

CONTROL OF CEREALS ACT, 1959

Date of commencement: 15th May, 1959.

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An Act to control the importation, distribution and milling of cereals, and the manufacture of malt.

Short title.

1. This Act may be cited as the Control of Cereals Act, No. 28 of 1959.

Interpretation.

2. In this Act, unless the context otherwise requires —

“cereals” include maize, sorghum, rice or any product thereof;

“livestock” includes poultry or any other domesticated birds;

“maize products” means, maize crushed, milled or prepared in any way;

“Minister” means the Minister for Agriculture;

[Definition of “Minister” amended L.N. 19/1970.]

“producer” means any person by whom or on whose behalf cereals are grown in Eswatini, or any person to whom such cereals are supplied as consideration in whole or in part for the use of any land on which or on a part of which such cereals are grown;

“season” means a period of twelve months commencing on the first day of April of any year;

“whole maize” or “maize” means *zea mays* commonly known as mealies whether on the cob or shelled.

[Definition of “whole maize” amended P.54/1961; P.41/1963.]

[ISSUE 1]

Importation of cereals.

3. (1) The Minister may, by regulations published in the *Gazette* prohibit or control, under such conditions as he may deem fit, the importation of all or any cereals. (See Schedule II.)

(2) Without prejudice to the generality of sub-section (1), the regulations made thereunder may provide for the issue, by such officers as may be specified in those regulations, on such conditions as those officers may deem fit, of permits to import cereals.

(3) Any person who imports any cereal in contravention of any regulations made under this section shall be guilty of an offence, and liable on conviction to a fine not exceeding four hundred emalangeni or imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

(4) In addition to any other punishment, the court convicting the person may order confiscation of the cereal so imported.

(5) The court convicting any person under this section who was arrested while in custody of any vehicle used in the conveyance of the cereal may, if it thinks fit, declare that vehicle or the convicted persons' right thereto to be forfeited to the Government:

Provided that such declaration shall not affect any rights which any person other than the convicted person may have to the vehicle in question if it is proved that he did not know that it was being used or would be used for the conveyance of such cereal or that he could not prevent such use.

[S. 3 amended P.41/1963; repealed K.O-I-C. 12/1976; reinstated K.O-I-C. 31/1977.]

Control of cereal prices.

4. (1) The Minister may by notice in the *Gazette* fix the prices at which any cereal shall be sold in Eswatini.

(2) A person who contravenes any notice issued under this section shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred emalangeni or imprisonment for a period not exceeding twelve months.

Acquisition and disposal of maize.

5. (1) No person other than the holder of a cereal trader's licence shall purchase or receive by way of barter or exchange any maize from a producer in Eswatini:

Provided that the provisions of this sub-section shall not apply to any person who —

- (a) acquires maize for consumption as whole maize by himself or by his household or his servants or for the feeding of his livestock;
- (b) acquires less than one hundred bags of maize in any one season for the purpose of milling for consumption by himself, or by his household or his servants or for the feeding of his livestock;
- (c) acquires maize for the purpose of resale as whole maize in the course of his business as a general dealer;
- (d) being an African, acquires more than one hundred bags of maize in any one season for consumption by himself or his household whether or not such maize is to be milled by him or by his direction.

(2) No person other than the holder of a cereal trader's licence shall sell, barter or exchange maize or maize products:

Provided that this sub-section shall not apply to —

- (a) a producer in respect of maize grown by him in Eswatini;
- (b) the holder of a general dealer's licence in respect of transactions in the course of his business as such.

(3) Any person who contravenes this section shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred emalangeni or imprisonment for a period not exceeding three months.

Manufacture of malt.

6. (1) Notwithstanding anything in any other law, no person other than a person in possession of a malt manufacturer's licence issued under this Act shall manufacture malt in Eswatini:

Provided that such licence shall not be required by any African who manufactures malt for purposes other than sale, barter or exchange.

(2) Any person who contravenes this section shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred emalangeni or imprisonment for a period not exceeding three months.

Control of cereal milling.

7. (1) No person other than a person in possession of a cereal miller's licence or a restricted cereal miller's licence issued under this Act shall carry on the business of milling cereals for reward whether in money or otherwise and whether in conjunction with other agricultural products or otherwise.

(2) Any person who contravenes this section shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred emalangeni or imprisonment for a period not exceeding three months.

Licences.

8. (1) The Minister may in his discretion issue licences as provided in the Schedule¹.

(2) A separate licence shall be required in respect of each separate premises at which any such business is carried on.

(3) The Minister may from time to time impose in any licence issued under this Act such conditions as he may deem fit, including conditions limiting the type of cereals to be milled and the amount of cereal which any licence holder may purchase or mill in any one year, and any conditions so imposed shall be endorsed on the licence.

(4) The Minister may, in the exercise of his discretion under this section, take into account the need to limit the number of licences in consequence of the existence of any scheme adopted by the Government for the control and distribution in Eswatini of any cereals.

¹ Delegation to regional secretaries to issue restricted cereal miller's licences and exercise other powers of section 8 within their respective jurisdictions. (L.N. 53/1966.)

(5) Notwithstanding anything in this section, any licence issued under item 23 of Part I of the First Schedule to the Trading Licences Act No. 27 of 1939, shall, in respect of the year 1959, be deemed to be a licence issued under this Act.

SCHEDULE I

[Section 8]

[Amended L.N. 45/1976.]

1.	<i>Type of Licence</i>	<i>Fee Payable Therefor</i>
A —	Cereal Trader's licence	E15.00
	Subject to the provisions of section 5, this licence shall be required by every person who purchases or receives by way of barter or exchange any maize from a producer in the country, or sells, barter or exchanges maize or maize products.	
B —	Cereals Miller's licence	E30.00
	Subject to the provisions of section 7, this licence shall be required by every person who carries on the business of purchasing cereals for milling or grinding into any product of such cereal for resale. The holder of this licence may, without further licence, carry on the business referred to in paragraph C hereunder.	
C —	Restricted Cereal Miller's licence	E3.00
	This licence shall be required by every person who carries on the business of milling or grinding cereals for reward in cash or in any other consideration and who is not the holder of a licence under paragraph B above.	
D —	Malt Manufacturer's Licence	E15.00
2.	<i>Duration of Licences</i>	
	All licences under this Schedule shall expire on the thirty-first day of December of the year of issue.	

SCHEDULE II

[under section 3]

1. No person shall import into Eswatini any mealies or mealie products except under the authority of and in compliance with the terms of a permit issued by the Minister of Agriculture or by an officer authorised by the Minister to issue such permits, and the Minister of Agriculture is hereby empowered to impose in such permits such restrictions or conditions as he may in his discretion deem fit.

2. The Minister of Agriculture may in his absolute discretion grant or refuse any permit.
3. The Minister of Agriculture may require any person importing any mealies or mealie products to pay to him the sum of 50 cents per bag of 90 kg. net weight or such other sum as may hereafter be fixed by the Government of the Republic of South Africa as the export levy on mealies or mealie products exported to Eswatini.

[G.N. 27/1959.]
