

[Chap6505]CHAPTER 65:05

AGRICULTURE (GENERAL PURPOSES)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Interpretation
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4. Incidental and supplementary provisions
5. Application of regulations, etc.

11 of 1987

G.N. 62/1987

An Act to make miscellaneous provisions for the general regulation of the agriculture industry

[1ST JUNE 1987]

[Ch6505s1]1. Short title

This Act may be cited as the Agriculture (General Purposes) Act.

[Ch6505s2]2. Interpretation

In this Act, unless the context otherwise requires—

“agricultural crop” does not include—

- (a) tobacco;
- (b) cotton;
- (c) any crop declared under the Special Crops Act to be a special crop and for which an authority under that Act has been established; and Cap. 65:01
- (d) any other crop which the Minister may, by order published in the Gazette, declare not to be an agricultural crop for the purposes of this Act.

[Ch6505s3]3. Regulation of the agriculture industry

(1) The Minister may by regulations published in the Gazette, make such provisions as he considers appropriate, expedient or necessary for the proper regulation of activities in the agriculture industry not otherwise regulated by or under another written law.

(2) Without prejudice to the generality of the power conferred by subsection (1), such regulations may provide for—

(a) the licensing of buying, selling or otherwise marketing of agricultural crops, including the exportation thereof;

(b) the persons or class of persons to whom a licence may be issued;

(c) the minimum or maximum price payable to producers of agricultural crops;

(d) the standardization and inspection of assized weighing instruments or equipment for use in buying agricultural crops from producers;

(e) exportation procedures, including the remittance back to Malawi of export proceeds arising from sale of agricultural crops abroad;

(f) the form of application for licences and the person to whom an application for a licence shall be made;

(g) the form of licences;

(h) the conditions that attach to any licence;

(i) the form and manner in which records or registers of all applications for a licence and licences shall be kept;

(j) the person who, and the circumstances in which that person, may enter any place, vehicle, aircraft or vessel to ascertain compliance with the terms and conditions of a licence; and

(k) the penalty for contravention of, or failure to comply with, the provisions of the regulations and such penalty shall have effect notwithstanding the provisions of section 21 (e) of the General Interpretation Act. Cap. 1:01

(3) The Minister may, in his discretion and without assigning any reasons therefor, refuse to issue a licence to any person or cancel or suspend a licence issued to any person, and the decision of the Minister to refuse to issue a licence or to cancel or suspend a licence shall be final and shall not be subject to review by, or be questioned in, any court.

[Ch6505s4]4. Incidental and supplementary provisions

Regulations made under section (3) may further—

(a) make provision for empowering such authorities or persons as may be specified in the regulations to make rules or orders for any of the purposes for which the regulations may be made;

(b) make provision for the delegation and transfer of powers conferred, and duties imposed, by or under the regulations; and

(c) contain such other incidental and supplementary provisions as appear to the Minister to be necessary or desirable for the purposes of the regulations.

[Ch6505s5]5. Application of regulations, etc.

Regulations made under this Act and any rules or orders made under such regulations may be made so as to apply generally to the agriculture industry or to any particular agriculture crop or to any particular trade, business, undertaking or enterprise in the agriculture industry and so as to have effect either throughout Malawi or in any particular part of Malawi.

#### SUBSIDIARY LEGISLATION

##### SMALLHOLDER AGRICULTURAL PRODUCE (MARKETING) REGULATIONS

under s. 3

G.N. 63/1987

45/1989

[Revoked by G.N. 75/1994]

##### AGRICULTURAL PRODUCE (MARKETING) REGULATIONS

under s. 3

G.N. 63/1987

45/1989

75/1994

14/2008

#### 1. Citation

These Regulations may be cited as the Agricultural Produce (Marketing) Regulations.

#### 2. Interpretation

In these Regulations, unless the context otherwise requires—

“authorized officer” means an officer in the public service designated as such by the Minister under regulation 7;

“licensing officer” means the Secretary for Agriculture or such other officer in the public service as he may authorize to act on his behalf;

“Malawi national” means—

- (a) in the case of an individual, a citizen of Malawi;
- (b) in the case of a company or other body of persons, whether corporate or unincorporate, a company or body of persons wholly owned or majority controlled by citizens of Malawi;

“agricultural produce” means the produce of any agricultural crop specified in the Second Schedule.

### 3. Buying of agricultural produce

No person shall, for profit or gain, engage in the business of buying any agricultural produce from producers unless he is a holder of a valid licence issued under these Regulations.

### 4. Application for licence

(1) Any person who is a Malawi national may apply to the licensing officer to engage in the business of buying agricultural produce from producers.

(2) Every application for a licence shall be in Form APMR I set out in the First Schedule, and shall be accompanied by the application fee prescribed in the Third Schedule.

