

CONTROL OF TOBACCO AUCTION FLOORS (GRADERS' LICENSING) REGULATIONS

under s. 38

G.N. 187/1971

43/1986

1. Citation

These Regulations may be cited as the Control of Tobacco Auction Floors (Graders' Licensing) Regulations.

2. Appointment of grading inspectors

(1) The Minister may appoint fit and proper persons to be grading inspectors for the purpose of enforcing and supervising these Regulations.

(2) Any person who obstructs a grading inspector in the execution of his duty shall be guilty of an offence.

3. Business of grading tobacco

(1) No person shall carry on the business of grading tobacco for profit or gain unless he is licensed as a grader under these Regulations:

Provided that this subregulation shall not apply to a grower of tobacco who grades his own crop, or any employee or servant of such grower.

(2) Every application for a grader's licence shall be made in writing to the Minister through the Commission, and the Minister may issue or refuse to issue such a licence, at his discretion.

(3) Every applicant for a grader's licence shall furnish to the Minister such information as the Minister may require with respect to his qualifications as a grader and the facilities which he has available for grading tobacco, together with the names and qualifications of the persons who will be in charge of grading tobacco under his supervision.

(4) Any person who, not being a grower of tobacco grading his own crop of tobacco or an employee or servant of such a grower, grades tobacco for profit or gain without being licensed in that behalf under the Act shall be guilty of an offence.

4. Licence validity, issuance and fee

(1) Every grader's licence shall, unless the same shall be cancelled under these Regulations or any other regulations made under the Act be valid until the 31st December of the year in respect of which it is issued.

(2) The Minister may issue a grader's licence in the name of an individual, a company or a partnership.

(3) A fee of K50 shall be paid by the licensee in respect of every grader's licence.

(4) No person shall be employed or commissioned to be in charge of grading tobacco unless that person has practical experience of grading tobacco to the satisfaction of the Minister.

(5) No person shall be employed or commissioned as an assistant tobacco grader unless, in the opinion of a grading inspector, the employment of such person is necessary for the proper handling of tobacco being, or having been, graded.

5. Method of grading

(1) Every licensed grader shall grade tobacco in accordance with these Regulations and any other regulations, made in that behalf by the Minister under the Act, and any licensed grader who fails to comply with or contravenes this subregulation shall be guilty of an offence.

(2) Every grader's licence shall specify the premises on which tobacco may be graded and no licensed grader shall grade tobacco on any premises not specified in the relevant grader's licence.

(3) Every building in which tobacco is graded shall be properly constructed and suitably lighted.

(4) Adequate storage space shall be provided in a properly constructed enclosed building with floors or floor covering suitable for storing bales of tobacco prior to or after the same being graded.

(5) The floors of grading and storage sheds shall be constructed of suitable material of such construction as to permit of their being kept properly clean, and every such floor shall be covered with suitable material unless the floor be constructed of smooth impervious cement, smooth tarmac or smooth wood.

(6) If the Minister shall so direct, in any particular case, a grading shed shall be equipped with adequate means of maintaining therein a degree of humidity, to the satisfaction of the Minister, suitable for the proper handling of tobacco.

(7) All tobacco which has been, or is to be, graded shall be packed in the manner prescribed by these Regulations or any other regulations in that behalf made by the Minister under the Act.

(8) All tobacco which has been graded shall be properly stored prior to its being baled and despatched to an auction floor.

6. Grading return

As soon as is practicable after any tobacco has been graded, the licensed grader shall send to the owner of such tobacco a grading return in Form I in the Schedule, or in such other form as the Minister may approve. Form I

7. Cancellation of licence

The Minister may, after considering a report of a grading inspector, cancel the licence of any licensed grader if he is of opinion that such grader has not been complying with or has contravened any of the provisions of these Regulations or of any other regulations in that behalf made by the Minister under the Act:

Provided that the Minister shall not cancel the licence of any licensed grader unless he has been afforded an opportunity of making such representations as he may wish to make.

8. Inspection of premises

For the purpose of ascertaining whether these Regulations and any other regulations made by the Minister under the Act are being complied with, a grading inspector may, without previous notice and at any reasonable time of the day, enter upon any premises used by a licensed grader for the purpose of grading or storing tobacco, and also enter upon any premises which such grading inspector may reasonably suspect as being used for the purpose of grading or storing tobacco, and make such examination or enquiry as such grading inspector may deem necessary.

9. Penalty

Any person who is convicted of an offence under these Regulations shall be liable to a fine of K200 and to imprisonment for three months.

SCHEDULE G.N. 43/1986

FORM I

CONTROL OF TOBACCO AUCTION FLOORS ACT

(CAP. 65:03)

GRADING RETURN

Owner's Name:Reg. No:Date graded:
.....Weight received: kgRemnants:
kgWeight graded: kgWeight for despatch to floors..... kg
leaf..... kg strips..... kg scrapTotal weight for despatch to
floors..... kgRemnants of graded tobacco on hand %
..... kgLoss in
gradingRemarks.....
.....
.....Date:Signed: