

CONTROL OF TOBACCO AUCTION FLOORS

CHAPTER 65:03

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## CHAPTER 65:03

## CONTROL OF TOBACCO AUCTION FLOORS

43 of 1970 An Act to provide a Commission to control the tobacco auction floors, to confer powers and duties thereon and to make provision for matters incidental thereto or connected therewith

[10TH DECEMBER, 1970]

## PART I

## PRELIMINARY

Short title 1. This Act may be cited as the Control of Tobacco Auction Floors Act.

Interpretation

2. In this Act, unless the context otherwise requires—
  - “auction floor buyer’s licence” means a licence to buy tobacco on the auction floors granted under section 21;
  - “auction floor licence” means a licence granted under section 18;
  - “commercial grading of tobacco” means the grading of tobacco by a grader;
  - “Commission” means the Tobacco Control Commission established under section 3;
  - “grader” means a person who carries on the business of grading tobacco for profit or gain but does not include a grower or buyer of tobacco who grades his own tobacco or any employee or servant of such a grower or buyer;
  - “registered seller” means a seller who is registered under section 23;
  - “tobacco” means un-manufactured tobacco, whether cured or uncured, and includes any such tobacco which has been grown out of and imported into Malawi, but does not include “*nicotiana glauca*” of oriental.

PART II

TOBACCO CONTROL COMMISSION

3.—(1) There shall be a Commission to be known as the Tobacco Control Commission which shall be a body corporate having perpetual succession and a common seal and shall be capable of suing and being sued, and of purchasing and alienating land, and, subject to this Act, of performing all such acts and things as bodies corporate may by law perform.

(2) The Commission shall, in the exercise of its powers and the performance of its duties, under this Act or any other written law, be subject to the general or special directions of the Minister.

4.—(1) The Commission shall consist of the following members appointed by the Minister in his discretion—

- (a) a Chairman appointed by the Minister;
  - (b) two members to represent the Agricultural Development and Marketing Corporation; 2
  - (c) two members to represent the Tobacco Association; — 2
  - (d) two members to represent the Tobacco Exporters Association; 2
  - (e) four members to represent tobacco farmers; 4
  - (f) two members to represent the Government. — 2
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(2) (a) The members appointed under subsection (1) shall hold office during the Minister's pleasure and shall retire annually.

(b) Any members retiring as aforesaid shall be eligible for reappointment.

(3) Any member appointed under subsection (1) may resign by notice given in writing to the Minister, such resignation to take effect on the date specified in the notice, or 7 days after receipt of the notice by the Minister, whichever is the later.

5.—(1) The Commission shall meet not less than twice in each year and at such other times as the Chairman shall direct. Meetings of Commission

(2) Five members of the Commission shall constitute a quorum. In the absence of both the Chairman and his alternate, the members present shall elect a Chairman. *Are there alternates?*

(3) The Chairman of any meeting shall have a deliberative vote and, in the case of equality of votes, a casting vote.

(4) The members of the Commission shall be paid out of the funds of the Commission any reasonable expenses incurred by them in connection with the business of the Commission.

Appointment  
of secretary  
and other  
officers

6. The Commission may appoint a secretary and such other officers as it may consider necessary for assisting it in the proper execution of its duties and there shall be paid to such secretary or officers from the funds of the Commission such remuneration as the Commission may determine.

Duties and  
powers of  
the  
Commission

7.—(1) It shall be the duty of the Commission—

(a) to advise the Government on the sale and export of tobacco;

(b) to promote and expand the sale of tobacco;

(c) to collate statistics relating to tobacco;

(d) to distribute market studies and information relating to tobacco;

(e) to control and regulate the sale of tobacco on the auction floors in Malawi.

(2) In addition to the other powers conferred upon it by this Act, the Commission shall, with the approval of the Minister, have power—

(a) to acquire, lease or hire any property which it considers necessary for the purpose of exercising its functions;

(b) to insure against losses, damages, risks and liabilities which it may incur;

(c) to enter into contracts in connexion with the exercise of its functions or the performance of its duties;

(d) to incur expenditure in the furtherance of any scheme for the better marketing of tobacco or for the development of external markets for tobacco.

Protection of  
members of  
Commission

8. No member of the Commission shall be liable to any suit, claim or demand by reason of anything done in good faith or for any decision made in the rightful exercise of his discretion in his capacity as such member.

Appeals  
from  
decisions of  
Commission

9. Any person aggrieved by a decision of the Commission in the exercise of its functions or the performance of its duties under this Act may appeal to the Minister, whose decision thereon shall be final and shall not be questioned in any court.

### PART III

#### FINANCES OF COMMISSION

Revenue of  
Commission

10. The revenue of the Commission shall include—

(a) all charges levied by the Commission;

(b) all other fees, cesses, dues or rents received by the Commission; and

(c) the interest on money invested by the Commission.

11. Unless the Minister shall otherwise permit, all moneys received by the Commission shall be paid into a bank registered under the Banking Act and shall be credited to such of the Commission's accounts as may be appropriate.

Bank  
accounts  
Cap. 44:01

12. The Commission may invest all or any part of its moneys—  
(a) in the purchase of any security issued by the Government of Malawi;

Investment  
of moneys  
by  
Commission

(b) in deposits in any bank or building society registered under the Banking Act or the Building Societies Act, as the case may be; or

Cap. 44:01  
Cap. 32:01

(c) in such other manner as may be approved by the Minister and the Minister for the time being responsible for finance.

13.—(1) The expenses of the Commission incurred in the execution of the functions, duties and powers conferred upon it, or in the discharge of any of its liabilities, shall be defrayed out of the funds of the Commission.

Expenses of  
Commission

(2) The Commission may create such general and other reserves as may be approved by the Minister and may credit to such reserves such appropriations as may be authorized in the annual estimates of the Commission.

14.—(1) It shall be lawful for the Commission from time to time to raise loans, whether by way of bank overdraft or otherwise, in such amounts and on such conditions as may be approved under the Finance and Audit Act, for the proper carrying out of this Act.

Raising of  
loans by  
Commission  
Cap. 37:01

(2) Such loans may be secured on the property and revenues of the Commission, including any lands which may be specifically placed at the disposal of the Commission under any law:

Provided that this section shall not be deemed to confer any powers of alienating such lands other than such powers as may be conferred by any such law.

15.—(1) The Commission shall cause a true account to be kept of all its financial transactions during each financial year.

Keeping of  
accounts

(2) The Commission may keep such special accounts, including capital and renewals accounts, as it may consider necessary, and shall keep such further or other accounts as the Minister may from time to time direct.

(3) All accounts of the Commission shall be open to inspection by any member of the Commission.

L.R.O. 1/19/1

Audit of  
Commission's  
accounts

16. The accounts of the Commission shall be audited at the end of every one of the Commission's financial years by an auditor approved by the Minister.

Financial  
year of  
Commission

17. The financial year of the Commission shall be such as may be prescribed by the Minister with the approval of the Minister for the time being responsible for finance.

#### PART IV

##### AUCTION FLOOR LICENCES

Licensed  
auction  
floors

18.—(1) No person shall use any premises for the sale of tobacco by auction unless he holds a valid auction floor licence in respect of such premises in the prescribed form granted by the Minister and licensing such premises as a licensed auction floor.

(2) The grant to an applicant of an auction floor licence shall be made on payment of the prescribed fee, subject to the discretion of the Minister, bearing in mind the number of such licences which have already been granted in the year in respect of which the application for a licence is made.

(3) Every auction floor licence shall, unless previously surrendered, revoked or suspended, be valid until the 31st day of December in the year in which it is granted.

(4) The Commission may, from time to time, after prior consultation with the holders of auction floor licences, and with the approval of the Minister, fix a tariff of weighing, selling and commission charges, which tariff shall be published in the *Gazette*, and it shall be a condition of every auction floor licence that the licensee's charges shall not exceed such tariff.

(5) If the holder of an auction floor licence or his manager or any other person employed by him for conducting the sale of tobacco on the auction floor to which such licence relates—

(a) fails to comply with, or contravenes, any condition to which the licence is subject; or

(b) is convicted of an offence against this Act, the Minister may, in his discretion—

(i) forthwith revoke such licence; or

(ii) suspend such licence for such period as he may deem reasonable to enable appropriate investigations to be carried out, and thereafter revoke such licence or allow it to continue.

