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LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE
CONVENTION OF 13 JULY 1931 FOR LIMITING THE MANUFACTURE
AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS
AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

TANGANYIKA

COMMUNICATED BY THE GOVERNMENT OF
THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

NOTE BY THE SECRETARY-GENERAL

In accordance with Article 21 of the Convention of 13 July 1931
for Limiting the Manufacture and Regulating the Distribution of Narcotic
Drugs, as amended by the Protocol of 11 December 1946, the Secretary-
General has the honour to communicate the following legislative text.

New York, 1952



TANGANYIKA TERRITORY

REVISED EDITION OF THE LAWS, 1947

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CHAPTER 95.

DANGEROUS DRUGS.

28 of 1935. AN ORDINANCE TO CONSOLIDATE THE LAW REGULATING THE IMPORTATION, EXPORTATION, PRODUCTION, MANUFACTURE, SALE AND USE OF OPIUM AND OF CERTAIN OTHER DANGEROUS DRUGS AND SUBSTANCES, AND TO MAKE FURTHER AND BETTER PROVISION FOR THE CONTROL OF THE EXTERNAL TRADE IN DANGEROUS DRUGS.

[12th July, 1935.]

PART I—INTERPRETATION AND DEFINITIONS.

Short title. 1. This Ordinance may be cited as the Dangerous Drugs Ordinance.

Interpretation. 2. In this Ordinance unless the context otherwise requires—

“ raw opium ” means the spontaneously coagulated juice obtained from the capsules of the *Papaver somniferum* L., which has only been submitted to the necessary manipulations for packing and transport, whatever its content of morphine;

“ prepared opium ” means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked;

“ medicinal opium ” means raw opium which has undergone the processes necessary to adapt it for medi-

cial use in accordance with the requirements of the British Pharmacopœia, whether it is in the form of powder or is granulated or is in any other form and whether it is or is not mixed with neutral materials;

“ coca leaves ” means the leaves of the *Erythroxylon Coca* Lamarck and the *Erythroxylon novogranatense* (Morris) *Hieronimus* and their varieties belonging to the family of Erythroxylaceæ and the leaves of other species of this genus from which cocaine can be extracted either directly or by chemical transformation;

“ Indian hemp ” means the dried flowering or fruiting tops of the pistillate plant known as *Cannabis sativa* from which the resin has not been extracted, by whatever name such tops are called;

“ The Hague Convention ” means the International Convention signed at The Hague on the 23rd day of January, 1912;

“ the Geneva Convention (No. 1) ” means the convention signed at Geneva on behalf of His Majesty on the 19th day of February, 1925, for the purpose of completing and strengthening the provisions of The Hague Convention;

“ the Geneva Convention (No. 2) ” means the convention signed at Geneva on behalf of His Majesty on the 13th day of July, 1931, for the purpose of supplementing the provisions of The Hague Convention and the Geneva Convention (No. 1).

PART II.—RAW OPIUM AND COCA LEAVES.

3. (1) The Governor in Council may make rules for controlling or restricting the production, possession, sale and distribution of raw opium or coca leaves, and in particular, but without prejudice to the generality of the foregoing power, for prohibiting the production, possession, sale or distribution of raw opium or coca leaves except by persons licensed or otherwise authorised in that behalf.

Power to regulate the production of and dealing in raw opium and coca leaves.

(2) The Governor in Council may fix such penalties for the breach or non-observance of any regulation as he may think fit not exceeding imprisonment with or without hard labour for one month or a fine of three thousand shillings.

Prohibition of cultivation of opium or coca plant.

4. No person shall cultivate the Opium Poppy (*Papaver somniferum*) or the Coca Plant (*Erythroxylon Coca*).

PART III.—PREPARED OPIUM.

Prohibition of export or import of prepared opium.

5. No person shall import or bring into, or export from, the Territory any prepared opium.

Penalty for manufacturing, selling, using, etc., prepared opium.

6. If any person—

- (a) manufactures, sells or otherwise deals in prepared opium; or
- (b) has in his possession any prepared opium; or
- (c) being the occupier of any premises permits those premises to be used for the purpose of the preparation of opium for smoking or the sale or smoking of prepared opium; or
- (d) is concerned in the management of any premises used for any such purpose as aforesaid; or
- (e) has in his possession any pipes or other utensils for use in connection with the smoking of opium, or any utensils for use in connection with the preparation of opium for smoking; or
- (f) smokes or otherwise uses prepared opium, or frequents any place used for the purpose of opium smoking,

he shall be guilty of an offence against this Ordinance.

PART IV.—INDIAN HEMP.

Prohibition of importation and exportation of the resin from the plant *Cannabis sativa*.

7. No person shall import or bring into, or export from, the Territory any resin obtained from the plant *Cannabis sativa*.

Penalty for dealing, etc., in the plant *Cannabis sativa*, the resin therefrom, etc.

8. If any person—

- (a) has in his possession (otherwise than in the course of transit through the Territory or its territorial waters), produces, sells or otherwise deals in the resin obtained from the plant *Cannabis sativa* or any preparations of which such resin formed the base; or
- (b) cultivates the plant *Cannabis sativa*; or

- (c) has in his possession (otherwise than in the course of transit through the Territory or its territorial waters), sells or otherwise deals in the whole or any portion of the plant *Cannabis sativa* (excluding its medicinal preparations),

he shall be guilty of an offence against this Ordinance.

PART V.—COCAINE, MORPHINE, ETC.

9. (1) For the purpose of preventing the improper use of the drugs to which this Part of this Ordinance applies, the Governor in Council may make rules for controlling the manufacture, sale, possession and distribution of those drugs, and in particular, but without prejudice to the generality of the foregoing power, for—

Control of
manufacture
and sale of
cocaine, etc.

- (a) prohibiting the manufacture of any drug to which this Part of this Ordinance applies except on premises licensed for the purpose and subject to any conditions specified in the licence; and
- (b) prohibiting the manufacture, sale or distribution of any such drug except by persons licensed or otherwise authorised under the rules and subject to any conditions specified in the licence or authority; and
- (c) regulating the issue by medical practitioners of prescriptions containing any such drug and the dispensing of any such prescriptions; and
- (d) requiring persons engaged in the manufacture, sale or distribution of any such drug to keep such books and furnish such information either in writing or otherwise as may be prescribed; and
- (e) controlling or restricting the possession of or dealing in any such drug while in transit through the Territory whether by land or by water.

(2) The rules under this section shall provide for authorising any person who lawfully keeps open shop for the retailing of poisons in accordance with the provisions of the Pharmacy and Poisons Ordinance—

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- (a) to manufacture at the shop in the ordinary course of his retail business any preparation, admixture, or extract of any drug to which this Part of this Ordinance applies; or

- (b) to carry on at the shop the business of retailing, dispensing or compounding any such drug;

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subject to the power of the Governor to withdraw the authorisation in the case of a person who has been convicted of an offence against this Ordinance or an offence under the Customs Ordinance, as applied by this Ordinance, and who cannot, in the opinion of the Governor, properly be allowed to carry on the business of manufacturing or selling or distributing, as the case may be, any such drug.

(3) Nothing in any rules made under this section shall be taken—

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- (a) to authorise the sale, or the keeping of an open shop for the retailing, dispensing or compounding of poisons by any person who is not qualified in that behalf under, or otherwise than in accordance with, the provisions of the Pharmacy and Poisons Ordinance; or

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- (b) to be in derogation of the provisions of the Pharmacy and Poisons Ordinance for prohibiting, restricting or regulating the sale of poisons.

Drugs to
which Part V
applies.

10. (1) The drugs to which this Part of this Ordinance applies are—

- (a) medicinal opium;
- (b) any extract or tincture of Indian hemp;
- (c) morphine and its salts, and diacetylmorphine (commonly known as diamorphine or heroin) and the other esters of morphine and their respective salts;
- (d) cocaine (including synthetic cocaine) and ecgonine and their respective salts, and the esters of ecgonine and their respective salts;
- (e) any solution or dilution of morphine or cocaine or their salts in an inert substance whether liquid or solid, containing any proportion of morphine or cocaine, and any preparation, admixture, extract or other substance (not being such a solution or dilution as aforesaid) containing not less than one-fifth per cent. of morphine or one-tenth per cent. of cocaine or of ecgonine;

- (f) any preparation, admixture, extract or other substance containing any proportion of diacetylmorphine;
- (g) dihydrooxycodine, dihydrocodeine, dihydromorphine, acetyldihydrocodeine, dihydromorphine, their esters and the salts of any of these substances and of their esters, morphine-N-oxide (commonly known as genomorphine), the morphine-N-oxide derivatives, and any other pentavalent nitrogen morphine derivatives;
- (h) thebaine and its salts, and (with the exception of methylmorphine, commonly known as codeine, and ethylmorphine, commonly known as dionin, and their respective salts) benzylmorphine and the other ethers of morphine and their respective salts;
- (i) any preparation, admixture, extract or other substance containing any proportion of any of the substances mentioned in paragraph (g) or in paragraph (h) of this subsection.

For the purpose of the foregoing provision the expression "ecgonine" means lævo-ecgonine and includes any derivatives of ecgonine from which it may be recovered industrially, and the percentage in the case of morphine shall be calculated as in respect of anhydrous morphine.

For the purposes of this section, percentages in the case of liquid preparations shall, unless other provision in that behalf is made by rules under this Ordinance, be calculated on the basis that a preparation containing one per cent. of any substance means a preparation in which one gramme of the substance, if a solid, or one millilitre of the substance, if a liquid, is contained in every hundred millilitres of the preparation, and so in proportion, for any greater or less percentage.

Calculation
of percentage
in case of
liquid
preparations.

(2) If it appears to the Governor in Council that any new derivative of morphine or cocaine or of any salts of morphine or cocaine or any other alkaloid of opium or any other drug of whatever kind is or is likely to be productive, if improperly used, or is capable of being converted into a substance which is, or is likely to be productive, if improperly used, of ill-effects substantially of the same character or nature as or analogous to those produced by morphine or

cocaine, the Governor in Council may by order provide that this Part of this Ordinance shall apply to that new derivative or alkaloid or other drug in the same manner as it applies to the drugs mentioned in subsection (1) and make any such verbal alterations in the list of such drugs as may be necessary in consequence of such order as aforesaid.

(3) If the Governor in Council thinks fit to declare that a finding with respect to any preparation containing any of the drugs to which this Part of this Ordinance applies has in pursuance of Article 8 of the Geneva Convention (No. 1) been communicated by the Council of the League of Nations to the parties to the said Convention, the provisions of this Part of this Ordinance shall as from such date as may be specified in such declaration cease to apply to the preparations specified therein.

Prohibition of trade, etc., in new drugs and power to apply Part V with or without modifications to certain drugs.

11. (1) It shall not be lawful for any person in the Territory to trade in or manufacture for the purpose of trade any products obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not being a product which was on the 13th day of July, 1931, being used for medical or scientific purposes:

Provided that if the Governor is at any time satisfied as respects any such product that it is of medical or scientific value, he may by order direct that this subsection shall cease to apply to that product.

If any person acts in contravention of this subsection, he shall be guilty of an offence against this Ordinance.

(2) If it is made to appear to the Governor that a decision with respect to any such product as is mentioned in subsection (1) of this section has in pursuance of Article 11 of the Geneva Convention (No. 2) been communicated by the Secretary-General of the League of Nations to the parties of the said Convention, the Governor in Council, may, as the case requires, by order, either declare that the provisions of this Part of this Ordinance shall apply to that product in the same manner as they apply to the drugs mentioned in subsection (1) or apply the said Part to that product with such modifications as may be specified in the order.

(3) The Governor in Council may, by order, apply this Part of this Ordinance with such modifications as may

be specified in the order, to any of the following drugs, that is to say, methylmorphine (commonly known as codeine), ethylmorphine (commonly known as dionin) and their respective salts.

PART VI.—CONTROL OF EXTERNAL TRADE.

12. In this Part, unless the context otherwise requires—

Interpreta-
tion.

