

LEGAL NOTICE NO. 33 OF 1972

Agricultural Marketing (Cereal and Legume Export) Regulations 1972

In exercise of the powers conferred on me by the provisions of section 4 of the Agricultural Marketing Act 1967, I,

Sekhonyana 'Maseribane

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

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| 1. These regulations may be cited as the Agricultural Marketing (Cereal and Legume Export) Regulations 1972. | Citation |
| 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) "cereal" means wheat, maize, sorghum, barley and oats;
"legumes" means peas and beans;
"marketing officer" means the marketing officer or acting marketing officer in the Ministry of Agriculture or any other officer so designated by the Minister. | Interpretation |
| 3. (1) No person shall export or remove cereals or legumes from Lesotho unless he is authorised to do so by permit issued by the marketing officer.

(2) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence. | Exportation of legumes and cereals |
| 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 disease and available 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 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. | Applications for permits |

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 to the applicant authorising the importation or exportation of cereals or legumes. He may in addition attach such terms and conditions to the permit as he considers 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 **mutatis 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 a member of the Lesotho Mounted Police or any other officer designated by the Minister shall be guilty of an offence.

Appointment 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 cereals or legumes 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 exports cereals and legumes from Lesotho shall maintain an accurate written record of the quantity of cereals and legumes exported or the name and address of person receiving the exports and the number and date of the issue of the permit held by the permit holder.
- (2) Any person who fails to comply with the provisions of sub-regulation (1) or who fails to produce such record upon demand of an authorised 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 liable —
 - (a) on a first conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment;
 - (b) on a second or subsequent conviction to a fine not exceeding two thousand rand or imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

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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. Acts or omissions
- (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.
11. (1) If at the trial of any person charged with the commission of an offence against these regulations it is proved 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. Presumptions
- (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 cereals and legumes was produced in a particular area, it shall be presumed until the contrary is proved, that such quantity of cereals and legumes was produced in such area.
12. High Commissioners Notices 73 of 1944 and 59 of 1959 are hereby revoked. Revocation

Sekhonyana 'Maseribane,
Minister of Agriculture, Co-operatives and Marketing.

FIRST SCHEDULE

MINISTRY OF AGRICULTURE, CO-OPERATIVES AND MARKETING

Application for a Permit (Cereal and Legume Export Regulations 1972)

1. Full names of applicant
2. Full residential and postal address
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3. State product for which permit required
(Wheat, Maize, Sorghum, Barley, Oats, Peas, Beans)
4. Name of border post through which the consignment will
pass
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5. State exact or approximate date upon which the consignment will
pass through the border post
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6. State quantity to be exported
.....
7. State to whom product will be exported:
Name
Address:
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I certify that the information furnished in this application is
correct in every respect.

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(Signature of applicant)

SECOND SCHEDULE

MINISTRY OF AGRICULTURE, CO-OPERATIVES AND
MARKETINGPermit
(Cereal & Legume Export Regulations 1972)

Permission is hereby granted to
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of
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to export quantity
from Lesotho through the
border post on or about the
day of 19.....

This permit is issued subject to the following conditions

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Marketing Officer: Lesotho

Official Date Stamp:

Note: Duplicate to be retained by the Ministry.