

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 14 (National Assembly Bills No. 7)*



REPUBLIC OF KENYA

**KENYA GAZETTE SUPPLEMENT**

**NATIONAL ASSEMBLY BILLS, 2019**

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**NAIROBI, 1st March, 2019**

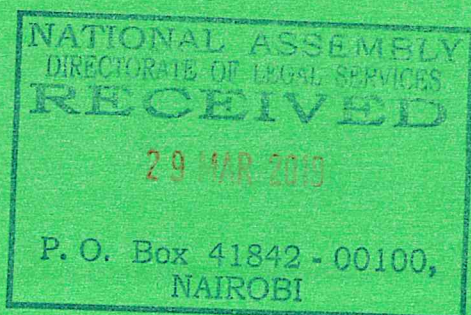
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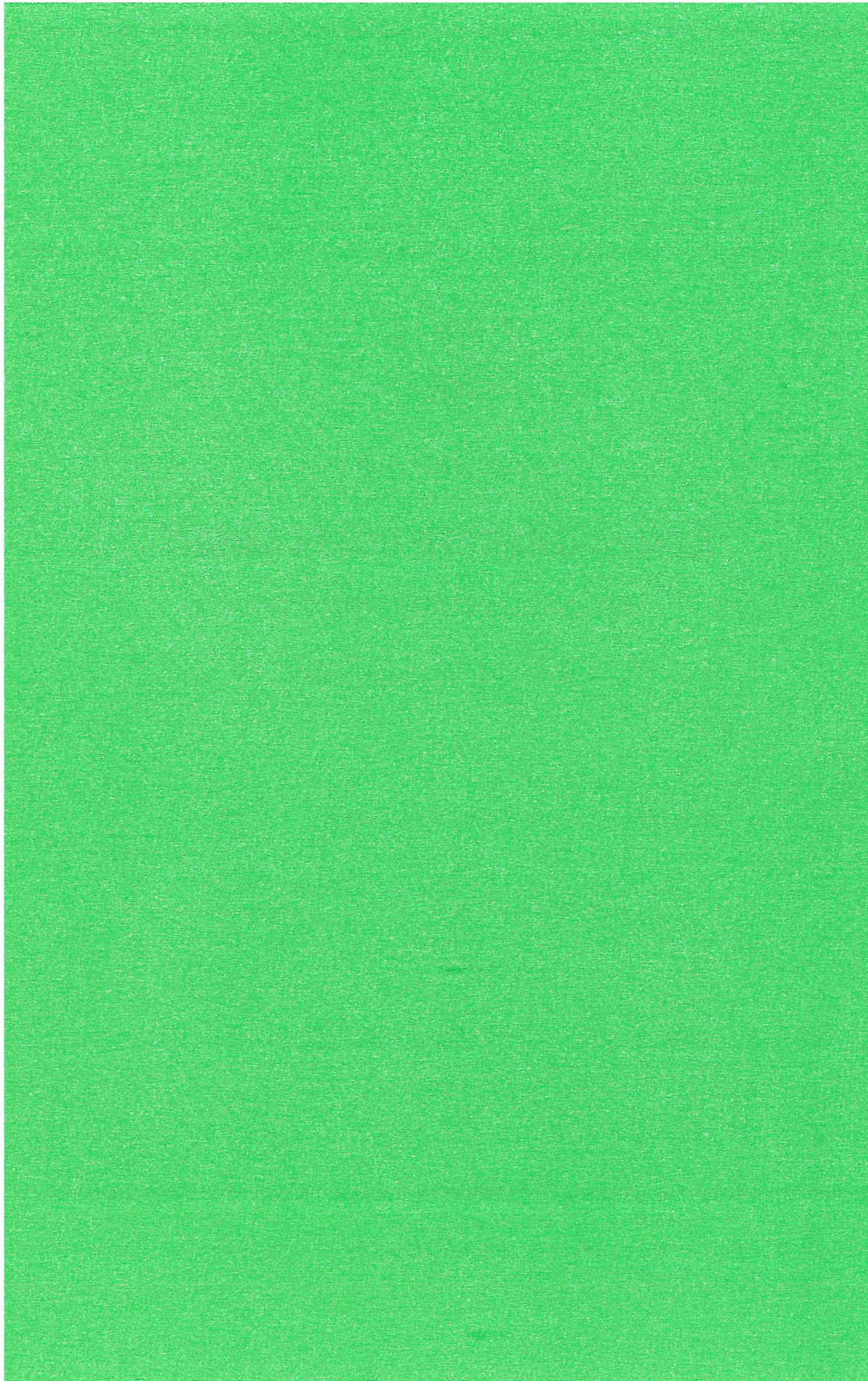
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**THE NARCOTIC DRUGS AND PSYCHOTROPIC  
SUBSTANCES (CONTROL) (AMENDMENT) BILL,  
2019**