“conveyance” includes ship, motor vehicle, aircraft, train and any other means of transport by which goods may be brought into or taken from the Territory;

“dangerous drug” means any drug to which Part V of this Ordinance applies, and includes raw opium, coca leaves, Indian hemp, and all preparations of which resins obtained from Indian hemp form the base; and, for the purposes of sections 15 to 18 both inclusive, includes also the resins obtained from Indian hemp;

“diversion certificate” means a certificate issued by the competent authority of a country through which a dangerous drug passes in transit, authorising the diversion of such drug to a country other than that specified as the country of ultimate destination in the export authorisation, and containing all the particulars required to be included in an export authorisation, together with the name of the country from which the consignment was originally exported;

“export”, with its grammatical variations and cognate expressions, in relation to the Territory, means to take or cause to be taken out of the Territory by land, air or water, otherwise than in transit;

“export authorisation” means an authorisation issued by a competent authority in a country from which a dangerous drug is exported, containing full particulars of such drug, and the quantity authorised to be exported, together with the names and addresses of the exporter and the person to whom it is to be sent, and stating the country to which, and the period within which, it is to be exported;

“import”, with its grammatical variations and cognate expressions, in relation to the Territory, means to bring or cause to be brought into the Territory by land, air or water, otherwise than in transit;

“ import authorisation ” means a licence, issued by a competent authority, authorising the importation of a specified quantity of a dangerous drug and containing full particulars of the drug, together with the name and address of the person authorised to import the drug, the name and address of the person from whom the drug is to be obtained, and specifying the period within which the importation must be effected;

“ import certificate ” means a certificate substantially in the form A set out in the Schedule hereto, issued by a competent authority in a country into which it is intended to import dangerous drugs;

“ in transit ” means taken or sent from any country and brought into the Territory by land, air or water (whether or not landed or transhipped in the Territory) for the sole purpose of being carried to another country either by the same or another conveyance.

The export
of dangerous
drugs.

13. (1) Upon the production of an import certificate duly issued by the competent authority in any country, it shall be lawful for the Director of Medical Services to issue an export authorisation in the form B set out in the Schedule hereto in respect of any drug referred to in the import certificate to any person who is named as the exporter in such certificate, and is, under the provisions of this Ordinance, otherwise lawfully entitled to export such drug from the Territory. The export authorisation shall be prepared in triplicate and two copies shall be issued to the exporter who shall send one copy with the drug to which it refers when such drug is exported. The Director of Medical Services shall send the third copy direct to the appropriate authority of the country of ultimate destination. Where the intended exportation is to a country which is not a party to the Geneva Convention (No. 2), it shall not be necessary to produce an import certificate as aforesaid. Subject to the provisions of subsection (2), it shall be in the absolute discretion of the Director of Medical Services in all cases to issue or refuse an export authorisation, as he may see fit.

(2) If at any time the importation of any dangerous drug into a foreign country which is not a party to the Geneva Convention (No. 2) is prohibited or restricted by the laws of that country no export authorisation may lawfully be issued authorising the exportation thereof to such country in contravention of such laws.

(3) No dangerous drug shall be exported from the Territory unless the consignor is in possession of a valid and subsisting export authorisation relating to such drug granted under this Ordinance.

(4) At the time of exportation of any dangerous drug the exporter shall produce to the Comptroller of Customs the dangerous drug, the export authorisation relating thereto, and such other evidence as the Comptroller of Customs may require to satisfy him that the drug is being lawfully exported to the place and person named in the authorisation which refers to it.

(5) No person shall export, cause to be exported or take any steps preparatory to exporting any dangerous drug from the Territory except in pursuance of and in accordance with the provisions of this Ordinance.

14. (1) An import authorisation in the form C set out in the Schedule hereto permitting the importation into the Territory of any dangerous drug specified therein may be granted by the Director of Medical Services subject to such conditions as he shall deem fit to any person who may lawfully import such drug.

The import of dangerous drugs.

(2) Where an import authorisation is issued in pursuance of subsection (1) of this section, the Director of Medical Services shall also issue, in relation to the dangerous drug intended to be imported, an import certificate (form A) which shall be forwarded by the intending importer to the person from whom the drug is to be obtained. When the importer to whom an import authorisation is issued under this section intends to import the drug or drugs to which such authorisation relates in more than one consignment, a separate import certificate shall be issued to him in respect of each such consignment.

(3) No dangerous drug shall be imported into the Territory unless the person to whom the drug is consigned is in possession of a valid and subsisting import authorisation granted in pursuance of this section.

(4) Every dangerous drug imported into the Territory from a country which is a party to the Geneva Convention (No. 1) shall be accompanied by a valid and subsisting export authorisation or diversion certificate.

(5) No person shall import, cause to be imported or take any steps preparatory to importing, any dangerous drug into the Territory except in pursuance of and in accordance with the provisions of this Ordinance.

Dangerous
drugs in
transit.

15. (1) No person shall bring any dangerous drug to the Territory in transit unless—

- (a) the drug is in course of transit from a country from which it may lawfully be exported, to another country into which such drug may lawfully be imported; and
- (b) except where the drug comes from a country not a party to the Geneva Convention (No. 1), it is accompanied by a valid and subsisting export authorisation or diversion certificate, as the case may be.

(2) Where any dangerous drug in transit is accompanied by an export authorisation or diversion certificate and the Comptroller of Customs has reasonable grounds for believing that such authorisation or certificate is false, or that it has been obtained by fraud or wilful misrepresentation of a material particular, it shall be lawful for the Comptroller of Customs to seize and detain the drug to which such authorisation or certificate relates. Upon being satisfied that such authorisation or certificate is valid or has not been obtained by fraud or misrepresentation as aforesaid the Comptroller of Customs shall release the drug.

(3) Where the dangerous drug in transit is not accompanied by an export authorisation or diversion certificate by reason of the fact that the drug comes from a country not a party to the Geneva Convention (No. 1) and the Comptroller of Customs has reasonable grounds for believing that such drug is being conveyed in an unlawful manner or for an unlawful purpose or is in course of transit for the purpose of being imported into another country in contravention of the laws of that country it shall be lawful for the Comptroller of Customs to seize and detain the drug.

(4) Where a dangerous drug brought into the Territory in transit is landed, or transhipped in the Territory, it shall remain under the control of the Comptroller of Customs and shall be moved only under and in accordance with a removal licence granted in pursuance of section 16 hereof,

(5) Nothing in this section contained shall be deemed to apply to any dangerous drug in transit by post or in transit by air if the aircraft passes over the Territory without landing, or to such quantities of dangerous drugs as may, *bona fide*, reasonably form part of the medical stores of any ship or aircraft.

16. (1) No person shall—

Removal
licences.

- (a) remove any dangerous drug from the conveyance by which it is brought into the Territory in transit; or
- (b) in any way move any such drug in the Territory at any time after removal from such conveyance

except under and in accordance with a licence (in the form D set out in the Schedule hereto and in this Ordinance referred to as a "Removal Licence") issued by the Comptroller of Customs. In all cases it shall be in the absolute discretion of the Comptroller of Customs to issue or refuse a removal licence as he shall deem fit.

(2) No removal licence for the transfer of any such drug to any conveyance for removal out of the Territory shall be issued unless and until a valid and subsisting export authorisation or diversion certificate relating to it is produced to the Comptroller of Customs save that where the drug has come from a country not a party to the Geneva Convention (No. 1) this subsection shall not apply.

(3) The provisions of this section shall not apply to dangerous drugs in transit by post.

17. It shall be unlawful for any person to cause any dangerous drug in transit to be subjected to any process which would alter its nature, or wilfully to open or break any package containing a dangerous drug in transit except under the instructions of the Comptroller of Customs and in such manner as he may direct.

Drugs not to
be tampered
with.

18. (1) No person shall, except under the authority of a diversion certificate in the form E set out in the Schedule hereto, cause or procure any dangerous drug brought into the Territory in transit to be diverted to any destination other than that to which it was originally consigned. In

Diversion
of dangerous
drugs.

the case of any drug in transit accompanied by an export authorisation or a diversion certificate issued by a competent authority of some other country, the country to which the drug was originally consigned shall be deemed to be the country stated in such export authorisation or diversion certificate to be the country of destination.

(2) The Director of Medical Services may in his absolute discretion issue a diversion certificate in respect of any dangerous drug in transit upon production to him of a valid and subsisting import certificate issued by a competent authority in the country to which it is proposed to divert the drug, or if that country is not a party to the Geneva Convention (No. 1) upon such evidence as may satisfy him that the drug is to be sent in a lawful manner and for a proper purpose.

(3) A diversion certificate shall be issued in duplicate; one copy thereof shall accompany the drug when it is exported from the Territory. Another copy shall be despatched by the Director of Medical Services direct to the proper authority in the country to which the consignment has been diverted.

(4) Upon the issue of a diversion certificate the export authorisation or diversion certificate (if any) accompanying the drug on its arrival in the Territory shall be detained by the Director of Medical Services and returned to the authority issuing such authorisation or diversion certificate together with a notification of the name of the country to which such drug has been diverted.

Powers of
Deputy
Director of
Medical
Services.

19. The powers and duties to be exercised and performed by the Director of Medical Services under this Part shall in the absence of the Director of Medical Services be exercised and performed by the Deputy Director of Medical Services.

PART VII.—GENERAL.

Licences.

20. Licences, permits or authorities for the purposes of this Ordinance other than Part VI thereof may be issued or granted by such person on such terms and subject to such conditions (including in the case of a licence the payment of a fee) as the Governor in Council may by rule prescribe.

21. (1) Articles prohibited to be imported by virtue of this Ordinance shall be deemed to be prohibited to be imported under section 43 of the Customs Ordinance, and the provisions of this Ordinance relating to the prohibition of the export of articles shall have effect as though they were included in that Ordinance, and the provisions of that Ordinance and of any Ordinance amending or extending that Ordinance shall apply accordingly.

Application
of Cap. 192.

(2) If any goods prohibited to be exported by virtue of this Ordinance are exported from the Territory in contravention thereof, or brought to a quay or other place to be shipped for the purpose of being so exported or of being water-borne to be so exported, the exporter or his agent shall be liable to the same penalty as that to which a person is liable under section 44 of the Customs Ordinance, for illegally importing prohibited goods.

Cap. 192.

22. (1) Any police officer or other person authorised in that behalf by any general or special order of the Commissioner of Police or of a Provincial Commissioner shall, for the purposes of the execution of this Ordinance, have power to enter the premises of any person carrying on the business of a producer, manufacturer, seller or distributor of any drugs to which this Ordinance applies and to demand the production of and to inspect any books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs.

Powers of
inspection
and seizure.

(2) If a magistrate is satisfied by information on oath that there is reasonable ground for suspecting that any drugs to which this Ordinance applies are, in contravention of the provisions of this Ordinance or any rule made thereunder, in the possession or under the control of any person in any premises, or that any document directly or indirectly relating to or connected with any transaction or dealing which was, or any intended transaction or dealing which would if carried out be an offence against this Ordinance or in the case of a transaction or dealing carried out or intended to be carried out in any place outside the Territory, an offence against the provisions of any corresponding law in force in that place, is in the possession or under the control of any person in any premises he may grant a search

warrant authorising any police officer named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises named in the warrant, and to search the premises and any persons found therein, and if there is reasonable ground for suspecting that an offence against this Ordinance has been committed in relation to any such drugs which may be found in the premises or in the possession of any such persons, or that any document which may be so found is such a document as aforesaid, to seize and detain those drugs or that document, as the case may be.

(3) If any person wilfully delays or obstructs any person in the exercise of his powers under this section or fails to produce or conceals or attempts to conceal any such books, stocks, drugs or documents as aforesaid, he shall be guilty of an offence against this Ordinance.

Offences and penalties.

23. (1) Any person—

- (a) who acts in contravention of, or fails to comply with, any provision of this Ordinance; or
- (b) who acts in contravention of, or fails to comply with, the conditions of any licence or permit issued or authority granted under or in pursuance of this Ordinance; or
- (c) who for the purpose of obtaining, whether for himself or for any other person, the issue, grant or renewal of any such licence, permit or authority as aforesaid, makes any declaration, or statement which is false in any particular, or knowingly utters, produces or makes use of any such declaration or statement or any document containing the same; or
- (d) who in the Territory aids, abets, counsels or procures the commission in any place outside the Territory of any offence punishable under the provisions of any corresponding law in force in that place, or does any act preparatory to, or in furtherance of, any act which if committed in the Territory would constitute an offence against this Ordinance,

shall be guilty of an offence against this Ordinance.

