

Chapter 18:07**PREVIOUS CHAPTER****COTTON MARKETING AND CONTROL ACT**

Acts 49/1968, 61/1973 (s. 7); R.G.N.s 217/1970, 463/1972, 14/1977, 41/1977, 17/1979 (s. 9), 8/1991, 22/1992 (s. 21); S.I. 566/1979.

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AN ACT to provide for the establishment of a Cotton Marketing Board and to prescribe the powers, functions and duties of that Board; to regulate and control the production, ginning, prices and marketing of seed cotton and the prices and marketing of lint and cotton seed; and to provide for matters incidental to the foregoing.

[Date of commencement: 1st March, 1969.]

PART I

PRELIMINARY

- 1 Short title

This Act may be cited as the Cotton Marketing and Control Act [Chapter 18:07].

- 2 Interpretation

In this Act—

“auditors” means the auditors appointed in terms of section thirty-one;

“Board” means the board of the Cotton Marketing Board referred to in section four;

“co-operative”, in relation to a grower, means a co-operative company or co-operative society registered in terms of any law relating to such companies or societies whose regulations or by-laws require such grower to sell seed cotton grown by him or lint and cotton seed derived from seed cotton grown by him to or through the company or society, as the case may be;

“cotton” means the fruits of *Gossypium hirsutum*;

“Cotton Marketing Board” means the Cotton Marketing Board established by section three;

“cotton seed” means the seed of cotton, with or without linters, which has been separated from the fibre and has not been subjected to any process of manufacture;

“delivery rules” means rules made in terms of paragraph 3 of the Schedule;

“financial year” means the period of twelve months ending on the last day of

February each year;

“gin”, in relation to seed cotton, means to separate cotton seed from the fibres, other than linters, of the seed cotton by mechanical process;

“grower” means a person who, by himself or his agents, grows seed cotton;

“inspector” means a person appointed as an inspector in terms of section forty-three;

“licensed buyer”, in relation to—

(a) cotton seed, means a person who is licensed in terms of paragraph (c) of subsection (1) of section thirty-seven to buy cotton seed from a grower or ginner;

(b) lint, means a person who is licensed in terms of paragraph (b) of subsection (1) of section thirty-seven to buy lint from a grower or ginner;

(c) seed cotton, means a person who is licensed in terms of paragraph (a) of subsection (1) of section thirty-seven to buy seed cotton from a grower;

“licensed ginner” means a person who is licensed in terms of section thirty-eight to gin seed cotton;

“lint” means the fibres removed from cotton seed by mechanical process, but does not include linters or spun, woven or otherwise manufactured fibres or waste from such spinning, weaving or manufacturing process;

“linters” means the fibres of seed cotton which are not separated from the cotton seed in the process of ginning;

“member” means a member of the Board;

“Minister” means the Minister of Agriculture or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“prohibited variety”, in relation to seed cotton or cotton seed in a particular area, means seed cotton or cotton seed of a variety which is not a variety that the Board has specified in terms of subsection (1) of section thirty-nine may be grown in that area;

“receiving depot” means a place appointed in terms of the delivery rules to be a receiving depot;

“seed cotton” means the fibre and seed of cotton as harvested from the cotton plant before they are separated;

“sell” includes—

(a) sell by auction;

(b) offer or attempt to sell;

(c) expose, display or advertise for sale;

(d) sell under an agreement in terms of the Hire-Purchase Act [Chapter 14:11];

(e) exchange or dispose of for any valuable consideration;

and the expressions “buyer” and “buy” shall be construed accordingly;

“standards rules” means rules made in terms of paragraph 4 of the Schedule

PART II

ESTABLISHMENT OF COTTON MARKETING BOARD

3 Establishment of Board

There is hereby established a board, to be known as the Cotton Marketing Board, which shall be a body corporate and shall be capable of suing and being sued in its corporate name and, subject to the provisions of this Act, of performing all such acts as a body corporate may by law perform.

4 Board of the Cotton Marketing Board

The operations of the Cotton Marketing Board shall, subject to this Act, be controlled by a Board, to be known as the board of the Cotton Marketing Board, appointed in terms of this Part.

5 Membership of Board

(1) The Board shall consist of not less than six and not more than nine members who

shall be appointed by the Minister after consultation with the President and in accordance with any directions the President may give him.

(2) Members shall be appointed for their ability and experience in agriculture, business or administration or their suitability otherwise for appointment as members.

(3) The Minister shall designate a member as chairman of the Board and another member as vice-chairman of the Board, and the vice-chairman shall exercise the functions of the chairman during any period that the chairman is unable to do so.

(4) The Minister may appoint any person to the Board as an alternative to a member, and such person—

(a) shall act as a member only when the member to whom he is alternate is unable to exercise his functions on the Board by reason of illness, absence from Zimbabwe, suspension from office or other cause;

(b) when acting as a member shall, subject to the conditions applicable to the member, exercise the functions of the member to whom he is alternate:

Provided that an alternate to the member who has been designated as chairman or vice-chairman of the Board shall not exercise the functions of chairman or vice-chairman, as the case may be.

6 Conditions of office of members

(1) Subject to this Part, a member shall hold office for such period not exceeding three years as the Minister may fix on his appointment.

(2) On the expiry of the period for which a member has been appointed, he shall continue to hold office until he has been reappointed or his successor has been appointed:

Provided that a member shall not continue to hold office in terms of this subsection for a period exceeding six months.

(3) Subject to section fourteen, a member shall hold office on such conditions as the Minister may fix for members generally.

(4) A retiring member shall be eligible for reappointment as a member.

7 Disqualification for appointment as member

The Minister shall not appoint a person as a member and no person shall be qualified to hold office as a member who—

(a) is not a citizen of Zimbabwe ordinarily resident in Zimbabwe; or

(b) is, or is married to a person who is, engaged in any activity connected with a business which, in the opinion of the Minister, is likely to interfere with the impartial discharge by that person of the duties of the office of a member; or

(c) has, in terms of a law in force in any country—

(i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged; or

(ii) made an assignment to or arrangement or composition with his creditors which has not been rescinded or set aside;

or

(d) has, within the period of five years immediately preceding the date of his proposed appointment, been convicted—

(i) within Zimbabwe of a criminal offence; or

(ii) outside Zimbabwe of an offence, by whatever name called, which, if committed within Zimbabwe, would have been a criminal offence;

and sentenced to a term of imprisonment imposed without the option of a fine, whether or not such sentence has been suspended, and has not received a free pardon.

8 Vacation of office by member

A member shall vacate his office and his office shall become vacant—

(a) one month after the date he gives notice in writing to the Minister of

his intention to resign his office or after the expiry of such shorter period as he and the Minister may agree; or

(b) thirty days after the date he is sentenced by a court to imprisonment referred to in paragraph (d) of section seven after conviction of an offence referred to in that paragraph:

Provided that, if, during the said period of thirty days, an application for a free pardon is made or an appeal is noted, the question whether the member is to vacate his office shall not be determined until the final disposal of such application or appeal, whereupon the member shall forthwith vacate his office and his office shall become vacant unless he is granted a free pardon, or his conviction is set aside or a punishment other than imprisonment is substituted; or

(c) if he becomes disqualified in terms of paragraph (a), (b) or (c) of section seven to hold office as a member; or

(d) if he is required in terms of section nine to vacate his office.

