

P.N.D.C.L. 236

**NARCOTIC DRUGS (CONTROL, ENFORCEMENT
AND SANCTIONS) ACT, 1990**

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SCHEDULE

P.N.D.C.L. 236
**NARCOTIC DRUGS (CONTROL, ENFORCEMENT
AND SANCTIONS) ACT, 1990¹**

AN ACT to provide for offences relating to narcotic drugs and for related matters.

Offences Relating to Narcotic Drugs

1. Importation and exportation of narcotic drugs

(1) A person who imports or exports a narcotic drug without a licence issued by the Minister responsible for Health for that purpose commits an offence and on conviction is liable to a term of imprisonment of not less than ten years.

(2) The Minister may grant a licence for the importation of narcotic drugs if on an application made by a prescribed person the Minister is satisfied that the licence can be properly granted.

(3) A licence may be granted under subsection (1) subject to the conditions specified by the Minister.

(4) Where a person imports a narcotic drug that person shall, within fourteen days of the import, deliver to the Pharmacy Council the particulars of the drug imported.

2. Prohibition on possession of narcotic drugs

(1) A person who, without lawful authority, the proof of which lies on that person, has possession or control of a narcotic drug commits an offence.

(2) A person found guilty of an offence under subsection (1) is liable on conviction to a term of imprisonment of not less than ten years.

3. Prohibited business relating to narcotics

(1) A person shall not, without lawful authority, manufacture, produce or distribute narcotic drugs.

(2) A person shall not, without lawful authority, undertake an activity for the purpose of establishing or promoting an enterprise relating to narcotic drugs.

(3) A person who, without lawful authority, has possession or control of a machine, an equipment, a tool, utensils or any other material or article for the manufacture, production, distribution, administration or use of a narcotic drug commits an offence.

(4) A person found guilty of an offence under this section is liable on conviction to a term of imprisonment of not less than ten years.

4. Cultivation of plants for narcotic purposes

(1) A person shall not, without lawful authority, cultivate a plant which can be used or consumed as a narcotic drug or from which a narcotic drug can be extracted.

1. This Act was issued as the Narcotic Drugs (Control, Enforcement and Sanctions) Law, 1990, (P.N.D.C.L. 236), made on the 24th day of May, 1990, and notified in the *Gazette* on 13th July, 1990.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a term of imprisonment of not less than ten years.

5. Use of narcotic drugs prohibited

(1) A person shall not, without lawful authority or excuse, smoke, sniff, consume, inject into the body or otherwise administer a narcotic drug on the body of that person.

(2) A person commits an offence if that person, without lawful authority,

(a) injects any other person with a narcotic drug, or

(b) administers a narcotic drug to any other person.

(3) A person found guilty of an offence under subsection (1) or (2) is liable on conviction to a term of imprisonment of not less than five years.

6. Offence to supply or buy narcotic drugs

(1) A person who, without lawful authority, the proof of which lies on that person, supplies a narcotic drug to any other person commits an offence.

(2) A person who, without lawful excuse, buys a narcotic drug commits an offence.

(3) A person found guilty of an offence under subsection (1) or (2) is liable on conviction to a term of imprisonment of not less than five years.

7. Special mitigating factors

Where a person is found guilty of an offence under section 5 (1) or section 6 (1), and the Court finds that having regard to the unaggravated nature of the offence and any special circumstances relating to the offence or the offender, the imposition of the minimum sentence provided in respect of the offence is harsh, it may sentence the accused to a lesser term of imprisonment and in addition to a fine of not less than one hundred penalty units.

8. Previous convictions

(1) Where a person is found guilty of an offence under a provision of sections 1 to 7 and the Court finds that that person has been convicted on two previous occasions for offences relating to illegal importation, exportation, manufacture, distribution, cultivation or supply of a narcotic drug under any of those sections, the Court shall sentence that person to life imprisonment.

(2) A District Court may try and convict a person for an offence under any of sections 1 to 7 but shall commit the accused to an appropriate Court for sentence.

9. Meaning of narcotic drugs

(1) For the purposes of this Act, a narcotic drug means any of the substances specified in the Schedules whether in its natural or synthetic form.

(2) The Minister may, by legislative instrument, amend the Schedules.

*Offences in Relation to Property***10. Use of property for narcotic offences**

(1) A person commits an offence if that person, directly or indirectly, deals, in relation to or uses a property within or outside the Republic,

- (a) with the intention of promoting, managing, establishing or carrying on an activity which is an offence under any of the sections 1 to 7, or
- (b) with the intention of facilitating or assisting in the promotion, management, establishment or carrying on of an activity which is an offence under any of the sections 1 to 7.

(2) A person may be convicted of an offence under subsection (1) whether the narcotic drug offence has been committed or any other person has been charged or convicted of the offence.

(3) A person convicted of an offence under subsection (1) is liable to a term of imprisonment of not less than ten years.

11. Property obtained by trafficking in narcotic drugs

(1) A person shall not possess a property or the proceeds of a property knowing that the property or a part of the property or of those proceeds was or were obtained or derived directly or indirectly from

- (a) the commission in the Republic of a narcotic drug offence, or
- (b) an act anywhere which, if it had occurred in the Republic, would have constituted a narcotic drug offence.

(2) A person who contravenes a provision of subsection (1) commits an offence and is liable on conviction to a term of imprisonment of not less than ten years.

12. Laundering proceeds from a narcotic drug offence

(1) A person shall not use, transfer the possession of, send or deliver to any other person or place, transport, transmit, alter, dispose of or otherwise deal with, a property or the proceeds of a property with intent to conceal or convert that property or those proceeds knowing that the property or the proceeds or a part of that property or of those proceeds were or was obtained or derived directly or indirectly as a result of

- (a) the commission of a narcotic drug offence, or
- (b) an act anywhere which, if it had occurred in the Republic, would have constituted a narcotic drug offence.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a term of imprisonment of not less than ten years.

13. Forfeiture of property on conviction

(1) Where a person is convicted of an offence under a provision of sections 1 to 12, the Court before which the conviction is recorded shall confiscate or forfeit the equipment or property which is the subject matter of the offence or which has been used for the commission of the offence.

(2) A means of conveyance used for the commission of the offence shall not be forfeited if the offence was committed by a person other than the owner or person in charge of the conveyance and it is proved to the Court that the use of the conveyance, for the commission of the offence,

- (a) was without the knowledge or consent of the owner or person in charge of the conveyance, and
- (b) was not due to the neglect, default, or lack of reasonable care by the owner or the person in charge of the conveyance.

14. Forfeiture on proof of offence

Subject to subsection (2) of section 13, where it is proved to the satisfaction of the Court that an offence under a provision of sections 1 to 12 has been committed, the Court shall make an order for the confiscation or forfeiture of the equipment or property which is the subject matter of that offence or which has been used for the commission of that offence, although a person may not have been convicted of the offence.

Forfeiture of Property of Liable Persons

15. Persons liable to be proceeded against

(1) A person is liable to be proceeded against under this section and sections 16 to 22 if that person

- (a) has been convicted of an offence under a provision of sections 1 to 12 or of a corresponding offence under a foreign law committed after the commencement of this Act, or
- (b) holds, conceals, receives or uses directly or indirectly an illegal property knowing or having reason to believe that it is an illegal property.

(2) A present holder of a property which was at any time previously held by a person referred to in paragraph (a) of subsection (1), is also liable to be proceeded against under this section or any of the sections 16 to 22, unless the present holder or a person who held the property before the present holder, purchased the property in good faith for valuable consideration.

(3) Where a person referred to in subsection (1) or (2) is deceased, the personal representative, or in the absence of a personal representative, a person who has a beneficial interest in the estate of the deceased may be proceeded against.

(4) A person shall not be proceeded against under subsection (3) unless the Attorney-General has made an application to the Court, and the Court after hearing the parties, orders the person specified to be proceeded against.

(5) Proceedings against a person shall not be instituted under this section or any of the sections 16 to 22 if there is pending against that person in the Court a prosecution for an offence under a provision of sections 1 to 12.

(6) Where during the pendency of proceedings against a person under this section or a provision of sections 16 to 22 there is instituted against that person in the Court a prosecution for an offence, the proceedings in the Court shall be stayed until the proceedings in respect of the prosecution have been finally concluded.

(7) Where proceedings in the Court against a person under this section or a provision of sections 16 to 22 are prohibited from being instituted, or are stayed, under subsection (6) the prohibition or stay shall not

- (a) affect an earlier seizure or a lawful exercise of a power of the Attorney-General or of a police officer and that act shall remain in force until the final conclusion of the proceedings; or
- (b) prevent the further or continued exercise, or the fresh exercise by a police officer or the Attorney-General of the powers of the Attorney-General or the police officer in respect of that person.

16. Application to the Court

(1) Where the Attorney-General has reason to believe that a person is liable under this Act, the Attorney-General may apply *ex parte* to the Court for an order of forfeiture of the properties of which that person is a holder and which the Attorney-General has reason to believe are illegal properties.