(6) No part of the fee paid for such licence shall be refunded on the cancellation, revocation or suspension of such licence.

(7) Any provision in any other Act which may require any person to hold a licence or permit to sell any article shall not apply to the holder of an auction floor licence or to his manager or to any other person employed by him for conducting the sale of tobacco on the licensed auction floor to which such licence relates in respect of the sale of such tobacco.

(8) Every holder of an auction floor licence shall comply with all lawful directions of the Commission and shall render to the Commission the prescribed returns.

(9) Whenever the Minister has reason to believe that sales on any auction floor are the subject of rigging or any other corrupt practice, or is otherwise satisfied that it is in the interests of fair trading so to do, he may order the holder of the auction floor licence concerned to suspend business on the auction floor until further notice.

19.—(1) The Minister may require any holder of an auction floor licence to disclose to him the amount of tobacco sold by such holder, or by his manager or other person employed by him, on behalf of any person, and the price for which such tobacco was sold, and any such holder who does not comply with such requirement or who, in complying with such request, knowingly or recklessly makes any false statement or gives any false information shall be guilty of an offence.

Minister may require holder of auction floor licence to give information

(2) The Minister shall treat any information given to him by reason of a requirement made under subsection (1) as confidential:

Provided that where the exercise of the Minister's powers under subsection (1) results in the disclosure of an alleged offence, such information may be used in the prosecution of such offence.

20.—(1) The Commission may from time to time appoint for each licensed auction floor days on which, or hours during which, tobacco of different type may be offered for sale, and it shall be a condition of every auction floor licence that tobacco may only be offered for sale on such days or during such hours.

Sale days and hours

(2) Any appointment made by the Commission under subsection (1) shall—

(a) be published by posting a copy in a prominent position at the licensed auction floor to which it applies and shall come into force upon the date of such publication;

(b) be broadcast as a public announcement by the Malawi Broadcasting Corporation.

21. No person shall sell tobacco on a licensed auction floor unless such tobacco has been graded in accordance with regulations made under this Act. Any person who contravenes this section shall be guilty of an offence.

Tobacco sold on auction floors to be graded



## PART V

## AUCTION FLOOR BUYER'S LICENCE

Auction  
floor buyer's  
licence

22.—(1) No person shall buy tobacco on a licensed auction floor unless he is the holder of a valid auction floor buyer's licence, in the prescribed form, granted by the Minister.

(2) The grant of an auction floor buyer's licence shall be at the discretion of the Minister and shall be subject to such conditions as the Minister may deem fit to impose.

(3) There shall be paid on the grant of an auction floor buyer's licence such fee as may be prescribed, and no part of such fee shall be repaid on the cancellation, revocation or suspension of such licence.

(4) An auction floor buyer's licence shall, unless previously surrendered, revoked or suspended, be valid until the 31st December of the year in which it is granted.

(5) An auction floor buyer's licence may be granted to a company or partnership, and in any such case such company or partnership shall register with the Commission the name of every person who is authorized to buy tobacco in Malawi on its behalf, and every person so registered by any such company or partnership shall be deemed to be the holder of an auction floor buyer's licence.

(6) If the holder of an auction floor buyer's licence or any person who is deemed by virtue of subsection (5) to be the holder of such licence—

(a) fails to comply with, or contravenes, any condition to which such licence is subject;

(b) is convicted of an offence against this Act,  
the Minister may, in his discretion—

(i) forthwith revoke such licence; or

(ii) suspend such licence for such period as he may deem reasonable to enable appropriate investigations to be carried out, and thereafter revoke such licence or allow it to continue.

(7) Where the holder of an auction floor buyer's licence has been convicted of an offence against this Act and the court has ordered the cancellation of such licence, or where such licence has been revoked by the Minister, the Commission may refuse to register such holder as a person authorized to buy tobacco in Malawi on behalf of a company or partnership which holds an auction floor buyer's licence.

(8) Every company or partnership holding an auction floor buyer's licence in accordance with subsection (5) shall render to the Commission the prescribed returns and shall comply with all lawful directions of the Commission.

(9) Any person who contravenes subsection (1) or who, being the holder of an auction floor buyer's licence, fails to comply with or contravenes any condition to which such licence is subject, shall be guilty of an offence.

## PART VI

### REGISTERED SELLERS

23.—(1) No person shall sell his tobacco on an auction floor unless he is registered as a seller by the Commission.

Registration of tobacco sellers on the auction floors

(2) Application for registration shall be made at such time to such persons in such places and in such manner as may be prescribed and may be refused for such reasons as may be prescribed.

(3) Any person who is aggrieved by the refusal of his application for registration may appeal to the Minister whose decision shall be final and shall not be questioned in any court.

(4) Registers for the purposes of this section shall be kept at such places, by such persons and in such form as may be prescribed, and shall be open to inspection at all reasonable times by the Minister or by any person authorized by him in writing in that behalf.

(5) Upon the registration of such registered sellers under this section, the person keeping the register shall issue to such seller a certificate of registration in such form and subject to such conditions as may be prescribed.

Provided that such seller grows tobacco in accordance with Part II of the Tobacco Act within the scheduled areas declared under section 2 of the Tobacco Act.

Cap. 65:02

## PART VII

### TOBACCO GRADERS AND GRADES

24.—(1) The Minister shall from time to time define the classes and grades in which tobacco may be sold or bought.

Minister to define tobacco classes and grades

(2) The classes and grades in which tobacco may be sold or bought shall be the same as those defined under section 11 of the Tobacco Act.

25.—(1) No person shall carry on the business of a grader unless the Minister has issued to him such licence as may be prescribed.

No grading without prescribed licence

(2) The Minister shall not license as a grader any person who is licensed as an auction floor buyer:

Provided that this subsection shall not come into operation until the Minister, by notice published in the *Gazette*, directs that it shall come into operation.

L.R.O. 1/1971

(3) Any person who carries on the business of a grader without a licence shall be guilty of an offence.

Commercial  
grading  
premises  
shall be  
licensed

26. All premises where commercial grading of tobacco is carried out shall be licensed by the Commission after due consultation with the Minister.

Appointment  
of grading  
inspectors

27.—(1) With the approval of the Minister the Commission shall appoint a grading inspector or grading inspectors who will have the power of entry to all licensed commercial grading premises for the purpose of inspecting the premises themselves and the grading of tobacco on such premises.

(2) A grading inspector shall have power to open any bale of tobacco presented for sale at any licensed auction floor or at any commercial grading premises.

Labelling of  
graded  
tobacco

28.—(1) Every grader shall label distinctively each bale of tobacco graded by him with his licensed name and number for identification purposes.

(2) Any grader who wilfully fails to label his graded tobacco shall be guilty of an offence.

### PART VIII

#### COMMISSION—GENERAL

Tobacco  
used in  
manufacture

29.—(1) No person shall use for the purpose of manufacture for sale any tobacco grown in Malawi which has not been sold to such person or his agent across a licensed auction floor:

Provided that this section shall not apply to tobacco grown on customary land in excess of the requirements of the Farmers Marketing Board or of a person authorized to buy such tobacco under section 12 of the Tobacco Act and made by the grower into roll, twist, snuff, coil or ball tobacco for local sale or trade.

(2) Any person who uses tobacco for the purposes of manufacture in contravention of this section shall be guilty of an offence.

Commission  
may arrange  
for disposal  
of surplus  
tobacco

30.—(1) If at any time the Commission deems fit, it may, with the written approval of the Minister, arrange for the collection of surplus tobacco into pools and for the disposal of such tobacco through the Commission.

(2) For the purposes of this section, "surplus tobacco" means tobacco delivered to a licensed auction floor for sale and remaining unsold and not removed therefrom after due notice given under section 31.

(3) The powers, duties and functions of the Commission under this section shall be such as may be prescribed by the Minister.

31. If at any time the owner of any tobacco left unsold on a licensed auction floor has failed to remove such tobacco after receiving such notice to do so as the Commission may deem sufficient, the Commission may authorize the owner of such licensed auction floor to destroy such tobacco without liability to pay compensation to the owner of such tobacco.