9 Member may be required to vacate office or be suspended

(1) The Minister may require a member to vacate his office if the member—

(a) has been guilty of improper conduct as a member; or

(b) has failed to comply with the conditions of his office fixed by the Minister in terms of subsection (3) of section six; or

(c) is mentally or physically incapable of efficiently performing his duties as a member.

(2) The Minister, on the recommendation of the Board, may require a member to vacate his office if the Minister is satisfied that the member has been absent without the permission of the Board from three consecutive meetings of the Board, of which he has been given not less than seven days' notice, and that there was no just cause for the member's absence.

(3) The Minister—

(a) may suspend from office a member against whom criminal proceedings are instituted for an offence in respect of which a sentence of imprisonment without the option of a fine may be imposed; and

(b) shall suspend from office a member who has been sentenced by a court to imprisonment without the option of a fine, whether or not suspended, pending determination of the question whether he is to vacate his office; and whilst that member is so suspended he shall not carry out any duties or be entitled to any remuneration as a member.

10 Filling of vacancies

Subject to section five, on the death of, or the vacation of office by a member, the Minister may appoint a person to fill the vacancy.

11 Meetings and procedures of Board

(1) The Board shall meet for the dispatch of business and adjourn, close and otherwise regulate its meetings and proceedings as it thinks fit:

Provided that the Board shall meet at least three times in every year.

(2) The chairman of the Board may himself at any time and shall, at the request in writing of not less than four members, convene a special meeting of the Board.

(3) If, at a meeting, of the Board, the chairman and the vice-chairman are both absent, the members present may elect one of their number to preside at that meeting as chairman.

(4) A majority of members shall form a quorum at a meeting of the Board.

(5) All acts, matters or things authorized or required to be done by the Board may be decided by a majority vote at a meeting of the Board at which a quorum is present.

(6) At all meetings of the Board each member present shall have one vote on every

question before the Board and, in the event of an equality of votes, the chairman shall have a casting vote in addition to a deliberative vote.

(7) Any proposal circulated among all members and agreed to in writing by a majority of all members shall be of the same effect as a resolution passed at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such a proposal be placed before a meeting of the Board, this subsection shall not apply to the proposal.

12 Committees of Board

(1) For the better exercise of its functions the Board may establish one or more committees in which may be vested and on which may be imposed such of the functions of the Board as the Board, may direct:

Provided that—

(i) the vesting or imposition of any such functions in a committee shall not divest the Board of such functions; and

(ii) the Board may amend or withdraw any decision of any such committee in the exercise of its functions.

(2) The procedure of any committee of the Board shall be fixed by the Board.

(3) The chairman of the Board may at any time and place convene a meeting of a committee of the Board.

(4) On the establishment of a committee the Board—

(a) shall appoint to that committee at least one member of the Board, who shall be chairman of the committee;

(b) may appoint to that committee, on such terms and conditions as the Board may fix, persons who are not members of the Board.

13 Right of certain officers to attend meetings, etc., of Board and committees

Such officers of the Public Service as the Minister may designate shall be entitled—

(a) to attend meetings of the Board or a committee of the Board; and

(b) to take part in the proceedings of the Board or a committee of the

Board;

as if they were members, but shall not have a vote on any question before the Board or the committee.

14 Remuneration and expenses of members

(1) A member or an alternate member of the Board or of a committee of the Board shall be paid from the funds of the Cotton Marketing Board—

(a) such remuneration as the Minister, after consultation with the Minister responsible for finance, may fix;

(b) such allowances as the Minister, after consultation with the Minister responsible for finance, may fix to meet any reasonable expenses incurred by him in connection with the business of the Cotton Marketing Board.

15 Members to declare interests

(1) If a member or his spouse—

(a) tenders for or acquires or holds a direct or indirect pecuniary interest in a contract with the Cotton Marketing Board; or

(b) knowingly acquires or holds a direct or indirect pecuniary interest in a company or firm applying or negotiating for a contract with the Cotton Marketing Board; or

(c) owns immovable property or a right in immovable property or has a direct or indirect pecuniary interest in a company or firm which results in his private interests coming or appearing to come into conflict with his duties as a member;

the member shall forthwith disclose the fact to the Board and to the Minister:

Provided that this subsection shall not apply in relation to a contract with the Cotton Marketing Board for the delivery, sale or purchase of any products entered into by a member or his spouse in which the member or his spouse receives no preferential treatment over, or more advantageous terms than, other members of the public.

(2) A member referred to in subsection (1) shall take no part in the consideration or discussion of or vote on any question before the Board which relates to a contract, right, immovable property or interest referred to in that subsection.

16 Validity of decisions and acts of Board

No decision or act of the Board or act done under the authority of the Board shall be invalid by reason only of the fact that—

(a) the Board consisted of fewer than the number of persons prescribed in section five; or

(b) a disqualified person acted as a member of the Board at the time the decision was taken or the act was done or authorized;

if the duly appointed members who were present when the decision was taken or the act was done or authorized by the Board constituted a quorum in terms of subsection (4) of section eleven.

17 Execution of contracts and instruments by Cotton Marketing Board

An agreement, contract or instrument may be entered into or executed on behalf of the Cotton Marketing Board by any persons generally or specially authorized by the Board for that purpose.

18 Transaction of business of an urgent nature

If it is not practicable to hold a meeting of the Board for the transaction of business of an urgent nature, the chairman, after consulting such of the other members as are available in the circumstances, may deal with the business himself and, as soon as practicable thereafter, shall give to the Board full particulars of the nature and extent of the urgency of the business, the circumstances in which the urgency arose and the action taken by him in the matter.

PART III

FUNCTIONS, DUTIES AND POWERS OF BOARD

19 Functions and duties of Cotton Marketing Board

The functions and duties of the Cotton Marketing Board shall be—

(a) to do all things necessary and consistent with the provisions of this Act to ensure the orderly marketing of seed cotton grown in Zimbabwe and of lint and cotton seed obtained therefrom;

(b) to regulate and control the varieties and, where necessary, the quantities of seed cotton to be grown in any area or areas of Zimbabwe;

(c) to buy and sell seed cotton, lint and cotton seed which may be delivered to it in accordance with this Act;

(d) to provide, control or promote the provision of facilities for the handling and storage of seed cotton, lint and cotton seed and for the ginning of seed cotton;

(e) with the approval of the Minister, to import seed cotton, lint and cotton seed as it considers necessary;

(f) subject to any general directions by the Minister, to export seed cotton, lint and cotton seed as it considers necessary;

(g) to do such other things, including the removal of linters from cotton seed and the marketing of such linters, not inconsistent with this Act, as in its opinion are necessary to assist the orderly development of the production, ginning and marketing of seed cotton and the marketing of lint and cotton seed;

(h) to do such other things, whether in relation to cotton or not, not

inconsistent with this Act as may be required by the Minister.

