

CONTROL OF TOBACCO AUCTION FLOORS (DELIVERY QUOTAS) REGULATIONS

under s. 38

G.N. 185/1971

90/1986

1. Citation

These Regulations may be cited as the Control of Tobacco Auction Floors (Delivery Quotas) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“licensed auction floor” means an auction floor licensed for the purposes of selling tobacco under section 18 of the Act;

“registered seller” means a person who is registered as a tobacco seller in accordance with section 23 of the Act.

3. Registration of sellers

(1) Any person wishing to sell tobacco on an auction floor shall apply to the Commission in writing for registration as a registered seller.

(2) When the Commission registers a person as a registered seller it shall allocate to him a registration number, which number shall be used by the registered seller as an identity mark on every consignment of tobacco which he sells on an auction floor.

4. Payment instructions

Immediately upon the receipt by him of the registration number allocated to him by the Commission, every seller shall forward to the owner of the auction floor at which he intends to deliver tobacco for sale payment instructions in the form set forth in the Schedule, which payment instructions shall be complied with by the owner of the licensed auction floor to which those instructions are forwarded unless the Commission is satisfied that the same are, or are calculated to be, confusing.

5. Quota

(1) The Commission may allocate to every registered seller a quota expressed in terms of bales of tobacco.

(2) During such periods as the Commission may determine, no registered seller shall deliver tobacco to an auction floor for sale in excess of the quotas allocated to him under subregulation (1).

6. Return in writing of deliveries

(1) Upon his being required so to do in writing by either the Minister or by the Commission, every holder of an auction floor licence shall furnish daily to the Minister or the Commission a return in writing of deliveries of tobacco for sale received at his premises from registered sellers and from commercial tobacco-grading firms acting as agent for registered sellers during the 24-hour period ended at 12 o'clock mid-night on the day next preceding the day on which the return is required to be made.
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(2) Upon his being required so to do in writing by the Minister or the Commission, every holder of an auction floor licence shall, within such period as the Minister or the Commission may specify, submit a return in writing of deliveries of tobacco for sale received at his premises in every year from registered sellers and from commercial tobacco-grading firms acting as agents for registered sellers.

7. Excess tobacco

(1) The holder of an auction floor licence shall not retain or store at his premises any tobacco delivered thereto for sale by or on behalf of a registered seller which exceeds the quota allocated to him under regulation 5(1).

(2) Any registered seller and any commercial tobacco-grading firm acting as agent for a registered seller who delivers tobacco for sale to an auction floor in excess of the quota allocated to the registered seller under regulation 5 (1) shall remove such excess within 24 hours of the time of delivery thereof at the auction floor.

(3) If a registered seller or a commercial tobacco-grading firm, as the case may be, fails to comply with subregulation (2), the holder of the auction floor licence in respect of the auction floor to which such excess was delivered shall return the excess to the registered seller or commercial tobacco-grading firm, as the case may be, at the risk and expenses of the registered seller.

(4) Notwithstanding anything contained in subregulations (1), (2) and (3) the Commission may, if it thinks fit, permit such excess to be retained or stored by the holder of an auction floor licence subject to such conditions as it may impose.

8. Measurement of quota

(1) Every bale of tobacco which is delivered for sale to an auction floor by a registered seller or by a commercial tobacco grading firm acting as agent for a registered seller on and after a date on which quotas are allocated under regulation 5 (1) shall form part of the quota allocated to such seller, whether such bale be subsequently withdrawn from sale or not:

Provided that no bale of tobacco which is delivered to an auction floor for sale on or after the date on which quotas were allocated shall count as part of registered seller's quota if such bale had been delivered to and accepted by a railway company or road transport contractor for delivery to such auction floor prior to such date.

(2) Regulation 7 (2), (3) and (4) shall apply mutatis mutandis to a bale of tobacco which is withdrawn from sale for any reason whatsoever.

9. Limit on amount stored

The Commission may from time to time fix the quantity of tobacco for sale which may be stored at any one time at an auction floor, and no tobacco in excess of such quantity shall be so stored: G.N. 90/1986

Provided that this regulation shall not apply to tobacco which is rejected or withdrawn from sale.

SCHEDULE

CONTROL OF TOBACCO AUCTION FLOORS ACT

(CAP. 65:03)

CONTROL OF TOBACCO AUCTION FLOORS (DELIVERY QUOTAS) REGULATIONS, 1971 Sub. leg. p. 27

PAYMENT INSTRUCTIONS

To:

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(Insert name and address of owner of licensed auction floor)

Dear Sir,

Delete as applicable.*I/We hereby direct that all payments when due to me/usDelete as applicable.* in respect of my/ourDelete as applicable.* tobacco sold by you, under registered number/numbersDelete as applicable.* be paid—

Delete as applicable.*(a) To me/usDelete as applicable.* direct.

Delete as applicable.*(b) To my/ourDelete as applicable.* account at
.....

Delete as applicable.*(c) To

These instructions shall continue in effect throughout the year 19 unless earlier revoked.

Yours faithfully,

Signature

Designation

Full Name of Registered Grower

.....

Address

Date

NOTE—No payments will be made until this form is received by the owner of the licensed auction floor.