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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 section 67)

THE DRUG CONTROL AND ENFORCEMENT (GENERAL) (AMENDMENTS) REGULATIONS,
2023

- Citation
GN No. 173
of 2016
1. These Regulations may be cited as the Drug Control and Enforcement (General) (Amendments) Regulations, 2023 and shall be read as one with the Drug Control and Enforcement (General) Regulations, 2016, hereinafter referred to as the “principal Regulations”.
- General
Amendments
2. The principal Regulations are amended generally, save for regulations 3,12 and 24(2)(a) by deleting the words “narcotic drug or psychotropic substance” or “narcotic drug and psychotropic substance” wherever they appear and substituting for them the words “narcotic drug, psychotropic substance, precursor chemicals, substances with drug related effects or substances used in the process of manufacturing drugs”.
- Amendment
of regulation
2
3. The principal Regulations are amended in regulation 2, by-
- (a) deleting the definitions of the terms “Minister” and “treatment” and substituting for them the following-
- “Minister” means the Minister responsible for drug control;
“treatment” means a process of providing health or any other community services to psychotropic substance user with the aim of reducing drug dependence as well as negative

health and psychosocial consequences associated with the use of such substance”; and

(b) “inserting in its appropriate alphabetical order the following new definition:

“sample” means specimen or an exhibit submitted for laboratory analysis.”

Amendment of regulation 3

4. The principal Regulations are amended in regulation 3(1) by deleting paragraph (e) and substituting for it the following;

“(e) other narcotic drugs or psychotropic substances that do not exceed 10g.”

Deletion and substitution of regulation 5

5. The principal Regulations are amended by deleting regulation 5 and substituting for it the following:

Disposal of properties

5. The Commissioner General may after consultation with the Director of Public Prosecution, may apply to the Permanent Secretary responsible for Treasury for disposal of confiscated or forfeited properties.”

Amendment of regulation 8

6. The principal Regulations are amended in regulation 8 by deleting the words “is verified by the relevant competent authority” and substituting for them the words “has complied with conditions set forth under the Mutual Assistance in Criminal Matters Act”.

Cap.254

Deletion and substitution of regulation 9

7. The principal Regulations are amended by deleting regulation 9 and substituting for it the following;

“Execution of bond

9. An addict who is released for the purpose of undergoing medical treatment under section 31(5) of the Act shall execute bond in a manner specified in FORM NO.

DCEA I as prescribed in the First Schedule.”

Amendment
of regulation
11

8. The principal Regulations are amended in regulation 11 by deleting the words “written permission of the Authority” and substituting for them the words “order of the court”.

Amendment
of regulation
13

9. The principal Regulations are amended in regulation 13-

- (a) in sub regulation (1), by deleting the word “Authority” and substituting for it the words “in charge of transferring center”; and
- (b) in sub regulation (2), by-
 - (i) deleting the word “Authority” and substituting for it the words “in charge of transferring center”; and
 - (ii) deleting the words “form II” and substituting for them the words “FORM NO. DCEA IA”.

Amendment
of regulation
14

10. The principal Regulations are amended in regulation 14, by-

- (a) deleting the opening phrase of subregulation (1) and substituting for it the following-
“(1) The destruction of seized narcotic drugs, psychotropic substances, precursor chemicals, substances with drug related effects or substances used in the process of manufacturing drugs, except for drugs or other chemicals regulated by other written laws, may be carried out in the presence of-”
- (b) adding the words “or such other methods as may be determined by the executing officer” immediately after the word “plants” appearing at the end of sub regulation (4)(a); and

(c) deleting the words “form I” appearing in subregulation (5) and substituting for them the words “FORM NO. DCEA II”.

Deletion and replacement of heading of PART VI

11. The principal Regulations are amended by deleting the heading of PART VI and replacing it with the following;

“GENERAL PRODECURE FOR MANAGEMENT OF SAMPLING”

Deletion and substituting of regulation 15

12. The principal Regulations are amended by deleting regulation 15 and substituting for it the following-

“Handling of seized substances

15.-(1) Where any narcotic drug, psychotropic substance, precursor chemicals, substances with drug related effects or substances used in the process of manufacturing drugs is seized, the officer seizing such substance shall prepare and issue a receipt thereof as provided for under section 48(2) of the Act.

(2) The receipt referred to under subregulation (1) may contain the following-

- (a) description, mark and quantity of narcotic drug, psychotropic substance, precursor chemicals, substances with drug related effects or substances used in the process of manufacturing drugs;
- (b) mode of packing; and
- (c) any other particulars as the officer may deem relevant.

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

(a) prepare a report of the seized substances and deliver to the Authority; and

(b) cause the whole amount of the seized substance to be delivered or transferred into safe custody at such locations and places as the Commissioner General or any other authorized officer may direct.

Amendment of regulation 16

13. The principal Regulations are amended in regulation 16 -

(a) by deleting the marginal note and substituting for it the words "Management of seized substances and drawing of samples";

(b) in paragraph (c), by deleting the word "drug" and substituting for it the word "substance";

(c) in paragraph (d), by deleting the word "drug" and substituting for it the word "substance";

(d) by deleting paragraph (f); and

(e) by renaming paragraph (g) as paragraph (f).