20 Appointment of general manager

(1) The Board—

(a) shall appoint, subject to this Act and on such terms and conditions as the Board thinks fit, a person approved by the Minister to be general manager of the Cotton Marketing Board in whom, subject to the control of the Board, shall be vested the management of the operations, undertakings and property of the Cotton Marketing Board;

(b) may, with the approval of the Minister, assign to the general manager of the Cotton Marketing Board such of the functions of the Cotton Marketing Board as the Board thinks fit.

(2) Members shall not be eligible to be considered for appointment as general manager of the Cotton Marketing Board.

(3) Without the authority of the Minister, no person shall be appointed as general manager of the Cotton Marketing Board if he is not ordinarily resident in Zimbabwe.

(4) The appointment of the general manager of the Cotton Marketing Board shall be terminated if he would be required in terms of paragraph (b) or (c) of section eight to vacate his office had that section and paragraphs (b) and (c) of section seven applied to him.

(5) Any assignment of functions in terms of paragraph (b) of subsection (1)—

(a) may be made either generally or specially and subject to such restrictions, reservations and exceptions as the Board may determine;

(b) may be revoked by the Board at any time;

(c) shall not preclude the exercise of the functions by the Board itself.

(6) The general manager of the Board shall have the right to attend meetings and take part in the proceedings of the Board as if he were a member but shall not have a vote on any question before the Board.

21 Powers of Cotton Marketing Board

(1) The Cotton Marketing Board shall, subject to this Act, have power to do or cause to be done either by itself or through its agents all or any of the things specified in the Schedule, either absolutely or conditionally and either solely or jointly with others.

(2) The Cotton Marketing Board may appoint the Grain Marketing Board as its agent for the performance of any of its functions, powers or duties under this Act and the Grain Marketing Board may act as the agent of the Cotton Marketing Board in the performance of any such functions, powers or duties.

22 Reports of Cotton Marketing Board

(1) In addition to any annual report which the Cotton Marketing Board is required to submit to the Minister in terms of section 44 of the Audit and Exchequer Act [Chapter 22:03], the Board—

(a) shall submit to the Minister such other reports as the Minister may require; and

(b) may submit to the Minister such other reports as the Cotton Marketing Board may consider advisable;

in regard to the operations, undertakings and property of the Cotton Marketing Board.

(2) The Minister may lay before Parliament a report submitted to him by the Cotton Marketing Board in terms of paragraph (a) or (b) of subsection (1).

PART IV

FINANCIAL PROVISIONS RELATING TO COTTON MARKETING BOARD

23 Conduct of financial affairs of Cotton Marketing Board

It shall be the object of the Cotton Marketing Board so to exercise its functions and conduct its business as to ensure that its income, taking one year with another, is not

less than sufficient to enable the Cotton Marketing Board to meet the outgoings of the Cotton Marketing Board which are properly chargeable to revenue account, including making provision for the matters referred to in section twenty-five.

24 Funds of Cotton Marketing Board

The funds of the Cotton Marketing Board shall consist of—

- (a) such moneys and assets as may vest in or accrue to the Cotton Marketing Board, whether in the course of its operations or otherwise;
- (b) such moneys as may be payable to the Cotton Marketing Board from moneys appropriated for the purpose by Parliament.

25 Cotton Marketing Board to make certain charges to revenue account

(1) The Cotton Marketing Board shall charge to its revenue account all charges which, in the normal conduct of business, are regarded as proper to be made to revenue account and in so doing shall make in each financial year proper provision for—

- (a) the depreciation or diminution in value of assets; and
- (b) the payment of interest on and all other charges and expenses incurred in connection with loans; and
- (c) the redemption of loans at due times to the extent that such redemption exceeds provision for depreciation.

(2) In charging to its revenue account all the charges which in the normal conduct of business are regarded as proper to be made to revenue account as provided in subsection (1) the Cotton Marketing Board may make in each financial year provision for meeting in whole or in part increases in the cost of replacing assets.

(3) Moneys set aside by the Cotton Marketing Board in pursuance of subsection (1) shall, until such time as they are used for the purposes for which they are set aside, be invested by the Cotton Marketing Board in its undertakings or otherwise as the Board thinks fit.

26 Establishment and operation of general reserve

(1) The Cotton Marketing Board shall establish and administer in accordance with this Part a general reserve to which, subject to any appropriations which may be made in terms of subsection (1) of section twenty-seven or subsection (1) of section twenty-eight, shall be appropriated the surplus of income over expenditure at the end of a financial year.

(2) The general reserve shall be used—

- (a) for the purpose of meeting a deficit or part thereof as provided by section twenty-nine; and
- (b) for such other purposes as the Board, with the approval of the Minister, considers expedient for the proper exercise of its functions.

27 Establishment and operation of producer price stabilization reserve

(1) The Cotton Marketing Board shall establish and administer in accordance with this Part a producer price stabilization reserve to which may be appropriated from a surplus of income over expenditure at the end of a financial year such amount as the Minister may approve.

(2) The producer price stabilization reserve shall be used for the purpose of—

- (a) maintaining, or minimizing any reduction in, the prices paid by the Cotton Marketing Board in terms of this Act for seed cotton; and
- (b) meeting a deficit or part thereof in accordance with the provisions of section twenty-nine.

(3) The Cotton Marketing Board may, with the approval of the Minister and subject to such terms and conditions as he may impose, temporarily use moneys in the producer price stabilization reserve for such purposes as the Board may consider

expedient for the proper exercise of its functions, including the development of its undertakings, and shall ensure that moneys so used are repaid to that reserve.

28 Establishment and operation of capital development reserve

(1) The Cotton Marketing Board shall establish and administer in accordance with this Part a capital development reserve to which may be appropriated—

(a) such sums as the Minister may approve from—

(i) a surplus of income over expenditure at the end of a financial year;

and

(ii) the general reserve established in terms of section twenty-six;
and

(b) any profit from the sale of capital assets.

(2) The capital development reserve may, with the approval of the Minister, be used to meet in whole or in part—

(a) capital expenditure on a project involving the acquisition of capital assets, whether such acquisition is additional to or an improvement of capital assets already held; and

(b) increases in the cost of replacing capital assets.

29 Meeting of deficits

(1) If in a financial year the income of the Cotton Marketing Board is insufficient to enable the Cotton Marketing Board to meet the charges and to make the provisions required by section twenty-five, the deficit shall be met from the general reserve or the producer price stabilization reserve or both, as the case may be, in such manner as the Board may, with the approval of the Minister, determine:

Provided that, if the aggregate of the moneys in the general reserve and the producer price stabilization reserve are insufficient for the purpose of meeting such deficit, the Minister may, out of moneys appropriated for the purpose by Parliament, meet the whole or part of the amount of the deficit outstanding after the application of the moneys in those reserves to that purpose, either at the end of the financial year or at such time thereafter as he considers expedient.