**A Bill for**

**An ACT of Parliament to amend the Narcotic Drugs  
and Psychotropic Substances (Control) Act.**

**ENACTED** by the Parliament of Kenya, as follows—

1. This Act may be cited as the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Act, 2019.

Short title.

2. The Narcotic Drugs and Psychotropic Substances (Control) hereinafter referred to as the “principal Act” is amended in section 2 by inserting the following new definition in its proper alphabetical sequence—

Amendment of section 2 of No.4 of 1994.

“law enforcement officer” means any person who is responsible for prevention, investigation, apprehension or deterrence of persons suspected to have committed an offence under this Act.

3. The principal Act is amended in section 4 by—

Amendment of section 4 of No.4 of 1994.

(a) deleting the words “one million shillings or three times the market value of the narcotic drug or psychotropic substance, whichever is the greater, and, in addition, to imprisonment for life” and substituting thereof the words “of not less than thirty million shillings or to imprisonment for life, or to both” in paragraph (a).

(b) deleting the words “five hundred thousand shillings, and, in addition, to imprisonment for a term not exceeding twenty years and substituting thereof the words “of not less than thirty million shillings or to imprisonment for life, or to both” in paragraph (b).

4. The principal Act is amended by inserting the following new section immediately after section 17—

Insertion of a new section 17A into No.4 of 1994.

Penalty for obstruction by law enforcement officers.

**17A.** A law enforcement officer who aids or abets any offence under this Act



including through concealing the commission of any offence or colluding with any person suspected of committing an offence under this Act, commits an offence and shall be liable upon conviction to a fine of not less than twenty million shillings or imprisonment for a term of not less than twenty years, or to both.



## **MEMORANDUM OF OBJECTS AND REASONS**

The principal object of the Bill is to amend the Narcotics Drugs and Psychotropic Substances (Control) Act No. 4 of 1994 in order to -

- (a) enhance the penalties of the offence of trafficking narcotic drugs;
- (b) define who law enforcement officers are in respect to the Act; and
- (c) prescribe offences for a law enforcement officer who aids or abets or is an accessory to any offence under the Act.

### **Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**

The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

### **Statement that the Bill does not concern County Governments**

The Bill does not concern County Governments in terms of Article 110 (1) (a) of the Constitution as it does not contain provisions affecting the functions and powers of County Governments recognized in the Fourth Schedule to the Constitution.

### **Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution**

The enactment of this Bill may occasion additional expenditure of public funds.

Dated the 28th February, 2019.

MOHAMED ALI MOHAMED,  
*Member of Parliament.*



*Section 4 of No. 4 of 2014 which is proposed to be amended—*

Penalty for trafficking in narcotic drugs, etc.

4. Any person who traffics in any narcotic drug or psychotropic substance or any substance represented or held out by him to be a narcotic drug or psychotropic substance shall be guilty of an offence and liable—

- (a) in respect of any narcotic drug or psychotropic substance to a fine of one million shillings or three times the market value of the narcotic drug or psychotropic substance, whichever is the greater, and, in addition, to imprisonment for life; or
- (b) in respect of any substance, other than a narcotic drug or psychotropic substance, which he represents or holds out to be a narcotic drug or psychotropic substance to a fine of five hundred thousand shillings, and, in addition, to imprisonment for a term not exceeding twenty years.