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Legal Notice No. 241 of 1992

LEGAL NOTICE NO. 241 OF 1992

**Agricultural Marketing
(Distribution of Dairy Products) Regulations, 1992**

In exercise of the powers conferred on me by section 4 of the Agricultural Marketing Act 1967, read with regulation 6 of the Lesotho National Dairy Board Regulations 1991

Major-General James Lebiso Dingswayo

Minister of Agriculture make the following regulations:

Part I — Preliminary

Citation
and
commence-
ment

1. These regulations may be cited as the Agricultural Marketing (Distribution of Dairy Products) Regulations, 1992 and shall come into operation on the date of publication in the Gazette.

Interpre-
tation

2. (1) In these regulations unless the context otherwise requires,

"Board" means the Lesotho National Dairy Board established under the Agricultural Marketing (Establishment of a Lesotho National Dairy Board) Regulations 1991;

"milk" has the same meaning assigned to it in the Agricultural Marketing (Establishment of a National Dairy Board) Regulations 1991;

"Minister" means the Minister responsible for Agriculture.

(2) Words not specified defined in these regulations shall have the same meaning assigned to them in the Agricultural Marketing (Establishment of a National Dairy Board) Regulations 1991.

Part II — Permits

Permit to
Deal in
Dairy
Products

3. (1) Subject to regulation 8, all persons wishing to deal in, distribute, import or bring dairy products into Lesotho shall only do so when in possession of a permit issued by the Lesotho National Dairy Board.

(2) Subject to regulation 8, a levy of 2½% of the invoice value of any imported dairy products shall be charged on those imported dairy products.

(3) No persons shall export or remove any dairy products from Lesotho unless he is authorised to do so under a permit issued by the Lesotho National Dairy Board.

(4) The permit referred to in this regulation shall be as set out in the Second Schedule.

4. (1) Applications for permits referred to in regulation 3 shall be made in the form prescribed in the First Schedule and forwarded to the Lesotho National Dairy Board for consideration.

(2) The Board, in considering the applications referred to in sub-regulation (1), shall take into account such factors as fitness for consumption, quality and adequacy of supply in Lesotho.

(3) Applicants whose applications have been rejected by the Board shall be notified in writing.

(4) Any person who is dissatisfied with a decision of the Board in connection with any matter relating to his application for permit may, within 30 days of receiving the notification under sub-regulation (3), appeal to the Minister against the decision of the Board and the Minister may, after considering the appeal, confirm, set aside or vary the decision, as he may deem fit. The decision of the Minister shall be final.

Application
for a permit
to deal in or
distribute
dairy
products

5. (1) A person issued with a permit under regulation 3 shall,

(a) submit his invoices or copies thereof to the Board within 10 days after the end of each calendar month;

(b) submit a monthly return of his import and export quantities and buying and selling prices.

(2) Any fees payable in respect of a permit issued under these regulations shall be paid into the funds of the Board.

(3) Any person who fails to comply with the requirements of sub-regulation (1) commits an offence and on conviction, in addition to any other penalty the court may impose, his permit shall be withdrawn.

Monthly
Returns and
Fees

Part III — Offences and Penalties

6. (1) Any illegally imported dairy products shall be confiscated by a customs officer in accordance with the Customs and Excise Act 1982.

(2) Any illegally imported dairy products may be seized by an officer charged with carrying out inspectorate work in traders' shops or wholesalers' stores.

Confiscation
and
seizure

7. Any person who contravenes or fails to comply with these regulations shall be guilty of an offence and on conviction shall be liable to a fine not exceeding M400 or to imprisonment for 6 months or both; and on a second or subsequent conviction to a fine not exceeding M200 or imprisonment for 2 years or both.

Penalties

8. These regulations shall not apply to the dairy products listed in the Third Schedule.

Exemptions

Repeals 9. The Agricultural Marketing (Milk Control) Regulations 1988⁹ are repealed.

J. L. Dingswayo,
Minister of Agriculture.

FIRST SCHEDULE (reg. 4)
KINGDOM OF LESOTHO
NATIONAL DAIRY BOARD

Application for a Permit to distribute Dairy Products

1. Full Names of Applicant
2. Residential Address
3. Postal Address
4. Permit is requested for: — Importation of Dairy Products
— Exportation of Dairy Products
— Local Distribution of Dairy Products
5. Estimated quantity to be distributed:

Specification	—	Quantity
.....
.....
.....
.....
.....

6. Intended date of Importation/Exportation/Distribution:
 7. Port of Entry/Exit
- I certify that the information furnished in this application is correct in every respect.
- Dated at this day of
- 19.....

.....
APPLICANT

TO: LESOTHO NATIONAL DAIRY BOARD,
PRIVATE BAG AJO,
MASERU

Agricultural Marketing
(Distribution of Dairy Products) Regulations, 1992

Arrangement of Regulations

Regulation

Part I — Preliminary

1. Citation and commencement
2. Interpretation

Part II — Permits

3. Permit to distribute or deal in dairy products
4. Application for permit to deal in or distribute dairy products
5. Monthly returns and fees

Part III — Offences and Penalties

6. Confiscation and seizure
7. Penalties
8. Exemptions
9. Repeals

SCHEDULES

- First Schedule — Application Form
Second Schedule — Permit Form
Third Schedule — Exemptions

SECOND SCHEDULE (reg. 3)
 KINGDOM OF LESOTHO
 NATIONAL DAIRY BOARD
 Dairy Distribution Permit

For Dairy Products

Licence No. Permit No.

Permission is hereby granted to

of

to import/export/ locally distribute:	Specification	Quantity
.....
.....
.....
.....

Port of Entry/Exit

Validity: This permit is valid from to

A person issued with this permit shall report, within five (5) days after the end of each calendar month, on the actual quantities and purchasing / selling prices of the dairy products dealt in during the month in the period this permit is valid.

Officer's signature Official date stamp
 For Lesotho National Dairy Board

THIRD SCHEDULE (reg: 8)

These regulations shall not apply to:

- (a) imports of milk not exceeding 10 litres in a day;
- (b) imports of:
 - (i) powder milk
 - (ii) condensed milk
 - (iii) cheese
 - (iv) butter
 - (v) yoghurt

NOTE

1. Act No. 26 of 1967
2. Legal Notice No. 246 of 1991
3. Legal Notice No. 246 of 1991
4. Act No. 10 of 1982
5. Legal Notice No. 174 of 1988,