(2) Unless the Minister, with the approval of the Minister responsible for finance, otherwise directs, any payment made from moneys appropriated by Parliament in terms of subsection (1) shall be regarded as a loan made by the State to the Cotton Marketing Board and shall be repayable by the Cotton Marketing Board on such terms and conditions as the Minister, with the approval of the Minister responsible for finance, may fix.

30 Accounts of Cotton Marketing Board

(1) The Cotton Marketing Board shall keep proper accounts and other records relating thereto in respect of all its operations, undertakings and property, including such particular accounts and records as the Minister may direct.

(2) The Cotton Marketing Board shall prepare and submit to the Minister a statement of accounts in respect of each financial year or such other period as the Minister may direct.

31 Appointment of auditors and audit of accounts of Cotton Marketing Board

(1) The Cotton Marketing Board shall appoint as auditors one or more persons approved by the Minister who are registered as public auditors in terms of the Public Accountants and Auditors Act [Chapter 27:12].

(2) The accounts of the Cotton Marketing Board kept in terms of subsection (1) of section thirty shall be examined by the auditors.

(3) The auditors shall make a report to the Board and to the Minister on the statement of accounts prepared in terms of subsection (2) of section thirty and such report shall state whether or not in their opinion the statement of accounts gives a true and fair

view of the state of the financial affairs of the Cotton Marketing Board.

(4) In addition to the report referred to in subsection (3), the Minister may require the Board to obtain from the auditors such other reports, statements or explanations in connection with the operations, undertakings and property of the Cotton Marketing Board as the Minister may consider expedient.

(5) If, in the opinion of the auditors—

- (a) they have not obtained the information and explanations they require;
- or
- (b) the accounts and records relating thereto have not been properly kept;
- or
- (c) the Cotton Marketing Board has not complied with this Part;

the auditors shall include in the report made in terms of subsection (3) or (4), as the case may be, statements to that effect.

32 Powers of auditors

The auditors shall be entitled at all reasonable times to require to be produced to them all accounts and other records relating thereto kept by the Cotton Marketing Board or its agents and to require from any member or person employed by the Cotton Marketing Board or its agents such information and explanations as in their opinion are necessary for the purpose of their audit.

PART V

PRICES AND CONTROLS IN RELATION TO COTTON

33 Fixing of prices and adjustment of payments

(1) On or before the 1st July in each year the Cotton Marketing Board, with the approval of the Minister, shall, by statutory instrument, fix in relation to seed cotton—

- (a) harvested in that year; and
- (b) delivered in that year to the Board in accordance with the delivery rules;

the prices payable by the Cotton Marketing Board for seed cotton which complies with the standards rules.

(2) On or before the 1st March in each year the Cotton Marketing Board, with the approval of the Minister, shall fix the interim prices payable by it for seed cotton referred to in subsection (1) which is delivered to the Cotton Marketing Board before the publication of the statutory instrument in terms of subsection (1).

(3) In the case of any seed cotton referred to in subsection (1) which is delivered to the Cotton Marketing Board in any year before the publication of the statutory instrument in terms of subsection (1) the Cotton Marketing Board shall, subject to this Act, pay the interim prices fixed in terms of subsection (2).

(4) In relation to seed cotton purchased by the Cotton Marketing Board in accordance with subsection (3), if the price fixed in terms of subsection (1)—

- (a) exceeds the interim price fixed in terms of subsection (2), the Cotton Marketing Board shall, as soon as possible after the publication of the statutory instrument in terms of subsection (1), make a supplementary payment to the grower of such seed cotton equal to the difference between the amount paid to him and the amount that would have been paid to him had the interim price been equal to the price fixed in terms of subsection (1):

Provided that the proviso to subsection (7) shall apply, *mutatis mutandis*, in relation to any class or classes of growers to whom, in the opinion of the Minister, it would be impracticable for the Cotton Marketing Board to make such supplementary payments;

- (b) is less than the interim price fixed in terms of subsection (2), a sum

equal to the difference between the amount paid to the grower of such seed cotton and the amount that would have been paid to him had the interim price been equal to the price fixed in terms of subsection (1) shall, on the publication of the statutory instrument in terms of subsection (1), become a debt due and payable by that grower to the Cotton Marketing Board.

(5) When fixing the prices or interim prices in terms of subsection (1) or (2) the Cotton Marketing Board shall also fix the prices or interim prices or the minimum prices or minimum interim prices to be paid, subject to subsection (3) of section thirty-seven, by licensed buyers for seed cotton purchased by such licensed buyers.

(6) Where the Cotton Marketing Board fixes prices and interim prices to be paid by licensed buyers, subsection (4) shall apply, mutatis mutandis, in relation to such licensed buyers and to the growers of the seed cotton purchased by such licensed buyers.

(7) If, at any time during the period for which the prices of seed cotton have been fixed in terms of subsection (1), the Cotton Marketing Board is satisfied that supplementary payments to growers are justified, it may, subject to the approval of the Minister, make supplementary payments of such amount as it may fix to growers of seed cotton proportionately to and in respect of the quantity of seed cotton delivered to or acquired by it from such growers during that period:

Provided that if, in the opinion of the Minister, it would be impracticable for the Cotton Marketing Board to make such supplementary payments to any class or classes of growers, he may direct that such supplementary payments as are attributable to seed cotton grown by such class or classes of growers and delivered to or acquired by the Cotton Marketing Board shall be paid by the Cotton Marketing Board to any fund, authority or body from which, in the opinion of the Minister, such class or classes of growers, directly or indirectly, will derive benefit.

(8) The prices at which the Cotton Marketing Board —

(a) buys seed cotton not referred to in subsection (1) or lint or cotton seed;

or

(b) sells seed cotton, lint or cotton seed;

shall be negotiated by the Cotton Marketing Board.

34 Registration

(1) Every person who is a member of such class of growers, co-operatives, buyers of seed cotton, lint or cotton seed, ginner or other persons as may be specified for the purposes of this section in a statutory instrument made in terms of paragraph 6 of the Schedule shall—

(a) before acting in any such capacity, register with the Cotton Marketing Board in such manner as may be specified in such statutory instrument his name and the address of the premises at which he grows seed cotton or carries on business, as the case may be; and

(b) at the time of registration furnish to the Cotton Marketing Board such other information as may be specified in such statutory instrument; and

(c) furnish to the Cotton Marketing Board, in writing, details of any changes in the particulars furnished or deemed to have been furnished by him in terms of paragraph (a) or (b) as they occur from time to time.