(3) Any application fee paid under subregulation (2) shall not be refundable, whether or not a licence is granted.

### 5. Issuing of licence

If a licensing officer is satisfied that the applicant for a licence is a fit and proper person and is a Malawi national, he may issue to that person a licence in Form APMR II set out in the First Schedule.

### 6. Conditions of licence

A licence issued under these Regulations shall be—

- (a) issued upon payment by the applicant of the licence fee prescribed in the Third Schedule;
- (b) valid from the date of issue to the following 31st March;
- (c) subject to the following conditions, that is to say—

(i) that the licensee shall buy the agricultural produce by means of approved weights and measures made available at his own expense and shall ensure that such instruments are at all times properly assized;

(ii) that the licensee shall buy the agricultural produce between the hours of sunrise and sunset only;

(iii) that the licensee shall at all reasonable times allow authorized officers free access to examine the instruments of weights and measures used by him and generally for the purposes of Regulation 6;

(iv) that the licensee shall not export any agricultural produce bought by him, except upon an export licence issued to him under the Control of Goods Act or any other written law. Cap. 18:08

#### 7. Authorized officer

(1) The Minister may designate officers in the public service to be authorized officers for the purpose of ensuring that a licensee complies with the conditions of his licence and generally with the provisions of these Regulations.

(2) In the performance of his duties under subregulation (1), an authorized officer may at any reasonable time enter upon any place, vehicle, aircraft or vessel.

#### 8. Offences

Any person who—

- (a) contravenes regulation 3;
- (b) fails to comply with the conditions of the licence set out in regulation 6 (c); or
- (c) wilfully obstructs or hinders an authorized officer in the performance of his duties,

shall be guilty of an offence and liable to a fine of K1,000 and to imprisonment for three months.

FIRST SCHEDULE reg. 4 and 5

#### PART I

#### FORM OF APPLICATION FORM APMR I

NOTE: This application is to be completed in triplicate and submitted to the Secretary for Agriculture at such address as shall be notified in the Gazette and shall be accompanied by a non-refundable application fee of K10.

I/We (name in full): .....

of (address): .....

Previous Licence No. (if any): .....

Nationality: .....

hereby apply for a licence to buy the following produce during the licence period ending on the 31st March, 20 .....

Produce	Estimated	quantities	1.	.....	2.
				.....	3.
				.....	4.
				.....	5.
				.....	Date: .....
				.....	Signature: .....
				.....	Name: .....
				.....	Designation (if any): .....
				.....	

## PART II

### FORM OF LICENCE FORM APMR II

#### LICENCE TO BUY AND SELL AGRICULTURAL PRODUCE

Licence No. ....

Name of Licencee: .....

of (address): .....

is hereby licensed to buy and sell agricultural produce.

This licence is valid from the date of issue to the 31st March, 20 ....., and is subject to the provisions of the Agriculture (General Purposes) Act, the Agricultural Produce (Marketing) Regulations, 1994, and to any special provisions endorsed overleaf.

Date of issue: .....

Signed: .....

Issuing Officer

Licence fee paid K .....

for

Secretary for Agriculture

General  
(Official Stamp)

Receipt

No.: .....

Date: .....

SECOND SCHEDULE reg. 3, G.N. 14/2008

## AGRICULTURAL PRODUCE

SesamePaddy RiceCassavaGroundnutsSorghumBeansWheatPeasBullrush milletGramsChilliesSunflower  
seedGingerCastor seedCardamom

THIRD SCHEDULE reg. 4

### FEES

1. Upon applicationK10.002. Upon issue of licenceK50.00

## AGRICULTURAL PRODUCE (MAIZE MARKETING) REGULATIONS

under s. 3

G.N. 15/2008

### 1. Citation

These Regulations may be cited as the Agricultural Produce (Maize Marketing) Regulations.

### 2. Designation of ADM ARC as sole buyer of maize from smallholder farmers and seller of maize

(1) The Agricultural Development and Marketing Corporation (hereinafter referred to as “ADMARC”) is hereby designated as the sole buyer of maize from smallholder farmers and seller of maize in Malawi.

(2) ADMARC shall—

- (a) buy maize at a price which shall not be below the price; and
- (b) sell maize at a price which shall not be above the price,

specified in the Schedule.

### 3. Application of Cap. 65:05

The Agricultural Produce (Marketing) Regulations shall apply, mutatis mutandis, to the buying and selling of maize.

SCHEDULE reg. 2 (2)

### MAIZE PRICES

#### BUYING PRICE

K45.00 per kilogram, or

K2,250.00 per 50 kilogram bag

SELLING PRICE

K52.00 per kilogram, or

K2,600.00 per 50 kilogram bag