

The Cashewnut Marketing (Regulations)

GOVERNMENT NOTICE No. 369 published on 8/11/96

THE CASHEWNUT MARKETING BOARD ACT, 1984

(No.21 OF 1984)

REGULATION

Made under section 27(1)

THE CASHEWNUT (MARKETING) REGULATIONS, 1996

PART I

PRELIMINARY

1. These Regulations may be cited as the Cashewnut (Marketing) Regulations and shall be deemed to have come into operation on the 1st day of October, 1996. Citation

2. In these Regulations, unless the context requires otherwise—
“Act” means the Cashewnut Marketing Board Act, 1984;
“Board” means the Cashewnut Marketing Board: Interpre-
tation

PART II

COLLECTION AND VISUAL GRADING

3.—(1) Where the nuts fall on the ground following a natural fall of the apple from the Cashewnut tree, a grower shall pick and collect the nuts immediately. Collection
Picking,
drying of
nuts

(2) The nuts so collected shall be laid out in the sun to dry thoroughly.

4.—(1) Each grower shall make a visual grading of the nuts in two grades namely Standard and Undergrade. Visual
grading,
licenced
buyer and
finality of
decision
by agricul-
tural offi-
cer

(2) (a) Standard grade shall have the following characteristics and qualities—

- (i) dried nuts exhibiting a conspicuous sharp audible sound when held and let to fall;
- (ii) grey shell without wrinkles;
- (iii) outer free spots and wrinkles free of the outer shell.

(b) Under grade shall be—

- (i) dry, with shells having spots and colours other than grey;
- (ii) wrinkled or shrivelled outer shell.

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(3) The cashewnuts so graded shall be sold to licensed buyer and any dispute arising in respect of grading shall be referred to agricultural personnel designated at the buying post.

(4) Any decision by the agricultural personnel shall be final as regards grading of cashewnut and may take legal action against any person who contravenes a decision by agricultural personnel.

PART III
BUYING PROCEDURES

Adver-
tise-
ment
of buying
season

5.—(1) The Board shall before the buying season, advertise for the public information the expected dates on which the buying season commences.

(2) The advertisement shall specify all necessary regulations, requirements needed and procedures to be fulfilled by both the grower and the buyer.

(3) In any case, the advertisement through public media shall be made not later than 30th day of March for any new regulations intended to be used in the following buying season and in the case of revised regulations, the advertisement shall be made under not later than 30th day of June.

Registra-
tion of
buyers

6.—(1) Every buyer of cashewnut shall be registered with the Board and the Board will issue the buyer so registered with a Registration Certificate upon payment of a prescribed fee their names will be forwarded to respective offices of authorities.

(2) The Registration Certificate shall specify the period and districts for which it is valid.

(3) A buyer shall be entitled to be provided by the Board with a list of registered buying posts for each district in respect of which the Registration Certificate has been issued.

(4) Upon registration the registered buyer shall obtain a trading licence which licence may be withheld if the buyer had previously conducted himself in a manner which violate these Regulations or is injurious to the economic interests of the respective district.

PART IV

BUYING OF RAW CASHEWNUT

Buyer to
declare
offer at
the buying
posts

7.—(1) The local authorities may, by notice, declare any place or premises to be a Cashewnut buying post either as a temporary or a permanent post.

(2) The post so declared shall be the venue recognized for buying purposes and every buyer shall declare at the post the price for each kilogramme of Cashewnut.

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8.—(1) The standard unit of measure shall be a kilogramme weight of cashewnut transacted in Tanzania currency and every buyer shall use a weighing scale which has been serviced, inspected passed inspection by Weights and Measures Department of the Ministry responsible for Trade and Industries.

Registration on standard Unit measure, inspection of weighing Scale, currency and business hours

(2) A buyer shall, for purposes of facilitating smooth and easier buying process, standardise the net weight in the bag or in any other recommended packing material for the trade to 80 kilogrammes or in such other weights as the Board may approve.

(3) The selling and buying of Cashewnuts at the buying post shall be conducted between 0600 and 1800 hours or at any other times which may be specified by the Board regard being had on the pertaining local conditions.

(4) A buyer shall keep and store each grade of Cashewnut in separate stacks.

9. The Board may, for the purposes of insuring and satisfying itself that buyers observe these Regulations, inspect any buying post or a warehouse at anytime during business hours with or without notice.

Inspection by the Board

10.—(1) Every buyer shall prepare or cause to be prepared a monthly report by 10th day of each following month during the buying season and submit such report to the Board.

Buyer and Board to make report

(2) A report shall contain and show the following dates and information—

- (a) weekly purchase;
- (b) movements of cashewnut to warehouses and factories;
- (c) average buying price offered for each grade of cashewnut

(3) The Board after receiving the report submitted to it by the buyer, shall make a purchase data form filled in a daily basis at the buying post and the forms shall weekly be collected by the designated agricultural personnel who in turn will deliver the data form to the District Agricultural Officer for onward transmission to the Board.

11. The buyer shall make delivery of Cashewnut to the factories and warehouses which had been previously declared by the buyer to the Board in pursuance of Regulation 10(2) of these Regulations.

Delivery of Cashewnut to factories, warehouses, etc.

12. The Board shall have the power to ascertain and assess data and information given by the buyer and may call for independent evidence to verify the data and information so given.