Power of Commission to authorize destruction of tobacco left on floor

## PART IX

### MISCELLANEOUS

32. Any person aggrieved by a decision of the Commission may appeal to the Minister whose decision shall be final and shall not be questioned in any court.

Appeals

33. Any person who wilfully obstructs or hinders any person in the performance of his duties under this Act shall be guilty of an offence.

Hindrance of person performing duty

34. Any person who refuses to produce for inspection a licence or other document issued under or required by this Act to any person authorized under the Act to inspect such licence or other document shall be guilty of an offence.

Failure to produce document

35.—(1) Where the Minister or a person authorized by him in that behalf has reasonable grounds to believe that the terms or conditions of a licence issued under Part IV, V and VII are not being complied with, he may issue an order prohibiting the sale, exchange, movement or grading of such tobacco until investigations therein have been completed.

Order prohibiting sale, etc., where licence, etc., believed violated

(2) Any person who fails to comply with such an order shall be guilty of an offence.

36. The Minister, a grading inspector or the Chairman of the Commission or any person authorized either by the Minister or by the Chairman of the Commission in writing in that behalf may enter upon any land or premises used for the purpose of buying or grading or handling tobacco for the purposes of ascertaining whether this Act is being complied with.

Power of entry

37.—(1) Any person who, in making any application under this Act or any return required by or under this Act, knowingly or recklessly gives false information or makes any false statement shall be guilty of an offence.

Offences and penalties

(2) Any person who is guilty of an offence against this Act shall be liable to a fine of K200 and to imprisonment for three months.

L.R.O. 1/1976

(3) When any person who holds a licence or permit under this Act is convicted of an offence against this Act, the Court may, in addition to any other penalty, order the cancellation of such licence or permit or order that any tobacco in respect of which an offence has been committed shall be forfeited.

**Regulations**

38. The Minister may make regulations for the better carrying out of the purposes of this Act, and without prejudice to the generality of the foregoing such regulations may provide for—

- (a) the forms to be used for any licence, return or application;
- (b) the fees for any licence or application;
- (c) general conditions to be attached to licences required under this Act;
- (d) the returns to be made for the purposes of this Act;
- (e) the penalties for breaches of the regulations;
- (f) any matter to be or which may be prescribed under this Act.

## SUBSIDIARY LEGISLATION

## CONTROL OF TOBACCO AUCTION FLOORS (RETURNS AND LICENCES) REGULATIONS G.N. 183/1971

under s. 38

1. These Regulations may be cited as the Control of Tobacco Auction Floors (Returns and Licences) Regulations. Citation

2.—(1) Every auction floor licence shall be in Form I in the Schedule. Auction floor owner's licence

(2) Every owner of a licensed auction floor shall, on or before the 31st December in every year, render a return to the Secretary to the Commission in Form II in the Schedule, which return shall contain particulars of all tobacco purchased at his auction floor during the preceding season.

3.—(1) Every application for an auction floor buyer's licence shall be in Form III in the Schedule. Auction floor buyer's licence

(2) Every auction floor buyer's licence shall be in Form IV in the Schedule.

(3) There shall be paid on the grant of an auction floor buyer's licence a fee of K100.

4. Every holder of an auction floor buyer's licence shall render to the Secretary to the Commission, on or before the 15th January in every year, a return in Form V in the Schedule setting forth details of every purchase of tobacco by him during the preceding season together with particulars of the manner of disposal of every such purchase of tobacco. Return by auction floor buyer

5.—(1) Every permit to export tobacco shall be in Form VI in the Schedule. Permit to export tobacco

(2) A fee of 50t shall be paid in respect of every permit to export tobacco.

6. Every permit to import tobacco shall be in Form VII in the Schedule. Import permit

7.—(1) Every grower of tobacco shall, when required so to do by either the Minister or the Commission, submit to the Minister or the Commission, as the case may be, a return, in Form VIII in the Schedule, of the estimated production of tobacco by him in the current season on every estate or area of land owned or used by him for the purpose of growing tobacco, together with particulars of any tobacco sold by him during the current season. Returns by tobacco growers

[Subsidiary]

*Control of Tobacco Auction Floors (Returns and Licences) Regulations*

(2) Every return required under subregulation (1) shall be completed and sent to the Minister or the Secretary to the Commission within 21 days of the despatch of the requisition thereof by the Minister or the Commission, as the case may be.

8.—(1) If any person fails to comply with these Regulations, the Minister may cancel his registration as a seller of tobacco under the Control of Tobacco Auction Floors (Delivery Quotas) Regulations, 1971.

(2) Any person who fails to comply with these Regulations or who wilfully or recklessly makes any false statement in any return required to be made thereunder shall be liable to a fine of K100.

## SCHEDULE

## FORM I

## CONTROL OF TOBACCO AUCTION FLOORS ACT

(CAP. 65:03)

AUCTION FLOOR LICENCE

No.....

Licence is hereby granted to.....of  
..... to use the premises situated at  
..... as a licensed  
auction floor, subject generally to the Control of Tobacco Auction  
Floors Act and in particular to section 18, and to the following special  
conditions—

(1) A summary of sales shall be submitted daily and weekly in  
such forms as required by the Minister from time to time.

(2) .....

This licence expires on the 31st December, 19.....

FEE: K1,000

.....  
*Minister of Agriculture and  
Natural Resources*

## FORM II

## CONTROL OF TOBACCO AUCTION FLOORS ACT

(CAP. 65:03)

## RETURN

To: The Secretary,

Tobacco Control Commission, P.O. Box 5080, Limbe.

I/We, being the Owners of the ..... Auction  
Floor submit herewith a return of purchases of tobacco by licensed  
buyers on the above-mentioned auction floor during the year 19.....

Control of Tobacco Auction Floors (Returns and Licences) Regulations

[Subsidiary]

Name of Buyer	Amount purchased in lb.				
	Flue-cured	Fire-cured		Air or Sun-cured	Burley
		Northern Division	Southern Division		
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
<b>TOTALS</b>	.....	.....	.....	.....	.....

The average price per lb. was

{	Flue-cured .....
	Fire-cured N. Division .....
	Fire-cured S. Division .....
	Air or Sun-cured .....
	Burley .....

Signature .....

Date .....

FORM III

CONTROL OF TOBACCO AUCTION FLOORS ACT  
(CAP. 65:03)

APPLICATION FOR AUCTION FLOOR BUYER'S LICENCE

To: The Secretary,  
Tobacco Control Commission, P.O. 5080, Limbe.

I/We ..... of  
..... hereby apply for a  
licence to purchase tobacco on the .....  
Auction Floor during the year ending 31st December, 19.....

The fee of K100 is enclosed.

The following persons will be authorized to buy tobacco under the licence—

Names of buyers .....

.....

.....

.....

Signature .....

Address .....

Date .....



Control of Tobacco Auction Floors (Returns and Licences) Regulations

[Subsidiary]

FORM VI

CONTROL OF TOBACCO AUCTION FLOORS ACT  
(CAP. 65:03)

PERMIT TO EXPORT FROM MALAWI TOBACCO PURCHASED OVER A  
LICENSED AUCTION FLOOR IN MALAWI

Permission is hereby granted to .....  
of ..... to export tobacco purchased over a  
licensed auction floor during the year 19.....

This permit is issued subject to the following conditions—

(a) details of shipment giving—

- (1) type of tobacco (if fire-cured, specify whether Northern or Southern Division);
- (2) whether leaf, strips, scrap or stems;
- (3) weight—(a) dry weight—(b) equivalent green weight;
- (4) f.o.r. value; and
- (5) destination

shall be supplied under confidential cover to the Secretary, Tobacco Control Commission, not later than the 15th of each month for railings during the previous month;

(b) .....

This permit expires on the ..... day of ....., 19.....

FEE: 50t paid

Date .....

Licence No. ....

FORM VII

CONTROL OF TOBACCO AUCTION FLOORS ACT  
(CAP. 65:03)

PERMIT TO IMPORT TOBACCO

Permission is hereby granted to .....  
of ..... to import tobacco into Malawi  
for sale on licensed auction floors during the year of .....

This permit is subject to the holder complying with the Control of Tobacco Auction Floors Act, the Tobacco Act, the Customs and Excise Act, and any subsidiary legislation thereunder.