(2) Every person guilty of an offence against this Ordinance shall, in respect of each offence, be liable—

- (a) on conviction by the High Court to a fine not exceeding twenty thousand shillings, or to imprisonment for a period not exceeding ten years, with or without hard labour, or to both such fine and imprisonment; or
- (b) on conviction by a subordinate court of the first class to a fine not exceeding five thousand shillings, or to imprisonment, with or without hard labour, for a term not exceeding twelve months, or to both such fine and imprisonment, and jurisdiction is hereby conferred on any such court to pass sentence accordingly,

and shall, in every case on conviction for the offence, forfeit to His Majesty all articles in respect of which the offence was committed, and the court before which the offender was convicted may order any forfeited articles to be destroyed or otherwise disposed of as the court thinks fit.

(3) No person shall, on conviction for any offence of contravening or failing to comply with any rule under this Ordinance relating to the keeping of books or the issuing or dispensing of prescriptions containing drugs to which this Ordinance applies, be sentenced to imprisonment without the option of a fine or to pay a fine exceeding one thousand shillings, if the court dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to, or committed in the course of, or in connection with, the commission or intended commission of any other offence against this Ordinance.

(4) If any person attempts to commit an offence against this Ordinance, or solicits or incites another person to commit such an offence, he shall, without prejudice to any other liability, be liable on conviction to the same punishment and forfeiture as if he had committed an offence under this Ordinance.

(5) Where a person convicted of an offence under this Ordinance is a company, the chairman and every director and every officer concerned in the management of the company shall be guilty of the like offence unless he proves that

the act constituting the offence took place without his knowledge or consent.

Definition of the expression "corresponding law."

24. In the last two preceding sections the expression "corresponding law" means any law stated in a certificate purporting to be issued by or on behalf of the Government of any country outside the Territory to be a law providing for the control and regulation in that country of the manufacture, sale, use, export and import of drugs in accordance with the provisions of The Hague Convention, of the Geneva Convention (No. 1) or of the Geneva Convention (No. 2), and any statement in any such certificate as to the effect of the law mentioned in the certificate, or any statement in any such certificate that any facts constitute an offence against that law, shall be conclusive.

Power of arrest.

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

Meaning of importation and exportation under licence.

26. For the purposes of this Ordinance, any article shall be deemed to be imported under licence or exported under licence if the importer or exporter, as the case may be, is the holder of a licence or authorisation issued under this Ordinance authorising the importation or exportation, as the case may be, of the article and complies with the conditions, if any, of the licence or authorisation, but not otherwise.

Burden of proof.

27. In any proceedings against any person for an offence against this Ordinance, it shall not be necessary to negative by evidence any licence, authority or other matter of exception or defence, and the burden of proving any such matter shall lie on the person seeking to avail himself thereof.

SCHEDULE.

Section 14 (2).

FORM A.

IMPORT CERTIFICATE issued by the Government of Tanganyika Territory.

Serial No.....

File No.....

International Opium Conventions.

CERTIFICATE OF OFFICIAL APPROVAL OF IMPORT.

I, being the person charged with the administration of the law relating to dangerous drugs to which the International Opium Conventions apply, hereby certify that I have approved the importation by* of†

*Here insert name, address and business of importer.

†Here insert exact description and amount of drugs to be imported.

from‡ subject to the conditions that—

‡Here insert name and address of firm in exporting country from which the drug is to be obtained.

(i) the consignment shall be imported before the

; and

(ii) the consignment shall be imported by

and that I am satisfied that the consignment proposed to be imported is required—

- (1) ¶ for legitimate purposes (in the case of raw opium or the coca leaf)
(2) ¶ solely for medicinal or scientific purposes (in the case of dangerous drugs other than raw opium and coca leaf).

¶Strike out words not applicable.

(Date).....

(Signature and stamp of the Director of Medical Services.)

This document is solely for production to the Government of the country from which the drug is proposed to be obtained.

Section 13 (1).

FORM B.

Serial No.....

File No.....

Applicant's

Reference No.....

Dangerous Drugs Ordinance.

EXPORT AUTHORISATION.

In pursuance of the Dangerous Drugs Ordinance the Director of Medical Services hereby authorises

(hereinafter called " the exporter ")

to export from—

(1) * the port of by s.s.

*Strike out words not applicable.

(2) * the Tanganyika Territory by Parcel Post in parcels from the in

Post Office

to

in virtue of Import Certificate No. dated
issued by
the following drugs, namely:—

This authorisation is issued subject to the following conditions:—

1. This authorisation is not a licence to obtain or be in possession of the drugs named herein.

2. This authorisation is available only for drugs of the exact quantity, kind and form specified above.

3. This authorisation does not relieve the exporter from compliance with any Customs regulations in force for the time being relating to the exportation of goods from Tanganyika Territory nor from any provision of the Post Office Ordinance, or of any Post Office Regulations for the time being in force, nor from any rules or regulations respecting the transmission of articles by post which may for the time being be in force, whether within Tanganyika Territory or elsewhere.

4. If the drugs are authorised to be exported by ship the Duplicate Copy, which is attached, shall accompany the consignment to the place of destination, and for this purpose the exporter shall cause it to be delivered to the Master of the vessel by which the consignment is despatched. [See footnote (3).]

5. If the drugs are authorised to be exported by post the attached Duplicate Copy shall be placed inside the outer wrapper of the parcel containing the drugs. If the drugs are contained in more than one parcel, the Duplicate Copy shall be placed inside the outer wrapper of one of them; the parcels shall be consecutively numbered on the outer wrapper, and on each parcel there shall be legibly stated the number of the parcel in which the Duplicate Copy is to be found. [See footnote (2).]

6. The exporter, if so required by the Comptroller of Customs, shall produce to him, within such time as he may allow, proof to his satisfaction that the said drugs were duly delivered at the destination named in this authorisation, and in the event of non-compliance with this condition the authorisation shall be deemed void and of no effect.

7. The exporter shall furnish to the Director of Medical Services such returns of the goods exported by him in pursuance of this authorisation as may from time to time be required.

8. This authorisation is valid only for the exporter named above and may be revoked at any time by the Director of Medical Services. It shall be produced for inspection when required by any duly authorised person.

NOTE.—(1) If any alteration is desired in this authorisation it must be returned with a request for amendment and a statement of the reasons therefor. No unauthorised alteration is permissible.

(2) In the case of drugs exported by post failure to comply with this condition may lead to delay or confiscation of the parcels in the country of destination.

(3) In the case of drugs exported by ship this document is required in pursuance of the International Opium Convention, 1925, Article 15, to be produced to the competent authorities of any country through which the consignment passes, whether it is transhipped or not. Failure to comply with the condition may lead to delay or confiscation of the consignment.

9. This authorisation, unless sooner revoked, shall continue in force for three calendar months from the date hereof. It must be produced, at the time of export, to an officer of—

- (1) * the Customs Department,
- (2) * the Post Office,

*Strike out words not applicable.

who will retain it. If not used it shall be surrendered to the Director of Medical Services within seven days of the date of its expiry.

(Date).....

.....
(Signature and stamp of the Director of Medical Services.)

Section 14 (1).

FORM C.

Authorisation No.....

File No.....

Dangerous Drugs Ordinance.

IMPORT AUTHORISATION.

In pursuance of the Dangerous Drugs Ordinance (hereinafter called " the Ordinance "), the Director of Medical Services hereby authorises

(hereinafter called " the importer ")
to import the drugs specified in the Schedule hereto, from

Here insert name and full postal address of importer.
Here insert name and full postal address of exporter.

This authorisation is issued subject to the following conditions:—

1. The drugs shall be imported before (*date*)
2. This authorisation is not a licence to be in possession of or to supply the drug imported.
3. This authorisation does not relieve the importer from compliance with any Customs regulations in force for the time being relating to the importation of goods into or transshipment of goods in Tanganyika Territory, or any Post Office regulations for the time being in force in Tanganyika Territory.
4. This authorisation is valid only for the importer and may be revoked at any time by the Director of Medical Services to whom it shall in that event be immediately surrendered. It shall be produced for inspection when required by any duly authorised person.
5. This authorisation unless sooner revoked shall be produced to the Customs Officer at the time of importation and shall be surrendered to the Customs Officer at the time when the last consignment of drugs is imported.
6. If the importation of all drugs specified in the Schedule is not effected before the date specified in condition No. 1 this authorisation shall immediately after that date be surrendered to the Director of Medical Services.

7. The copy of the export authorisation, if any, which accompanies the drugs shall be forwarded to the Director of Medical Services immediately the importation of the drugs has been effected.

(Date).....

(Signature and stamp of the
Director of Medical Services.)

SCHEDULE specifying the drugs and quantities thereof to be imported:—

This authorisation is not to leave the possession of the importer until it is surrendered to the Director of Medical Services or to the Customs Officer, who will complete the certificate on the back and return the authorisation to the Director of Medical Services.

ENDORSEMENT BY CUSTOMS OFFICER
at the time of Importation.

Date	Description of drugs imported	Number and date of Export Authorisation	Quantity	How imported	Customs entry or Parcel No	Signature, mark and station of Customs Officer
				<i>e.g., ex.....(In the case of a ship), or by registered parcel post or by insured box post.</i>		

This authorisation, when all the drugs to which it relates have been imported, must be returned by the Customs Officer to the Director of Medical Services.

Section 16 (1).

FORM D.

Dangerous Drugs Ordinance.

LICENCE FOR THE REMOVAL OF DANGEROUS DRUGS
IN TRANSIT.

.....is hereby authorised to move the dangerous drugs described hereunder from to
Nature and quantity of dangerous drugs.....
Particulars of export authorisation (or diversion certificate) if any relating thereto

Name of ship on which the drugs were brought into the Territory

Date of arrival

Number of packages

Marks and numbers on packages

This licence is issued subject to the following conditions:—

(1) This licence is valid only for the removal of the drugs specified above.

(2) The removal of the drugs shall take place between.....a.m./p.m. and.....a.m./p.m. on the.....19.....

(3) If the removal of the drugs does not take place within the hours and on the day specified, this licence must be returned to the Comptroller of Customs forthwith; and in any case shall be surrendered when the removal has taken place.

(4) The drugs must not be moved unless an officer of the Customs Department is present.

(5) This licence does not authorise the person named above to be in possession of the drugs otherwise than for the purpose of removing them in accordance with this licence.

(6) The packages containing the drugs are not to be opened or broken in the course of the removal.

(7) This licence shall be produced at any time when required by a duly authorised person.

(Date).....

(Signature and stamp of the Comptroller of Customs.)

Section 18 (1).

FORM E.

International Opium Conventions.

DIVERSION CERTIFICATE.

I, being the person charged with the administration of the law relating to the dangerous drugs to which the International Opium Conventions apply, hereby certify that I have authorised the diversion of the consignment of drugs, of which particulars are given below, to the destination stated below:—

Description and quantities of drugs

Name of vessel on which the consignment was brought to Tanganyika Territory

Name and address of the exporter

Number and date of export authorisation and authority by whom issued

Name and address of original consignee named in the export authorisation

Name and address of consignee to whom
the consignment is authorised to be
diverted

Number and date of import certificate (and
authority by whom issued) by virtue of
which this diversion is authorised

Name of vessel on which the consignment
is authorised to be carried from
Tanganyika Territory

Period within which the consignment is to
be carried from the Territory

This certificate is issued subject to the following conditions:—

(1) The duplicate copy of this certificate shall accompany the consignment to the place of destination, and for this purpose shall be delivered to the Master of the vessel by which the consignment is dispatched.

(2) This certificate does not relieve any person who may be concerned with the carriage of the consignment of drugs specified above from compliance with any Customs regulations in force for the time being relating to the exportation of goods from Tanganyika Territory.

(3) This certificate is valid only for the consignment and for the period specified above, and may be revoked at any time.

(4) If the consignment of drugs is not carried from Tanganyika Territory within the period specified above, this certificate shall be surrendered to the Director of Medical Services.

(5) This certificate shall be produced at any time when required by a duly authorised person.

(Date).....

.....
(Signature and stamp of the
Director of Medical Services.)

NOTE.—(1) If any alteration is desired in this authorisation it must be returned with a request for amendment and a statement of the reasons therefor. No unauthorised alteration is permissible.

(2) This document is required in pursuance of the International Opium Convention, 1925, Article 15, to be produced to the competent authorities of any country through which the consignment passes, whether it is transhipped or not. Failure to comply with the condition may lead to delay or confiscation of the consignment.