(2) The application, supported by an affidavit, shall

- (a) identify the person to be proceeded against, state the address of the residence or business of that person, if known, and any other relevant particulars, which are known,
- (b) state the grounds on which that person is liable to prosecution,
- (c) identify the properties to be forfeited, set out their estimated value, and, if known, their location, and
- (d) state any other matter, circumstance or information which, in the opinion of the Attorney-General, is relevant to the application.

17. Notice to show cause against forfeiture

(1) The Court may, on hearing the application of the Attorney-General under section 16 (1), issue a notice to the person specified in the application, attaching the affidavit referred to in section 16 (2), and calling on that person to attend before the Court on a date specified in the notice, to show cause why the properties or any of the properties identified in the application should not be forfeited.

(2) The attendance under subsection (1) shall not be less than thirty days from the date of the notice.

(3) Where a notice under subsection (1) specifies a property as being held by any other person on behalf of the person liable to prosecution, or as being transferred or sold to, or deposited or kept with, any other person, a copy of the notice shall be served on that other person.

(4) Where before a notice is issued under subsection (1) the Attorney-General informs the Court that the person referred to in the application has died before or after the application was filed, the notice shall be issued against the personal representative, and in the absence of a personal representative, against the beneficiary of the estate specified by the Court.

(5) The Attorney-General may, at any stage of the proceedings under this section, apply to the Court for an amendment of the notice.

(6) The Court may, after giving the person liable to prosecution an opportunity to be heard, make a just and proper order on the application.

(7) Where the Court grants the application, whether with or without modifications, it may give the necessary directions.

18. Forfeiture of property in certain circumstances

(1) Where at the hearing of the notice to show cause under subsection (1) of section 17, the person against whom the notice was issued fails to appear and the Court is satisfied that that person could not be served or that that person has absconded or is outside the Republic and cannot be compelled to attend before the Court, the proceedings shall be continued in the absence of that person.

(2) Where at any time during the proceedings, the person affected fails without reasonable cause to attend the proceedings, the proceedings shall be continued in the absence of that person.

(3) The Court, at the conclusion of the proceedings under this section, shall record a finding

- (a) whether or not a property specified in the application is illegal property, and
- (b) whether or not the person liable to prosecution is the holder of the illegal property.

(4) Where the Court records a finding that a property specified in the application made by the Attorney-General is illegal property and that the person named in the application is the holder of the illegal property, it shall order the forfeiture of the property.

(5) Where the Court finds that a property specified in the Attorney-General's application is illegal property but that the person affected is not the holder of the property, then whether or not the Court finds the person affected to be a person liable to prosecution, the Court shall order the forfeiture of the property, unless

- (a) another person claims to be lawfully entitled to the property as a purchaser in good faith for valuable consideration, or
- (b) the Attorney-General informs the Court of the intention to make a fresh application in respect of the illegal property against a person liable to prosecution other than the person to whom the application relates.

(6) Where another person claims under subsection (5) to be lawfully entitled to the illegal property as a purchaser in good faith for valuable consideration, the Court shall proceed to consider the claim, and if, after giving an opportunity to the Attorney-General to rebut the claim, the Court finds against that other person, as not being a purchaser in good faith for valuable consideration, it shall order the forfeiture of the property.

19. Forfeiture of certain types of property

(1) The Court shall make an order in accordance with subsection (2) where it is satisfied that a property which it has ordered to be forfeited under section 18

- (a) cannot be located or traced, or

- (b) has been transferred to a purchaser in good faith for valuable consideration, or
- (c) is located outside the Republic, or
- (d) has been intermingled with other property which cannot be separated or divided without difficulty, or
- (e) has been diminished in value.

(2) The Court shall order that

- (a) a property of the person liable to prosecution be forfeited to the value of a property referred to in paragraph (a), (c) or (d) of subsection (1) or, in the case of property referred to in paragraph (b) or (e) of subsection (1), to the extent of the purchase price, or to the extent to which it has been diminished in value, and
- (b) where any other property is not available for forfeiture, or where the value of the property ordered to be forfeited is less than the value of the property originally ordered to be forfeited an amount shall be forfeited which is equal to the value of the property originally ordered to be forfeited.

(3) Where the person liable to prosecution fails to pay the amount specified in subsection (2) within a period not exceeding thirty days from the date of the order, the Court shall sentence that person to a term of imprisonment of not less than five years and not more than ten years.

(4) Where the person, in respect of whose property an order of forfeiture under section 18 is made, dies before or dies after the order is made, the order shall have effect against the estate of the deceased in the same manner as it would have had against that person and the property of that person.

(5) An order for payment of an amount shall not be made against the personal representative of the estate of the deceased or a beneficiary of the deceased if property in the estate of the deceased is not available for forfeiture or for payment of the amount.

(6) For the purpose of this section, the value of a property is its market value at the date on which the order was made, or the value that may be determined by a person qualified to assess the value of the property.

(7) In the event of a dispute over the value of a property, the Court shall determine the value after hearing representations by the person affected and the Attorney-General.

20. Void dealings

(1) A dealing, contract or any other thing effected, done or entered into, by a person or between any persons after the issue of a notice to show cause under section 17 (1) in respect of a property referred to in, or affected by the notice is void, and shall not be registered or otherwise given effect to by a person or an authority.

(2) Until the proceedings in respect of the notice under section 17 have been concluded

- (a) an action, a suit or any other proceedings of a civil nature shall not be instituted or if it is pending, shall not be continued in the Court or before an authority against the person named in the notice or in respect of whose estate or property the notice is issued, or in respect of a property referred to in or affected by the notice, and
- (b) an attachment, execution or any other similar process shall not be commenced, or if it is pending, shall not be continued with against the person or in respect of a property on account of the claim, judgment or decree, whether the claim was made or the judgment or decree was given before or after the notice was issued,

except at the instance of the Republic or except with the prior consent in writing of the Attorney-General.

21. Proceedings not to abate upon death of persons affected

(1) Proceedings under any of the sections 15 to 22 shall not abate on the death of the person affected but shall be continued to their final conclusion,

- (a) whether or not the death results from the execution of a sentence of death for an offence under a law, and
- (b) whether or not the offence is related to or involves a narcotic drug,

and where the proceedings are instituted against a person who is under a sentence of death, those proceedings shall not impede, delay or in any manner or for any reason affect the process for the execution of the sentence.

(2) Where the person liable to prosecution dies before the conclusion of the proceedings, but after the issue of the notice under section 17 (1), the proceedings shall be continued against the personal representative of that deceased or, in the absence of a personal representative, against the beneficiary of the estate of the deceased as may be specified by the Court on an application by the Attorney-General.

(3) Where at any time after a beneficiary has been specified by the Court under section 15 (4) or by the Court under section 17 (3), and representation to the estate of the deceased is duly taken out, the Attorney-General shall apply to the Court for the personal representative to be substituted for the beneficiary, and the Court shall order accordingly, after giving an opportunity to the beneficiary or the personal representative to be heard.

(4) In making an order under subsection (3), the Court may give the necessary directions of a transitional, an incidental or ancillary nature.

22. Proceedings within criminal jurisdiction of the High Court

Proceedings under sections 15 to 22 shall be dealt with by the High Court, or the Regional Tribunal in the exercise of their criminal jurisdiction and the law relating to criminal procedure in the Court or Tribunal shall apply.

*Arrest, Investigation and Seizure***23. Arrest and detention**

A police officer may arrest without warrant a person whom the police officer reasonably suspects to have committed or to be committing an offence under this Act, and shall as soon as possible put that person before a District Court.

24. Entry, search and seizure

(1) Where it appears to an authorised police officer that there is reasonable cause to suspect that in or on any premises, there is concealed or deposited a property liable to forfeiture under this Act or in respect of which an offence under this Act is reasonably suspected to have been committed, or a book or document directly or indirectly relating to or connected with a dealing, or an intended dealing, whether within or outside the Republic in respect of a property liable to seizure or forfeiture under this Act or which would, if carried out be an offence under this Act, the authorised police officer may at any time

- (a) enter the premises and there search for, seize and detain, that property, book or document;
- (b) search a person who is in or on the premises, and for the purpose of the search, detain that person and remove that person to a place that is necessary to facilitate the search;
- (c) arrest a person who is in or on the premises in whose possession a property liable to seizure or forfeiture under this Act is found, or whom the officer reasonably believes to have concealed or deposited the property;
- (d) seize and detain a book or document found in or on the premises or on that person;
- (e) break open, examine and search an article, a container or a receptacle; or
- (f) stop, search and detain a means of conveyance.

(2) The authorised police officer may if it is necessary

- (a) break open an outer or inner door or window of the premises and enter,
- (b) forcibly enter the premises and every part of the premises,
- (c) remove by force an obstruction to the entry, search, seizure or removal that the officer is empowered to effect, or
- (d) detain a person found in or on the premises, until the premises have been searched.

(3) Subsections (1) and (2) do not apply in relation to banker's books in a bank.

25. Search of person

(1) An authorised police officer may search or cause to be searched, a person whom the officer has reason to believe has on the person a property liable to seizure or forfeiture under this Act or an article necessary for the purpose of an investigation under this Act.