(2) The Board may cancel the registration of any person if such person has—

(a) in the opinion of the Board, not carried on business in the capacity in respect of which he was registered for a period of twelve months; or

(b) notified the Board of his intention to discontinue the operations in respect of which he has been registered and has made written application for the removal of his name from the register; or

(c) furnished false information in terms of subsection (1) or failed to furnish any information required by or in terms of subsection (1).

(3) A person who is registered under this section shall continue to be bound by all the obligations, conditions and restrictions affecting him under this Act until he has received notice, in writing, from the Board to the effect that his registration has been cancelled.

(4) A person who is aggrieved by the cancellation of his registration in terms of subsection (2) shall have a right of appeal to the Minister whose decision shall be final.

35 Restrictions on disposal and acquisition of seed cotton, lint and cotton seed and ginning of cotton

(1) No grower shall sell or otherwise dispose of—

(a) seed cotton grown by him except to the Cotton Marketing Board or to a licensed buyer of seed cotton;

(b) lint or cotton seed derived from seed cotton grown by him except to the Cotton Marketing Board or to a licensed buyer of lint or cotton seed, as the case may be;

and in accordance with such terms and conditions as to the disposal of such seed cotton, lint or cotton seed, as the case may be, as the Cotton Marketing Board may from time to time impose.

(2) No ginner shall sell or otherwise dispose of lint or cotton seed produced by him except to the Cotton Marketing Board or to a licensed buyer of lint or cotton seed, as the case may be, and in accordance with such terms and conditions as to the disposal of such lint or cotton seed as the Board may from time to time impose.

(3) No person, other than the Cotton Marketing Board or—

(a) a licensed buyer of seed cotton, shall buy seed cotton from any person;

(b) a licensed buyer of lint or cotton seed, shall buy from any grower or ginner lint or cotton seed derived from seed cotton grown in or imported into Zimbabwe.

(4) No person, other than a licensed ginner, shall gin seed cotton in Zimbabwe.

36 Delivery of seed cotton

(1) Seed cotton which is to be sold to the Cotton Marketing Board or to a licensed buyer of seed cotton shall be delivered at such time, at such place and in such quantities as the Board may direct and in accordance with the delivery rules.

(2) If the Board directs that any seed cotton shall be delivered to a place other than the receiving depot which is nearest to the place where such seed cotton was grown, the Cotton Marketing Board shall pay the difference between the transport costs incurred in delivering such seed cotton at that receiving depot and the transport costs that would have been incurred in delivering such seed cotton at such nearest receiving depot, unless the direction by the Board was occasioned by the failure of that person to deliver the seed cotton at such nearest receiving depot on the date when it should have been delivered.

(3) On the delivery to the Cotton Marketing Board or to a licensed buyer of seed cotton of any seed cotton which complies with the standards rules the Cotton Marketing Board or such licensed buyer, as the case may be, shall issue a receipt therefor to the person who has delivered it.

(4) The Cotton Marketing Board or a licensed buyer of seed cotton—

(a) shall not be subject to any obligation or liability whatsoever in respect of seed cotton sold to it until it has taken possession of the seed cotton and has issued a receipt therefor in terms of subsection (3);

(b) may refuse to accept seed cotton delivered otherwise than in terms of

subsection (1) and may direct at what later time and place such seed cotton shall be delivered.

37 Persons licensed to buy seed cotton, lint or cotton seed

(1) The Board may license a person—

- (a) to buy seed cotton from a grower or class of growers;
- (b) to buy lint from a grower or ginner or class of growers or ginners;
- (c) to buy cotton seed from a grower or ginner or class of growers or ginners.

(2) In issuing a licence in terms of subsection (1) the Board may impose in the case of each such person such terms and conditions as it thinks fit subject to which such person may buy seed cotton, lint or cotton seed, as the case may be, including, in the case of a buyer of seed cotton, conditions relating to—

- (a) the place or places at which seed cotton may be bought or acquired;
- (b) the class or classes of seed cotton which may be bought or acquired.

(3) If the Board has, in terms of this section, licensed a person to buy or acquire seed cotton at any place which is not a receiving depot, the Board may authorize such person to deduct from the prices or interim prices of such seed cotton fixed in terms of subsection (1) or (2), respectively, of section thirty-three such maximum amounts as in the opinion of the Board are sufficient to cover the cost to such person of handling and storing such seed cotton and delivering it to the receiving depot nearest to the place at which he is authorized to buy or acquire such seed cotton.

38 Persons licensed to gin seed cotton

(1) The Board may license a person to gin seed cotton.

(2) In issuing a licence in terms of subsection (1) the Board may impose such terms and conditions as it thinks fit subject to which such person may gin seed cotton.

(3) Any person who is aggrieved by—

- (a) the refusal of the Board to issue a licence in terms of subsection (1); or
- (b) any terms and conditions imposed by the Board in terms of subsection

(2);

may, within thirty days of being notified of the decision of the Board, appeal to the Minister who may uphold the decision of the Board or give such direction to the Board as he considers fit.

39 Restrictions on varieties of seed cotton or cotton seed which may be grown in or imported into area

(1) Subject to the approval of the Minister, the Cotton Marketing Board shall, by statutory instrument, specify the variety or varieties of seed cotton which may be grown in the area or areas specified in the order.

(2) The Cotton Marketing Board may authorize, in writing, a person—

- (a) to grow a prohibited variety of seed cotton in any area;
- (b) to import a prohibited variety of seed cotton or cotton seed into any

area;

and in granting any person such authority the Board may impose such terms and conditions as it thinks fit subject to which such variety of seed cotton may be grown in the area or such variety of seed cotton or cotton seed may be imported into the area, as the case may be.

(3) No person, other than the Cotton Marketing Board, shall—

- (a) grow in any area a prohibited variety of seed cotton;
- (b) import, whether in transit or otherwise, into any area a prohibited

variety of seed cotton or cotton seed:

unless he has been authorized thereto in terms of subsection (2) and complies with any terms and conditions fixed in terms of that subsection.

(4) The Cotton Marketing Board may direct a person who is growing or has in his possession in any area a prohibited variety of seed cotton or cotton seed to destroy such seed cotton or cotton seed or to dispose of it to such person as the Board may specify and in giving such directions the Board may specify the manner in which and the date by which such seed cotton or cotton seed shall be so destroyed or disposed of:

Provided that this subsection shall not apply in relation to seed cotton or cotton seed which is being grown or has been imported by a person authorized thereto in terms of subsection (2) who has complied with the terms and conditions imposed in terms of that subsection.

(5) Where seed cotton or cotton seed is destroyed in terms of subsection (4), proper compensation shall be paid by the Cotton Marketing Board within a reasonable time: Provided that no such compensation shall be payable in the case of seed cotton which at the time it was planted in the area or cotton seed which at the time it was brought into the area, as the case may be, was a prohibited variety.

