, forfeited to the State.

(4) On the date and time appointed by the Registrar in terms of subsection (2), the panel referred to in subsection (3) shall attend to the destruction by incineration of the drugs concerned in the full view and presence of each other and, immediately thereafter, shall sign a joint declaration in the prescribed form, attesting to the total destruction of the drugs.

(5) Whenever the Registrar is prevented by illness or other reasonable cause from discharging his functions under this section, his functions shall be discharged by any senior officer employed by the Drugs Control Council or any senior officer in the Ministry responsible for health designated for that purpose by the Secretary.

23 Forfeiture on acquittal or withdrawal of charge

At the conclusion of any proceedings in connection with an offence under section nineteen, resulting in the accused being acquitted or the charge against him being withdrawn or otherwise dismissed, the court shall order that any drug, other than Indian hemp, which was seized in connection with the proceedings shall be forfeited to the State, and sections twenty-one and twenty-two shall apply, mutatis mutandis, in relation to the drug:

Provided that, if the drug is further required as an exhibit at a trial, this section shall not apply in relation to the drug.

24 Forfeiture where no criminal proceedings are instituted

If any drug, other than Indian hemp, has been seized by a police officer or any other public officer and no criminal proceedings are instituted in connection therewith and the drug is not further required as an exhibit at a trial, the drug shall be forfeited to the State and the police officer or other public officer concerned shall deliver the drug to

the Registrar as though the court had made an order in respect of that drug in terms of section twenty-one and thereafter section twenty-two shall apply in relation to the drug.

25 Special jurisdiction of magistrates courts

Notwithstanding anything to the contrary contained in the Magistrates Court Act [Chapter 7:10]—

(a) a magistrate, other than a regional magistrate or a provincial magistrate, shall have special jurisdiction to impose on summary trial or on remittal of the case for trial or sentence by the Attorney-General—

[amended by Act 22 of 2001 with effect from 10 September, 2002]

(i) a fine not exceeding level eleven; or

[amended by Act 22 of 2001 with effect from 10 September, 2002]

(ii) imprisonment for a period not exceeding five years; or

[amended by Act 22 of 2001 with effect from 10 September, 2002]

(iii) both the penalty specified in subparagraph (i) and the penalty specified in subparagraph (ii); or

(a1) a provincial magistrate shall have special jurisdiction to impose on summary trial or on remittal of the case by the Attorney-General for trial or sentence—

(i) a fine not exceeding level thirteen; or

(ii) imprisonment for a period not exceeding ten years; or

(iii) both the penalty specified in subparagraph (i) and the penalty specified in subparagraph (ii);

[inserted by Act 22 of 2001 with effect from 10 September, 2002]

(b) a regional magistrate shall have special jurisdiction to impose on summary trial or on remittal of the case for trial or sentence by the Attorney-General—

(i) a fine not exceeding level fourteen; or

[amended by Act 22 of 2001 with effect from 10 September, 2002]

(ii) imprisonment for a period not exceeding fifteen years; or

(iii) both the penalty specified in subparagraph (i) and the penalty specified in subparagraph (ii); or

for a contravention of this Act:

Provided that nothing in this section shall be construed as authorizing any magistrate to impose for any such contravention a punishment greater than that prescribed by or in terms of this Act for the contravention concerned.

[amended by Act 22 of 2001 with effect from 10 September, 2002].

26 Power of arrest

Any police officer may arrest without warrant a person who has committed, or attempted to commit, or is reasonably suspected by the police officer of having committed or attempted to commit an offence against this Act if he has reasonable grounds for believing that that person will abscond unless arrested, or if the name and address of that person are unknown to, and cannot be ascertained by, him.

27 Licences and authorities

(1) A licence or authority issued for the purposes of this Act by the Minister may be issued on such terms and subject to such conditions, including, in the case of a licence, the payment of a fee, as the Minister may fix.

(2) Whenever the Minister is empowered under any provision of this Act to issue any licence or authority, he may delegate to the Secretary such power, subject to the right of any person to whom the issue of such licence or authority has been refused to appeal in writing to the Minister against such refusal.