TANGANYIKA TERRITORY

REVISED EDITION OF THE LAWS, 1947

CHAPTER 95.

DANGEROUS DRUGS.

Rules made by the Governor in Council under s. 9.

G.N.s
104 of 1935
and
49 of 1938.

INTERNAL CONTROL.

1. These rules may be cited as the Dangerous Drugs (Internal Control) Rules. Short title.

2. The drugs to which these rules apply are those to which Part V of the Ordinance applies, unless the context otherwise requires. Application.

3. No person shall manufacture or carry on any process in the manufacture of any of the drugs— Manufacture under licence only.
 - (a) unless he is licensed by the Governor or is authorised by these rules or by any authority granted by the Governor to do so;
 - (b) except on premises licensed for the purpose by the Governor;
 - (c) otherwise than in accordance with the terms and conditions of such licence or authority.

4. No person shall supply or procure, or offer to supply or procure, the drugs to or for any person (including himself) and whether in the Territory or elsewhere, or advertise the drugs for sale— Restriction on supply and procuring of drugs.
 - (a) unless he is licensed by the Governor or is authorised by these rules or by any authority granted by the Governor to supply the drugs, or unless he is in possession of an import authorisation or export authorisation issued by the Director of Medical Services in pursuance of the provisions of Part VI of the Ordinance, or unless he is licensed or otherwise authorised to manufacture the drug, or (but so far only as regards procuring) unless he is licensed to procure the same;

(b) otherwise than in accordance with the terms and conditions of such licence or authority.

Further restrictions on distribution, except when medically prescribed.

5. Except when the drugs are lawfully dispensed in pursuance of a prescription given by a registered medical practitioner or dentist, or a duly qualified veterinary surgeon, or are supplied by a registered medical practitioner or duly qualified veterinary surgeon who dispenses his own medicines in accordance with the conditions hereinafter in these rules specified, no person shall supply or procure, or offer to supply or procure, any of the drugs to or for any person in the Territory who is not licensed or otherwise authorised to be in possession of the drug nor to any person so licensed or authorised except in accordance with the terms and conditions of such licence or authority: Provided that the administration of the drug by or under the direct personal supervision of a registered medical practitioner, or dentist in dental treatment, or by or under the direct personal supervision of a duly qualified veterinary surgeon in the treatment of any animal, shall not be deemed to be supplying the drug within the meaning of these rules.

Form of prescription.

6. A prescription for the supply of the drugs shall comply with the following conditions:—

(1) The prescription must be in writing, must be dated and signed in full by the person giving it with his address, with the name and address of the person for whose use it is given, and the total amount of the drug to be supplied on the prescription.

(2) A prescription shall only be given by a medical practitioner when required for the purposes of medical treatment.

(3) A prescription shall only be given by a dentist for the purposes of dental treatment, and shall be marked "For local dental treatment only."

(4) A prescription shall only be given by a veterinary surgeon for the purposes of treatment of animals, and shall be marked "For animal treatment only."

(5) A medical practitioner or a veterinary surgeon who dispenses any of the drugs shall enter particulars thereof in his day book or in the register hereinafter specified.

7. The following conditions shall be observed by persons dispensing prescriptions for the drugs:— Dispensing of prescriptions.

(1) A prescription for any of the drugs shall only be dispensed if either—

- (a) the person dispensing the prescription is acquainted with the signature of the person by whom it purports to have been given, and has no reason to suppose that it is not genuine; or
- (b) the person dispensing the prescription has taken reasonably sufficient steps to satisfy himself that it is genuine.

(2) The drugs shall not be supplied more than once on the same prescription: Provided that, if the prescription so directs, the drug may be supplied on more than one but not exceeding three occasions, as directed in the prescription, at intervals to be specified in the prescription.

(3) The person dispensing a prescription shall mark thereon the date on which it is dispensed, and shall retain it and keep it on the premises where it is dispensed and so that it shall be available for inspection.

8. No person shall be in possession of or attempt to obtain possession of any of the drugs unless— Conditions of possession.

- (a) he is in possession of an import authorisation or export authorisation issued by the Director of Medical Services in pursuance of the provisions of Part VI of the Ordinance; or
- (b) he is licensed or otherwise authorised to manufacture or supply such drug; or
- (c) he is otherwise licensed by the Governor or authorised by these rules or by any authority granted by the Governor to be in possession of the drug; or
- (d) he proves that the drug was supplied for his use by a registered medical practitioner or by a duly qualified veterinary surgeon or on and in accordance with such a prescription as aforesaid:

Provided that the qualification contained in paragraph (d) shall not apply in the case of any drug supplied to a person for his use by a medical practitioner or in accordance

with a prescription if that person was at the time of the supply in course of receiving treatment from another medical practitioner in respect of addiction to any of the drugs or otherwise, and of being supplied with any of the drugs by or on a prescription given by that last-mentioned practitioner and did not disclose that fact to the first-mentioned practitioner before the drug was supplied to him.

Marking of
packages or
bottles.

9. (1) No person shall supply any of the drugs unless the package or bottle containing the same is plainly marked with the nature and amount of the drug contained therein.

(2) No person shall supply any preparation, admixture, extract or other article containing any of the drugs unless the package or bottle is plainly marked—

(a) in the case of a powder, solution or ointment, with the total amount thereof in the package or bottle and the percentage of the drug in the powder, solution or ointment;

(b) in the case of tablets or other articles, with the amount of the drug in each article and the number of articles in the package or bottle:

Provided that this rule shall not apply to any preparation dispensed by a registered medical practitioner or supplied in accordance with the prescription of such medical practitioner or dentist or a duly qualified veterinary surgeon.

Registers to
be kept by
persons
supplying.

10. (1) Every person who supplies any of the drugs shall comply with the following provisions:—

(a) he shall enter or cause to be entered in a register kept for the sole purpose all supplies of the drug purchased or otherwise obtained by him and all dealings in the drug effected by him (including sales or supplies to persons outside the Territory) in the form with such variations as circumstances may require and containing the particulars shown in the first Schedule to these rules;

(b) he shall make the entry with respect to any of the drugs purchased or otherwise obtained by him on the day on which the drug is received, and with respect to any sale or supply by him of the drug

on the day on which the transaction is effected; or, where that is not reasonably practicable, on the day next following the day on which the drug is received or the transaction is effected;

- (c) where he carries on business at more than one set of premises he shall keep a separate register or registers in respect of each set of premises;
- (d) he shall keep the register or registers in some part of the premises to which it relates, so that it or they shall at all times be available for inspection in accordance with the provisions of the Ordinance;
- (e) he shall not cancel, obliterate or alter any entry in the register or make therein any entry which is untrue in any particular: any mistake in an entry may be corrected by a marginal note or footnote giving the correct particulars and dated; and
- (f) he shall furnish to the Governor or to any person authorised by any order of the Governor for the purpose, such particulars as the Governor or such person may require in regard to any purchases by him of the drugs, all stocks held by him of the drugs, and all transactions effected by him in the drugs.

(2) A drug or preparation administered by, or under the direct supervision and in the presence of, a registered medical practitioner or dentist shall not be deemed to have been supplied by him.

(3) With the approval of the Governor, separate registers may be kept for separate departments of a business.

11. (1) A registered medical practitioner who records in a day book particulars of any of the drugs supplied by him to any patient, together with the name and address of the patient and date of the supply, may, in lieu of keeping the register required by the last preceding rule of drugs sold or supplied by him, enter separately for each of the drugs in a separate book to be kept for the purpose a proper reference to each entry in the day book which relates to the supply of any drug.

Alternative provisions applicable to medical practitioners.

Alternative provisions applicable to seller of drugs and poisons.

(2) A person lawfully keeping open shop for the retailing of poisons may in lieu of keeping the register required by these rules enter in a separate book to be kept for the purpose a proper reference to each entry in the "Sale of Poisons Book" kept by him relating to any supply of the drugs.

Meaning of "proper reference."

12. In rule 11 "a proper reference" means a reference which is entered in the separate book under the same date as that on which the entry in the day book or in the "Sale of Poisons Book" was made and is otherwise such as to enable that entry to be easily identified.

Inspection of registers.

13. All such books shall at all times be available for inspection in accordance with the provisions of the Ordinance.

Authority to seller of drugs and poisons to manufacture, etc.
Cap. 89.

14. (1) Any person lawfully keeping open shop for the retailing of poisons in accordance with the provisions of the Drugs and Poisons Ordinance is hereby authorised—

- (a) to manufacture at the shop in the ordinary course of his retail business any preparation, admixture or extract of any of the drugs;
- (b) to carry on at the shop the business of retailing, dispensing or compounding the drugs, but subject always to the provisions of these rules.

(2) Every drug in the actual custody of a person authorised by virtue of this rule shall be kept in a locked receptacle which can be opened only by him or by some assistant of his being a licensed druggist.

(3) Where under the provisions of section 9 (2) of the Ordinance any such authorisation has been withdrawn, notice of such withdrawal shall be published in the *Gazette*.

Authority to possess and supply the drugs in special circumstances.

15. (1) Notwithstanding anything contained in these rules, any registered medical practitioner or dentist, or any duly qualified veterinary surgeon, or any person whose qualifications are approved by the Director of Medical Services for the purpose, who may be employed or engaged in dispensing medicines at any public hospital or other public institution, or at any charitable, religious or other institution established for the treatment of the sick, not

being an institution maintained for private gain, which may be approved by the Governor for the purpose, or any person in charge of a laboratory used for research or instruction and attached to any public hospital, or other institution approved by the Governor for the purpose, is hereby authorised, so far as may be necessary for the practice of his profession or employment in such capacity, to be in possession of and to supply the drugs:

Provided that a dentist shall not be authorised to supply otherwise than by the personal administration thereof by him to persons receiving treatment from him.

(2) Notwithstanding anything contained in these rules, the master of any ship or the pilot of any aircraft may, on obtaining an authorisation from any Government Medical Officer in that behalf, purchase, and any person authorised to supply the drugs may supply such quantity of the drugs as in the opinion of such Medical Officer may reasonably be required to form part of the medical stores of such ship or aircraft; and such master or pilot may, in cases of emergency, supply the drugs to any person travelling on such ship or aircraft.

(3) Notwithstanding anything contained in these rules, where at any factory, mine or other undertaking—

- (a) no registered medical practitioner or other person authorised to supply the drugs is employed or readily available, and
- (b) the business conducted therein is of a kind which, in the opinion of the Director of Medical Services, may result in accident to persons employed therein necessitating the use of the drugs,

the manager thereof may possess such quantity of the drugs as the Director of Medical Services may consider necessary for his use in emergency, and may, on obtaining an authorisation from any Government Medical Officer in that behalf, purchase, and any person authorised to supply the drugs may supply, such quantity of the drugs as will not cause the amount thereof in his possession to exceed that authorised by the Director of Medical Services, and may, in cases of emergency, supply the same to any person in his employment:

Provided that, where any of the drugs are supplied in pursuance of the provisions of this paragraph, the manager shall make a record of the amount supplied, the person to whom they are supplied, and the purpose for which they are supplied, and when required so to do shall produce the same for the inspection of any Government Medical Officer.

Withdrawal
of authority.

Cap. 192.

16. (1) If any person authorised by these rules or by an authority granted by the Governor to manufacture, supply or possess the drugs or any of them is convicted of an offence against the Ordinance or these rules or under the Customs Ordinance as applied by section 21 of the Ordinance, the Governor may, if he is of opinion that that person ought not to be allowed to manufacture, supply or possess the drugs, withdraw the authority of such person and notice of such withdrawal shall be published in the *Gazette*:

Provided that nothing in this rule shall be taken to prejudice any power otherwise vested in the Governor of withdrawing any authority previously given by him.

(2) Where the person whose authority is withdrawn under paragraph (1) of this rule is a registered medical practitioner or dentist, or a duly qualified veterinary surgeon, it shall not be lawful if the Governor so direct for that person to give prescriptions for the purposes of these rules, and notice of any such direction shall be given to the person affected thereby and shall be published in the *Gazette*.