PART VI

GENERAL

40 Exemption of Cotton Marketing Board from liability

No liability shall attach to the Cotton Marketing Board or to any member thereof for any loss or damage sustained by any person as a result of the bona fide exercise or performance by the Cotton Marketing Board or a committee thereof or by an employee or agent of the Cotton Marketing Board of any power or duty conferred or imposed upon the Cotton Marketing Board by this Act:

Provided that this section shall not be construed so as to prevent any person from recovering, by action in a competent court, compensation for any loss or damage sustained by him which was caused by negligence or breach of contract.

41 Powers of Cotton Marketing Board to make deductions from payments due to growers, etc.

Notwithstanding anything to the contrary in this Act, the Cotton Marketing Board or its agent may deduct or cause to be deducted from any sum due and payable to a grower or any other person or the estate of such grower or other person (in this section referred to as a person) for seed cotton, lint or cotton seed delivered to the Cotton Marketing Board or its agent any sum which—

(a) is due and payable to the Cotton Marketing Board or its agent by such person; or

(b) in the opinion of the Cotton Marketing Board or its agent is sufficient to meet any contingent liability of a person in respect of a loan of goods which may have been made or services which may have been provided by the Cotton Marketing Board or its agent to such person for the marketing of any such seed cotton, lint or cotton seed:

Provided that, when the actual liability of the person concerned has been ascertained, the Cotton Marketing Board or its agent shall pay to such person out of the sum so deducted any amount in excess of such liability.

42 Co-operatives

(1) Notwithstanding anything to the contrary in this Act, if a member of a co-operative delivers seed cotton grown by him or lint or cotton seed derived from seed cotton grown by him to the Cotton Marketing Board or to a licensed buyer of seed cotton, lint or cotton seed, as the case may be, the Cotton Marketing Board or the licensed buyer, as the case may be, shall make the payment for such seed cotton, lint or cotton seed, as the case may be, to the co-operative as though the co-operative were the grower thereof and the co-operative shall be treated as the grower thereof for

the purposes of section thirty-three.

(2) Nothing in this Act shall be construed as preventing a co-operative from buying from its members seed cotton grown by them or lint or cotton seed derived from seed cotton grown by them at such prices and on such terms and conditions as it deems fit and, on purchasing such seed cotton, lint or cotton seed, the co-operative shall be treated for the purposes of this Act as though it were the grower thereof.

(3) Whenever any sum is due and payable to the Cotton Marketing Board or its agent by a grower who is a member of a co-operative, the Cotton Marketing Board or its agent may deduct that sum or part thereof from any sum due and payable by the Cotton Marketing Board or its agent to such co-operative in terms of subsection (1) in respect of seed cotton, lint or cotton seed delivered by such grower to the Cotton Marketing Board or its agent, as the case may be.

43 Inspectors

(1) Subject to any law relating to the Public Service, the Minister may appoint persons as inspectors for the purposes of this Act.

(2) A person appointed as an inspector in terms of subsection (1) shall be issued with a written authority signed by or on behalf of the Minister stating that he has been appointed as an inspector.

44 Powers of police officers and inspectors

(1) Subject to subsection (5), at all reasonable times a police officer or inspector may—

(a) enter upon the premises or on any land or place occupied by a grower or ginner or any other person whom he believes on reasonable grounds to be dealing in or handling seed cotton, lint or cotton seed; and

(b) examine all stocks of any seed cotton, lint or cotton seed and all books, accounts and documents relating thereto; and

(c) seize seed cotton, lint, cotton seed, books, accounts or documents which may afford evidence of an offence under this Act:

Provided that, if any seed cotton, lint or cotton seed seized under this subsection is of such a nature that it cannot reasonably be removed by the person seizing it, he shall declare it as having been secured in the place where he found it and the provisions of subsection (4) in so far as they apply to the return of seed cotton, lint or cotton seed to persons from whose custody it was taken shall apply, *mutatis mutandis*.

(2) A police officer or an inspector may—

(a) stop and search any vehicle which he believes on reasonable grounds to contain seed cotton, lint or cotton seed which may afford evidence of an offence under this Act and direct the driver of such vehicle to deliver such seed cotton, lint or cotton seed forthwith to the nearest receiving depot and upon such delivery subsection (4) shall apply, *mutatis mutandis*;

(b) require the driver of any such vehicle and any other person who is a passenger in such vehicle to furnish his full name and address.

(3) An inspector exercising or about to exercise any powers under this section shall produce on request the authority issued to him in terms of subsection (2) of section forty-three.

(4) A police officer or inspector who seizes any seed cotton, lint, cotton seed, books, accounts or documents in terms of subsection (1) or (2), as the case may be, shall give a receipt to the person from whose custody such seed cotton, lint, cotton seed, books, accounts or documents have been taken and such seed cotton, lint, cotton seed, books, accounts or documents shall be returned to the person from whose custody they were taken immediately it is decided that no prosecution will be instituted or after they have been released by the court, as the case may be.

(5) A police officer or inspector may not enter or search a dwelling-house unless he believes on reasonable grounds that evidence relating to a contravention of this Act is to be found in that dwelling-house.

45 Regulatory powers of Minister

(1) The Minister may by regulation prescribe all matters which by this Act are required or are permitted to be prescribed or which, in his opinion, are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Regulations in terms of subsection (1) may provide for penalties which the Board may impose in fixing the delivery quota of a grower who or co-operative which has given incorrect information in any returns furnished in terms of this Act.

46 Offences and penalties

(1) Subject to subsection (2), if any person—

(a) assaults, resists, hinders, abuses or obstructs a police officer or inspector in the lawful exercise of the powers conferred by this Act; or

(b) hinders, obstructs or intimidates any person authorized to take any steps in terms of subsection (3) in the lawful exercise of his powers; or

(c) fails to render any information required from him under this Act; or

(d) in any information rendered under this Act, knowingly makes a false statement; or

(e) fails to comply with the provisions of this Act relating to the keeping of records, books or documents; or

(f) being a grower, ginner, co-operative, buyer of seed cotton, lint or cotton seed or member of such other class of persons as may be required in terms of section thirty-four to be registered, acts in any such capacity without being so registered; or

(g) contravenes or fails to comply with any provision of this Act or any terms or conditions imposed under this Act with which it is his duty to comply; he shall be guilty of an offence and liable—

(i) in the case of a first conviction, to a fine not exceeding five hundred dollars or, in default of payment, to imprisonment for a period not exceeding one year;

(ii) in the case of a second or subsequent conviction, to a fine not exceeding one thousand dollars or, in default of payment, to imprisonment for a period not exceeding two years.