This Permit expires on the 31st December, 19.....

Date .....

Permit No.....

L.R.O. 1/1972

[Subsidiary]

Control of Tobacco Auction Floors (Returns and Licences) Regulations

FORM VIII  
CONTROL OF TOBACCO AUCTION FLOORS ACT  
(CAP. 65:03)  
ESTIMATE

MARCH RETURN:  
MAY RETURN:  
JUNE RETURN:

Tobacco Control Commission, P.O. Box 5080, Limbe.

I/We estimate that the following quantity(ies) of tobacco will be produced on my/our estate known as ..... District during the 19..... season—

	Amounts in lb.	Acreage
Flue-cured .. .. .	.....	.....
Fire-cured .. .. .	.....	.....
Air or Sun-cured .. .. .	.....	.....
Burley .. .. .	.....	.....
Turkish .. .. .	.....	.....
Date .. .. .	Signature .. .. .	.....
	Address .. .. .	.....

NOTES—(1) This return includes tobacco already sold during the current season.

(2) A separate return is required for each estate in respect of the March return, which must be submitted by 1st April. If any grower is in any difficulty in framing this estimate, the acreage to be planted multiplied by the average production during past years will give a sufficiently accurate estimate.

(3) Growers are advised that a return in which the estimates for fire-cured and sun/air-cured are bracketed together will not be accepted by the Commission. Growers must state the quality of each type they are likely to produce and the probable acreage; any variation in the weight of either type actually produced and the acreage can be corrected in the June and July returns.

(4) With regard to the June and July returns, these must be submitted by the 1st June and 1st July respectively. The estimates in these cases need not be rendered for each estate separately, but the total production and acreage should be given for each type of tobacco being produced, whether any tobacco has been sold or not.

(5) Failure by a grower to tender these returns by the due date may lead to a cancellation by the Commission of the registration as a seller of tobacco of such grower until such time as the Commission may think fit.

FORM IX  
CONTROL OF TOBACCO AUCTION FLOORS ACT  
(CAP. 65:03)

GRADER'S LICENCE

Licence is hereby granted to ..... of ..... to carry

## Control of Tobacco Auction Floors (Grading) Regulations

[Subsidiary]

on the business of grading tobacco on the premises specified below for growers for the period commencing on the 1st January, 19..... and terminating on the 31st December, 19....., for which licence the sum of K50 has been paid.

The licence is issued subject to the observance by the licensee of the Regulations issued from time to time by the Minister under section 38 of the Control of Tobacco Auction Floors Act.

Premises:

Date .....

Minister of Agriculture and  
Natural Resources

**CONTROL OF TOBACCO AUCTION FLOORS (GRADING) REGULATIONS**

G.N.  
184/1971  
86/1973

under s. 38

1. These Regulations may be cited as the Control of Tobacco Auction Floors (Grading) Regulations. Citation

2. In these Regulations, unless the context otherwise requires— Interpreta  
tion  
“funked” used with reference to tobacco means that the tobacco has no visible sign of mould, but is known to have been mouldy or has an aroma characteristic of tobacco which has been or is about to become mouldy;

“mixed” bales means bales of tobacco containing only one type of tobacco of different grades;

“scrap” means any tobacco which does not conform to any of the grades set forth in the Schedule or to the description of “strip” tobacco and shall consist of portions of leaf free from loose stem and any foreign matter or tobacco dust;

“split” bales means bales of tobacco containing one type of tobacco of not more than two different grades and packed so that each grade is separately divided from the other;

“strip” tobacco means clean and sound tobacco leaf having the midrib removed therefrom so as to leave not more than one quarter of the midrib remaining at the tip of the leaf.

3. No person shall send any tobacco for sale to a licensed auction floor unless such tobacco has been graded into one of the categories set forth in the Schedule or it is “strip” tobacco or “scrap”: Grading  
before sale

Provided that a bale of tobacco may be packed with a majority of leaves of mouldy, carbonized or funkled tobacco, if the bale is declared upon consignment and sale to be “mouldy”, “carbonized” or “funkled”, as the case may be.

L.R.O. 1/1974

[Subsidiary]

*Control of Tobacco Auction Floors (Grading) Regulations*SCHEDULE  
TOBACCO GRADES

## FIRE CURED AND SUN/AIR CURED

1. Heavy Bodied Wrapper	(a) over 23" (b) 21" to 23" (c) 19" to 21" (d) 16" to 19"	(Fully ripe, not torn, without perish or disease)
2. Thin Bodied Wrapper ...	(a) over 23" (b) 21" to 23" (c) 19" to 21" (d) 16" to 19"	(Fully ripe, not torn without perish or disease)
3. Heavy Bodied Filler ...	(a) over 23" (b) 21" to 23" (c) 19" to 21" (d) 16" to 19" (e) 12" to 16" (f) 8" to 12"	(Fully ripe, not torn, without perish or disease)  (Thick and Thin Bodied Filler)
4. Thin Bodied Filler ...	(a) over 23" (b) 21" to 23" (c) 19" to 21" (d) 16" to 19"	(Fully ripe, not torn, without perish or disease)
5. Mottled Filler ...	(a) over 19" (b) under 19"	(Mottled and Light Coloured Filler, not badly torn, without perish or disease)
6. Greenish Filler ...	(a) over 23" (b) 21 to 23" (c) 19" to 21" (d) 16" to 19" (e) 12" to 16"	(A greenish cast or running green, not badly torn, without perish or disease)
7. Heavy Bodied Torn Filler	(a) over 19" (b) under 19"	(Fully ripe, torn, with- out perish or disease)
8. Light Bodied Torn Filler	(a) over 19" (b) under 19"	(Fully ripe, torn, without perish or disease)
9. Nondescript ...	(a) over 19" (b) under 19"	(Ripe, badly torn, perished, diseased, etc.)
10. Hard Green ...	(a) over 19" (b) under 19"	(Greenish, badly torn, perished, diseased, etc. and all qualities of hard green)
11. By-Products ...	(a) Strips	(Means clean and sound tobacco hav- ing the midrib re- moved so as to leave not more than one quarter of the mid- rib remaining at the top of the leaf)

## Control of Tobacco Auction Floors (Grading) Regulations

[Subsidiary]

- (b) Scrap (Consists of portions of leaf that will not pass through a 1 inch mesh or sieve; free from loose stem and free from foreign matter and dust)
- (c) Fine Scrap (Consists of pieces of tobacco that will pass through a 1 inch mesh or sieve, but not through a  $\frac{1}{2}$  inch one and must be free from dust, loose stem and foreign matter)
- (d) Nicotine Dust (Consists of pieces of tobacco which are not big enough to be included in the "Fine Scrap" classification)

## SCHEDULE

## BURLEY

## Grade No.

1FC	..	Coloury over 19"	..	Good texture and without blemished, green or damaged leaf
1FCR	..	Light red over 19"	..	Good texture and without blemished, green or damaged leaf
2FC	..	Coloury over 19"	..	Torn, blemished and perished leaf
2FCR	..	Light red over 19"	..	Torn, blemished and perished leaf
2FCW	..	Coloury and tan over 19"	..	Waterstained leaf
3FC	...	Coloury under 19"	...	Good texture and without blemished, green or waterstained leaf
3FCR	...	Light red under 19"	...	Good texture and without blemished, green or waterstained leaf
4FC	...	Coloury under 19"	...	Torn, blemished and perished leaf
4FCR	...	Light red under 19"	...	Torn, blemished and perished leaf
4FCW	...	Coloury and tan under 19"	...	Waterstained leaf
1C	...	Coloury over 23"	...	Good texture and without blemished, green or damaged leaf
1CR	...	Light red	...	Good texture and without blemished, green or damaged leaf
1R	...	Red	...	Good texture and without blemished green or damaged leaf
1CS	...	Coloury over 23"	...	Slightly blemished, slightly torn, but not perished. No green or waterstained leaf

L.R.O. 1/1974

[Subsidiary]

