

## AGRICULTURAL PRODUCE (MARKETING) REGULATIONS

under s. 3

G.N. 63/1987

45/1989

75/1994

14/2008

### 1. Citation

These Regulations may be cited as the Agricultural Produce (Marketing) Regulations.

### 2. Interpretation

In these Regulations, unless the context otherwise requires—

“authorized officer” means an officer in the public service designated as such by the Minister under regulation 7;

“licensing officer” means the Secretary for Agriculture or such other officer in the public service as he may authorize to act on his behalf;

“Malawi national” means—

- (a) in the case of an individual, a citizen of Malawi;
- (b) in the case of a company or other body of persons, whether corporate or unincorporate, a company or body of persons wholly owned or majority controlled by citizens of Malawi;

“agricultural produce” means the produce of any agricultural crop specified in the Second Schedule.

### 3. Buying of agricultural produce

No person shall, for profit or gain, engage in the business of buying any agricultural produce from producers unless he is a holder of a valid licence issued under these Regulations.

### 4. Application for licence

(1) Any person who is a Malawi national may apply to the licensing officer to engage in the business of buying agricultural produce from producers.

(2) Every application for a licence shall be in Form APMR I set out in the First Schedule, and shall be accompanied by the application fee prescribed in the Third Schedule.

(3) Any application fee paid under subregulation (2) shall not be refundable, whether or not a licence is granted.

### 5. Issuing of licence

If a licensing officer is satisfied that the applicant for a licence is a fit and proper person and is a Malawi national, he may issue to that person a licence in Form APMR II set out in the First Schedule.

### 6. Conditions of licence

A licence issued under these Regulations shall be—

- (a) issued upon payment by the applicant of the licence fee prescribed in the Third Schedule;
- (b) valid from the date of issue to the following 31st March;
- (c) subject to the following conditions, that is to say—

(i) that the licensee shall buy the agricultural produce by means of approved weights and measures made available at his own expense and shall ensure that such instruments are at all times properly assized;

(ii) that the licensee shall buy the agricultural produce between the hours of sunrise and sunset only;

(iii) that the licensee shall at all reasonable times allow authorized officers free access to examine the instruments of weights and measures used by him and generally for the purposes of Regulation 6;

(iv) that the licensee shall not export any agricultural produce bought by him, except upon an export licence issued to him under the Control of Goods Act or any other written law. Cap. 18:08

#### 7. Authorized officer

(1) The Minister may designate officers in the public service to be authorized officers for the purpose of ensuring that a licensee complies with the conditions of his licence and generally with the provisions of these Regulations.

(2) In the performance of his duties under subregulation (1), an authorized officer may at any reasonable time enter upon any place, vehicle, aircraft or vessel.

#### 8. Offences

Any person who—

- (a) contravenes regulation 3;
- (b) fails to comply with the conditions of the licence set out in regulation 6 (c); or
- (c) wilfully obstructs or hinders an authorized officer in the performance of his duties,

shall be guilty of an offence and liable to a fine of K1,000 and to imprisonment for three months.

FIRST SCHEDULE reg. 4 and 5

#### PART I

#### FORM OF APPLICATION FORM APMR I

NOTE: This application is to be completed in triplicate and submitted to the Secretary for Agriculture at such address as shall be notified in the Gazette and shall be accompanied by a non-refundable application fee of K10.

I/We (name in full): .....

of (address): .....

Previous Licence No. (if any): .....

Nationality: .....

hereby apply for a licence to buy the following produce during the licence period ending on the 31st March, 20 .....

Produce      Estimated      quantities1. ....2.

.....3.

.....4.

.....5.

.....Date: .....Signature:

.....Name: .....Designation      (if      any):

.....

## PART II

### FORM OF LICENCE FORM APMR II

#### LICENCE TO BUY AND SELL AGRICULTURAL PRODUCE

Licence No. ....

Name of Licencee: .....

of (address): .....

is hereby licensed to buy and sell agricultural produce.

This licence is valid from the date of issue to the 31st March, 20 ....., and is subject to the provisions of the Agriculture (General Purposes) Act, the Agricultural Produce (Marketing) Regulations, 1994, and to any special provisions endorsed overleaf.

Date of issue: .....

Signed: .....

Issuing Officer

Licence fee paid K .....

for

Secretary for Agriculture

General  
(Official Stamp)

Receipt

No.: .....

Date: .....

SECOND SCHEDULE reg. 3, G.N. 14/2008

## AGRICULTURAL PRODUCE

SesamePaddy RiceCassavaGroundnutsSorghumBeansWheatPeasBullrush milletGramsChilliesSunflower  
seedGingerCastor seedCardamom

THIRD SCHEDULE reg. 4

## FEES

1. Upon applicationK10.002. Upon issue of licenceK50.00