

SPECIAL CROPS (LICENSING) REGULATIONS

under s. 6

G.N. 211/1963

212/1965

118/1985

6/1986

1. Citation

These Regulations may be cited as the Special Crops (Licensing) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“application” means an application for a licence;

“licence” means a licence under section 6 of the Act to grow, buy, barter or sell a special crop in a special crop area;

“special crop” means a crop declared to be a special crop by the Minister under section 3 of the Act;

“special crop area” means that area in respect of which the Minister has established an Authority for promoting and developing a special crop.

3. Applicants

(1) Any person who is, or will be when the licence comes into force, the—

- (a) owner of;
- (b) occupier of;
- (c) lessee of;
- (d) manager of;
- (e) person otherwise entitled to use; or
- (f) person otherwise using,

land in a special crop area and intends to grow a special crop thereon shall apply for a licence.

(2) Any person who intends to buy, barter or sell a special crop in a special crop area shall apply for a licence on or before the 31st day of October in the year next preceding the year in which he so intends.

4. Applications

(1) Every application shall be in writing, signed by the applicant, and submitted to the Regional Agricultural Officer of the Region in which the estate of the applicant is situate.

(2) Applications shall be made on the appropriate section of Form I of the First Schedule or on clearly legible copies of such form. Printed copies of Form I may be obtained at the places listed in the Second Schedule or from the Ministry of Agriculture, P.O. Box 30134, Capital City, Lilongwe 3.

5. Licences

(1) Each licence shall be issued on the appropriate section of Form II of the First Schedule. In issuing any licence, those sections of Form II that do not apply to the licensee shall be deleted.

(2) No licence issued under these Regulations shall exempt the holder thereof from the requirements to obtain a licence or permit under any other law in force in Malawi.

6. Conditions

In addition to any special conditions that may be endorsed on any licence, the following conditions shall apply to all licences—

(a) the licence grants permission only with respect to the particular special crop and the particular special crop area or part thereof specified in the licence;

(b) the licence is valid until the date of expiry endorsed thereon unless it is sooner surrendered, suspended or revoked:

Provided that in the case of a coffee grower's licence, the licence shall be validated annually by the Minister issuing to the grower a certificate in Form III set out in the First Schedule; G.N. 6/1986

(c) the licence shall be available for inspection by the Minister or any person authorized by him in writing for any of the purposes of regulation 9;

(d) the licence is valid only with respect to the person named therein any may not be loaned, transferred or assigned.

7. Duplicate licences

When the Principal Secretary is satisfied that any licence issued under these Regulations has been lost, stolen, defaced or destroyed, he may cancel the validity of such licence and issue a duplicate licence. A duplicate licence shall bear the words "Duplicate Licence" conspicuously thereon, and shall be issued only on payment of a fee of one Kwacha.

8. Register

(1) The Principal Secretary shall arrange to keep a register of all applications received and a copy of each licence issued under these Regulations.

(2) The register shall be kept at the offices of the Ministry of Agriculture, Lilongwe.

(3) The register may be inspected only—

(a) by a public officer acting in the course of his official duties:

(b) by an applicant or a licensee only in respect of his application or licence.

9. Entry

The Minister, or any person authorized by him in writing, may, for the purpose of ascertaining that these Regulations or any licence issued under these Regulations are being complied with, enter upon or into any land, building, vehicle, aircraft or vessel where any special crop is or is reasonably believed to be grown, purchased, bartered, sold, stored or transported.

10. Offences

(1) Any person who—

(a) wilfully obstructs or hinders any properly authorized person from carrying out his duties under regulation 9;

(b) knowingly or recklessly makes a statement in any application that is false or substantially misleading in any material particular;

(c) not being authorized to do so, alters or amends any licence or any particular in any licence;

(d) lends, transfers or assigns any licence issued to him to any other person;

(e) fails or neglects without reasonable cause to have his licence available for inspection by the Minister or by any person authorized by him in writing for the purposes of regulation 9, shall be guilty of an offence.