(2) If any person—

(a) not being a person authorized thereto in terms of section thirty-nine—

(i) grows a prohibited variety of seed cotton in any area; or

(ii) imports, whether in transit or otherwise, a prohibited variety of seed cotton or cotton seed into any area;

or

(b) being a person authorized thereto in terms of section thirty-nine—

(i) grows a prohibited variety of seed cotton in any area; or

(ii) imports, whether in transit or otherwise, a prohibited variety of seed cotton or cotton seed into any area;

without complying with any terms and conditions fixed in terms of subsection (2) of that section; or

(c) fails to comply with a direction of the Board given under the provisions of subsection (4) of section thirty-nine; or

(d) not being a licensed ginner, gins seed cotton; or

(e) sells, removes or otherwise disposes of seed cotton, lint or cotton seed in contravention of this Act; or

(f) buys or otherwise acquires seed cotton, lint or cotton seed in contravention of this Act; or

(g) grows seed cotton in excess of the maximum acreage or delivers to the Cotton Marketing Board or to a licensed buyer seed cotton, lint or cotton seed, as the case may be, in excess of the maximum quantity which he may grow or deliver, as the case may be, in terms of any rules made under paragraph 2 of the Schedule; he shall be guilty of an offence and liable—

(i) in the case of a first conviction, to a fine not exceeding one thousand dollars or, in default of payment, to imprisonment for a period not exceeding two years;

(ii) in the case of a second or subsequent conviction, to a fine not exceeding two thousand dollars or, in default of payment, to imprisonment for a period not exceeding four years.

(3) Where a person is convicted of an offence specified in paragraph (a), (b) or (c) of subsection (2), the court may order that the seed cotton or cotton seed of a prohibited variety which is the subject matter of the offence or in connection with which the offence was committed shall be destroyed or disposed of in such manner as the court thinks fit and in so ordering the court may authorize the Board to take such steps as may be reasonably necessary for the destruction or disposal in that manner of the seed cotton or cotton seed.

(4) The costs incurred by the Cotton Marketing Board in taking any steps authorized in terms of subsection (3) for the destruction or disposal of seed cotton or cotton seed shall be recoverable by the Cotton Marketing Board from the person convicted of the offence and shall be a debt due and payable by that person to the Cotton Marketing Board.

(5) Subsection (5) of section thirty-nine shall apply, mutatis mutandis, in relation to seed cotton or cotton seed destroyed in terms of subsection (3).

47 Evidence and presumptions

(1) At the trial of a person charged with an offence under—

(a) this Act, any statement contained in a return furnished by or on behalf of the accused in terms of this Act and any record or statement contained in a book, account or document kept by the accused or an employee or agent of the accused on his behalf shall, on its production by any person, be admissible as prima facie evidence of the facts set forth in that statement or record;

(b) paragraph (c) of subsection (1) of section forty-six, a certificate by an employee of the Cotton Marketing Board, whom the Board has authorized so to certify, of facts relating to the charge shall, on its production by any person, be admissible as prima facie evidence of the facts set forth in that certificate:

Provided that, except in the case of information or statements contained in a return furnished by or on behalf of an accused person, no such statement, record or certificate shall be tendered in evidence unless the accused has been given not less than ten days' written notice of the intention to produce such statement, record or certificate and an opportunity to inspect the same and make a copy thereof.

(2) If a person carrying on business is found in possession of seed cotton, lint or cotton seed and—

(a) he has failed to keep any record required in terms of a statutory instrument made under paragraph 7 of the Schedule in relation to the acquisition of that seed cotton, lint or cotton seed; or

(b) the record kept by him in terms of a statutory instrument made under paragraph 7 of the Schedule in relation to the acquisition of that seed cotton, lint or cotton seed is shown to be false;

he shall be presumed, unless the contrary is proved, to have acquired that seed Cotton, lint or cotton seed in contravention of this Act.

(3) If, in the case of a person transporting seed cotton, lint or cotton seed—

(a) he does not possess a consignment or delivery note required in terms of a statutory instrument made under paragraph 7 of the Schedule in relation to the delivery of that seed cotton, lint or cotton seed; or

(b) the consignment or delivery note kept by him in terms of a statutory instrument made under paragraph 7 of the Schedule in relation to that seed cotton, lint or cotton seed is shown to be false;

he shall be presumed, unless the contrary is proved, to have acquired that seed cotton, lint or cotton seed in contravention of this Act or to have aided a person to have acquired that seed cotton, lint or cotton seed in contravention of this Act, as the case may be.

48 Acts and omissions of managers, agents or employees

Whenever the manager, agent or employee of a person does or omits to do any thing which it would be an offence under this Act for such person to do or omit to do, such person shall be deemed himself to have done or omitted to do such thing and be liable to the penalties therefor in terms of this Act unless he proves to the satisfaction of the court that all reasonable steps were taken by him to prevent any act or omission of the kind in question:

Provided that the fact that the person issued instructions forbidding, in respect of his manager, agent or employee, any act or omission of the kind in question shall not by itself be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

49 Minister may give directions on matters of policy

(1) Subject to subsection (2), the Minister may give to the Board such directions of a general character as to the policy to be observed in the exercise by it of its functions, as appear to the Minister to be requisite in the national interest.

(2) Where the Minister considers that it might be desirable to give any direction in terms of subsection (1), he shall inform the Board, in writing, of his proposal and the Board shall, within thirty days or such further period as the Minister may allow, submit to the Minister, in writing, its views on the proposal and the possible implications on the finances and other resources of the Board.

(3) The Board shall, with all due expedition, comply with any direction given to it in terms of subsection (1).

(4) When any direction has been given in terms of subsection (1), the Board shall ensure that the direction and any views it has expressed thereon in terms of subsection (2) are set out in its annual report.

SCHEDULE (Sections 2, 7, 20, 33 and 34)

POWERS OF BOARD

1. To do any thing which this Act provides may or shall be done by the Cotton Marketing Board.

2. Subject to the approval of the Minister, to make rules, by statutory instrument, providing for the maximum area of seed cotton of any variety which any grower may grow or the maximum quantity of seed cotton, lint or cotton seed of any variety which any grower may deliver to the Cotton Marketing Board or to a licensed buyer of seed cotton, lint or cotton seed, as the case may be, during any period.

3. To make rules, by statutory instrument, relating to receiving depots and the terms and conditions of delivery, including delivery quotas, of seed cotton to be delivered or sold to the Cotton Marketing Board or to a licensed buyer of seed cotton and, in connection with delivery quotas, relating to—

(a) prohibiting any person from delivering to the Cotton Marketing Board or a licensed buyer seed cotton in excess of his delivery quota;

(b) with the approval of the Minister, prohibiting for such period as the Cotton Marketing Board may fix a person who delivers to the Cotton Marketing Board or a licensed buyer seed cotton in excess of his delivery quota from delivering further seed cotton to the Cotton Marketing Board or a licensed buyer;

(c) returning to any person at his risk and expense any seed cotton delivered to the Cotton Marketing Board or a licensed buyer by such person in excess of his delivery quota;

(d) storing for such period as the Cotton Marketing Board may determine at the risk and expense of such person seed cotton delivered by him to the Cotton Marketing Board or a licensed buyer in excess of his delivery quota.

4. To make rules, by statutory instrument, relating to the standards of quality, classification, grading, moisture content and packing of seed cotton, lint or cotton seed which may be—

(a) accepted by the Cotton Marketing Board, a ginner or any other person;

or

(b) sold by a person, other than the Cotton Marketing Board, whether for use within or outside Zimbabwe.

