

Agricultural Marketing Act

ACT 26 OF 1967

[Date of Assent: 6th July, 1967]

[Date of Commencement: 14th July, 1967]

ACT

To control and improve the production, preparation, processing and marketing of agricultural products and the marketing of agricultural supplies, to consolidate and amend the law relating to the preparation processing and marketing of agricultural product, and to provide for incidental and connected matters.

Enacted by the Parliament of Lesotho

Short title 1. This Act may be cited as the Agriculture Marketing Act 1967.

Interpretation 2. In this Act and in the regulations, unless inconsistent with the context-
“class” or “grade” in relation to a product, whether processed or unprocessed or in relation to a supply includes any kind, variety or standard of quality of that product supply;

“dealing in the course of trade” includes-

- (a) Purchasing or receiving on consignment a quantity of a product or supply if that quantity is or is intended to be sold by the person purchasing or receiving that quantity, on his own behalf or on behalf of a consignor, whether in the form altered by preparation or processing or in any other form, or is used or intended to be used in the manufacture or processing of a product or commodity sold or intended to be sold by that person; and
- (b) Performing, for any consideration whatsoever, an act in the preparation or processing of quantity of a product or supply if that quantity is not owned by the person performing that act;

“marketing” means selling, or the purchasing and includes any activity related thereto; and the word “marketed” shall be construed accordingly;

“Minister” means the Minister for the time being responsible for Agriculture;

“person” includes any company or association or body of persons, or incorporate and in particular includes any agricultural development authority established by law and any society registered under the cooperative society proclamation;

p.47 of 1948
vol.111 p 2056

“preparation” includes classing, grading, testing, packaging, marketing, labeling, storing and transporting and grammatical variation thereof shall be constructed accordingly;

“processing” includes-

- (a) Threshing and cleaning; and
- (b) Slaughtering animals and separating animals into meat and by products and the words “processed” and “unprocessed” shall be construed accordingly;

“producer” includes-

- (a) A person concerned in the production and preparation of a product; and
- (b) In relation to any quantity of a product that has been acquired from a person-
 - (i) as consideration for the right to use land on which that person has produced a quantity of that; or
 - (ii) as a remuneration for services rendered to a producer of that product,the person who so acquired that quantity and the words “produced” and “producing” shall be construed accordingly;

“product” means t agricultural product, including seed, livestock, poultry and a Portion or unprocessed product thereof;

“purchase” means to acquire by giving any consideration whatsoever or by exchanging; or to import, advertise, receive or prepare in pursuance of, or with the intention of, acquiring by giving consideration whatsoever or by exchanging and the words “purchasing” and “purchased” shall be construed accordingly;

“regulation” means a regulation made under this Act and includes any Notice or Order made pursuant to such a regulation;

“sell” means to dispose of any consideration whatsoever or exchange; or to import, advertise, expose, deliver or prepare pursuance of or with the intention of, acquiring by giving any consideration whatsoever or by exchanging and the word “selling” shall be construed accordingly;

“supply” means fertilizer, insecticides, herbicides, bags and other containers, livestock feeds and drugs, dips, dyes and other supplies relating to livestock and agriculture.

Purposes of this Act

3. The purposes of this Act are to-
- (a) ensure that each producer is paid prices which adequately reflect the value of the quantity and quality of his product in Lesotho and on external markets;
 - (b) improve the value of each product in Lesotho and on external markets by adequate preparation, processing and market;
 - (c) ensure that products sold in Lesotho are goods quality, fairly priced and Accurately represented;
 - (d) obtain adequate information to asses activities relating to the production, preparation, processing and marketing of production and supplies; and
 - (e) control and improve the exportation and importation of products and Supplies, and in particular to-
 - (i) ensure that exportation importation of products and supplies occurs at time, in quantities and by means most beneficial to Lesotho; and
 - (ii) prohibit the importation of products and suppliers which are unsafe or inappropriate for the function for which they are to be sold.

Power to make 4. The Minister may by Notice in the Gazette make regulations for carrying

regulations
GN 59/1968
LN 35/1969

out the purposes and provisions of this Act and particular, but without prejudice to the generality of the foregoing, he may make regulations to-