(3) If the Governor has reason to suspect that a medical practitioner or dentist is supplying or prescribing drugs to or for either himself or any other person otherwise than is properly required for the purpose of medical or dental treatment of himself or that other person, the Governor may refer the matter to a tribunal constituted in the manner specified in the Second Schedule to these rules, and, if the tribunal so recommend, the Governor may withdraw the authority of the practitioner or dentist to supply, procure or possess the drugs and give the like direction with respect to him as may be given under paragraph (2) of this rule, and notice of any such withdrawal or direction shall be given to the person affected thereby and shall be published in the *Gazette*.

17. (1) No person shall deliver any of the drugs to any person not licensed or otherwise authorised to be in possession of the drugs who purports to be sent by or on behalf of a person so licensed or authorised unless such person produces an authority in writing, signed by the person so licensed or authorised to receive the drug on his behalf, and unless the person supplying the drug is satisfied that the authority is genuine. This rule shall not be deemed to apply to medicines dispensed in accordance with the provisions of these rules.

Delivery to messengers.

(2) A person to whom a drug is lawfully delivered in the circumstances mentioned in paragraph (1) of this rule shall be deemed to be a person authorised to be in possession thereof, but for such period only as in the circumstances of the case is reasonably sufficient to enable the delivery to the recipient to be effected.

18. Any of the drugs in the order or disposition of any person shall be deemed to be in his possession.

Construction of "possession."

19. Prescriptions, records, registers or other documents required to be retained or kept in pursuance of any of these rules shall be preserved for not less than two years from the date of the prescription or document or the last entry in the record or register, as the case may be.

Preservation of records, etc.

FIRST SCHEDULE.

Rule 10.

(a).—*Register of Drugs to which Part V of the Dangerous Drugs Ordinance applies.—Purchased or otherwise obtained.*

Name of substance purchased or otherwise obtained	Date on which supply received	Name of person, body or firm from whom obtained	Address of person, body or firm from whom obtained	Amount obtained	Form in which obtained

(b).—Register of Drugs to which Part V of the Dangerous Drugs Ordinance applies.—Sold or supplied.

Name of substance sold or supplied	Date on which the transaction was effected	Name of person, body or firm to whom sold or supplied	Address of person, body or firm to whom or which sold or supplied	Authority of person, body or firm to be in possession of the substance	Amount sold or supplied	Form in which sold or supplied	When sale is on a prescription, specify the ingredients or the prescription

SECOND SCHEDULE.

Rule 16 (3).

Cap. 92.

The Board constituted under section 9 of the Medical Practitioners and Dentists' Ordinance shall be the tribunal for the purposes mentioned in paragraph (3) of rule 16.

E/NL. 1952/76

Declaration by the Governor in Council under s. 10 (3).

THE DANGEROUS DRUGS (EXCLUSION OF COCAINE,
MORPHINE, ETC., PREPARATIONS)
(DECLARATION) ORDER.

G.N. 50 of
1938.

Whereas it is enacted by section 10, subsection (3), of the Dangerous Drugs Ordinance that if the Governor in Council thinks fit to declare that a finding with respect to any preparation containing any of the drugs to which Part V of the said Ordinance applies, has, in pursuance of Article 8 of the Geneva Convention (No. 1), been communicated by the Council of the League of Nations to the parties to the said Convention, the provisions of the said Part V shall as from such date as may be specified in the declaration cease to apply to the preparations specified therein:

Now, therefore, the Governor in Council hereby declares that findings with respect to the preparations specified in the Schedule hereto have in pursuance of Article 8 of the said Convention been communicated by the Council of the League of Nations to the parties to the said Convention and that the date from which the provisions of Part V of the Dangerous Drugs Ordinance shall cease to apply to the said preparations shall be the 2nd day of March, 1938.

SCHEDULE.

(a) MORPHINE PREPARATIONS		In 1 bougie
1. <i>Cereoli iodoformi et morphinae.</i>	Iodoform	0·320 gramme
	Morphine hydrochloride	0·016 „
	Oil of theobroma, sufficient to fill a 1 gramme mould.	
2. <i>Emplastrum opii.</i>	Elemi	20 grammes
	<i>Terebinthina</i>	30 „
	<i>Cera flava</i>	15 „
	<i>Olibanum pulvis</i>	18 „
	<i>Benzoës pulvis</i>	10 „
	<i>Opii pulvis</i>	5 „
	<i>Balsamum peruvianum</i>	2 „
3. <i>Emplastrum opii.</i>	Extract of opium	25 grammes
	Refined elemi	25 „
	Diachylon plaster with gum	50 „
4. <i>Emplastrum opii.</i>	Elemi	8 grammes
	<i>Terebinthinae communis</i>	15 „
	<i>Cerae flavae</i>	5 „
	<i>Olibani pulveratae</i>	8 „
	<i>Benzoës pulveratae</i>	4 „
	<i>Opii pulverati</i>	2 „
	<i>Balsami peruviani</i>	1 gramme
5. <i>Emplastrum opii.</i>	Opium, in very fine powder	10 grammes
	Resin plaster	90 „
6. <i>Emplastrum opii</i> (see formula under 5) mixed with other plasters contained in the British Pharmacopœia or British Pharmaceutical Codex.		
7. <i>Linimentum opii.</i>	Tincture of opium	500 millilitres
	Liniment of soap	500 „
8. <i>Linimentum opii</i> (see formula under 7) mixed with any other liniment of the British Pharmacopœia or of the British Pharmaceutical Codex.		
9. <i>Linimentum opii ammoniatum</i>	Ammoniated liniment of camphor	30
	Tincture of opium	30
	Liniment of belladonna	5
	Strong solution of ammonia	5
	Liniment of soap to 100	
10. <i>Linimentum opii ammoniatum</i> (see formula under 9) mixed with any other British Pharmacopœia or British Pharmaceutical Codex liniment.		
11. <i>Caustic "Nerve Pastes."</i> Preparations containing, in addition to morphine salts, or morphine and cocaine salts, at least 25 per cent of arsenious acid, and made up with the requisite proportion of creosote or phenol to produce the consistency of a paste.		

12. <i>Diarrhoea pills.</i>	Camphor	0.0648 gramme
	Lead acetate	0.013 "
	Bismuth subnitrate	0.162 "
	Tannic acid	0.0648 "
	Opium powder	0.026 "
13. <i>Pilulae digitalis et opii compositae.</i>	Digitalis leaves, in powder	0.31 gramme
	Opium in powder	0.19 "
	Ipecacuanha root, in powder	0.13 "
	Quinine sulphate	0.78 "
	Syrup of glucose, a sufficient quantity to make 12 pills.	
14. <i>Pilulae hydrargyri cum Opio.</i>	Mercury pill	3.89 grammes
	Opium, in powder	0.19 gramme
	To make 12 pills.	
15. <i>Pilulae hydrargyri cum Creta et Opii.</i>	Mercury with chalk	0.78 gramme
	Compound powder of Ipecacuanha*	0.78 "
	Milk sugar, a sufficient quantity.	
	Syrup of glucose, a sufficient quantity.	
	To make 12 pills.	
16. <i>Pilulae ipecacuanhae cum Scilla.</i>	Compound powder of ipecacuanha*	30 grammes
	Squill, in powder	10 "
	Ammoniacum, in powder	10 "
	Syrup of glucose, a sufficient quantity.	
17. <i>Pilulae hydrargyri bichlorati cum Opii extracto.</i>	Bichloride of mercury triturated	10 centigrammes
	Extract of opium	20 "
	Extract of couch-grass	20 "
	Liquorice root in powder, q.s. for 10 pills.	
18. <i>Pilulae hydrargyri iodati cum Opii pulvere.</i>	Hydrargyrum iodatum freshly prepared	50 centigrammes
	Opium powder	20 "
	Powdered liquorice	30 "
	White honey, q.s. for 10 pills.	
19. <i>Pilula plumbi, cum Opio.</i>	Lead acetate, in powder	80 grammes
	Opium, in powder	12 "
	Syrup of glucose	8 "
	(or a sufficient quantity).	

*The formula of this powder is given under 21, *Pulvis ipecacuanhae compositus*.

20. <i>Pilulae terebinthinae compositae.</i>	Opium	0·5 gramme
	<i>Chinini sulfas</i>	2 grammes
	<i>Styrax liquidus</i>	2 "
	<i>Terebinthina laricina</i>	8 "
	<i>Magnesii subcarbonas</i> , a sufficient quantity to make 100 pills.	
21. <i>Pulvis ipecacuanhae compositus</i> Syn.: <i>Pulvis ipecacuanhae et opii</i> (Dover's powder).	Ipecacuanha root, in powder	10 grammes
	Opium, in powder	"
22. Mixtures of <i>Dover's powder</i> (see formula under 21) with mercury and chalk, aspirin, phenacetin, quinine and its salts, and sodium bicarbonate.	Potassium sulphate in powder	80 "
23. <i>Pulvis kino compositus.</i>	Kino in powder	75 grammes
	Opium, in powder	5 "
	Cinnamon bark, in powder	20 "
24. <i>Suppositoria plumbi composita.</i> Syn.: <i>Suppositoria plumbi cum opio.</i>	Lead acetate, in powder	2·4 grammes
	Opium, in powder	0·8 gramme
	Oil of theobroma, a sufficient quantity for 12 suppositories, each weighing about 1 gramme.	
25. <i>Coryza Tablets No. 2.</i>	Powdered opium	0·0043 gramme
	Quinine sulph.	0·022 "
	Ammon. chlor.	0·022 "
	Camphor	0·022 "
	Ext. Belladonna leaves	0·0043 "
	Ext. aconite root	0·0043 "
26. <i>Diarrhoea Tablets No. 2.</i>	Powdered opium	0·016 gramme
	Camphor	0·016 "
	Powdered ipecacuanha	0·008 "
	Lead acetate	0·011 "
27. <i>Dysentery Tablets.</i>	Powdered opium	0·013 gramme
	Powdered ipecacuanha	0·0648 "
	Powdered calomel	0·0324 "
	Lead acetate	0·0324 "
	Bismuth betanaphthol	0·1944 "
28. <i>Tabella hydrargyri cum Opio.</i>	Mercurous chloride powder	0·065 gramme
	Antimony oxide powder	0·065 "
	Ipecacuanha root powder	0·065 "
	Powdered opium	0·065 "
	Milk sugar	0·065 "
	Gelatine solution, a sufficient quantity to make 1 tablet.	

29. <i>Tabella plumbi cum Opio.</i>	Sugar of lead 0.195 gramme Powdered opium 0.065 ,, Gelatine solution, a sufficient quantity to make 1 tablet.
30. <i>Tabletæ plumbi cum Opio.</i>	Lead acetate, in fine powder 19.44 grammes Opium, in powder 3.24 ,, Refined sugar, in powder 6.48 ,, Ethereal solution of theobroma 3.60 mils Alcohol 0.90 mil
31. <i>Unguentum gallæ compositum.</i>	Galls in very fine powder 20 Extract of opium 4 Distilled water 16 Wool fat 10 Soft paraffin, yellow 50
32. <i>Unguentum gallæ compositum</i> (see formula under 31) mixed with other ointments and plasters contained in the British Pharmacopœia or British Pharmaceutical Codex.	
33. <i>Unguentum gallæ cum Opio.</i>	Gall ointment 92.5 grammes Opium in powder 7.5 ,,
34. <i>Unguentum gallæ cum Opio</i> (see formula under 33) mixed with other ointments and plasters contained in the British Pharmacopœia or British Pharmaceutical Codex.	
35. <i>Yatren</i> —105 (Iodooxyquinoline-sulphonic acid) with 5 per cent opium admixture.	

(b) COCAINE PREPARATIONS

1. <i>Bernatzik's Injections.</i>	(a) <i>Hydrargyrum bicyanatatum</i> 0.03 gramme <i>Cocainum</i> 0.02 ,,
	(b) <i>Hydrargyrum succinatatum</i> 0.03 ,, <i>Cocainum</i> 0.01 ,,
2. <i>Stila's Injections.</i>	(a) <i>Hydrargyrum succinatatum</i> 0.03 gramme <i>Cocainum muriaticum</i> 0.01 ,,
	(b) <i>Hydrargyrum succinatatum</i> 0.05 ,, <i>Cocainum muriaticum</i> 0.03 ,,
3. <i>Natrium biboracicum compositum cum Cocaino.</i>	In tablets, compressed tablets, lozenges, pastilles and the like, difficult to break up, and containing not more than 0.2 per cent of cocaine salts in conjunction with not less than 20 per cent borax and not less than 20 per cent antipyrine, or some similar analgesic, and not more than 40 per cent of flavouring matter. Maximum weight of each tablet, etc., 1 gramme.