(2) For the purposes of a search referred to in subsection (1), the authorised police officer may detain that person for a period that is necessary to have the search carried out, which shall not exceed twenty-four hours, without the authorisation of a District Magistrate, and may remove that person in custody to any other place necessary to facilitate the search.

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

(4) A female person shall not be searched under this section or under section 15 except by another female.

26. Obstruction of inspection and search

(1) A person commits an offence, if that person

- (a) refuses a police officer, authorised to enter or search, access to any premises or fails to submit to search by a person authorised to search that person;
- (b) assaults, obstructs, hinders or delays a police officer in effecting an entrance in the performance of a function conferred by this Act;
- (c) fails to comply with a lawful demand of an authorised police officer in the performance of a function under this Act;
- (d) refuses or neglects to give an information which may reasonably be required of that person and which that person has power to give;
- (e) fails to produce or conceals or attempts to conceal a property, document or book in relation to which there is reasonable ground for suspecting that an offence has been or is being committed under this Act, or which is liable to seizure under this Act;
- (f) rescues or endeavours to rescue or causes to be rescued anything which has been duly seized;
- (g) furnishes to an officer as true, information which that person knows or has reason to believe is false; or
- (h) before or after a seizure, breaks or otherwise destroys anything to prevent the seizure or securing of that thing.

(2) A person convicted of an offence under subsection (1) is liable to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or both the fine and the imprisonment.

27. Interception of communication

(1) Despite any other law, a District Magistrate, on an application made that a communication or postal article is likely to contain an information or a substance which is likely to be relevant for the purpose of an investigation into an offence under any of the sections 1 to 17 or subsection (7) of section 31 or a corresponding foreign law, or for a purpose under this Act, may authorise a police officer

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

- (b) to intercept a message transmitted or received by a telecommunication, or
- (c) to intercept or listen to a conversation by a telecommunication.

(2) Where a person is charged with an offence under any of the sections 1 to 17 or subsection (7) of section 31, or where proceedings are taken under any of the sections 15 to 22 an information obtained by a police officer under subsection (1) of this section, whether before or after that person is charged, or before or after those proceedings are commenced, is admissible in evidence at the trial or in those proceedings.

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

(4) A certificate by the Magistrate that the action taken by a police officer in pursuance of subsection (1) is authorised under subsection (1) is conclusive evidence that it had been so authorised and that certificate is admissible in evidence without proof of signature.

(5) A person is not under a duty, an obligation or a liability or is in any manner compelled to disclose in any proceedings the procedure, method, manner or means or a related matter, with regard to anything done under paragraphs (a), (b), or (c) of subsection (1).

(6) For the purpose of this section,

“**postal article**” has the meaning assigned to it in the Ghana Postal Services Corporation Act, 1995 (Act 505);

“**telecommunication**” has the meaning assigned to it in the Ghana Postal Services Corporation Act, 1995 (Act 505).²

28. Special powers of investigation

(1) Despite any other law, the Attorney-General, if satisfied that it is necessary for the purpose of an investigation into an offence under this Act or a corresponding foreign law, or for the purpose of proceedings under any of the sections 15 to 22 may, in writing, authorise a police officer specified in the writing to make an investigation into the matter in the manner or mode specified by the Attorney-General.

(2) Without prejudice to the generality of subsection (1), the Attorney-General may authorise

- (a) the investigation, inspection, and taking of copies, of a banker's book or bank account, or any share accounts or purchase account, expense account, or any other account, or
- (b) the inspection of a safe deposit box in a bank, financial institution, company, firm, an association, a society or any other body,

and this subsection is sufficient authority for the disclosure or production by a person, of the information or accounts or documents or articles required by the police officer.

(3) A person who wilfully fails or refuses to disclose an information or to produce the accounts or documents or articles to the authorised person commits an offence and on conviction, is liable to a fine of not less than five hundred penalty units or a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

2. This Act repealed the Posts and Telecommunication Corporation Decree, 1975 (N.R.C.D. 311).

(4) Where a person discloses an information or produces the accounts or documents or articles, to the authorised person, a person is not, in respect of the disclosure, liable for a prosecution for an offence under any law, or to a civil claim or civil action.

29. Attorney-General's powers to obtain information

(1) Despite any other law, for the purposes of an investigation into, or the proceedings relating to purposes of an investigation into, or the proceedings relating to an offence under this Act or a corresponding foreign law suspected to have been committed by a person, or for the purposes of the proceedings under any of the sections 15 to 22 against a person, the Attorney-General may, by written notice,

- (a) require that person, or any other person in respect of whom the Attorney-General has reason to believe that the information will assist in the investigation to furnish a sworn statement in writing,
 - (i) identifying each item of movable or immovable property, whether within or outside the Republic, belonging to or possessed by that person, or by the relatives or associates of that person and specifying the data on which each of the properties so identified was acquired and the manner in which it was acquired;
 - (ii) identifying each property sent out of the Republic by that person during the period specified in the notice;
 - (iii) setting out the estimated value and location of each of the properties identified under subparagraphs (i) and (ii), and if any of those properties cannot be located, the reason for not locating them;
 - (iv) stating in respect of each of the properties identified under subparagraphs (i) and (ii) whether the property is held personally or by any other person on behalf of that person, whether it has been transferred, sold to, or kept with any other person, whether it has diminished in value since its acquisition by that person and whether it has been intermingled with any other property which cannot be separated or divided without difficulty;
 - (v) setting out any other information relating to the properties, business, travel or any other activities specified in the notice;
 - (vi) setting out the sources of income, earnings or assets;
- (b) require a public officer to produce or furnish a document in the possession or under the control of that person;
- (c) require a public officer or an employee of a bank or financial institution, or a person who is in a manner or to an extent responsible for the management and control of the affairs of a bank or any other financial institution, to furnish copies of the accounts, documents and records relating to a person to whom a notice has been issued under paragraph (a).

(2) A person to whom a notice is sent by the Attorney-General under subsection (1) shall, despite any other law, or an oath, undertaking or a requirement or a requirement of secrecy to the contrary, or of an obligation under a contract, an agreement or arrangement, whether express or implied, comply with the terms of the notice within the time specified in it.

(3) A person who wilfully neglects or fails to comply with a notice given under subsection (1) commits an offence and is liable, on conviction to a fine of not less than five hundred penalty units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

(4) Where a person discloses an information or produces the accounts, documents or article, to an authorised person, neither that person nor any other person on whose behalf or direction or as whose agent or employee, that person may be acting, is liable on account of the disclosure or production, to a prosecution for an offence under any law or to a civil action.

(5) Subject to subsection (6), a statement, document or any other article obtained under this section is not admissible in evidence in the trial of a person from whom it is obtained if it is proved that it was obtained by duress.

(6) This section does not require a person to produce an information or make a statement likely to incriminate that person.

30. Request by Attorney-General for information

(1) Despite anything contained in any other law, the Attorney-General may require a public officer within the specified time to furnish an information in relation to a person, which in the opinion of the Attorney-General will be useful for, or relevant for, the purposes of this Act.

(2) Where a public officer furnishes an information under subsection (1), the public officer is not, on that account, liable to a prosecution for an offence or to a civil action.

31. Order by Attorney-General for proceedings

(1) Where the Attorney-General

- (a) intends to make an application to the Court under section 16 against a person, or
- (b) intends to institute a prosecution against a person for an offence under this Act, or
- (c) has already instituted a prosecution against a person for an offence under this Act and the proceedings are pending,

the Attorney-General may by order addressed to the person named in the order require the person so named or described to comply with the conditions that are set out in the order.

(2) For the purposes of paragraph (c) of subsection (1), proceedings in respect of a prosecution are pending where the decision of the Court of original jurisdiction before which the proceedings are pending has not yet been delivered.

(3) Without prejudice to the generality of subsection (1), the order may require the person named or described in the order,

- (a) to disclose to the Attorney-General within the time specified in the order, the value, nature, whereabouts, and any other relevant particulars, of the properties or a particular property, held by that person or by any other person on behalf of that person;

- (b) to disclose to the Attorney-General within the time specified in the order, the value, nature, whereabouts and any other relevant particulars, of the properties held by that person or by any other person on behalf of that person during the five years preceding the date of the order, which is not a period before the commencement of this Act;
- (c) not to deal with, expend or dispose of, a property held by that person without the prior written approval of the Attorney-General;
- (d) not to remove from or send out of the Republic or cause to be removed from or sent out of the Republic, a property held by that person without the prior written approval of the Attorney-General;
- (e) not to leave the Republic without the prior written approval of the Attorney-General and to surrender the travel documents of that person, whether issued by the Government or any other government, to an immigration officer within the period specified in the order.

(4) An order under subsection (1) may require a person holding property on behalf of a person named or described in that order, to comply with that order, including provisions corresponding to paragraphs (a), (b), (c) and (d) of subsection (3) in relation to properties held by that person.