5. If designated in terms of section 12 of the Seeds Act [Chapter 19:13], to administer a seed certification or approval scheme in relation to cotton seed.

6. By statutory instrument —

(a) to specify, for the purposes of section thirty-four, the classes of growers, ginner, co-operatives, buyers of seed cotton, lint or cotton seed or, with the approval of the Minister, other persons who are to be required to be registered and the manner in which application for registration shall be made; and

(b) to require any grower, ginner, co-operative, buyer of seed cotton, lint or cotton seed or, with the approval of the Minister, any member of any other class of persons, whether or not he is required to register, to furnish in such manner and in such form as may be provided in that statutory instrument —

(i) estimates and information in respect of the production, processing and disposal of seed cotton, lint or cotton seed;

(ii) information as to his transactions in seed cotton, lint or cotton seed and as to the stocks of seed cotton, lint or cotton seed in his possession;

(iii) returns or duplicate consignment notes in respect of seed cotton, lint or cotton seed transported by him or on his behalf which is not consigned by or to the Cotton Marketing Board.

7. To require, by statutory instrument, any grower, ginner, co-operative, buyer of seed cotton, lint or cotton seed or, with the approval of the Minister, any member of any other class of persons specified in such notice, to keep in such manner and in such form as may be provided in such notice—

(a) any record, book or other document in respect of his transactions in seed cotton, lint or cotton seed;

(b) any consignment or delivery note relating to the movement of seed cotton, lint or cotton seed.

8. To provide, by statutory instrument, for the forms and manner of issue of licences or permits or any other documents required under this Act.

9. To arrange rationing or other distributive schemes in respect of seed cotton, lint or cotton seed, whether for use within or outside Zimbabwe, to be disposed of by the Cotton Marketing Board or a licensed buyer of seed cotton, lint or cotton seed under this Act.

10. To import seed cotton, lint or cotton seed or export seed cotton, lint or cotton seed acquired by the Cotton Marketing Board at such times and in such quantities and on such terms as the Board thinks fit.

11. To appoint, on such terms and conditions as the Board, with the approval of the Minister, thinks fit, such persons, other than the general manager, as may be necessary for conducting the affairs of the Cotton Marketing Board and suspend or discharge any such persons.

12. Subject to paragraph 11, to pay to any employee of the Cotton Marketing Board such remuneration and allowances, grant such leave of absence and, subject to the approval of the Minister, make such gifts, bonuses and the like as the Board may consider fit.

13. Subject to the approval of the Minister, to provide for employees of the Cotton Marketing Board or their dependants, by means of insurance with an insurer registered in terms of the Insurance Act [Chapter 24:07] or a pension or provident fund or otherwise, pecuniary benefits upon leave, retirement, death or termination of service or in the event of distress, sickness or injury and to insure the members of the Board against injury or death.

14. To purchase, take on lease or in exchange or otherwise acquire dwelling-houses for occupation by employees of the Cotton Marketing Board.

15. To purchase land and construct thereon dwelling-houses for occupation by employees of the Cotton Marketing Board.

16. On such terms and conditions as the Board, with the approval of the Minister responsible for finance, may determine, to guarantee loans made to employees of the Cotton Marketing Board or their spouses for the purchase of dwelling-houses or land for residential purposes and for the construction of dwelling-houses on land which is the property of the employees of the Cotton Marketing Board or their spouses.

17. To provide security in respect of loans such as are described in paragraph 16 by the deposit of securities in which the Board is hereby authorized to invest moneys as it considers necessary for the purpose.

18. To make loans, not exceeding such amount as the Minister may from time to time fix, to employees of the Cotton Marketing Board for the purpose of purchasing vehicles, tools or other equipment to be used by those persons in carrying out their duties.

19. To make loans, not exceeding the equivalent of three months' salary or wages, to employees of the Cotton Marketing Board for any purpose on such security as the Board considers adequate.

20. To do any thing for the purpose of improving—

(a) the skill, knowledge or usefulness of employees of the Cotton Marketing Board; or

(b) the efficiency of the equipment of the Cotton Marketing Board or the manner in which the equipment is operated;

and in that connection to provide or assist other persons in providing facilities for training, education and research.

21. To enter into such contracts as the Board considers necessary for the performance of its functions or the discharge of its duties.

22. Subject to the approval of the Minister and the Minister responsible for finance—

(a) to borrow money to enable the Cotton Marketing Board to carry out its functions;

(b) to invest the funds of the Cotton Marketing Board not immediately

required and the moneys referred to in subsection (3) of section twenty-five;

(c) to establish and administer or cause to be administered such funds not specifically provided for in this Act as the Board may consider appropriate or necessary for the proper performance of its functions and duties.

23. To pledge as security for any loan seed cotton, lint or cotton seed acquired by the Cotton Marketing Board and mortgage any other property of the Cotton Marketing Board, whether movable or immovable.

24. To enter into agreements with any organization connected with the control, purchase or sale of seed cotton, lint or cotton seed in any country.

25. To insure with an insurer registered under the Insurance Act [Chapter 24:07] against losses, damages, risks or liabilities which the Cotton Marketing Board may incur.

26. To purchase, take on lease or in exchange or otherwise acquire and hold property and interests in or rights over land, water rights and any other rights which may be necessary or convenient for the exercise of the functions or the performance of the duties of the Cotton Marketing Board.

27. To draw, make, accept, endorse, discount, execute and issue for the purpose of the business of the Cotton Marketing Board promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments.

28. To sell, exchange, lease, dispose of, turn to account or otherwise deal with any of the assets of the Cotton Marketing Board or any part thereof, whether movable or immovable, which are not required for the purpose of the Cotton Marketing Board, for such consideration as the Board may determine:

Provided that the Board shall not have the power to sell or dispose of any immovable property without the approval of the Minister.

29. To promote sales of seed cotton, lint or cotton seed by any means, including advertising and market research.

30. To promote or embark upon research in connection with and to investigate problems affecting the handling, marketing or processing of or the methods of storing seed cotton, lint or cotton seed.

31. Subject to the approval of the Minister, to grant such scholarships or bursaries as the Board considers to be in the interests of the cotton industry on such terms and conditions as the Board may fix in each particular case.

32. If the Minister so directs, to act as an agent for the State—

(a) in the collection of any levy imposed under any enactment upon seed cotton or upon any other agricultural product which the Cotton Marketing Board may be required to buy in terms of a direction of the Minister under the provisions of subparagraph (b);

(b) for any other purpose, including the purchase, handling, storage and sale of agricultural products other than seed cotton.

33. Generally, to do all such things as are incidental or conducive to the exercise of the functions or the performance of the duties of the Cotton Marketing Board or are incidental to the powers specified in this Schedule or which are calculated, directly or indirectly, to enhance the value of or develop the operations, undertakings and property of the Board.