

LEGAL NOTICE NO.35 OF 1969

Commenced

29 August, 1969 **The Agricultural Marketing (Egg Control) Regulations 1969**
(Gazette 42)

In exercise of the powers conferred on me by the provision of section 4 of the Agricultural Marketing Act 1957, I

Matete Majara

Minister of Agriculture, Co-operatives and Marketing, hereby make the following regulations.

- Citation** 1. These regulations may be cited as the Agricultural Marketing (Egg Control) Regulations, 1969.
- Interpretation** 2. (1) In these regulations unless the context otherwise requires, expressions used shall have the same respective meanings as in the Agricultural Marketing Act 1967.
- (2) "eggs" means poultry eggs, but does not include the pulp obtained from eggs after the shells have been removed;
"marketing officer" means the marketing officer or acting marketing officer in the Ministry of Agriculture or any other officer designated by the Minister;
"poultry" means fowl, duck, goose or turkey.
- Importation and exportation of eggs** 3.(1) No person shall import eggs into Lesotho unless he is in possession of a permit issued by the Marketing officer.
- (2) No person, including a person dealing in the course of trade, shall purchase, or acquire in any manner whatever, eggs imported or brought into Lesotho under a permit issued by the Marketing Officer.
- (3) No person shall export or remove eggs from Lesotho unless he is authorized to do so by permit issued by the Marketing officer.
- (4) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence.
- Applications for Permits** 4.(1) All applications for permits referred to in regulation 3 shall be in the form prescribed in the First Schedule and forwarded to the Permanent Secretary for Agriculture, P.O Box 24, Maseru.
- (2) Applications submitted in terms of sub-regulation (1) shall be considered by the Permanent Secretary for Agriculture having regard to factors such as grade and quality standards, prevention of the spread of the disease in poultry and available egg supplies in Lesotho.
- (3) Whenever an application under this section is rejected the applicant shall be informed in writing.
- (4) Any person who is dissatisfied with a decision of the Permanent Secretary for Agriculture in connection with any matter relating to his application for a

permit may be within 30 days of receiving the notification in terms of sub-regulation (3) appeal in writing to the Minister against such decision and the Minister may, after consideration of any such appeal, confirm, set aside or vary such decision or make such order in connection therewith as he may deem fit. The decision of the Minister on such appeal shall be final.

Permits

5.(1) Whenever an application in terms of regulation 4 is granted by the Permanent Secretary for Agriculture he shall cause a permit in the form prescribed in the Second Schedule to be issued through the South African Egg Control Board or other officially recognized marketing channels and he may in addition attach such terms and conditions to the permit as he consider just.

(2) The Permanent Secretary for Agriculture may cancel any permit in terms of sub-regulation (1) for violation of any provision of these regulations or any condition which may attach to the permit and notify the holder in writing.

(3) The provisions of sub-regulation (4) of regulation 4 shall apply *mututis mutandis* to any permit holder who is dissatisfied with a decision to cancel in terms of sub-regulation (2).

(4) Any person to whom a permit is issued in terms of these regulations who fails to produce his permit when required to do so by the member of Lesotho Mounted Police or any other officer designated by the Minister shall be guilty of an offence.

Appointments of officers

6. The Minister may appoint such officers and inspectors as may be necessary for the administration of these regulations.

Powers of officers

7. An officer appointed or designated by the Minister is empowered to enter at all reasonable times upon any land or premises used for the production, packing, storage or distribution of eggs and to make such inspection and inquiries as deemed fit for ascertaining whether the provisions of these regulations and the terms and conditions of the permit are being complied with.

Duties of Dealers

8.(1) Every person who purchases or acquires eggs imported into Lesotho and every person who sells otherwise disposes of such eggs shall maintain an accurate written record of the quantity of eggs purchased or acquired,

the permit held by the permit holder and the source from which the supplier obtained the eggs.

(2) Any person who fails to comply with the provision of sub-regulation (1) or who fails to produce such record upon demand of an authorized officer or a member of the Lesotho Mounted Police shall be guilty of an offence.

Penalties

9. Any person who contravenes or fails to comply with any provision of these regulations shall be guilty of an offence and on conviction liable-

(a) on the first conviction to a fine not exceeding two hundred rands or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment;

(b) on second or subsequent conviction to a fine not exceeding two thousand rands or imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

Acts or omissions

10. (1) Whenever a manager, partner, agent or employee of any producer or dealer in the course of trade does or omits to do an act which it would be an offence under these regulations for the producer or dealer in the course of trade to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the producer or dealer in the course of trade.

(2) Any such manager, partner, agent or employee may be so convicted and sentenced in addition to the producer or dealer in the course of trade.

Presumption

11. (1) If at the trial of any person charged with the commission of an offence under these regulations it is provided that a false statement appears in any record or in any document signed by him or on his behalf, he shall be deemed, unless the contrary is proved, knowingly to have made such false statement or caused it to be made.

(2) If at the trial of any person charged with the commission of an offence under these regulations it is alleged in the charge that a quantity of eggs was produced in a particular area, it shall be presumed until the contrary is proved that such quantity of eggs was produced in such area.

*Matete Majara
Minister of Agriculture
Co-operatives and Marketing*

FIRST SCHEDULE

Ministry of Agriculture, Co-operatives and Marketing

**Application for a Permit
(Egg Control Regulations)**

1. Full names of applicant
2. Full residential and postal address.....
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3. State whether permit is required for the importation or exportation of eggs
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4. Name of border post through which the consignment of eggs will pass