- (a) control and improve the preparation, processing and marketing of a product and the marketing of a supply;
- (b) prohibit any person from dealing in the course of trade with a product within Lesotho or within any specified geographic area in Lesotho unless he has been licensed; and in particular to provide for-
 - (i) procedure whereby applications for licenses shall be considered;
 - (ii) requirements and fees for the issue of licenses;
 - (iii) conditions to which licenses shall be subject;
 - (iv) periods of time during which licenses shall be valid; and
 - (v) suspension or cancellation of licenses; or
- (c) prohibit any person who is dealing in the course of trade from purchasing or supply either generally or for a specified purpose unless that product or supply is prepared, processed or marketed in a specified manner and unless that product or supply is a specified quality, class or grade;
- (d) prohibit-
 - (i) any person from selling a product, or from selling an amount of a product in excess of a specified quantity or percentage thereof to a person who is dealing in the course of trade except to or through a specified person; and
 - (ii) any person who is dealing in the course of trade from purchasing a product, or from purchasing an amount of a product in excess of a specified quantity or percentage thereof;
- (e) prohibit any person who is dealing in the course of trade from purchasing or selling a product, whether processed or unprocessed, or a supply or an amount of that product or supply in excess of a specified quantity or percentage thereof at price other than or below or above either affixed price or a price calculated in accordance with a specified basis; and to prohibit a person from preparing or processing a product, if that product is not owned by that person, at a fee other than or below or above either a fixed fee or a fee calculated in accordance with a specified basis; and in particular to-
 - (i) determine the charges or cost to be included in, added to or deducted from that price or fee or the weight to be allowed, in relation to that quantity, for any container of the product or supply in question.
 - (ii) require that price or fee so fixed be displayed in a specified manner and form and at places, on vehicles and by persons as may be specified;
 - (iii) fix in respect of quantity of a product or supply which is required for one purpose a price or fee which differs from a price or fee fixed in respect of a quantity of that or supply acquired for any other purpose;
 - (iv) fix in respect of one quantity of a product or supply a fee which differs from the price or per fixed in respect of any other quantity of that product or supply; and
 - (v) fix in respect of a quantity of a product or supply at one time of the year a price or fee which differs from the price or fee fixed at any other time of the year;
- (f) prescribe-
 - (i) the records to be kept;
 - (ii) the period which those record shall be retained; and

- (iii) the returns to be rendered to the Minister and the times at which and the form and manner which those returns shall be rendered, by any person producing, preparing, or processing a product or marketing a product, whether processed or unprocessed, or a supply;
- (g) prohibit the importation into or exportation from Lesotho of a product, whether processed or unprocessed, or of a supply or of an amount of that product or supply in excess of a specified conditions are complied with; such condition may include a condition that the product or supply be exported or imported only-
 - (i) through specified ports of exit or entry;
 - (ii) if that product or supply meets specified standards of preparation, processing or marketing or if it is a specified quality, class or grade;
 - (iii) if the importer or exporter sells or purchases that product or supply in specified quantities;
 - (iv) if the exporter or importer purchases consigns, sells or disposes of all or any portion of that product or supply to or through a specified person, agency or market;

**omitted under
order 11 of 1971
sec. 3(1)**

- (h) empower in order to carry out the provision of a regulation, a person generally or in a particular case at all reasonable hours....-
 - (i) to enter a place in which there is usually residing or doing business a person who is, or is suspected upon reasonable grounds to be, a person producing, preparing, processing or dealing in the course of trade with a supply; or a place or vehicle in or upon which there is kept, or is suspected upon reasonable grounds to be kept, a quantity of a product supply by a person for a purpose other than consumption by the owner of the product or supply or by members of his households;
 - (ii) to inspect that product or supply, to ascertain the quantity and quality thereof, and to examine all books and documents at that place or in or upon that vehicle which are believed upon reasonable grounds to relate to that product or supply and to make copies of or take extracts from those books and document;
 - (iii) to demand from the owner or custodian of that product or supply information concerning the product or supply;
 - (iv) to demand from the owner or custodian of that product or supply information concerning the product or supply;
 - (v) to seize a book, document or article which may afford evidence of the commission of an offence under this Act or regulation, or quantity of a product or supply in respect of which an offence is suspected upon reasonable grounds to have been committed, and to remove from the place or vehicle in question or to leave at the place or on that vehicle a book, document, article or quantity of a product or supply or on container thereof, any identification mark which he may consider necessary; and to take samples of that product or supply including a quantity of a product or supply which has been seized in terms of sub-paragraph (v), and

examine, test or grade those samples or cause them to be examined, tested or graded;

- (I) appoint, subject to the law relating to the public service, officers and confer or delegate powers and duties for carrying out the purposes and provisions of this Act and the regulations;
- (J) constitute offences with regard to the contravention of or failure to comply with. A provision of the following-
 - (i) a regulation; and
 - (ii) a requirement or condition of a registration, exemption, permit, or authority issued pursuant to a regulation;
- (k) constitute offences with regard to willfully obstructing or resisting the lawful exercise by a duly authorized officer or person of power conferred by or necessary for the carrying out of provision of a regulation;
- (l) prescribe punishments to be imposed on a person who is found guilty by a court of law of an offence as constituted by a regulation under paragraph (j) or (k); such punishment in relation to a first conviction for any one offence, may be a fine not exceeding two hundred rands or imprisonment for a period not exceeding six months or both such fine and imprisonment and, in relation to a subsequent conviction for a similar offence, may be a fine not exceeding two thousand rands or imprisonment for a period not exceeding two years or both such fine and imprisonment; and
- (m) prescribe forms to be used for carrying out a provision of a regulation

Relationship of regulation to other laws

- 5. A regulation made in pursuance of section four shall be in addition to and not in derogation from the provisions of any other law and of any regulation made or permit given under any other law.

