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CONTENTS

No.		page
	Legal notice	
241	agricultural marketing (distribution of dairy products..... Products) regulations, 1992	1171

Legal notice no. 241 of 1992

Agricultural marketing

(Distribution of Dairy Products) regulations, 1992

Arrangement of regulations

Regulation

Part I – preliminary

1. Citation and commencement
2. Interpretation

Part II - permits

3. Permits to distribute or deal in dairy products
4. Application for permit to deal in or distribute dairy products
5. Monthly returns and fees

Part III –offenses and penalties

6. Confiscation and seizure
7. Penalties
8. Exemptions
9. Repeals

## Schedules

First Schedule –Application Form

Second Schedule –Permit Form

Third Schedule –Exemptions

Legal Notice no 241 of 1992

### Agricultural Marketing

(Distribution of Dairy Products) Regulations, 1992

In exercise of the powers conferred on me by section 4 of the agricultural marketing act 1967, read with 6 of the Lesotho National Dairy Board Regulations 1991

Major General James Lebitso Dingiswayo

Minister of Agriculture make the following regulations

#### Part I –Preliminary

- |                           |  |
|---------------------------|--|
| Citation and commencement | 1. These regulations may be cited as the agricultural marketing (distribution of dairy products) regulations, 1992 and shall come into operation on the date of publication in the gazette.  |
| Interpretation            | 2. (1) In these regulations unless the context otherwise requires ,<br>“Board” mean the Lesotho Dairy Board established under the Agricultural Marketing (Establishment of the a Lesotho National Dairy Board) regulations 1991;<br><br>“Milk” has the same meaning assigned to it in the Agricultural Marketing (Establishment of the a Lesotho National Dairy Board) regulations 1991;<br><br>“Minister” means minister responsible for Agriculture. |

(2) words not specified defined in this regulation shall have the same meaning assigned to them in the Agricultural Marketing (Establishment of the Lesotho National Dairy Board) regulations 1991;

## Part II –Permits

- Permit to deal in dairy products 3. (1) Subject to regulations 8, all persons wishing to deal in, distribute, import or bring dairy products into Lesotho shall only do so when in possession of a permit issued by the Lesotho National Dairy Board.
- (2) Subject to regulations 8, a levy of 2½% of the invoice value of any imported dairy products shall be charged on those imported dairy products.
- (3) No person shall export or remove or remove any dairy products from Lesotho unless he is authorized to do so under the permit issued by the Lesotho National Dairy Board.
- (4) The permit referred to in this regulation shall be as set out in the second Schedule.
- Application to deal in or .... 4. (1) Application for permits referred to in this regulation 3 shall be made in the form prescribed in the first Schedule and forwarded to the Lesotho National Dairy Board for consideration
- (2) The Board, in considering the applications referred to in sub-regulations (1), shall take into account such factors as fitness for consumption, quality and adequacy of supply in Lesotho.
- (3) Applicants whose applications have been rejected by the board shall be notified by writing.
- (4) Any person who is dissatisfied with the decision of the board in connection with any matter relating to his application for permit may, within 30 days of receiving the notification under sub-regulation (3), appeal to the minister against the decision, the board and the minister may, after considering the appeal, confirm, set aside or vary the decision, as may deem fit. The decision of the minister shall be final.
- Monthly refunds and fees 5. (1) Any person issued with a permit under regulations 3 shall,
- (a) Submit his invoice or copies thereof to the board within 10 days after the end of each calendar month;

(b) Submit a monthly report of his import and export quantities and buying and selling prices.

(2) Any fees payable in respect of a permit issued under these regulations shall be paid in to the funds of the Board.

(3) Any person who fails to comply with the requirements of sub-regulation (1) commits an offence and on conviction, in addition to any other penalty, the court may impose, his permit shall be withdrawn.

### Part III –offences

Confiscation and Seizure

6. (1) Any illegally imported dairy products shall be confiscated by customs officer in accordance with the Customs and Excise act 1982.

(2) Any illegally imported dairy products may be seized by an officer charged with carrying out inspectorate work in traders' shops or wholesalers' stores.

penalties

7. Any person who contravenes or fails to comply with those regulations shall be guilty of an offence and on conviction shall be liable to a fine not exceeding M400.00 or to imprisonment for 6 months or both; and on a second or subsequent conviction to a fine not exceeding M2000.00 or imprisonment for 2 years or both.

Exemptions

8. These regulations shall not apply to the dairy products listed in the third schedule.

Repeals

9. The Agricultural Marketing (Milk Control) regulations 1988<sup>5</sup> are applied