(5) An order under subsection (1) may require persons generally, or a particular class or description of persons specified in the order, who held, otherwise than as a purchaser in good faith for valuable consideration, a property in which a person named or described under subsection (1) has an interest or had an interest during the five years preceding the date of the order, which is not a period before the commencement of this Act,

- (a) to disclose to the Attorney-General within the time specified in the order, the value, nature, whereabouts, and any other relevant particulars of that property;
- (b) not to remove from or send out of the Republic or cause to be removed from or sent out of the Republic a property without the prior written approval of the Attorney-General;
- (c) not to deal with, expend or dispose of the property without the prior written approval of the Attorney-General.

(6) Where an order is issued under subsection (1), the Attorney-General may, by notice in writing require a person to whom the order applies to make the disclosures or give the information, or to do or refrain from doing a particular act in relation to a property affected by the order that is or are necessary for the purpose of securing compliance with the order.

(7) The notice shall be without prejudice to the liability, under subsection (8), of that person for failure to comply with a provision of the order, whether or not that provision is affected by the notice.

(8) Where an order is issued under subsection (1), it is an offence, from the date specified in the order for a person to

- (a) contravene a requirement, direction, term or any other provision of the order or of a notice issued under subsection (6);

- (b) conceal, hide, destroy or alter an object, article, a material or thing, or the accounts, books or any other documents, or an entry of or relating to a person or property affected by the order;
- (c) deal with, dispose of, remove from or send out of the Republic or cause to be removed from or sent out of the Republic anything referred to in paragraph (b) without the prior written approval of the Attorney-General.

(9) A person who commits an offence under subsection (8) is liable on conviction, to a fine not exceeding seven hundred and fifty penalty units or to a term of imprisonment not exceeding three years or to both the fine and the imprisonment.

32. Dealings after issue of order invalid

A dealing, contract, or any other thing effected, done or entered into, by a person or between any persons after the issue of an order under subsection (1) of section 31 in respect of a property affected by the order is void, except a dealing effected under this Act by a public officer in the capacity of a public officer, or otherwise by or on behalf of the Government, or a local authority or any other statutory body.

33. Stay of civil proceedings during existence of order

Whilst an order under subsection (1) of section 31 remains in force,

- (a) an action, a suit or any other proceedings of a civil nature shall not be instituted or if they are already pending, be continued or maintained before the Court against the person named or described in that subsection or in respect of a property affected by that order; and
- (b) an attachment, execution or any other similar process shall not be commenced, or if that process is pending, be maintained or continued against that person or in respect of a property affected by that order on account of a claim, judgment or decree, whether the claim was made, the judgment or decree was given before or after the order was made,

except at the instance of the Republic or except with the prior consent in writing of the Attorney-General.

34. Cessation of order

(1) An order under subsection (1) of section 31

- (a) shall, in the case of an order against a person referred to in paragraph (a) of that subsection, cease to remain in force if an application to the Court under section 16 is not filed by the Attorney-General against that person within fourteen days after the date of the service of the order;
- (b) shall, in the case of an order against a person referred to in paragraph (b) of that subsection, cease to remain in force if that person is not charged with an offence under this Act within fourteen days of the date of the service of the order;
- (c) shall cease to remain in force if the Court records a finding under subsection (2) of section 18 that the person named in the order is not a person liable to prosecution, or in the case of a person prosecuted for an offence, if that person is acquitted of the offence;

- (d) shall cease to apply to a property in respect of which the Court records a finding under subsection (2) of section 18 that it is not illegal property.

(2) Where an order under subsection (1) of section 31 ceases to remain in force, or ceases to apply to a property, the cessation is not a bar to a fresh order being made at any time against a person to whom the earlier order applied, or in respect of a property affected by the earlier order; but the fresh order shall relate to a fresh application or a fresh prosecution.

(3) Where an order under subsection (1) of section 31 is in force in relation to a property, a police officer may, for the purposes of preventing that property from being removed from the Republic, seize that property; and a property so seized shall be dealt with in accordance with the directions of the Court.

(4) An information obtained under this section is not admissible in evidence in the trial of a person from whom it was obtained if it is proved that it was obtained by duress.

35. Seizure of movable property

(1) A movable property which an authorised police officer reasonably suspects to be the subject matter of an offence under this Act or which has been used for the commission of that offence, or is illegal property, is liable to seizure.

(2) Where a movable property is seized under subsection (1), the officer effecting the seizure shall as soon as practicable, serve a notice in writing of the seizure and the grounds for the seizure on the owner of the property, if the owner and the whereabouts of the owner are known.

(3) The notice under subsection (2) shall not be required to be served where the seizure is made in the presence of the person against whom proceedings under any of the sections 15 to 22 are intended to be taken, or in the presence of the owner of that property or the agent of that owner or in the case of an aircraft, in the presence of the pilot.

(4) Subsection (1) does not apply to an aircraft belonging to a person carrying on a regular lawful passenger or freight service within the Republic or to and from the Republic except where prosecution for an offence under this Act is to be instituted, or proceedings under any of the sections 15 to 22 are to be taken, against the owner of the aircraft.

36. Seizure of immovable property

(1) Where a police officer of or above the rank of Assistant Commissioner of Police reasonably suspects that an immovable property is the subject matter of an offence under this Act, or is illegal property, the property is liable to seizure, and the seizure shall be effected

- (a) by posting, where practicable, a copy of the notice of seizure in a conspicuous position on the immovable property, and
- (b) by lodging a copy of the notice of seizure at the Lands Title Registry.

(2) The Lands Registrar shall make an entry in the appropriate register of the terms of the notice of seizure of the immovable property.

(3) The entry made under subsection (2) has the effect of prohibiting dealings in respect of the immovable property and accordingly, after the notice has been lodged with the Lands Registrar, a dealing in respect of the immovable property shall not be registered, whether it was lodged before or after the lodgement of the notice of seizure or the making of the entry.

(4) Subsection (3) does not apply to a dealing effected under this Act by a public officer in the capacity of a public officer, or otherwise by or on behalf of the Government.

37. Dealings in seized property after seizure void

(1) After seizure of a property is effected under this Act, and while the seizure remains in force, a dealing, contract, or any other thing effected, done or entered into by a person or between any persons in respect of the property is void, except a dealing effected under this Act by a public officer in the capacity of a public officer, or otherwise by or on behalf of the Government or a local authority or any other statutory body, and shall not be registered or otherwise given effect to by a person or an authority.

(2) Subsection (1) is in addition to and not in derogation of subsection (3) and (4) of section 36.

(3) While a seizure of a property under this Act remains in force, and except at the instance of the Government or except with the prior consent in writing of the Attorney-General,

- (a) an action, a suit or any other proceedings of a civil nature, shall not be instituted, or if it is pending immediately before the seizure, be maintained or continued in the Court or before any other authority in respect of the property which has been seized; and
- (b) an attachment, execution or any other similar process shall not be commenced, or if a process is pending immediately before the seizure, be maintained or continued in respect of that property on account of a claim, judgment or decree, whether the claim was made, or the judgment or decree was given, before or after the seizure was effected.

38. Validity of seizure, or sale, not to be affected by certain objections

Where a seizure of a property is effected under this Act, the validity of the seizure, or of a sale or any other form of disposal of the property, or of a destruction of it in accordance with this Act, shall not be affected by an omission or a failure to conform to a procedural provision of this Act or of any other law in effecting the seizure or sale.

39. Release of property seized

(1) Where property is seized under this Act, an authorised police officer other than the police 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 or under a law and is not otherwise required for the purpose of proceedings under this Act or any other law.

(2) Where a release is effected under subsection (1), neither the officer effecting the seizure, nor the Republic nor a person acting on behalf of the Government, is liable to civil proceedings.

(3) 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 Inspector-General of Police within seven days after the release.

40. Forfeiture of property in the absence of proceedings or claim

(1) Where property is seized under this Act, other than under or by virtue of sections 23 to 40, and

- (a) a prosecution for an offence is not instituted with regard to the property, or
- (b) proceedings are not commenced by the Attorney-General for the forfeiture of the property under sections 15 to 22, 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 or any other law,

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 in terms of 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 the Court for its decision.

(3) This section is without prejudice to the power of a police officer to release a property from seizure under section 39.

Forfeiture

41. Vesting of forfeited property in State

(1) Where a property is forfeited under this Act, the property shall vest in the Republic free from a right, an interest or encumbrance of a person except a right, an interest or encumbrance which is held by a purchaser in good faith for valuable consideration and which is not otherwise void under a provision of this Act.

(2) Where a person who holds an encumbrance to which the property is subject claims

- (a) that the encumbrance is held as a purchaser in good faith for valuable consideration, and
- (b) that the encumbrance is not otherwise void under a provision of this Act, and

the Republic disputes the claim, the Attorney-General may apply to the Court to determine the question and the Court shall determine the question after hearing the person holding the encumbrance and the reply of the Attorney-General.

(3) Where a property is vested in the Republic under subsection (1), the vesting takes effect without a transfer, conveyance, deed or any other instrument and where a registration of the vesting is required under law, the authority empowered to effect the registration shall do so in the name of the specified public officer or authority, person or body.

(4) Where the property which has vested in the Republic under subsection (1) is immovable property, the vesting shall be registered in the name of the Republic on production to the Lands Registrar of the order of the Court forfeiting the immovable property, or in the case of property forfeited under subsection (1) of section 40, of a certificate of the Attorney-General certifying that it has been forfeited under that subsection.

