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Agricultural Marketing (Establishment of a National Dairy Board) Regulations, 1991

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Agricultural Marketing (Establishment of a National Dairy Board) Regulations, 1991

In exercise of the powers conferred on me by Section 3A of the Agricultural Marketing Act 1967, I,

James Lebitso Dingiswayo

Minister of Agriculture, Cooperatives and Marketing make the following regulations:-

1. These regulations may be cited as the Agricultural Marketing (Establishment of a National Dairy Board) Regulations 1991 and shall come into operation on the date of publication in the Gazette.

Citation and commencement

2. In these regulations, unless the context otherwise requires,

Interpretation

"authorized officer" means an officer of the Government or a local authority authorised by the Minister in writing;

"Board" means the National Dairy Board established under regulation 3;

"chairman" means the chairman of the Board;

"condensed milk" means milk concentrated by the evaporation of a portion of its content with or without the addition of sugar;

"dairy product" means —

(a) milk, a milk product, such milk powder or dried or condensed milk contained in sealed containers; or

(b) butter, cheese, cream, ice-cream; or

(c) any other product designated as such by the Board.

"dried milk" or "milk powder" means a dry substance produced by desiccation of milk;

"ice-cream" means the frozen product —

(a) of water added to cream or milk with or without the addition of flavouring or other food; or

(b) formed partly from water and cream or milk and intended for human consumption;

"milk" means the normal lacteal secretion obtained by milking a cow, goat or sheep.

"Minister" means the Minister for Agriculture;

"pasteurized milk" means milk which has been heat treated at a temperature of not less than 63°C and holding it at that temperature for not less than 30 minutes, and immediately cooled to a temperature of not more than

Interpretation

5°C; or 72°C for 15 seconds and cooled to a temperature of not more than 5°C, for the purpose of destruction of harmful bacteria;

"sterilized milk" means milk which has been heat treated at a temperature which results in complete destruction of all living microorganisms.

Establishment of Board

3. (1) There is established a Board to be known as the National Dairy Board.

(2) The Board shall have perpetual succession and may sue or be sued in its own name.

Construction of Board

4. (1) The Board shall consist of the following nine office bearers,

Chairman	—	Principal Secretary for Agriculture;
Secretary	—	Executive Director of the Board appointed by the Minister;
Members	—	two producer representative and one consumer representative appointed by the Minister;
	—	a representative of the Lesotho Chamber of Commerce;
	—	a processor representative appointed by the Minister;
Ex-officio members	—	Principal Secretaries for the ministries of Trade and the Ministry of Health.

(2) Six members of the Board shall form a quorum.

(3) The Board may from time to time co-opt persons with specific knowledge, expertise or skill to assist the Board and such persons may attend the meetings of the Board but may not vote.

Tenure of office

5. (1) Members of the Board shall hold office for a period of three years.

(2) The Minister may on the recommendation of the Board, terminate the appointment of a member for reasons of misconduct or incompetency.

(3) Vacancies which may occur during a term shall be filled by the Minister for the remaining period of such a term.

Powers of the Board

6. The Board shall have power to,
- (a) prescribe standards of production, storage, packaging, processing and distribution of dairy products;
 - (b) grant or withdraw permits for production processing and distribution of dairy products through regulations issued by the Minister.

- (c) determine prices, for dairy products;
- (d) impose levies and charges on the production, processing and distribution of dairy products as may be authorized through regulations by the Minister.
- (e) ensure that quality of dairy products offered to consumers are of a standard suitable for public health; and
- (f) prescribe types, grades and quantities of products imported, exported, produced and sold in Lesotho.

7. (1) The management of the affairs of the Board shall be vested in the Chief Executive Officer who shall be the Secretary of the Board. Administration

(2) The Board may appoint such officers as it may find necessary for the better carrying out of its duties.

(3) The Board shall meet as often as business requires but not less than four times a year.

(4) Members of the Board shall receive such allowances for their attendance at meetings from funds of the Board as may, with the Minister's approval be determined.

8. Any person who is aggrieved by a decision made by the Board may appeal to the Minister. Appeals

9. The funds of the Board shall consist of,

(a) the proceeds of any levy or charge and such moneys as may be payable to the Board by virtue of the provisions of the Agricultural Marketing Act 1967; Funds of the Board A. 26 of 1967

(b) such sums or assets as may be payable from the Consolidated Fund; and

(c) such moneys or assets as may accrue to the Board whether in the course of its operation or otherwise.

10. (1) When, before the establishment of the Board, any contract has been entered into between any person or body authorised by the Minister to do so on behalf of the Board and any other person;

Validity of contracts made before establishment of Board

(a) for the employment of that other person in any capacity relating to the performance and exercise of the functions and powers of the Board;

(b) such contract shall be enforceable and shall operate as if the Board had been in existence at the date of the contract and had been party thereto in the place of the person who entered into the contract on its behalf.

(2) A contract referred to in subsection (1) shall not be enforceable against the person who entered into the contract on

376

behalf of the Board and who has been released from all liability under the contract immediately after the commencement of these regulations.

J. L. Dingiswayo,
Minister of Agriculture, Cooperatives and Marketing.