*Control of Tobacco Auction Floors (Grading) Regulations**Grade No.*

1CSR	...	Light red	...	Slightly blemished, slightly torn, but not perished. No green or waterstained leaf
1RS	...	Red	...	Slightly blemished, slightly torn, but not perished. No green or waterstained leaf
1CSB	...	Coloury over 23"	...	Spotted, slightly torn leaf but not perished, green or waterstained
1CRSB	...	Light red	...	Spotted, slightly torn leaf but not perished, green or waterstained
1RSB	...	Red	...	Spotted, slightly torn leaf but not perished, green or waterstained
2C	...	Coloury 19" to 23"	...	Same quality as 1C, 1CR, 1R
2CR	...	Light red	...	Same quality as 1C, 1CR, 1R
2R	...	Red	...	Same quality as 1C, 1CR, 1R
2CS	...	Coloury 19" to 23"	...	Same quality as 1CS, 1CRS and 1RS
2CRS	...	Light red	...	Same quality as 1CS, 1CRS and 1RS
2RS	...	Red	...	Same quality as 1CS, 1CRS and 1RS
2CSB	...	Coloury 19" to 23"	...	Same quality as 1CSB, 1CRSB and 1RSB
2CRSB	...	Light red	...	Same quality as 1CSB, 1CRSB and 1RSB
2RSB	...	Red	...	Same quality as 1CSB, 1CRSB and 1RSB
3C	...	Coloury 16" to 19"	...	Same quality as 1CS, 1CRS and 1RS
3CR	...	Light red	...	Same quality as 1CS, 1CRS and 1RS
3R	...	Red	...	Same quality as 1CS, 1CRS and 1RS
3CB	...	Coloury 16" to 19"	...	Same quality as 1CSB, 1CRSB and 1RSB
3CRB	...	Light red	...	Same quality as 1CSB, 1CRSB and 1RSB
3RB	...	Red	...	Same quality as 1CSB, 1CRSB and 1RSB
4C	...	Coloury 12" to 16"	...	Same quality as 1CS, 1CRS and 1RS
4CR	...	Light red	...	Same quality as 1CS, 1CRS and 1RS
4R	...	Red	...	Same quality as 1CS, 1CRS and 1RS
4CB	...	Coloury 12" to 16"	...	Same quality as 1CSB, 1CRSB and 1RSB
4CRB	...	Light red	...	Same quality as 1CSB, 1CRSB and 1RSB
4RB	...	Red	...	Same quality as 1CSB, 1CRSB and 1RSB

Control of Tobacco Auction Floors (Grading) Regulations

[Subsidiary]

Grade No.

5C	...	Coloury 9" to 12"	...	Sound and torn leaf but not shattery, perished, green or water-stained
5CR	...	Red	...	Sound and torn leaf but not shattery, perished, green or water-stained
6C	...	Coloury over 19"	...	Torn and blemished leaf without green or waterstained
6CR	...	Light red	...	Torn and blemished leaf without green or waterstained
6R	...	Red	...	Torn and blemished leaf without green or waterstained
7C	...	Coloury under 19"	...	Same as 6
7CR	...	Light red	...	Same as 6
7R	...	Red	...	Same as 6
8C	...	Coloury over 19"	...	Shattery and blemished leaf without green or waterstained
8R	...	Red	...	Shattery and blemished leaf without green or waterstained
9C	...	Coloury 12" to 19"	...	Same as 8
9R	...	Red	...	Same as 8
10GC	...	Coloury over 19"	...	Greenish leaf without waterstain
10GR	...	Red	...	Greenish leaf without waterstain
11GC	...	Coloury 12" to 19"	...	Same as 10
11GR	...	Red	...	Green
12	...	Over 19"	...	Black, waterstained, perished and green
13	...	Under 19"	...	Same as 12
14	...	Coloury	...	Strips
15	...	Red	...	Strips
16	...		...	Scrap
17	...	Mottled (red)	...	Over 19"
18	...	Mottled (red)	...	Under 19"
19	...	Mottled (light red)	...	Over 19"
20	...	Mottled (light red)	...	Under 19"
21	...	Mottled (coloury)	...	Over 19"
22	...	Mottled (coloury)	...	Under 19"
23	...	Mottled (yellow)	...	Over 19"
24	...	Mottled (yellow)	...	Under 19"

DESCRIPTION OF FLYINGS

F—FLYINGS consist of leaf normally grown at the bottom of the stalk. Usually numbering from three to five leaves. Relatively thin and fluffy leaves which show the highest degree of maturity.

COLOUR=Coloury and light tan

SPECIAL FACTORS

F=Flyings

C=Coloury

CR=Light red or tan

S=Slightly blemished and torn

B=Spotted and slightly torn

W=Waterstained

L.R.O. 1/1974

## Control of Tobacco Auction Floors (Grading) Regulations

[Subsidiary]

No. of  
Grades

## FLUE-CURED

NOTE:—In the grades of flue-cured tobacco described below only leaf of an approximately similar length may be tied in the same hand. Hands of both short leaf and long leaf of the same grade must not be baled together. Where hands consist of leaves of the same grade of 12" or over, there must not be a discrepancy of more than 5" in length between the leaves, and a discrepancy of not more than 3" between the leaves where the hands consist of leaves under 12" in length.

No. of  
Grades

WRAPPER GRADES	...	...	...	...	...	...	...	3
WL WO WR								
LEAF GRADES	...	...	...	...	...	...	...	66
L1L L1O L1R								
L2L L2O L2R L2S								
L3L L3O L3R L3S L3D L3LK L3OK L3RK L3KR								
L4L L4O L4R L4S L4D L4LK L4OK L4RK L4KR								
L5L L5O L5R L5S L5D L5LK L5OK L5RK L5KR								
L2LF L2OF L2RF L2LV L2OV								
L3LF L3OF L3RF L3LV L3OV L3RV L3GL L3GO L3GR L3M								
L4LF L4OF L4RF L4LV L4OV L4RV L4GL L4GO L4GR L4M								
L5LF L5OF L5RF								
L5GL L5GO L5GR L5M								
LEAF GRADES (SHORT)	...	...	...	...	...	...	...	8
TL TLK TGL								
TO TOK								
TR TRK TGR								
SMOKING LEAF GRADES	...	...	...	...	...	...	...	13
H1L H1O								
H2L H2O								
H3L H3O H3R								
H4L H4O H4R								
H5L H5O H5R								
CUTTER GRADES	...	...	...	...	...	...	...	28
C1L C1O								
C2L C1O								
C3L C3O C3LF C3OF								
C4L C4O C4LF C4OF C4LK C4OK								
C5L C5O C5LF C5OF C5LK C5OK C5KR C5LV C5OV C5M								
LUG GRADES	...	...	...	...	...	...	...	36
X1L X1O								
X2L X2O X2LF X2OF								
X3L X3O X3LF X3OF X3LK X3OK								
X4L X4O X4LF X4OF X4LK X4OK X4KR X4LV X4OV X4G								
X5L X5O X5LF X5OF X5LK X5OK								
X5G X5M								
PRIMINGS	...	...	...	...	...	...	...	22
P2L P2O P2LF P2OF								
P3L P3O P3LF P3OF P3G								
P4L P4O P4LF P4OF P4G P4K								
P5L P5O P5LF P5OF P5G P5K P5M								

L.R.O. 1/1972



[Subsidiary]

Control of Tobacco Auction Floors (Delivery Quotas) Regulations

STRIPS	...	...	...	...	...	...	...	...	13
A1L A1O A1R A1G									
A2L A2O A2R A2G									
A3L A3O A3R A3G A3M									
SCRAP	...	...	...	...	...	...	...	...	4
BL BO BR BG									
NONDESCRIPT	...	...	...	...	...	...	...	...	10
NIL N1GL N2NA (Strips)									
N1O N1GO NB (Scrap)									
N1D N1GD									
N1K									
TOTAL GRADES									203

KEY TO STANDARD GRADE MARKS

<i>Groups</i>	<i>Qualities</i>	<i>Colours</i>
W — Wrappers	1 — Fine	L — Lemon
L — Leaf	2 — Choice	O — Orange
T — Short leaf	3 — Good	R — Light Mahogany
H — Smoking leaf	4 — Fair	S — Dark Mahogany
C — Cutters	5 — Low	D — Walnut
X — Lugs		KR — Dappled red
P — Primings		G — Green
A — Strips		
B — Scrap		
N — Nondescript		

SPECIAL FACTORS

- F — High Maturity (in Leaf, Cutter, Lug and Priming Grades only)
- V — Greenish
- GL — Green Tobacco on the Lemon Side
- GO — Green Tobacco on the Orange Side
- GR — Green Tobacco on the Mahogany Side
- K — Variegated (grey, slick, slaty or unnatural colour shade)
- LL — Loose Leaf
- M — Mixed (lacking in uniformity to the extent of 35 per cent. or more)
- U — Unsound (damaged, mouldy, funky)

CONTROL OF TOBACCO AUCTION FLOORS (DELIVERY QUOTAS) REGULATIONS

under s. 38

**Citation** 1. These Regulations may be cited as the Control of Tobacco Auction Floors (Delivery Quotas) Regulations.

**Interpretation** 2. In these Regulations, unless the context otherwise requires—  
 “licensed auction floor” means an auction floor licensed for the purposes of selling tobacco under section 18 of the Act;  
 “registered seller” means a person who is registered as a tobacco seller in accordance with section 23 of the Act.