Assistance to Foreign Countries

42. Request for an authority to render assistance

Where a foreign government requests the Government or where a foreign authority requests the relevant authority, for assistance in the Republic in relation to a drug-related matter in the foreign country, the relevant authority shall, on the direction of the Attorney-General or may at its own instance, render the assistance requested to the extent and in the manner provided under sections 43 to 54.

43. Information and particulars in relation to persons, bodies

The relevant authority shall obtain or ascertain the particulars or information in respect of a person, body, business, an enterprise or a place, including copies of documents or official records of a department of the Government or a statutory body, or an agency of the Government or extracts from documents or official records, as available or as are capable of being lawfully obtained or ascertained by that person or as may be voluntarily furnished.

44. Service of process or documents

(1) The relevant authority shall cause to be served by a police officer on a person or body in the Republic the process or document issued by a person, an authority or a court in a foreign country.

(2) Non-compliance with a requirement contained in that process or document shall not render the person or body which is required to comply with the requirement liable to a penalty or liability in the Republic under a law of the Republic, but it shall render that person or body liable to every penalty provided under the law of the foreign country concerned in relation to it, including liability to the seizure or forfeiture of a property in the

Republic on the order of the authority or court of the foreign country empowered to make the order.

45. Transmission of copies of statements or records or results of investigation

(1) The relevant authority may transmit or cause to be transmitted, to the foreign government or foreign authority a copy of the record of an investigation in the Republic by a competent person or authority including a copy of

- (a) a report or a statement recorded from a witness, an accused or any other persons,
- (b) a document received or seized, or
- (c) a conclusion or finding of an investigation,

in relation to an offence under this Act, or in relation to a proceeding under any of the sections 15 to 22.

(2) Copies of records of an investigation may be transmitted under subsection (1) whether or not the investigation has been completed and whether or not the investigation has resulted in a trial for an offence under this Act or the institution of proceedings under any of the sections 15 to 22 and whatever the outcome of a trial or proceedings that has taken place as a result of the investigation.

46. Examination of witness by an authorised police officer

(1) The relevant authority shall order in writing or orally a person who is specified by the foreign government or foreign authority, or any other person who is reasonably suspected to have a relevant knowledge or an information, to attend before the relevant authority or any other authorised police officer, to be examined in respect of the drug-related matter specified by the foreign government or foreign authority.

(2) A person to whom an order is given under subsection (1) shall attend in accordance with the terms of the order to be examined and shall continue to attend from day to day as directed by the authorised police officer conducting the examination until the examination is completed.

(3) A person undergoing an examination under this section shall disclose the information which is within the knowledge of that person, or which is capable of being obtained by that person, in respect of the matter for which that person is being examined, and where a question is put that person shall answer the question truthfully and to the best of the knowledge and belief of that person.

(4) A person who is being examined under this section shall produce documents, articles or things that are relevant to the examination or as are required by the authorised police officer to be produced and the documents, articles or things may be retained in police custody or transmitted to the foreign government or foreign authority.

(5) Subsections (3) and (4) shall not be construed as compelling the person who is being examined under this section to disclose an information or produce a document, an article or a thing which may incriminate that person or the lawful spouse of that person for an offence under a law in the Republic or of the foreign country.

(6) An information or a document obtained under this section is not admissible in evidence at the trial of a person from whom it is obtained if it is proved that it was obtained by duress.

(7) Subject to subsections (5) and (6), a person who contravenes a provision of this section commits an offence under this Act.

47. Examination of witness by a District Magistrate

(1) A District Magistrate may order a person present at a place in the Republic whether or not that place is within the area of jurisdiction of the Magistrate, to appear for examination on oath or affirmation where

- (a) that person is specified by a foreign government or a foreign authority, and
- (b) an application for the order has been made to the District Court by the Attorney-General, on a request made by the relevant authority.

(2) The examination under subsection (1) shall be in relation to the drug-related matter that is specified by the foreign government or the foreign authority, and that person shall answer the questions put by the Attorney-General or the authorised police officer either at the instance of the police officer or in accordance with the written interrogatories received from the foreign government or the foreign authority.

(3) A person ordered by the District Magistrate to appear for examination under this section shall comply with the terms of the order and shall continue to attend for the examination.

(4) A person who is being examined before the District Magistrate under this section is entitled to be represented at the examination by counsel.

(5) A person commits an offence under this Act if that person

- (a) contravenes subsection (3), or
- (b) fails to answer, or answers falsely, a lawful question put to that person during an examination under this section.

48. Search of person or premises

(1) An authorised police officer shall, on the direction of the relevant authority, search or cause to be searched,

- (a) a person or the premises specified by the foreign government or foreign authority in a request;
- (b) a person who is, or the premises which are, suspected by the authorised police officer to be necessary or expedient to be searched in relation to a request.

(2) For the purposes of a search under subsection (1), an authorised police officer shall have, and may exercise, any of the powers exercisable by an authorised police officer under this Act.

49. Seizure and transmission of property or article

(1) An authorised police officer shall, on the direction of the relevant authority, seize a property, or an article, the seizure of which is requested by a foreign government or a foreign authority under section 42,

- (a) on the ground that the property is liable to forfeiture under the law of the foreign country, or
- (b) on the ground that the property or article is required as evidence or otherwise by the foreign government or foreign authority for the purpose of a drug-related matter.

(2) Where a movable property, or an article is seized under subsection (1), the relevant authority may transmit it to the foreign government on an undertaking by the foreign government that the property or article shall be returned to the relevant authority on the final conclusion of the proceedings concerning the drug-related matter in the foreign country unless the Government then notifies the foreign government that it does not require its return.

(3) Where a movable property, or an article seized under paragraph (b) of subsection (1) is not transmitted to the foreign government or the foreign authority under subsection (2), or where it is returned to the Government on the final conclusion of the proceedings concerning a drug-related matter in the foreign country, the relevant authority shall return the property or article to the person from whom it was seized unless it is required for the purpose of a prosecution or proceedings under this Act or under any other law.

(4) On the final conclusion of the proceedings concerning a drug-related matter in relation to which a property was seized under paragraph (a) of subsection (1), the property shall be dealt with, subject to subsections (5) and (6), in accordance with the order of the foreign authority or the court in the foreign country which is empowered to make the order by the law of that country.

(5) Where the order of an authority or the court in the foreign country requires the property to be returned to that person in the Republic, the property on its return to the relevant authority shall be returned to that person unless the relevant authority requires that property for the purpose of a prosecution or proceedings under this Act or under any other law.

(6) The final order of the foreign authority or the foreign court for the forfeiture of the property, shall be deemed to be an order for the forfeiture of it to the Government made by the Court in the Republic, and shall accordingly, be dealt with in accordance with the provisions of this Act applicable to an order for forfeiture by the Court.

(7) For the purposes of subsection (6), “**final order**” means an order which is not subject to an appeal in the foreign country.

(8) A person is not entitled to claim compensation from the Government or the foreign government or from a person or an authority acting on behalf of the Government or the foreign government, or under a law in the Republic or the law of the foreign country, in respect of a seizure or disposal or release of a property under a law in the Republic or the law of the foreign country.

50. Interception of a communication

Where the relevant authority is satisfied that, for the purposes of rendering assistance to a foreign authority in relation to a drug-related matter, it is necessary, expedient or desirable for an authorised police officer to exercise the powers under section 27 for the interception of a communication, the relevant authority may authorise a police officer to exercise the powers of an authorised police officer under section 27.

51. Exercise of powers of investigation by the Attorney-General

Where, on being informed by the relevant authority of a request for assistance by a foreign government or a foreign authority under section 42, the Attorney-General is satisfied that it is necessary, expedient or desirable to exercise the powers under section 29, 30 or 31, the Attorney-General may exercise those powers in the same manner and to the same extent that the Attorney-General exercises them in relation to the matters specified under those sections respectively.

52. Transfer of a person in custody

(1) Where a request is made by a foreign government or a foreign authority under section 42 for the production before an authority or a court in the foreign country as a witness for the prosecution in proceedings before that authority or court, of a person who is undergoing imprisonment in the Republic or in lawful remand, the Minister may issue an order for the transfer of that person into the custody of the officer of the foreign country who is designated by that foreign government or foreign authority for the purpose of transporting that person from the Republic to the foreign country and thereafter, to be detained in that country under the custody of the authority or person in that country and produced from time to time under custody before the authority or court in which that person is required to attend as a witness.

(2) Where the attendance of a person as a witness under subsection (1) is not required, that person shall be transported in the custody of an officer of the foreign country, to the Republic and returned into the custody of the officer having lawful authority to take that person into custody, and that person shall continue to undergo the imprisonment, detention or custody which that person was undergoing prior to the transfer of custody under subsection (1).

(3) The period during which a person was under foreign custody under this section shall count towards the period of imprisonment, detention or other custody in the Republic of that person.

(4) A transfer of a person into foreign custody shall not be effected unless the foreign government gives an undertaking to the Government to bear and be responsible for the expenses of the transfer of custody, the up-keep of that person during the foreign custody and the return of that person into custody in the Republic immediately on release from attendance before the authority or court in the foreign country.