Exemption From and Application Of regulations

- 6. (1) The Minister may provide by regulation that a person be granted an exemption, or be granted an exemption on specified conditions, from the operation of any provision of a regulation.
- (2) The Minister may further provide by regulation that a provision of a regulation shall apply-

Omitted Under Order 11 of 1971 Sec. 3(1)

- (a) ... to one person, group or class of persons producing, preparing or processing a product or dealing in the course of trade with a product whether processed or unprocessed, or supply but not apply to another person, group or class of persons, producing, preparing or processing a product or dealing in the course of trade with a product, whether processed or unprocessed, or supply, or differ from a provision which does apply to another person, group or class of persons producing, preparing or processing a product or dealing in the course of trade with a product, whether processed or unprocessed, or a supply;
- (b) to one product, whether processed or unprocessed, or one supply, but not apply to another product, whether processed or unprocessed, or another supply or differ from a provision which does apply to another product, whether processed or unprocessed, or another supply;
- (c) to one class or grade of a product, processed or unprocessed, or a supply,

but not apply to another class or grade of that product or supply;

(d) in one geographic area, but not apply to another geographic area or differ from a provision which does apply to another geographic area.

Presentation of regulation to parliament 7. A regulation made in pursuance of section four shall be laid before Parliament within fourteen days after it is made if Parliament is then sitting. If Parliament is not then sitting, that regulation shall be laid before Parliament within fourteen days the commencement of the next meeting. Such a regulation shall continue to have force of law unless a resolution is passed by both Houses of Parliament disapproving that regulation, whereupon it shall cease to have force of law to the extent of the disapproval expressed in the resolution.

Power to make Orders and Notices 8. A regulation may empower such officers or persons as may be specified in the regulation to make Orders and Notices that are necessary for carrying out the provisions of this Act and the regulations.

Authority in relation to extra-territorial operations 9. The Minister is authorized, in pursuance to the agreement entered into between the king on behalf of the Government of Lesotho and the Government of other States, to arrange for officers of the Governments of such other states, to perform, within such other states, functions necessary for the implementation of this Act and of the regulations.

Repeals 10. (1) Subject to the provisions of subsection (2), the area specified in the schedule are hereby repealed with effect from a date to be fixed by the Minister by notice in the Gazette. Different dates may be so fixed for the repeal of any provisions of the laws specified herein.

(2) Notwithstanding the repeal of a law by subsection (1), regulations, rules by-laws, and orders made or issued under that law shall remain in force, so far as they are not inconsistent with the Act or the regulations, until they are repealed or replaced by regulations or Orders made or issued under the provisions of this Act

SCHEDULE

Title	Number	Reference
The Grain and Produce Trading proclamation	49 of 1920	Volume III, page 1958
The Wheat and Wheaten Products Control Proclamation	64 of 1941	Volume III, page 1942
The Wool and Mohair Marketing and Export Proclamation	1 of 1952	Volume III, page 1996

LEGAL NOTICE NO.35 OF 1969

Commenced

29 August, 1969 **The Agricultural Marketing (Egg Control) Regulations 1969**
(Gazette 42)

In exercise of the powers conferred on me by the provision of section 4 of the Agricultural Marketing Act 1957, I

Matete Majara

Minister of Agriculture, Co-operatives and Marketing, hereby make the following regulations.