## Control of Tobacco Auction Floors (Delivery Quotas) Regulations

[Subsidiary]

3.—(1) Any person wishing to sell tobacco on an auction floor shall apply to the Commission in writing for registration as a registered seller. Registration of sellers

(2) When the Commission registers a person as a registered seller it shall allocate to him a registration number, which number shall be used by the registered seller as an identity mark on every consignment of tobacco which he sells on an auction floor.

4. Immediately upon the receipt by him of the registration number allocated to him by the Commission, every seller shall forward to the owner of the auction floor at which he intends to deliver tobacco for sale payment instructions in the form set forth in the Schedule, which payment instructions shall be complied with by the owner of the licensed auction floor to which those instructions are forwarded unless the Commission is satisfied that the same are, or are calculated to be, confusing. Payment instructions

5.—(1) The Commission may allocate to every registered seller a quota expressed in terms of bales of tobacco. Quota

(2) During such periods as the Commission may determine, no registered seller shall deliver tobacco to an auction floor for sale in excess of the quotas allocated to him under subregulation (1).

6.—(1) Upon his being required so to do in writing by either the Minister or by the Commission, every holder of an auction floor licence shall furnish daily to the Minister or the Commission a return in writing of deliveries of tobacco for sale received at his premises from registered sellers and from commercial tobacco-grading firms acting as agent for registered sellers during the 24-hour period ended at four o'clock in the afternoon on the day next preceding the day on which the return is required to be made. Return in writing of deliveries

(2) Upon his being required so to do in writing by the Minister or the Commission, every holder of an auction floor licence shall, within such period as the Minister or the Commission may specify, submit a return in writing of deliveries of tobacco for sale received at his premises in every year from registered sellers and from commercial tobacco-grading firms acting as agents for registered sellers.

7.—(1) The holder of an auction floor licence shall not retain or store at his premises any tobacco delivered thereto for sale by or on behalf of a registered seller which exceeds the quota allocated to him under regulation 5 (1). Excess tobacco

(2) Any registered seller and any commercial tobacco-grading firm acting as agent for a registered seller who delivers tobacco for sale to an auction floor in excess of the quota allocated to the registered seller under regulation 5 (1) shall remove such excess within 24 hours of the time of delivery thereof at the auction floor.

L.R.O. 1/1972

[Subsidiary]

Control of Tobacco Auction Floors (Delivery Quotas) Regulations

(3) If a registered seller or a commercial tobacco-grading firm, as the case may be, fails to comply with subregulation (2), the holder of the auction floor licence in respect of the auction floor to which such excess was delivered shall return the excess to the registered seller or commercial tobacco-grading firm, at the risk may be, at the risk and expenses of the registered seller.

(4) Notwithstanding anything contained in subregulations (1), (2) and (3) the Commission may, if it thinks fit, permit such excess to be retained or stored by the holder of an auction floor licence subject to such conditions as it may impose.

Measurement of quota

8.—(1) Every bale of tobacco which is delivered for sale to an auction floor by a registered seller or by a commercial tobacco-grading firm acting as agent for a registered seller on and after a date on which quotas are allocated under regulation 5 (1) shall form part of the quota allocated to such seller, whether such bale be subsequently withdrawn from sale or not:

Provided that no bale of tobacco which is delivered to an auction floor for sale on or after the date on which quotas were allocated shall count as part of registered seller's quota if such bale had been delivered to and accepted by a railway company or road transport contractor for delivery to such auction floor prior to such date.

(2) Regulation 7(2), (3) and (4) shall apply *mutatis mutandis* to a bale of tobacco which is withdrawn from sale for any reason whatsoever.

Limit on amount stored

9. The Commission may from time to time fix the quantity of tobacco for sale which may be stored at any one time at an auction floor, and no tobacco in excess of such quantity shall be so stored:

Provided that this regulation shall not apply to tobacco which is rejected for or withdrawn from sale.

SCHEDULE

CONTROL OF TOBACCO AUCTION FLOORS ACT (CAP. 65:03)

CONTROL OF TOBACCO AUCTION FLOORS (DELIVERY QUOTAS) REGULATIONS, 1971

PAYMENT INSTRUCTIONS

To: .....

(Insert name and address of owner of licensed auction floor)

[Subsidiary]

Control of Tobacco Auction Floors (Licensed Auction Floors) Regulations

Dear Sir,

\*I/We hereby direct that all payments when due to me/us\* in respect of my/our\* tobacco sold by you, under registered number/numbers\* .....

..... be paid—

- \*(a) To me/us\* direct.
\*(b) To my/our\* account at .....
\*(c) To .....

These instructions shall continue in effect throughout the year 19..... unless earlier revoked.

Yours faithfully,

Signature.....
Designation.....
Full Name of Registered Grower.....
Address.....
Date .....

\*Delete as applicable.

NOTE—No payments will be made until this form is received by the owner of the licensed auction floor.

G.N. 186/1971
92/1975
41/1986

CONTROL OF TOBACCO AUCTION FLOORS (LICENSED AUCTION FLOORS) REGULATIONS

under s. 38

Citation

1. These Regulations may be cited as the Control of Tobacco Auction Floors (Licensed Auction Floors) Regulations.

Interpretation

- 2. In these Regulations, unless the context otherwise requires—
“funked” used with reference to tobacco means that the tobacco has no visible sign of mould, but is known to have been mouldy or has an aroma characteristic of tobacco which has been or is about to become mouldy;
“licensed auction floor” means an auction floor licensed for the purpose of selling tobacco under section 18 of the Act;
“loose leaf” means sound leaf tobacco which is packed without being tied in hands;
“nest” with its grammatical variations means the packing of tobacco into bales in such a manner as to be calculated to deceive the buyer thereof as to the nature and quality of the contents thereof;
“sales supervisor” means the person authorized by the Commission to supervise sales of tobacco on licensed auction floors;
“starter” means the employee of an owner of a licensed auction floor who is authorized to place an approximate value on tobacco offered for sale on such auction floor.

## Control of Tobacco Auction Floors (Licensed Auction Floors) Regulations

[Subsidiary]

3. Every owner of a licensed auction floor shall ensure that— Duties of owners

(a) reasonable care is used in the handling and storing of tobacco at the licensed auction floor and that bales of tobacco are laid on the floor and placed in such a manner as the Commission may from time to time require;

(b) suitable storage facilities are available for tobacco awaiting sale at all times during the tobacco selling season and that such storage facilities are used exclusively for the storing of tobacco awaiting sale during that season;

(c) fertilizers, insecticides, fungicides and other substances which are liable to contaminate tobacco are not stored or kept in any place where tobacco is, or is to be stored or offered for sale;

(d) covered bays are provided for the loading and unloading of tobacco at the licensed auction floor to the satisfaction of the Commission;

(e) accounts in respect of purchases of tobacco at the licensed auction floor are presented to the buyers thereof not later than 9.30 a.m. on the day following the sale of such tobacco at the licensed auction floor;

(f) bales of tobacco are properly sewn up after they have been put up for auction;

(g) coupon tickets are securely attached to each bale showing the amount bid per kilogram of tobacco in any bale, the weight thereof and the name of the buyer;

any dispute concerning the amount or weight of tobacco in any bale or more shall be referred to the Commission by the auctioneer or supervisor not later than two o'clock in the afternoon of the day next following the day on which the tobacco which is the subject of the dispute was sold;

(h) all tobacco is weighed not more than 72 hours before the day on which it is sold;

(i) any interest which the auctioneer, any employee of the auctioneer and any buyer (other than in his capacity as a buyer) has in any tobacco which is to be sold at the licensed auction floor is disclosed to every interested person prior to the time of the sale;

(j) such packing materials as the seller may specify are returned to him as soon as is practicable after the same shall have been returned to the owner of the licensed auction floor by the buyer under regulations 16 and 17;

(k) payment after the deduction of authorized charges is made to the seller of any tobacco not later than 24 hours after the same shall have been sold if the seller has previously

[Subsidiary]

*Control of Tobacco Auction Floors (Licensed Auction Floors) Regulations*

delivered payment instructions in accordance with regulation 4 of the Control of Tobacco Auction Floors (Delivery Quotas) Regulations, 1971;

(1) no bid is accepted from a buyer who has failed to settle his amount in accordance with regulation 16 (1) (a) or has not made an arrangement for settlement satisfactory to the seller.