53. Payment by foreign government to the Government

The Government and a foreign government may enter into an arrangement in respect of the payment by the foreign government to the Government of the expenses incurred by the Government under any of the sections 42 to 52.

54. Interpretation

For the purposes of sections 42 to 53, unless the context otherwise requires,

“**drug-related matter**” means an investigation, inquiry, a trial, or any other proceedings in a foreign country under a law relating directly to narcotic drugs or to a property used for or derived from an activity relating to narcotic drugs, whether or not the activity is an offence under that Law, or for the forfeiture of property under that law;

“**foreign authority**” means a person designated by a foreign government as an authority competent to act on behalf of the foreign government for the purposes of this Act;

“**relevant authority**” means a person designated by the Government as an authority competent to act on behalf of the Government for the purposes of this Act.

*Narcotics Control Board***55. Establishment of Narcotics Control Board**

(1) There is hereby established a Narcotics Control Board consisting of officers appointed by the President in accordance with article 195 of the Constitution.

(2) The Board shall be under the control and supervision of the Minister responsible for Interior.

(3) The Minister may, by legislative instrument, specify the functions of the Board and provide for any other matters that are necessary for the full and effective implementation of this Act.

55A. Retention of percentage of internally generated funds

The Narcotic Control Board may retain the percentage specified in the second column of the First Schedule out of the moneys realised in the performance of its functions.^{2a}

*General***56. Attempts, abetments and criminal conspiracies**

A person commits an offence if that person

- (a) attempts to commit an offence under this Act or under a corresponding foreign law, or
- (b) does an act preparatory to or in furtherance of the commission of an offence under this Act or under a corresponding foreign law, or
- (c) abets or is engaged in a criminal conspiracy to commit an offence under this Act or under a corresponding foreign law whether or not the offence is committed.

57. Offences by bodies of persons

(1) Where an offence is committed under this Act or under the Regulations by a body of persons,

- (a) in the case of a body corporate, other than a partnership, every director or officer of the body shall be deemed to have committed that offence; and

2a. Inserted by section 2 of the Ministries, Departments and Agencies (Retention of Funds) Act, 2007 (Act 735).

- (b) in the case of a partnership, every partner or officer of the partnership shall be deemed to have committed that offence.

(2) A person shall not be convicted of an offence by virtue of subsection (1) if it is proved that the offence was committed without the knowledge or connivance of that person and that due care and diligence was exercised to prevent the commission of that offence having regard to the circumstances.

58. Notice or order not invalid for error in description

A notice, notification or any other process, issued, served or published, and an order, a decision or judgment made, given, issued, served or published under this Act, is not invalid by reason of an error or omission in the description of the property or person mentioned in it, if the property or person is identifiable from the description mentioned.

59. Power of police officers relating to criminal procedure

The provisions of this Act in so far as they relate to the powers of a police officer are in addition to the powers of a police officer under any other law relating to criminal procedure; but where there is an inconsistency or conflict between a provision of this Act and a provision of any other law the provision of this Act shall prevail.

60. General penalty and evidence

(1) A person convicted of an offence under this Act for which a penalty is not specifically provided is liable in respect of that offence, to a fine not exceeding seven hundred and fifty penalty units or to a term of imprisonment not exceeding three years or to both the fine and the imprisonment.

(2) In proceedings under this Act a document stating the results of an analysis carried out on behalf of the Republic in respect of a substance suspected to be a narcotic drug is prima facie evidence of the facts stated in the document.

61. Regulations

(1) The Minister may, by legislative instrument, make Regulations for the full and effective implementation of this Act.

(2) The Minister responsible for Health may, in consultation with the Minister, make Regulations specifying

- (a) the class of persons to whom licences may be granted under this Act;
- (b) the persons entitled to dispense narcotic drugs;
- (c) the places where narcotic drugs may be supplied; and
- (d) the particulars to be kept by registered suppliers.

62. Interpretation

In this Act, unless the context otherwise requires,

“**authorised police officer**” means a police officer authorised by the Attorney-General, the Court or the Inspector-General of Police to perform a particular function in relation to which the expression is used;

“authorised person” includes an authorised police officer and any other person authorised in terms of this Act or the Regulations to perform a function;

“bank” includes a bank licensed under the Banking Act 1989³ or a person carrying on a banking business under an enactment, a licensed financed company, or a co-operative society registered under the Co-operative Societies Act, 1968;⁴

“banker’s books” includes ledgers, day books, cash books, accounts books and any other books and documents used in the ordinary course of the business of a bank;

“Board” means the Narcotics Control Board established by section 55; **“corresponding foreign law”** or **“foreign law corresponding to”** means the provision of a law of a country, territory or place outside the Republic which is similar in whole, or in part, or in substance to a law in force in the Republic in relation to which the expression is used;

“court” means the High Court or a Regional Tribunal;

“dealing” includes,

- (a) a purchase, sale, loan, charge, mortgage, lien, pledge, caveat, transfer, delivery, assignment, subrogation, transmission, gift, donation, trust settlement, deposit, withdrawal transfer between accounts, extension of credit;
- (b) a purchase or sale of securities, monetary instrument, or any other instrument by whatever means effect;
- (c) an agency or grant of power of attorney; and
- (d) any other disposition or dealing in whatever form, or of whatever description or nature, which results in a right, an interest, a title or privilege, whether present or future or whether vested or contingent, in the whole or part of a property being conferred on a person;

“diminished in value” in relation to a property means the whole or part of the property being expended, utilised, destroyed, or being subjected to a dealing, process or any other act, so that it ceases to exist, or is reduced in value or size;

“document” includes

- (a) letters, figures, marks, inscription, writing, sign, caricature, picture, drawing or representation in any form; and
- (b) a visual recording, whether of still or moving images, or sound recording, on a substance, material, thing or an article;

“function” includes powers and duties;

“holder” in relation to a property includes

- (a) a person who is the owner of, or is in possession, or occupation of, or has the custody or control of that property; or
- (b) a person who has any other right, interest, title, claim, or power, duty or obligation in relation to the property;

3. P.N.D.C.L. 225.

4. N.L.C.D. 252.

“illegal property” means a property, whether within or outside the Republic which

- (a) is wholly or partly derived or obtained from or by means of a prohibited activity carried out by a person after the commencement of this Act;
- (b) is the income, earnings or assets wholly or partly derived or obtained from or by means of a property referred to in paragraph (a);
- (c) is wholly or partly derived or obtained from or by means of a property referred to in paragraphs (a) or (b);
- (d) is wholly or partly traceable or attributable to a property referred to in paragraphs (a), (b) or (c), or to the income, earnings or assets of that property;
- (e) after the commencement of this Act, is or was used to assist or facilitate a prohibited activity;
- (f) is the subject matter of an offence under this Act committed after the commencement of this Act; or
- (g) which, due to a circumstance such as, but not limited to, its nature, value, location or place of discovery, or the time, manner or place of its acquisition, or the person from whom it was acquired, or its proximity to any other property referred to in paragraphs (a), (b), (c), (d), (e) and (f) can be reasonably believed to be property falling within the scope of any of those paragraphs;

“lawful authority” means authority given by a person or body prescribed by the Minister;

“Minister” means the Minister responsible for Health;

“narcotic drug offence” means an offence specified in any of the sections 1 to 9 and sections 10, 11 and 12, or under a corresponding foreign law;

“prescribed” means prescribed by this Act or the Regulations;

“prohibited activity” means an act, activity, or a conduct taking place in whole or in part within or outside the Republic which

- (a) constitutes an offence under this Act, or under a corresponding foreign law or which constitutes a narcotic drug offence; or
- (b) although not constituting an offence referred to in paragraph (a), is of a nature or occurs in circumstances that it would have ultimately resulted in or led to the commission of an offence under this Act,

“property” includes movable and immovable property and tangible and intangible property;

“purchaser in good faith for valuable consideration” means a transferee, an assignee, a chargee, mortgagee, pledge, holder of a lien, or lessee, of a property where the transfer, assignment, charge, mortgage, pledge, lien, or lease was obtained by that person for adequate valuable consideration in money or money’s worth, without notice,

- (a) that the property is illegal property; or

- (b) of any circumstances from which, if reasonable inquiries had been made, it might have been discovered that the property is illegal property;

“Regulations” means Regulations made under this Act.

63. Repeal

*Spent.*⁵

SCHEDULE

[Section 9 (1)]

ACETORPHINE (3-0-acetyltetrahydro-7a-(1-hydroxy-1-methylbutyl)-6 14-endoetheno-
oripavine).

ACETYLMETHADOL (3-acetoxy-6-dimethylamino-4,-4-diphenylheptane).

ALLYLPRODINE (3-allyl-1-methyl-4-propionoxypiperidine).

ALPHACETYLMETHADOL (alpha-3-acetoxy-6-dimethylamine-4,-4-diphenylheptane).

ALPHAMEPRODINE (alpha-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine).

ALPHAMETHADOL (alpha-6-dimethylamine-4,-4-diphenyl-3-heptanol).

