

SECTION 100-THE TOBACCO (GENERAL) REGULATIONS

Statutory Instrument
138 of 1968

Regulations by the Minister

1. These Regulations may be cited as the Tobacco (General) Regulations.

Title

2. (1) Where, under the provision of sections *thirty-six, forty, forty-five, forty-nine, fifty-one and fifty-four* of the Act, an aggrieved person appeals to the Minister, notice of the appeal shall be given to the Permanent Secretary, in writing, within thirty days of the notification to the aggrieved person of the decision against which he wishes to appeal:

Appeals

Provided that the Minister may, in circumstances which he deems to merit special consideration, consider appeals, notice of which is given after the expiration of the said period of thirty days.

(2) The notice of appeal shall be accompanied by a deposit of twenty kwacha, and shall specify in detail the grounds on which the appeal is made and such other information and representations in support thereof as the appellant may think fit, but the appellant shall have no right to appear in person before the Minister.

(3) The Permanent Secretary shall transmit to the Minister every notice of appeal given to him pursuant to sub-regulation (1), together with such other information and representations as the appellant may have submitted pursuant to sub-regulation (2).

(4) The Minister may, if he deems fit, call upon the Registrar or the Board, as the case may be, to submit, within a stated time, such information or representations in writing as the Registrar or the Board, as the case may be, may wish to submit in respect of any appeal.

(5) After considering the information and representations made by the appellant and such information and representations as the Registrar or the Board, as the case may be, have submitted pursuant to sub-regulation (4), the Minister shall confirm or set aside the decision against which the appeal is made, and, if the decision is so set aside, he may substitute for such decision such alternative decision as to him seems just and equitable.

(6) The Minister shall, in any appeal, make such order for the return or forfeiture of the whole or part of the deposit referred to in sub-regulation (2) as seems to him to be just and equitable.

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3. The registration fee payable by a grower pursuant to section *thirty-four* of the Act in respect of the restoration of his name to the appropriate register shall be- Fee for restoration of registration

- (a) for the first such restoration in any one season, sixty fee units;
- (b) for every subsequent restoration in any one season, one hundred and fifty fee units.

(As amended by Act No. 13 of 1994)

4. (1) An application for a permit to export tobacco, as may be granted pursuant to section *eighty-seven* of the Act, shall be submitted in triplicate in the Form T.A. Gen. 1 set out in the First Schedule, and shall be addressed to the Permanent Secretary. Export of tobacco

(2) The application shall state the class and weight of tobacco to be exported and the date by which the exportation shall have been completed.

(3) Upon the granting of any application made pursuant to sub-regulation (1), the Minister shall endorse the permit to export on each copy of such application and shall specify thereon such conditions as may be applicable, including a date of expiry:

Provided that, if no date is so specified, the permit shall be deemed to expire on the 31st December following the date of issue.

(4) Such permit shall be issued by delivering to the applicant a copy thereof endorsed pursuant to sub-regulation (3), and shall be deemed to have been issued on the date appearing as the date of such endorsement.

5. (1) The substances specified in the Second Schedule are deemed to be noxious and unfit for use in the treatment of tobacco. Prescription of noxious substances

(2) No person shall sell or otherwise dispose of tobacco which has been-

Prohibition against sale of tobacco treated with certain substances

(a) treated with; or

(b) reaped from tobacco plants treated with;
any such scheduled noxious substance.

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6. (1) The inspection of auctionable tobacco held over from any selling season, as required by section *sixty-six* of the Act, shall be carried out by the isolation of the sample or bale and its examination in a manner calculated to ensure that the presence of any living pest of tobacco would by such examination be revealed.

Inspection of tobacco held over

(2) In the course of the inspection, the registered grower shall, if so required, indicate to the inspector the place and manner of storage of the tobacco and shall make any portion of the tobacco as stored available to the inspector at his request.

(3) The certificate in respect of auctionable tobacco certifiable under section *sixty-six* of the Act shall be in the Form T.A. Gen. 2 set out in the First Schedule.

Certificate of inspection

(4) The fumigation of tobacco pursuant to section *sixty-six* of the Act shall be effected at the rate of one kilogramme methyl bromide per 1,000 cubic feet under gas-proof sheets for a period of forty-eight hours.

Fumigation

FIRST SCHEDULE

PRESCRIBED FORMS

APPLICATION FOR PERMIT TO EXPORT TOBACCO

(To be submitted in triplicate)

The Permanent Secretary,
Ministry of Agriculture,
Lusaka.

SEASON 19 /19

1. I hereby apply for a permit to export the following weights of tobacco in the above season:

<i>Prescribed Class</i>	<i>Weight</i>
(a)	
(b)	
(c)	

2. If the permit is granted, I undertake to complete exportation by ,
19

Address of applicant:

..... *Signature*

Date *(name in block capitals)*

PERMIT

The Minister has approved the above application, subject to the completion of
exportation by (date) , 19, and to the following further conditions:

Date.....

File No

.....
*Permanent Secretary,
 Ministry of Agriculture*

(Regulation 6)
FUMIGATION CERTIFICATE

NOTE.-Section 66 of the Act reads:

"(1) Any registered grower who has, under a permit from the Board, held any auctionable tobacco over from any selling season, may deliver the said tobacco to an auction floor for sale in any later selling season if he is the holder of a certificate in the form prescribed, issued by an inspector appointed pursuant to section 22 of the Plant Pests and Diseases Act to the effect that-

Sale of auction tobacco grown earlier season Cap. 2:

Sale of auctionable tobacco grown in earlier season. Cap. 233

- (a) the tobacco has been fumigated in the manner prescribed; and
- (b) the tobacco or a representative sample thereof has been inspected as prescribed and no evidence of the presence of any living pest of tobacco has been found therein;

and which certificate has been issued not more than thirty days before the said tobacco is delivered to the said licensed auction floor.

(2) Immediately before any auctionable tobacco, which has been delivered to an auction floor pursuant to subsection (1), is auctioned on such auction floor, the sales supervisor on the said auction floor shall publicly announce the year of the growth of the said tobacco and that the certificate required by subsection (1) has been issued in respect thereof."

- 1. THIS CERTIFICATE is issued pursuant to section 66 of the Act.
- 2. I hereby certify-
 - (a) that the tobacco (specify)

 grown by (name of registered grower).....
 in the season 19 has been fumigated in accordance with these Regulations; and
 - (b) that it or a representative sample thereof has been inspected as prescribed and no evidence of the presence of any living pest of tobacco has been found therein.
- 3. This certificate is valid only for thirty days from the date of issue.

.....
Inspector P.P. and D.A.

Date of issue

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SECOND SCHEDULE

(Regulation 5)

NOXIOUS SUBSTANCE

1. Maleic hydrazide, also known as MH.