Deletion of regulation 17

14. The principal Regulations are amended by deleting regulation 17.

Deletion and substitution of regulation 18

15. The principal Regulations are amended by deleting regulation 18 and substituting for it the following;

Methods of drawing samples

18.-(1) A Government analyst or any other authorized person shall draw sample where substances are found in a single package or container.

(2) Where the packages or container seized together are of identical size, weight, large quantity, markings, contents of similar colour; texture and give identical results on colour tests and the drawing samples from individual package or container are unreasonably lengthy exercise, the Government analyst shall draw representative sample.

(3) In the process of drawing samples, the Government analyst shall draw the representative samples based on guidelines made under these regulations or any other guidelines made for that purpose.

(4) Where the seized material are precursor chemicals, substance with drug related effects or substances used in the process of manufacturing drugs, the Government analyst or an authorized officer shall draw the representative samples based on the sampling method stipulated by guidelines made under these Regulations or any other guidelines made for that purpose.

(5) Where it is not practicable to secure presence of a Government analyst, any authorized officer available and who is conversant with drug or chemical related matters, shall draw the samples.

Provided that such officer shall take the samples in accordance with the prescribed guidelines.

Addition of
regulation
18A

16. The principal regulations are amended by adding immediately after regulation 18, the following:

“Biological samples

18A. – (1) An officer enforcing or performing powers and duties under the Act may require a suspect to undergo drug testing procedure through biological sampling.

(2) The biological sampling referred to under sub regulation (1) may include the taking of urine, blood, saliva, sweat or hair.

(3) The collection of samples shall be conducted by a Government analyst or an authorized officer referred to under regulation 18.

(4) The samples collected under this regulation shall be recorded in the manner prescribed in FORM NO. DCEA IIIA in the Third Schedule to these Regulations.”

Deletion and substituting of regulation 19

17. The principal Regulations are amended by deleting regulation 19 and substituting for it the following:

“Measurement of substances

19.-(1) A Government analyst shall be responsible for taking measurement of weight or volume of narcotic drug, psychotropic substance, precursor chemicals, substances with drug related effects or substances used in the process of manufacturing drugs.

(2) Where it is not practicable to secure the presence of a Government analyst referred to under sub regulation (1), the measurements may be taken by an authorized officer subject to guidelines made under this Regulations or other guidelines made for that purpose.”

Amendment
of regulation
20

18. The principal Regulations are amended in regulation 20 -

- (a) by deleting the marginal note and substituting for it the words “Packaging and labeling of samples”;
- (b) in subregulation (1), by deleting the words “in duplicate”;
- (c) in subregulation (2), by deleting the words “and duplicate”;
- (d) in subregulation (3), by adding the words “be sealed and” immediately after the word “shall”;
- (e) by deleting subregulations (4) and (5);
- (f) renaming subregulation (6) as subregulation (4);
- (g) by adding the words “if any” immediately after the word “witnesses” appearing in sub regulation (4), as renamed; and
- (h) by adding immediately after sub regulation (4), as renumbered the following new subregulation:
“(5) The representative sample drawn by a seizing officer may be preserved for evidentiary purposes.”

Amendment
of regulation
21

19. The principal Regulations are amended in regulation 21 by deleting the words “sampling officer” and substituting for them the words “authorized officer”.

Amendment
of regulation
22

20. The principal Regulations are amended in regulation 22-

- (a) in subregulation (1), by deleting the words “shall be prepared and original wrappers shall be preserved for evidentiary purposes”;
- (b) by adding immediately after sub regulation (1), the following:
“(2) Original wrappers may, where the circumstances so permit, be preserved for evidentiary purposes”
- (c) by renumbering subregulation (2) as subregulation (3); and

(d) in subregulation (3) as renumbered, by deleting the words “the form I” and substituting for them the words “FORM NO. DCEA IIIB”.

Addition of regulation 22A

21. The principal Regulations are amended by adding immediately after regulation 22, the following:

“Guidelines

22A. The Authority may make guidelines for the better carrying out of the provisions of this Part.”

Amendment of regulation 23

22. The principal Regulations are amended in regulation 23(1) by deleting the word “shall” and substituting for it the word “may”.

Deletion and replacement of heading of Part VIII

23. The principal Regulations are amended by deleting the heading of Part VIII and replacing with it the following;

“TREATMENT AND REHABILITATION CENTRES”.

Amendment of regulation 24

24. The principal Regulations are amended in regulation 24, by-

(a) inserting the words “or rehabilitation” between the words “treatment” and “centre” appearing in subregulation (1);

(b) adding immediately after subregulation (1), the following:

“(2) A person intending to establish a treatment and rehabilitation centre shall apply for the approval of the Authority.

(3) The Authority shall, upon being satisfied with the application made under sub regulation (2), issue an approval.”

(c) renumbering subregulation (2) as subregulation (3).