ALPHAPRODINE (alpha-1,-3-dimethyl-4-propionoxypiperidine).

ANILERIDINE (1-para-aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester).

BENZETHIDINE (1-2-benzyloxyethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester).

BENZYL MORPHINE (3-benzylmorphine).

BETRACETYLMETHADOL (beta-3-acetoxy-6-dimethylamino-4-diphenylheptane).

BETAMETHADOL (beta-6-dimethylamino-4,-4-diphenyl-3-heptanol).

BETAPRODINE (beta-1,-3-dimethyl-1-4-phenyl-4-propionoxypiperidine).

BEZITRAMIDE (-(3-cyano-3-3-diphenylpropyl)-4-2-oxo-3-propionyl-1-benzimidazolyl-
piperidine).

CANNABIS and CANNABIS RESIN and EXTRACTS and TINCTURES OF CANNABIS.

CLONITAZENE (2-para-chlorbenzyl-1-diethylaminoethyl-5-nitrobenzimidazole).

COCALEAF.

5. The section provided that sections 28 (2), 40 (2), 44 (3), 45, 46 (2), Part Six, section 57 (2), (3), (3A) and (5), and Part Two of the Second Schedule of the Pharmacy and Drugs Act, 1961 (Act 64) which relate to narcotic drugs are hereby repealed.

SCHEDULE—*continued*

COCAINE (methyl ester of benzoylecgonine).

CODOXIME (dihydrocodeinone-6-carboxymethyloxime).

CONCENTRATE OF POPPY STRAW (the material arising when poppy straw has entered into a process for the concentration of its alkaloids when the material is made available in trade).

DESOMORPHINE (dihydrodeoxymorphine).

DEXTROMORAMIDE ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine).

DIAMPROMIDE (N-[2-methylphenethylamino propyl] (propionanilide).

DIETHYLTHIAMBUTENE (3-diethylamino-1,1-di-2-thienyl)-1-butene).

DIFENOXIN (1-(3-cyano-3,3-diphenylpropyl)-4-phenylisonipecotic acid).

DIHYDROMORPHINE.

DIMENOXADOL (2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate).

DIMEPHEPTANOL (6-dimethylamino-4,4-diphenyl-3-heptanol).

DIMETHYLTHIAMBUTENE (3-dimethylamino-1,1-di-(2-thienyl)-1-butene).

DIOXAPHETYL BUTYRATE (ethyl-4-morpholine-2,2-diphenyl-butyrate).

DIPHENOXYLATE (1-(3-CYANO-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

DIPIPANONE (4,4-diphenyl-piperidine-3-heptanone).

DROTEBANOL (3,4,-dimethoxy-17-methylmorphinan-6*,14-diol).

ECGONINE, its esters and derivatives which are convertible to ecgonine and cocaine.

ETHYLMETHYLTHIAMBUTENE (3-ethylmethylamino-1,1-di (2-thienyl)-1-butene).

ETONITAXENE (1-diethylaminoethyl-2-para-ethoxybenzyl-5-nitrobenzimidazole).

ETORPHINE (tetrahydro-7a-(1-hydroxy-1-methylbutyl) 6,14-endoethenoopiravine).

ETOXERIDINE (1-[2-(2-hydroxyethoxy) ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester).

FENTANYL (1-phenethyl-4-n-propionylanilinopiperidine).

FURETHIDINE (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

HEROIN (diacetylmorphine).

SCHEDULE—*continued*

HYDROCODONE (dihydrocodeinone).

HYDROMORPHINOL (14-hydroxydihydromorphine).

HYDROMORPHONE (dihydromorphinone).

HYDROXYPETHIDINE (4-*meta*-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester).

ISOMETHADONE (6-dimethylamino-5-methyl-4, 4-diphenyl-3-hexanone).

KETOBEMIDONE (4-*meta*-hydroxyphenyl-1-methyl-4-propionylpiperidine).

LEVOLETHORPHAN ((-)-3-methoxy-*n*-methylmorphinan).

LEVOMORAMIDE ((-)-4-[2-methyl-4-oxo-4, 3-diphenyl-4-(pyrrolidinyl) butyl] morpholine).

LEVOPHENACYLMORPHAN ((-)-3-hydroxy-*n*-phenacylmorphinan).

LEVORPHANOL ((-)-3-hydroxy-*n*-methylmorphinan).

METAXOCINE (2'-hydroxy-2, 5, 9-trimethyl-6-6, 7-benzomorphan).

METHADONE (6-dimethylamino-4, 4-diphenyl-3-heptanone).

METHADONE INTERMEDIATE (4-cyano-2-dimethylamino-4, 4- diphenylbutane).

METHYLDESORPHINE (6-methyl- δ -6-deoxymorphine).

METHYLDIPHYDROMORPHINE (6-methyldihydromorphine).

METOPHON (5-methyldihydromorphinone).

MORAMIDE INTERMEDIATE (2-methyl-3-morpholino-1, diphenylpropane carboxylic, acid).

MORPHERIDINE (1-(2-morpholineoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

MORPHINE.

MORPHINE METHOBROMIDE and other pentavalent nitrogen morphine derivatives.

MORPHINE-N-OXIDE.

MYROPHINE (myristylbenzylmorphine).

NICOMORPHINE (3, 6-DINICOTINYLMORPHINE).

NORACYMETHADOL ((+)- α -3-acetoxy-6-methylamino-4, 4-diphenylheptane).

NORLEVORPHANOL ((-)-3-hydroxymorphinan).

NORMETHADONE (6-dimethylamino-4, 4-diphenyl-3-hexanone).

SCHEDULE—*continued*

- NORMORPHINE (demethylmorphine).
- NORPIPANONE (4, 4-diphenyl-6-piperidino-3-hexanone).
- OPIUM.
- OXYCODONE (14-hydroxydihydrocodeinone).
- PETHININE (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester).
- PETHIDINE INTERMEDIATE A (4-cyano-1-methyl-4-phenylpiperidine).
- PETHIDINE INTERMEDIATE B (4-phenylpiperidine-4-carboxylic acid ethyl ester).
- PETHIDINE INTERMEDIATE C (1-methyl-4-phenylpiperidine-4-carboxylic acid).
- PHENADOXONE (6-morpholino-4, 4-diphenyl-3-heptanone).
- PHENAMPROMIDE (N-(1-methyl-2-piperidinoethyl) propionanilide).
- PHENAZOCINE (2'-hydroxy-5, 9-dimethyl-2-phenethyl-6, 7-benzomorphan).
- PHENOMORPHAN (3-hydroxy-N-phenethylmorphinan).
- PHENOPERIDINE (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).
- PIMINODINE (4-phenyl-1-(3-phenylaminopropyl) piperidine-4-carboxylic acid ethyl ester).
- PIRITRAMIDE (1-(3-cyano-3, 3-diphenylpropyl)-4-(1-piperidino)-piperidine-4-carboxylic acid amide).
- PROHEPTAZINE (1, 3-dimethyl-4-phenyl-4-propionoxyazacycloheptane).
- PROPERIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid iopropyl ester).
- RACEMETHORPHAN ((+)-3-methoxy-N-methylmorphinan).
- RACEMORAMIDE ((+)-4-[2-methyl-4-oxo-3, 3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine).
- RACEMORPHAN ((+)-3-hydroxy-n-methylmorphinan).
- THEBAINE.
- TRIMEPERIDINE (1, 2, 5-trimethyl-4-4-phenyl-4-propionoxylpiperidine); and

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

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

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

SCHEDULE—*continued*

ACEDYLDIHYDROCODEINE.

CODEINE (3-methylmorphine).

DIPHYDROCODEINE.

ETHYLMORPHINE (3-thylmorphine).

NICOCODINE (6-nicotinylcodeine).

NICODICODINE (6 nicotinyldihydrocodeine).

NORCODEINE (N-demethylcodeine).

PHOLCODINE (morpholinylethylmorphine).

PROPIRAM (N-(1-methyl-2-piperidinoethyl)-n-2-pyridylpropionamide), and

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

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

NARCOTIC DRUGS (CONTROL, ENFORCEMENT AND SANCTIONS) ACT, 1990⁶**MEMORANDUM**

The purpose of this Act is to bring under one enactment offences relating to illicit dealing in narcotic drugs and to further put in place provisions that will prevent illicit narcotic drug dealers benefiting from their crimes.

In view of the rising incidence of narcotic drug abuse in the country and the threatening dimensions that illicit narcotic drug dealing has taken internationally, it has become necessary to revise the existing laws on narcotic drugs by clearly spelling out the offences and providing realistic and deterring punishments in respect of them.

Furthermore, Ghana as a signatory to the United National Convention on Narcotic Drugs and Psychotropic Substances is obliged to enact national laws to implement the provisions of the Convention.

To this end, provision is made in this Act for the pursuit, seizure and forfeiture of equipment used in the commission of narcotic drug offences and of properties and proceeds acquired or derived from narcotic drug offences or illicit narcotic drug dealings. In furtherance of international co-operation and mutual assistance among member countries parties to the Convention, provision is made in this Act for assistance, on request, to foreign countries to enable them to pursue and seize in Ghana, through due process of law, properties acquired or derived from illicit narcotic drug activities.