- Citation** 1. These regulations may be cited as the Agricultural Marketing (Egg Control) Regulations, 1969.
- Interpretation** 2. (1) In these regulations unless the context otherwise requires, expressions used shall have the same respective meanings as in the Agricultural Marketing Act 1967.
- (2) "eggs" means poultry eggs, but does not include the pulp obtained from eggs after the shells have been removed;
"marketing officer" means the marketing officer or acting marketing officer in the Ministry of Agriculture or any other officer designated by the Minister;
"poultry" means fowl, duck, goose or turkey.
- Importation and exportation of eggs** 3.(1) No person shall import eggs into Lesotho unless he is in possession of a permit issued by the Marketing officer.
- (2) No person, including a person dealing in the course of trade, shall purchase, or acquire in any manner whatever, eggs imported or brought into Lesotho under a permit issued by the Marketing Officer.
- (3) No person shall export or remove eggs from Lesotho unless he is authorized to do so by permit issued by the Marketing officer.
- (4) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence.
- Applications for Permits** 4.(1) All applications for permits referred to in regulation 3 shall be in the form prescribed in the First Schedule and forwarded to the Permanent Secretary for Agriculture, P.O Box 24, Maseru.
- (2) Applications submitted in terms of sub-regulation (1) shall be considered by the Permanent Secretary for Agriculture having regard to factors such as grade and quality standards, prevention of the spread of the disease in poultry and available egg supplies in Lesotho.
- (3) Whenever an application under this section is rejected the applicant shall be informed in writing.
- (4) Any person who is dissatisfied with a decision of the Permanent Secretary for Agriculture in connection with any matter relating to his application for a

permit may be within 30 days of receiving the notification in terms of sub-regulation (3) appeal in writing to the Minister against such decision and the Minister may, after consideration of any such appeal, confirm, set aside or vary such decision or make such order in connection therewith as he may deem fit. The decision of the Minister on such appeal shall be final.

Permits	<p>5.(1) Whenever an application in terms of regulation 4 is granted by the Permanent Secretary for Agriculture he shall cause a permit in the form prescribed in the Second Schedule to be issued through the South African Egg Control Board or other officially recognized marketing channels and he may in addition attach such terms and conditions to the permit as he consider just.</p> <p>(2) The Permanent Secretary for Agriculture may cancel any permit in terms of sub-regulation (1) for violation of any provision of these regulations or any condition which may attach to the permit and notify the holder in writing.</p> <p>(3) The provisions of sub-regulation (4) of regulation 4 shall apply <i>mututis mutandis</i> to any permit holder who is dissatisfied with a decision to cancel in terms of sub-regulation (2).</p> <p>(4) Any person to whom a permit is issued in terms of these regulations who fails to produce his permit when required t do so by the member of Lesotho Mounted Police or any other officer designated by the Minister shall be guilty of an offence.</p>
Appointments of officers	<p>6. The Minister may appoint such officers and inspectors as may be necessary for the administration of these regulations.</p>
Powers of officers	<p>7. An officer appointed or designated by the Minister is empowered to enter at all reasonable times upon any land or premises used for the production, packing, storage or distribution of eggs and to make such inspection and inquiries as deemed fit for ascertaining whether the provisions of these regulations and the terms and conditions of the permit are being compiled with.</p>
Duties of Dealers	<p>8.(1) Every person who purchases or acquires eggs imported into Lesotho and every person who sells otherwise disposes of such eggs shall maintain an accurate written record of the quantity of eggs purchased or acquired, the permit held by the permit holder and the source from which the supplier obtained the eggs.</p> <p>(2) Any person who fails to comply with the provision of sub-regulation (1) or who fails to produce such record upon demand of an authorized officer or a member of the Lesotho Mounted Police shall be guilty of an offence.</p>
Penalties	<p>9. Any person who contravenes of fails to comply with any provision of these regulations shall be guilty of an offence and on conviction liable-</p> <p>(a) on the first conviction to a fine not exceeding two hundred rands or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment;</p>

(b) on second or subsequent conviction to a fine not exceeding two thousand rands or imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

Acts or omissions

10. (1) Whenever a manager, partner, agent or employee of any producer or dealer in the course of trade does or omits to do an act which it would be an offence under these regulations for the producer or dealer in the course of trade to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the producer or dealer in the course of trade.

(2) Any such manager, partner, agent or employee may be so convicted and sentenced in addition to the producer or dealer in the course of trade.

Presumption

11. (1) If at the trial of any person charged with the commission of an offence under these regulations it is provided that a false statement appears in any record or in any document signed by him or on his behalf, he shall be deemed, unless the contrary is proved, knowingly to have made such false statement or caused it to be made.

(2) If at the trial of any person charged with the commission of an offence under these regulations it is alleged in the charge that a quantity of eggs was produced in a particular area, it shall be presumed until the contrary is proved that such quantity of eggs was produced in such area.

***Matete Majara
Minister of Agriculture
Co-operatives and Marketing***

FIRST SCHEDULE

Ministry of Agriculture, Co-operatives and Marketing

**Application for a Permit
(Egg Control Regulations)**

1. Full names of applicant
2. Full residential and postal address.....
.....
.....
.....
3. State whether permit is required for the importation or exportation of eggs
.....
.....
4. Name of border post through which the consignment of eggs will pass