Records

4.—(1) Every owner of a licensed auction floor shall keep a book in a form approved by the Commission in which shall be entered the number of bales of tobacco received in each day from each seller for sale on the auction floor together with the name of the seller and the registered number allocated to the seller under regulation 3 of the Control of Tobacco Auction Floors (Delivery Quotas) Regulations, 1971.

Sub. leg. p. 27

(2) Every entry made in the book referred to in subregulation (1) shall be made in the order in which each bale of tobacco is received and such tobacco shall be sold in that order according to its type.

(3) No tobacco which is received at a licensed auction floor after 5 p.m. on the day preceding a sale shall be sold at the sale on the day next following its receipt except with the permission of the sales supervisor.

(4) No tobacco shall be withdrawn from sale by the seller from the sale to which it has been allocated by the owner of the licensed auction floor except with the permission of the sales supervisor.

Liability  
for loss

5. The owner of a licensed auction floor shall be liable for any loss occasioned to the seller or the buyer, as the case may be, of any tobacco auctioned by error by himself, his servants or agents and shall make good any loss occasioned thereby.

Packing  
G.N.

41/1986

6.—(1) Every bale of tobacco consigned to a licensed auction floor shall be packed with uncontaminated tobacco in good handling and keeping condition:

Provided that a bale of tobacco may be packed with a majority of leaves of mouldy, carbonized or funky tobacco, if the bale is declared upon consignment and sale to be "mouldy", "carbonized" or "funky", as the case may be.

(2) Every bale of tobacco shall be properly packed so as to facilitate the inspection and storage thereof and, in particular, shall be—

(a) wrapped in hessian or such other material as the Commission may from time to time approve;

(b) sewn with cotton twine or such other material as the Commission may from time to time approve, so that no single stitch exceeds 0.08 metre in length and that no gap between

30b

Cap. 65:03 *Control of Tobacco Auction Floors*

[Subsidiary]

*Control of Tobacco Auction Floors (Licensed Auction Floors) Regulations*

delivered payment instructions in accordance with regulation 4 of the Control of Tobacco Auction Floors (Delivery Quotas) Regulations, 1971;

(1) no bid is accepted from a buyer who has failed to settle his amount in accordance with regulation 16 (1) (a) or has not made an arrangement for settlement satisfactory to the seller.

Records

4.—(1) Every owner of a licensed auction floor shall keep a book in a form approved by the Commission in which shall be entered the number of bales of tobacco received in each day from each seller for sale on the auction floor together with the name of the seller and the registered number allocated to the seller under regulation 3 of the Control of Tobacco Auction Floors (Delivery Quotas) Regulations, 1971.

Sub. leg. p. 27

(2) Every entry made in the book referred to in subregulation (1) shall be made in the order in which each bale of tobacco is received and such tobacco shall be sold in that order according to its type.

(3) No tobacco which is received at a licensed auction floor after 5 p.m. on the day preceding a sale shall be sold at the sale on the day next following its receipt except with the permission of the sales supervisor.

(4) No tobacco shall be withdrawn from sale by the seller from the sale to which it has been allocated by the owner of the licensed auction floor except with the permission of the sales supervisor.

Liability  
for loss

5. The owner of a licensed auction floor shall be liable for any loss occasioned to the seller or the buyer, as the case may be, of any tobacco auctioned by error by himself, his servants or agents and shall make good any loss occasioned thereby.

Packing  
G.N.

41/1986

6.—(1) Every bale of tobacco consigned to a licensed auction floor shall be packed with uncontaminated tobacco in good handling and keeping condition:

Provided that a bale of tobacco may be packed with a majority of leaves of mouldy, carbonized or funky tobacco, if the bale is declared upon consignment and sale to be "mouldy", "carbonized" or "funky", as the case may be.

(2) Every bale of tobacco shall be properly packed so as to facilitate the inspection and storage thereof and, in particular, shall be—

(a) wrapped in hessian or such other material as the Commission may from time to time approve;

(b) sewn with cotton twine or such other material as the Commission may from time to time approve, so that no single stitch exceeds 0.08 metre in length and that no gap between

## Control of Tobacco Auction Floors (Licensed Auction Floors) Regulations

[Subsidiary]

stitches exceeds 0.08 metre in length, which stitches shall be locked on the sides of the bale as near to the corners as is practicable.

7.—(1) Except with the permission of the sales supervisor all tobacco which is intended for sale at a licensed auction floor shall be packed in bales of a size of 0.91 metre by 0.61 metre or 0.76 metre by 0.76 metre with a depth not exceeding 0.61 metre.

Specifica-  
tions  
G.N. 92/1975  
41/1986

(2) No bale of tobacco intended for sale at a licensed auction floor shall weigh more than 108 kilograms or less than 22.5 kilograms.

(3) The size of hands of graded tobacco intended for sale at a licensed auction floor shall be not less than 0.03 metre and not more than 0.04 metre across the butt and the depth of the tie shall be not less than 0.04 metre and not more than 0.05 metre.

(4) The tobacco leaf used in tying a hand of graded tobacco shall be leaf of the same grade as the tobacco contained in the hand.

(5) Sound leaf tobacco of or exceeding 0.20 metre in length shall not be baled as loose leaf tobacco.

(6) Tobacco packed as tied leaf, loose leaf or as tobacco strip shall be straight laid in packing.

(7) Every seller shall cause the registered number allocated to him under regulation 3 of the Control of Tobacco Auction Floors (Delivery Quotas) Regulations, 1971 to be stencilled on two sides and on one side end of each bale of tobacco which he delivers for sale to a licensed auction floor in characters not less than 0.08 metre in height.

Sub. leg. p. 27

(8) Split bales of tobacco containing not more than two different grades of tobacco may be offered for sale if the minimum weight thereof is not less than 22.50 kilograms and not more than 108 kilograms and the word "split" is clearly printed and prominently displayed on any such bale and it is declared as being a "split" bale at the time it is put up for auction.

(9) "Mixed" bales of tobacco which contain only one type of tobacco may be offered for sale if they do not exceed 67.50 kilograms and not less than 22.50 kilograms net weight and the word "mixed" is clearly printed on the bale and it is declared as "mixed" at the time that it is put up for auction.

(10) In this regulation "split" bales and "mixed" bales shall have the meanings assigned thereto under the Control of Tobacco Auction Floors (Grading) Regulations, 1971.

Sub. leg. p. 27

L.R.O. 1/1987



*Control of Tobacco Auction Floors (Licensed Auction Floors) Regulations*

[Subsidiary]

8.—(1) Every seller who intends to offer for sale at a licensed auction floor any tobacco grown in a year other than the year in which it is intended to be sold shall notify the Permanent Secretary of his intention so to do not later than the 1st March in the year in which it is intended to offer such tobacco for sale.

Notification of intention to sell to Permanent Secretary

(2) No tobacco referred to in subregulation (1) shall be sent to a licensed auction floor for sale unless it is accompanied by a certificate issued by the Permanent Secretary stating that that tobacco has been inspected within 30 days of the day on which that tobacco is intended to be sold and that there is no evidence that the tobacco is infested with stored tobacco beetle (*lasioderma serricorne* F.) or stored tobacco worm (*ephestia elutella* Hb) or any other pest of stored tobacco declared as such under section 2 of the Plant Protection Act.

