

TOBACCO (REGISTERED GROWERS) REGULATIONS

under s. 12

G.N. 213/1970

121/1985

89/1986

101/1989

1. Citation

These Regulations may be cited as the Tobacco (Registered Growers) Regulations.

PART I

REGISTRATION OF TOBACCO GROWERS ON CUSTOMARY LAND

2. Interpretation

In this Part the expression “registering officer” means in respect of burley tobacco, dark-fired tobacco, sun-cured tobacco, fire-cured tobacco and oriental tobacco grown on customary land, the Agricultural Development and Marketing Corporation or its representative. G.N. 89/1986, 101/1989

3. Register of tobacco growers

Every registering officer shall keep a permanent register of persons registered to grow tobacco on customary land in his area in the form set out in the First Schedule.

4. Application for registration

Any person wishing to grow tobacco on customary land shall apply for registration to the registering officer of his area, on or before such date as the Minister may, in relation to any growing season, determine by a notice published in the Gazette, at such markets of the Agricultural Development and Marketing Corporation as the registering officer may appoint. The registering officer may require any applicant for registration to produce a tax receipt or some other means of identification. G.N. 89/1986

5. Certificate of registration and its surrender

Every person registered under this Part shall be issued with a certificate of registration in the form set out in the Second Schedule, which certificate shall remain valid until the last sale of tobacco by such person in the year following the issue of the certificate, after which the certificate shall be surrendered forthwith to the supervisor of the Agricultural Development and Marketing Corporation market at which such last sale was made, or, if the tobacco was sold to a person holding a tobacco buying licence or an authority from the Minister to buy tobacco grown on customary land, to such person.

6. Forwarding of surrendered certificate

Every person to whom a certificate of registration is surrendered under regulation 5 shall forthwith forward the same to the registering officer by whom such certificate was issued.

7. Grounds for refusal to register

(1) A registering officer may refuse to register any applicant for registration under this Part if, in his opinion, such applicant is not a fit and proper person to grow tobacco for all or any of the following reasons—

(a) that the land on which the applicant intends to grow tobacco, or the climatic conditions obtaining in the area, are not suitable for the purpose;

(b) that the applicant's methods and standards of cultivation, or of curing or handling tobacco are unlikely to produce leaf of an approved type and of reasonable quality;

(c) that the applicant does not give adequate consideration to the care and maintenance of the soil and timber resources available to him;

(d) that the applicant has inadequate or unsatisfactory curing accommodation at his disposal;

(e) that the applicant has been convicted of failing to uproot tobacco in breach of any notice under section 3 of the Act, or of any other offence against the Act or any regulations made thereunder;

(f) that the applicant has used or intends to use seed of a type not approved under section 5 of the Act, or has cured, or intends to cure, tobacco by a method other than that prescribed by the Tobacco (Method of Curing) Regulations;

(g) that the applicant is the husband or wife of a person to whom registration under this Part has already been refused.

(2) Any applicant aggrieved by a refusal to register under subregulation (1) may appeal to the Minister for the time being responsible for agriculture or any person authorized by him, whose decision shall be final.

8. Conditions of certificate

It shall be a condition of every certificate of registration issued under regulation 5 that the applicant shall only sell the tobacco grown by him at the market specified in such certificate, or to the holder of a tobacco buying licence issued under the Act or to a person authorized by the Minister to buy tobacco grown on the area of customary land on which such applicant's tobacco has been grown.

9. Record as quantity and quality of tobacco sold

(1) Every supervisor of a market or holder of a tobacco buying licence or person authorized by the Minister to buy tobacco grown on customary land who buys tobacco from a person registered under this Part shall enter on the back of the certificate of registration of such person any comments relevant to the condition and quality of such tobacco.

(2) The registering officer to whom a certificate of registration is sent under regulation 6 shall enter, in that part of the permanent register which refers to the holder of such certificate, particulars of the amount of tobacco sold by him during the preceding season and any relevant comments regarding his fitness as a tobacco grower and the condition and quality of the tobacco sold by him recorded by the buyer of such tobacco.

PART II

REGISTRATION OF TOBACCO GROWERS ON PRIVATE OR PUBLIC LAND

10. Register of tenants growing tobacco on private and public land

(1) The owner, lessee, occupier or manager of any private or public land shall keep a permanent register, in the form set out in the Third Schedule, of all tenants who grow tobacco for sale on such land. Such owner, lessee, occupier or manager shall be the registering authority for the purposes of this Part.

(2) A separate permanent register shall be kept by the registering authority in respect of each separate property owned, leased or managed by him.

(3) Any registering authority who fails to keep a permanent register in accordance with subregulations (1) and (2) shall be liable to a fine of K100.

11. Inspection of permanent register

Every permanent register kept under regulation 10 shall be open at all reasonable times for inspection by Minister for the time being responsible for agriculture or any person authorized by him.

12. Application for and certificate of registration

(1) Every person wishing to grow tobacco for sale as a tenant shall apply for registration to his registering authority on or before such date as the Minister may, in relation to any growing season, determine by a notice published in the Gazette. The Programme Manager of the relevant Agricultural Division may, on cause being shown, allow a registering authority to register growers after this date.
G.N. 89/1986

(2) The registering authority shall issue to every person registered under this Part a certificate of registration in the form set out in the Fourth Schedule and shall complete the particulars required on such certificate.

(3) A certificate of registration under this Part shall be valid until the last sale of tobacco made by the holder thereof in the year following the issue of such certificate, after which the certificate shall be surrendered forthwith to the person who bought such tobacco, and such person shall forthwith forward the certificate to the registering authority who issued the same.

13. Sale must be to licensed or authorized buyer

It shall be a condition of every certificate of registration issued under this Part that the applicant shall only sell the tobacco grown by him to the person licensed or authorized to buy tobacco grown on the land in question.

PART III

MISCELLANEOUS

14. Offences

Any person who—

(a) fails to surrender a certificate of registration as required by regulation 5 or regulation 12 (3);

(b) sells tobacco in breach of a condition of his certificate of registration as prescribed by regulation 8 or regulation 13; or

(c) uses or attempts to use a certificate of registration which is, to his knowledge, invalid,

shall be liable to a fine of K100 and to imprisonment for three months.

No.

PERMANENT REGISTER OF TOBACCO) GROWERS

ChiefVillageName
.....Registered areaMarket of sale
.....YearEndorsements and Remarkskg sold

SECOND SCHEDULE r. 5

CERTIFICATE OF REGISTRATION OF A TOBACCO GROWER

WeightDateSoldGradeArea of registrationName of grower
.....Registered No. Village
.....ChiefDistrict
..... Market of sale Day of Sale
..... Date of issue Signature of registering officer
.....

THIRD SCHEDULE r.10 (1)

PERMANENT REGISTER OF TOBACCO GROWERS REGISTERED TO GROW TOBACCO FOR SALE OF PRIVATE OR PUBLIC LAND G.N. 121/1985

Ref. No.NameVillageChiefDistrictType of tobacco grownHectarage

FOURTH SCHEDULE r. 12 (2)

CERTIFICATE OF REGISTRATION OF A TOBACCO GROWER ON PRIVATE OR PUBLIC LAND

Year Name of estate District

No.

Name

Village

Chief

District

Type of tobacco

Hectarage

Date of issue

Signature of registering officer