



THE GAMBIA

NO. 11 OF 2005

Assented to by The President,

this ¹⁶ day of *January*, 2006

YAHYA A. J. J. JAMMEH
President

AN ACT to amend the Drug Control Act, 2003 and for matters connected therewith.

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ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Drug Control (Amendment) Act, 2005.

Amendment of Act No. 15 of 2003

2. The Drug Control Act 2003 (in this Act referred to as "the principal Act") is hereby amended as set out in this Act.

General amendment

3. The principal Act is amended by -

- (a) substituting for the words "National Drug Control Council" wherever they occur, the words "National Drug Enforcement Agency";
- (b) substituting for the words "a Council" and "the Council" wherever they occur, the words "an Agency" and "the Agency", respectively;
- (c) substituting for the word "Co-ordinator" wherever it occurs, the words "Executive Director"; and
- (d) inserting immediately before the words "police officer" wherever they occur, the words "Narcotics Control Officer" and a comma.

Amendment of section 2

4. Section 2 of the principal Act is amended by-

- (a) inserting, in the proper alphabetical sequence, the following new definition-
' "Agency" means the National Drug Enforcement Agency established under section 3'; and
- (b) deleting the definition of "Council".

Amendment of section 5

5. Section 5 of the principal Act is amended in subsection (1), by substituting for paragraphs (a) to (k), the following new paragraphs-

- "(a) a Chairperson;
- (b) the Permanent Secretary of the Department of State responsible for the interior;
- (c) the Solicitor General and Legal Secretary;
- (d) the Director-General of the National Intelligence Agency;
- (e) the Inspector-General of Police;
- (f) the Chief of Defence Staff of The Gambia Armed Forces;
- (g) the Commissioner of Customs and Excise;
- (h) the Director of Health Services;
- (i) the Director of Social Welfare;
- (j) the Executive Director of the Agency; and
- (k) one person from the private sector."

Amendment of section 33

6. Section 33 of the principal Act is amended in subsection (3), by substituting for paragraph (a), the following new paragraph-

"(a) paragraph (a), to a fine of not less than five hundred thousand dalasis and not more than one million dalasis or imprisonment for a term of not less than five years and not more than ten years, or to both fine and imprisonment".

Amendment of
section 34

7. Section 34 of the principal Act is amended in subsection (2), by substituting for paragraphs (a), (b) and (c), the following new paragraphs-

"(a) the Second Schedule, to a fine of not less than five hundred thousand dalasis and not more than one million dalasis or imprisonment for a term of not less than five years and not more than ten years, or to both the fine and imprisonment.

(b) the Third Schedule, to a fine of not less than three hundred and fifty thousand dalasis and not more than five hundred thousand dalasis or imprisonment for a term of not less than three years and not more than five years, or to both the fine and imprisonment.

(c) the Fourth Schedule, to a fine of not less than two hundred and fifty thousand dalasis or imprisonment for a term of not less than three years, or to both the fine and imprisonment."

Amendment of
section 37

8. Section 37 of the principal Act is amended in subsection (2), by substituting for paragraphs (a), (b) and (c), the following new paragraphs-

"(a) the Second Schedule, to a fine of not less than five hundred thousand and not more than one million dalasis or imprisonment for a term of not less than five years and not more than ten years, or to both the fine and imprisonment.

(b) the Third Schedule, to a fine of not less than three hundred and fifty thousand dalasis and not more than five hundred thousand dalasis or imprisonment for a term of not less than three years and not more than five years, or to both the fine and imprisonment.

(c) the Fourth Schedule, to a fine of not less than two hundred and fifty thousand dalasis or imprisonment for a term of not less than three years, or to both the fine and imprisonment."

Amendment of
section 43

9. Section 43 of the principal Act is amended in subsection (4)(e) by substituting for the words "thirty grams", the words "two kilograms".

Amendment of
section 95

10. Section 95 of the principal Act is amended by inserting immediately after subsection (4), the following new subsection (5)-

"(5) The Executive Director or such other person as he or she may designate shall execute an order made by the court for the destruction of drugs under this section."

Amendment of
sections 132
and 133

11. There are hereby substituted for sections 132 and 133 of the principal Act, the following new sections-

"Bail 132. Bail may be granted, in the case of-

(a) an offence under section 35, by a Narcotics Control Officer, in consultation with the Executive Director or such other officer as he or she may designate, if the person-

(i) enters into a recognisance with a surety or sureties, in a sum equivalent to the maximum fine prescribed for the offence for which he or she is reasonably suspected of committing,

(ii) deposits title deed to real property, and

(iii) satisfies such other conditions as the Executive Director may impose; and

(b) any other offence, by the High Court.

Prose- 133. The Agency may undertake the prosecution in its name, of offences under this Act."

PASSED in the National Assembly this Eighth day of December in the year of Our Lord Two Thousand and Five

D. C. M. Kebbeh

Clerk of the National Assembly.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed in the National Assembly, and found by me to be a true and correct copy of the said Bill.

D. C. M. Kebbeh

Clerk of the National Assembly.