Deletion and substitution of regulation 25

25. The principal Regulations are amended by deleting regulation 25 and substituting for it the following;

“Submission of information	25. Each drug dependence treatment centre shall, on quarterly basis, submit to the Authority and responsible ministry on matters information relating to stock, consumption of narcotic drugs or psychotropic substances as well as treatment records.”
Amendment of regulation 26	26. The principal Regulations are amended in regulation 26 by deleting the word “centre” wherever it appears in that regulation and substituting for it the words “treatment or rehabilitation centre”.
Deletion and substitution of regulation 27	27. The principal Regulations are amended by deleting regulation 27 and substituting for it the following: “Non-compliance 27. Where a treatment or rehabilitation center fails to comply with these Regulations, the Authority may- (a) issue compliance order; (b) revoke the approval; or (c) take any other action as it may deem fit.”
Amendment of regulation 28	28. The principal Regulations are amended in regulation 28 by deleting the words “dependence treatment” appearing in the opening statement and substituting for them the word “rehabilitation”.
Revocation and replacement of First, Second and Third Schedule	29. The principal Regulations are amended by revoking the First,, Second and Third Schedules and replacing it with the following:

“ _____

SCHEDULES

FIRST SCHEDULE

(Made under regulation 9)

THE UNITED REPUBLIC OF TANZANIA
DRUG CONTROL AND ENFORCEMENT AUTHORITY

FORM NO. DCEA 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/divorce 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) (parent / guardian/other relative/friend) and further agree to report at treatment or rehabilitation centre 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(5) of the Act, the above named addict to be given bond for treatment of drug dependence with effect from day of, 20.....

APPROVED

Drug Control and Enforcement Act

Gn. No. 690 (Contd)

.....
JUDGE/MAGISTRATE

.....
DATE

THE UNITED REPUBLIC OF TANZANIA
DRUG CONTROL AND ENFORCEMENT AUTHORITY
FORM NO. DCEA IA

“



TRANSFER OF ADDICT
(Made under regulation 13)

To In charge of (Center name).....
Whereas (Mr/ Mrs/ Miss with
registry/admission card
No.....registration No.....age.....years of
(residence).....ordered by the Magistrate /judge to attend drug dependency
treatment at
.....center.

Now after being satisfied with the reasons of transfer, I hereby direct, the above
named addict may be transferred to.....with effect from.....day
of20...

APPROVED
.....
In –charge transferring center

CC
Commissioner General
In charge of receiving center

.....
SECOND SCHEDULE
.....

(Made under regulation 14(5))

THE UNITED REPUBLIC OF TANZANIA
DRUG CONTROL AND ENFORCEMENT AUTHORITY



“

CERTIFICATE OF DESTRUCTION

This is to certify that the following narcotic drug, psychotropic substance, precursor chemicals, substances with drug related effects or substances used in the process of manufacturing drugs were destroyed in our presence day of, 20.....

- 1. Case No. (if applicable)
- 2. Narcotic drug, psychotropic substance, precursor chemicals, substances with drug related effects or substances used in the process of manufacturing drugs
- 3. Seizing entity
- 4. Date of seizure
- 5. Place of seizure
- 6. Seized substance registration number
- 7. Weight of narcotic drug, psychotropic substance, precursor chemicals, substances with drug related effects or substances used in the process of manufacturing drugs
- 9. Where destroyed
- 10. How destroyed

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

Judge/Magistrate

Name other witness	Designation
Signature	
.....

Name	Designation
Signature	
.....

Name	Designation
Signature	

THIRD SCHEDULE

(Made under regulation 18A (4))

THE UNITED REPUBLIC OF TANZANIA
DRUG CONTROL AND ENFORCEMENT AUTHORITY
FORM NO. DCEA IIIA

“



BIOLOGICAL SAMPLE COLLECTION FORM

Sample ID No.:

Sample Name:

Date of collection:.....

Name of victim/suspect.....

Gender of victim/suspect:.....

Age of victim/suspect:.....

Case Ref No.:

Total sample weight/volume collected:.....

Place and Time of collection:

Package type/Storage condition:

Case history/Sample description:

.....

Name of sampling Officer	Signature
Designation of Sampling Officer
Institution of Sampling Officer
.....
Name of victim/suspect	Signature and thumb stamp

THE UNITED REPUBLIC OF TANZANIA
DRUG CONTROL AND ENFORCEMENT AUTHORITY

FORM NO. DCEA IIIB



SAMPLING INVENTORY FORM

(Made under regulation 22(3))

Investigation Register (IR) No.
Seizing Entity:
Sampling Officer:
Date of Sampling:
Place of Sampling:
Name and Designation of the Officer Preparing this Inventory:
.....

Serial Number	Package marked as	Description of package	Marks found	Description of content	Gross weight	Net weight	Representative samples marked as	Weight of each sample

Name and title of authorized officer:
Signature:
Date:

Sampling Officer
Name:
Title:
Organisation:
Signature:
Date:
Witness (es)
Name:
Title:

Drug Control and Enforcement Act

GN. NO. 690 (Contd)

Organisation:
Signature:
Date:

Dodoma,
....., 2023

JENISTA J. MHAGAMA
*Minister of State, Prime Minister
Office, Policy Parliament and
Co-ordination*