4. *Caustic "Nerve Pastes."* Preparations containing, in addition to cocaine salts or cocaine and morphine salts, at least 25 per cent of arsenious acid, and made up with the requisite proportion of creosote or phenol to produce the consistency of a paste.

5. *Cocaine and Atropine Tablets*, with a content of not more than 0.0003 gramme of cocaine salts and not less than 0.0003 gramme of atropine salts to each tablet.

<i>Atropinum sulphuricum</i>	0.0003 gramme
<i>Cocainum hydrochloricum</i>	0.0003 „
<i>Mannite</i>	0.003 „
<hr/>	
Weight of one tablet ..	0.0036 gramme
Cocaine content	8.3 per cent.

(c) HEROIN PREPARATIONS

1. *Elixir camphorae compositum.*
- | | |
|---------------------------------------|--------------|
| Camphor | 4 grains |
| Oil of anise | 5 minims |
| Benzoic acid | 6 grains |
| Diamorphine hydrochloride | 4 „ |
| Liquid extract of ipecacuanha | 120 minims |
| Tincture of squill | 1½ fl. ounce |
| Simple syrup to 20 fl. ounces. | |
2. *Elixir diamorphinae et Terpini, with Apomorphine.*
- | | |
|--|---------------|
| Apomorphine hydrochloride | 5 grains |
| Diamorphine hydrochloride | 4 „ |
| Terpin hydrate | 44 „ |
| Alcohol | 10 fl. ounces |
| Glycerine | 5 fl. „ |
| Syrup of wild cherry to 20 fl. ounces. | |
3. *Linctus diamorphinae, with Ipecacuanha.*
- | | |
|---------------------------------------|--------------|
| Liquid extract of ipecacuanha | 120 minims |
| Diamorphine hydrochloride | 4 grains |
| Tincture of hyoscyamus | 1½ fl. ounce |
| Spirit of chloroform | 1½ fl. „ |
| Syrup of balsam of tolu | 3 fl. ounces |
| Syrup of wild cherry | 3 fl. „ |
| Glycerine to 20 fl. ounces. | |
4. *Linctus senegae compositus.*
- | | |
|--------------------------------|--------------|
| Liquid extract of senega | 1 fl. ounce |
| Liquid extract of squill | 1 fl. „ |
| Tartarated antimony | 8 grains |
| Diamorphine hydrochloride | 4 „ |
| Glycerine | 2 fl. ounces |
| Simple syrup to 20 fl. ounces. | |

5. <i>Linctus thymi</i>	Diamorphine	
<i>compositus</i>	hydrochloride	4 grains
	Apomorphine	
	hydrochloride	5 „
	Distilled water	1 fl. ounce
	Liquid extract of thyme	
	(I-I)	5 fl. ounces
	Solution of tolu	1¼ fl. ounce
	Glycerine to 20 fl. ounces.	

(d) DICODIDE PREPARATIONS

1. *Cardiazol-Dicodide Solutions.* Solutions containing not less than 10 per cent of cardiazol and not more than 0.5 per cent of dicodide salts.

(e) EUCODAL PREPARATIONS

1. <i>Anti Opium Tablets.*</i>	Eucodal	1 gramme
	<i>Pulvis gentianae.</i>	35 grammes
	<i>Pulvis ipecacuanhae</i>	20 „
	Quinine sulphate	20 „
	Caffeine	5 „
	Sugar of milk	25 „
	Mix up and make up 5-grain tablets.	
2. <i>Tablets B.B. Compound.</i>	<i>Berberis vulgaris</i> powder	0.0324 gramme
	<i>Nux vomica</i>	0.013 „
	Eucodal	0.0032 „
	Ipecacuanha	0.0648 „
	Rhubarb	0.013 „
	<i>Pulvis cinnamomi</i>	
	<i>compositus</i>	0.0324 „
	Aromatic chalk	0.0032 „

*In exempting this preparation from the operation of part V of the Ordinance the Governor in Council expresses a wish that it should not be offered to the public under the name of "anti-opium" but rather under the name of "anti-narcotic tablets" or "compound eucodal tablets."



TANGANYIKA TERRITORY

REVISED EDITION OF THE LAWS, 1947

CHAPTER 94.

PHARMACY AND POISONS.

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9. Qualifications of pharmacists.
10. Certificate of registration.
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15. All premises in which persons carry on the business of a pharmacist to be registered.

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17. Representatives of deceased or insolvent pharmacists.
18. Qualified medical practitioners and other persons exempted from the provisions of Part II.
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20. The Poisons List to be prepared by the Board and approved by the Governor.

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22. Sale of poisons in Part 2 of the Poisons List.
23. Labelling of poisons.
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27. Certain persons may be licensed to sell poisons in Part 2 of the Poisons List.
28. Issue of licences.
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31. Powers of search.
32. Production of authorisation.
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34. Patent medicines.
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CHAPTER 94.

PHARMACY AND POISONS.

1 of 1937. AN ORDINANCE TO MAKE BETTER PROVISION FOR THE CONTROL OF THE PROFESSION OF PHARMACY AND THE TRADE IN DRUGS AND POISONS.

[1st February, 1940.]

PART I.—PRELIMINARY.

Short title. 1. This Ordinance may be cited as the Pharmacy and Poisons Ordinance.

PART II.—PHARMACY.

Qualified medical practitioners and other persons exempted from the provisions of Part II.

18. The provisions of this Part of this Ordinance shall not apply to drugs supplied by—

- (a) a duly qualified medical practitioner or dentist or a veterinary surgeon in the ordinary course of his practice;
- (b) any employee of the Government in the course of his duties as such employee; or
- (c) any hospital, dispensary or similar institution exempted by an order whether general or special of the Governor published in the *Gazette*.

Exemption in the case of wholesale dealers and licensed sellers of Part 2 poisons.

19. Nothing in this Part of this Ordinance shall apply to—

- (a) any such transaction as is mentioned in paragraphs (a) or (b) of subsection (1) of section 25;
- (b) the sale of poisons in Part 2 of the Poisons List by a licensed seller of poisons in accordance with the provisions of section 27.

PART III.—POISONS.

The Poisons List.

The Poisons List to be prepared by the Board and approved by the Governor.

20. (1) The Board shall as soon as may be after the passing of this Ordinance prepare and submit to the Governor for his approval a list of the substances which are to be treated as poisons for the purposes of this Ordinance.

(2) The list to be prepared under this section shall be divided into two parts as follows:—

Part 1 of the list shall consist of those poisons which, subject to the provisions of this Ordinance, are not to be sold except by an authorised seller of poisons.

Part 2 of the list shall consist of those poisons which, subject to the provisions of this Ordinance, are not to be sold except by an authorised seller of poisons or by a person who is licensed under the provisions of section 27 to sell poisons in Part 2 of the Poisons List.

(3) In determining the distribution of poisons as between Part 1 and Part 2 of the list, regard shall be had to the desirability of restricting Part 2 to articles which are in common use, or likely to come into common use, for purposes other than the treatment of human ailments, and which it is reasonably necessary to include therein if the public are to have adequate facilities for obtaining them.

(4) The Governor may, by order, confirm the list, with or without modification, and may upon the recommendation of the Board from time to time amend or vary the list as he thinks proper.

(5) The said list as in force for the time being is in this Ordinance referred to as the Poisons List, and the expression "poison" means a poison included in the Poisons List.

Supply of Poisons.

21. (1) Subject to the provisions of this Part no person shall sell any poison in Part 1 of the Poisons List unless—

Sale of
poisons in
Part 1 of the
Poisons List.

- (a) he is an authorised seller of poisons within the meaning of section 7;
- (b) the sale is effected on registered premises; and
- (c) the person to whom such poison is sold is—
 - (i) certified in writing in the manner prescribed and by a person authorised by paragraph (c) of subsection (2) of this section to give a certificate for the purpose, or
 - (ii) known to the seller to be a person to whom the poison may properly be sold.

(2) The seller of such poison shall not deliver it until—

- (a) he has made or caused to be made an entry in a book kept for the purpose to be called the Poisons Book stating in the form prescribed the date of the sale, the name and address of the purchaser and of the person, if any, by whom the certificate required under sub-paragraph (c) (i) of subsection (1) of this section was given, the name and quantity of the article sold, and the purposes for which it is stated by the purchaser to be required; and
- (b) the purchaser has affixed his signature to the aforesaid entry.

(3) The Board may authorise fit and proper persons to give certificates for the purposes of paragraph (c) (i) of subsection (1) of this section, and shall from time to time publish in the *Gazette* a list of persons so authorised.

Sale of
poisons in
Part 2 of the
Poisons List.

22. Subject to the provisions of this Part no person shall sell any poison in Part 2 of the Poisons List unless—

- (a) he is an authorised seller of poisons; or
- (b) he is licensed to sell poisons in Part 2 of the Poisons List under the provisions of section 27 and the sale is effected on premises in respect of which he is so licensed.

Labelling
of poisons.

23. It shall not be lawful for a person to supply any poison unless the container of the poison is labelled in the prescribed manner—

- (a) with the name of the poison;
- (b) in the case of a preparation which contains a poison as one of the ingredients thereof, with the prescribed particulars as to the proportion which the poison contained in the preparation bears to the total ingredients;
- (c) with the word “poison” or other prescribed indication of the character of the article; and
- (d) if supplied on sale with the name of the premises on which it is sold.

Medicines
supplied by
registered
medical
practitioners
and others.

24. (1) Nothing in sections 21 to 23 shall apply—

- (a) to a medicine which is supplied by a duly qualified medical practitioner for the purposes of medical treatment, by a registered dentist for the purpose of dental treatment or by a veterinary surgeon for the purpose of animal treatment; or
- (b) to a medicine supplied or dispensed at any institution exempted from the provisions of Part II of this Ordinance under the provisions of paragraph (c) of section 18; or
- (c) to a medicine which is dispensed by an authorised seller of poisons on registered premises,

if the following provisions of this section are satisfied in relation thereto.

(2) The medicine must be distinctly labelled with the name and address of the person by whom it is supplied or dispensed.

(3) The following particulars shall within twenty-four hours after the medicine has been supplied or dispensed

be entered in a book kept for the purpose, to be called the "Prescription Book"—

- (a) the date upon which the medicine was supplied or dispensed;
- (b) the ingredients of the medicine and the quantity supplied;
- (c) if the medicine was dispensed by an authorised seller of poisons the name and address of the person by whom the prescription was given;
- (d) the name and address of the person to whom the medicine was supplied.

25. (1) Except as is hereinafter specifically provided nothing in the foregoing provisions of this Ordinance shall extend to or interfere with—

Special provisions in the case of certain transactions.

- (a) the sale of poisons by way of wholesale dealing;
- (b) the sale of an article by a person carrying on a regular business in mining, agricultural or horticultural accessories to a person who requires the article for the purpose of his trade or business; or
- (c) the sale of a poison by an authorised seller of poisons or the sale of poisons in Part 2 of the Poisons List by a licensed seller of poisons to—
 - (i) a duly qualified medical practitioner or dentist or a veterinary surgeon for the purpose of his profession;
 - (ii) any employee of the Government in the course of his duties as such employee;
 - (iii) a government institution; or
 - (iv) any hospital, dispensary or similar institution or any person or institution concerned with scientific education or research if the aforesaid hospital, dispensary, institution or person is approved by an order, whether general or special, of the Governor,

if the requirements contained in the following provisions of this section are complied with:—

(2) In the case of sales under paragraphs (a) and (b) of subsection (1) of this section the seller must be in possession of a licence issued by the Board in the prescribed form.

(3) The seller must obtain before the completion of the sale an order in writing signed by the purchaser stating his name and address, trade, business or profession, the name and quantity of the article to be purchased and the purpose for which it is required.

(4) The seller must be reasonably satisfied that the signature is that of the person purporting to have signed the order, and that that person carries on the trade, business or profession stated in the order, being one in which the poison to be purchased is used.

(5) If the article sold is sent by post, it must be sent by registered post.

(6) In the case of poisons in Part 1 of the Poisons List the provisions of subsection (2) (a) of section 21 must be complied with.