SCHEDULE (Section 10)

DRUGS TO WHICH PART IV APPLIES

1. Medicinal opium.
2. Any medicinal extract or tincture derived from the plant *Cannabis sativa* L. and any preparation, not being a preparation capable of external use only, made from such medicinal extract or tincture.
3. Morphine and its salts.
4. Cocaine (including synthetic cocaine) and ecgonine and their respective salts, and the esters of ecgonine and their respective salts. (For the purposes of this Act, the expression “ecgonine” means laevo-ecgonine and includes any derivatives of ecgonine from which it may be recovered industrially.)
5. Any solution or dilution of morphine or cocaine or their salts in an inert substance, whether liquid or solid, containing any proportion of morphine or cocaine, and any preparation, admixture, extract or other substance (not being such a solution or dilution as aforesaid) containing not less than one-fifth per centum of morphine or one-tenth per centum of cocaine or of ecgonine.
6. Diacetylmorphine (commonly known as diamorphine or heroin) and the other esters of morphine and their respective salts.
7. Dihydrohydroxycodone (also known as oxycodone);
Dihydrocodeinone (also known as hydrocodone);
Dihydromorphinone (also known as hydromorphone);
Acetyldihydrocodeinone;
Dihydromorphine;
their esters, and the salts of any of these substances and of their esters.
8. Morphine-N-oxide (commonly known as genomorphine) also the morphine-N-oxide derivatives, and the other pentavalent nitrogen morphine derivatives.
9. Thebaine and its salts, and (with the exception of methyl-morphine, commonly known as codeine, and ethylmorphine, and their respective salts), benzylmorphine and the other ethers of morphine and their respective salts.
10. Any preparation, admixture, extract or other substance containing any proportion of any of the substances mentioned in paragraphs 6, 7, 8 and 9.
11. The following substances and their salts, and any preparation, admixture, extract or other substance containing any proportion of any of the substances or salts—
Pethidine (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester);
Ketobemidone (4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone or 1-methyl-4-metahydroxyphenyl-4-propionyl-piperidine);
Hydroxypethidine (1-methyl-4-(3-hydroxyphenyl)-piperidine-4-carboxylic acid ethyl ester or 1-methyl-4-metahydroxyphenylpiperidine-4-carboxylic acid ethyl ester);
Alphaprodine (a-1,3-dimethyl-4-phenyl-4-propionoxypiperidine);
Betaprodine (b-1,3-dimethyl-4-phenyl-4-propionoxypiperidine);
Betameprodine (b-1-methyl-3-ethyl-4-phenyl-4-propionoxypiperidine);
Methadone (4,4-diphenyl-6-dimethylaminoheptanone-3 or 6-dimethylamino-4,4-diphenyl-3-heptanone);
Isomethadone (4,4-diphenyl-5-methyl-6-dimethyl-aminohexanone-3 or 6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone);
Methadol (4,4-diphenyl-6-dimethylaminoheptanol-3 or 6-dimethylamino-4,4-diphenyl-3-heptanol);
a-Methadol (a-6-dimethylamino-4,4-diphenyl-3-heptanol);
Methadyl acetate (4,4-diphenyl-6-dimethylamino-3-acetoxyheptane or 6-

dimethylamino-4, 4-diphenyl-3-acetoxyheptane);
a-Acetylmethadol (a-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane);
b-Acetylmethadol (b-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane);
Phenadoxone (4,4-diphenyl-6-morpholinoheptanone-3 or 6-morpholino-4,4-diphenyl-3-heptanone);
Racemorphan (d,1-3-hydroxy-N-methylmorphinan);
Levorphan (1-3-hydroxy-N-methylmorphinan);
Racemethorphan (d,1-3-methoxy-N-methylmorphinan);
Levomethorphan (1-3-methoxy-N-methylmorphinan);
3-dimethylamino-1,1-di(2'-thienyl)-1-butene;
3-ethylmethylamino-1, 1-di(2'-thienyl)-1-butene.

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