Power of Board to ascertain and assess information and data

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Regulations by district authorities binding on buyers

13. For avoidance of doubt, every buyer shall observe the regulations issued by district authorities provided that the said regulations had previously been notified to the Board and the Board had in pursuance of Regulations 5(2), advertised those regulations and requirements.

PART V

PROCEDURE AND GUIDELINE FOR PROCESSING

Required grades for Cashewnut kernels—

14. Every person who processes cashewnut shall be registered and issued with a licence by the Board upon payment of a prescribed fee.

15. Each processing unit shall grade cashewnut kernels according to internationally accepted grades applying either the Indian or American grading system provided always that the same obtains the following grades—

- (a) White whole —W180, W210 W240, W320, W450—Scorched Kernels shall be Scorched wholes—SW spotted kernels shall be Dessert Kernels—Dessert wholes.
- (b) Broken kernels—Fancy Butts (FB), Fancy Splits (FS), Large White Pieces (LWP), Small White Pieces (SWP), Scorched Butts (SB), Scorched Splits (SS), Large Scorched Pieces (LSP), Small Scorched Pieces (SSP), Dessert Butts (DB), Dessert Splits (DS) and Dessert Pieces (DP).

Packaging of blanched cashew kernels

16. Except for cashewnut waste, all blanched cashewnut kernels shall be packed in hermetically sealed tins, with CO₂ gas infused in 11.34 kilogramme net weight tins and where there is shipment the tins shall be carbonized in two tins in each carton box:

Provided that an alternative packaging material may be used upon approval by the Board.

Processors to observe quality and Board to procure adequate quantity of Cashewnut

17.—(1) Each processor, owner or lessor of cashewnut factory shall—

- (a) observe quality standard of the products;
- (b) fumigate the factory prior to the commencement of processing exercise.
- (c) arrange for routine quarterly fumigation of the factory;
- (d) make commitment agreement with the Board to procure adequate quantities of raw nuts for processing in their factories.

(2) For the purposes of ensuring the supply of cashewnut, the Board will seek from the processors an undertaking to accept cashewnut deliveries from small licensed buyers or co-operative societies for sale at an acceptable prices.

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(3) The quality of the cashewnut delivered from small licensed buyers or co-operative societies shall be verified upon entry at the gates of the factory.

(4) Small hand processors shall keep, maintain and observe the minimum health standards at place of work so as to ensure supply and maintenance of water and other sanitary facilities as required by laws governing labour in the factories.

18.—(1) Every processing unit shall prepare or cause to be prepared a monthly report by 10th day of each following month during the processing period and submit such report to the Board.

Proces-
sing units
to submit
monthly
report to
the Board

(2) The report shall contain and show the data and information—

- (a) quality of rawnuts received;
- (b) deliveries to processing plants and stock balance and
- (c) the stock position of kernels.

19.—(1) A designated officer of the Board may, at anytime during business hours, enter upon any processing unit or factory for purposes of securing compliance with the provisions of these Regulations.

Power to
inspect
proces-
sing unit
or factory

(2) Any person who obstructs or interferes with a designated officer exercising his powers under this Regulation or refuses the officer a permission to exercise the powers or declines to co-operation with the officer in the exercise of doing inspection commits an offence and is liable on conviction to a sentence stipulated under Regulation 23.

PART VI

EXPORT PROCEDURES

(a) Guidelines

20.—(1) Every exporter of cashewnut kernels and raw cashewnuts shall first obtain a valid trading licence issued by the relevant authority.

Trading li-
cence and
declara-
tion of
geog-
raphical
source of
raw
Cashew-
nut

(2) After obtaining a trading licence the exporter shall also obtain an export permit from the Board for each and every lot of shipment.

(3) Before export permit is granted, the Board shall ensure that the exporter of raw cashewnuts make a declaration in respect of geographical source of cashewnut intended for export.

21.—(1) The exporter shall, prior to making shipment of each export consignment, observe quality standards specified in the relevant sales contract and pay export levy applicable.

Payment
of Export
Levy,
quality
standards
to be ob-
served

(2) Export permit shall be granted by the Board only after a declaration in relation to exportable values or volumes has been made.

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(3) For purposes of satisfying itself if the exporter observes the provisions of this Regulation, the designated officer of the Board may, after issuance of Export Permit, make a random inspection at the warehouse where the raw cashewnut is stored and or vessel prior to shipment.

(b) Marketing

Exporters to observe International Marketing Information

22.—(1) The sell of cashewnut shall be made in accordance with internationally acceptable standards pertaining to grades unit of measure and packaging.

(2) Exporters of Cashewnut kernels shall in their dealings, be guided by and observe the prevailing International Marketing Information.

Penalty for contravening these Regulations

23.—(1) Any person who contravenes or fails to comply with any of these Regulations commits an offence against these Regulations and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.

(2) Where the contravention is in respect of any of the provisions of Part V of these Regulations the Board may opt to revoke or suspend the licence in lieu of the fine or a term of imprisonment:

Provided that nothing shall render it unlawful for the Board to revoke or suspend the licence in addition to a fine or a term of imprisonment imposed thereto.

Delegation of powers by the board

24. The Board may delegate to any person or institution all or any of the powers conferred by the provisions of these Regulations.

Appeal

25. Any person who is aggrieved by the decision of the Board may appeal to the Minister.

Dar es Salaam,
October, 1996

PAUL PETER KIMITI,
Minister for Agriculture and Co-operatives