(7) The provisions of section 23 relating to the labelling of poisons must be complied with:

Provided that where a person represents that he urgently requires a poison for the purpose of his trade, business or profession and satisfies the seller that by reason of some emergency he is unable before delivery to furnish an order in writing as required by subsection (3) of this section the seller may forthwith deliver the poison to the purchaser and in such a case the purchaser shall, within twenty-four hours of such sale, furnish the required written order to the seller.

Automatic machines.

26. No person shall expose or cause to be exposed for sale any poison in or by means of an automatic machine

Licensed Sellers of Poisons.

Certain persons may be licensed to sell poisons in Part 2 of the Poisons List.

27. (1) For the purposes of this Ordinance there may be licensed certain persons who, not being registered pharmacists, shall be entitled to sell poisons in Part 2 of the Poisons List.

(2) Every provincial commissioner shall be the licensing authority within his province for the purposes of this Part of this Ordinance.

(3) Application for a licence to sell poisons in Part 2 of the Poisons List shall be made to the licensing authority in the manner prescribed.

28. (1) If the licensing authority is satisfied that the applicant is a fit and proper person to sell poisons in Part 2 of the Poisons List and that the premises in which he proposes to carry on such business are suitable he may, in his discretion and upon payment of the prescribed fee, issue to the applicant a licence in the prescribed form.

Issue of licences.

(2) A licence granted under this section shall authorise the licensee to sell poisons in Part 2 of the Poisons List in accordance with the provisions of this Ordinance upon the premises specified in the licence and shall expire on the 31st of December of the year in which it is granted.

(3) A licence granted under this section may be renewed upon the payment of the prescribed fee.

29. Every licensing authority shall keep a register in the prescribed form of licences issued by him under this Part.

Register of licences to be kept.

30. The licensing authority may refuse to issue a licence or may revoke the licence of any person who in the opinion of the authority is, for sufficient reason relating either to himself personally or to his premises, not fit to be licensed. In the event of such refusal or revocation an appeal shall lie to the Governor whose decision shall be final.

Licensing authority may refuse to grant and may revoke a licence.

PART IV.—MISCELLANEOUS PROVISIONS.

34. (1) The Governor, on the recommendation of the Board, may, by order, prohibit or control the importation, manufacture or sale of any secret, patent, proprietary or homœopathic medicine or preparation.

Patent medicines.

(2) Any substance of which the importation has been prohibited under the provisions of subsection (1) of this section shall be deemed to be a prohibited import for the purposes of Part IV of the Customs Ordinance.

Cap. 192.

36. Any person who contravenes any provision of this Ordinance is guilty of an offence and except as provided by subsection (2) of section 31 is liable on conviction to imprisonment for six months or to a fine of one thousand shillings or to both such fine and imprisonment and in addition to such penalty as aforesaid the court before which a person is so convicted may order any articles in respect of which such offence has been committed to be forfeited.

Penalty.



TANGANYIKA TERRITORY

REVISED EDITION OF THE LAWS, 1947

CHAPTER 94.

PHARMACY AND POISONS.

Order made by the Governor under s. 20 (4).

THE POISONS LIST.

G.N.s
9 of 1940,
129 of 1940,
and
194 of 1946.

1. This order may be cited as the Poisons List (Confirmation) Order.

2. The following list of substances which are to be treated as poisons for the purposes of the Ordinance has been prepared and submitted by the Pharmacy and Poisons Board and is hereby confirmed:—

PART 1.

Subject to various exceptions, for which reference must be made to the Ordinance and the Rules, poisons in this Part may only be supplied by registered pharmacists.

Alkali fluorides other than those specified in Part 2 of this list.

Alkaloids, the following; their salts, simple or complex:—

Acetylhydrocodeinone; its esters.

Apomorphine.

Atropine.

Benzylmorphine.

Benzylmorphine.

Coca, alkaloids of.

Cocaine.

Codeine.

Cotarnine.

Diacetylmorphine.

Dihydrocodeinone; its esters.

Dihydrohydroxycodeinone; its esters.

Dihydromorphine; its esters.

Dihydromorphinone; its esters.

Ecgonine; its esters.

Ethylmorphine.

Morphine.
Papaverine.

Thebaine.

Amino-alcohols, esterified with benzoic acid, phenylacetic acid, phenyl-
propionic acid, cinnamic acid or the derivatives of these acids.

Barbituric acid; its salts.
Derivatives of Barbituric acid; their salts.
Compounds of barbituric acid, its salts, its derivatives, their salts,
with any other substance.

Cannabis (the dried flowering or fruiting tops of *Cannabis Sativa* Linn.);
the resin of cannabis; extracts of cannabis; tinctures of cannabis;
cannabin tannate.

Nux Vomica.
Opium
Orthocaine; its salts.

E/NL.1952/79

S.M.P.T/23127

GOVERNMENT NOTICE NO.191 published on 24/10/47

The Pharmacy and Poisons Ordinance, 1937

THE POISONS LIST (AMENDMENT) ORDER, 1947

Ord.No.1
of 1937

In exercise of the powers conferred upon the Governor by section 20 (4) of the Pharmacy and Poisons Ordinance, 1937, and upon the recommendation of the Pharmacy and Poisons Board, the following order is hereby made:-

G.N.No.9
of 1940

1. This order may be cited as the Poisons List (Amendment) Order, 1947.

2. Part 1 of the poisons list, as set out in paragraph 2 of the Poisons List (Confirmation) Order, 1940, is hereby amended as follows:-

(a) by inserting after the substance "Dihydrocodeinone; its esters." under the heading relating to alkaloids the substance "Dihydrodesoxymorphine."; and

(b) by inserting after the substance "Para-amino-benzoic acid; esters of; their salts." the substance "Pethidine; its salts."

3. Part 2 of the said poisons list is hereby amended by the addition of the substance "Zinc Phosphide (if in the form of preparations for the destruction of rats and mice)" at the end thereof.

BY HIS EXCELLENCY'S COMMAND

E. R. E. SURRIDGE,

Chief Secretary to the Government

Dar es Salaam,
20th October 1947

E/NL.1952/80

Rules made by the Governor in Council under s. 35.

THE POISONS RULES.

ARRANGEMENT OF RULES.

G.N.s
8 of 1940,
128 of 1940,
and
193 of 1946.

1. Short title.
2. Interpretation.

IMPORTATION.

3. Importation of poisons.

EXEMPTIONS.

4. Exemptions from the provisions of sections 21 (1) (c) and 21 (2) (a) and (b).
5. Certain articles and substances exempted from Part III of the Ordinance and these rules.

POISONS TO BE SUPPLIED ONLY UPON PRESCRIPTION.

6. Certain poisons to be sold only upon prescription.

SALE OF PART 2 POISONS BY LICENSED SELLERS.

- 7. Containers of poisons sold by Part 2 sellers.
- 8. Labelling in case of certain poisons sold by Part 2 sellers.

LABELS AND CONTAINERS.

- 9. Manner of labelling containers.
- 10. Labelling of name of poisons.
- 11. Label to contain particulars as to proportion of poison.
- 12. Labelling of certain medicines and preparations with indication of character.
- 13. Special precautions as to labels in case of certain articles.
- 14. Form of containers.

SAFE CUSTODY OF POISONS.

- 15. Safe custody of poisons not exempted under rule 4.

TRANSPORT OF POISONS.

- 16. Special provisions with respect to the transport of certain poisons.

MISCELLANEOUS.

- 17. Manufacture of pharmaceutical preparations.
- 18. Fees.
- 19. Forms.
- 20. Preservation of records.
- 21. Penalty.

1. These rules may be cited as the Poisons Rules.

Short title.

2. (1) In these rules, unless the context otherwise requires—

Interpretation.

“medicine for the internal treatment of human ailments” includes any medicine to be administered by hypodermic injection but does not include any mouth-wash, eye-drops, eye-lotion, ear-drops, douche or similar article;

“Part 1 poison” or “Part 2 poison” means a poison included in Part 1 or Part 2 of the Poisons List as the case may be;

“ Poisons List ” means the Poisons List for which provision is made in section 20 of the Ordinance;

“ the Ordinance ” means the Pharmacy and Poisons Ordinance.

(2) Any reference to the percentage of a poison contained in any substance shall, unless otherwise expressly provided, be construed in the following manner, that is to say, a reference to a substance containing one per cent of any poison means—

(a) in the case of a solid, that one gramme of the poison is contained in every hundred grammes of the substance;

(b) in the case of a liquid, that one millilitre of the poison, or, if the poison itself is a solid, one gramme of the poison, is contained in every hundred millilitres of the substance;

and so in proportion for any greater or less percentage.

IMPORTATION.

Importation
of poisons.

3. (1) No person other than a registered pharmacist, or a duly qualified medical practitioner or dentist or a veterinary surgeon shall import poisons without a permit in writing from the Board; such permit may be in general terms;

Provided that a licensed seller of Part 2 poisons may import Part 2 poisons without such permit.

(2) The Board may without assigning any reason therefor refuse any application for such a permit.

EXEMPTIONS.

Exemption
from the
provisions
of sections
21 (1) (c) and
21 (2) (a) and
(b).

4. The provisions of sections 21 (1) (c) and 21 (2) (a) and (b) of the Ordinance (which make provision as to persons to whom poisons may be sold and to the keeping of records of sales) shall not apply—

(a) to the substances included in Schedule 1;

(b) to the under-mentioned articles—

machine-spread plasters;

surgical dressings;

articles containing barium carbonate and prepared for the destruction of rats and mice;

corn paints in which the only poison is a poison included in the Poisons List under the heading of “ Cannabis ”.

POISONS TO BE SUPPLIED ONLY UPON PRESCRIPTION.

6. (1) It shall not be lawful to sell by retail any of the under-mentioned poisons except on and in accordance with a prescription given by a duly qualified medical practitioner or dentist or veterinary surgeon:-

Certain
poisons
to be sold
only upon
prescription.

Barbituric acid; its salts; derivatives of barbituric acid; their salts; compounds of barbituric acid, its salts, its derivatives, their salts, with any other substance.

(2) This rule shall not apply to any sale exempted by section 25 of the Ordinance nor to strychnine sold with the permission of the Board for the purpose of poisoning vermin.

(3) For the purposes of this rule a prescription shall—

- (a) be in writing and be signed by the person giving it with his usual signature and be dated by him;
- (b) specify the address of the person giving it;
- (c) specify the name and address of the person for whose treatment it is given or, if the prescription is given by a veterinary surgeon, of the person to whom the medicine is to be delivered;
- (d) have written thereon, if given by a dentist, the words "for dental treatment only" or, if given by a veterinary surgeon, the words "for animal treatment only";
- (e) specify the total amount of the medicine to be supplied and the dose to be taken.

(4) The person dispensing the prescription shall comply with the following requirements—

- (a) the prescription must not be dispensed more than once unless the prescriber has stated thereon that it may be dispensed more than once;
- (b) if the prescription contains a direction that it may be dispensed a stated number of times or at stated intervals, it must not be dispensed otherwise than in accordance with the direction;
- (c) at the time of dispensing there must be noted on the prescription above the signature of the prescriber the name and address of the seller and the date on which the prescription is dispensed;
- (d) except in the case of a prescription which may be dispensed again, the prescription must, for a

period of two years, be retained and kept on the premises on which it was dispensed in such manner as to be readily available for inspection.

LABELS AND CONTAINERS.

9. (1) The particulars with which the container of a poison is required to be labelled by section 23 of the Ordinance and rules 9 to 13 must appear clearly and distinctly in a conspicuous position on the container in which the poison is supplied and on every box or other covering of whatever nature enclosing the container. Manner of
labelling
containers.

(9) Where the poison is contained in an ampoule, cachet or similar article it shall not be necessary to label the article itself if the article is contained in a box or other covering duly labelled.

(3) If the container is duly labelled it shall not be necessary to label any outer cover or wrapper used only for the purpose of delivery or transport except as required by rule 16.

(4) The word "Poison," or the alternative indication of character prescribed by rule 12, as the case may be, shall—

- (a) in the case of a poison not exempted from certain provisions by Schedule 1 either be printed in red letters on a contrasting background or in letters of some other colour set against a red background;
- (b) in all cases be easily legible and either on a separate label or surrounded by a line within which there must be no other words except words with which the container of the poison is required to be labelled under the Ordinance or these rules.

10. The name with which a poison must be labelled in compliance with section 23 of the Ordinance shall be the term under which it is included in the Poisons List: Labelling of
name of
poisons.