(2) Any person convicted of an offence against these Regulations shall, in the case of a first conviction, be liable to a fine of K40 or to imprisonment for one month, and in the case of a second or subsequent conviction to a fine of K100 and to imprisonment for three months.

FIRST SCHEDULE

THE SPECIAL CROPS ACT

THE SPECIAL CROPS (LICENSING) REGULATIONS regs. 4 and 5, G.N. 118/1985, 6/1986

FORM I—APPLICATIONS

(Two copies to be submitted by 31st October to the Regional Agricultural Officer of the Region where the estate is situated.)

Section A G.N. 118/1985

APPLICATION FOR LICENCE TO GROW AND SELL

(This section to be completed by occupiers of private land who wish to grow a special crop on their land by paid labour.)

I/We (name in full)

of (address)

hereby apply for a licence to grow and sell (describe special crop) in the season 19...../..... on our (name) Estate in the District, held by us under Deed No.

Total hecтарage of estate

Hectarage of special crop to be grown

Quantity expected to be sold

Date

.....

(Signature)

Section B G.N.11/1985

APPLICATION FOR LICENCE TO GROW AND RESELL

(To be completed by occupiers of private land who wish to buy a special crop grown on their estate other than by paid labour.)

I/We (name in full)

of (address)

hereby apply for a licence to buy for resell (describe special crop)

.....

..... which will be grown in the season 19...../..... by tenants on our (name)

Estate in the District, held by us under Deed No.

Total hecтарage of estate

No. of tenants producing special crop

Estimated hecтарage of special crop

Estimated quantity to be bought

Date

.....

(Signature)

Section C

COMMENTS BY REGIONAL AGRICULTURAL OFFICER

.....
.....

THE SPECIAL CROPS ACT

THE SPECIAL CROPS (LICENSING) REGULATIONS

FORM II—LICENCE

Section A

LICENCE TO GROW AND SELL

Part(i)

Name of licensee

of (address)

is hereby licensed in the season 19.... /.... to grow by paid labour and sell (describe special crop) on (name) Estate in the District, held under Deed No.

Hectare of special crop

This licence shall be valid until 30th September next following the season for which issued, unless extended or suspended.

This licence is issued under and subject to the provisions of the Special Crops Act, any Regulations made thereunder and the following special conditions—

.....
.....
.....

Date of issue

No. of licence
(Issuing Authority)

Part (ii)

Quantity for which licence is valid

Date of issue

(Issuing Authority)

Section B

LICENCE TO BUY AND RESELL

Part (i)

Name of licensee

of (address)

is hereby licensed in the season 19/..... to buy and resell (describe special crop) on (name) Estate in the District, held under Deed No.

Hectare of special crop

No. of tenants producing special crop

This licence shall be valid until 30th September next following the season for which issued, unless extended or suspended.

This licence is issued under and subject to the provisions of the Special Crops Act, and Regulations made thereunder and the following special conditions—

.....
.....
.....

Date of issue

No. of licence

(Issuing Authority)

Part (ii)

Quantity for which licence is valid

Date of issue

(Issuing Authority)

SPECIAL CROPS ACT reg. 6(b), G.N. 6/1986

(CAP. 65:01)

SPECIAL CROPS (LICENSING) REGULATIONS

FORM III—ANNUAL VALIDATION CERTIFICATE FOR COFFEE GROWER'S LICENCE

CERTIFICATE No.

Licence No.

Grower's name

District

Agricultural Development Division

.....

This certificate validates for the period to

Coffee Grower's Licence No.

issued to the above-named grower; and, where applicable, increases the hectarage of the licensed area as follows—

Hectares Hectarage of the original licensed area* Hectarage of additional area Total

SECOND SCHEDULE reg. 4

1. Agricultural Development and Marketing Corporation

Headquarters, P.O. Box 5052, Limbe.

Area Offices, P.O. Box 5, Lilongwe.

2. Offices of Regional Agricultural Officer

Northern Region, P.O. Box 13, Mzuzu.

Central Region, P.O. Box 92, Lilongwe.

Southern Region, P.O. Box 32, Blantyre.

3. Offices of all District Commissioners and Assistant District Commissioners.