6. This Act was issued as the Narcotic Drugs (Control, Enforcement and Sanctions) Law, 1990, (P.N.D.C.L. 236) made on the 24th day of May, 1990 and notified in the *Gazette* on 13th July, 1990.

MEMORANDUM—continued

The following are the essential elements of the Act:

PART ONE

Under sections 1 - 6, importation, exportation, possession, cultivation, manufacture, supply, use and administration of any narcotic drug without lawful authority is prohibited.

Under section 7 a Court or Tribunal that convicts any person has discretion not to impose the minimum sentence where the circumstances of the case demand.

Section 8 (1) repeats the provision in the current law where if an accused person with two previous convictions for specified narcotic drug offences is again convicted for such an offence he shall be liable to imprisonment for life.

Subsection (2) of section 8 enables District Magistrates and District Tribunals to try offences under Part one but since most of the stipulated minimum sentences are beyond their jurisdiction, convicts must be sent to the appropriate higher Courts or Tribunals for sentence.

Under section 9 (1) the meaning of narcotic drugs is defined and section 9 (2) provides for amendment of the Schedules by the Secretary.

PART TWO

This Part deals with activities in relation to properties which constitute offences.

Section 10 makes any dealing directly or indirectly in relation to any property whether in Ghana or outside Ghana with the intention of managing, promoting establishing or carrying on any activity which is an offence under Part one an offence; and a person with intention to assist or facilitate such a crime also commits an offence.

Section two makes possession of property or proceeds from any property known to have been obtained from activities which constitute a narcotic drug offence in Ghana, an offence, wherever the offence was committed.

Section 12 prohibits the laundering of proceeds from narcotic drug offences wherever committed. Where any person is convicted of a narcotic drug offence under this Act, the equipment of property; the subject matter of the offence, shall be forfeited to the state under section 13 (1). However section 13 (2) exempts carriers from liability where the offence was committed by someone other than the owner of the carrier and it is proved to the court that the use of the carrier for the offence was without the owner's knowledge or consent.

Under section 14, once, there is proof that a narcotic drug offence has been committed, any equipment or property used for the commission of the offence shall be forfeited notwithstanding that no person has been convicted of the offence.

PART THREE

This Part deals with the pursuit and forfeiture of illegal properties.

Under section 16 the Attorney-General, may, where he has reason to believe that a person has or is holding on behalf of another person property suspected to be illegal property under this Act, make an *ex parte* application to a court for the forfeiture of the property specified in the application from the person named therein.

Under section 15 is specified person, who can be proceeded against by the Attorney-General, referred to as "liable persons," there are persons who have been convicted of narcotic drug offences, either in Ghana or of similar offences abroad; persons knowingly holding or

MEMORANDUM—*continued*

proceeded against under section 15 dies, his personal representatives or where there are no personal representatives any beneficiaries may be pursued.

Under section 17, a court may on hearing the Attorney-General on an application under section 16, cause a notice to be issued to the liable person named in the application to show cause why the properties specified by the Attorney-General in the application should not be forfeited, the Court shall rule after hearing the parties, and make such order as it deems just.

Under section 18, the Court has power to order forfeiture where the person names as liable fails to appear.

Under section 19, the Court may where it is satisfied that illegal property has been sold to a purchaser in good faith or that the property cannot be traced or is otherwise irrecoverable, order, among others, that an amount equal to the full value of the illegal property shall be paid.

Failure to pay attracts imprisonment under section 19 (3), and where the liable person dies before or after the Court order, the representative of his estate or any beneficiary can be pursued.

Under section 20 (1), all contracts and dealings effected by any person against whom notice has been issued under Part Three in respect of the illegal property are null and void.

Under section 21, proceedings do not abate upon the death of the liable person, and any proceedings pending are to be continued against his personal representatives or beneficiaries.

Under section 22 (1) only the High Court, National or Regional Public Tribunals have original jurisdiction under Part Three of the Act.

PART FOUR

This Part deals with arrest, investigation and seizure.

Under section 23, a police officer has power to arrest without warrant any person whom he reasonable suspects to have committed or to be committing an offence under this Act.

Section 24 deals with powers of entry, search and seizure on premises suspected to be used for offences under the Act and section 25 deals with body searches of suspects which can include both external and internal body searches, the latter of which must be conducted by a medical officer. Females are only to be searched by other females. Obstruction of a person inspecting or searching is an offence under section 26.

Section 27 empowers a magistrate or district Tribunal to grant, on application by a police officer, a right to intercept, detain, open and search any communication or postal article which the magistrate or District Tribunal considers likely to contain relevant information or substance for prosecution under the Act. This application can also extend to a request to the magistrate or District Tribunal for authorisation to intercept transmitted messages and to listen to any conversation by telecommunication.

Section 28 gives the Attorney-General special powers to authorise any police officer, by a written order, to investigate, inspect and take copies of any documents held by a bank or financial institution among others, for purposes relating to an investigation into a narcotic drug offence under this Act or under a corresponding.

Under section 29, the Attorney-General has further powers for the purposes of any investigation into proceedings relating to a narcotic drug offence suspected to have been committed under this Act or under any corresponding foreign law, or for purposes of Part Three of this Act, to require, by written notice, any person whom the Attorney-General has reason to believe has information that would assist in any such investigation, to furnish him in writing a sworn

MEMORANDUM—*continued*

statement, identifying his properties both inside and outside Ghana, identifying properties sent outside the country by him within a specified period, the estimated value and whether the property is held by some other person on his behalf and setting out all his sources of income, earnings or assets. Under section 30 the Attorney-General also has power in like manner to request any public officer to furnish any document in his possession.

Under sections 31 to 34, where the Attorney-General intends to make an application against any person to show cause why certain specified properties should not be forfeited, or where he intends to institute court proceedings against any person for a narcotic drug related offence or where proceedings have already been instituted and pending, he may by order require any person named in the order to disclose the whereabouts of all properties held by him, prevent him from dealing, expending or disposing of any property the subject matter of the proceedings, not to remove the properties or not to leave Ghana without prior written approval of the Attorney-General. This order may extend to any person holding property for or on behalf of the person named in the order and the order may require such later person to also make such disclosure and prohibit such latter person from disposing of any specified property without the written approval of the Attorney-General.

Under subsection (7) of section 31, failure to comply constitutes an offence. The method of seizure of movable and immovable property suspected to be illegal for the purposes of this Act is dealt with under sections 35 and 36.

Under section 37, all unauthorised dealings with regard to seized property after the seizure are void.

Sections 39 and 40 provide for the release of property seized under the Act where there is no prosecution or further action in respect of the property and no claim within a specified period from the date of the seizure.

PART FIVE

This Part deals with vesting of properties forfeited under the Act in the State.

PART SIX

Section 42 deals with co-operation and assistance to foreign authorities who request for assistance in relation to drug related offences in the foreign country and enjoins the Ghanaian authorities to render assistance.

Section 44 indicates how the Ghanaian authority should assist with service of processes or documents from abroad.

Section 45 deals with transmission of copies of statements or records or results of investigations Ghana to the requesting foreign authority.

Section 46 makes it clear that the Ghanaian authority may authorise any police officer to examine any person specified in a request from a foreign authority in respect of a drug related offence.

Under section 47, the examination of a person suspected of a drug related offence and specified by a foreign authority as being so suspected may, on an application by the Attorney-General or the Ghanaian authority to a magistrate or District Tribunal, be ordered by the magistrate or the Chairman of the District Tribunal who shall carry out the examination.

Section 48 allows the Ghanaian authority to authorise search of any person specified by a foreign authority in a request and a police officer so authorised shall search the premises and may under section 49 seize any property requested by the foreign authority as being property liable for forfeiture under the law of the foreign country or that the property is required as evidence in a drug related offence. The section sets out the modalities for transmission of any property seized and the return of the property where it is found not to be illegal property.

MEMORANDUM—*continued*

Under section 50, on a request from a foreign authority the Ghanaian authority may intercept communications for the purpose of rendering assistance to the foreign authority in relation to any drug related matter.

Section 52 deals with the transfer of a person in prison in Ghana to a foreign country at the request of a foreign authority as a witness in a prosecution in that country. Any such transfer must be authorised by the Secretary and section 53 deals with arrangements that may be entered into between the foreign authority and the Government of Ghana with regard to payment.

PART SEVEN

Section 55 sets up a Narcotics Control Board under the control and supervision of the Minister of the Interior.

Section 56 deals with punishment for attempt and conspiracies for offences under the Act.

Section 57 deals with offences by bodies of persons. Under section 59 the powers of the police are clearly indicated to be in addition to their powers under any other law.

Section 60 imposes a penalty not exceeding ₵500,000.00 or imprisonment for a term not exceeding three years or both for any offence under the Act for which no specific penalty has been imposed and provides in subsection (2) for analyst report.

Section 61 deals with the powers of the Secretary to make regulations and sections 62 and 63 deal with interpretation and repeals respectively.