Provided that—

- (a) Where the said term describes a group of poisons and not the poison specifically, the name of the poison shall be—

- (i) if the poison is the subject of a monograph in either the British Pharmacopoeia or the British Pharmaceutical Codex, one or other of the names or synonyms or abbreviated names set out at the head of the monograph; and
 - (ii) in any other case, the accepted scientific name or name descriptive of the true nature and origin of the poison;
- (b) in the case of a preparation in the British Pharmacopoeia, or the Formulary of the British Pharmaceutical Codex or any dilution or admixture of such a preparation, or any surgical dressing for which a standard is described in the British Pharmaceutical Codex, it shall be sufficient to state the name, synonym or abbreviated name used to describe the preparation or surgical dressing in the British Pharmacopoeia or the British Pharmaceutical Codex with the addition of the letters B.P., or B.P.C., as the case may be.

Label to contain particulars as to proportion of poison.

11. (1) The label of the container of any preparation containing a poison as one of its ingredients shall include a statement of the proportion, expressed in the form of a percentage, which the poison bears to the total ingredients of the preparation:

Provided that—

- (a) In the case of a preparation containing a poison specified in the first column of Schedule 3 it shall be sufficient to state on the label the particulars specified in the second column of that schedule against the description of the poison.
- (b) In the case of a preparation or surgical dressing which is named in accordance with paragraph (b) of rule 10 it shall not be necessary to state on the label the proportion of the poison contained in the preparation, and in the case of any dilution or admixture of such a preparation, it shall be sufficient to state the proportion which the preparation bears to the total ingredients of the dilution or admixture.

(c) Where the poison is in tablets, pills, cachets, capsules, lozenges or similar articles, or in ampoules, it shall be sufficient to state on the label of the box or other covering in which the articles are enclosed the number of the articles and the amount of the poison, or in the case of such a preparation as is mentioned in the last foregoing paragraph, the amount of the preparation, contained in each article.

(2) Where any proportion is stated as a percentage, the statement shall indicate how the percentage is calculated.

12. The following special provisions shall be observed with regard to the labelling of certain medicines and preparations:-

Labelling
of certain
substances
with indi-
cation of
character.

(b) Medicines made up ready for the internal treatment of human ailments and consisting of any of the substances exempted from certain provisions by Schedule 1 shall, instead of being labelled with the word "Poison" be labelled with the following words:-

"Caution: It is dangerous to exceed the stated dose".

(c) Medicines made up ready for the treatment of animals shall be labelled with the following words:-

"Poison: For animal treatment only."

SAFE CUSTODY OF POISONS.

(4) Poisons for use in the treatment of human ailments shall be kept entirely separate from any other poisons.

(5) In any hospital, infirmary, dispensary, clinic, nursing home or other similar institution at which human ailments are treated and at which medicines are dispensed in a dispensing or pharmaceutical department in charge of a person appointed for that purpose no medicine containing a poison shall, except in a case of emergency, be supplied from that department for use in the wards, operating theatres or other sections of the institution except upon a written order signed by a duly qualified medical or dental practitioner or by a sister or nurse in charge of a ward, theatre or other section of the institution.

MISCELLANEOUS.

17. In all establishments in which pharmaceutical preparations containing any poison are manufactured for the purpose of the internal treatment of human ailments, the preparation must be manufactured by, or under the supervision of—

Manufacture of pharmaceutical preparations.

- (a) a registered pharmacist; or
- (b) a person having one of the following qualifications in chemistry:-
 - (i) the Fellowship of the Institute of Chemistry,
 - (ii) the Associateship of the Institute of Chemistry,
 - (iii) any similar qualification recognised by the Board:

Provided that this rule shall not apply to the manufacture by or under the supervision of a duly qualified medical practitioner of preparations containing pituitary, suprarenal or thyroid glands, the active principles of any of those glands, or the salts of the active principles of thyroid gland.

20. All books kept for the purposes of Part III of the Ordinance shall be preserved on the premises on which the sales recorded therein were made for a period of two years from the date on which the last entry was made therein.

Preservation of records.

21. Any person who contravenes any provision of these rules is guilty of an offence and shall be liable to a fine of one thousand shillings or to imprisonment of six months and the court before which a person is convicted may order any articles in respect of which the offence was committed to be forfeited and disposed of as it may think fit.

Penalty.

FIRST SCHEDULE.

Substances exempted from the provisions of section 21 (1) (c), which relates to persons to whom poisons may be sold, and section 21 (2) (a) and (b), which relates to the making and signing of entries in the poisons book.

(Rule 4.)

Any substance containing any of the poisons specified in the first column below if the poison content is less than the percentage specified in the second column.

Poison.	Percentage of poison content below which substance is exempted.
Alkaloids, including their salts simple or complex:-	
----- Apomorphine	0.2 per cent

Coca, alkaloids of	0.1 "
Cocaine	0.1 "
Codeine	1.00 "

Cotarnine	0.2 "
Ecgonine and its esters	0.1 "

Ethylmorphine	0.2 "

Morphine	0.2 per cent, cal- culated as anhy- drous morphine.
Papaverine	1.00 per cent

Thebaine	1.00 "

Opium	0.2 per cent of morphine calculated as anhydrous morphine.

THIRD SCHEDULE.
LABELLING OF PARTICULARS AS TO
PROPORTION OF POISON IN CERTAIN CASES.
(Rule 11.)

Poison.	Particulars.
Alkaloids:	
Aconite, alkaloids of The proportion of any one alkaloid of aconite that the preparation would be calculated to contain on the assumption that all the alkaloids of aconite in the preparation were that alkaloid.
Belladonna, alkaloids of Calabar bean alkaloids of. Coca, alkaloids of.	... The same as above, with the substitution for the reference to aconite of a reference to belladonna, calabar bean or such other of the said poisons as the case may require.



TANGANYIKA TERRITORY

REVISED EDITION OF THE LAWS, 1947

CHAPTER 134.

CULTIVATION OF NOXIOUS PLANTS (PROHIBITION).

8 of 1926. AN ORDINANCE TO PROHIBIT THE CULTIVATION OF NOXIOUS PLANTS AND THE USE OF SUBSTANCES OBTAINED THEREFROM.

[18th June, 1926.]

Short title. 1. This Ordinance may be cited as the Cultivation of Noxious Plants (Prohibition) Ordinance.

Prohibition of planting, etc., specified plants.

2. Any person who shall:—
- (a) plant, grow, or in any manner cultivate any plant specified in the Schedule to this Ordinance;
 - (b) consume, use or have in his possession any such plant, or any substance obtained therefrom, or any compound or admixture thereof

shall be liable to a fine not exceeding two thousand shillings or to imprisonment of either kind for a period not exceeding twelve months; and the Court may order that any such plant or substance in respect of which an offence has been committed shall be destroyed.

Power of entry and search.

3. Whenever a Magistrate or Administrative Officer is satisfied that there is reason to believe that in any place an offence has been committed against this Ordinance, he may by his warrant empower any person named therein by day or by night to enter such place, and there to search for and take possession of any plant or substance in respect of which there is reason to believe that an offence has been committed.

Arrest.

4. Any police officer may without a warrant arrest any person found committing an offence against this Ordinance.

Power to vary Schedule.

5. The Governor may at any time by order published in the *Gazette* add to, or vary the Schedule hereto.

SCHEDULE.

Cannabis Sativa (known as True Hemp and in Swahili as Bhang or Bhangi).



TANGANYIKA TERRITORY

REVISED EDITION OF THE LAWS, 1947

CHAPTER 192.

CUSTOMS.

AN ORDINANCE TO MAKE PROVISION FOR THE MANAGEMENT
AND REGULATION OF CUSTOMS AND TRADE.

[1st June, 1922.]

PART I.—PRELIMINARY.

Short title.

1. This Ordinance may be cited as the Customs Ordinance.

3 of 1922.
12 of 1924.
38 of 1928.
37 of 1931.
34 of 1935.
11 of 1939.

PART IV.—THE IMPORTATION OF GOODS.

Importation.

42. For the purposes of securing the due importation of goods—
(1) the ship may be boarded;
(2) the cargo shall be reported;
(3) the goods shall be entered, unshipped, and may be examined.

Division 1.—Prohibited and Restricted Imports.

Power to prohibit imports.
38 of 1928,
s. 11.

43. (1) The Governor may, if he thinks fit, from time to time, by order published in the *Gazette* prohibit, restrict, or regulate the importation, whether by land, air or sea, into the Territory or any area or place therein of any goods or class of goods.

(2) An order under this section may specify any goods or class of goods, either generally or in any particular manner, whether with reference to the country of origin, or the route by which imported, or otherwise.

Prohibited imports.
38 of 1928,
s. 12.

44. No prohibited imports shall be imported.
Penalty: One hundred pounds.

The following are prohibited imports : —

- (a) Goods the importation of which is prohibited by or under the authority of this Ordinance or any law for the time being in force in this Territory.
- (b) False money and counterfeit sterling, coin of the realm, and any money purporting to be such, not being of the established standard in weight or fineness.
- (c) Any article marked without the authority of His Majesty with the Royal Arms or monogram, or with any arms or monogram so closely resembling the Royal Arms or monogram as to be calculated to deceive.
- (d) Manufactured articles bearing the name, address, or trade mark of any manufacturer or dealer, or the name of any place in the United Kingdom, or any British Possession, calculated to impart to them a special character of British manufacture, and not of such manufacture.

45. Goods of which the importation is for the time being restricted or regulated by or under the authority of this Ordinance or any law for the time being in force in this Territory (in this Ordinance referred to as restricted or regulated imports) shall not be imported except in accordance with the restrictions or regulations applicable.

Restricted imports.

Penalty: One hundred pounds.

46. If an offence against section 44 or section 45 is committed while a state of war exists in which His Majesty is engaged, the penalty shall extend to five hundred pounds or imprisonment of either description for two years.

Increase of penalties in war time.

47. Merchandise on board a ship calling at any port in the Territory, but intended for and consigned to some port or place outside the Territory, shall not be deemed to be unlawfully imported into the Territory if the goods are specified on the ship's manifest and are not transhipped or landed in the Territory or are transhipped or landed by authority.

Prohibited imports consigned to places outside the Territory.

PART VI.—EXPORTATION OF GOODS.

95. (1) The Governor may, if he thinks fit, from time to time, by order published in the *Gazette* prohibit, restrict, or regulate the exportation from the Territory or from any area or place therein, of any goods or class of goods.

Power to prohibit exports.
38 of 1928, s. 33.

(2) An order under this section may specify any goods or class of goods, either generally or in any particular manner, and may prohibit, restrict or regulate the exportation either to all places or to any particular country or place, and may require any goods to be consigned to a person authorised by the order to receive the goods, and may require the production within a named time of evidence to the satisfaction of the Comptroller of the due delivery of the goods to such consignee.

96. (1) No prohibited exports shall be exported.

Prohibited exports.

Penalty: One hundred pounds, and if the offence is committed whilst a state of war in which His Majesty is engaged exists, the penalty shall extend to five hundred pounds or imprisonment of either description for two years.

(2) Prohibited exports are any goods the export of which is for the time being prohibited by or under the authority of this Ordinance or any law for the time being in force in the Territory.

97. Goods of which the export is for the time being restricted or regulated by or under the authority of this Ordinance or any law for the time being in force in the Territory (in this Ordinance referred to as restricted or regulated exports) shall not be exported except in accordance with the restrictions or regulations applicable.

Restricted exports.

Penalty: One hundred pounds, and if the offence is committed whilst a state of war in which His Majesty is engaged exists, the penalty shall extend to five hundred pounds or imprisonment of either description for two years.



TANGANYIKA TERRITORY

REVISED EDITION OF THE LAWS, 1947

CHAPTER 192.

CUSTOMS.

Orders made by the Governor under section 43.

IMPORTS (PROHIBITIONS AND RESTRICTIONS).

The importation into the territory of the following articles is prohibited:-

G.N. 35 of
1920.

(5) Raw or prepared opium.

G.N. 210 of
1924.

(12) *Cannabis sativa* (known as Hemp, or True Hemp, and in Swahili as Bhang or Bangi).

G.N. 14 of
1924.

(13) Poppies, all preparations of, excepting red poppy petals and syrup of red poppies (*papaver rhaeas*).