Cap. 64:01

9.—(1) A seller may refuse to accept the price bid for any tobacco which he has offered for sale by tearing the coupon attached to a bale containing any such tobacco before accounting data has been extracted from such bale.

Refusal to sell and repudiation of purchase

(2) A buyer whose bid has not been accepted under subregulation (1) may repudiate the purchase by him of a number of bales of tobacco equivalent to the number in respect of which such bid has been refused in respect of the same registered number or market as that of the tobacco in respect of which his bid has been so refused:

Provided that the accounting data shall not be entered up nearer than four rows behind the tobacco being currently sold.

(3) No seller who has made a bid for any tobacco being sold by him may refuse to accept the final price bid for such tobacco.

10. When, before the accounting data has passed such tobacco, the buyer thereof discovers that it is badly handled, mixed, funky, damaged or wet he may notify the sales supervisor of his desire to repudiate the purchase of such tobacco.

Discovery of damaged tobacco

11. Where a buyer discovers that a bale of tobacco which has been purchased by him is nested he may report that fact to the sales supervisor, who shall inspect the bale and report his findings to the Commission, and if the Commission is satisfied that such bale is nested it may—

Discovery of nested bale

- (a) cancel the sale of such bale; and
- (b) confiscate the bale; and

L.R.O. 1/1976

[Subsidiary] *Control of Tobacco Auction Floors (Licensed Auction Floors) Regulations*

(c) order the seller of such bale to make good any loss which has been occasioned to the buyer as a result of the sale of such bale:

Provided that no report by a buyer under this regulation shall be considered unless the same is made to the sales supervisor within 48 hours of the sale to which such report relates.

Discovery  
of mouldy  
tobacco

12. Where a buyer discovers that a bale of tobacco purchased by him contains mouldy tobacco, the presence of which was not apparent at the time of the sale thereof, he may report such fact to the sales supervisor, who shall forthwith inspect the bale and report his findings to the Commission, and the Commission may, if it is satisfied that the bale contained mouldy tobacco, cancel the sale:

Provided that no report by a buyer under this regulation shall be considered unless the same is made to the sales supervisor within 48 hours of the sale to which such report relates.

Dispute over  
ownership

13. Where two or more buyers claim to be the purchaser of the same bale of tobacco such tobacco shall, if every one of such buyers save one does not abandon his claim, be re-offered for sale.

Suspicion  
of tobacco  
beetle

14. The sales supervisor or any employee of an owner of a licensed auction floor may cause any tobacco sent for sale to a licensed auction floor which he suspects of being infested with stored tobacco beetle (*lasioderma serricorne* F.) to be removed from the licensed auction floor at the expense of the seller and shall forthwith report the matter to the Commission and to the Permanent Secretary.

Rejection  
by sales  
supervisor

15.—(1) The sales supervisor may reject any bale of tobacco which does not conform to the standards laid down by the Minister under these Regulations, or under any other regulations in that behalf made by the Minister, and any bale of tobacco so rejected shall, unless re-offered, be returned to the seller at the expense of the seller.

(2) The decision of the sales supervisor shall be final and not subject to appeal where there is any dispute as to—

- (a) the grade of any tobacco in any bale;
- (b) whether tobacco in any particular bale is of different grades in sufficient proportion to justify the rejection of any such bale;
- (c) whether tobacco in any particular bale is nested or composed of loose leaf.

Duties of  
buyer

16.—(1) Every buyer shall—

- (a) settle his account in respect of all tobacco purchased by him within half an hour of the close of banking hours on the normal business day next following the day of the sale;

(b) remove all tobacco purchased by him from the licensed auction floor within 5 hours of the close of the sale thereof, after which time the owner of the licensed auction floor shall be under no responsibility or liability whatsoever in respect of the custody, storage or safe keeping of such tobacco;

(c) give a receipt which shall be clipped with his distinctive mark in respect of all tobacco purchased by him at and removed by him from a licensed auction floor;

(d) make into bundles, containing not more than 25 pieces, the hessian or other specified material in which tobacco purchased by him was wrapped, and return such hessian or other specified material, or an equivalent amount of the same quality and size, to the owner of the licensed auction floor;

(e) mark each bundle made up under paragraph (d) with the registered number or mark, if any, of the seller of the tobacco which was wrapped in the material contained in such bundle together with the number of pieces contained therein:

Provided that a buyer shall not be required to comply with paragraphs (d) and (e) in respect of any hessian or other specified material which is the subject of a special arrangement as to their return made between the buyer and the seller of the tobacco which was wrapped in such hessian or other material.

(2) If any tobacco is not removed from a licensed floor in accordance with subregulation (1) (b) the Minister may suspend the auction floor buyer's licence of the buyer so failing to comply until such time as he is satisfied that proper arrangements have been made by such buyer for the removal of all tobacco purchased by him.

(3) All tobacco shall be cleared within the time fixed by the Minister, commencing with the first row of bales and thereafter in rotation until the last row is cleared.

17. A buyer who has not made a special arrangement with the seller for the return to the seller of the hessian or other specified material in which the tobacco purchased by him was wrapped, and who fails to comply with regulation 16 (1) (d) shall pay to the owner of the licensed auction floor for and on behalf of the seller the sum of 50 tambala in respect of each piece of hessian or other specified material not returned by him to the seller by the 31st January in the year next following the year of the sale, and in default of so doing he may be sued therefor by the owner of the licensed auction floor in the name, and at the suit, of such owner.

Failure to  
return  
wrapping

18. No buyer shall take up his position in the line between the starter, auctioneer or ticket marker.

Position  
of buyer

[Subsidiary]

*Control of Tobacco Auction Floors (Graders' Licensing) Regulations*

Dispute:

19. In the event of any dispute arising under or as to any of these Regulations, except a dispute as is referred to in regulation 15 (a), the same shall be referred to the Minister through the Commission, whose decision in such matter shall be final and not subject to appeal.

Alteration of particulars

20. No alteration of any particulars recorded on any bale of tobacco shall be made except by a person authorized in that behalf by the Commission:

Provided that—

(i) a buyer of any bale of tobacco may make an alteration in respect of his own grade classification of such bale;

(ii) a buyer who takes over a bale of tobacco from either the house account or from another buyer may make any necessary alteration as to that fact on the bale ticket of such bale.

Initialling of alterations

21. Any person who makes an alteration under regulation 20 shall initial the same and, in the case of an alteration made under proviso (ii) to that regulation, the alteration shall also be initialled by every previous buyer of the bale.

Sale of rejected bales

22. Any bale of tobacco which has been rejected in accordance with regulation 15 (1) at a previous sale may be re-offered for sale once only if such bale be declared at the time of such subsequent sale as being a re-offered bale.

Any bale of tobacco which, when re-offered under this regulation, is rejected or not purchased, shall be returned to the seller at the seller's expense.

Disposal of unsold bales

23. The owner of a licensed auction floor may destroy or dispose of bales which have not been sold at any auction within 14 days of the end of such auction if the owner thereof has not given instructions with regard to the disposal thereof.

G.N.  
187/1971  
43/1986**CONTROL OF TOBACCO AUCTION FLOORS  
(GRADERS' LICENSING) REGULATIONS***under s. 38*

Citation

1. These Regulations may be cited as the Control of Tobacco Auction Floors (Graders' Licensing) Regulations.

Appointment of grading inspectors

2.—(1) The Minister may appoint fit and proper persons to be grading inspectors for the purpose of enforcing and supervising these Regulations.

(2) Any person who obstructs a grading inspector in the execution of his duty shall be guilty of an offence.

## Control of Tobacco Auction Floors (Graders' Licensing) Regulations

[Subsidiary]

3.—(1) No person shall carry on the business of grading tobacco for profit or gain unless he is licensed as a grader under these Regulations: Business of grading tobacco

Provided that this subregulation shall not apply to a grower of tobacco who grades his own crop, or any employee or servant of such grower.

(2) Every application for a grader's licence shall be made in writing to the Minister through the Commission, and the Minister may issue or refuse to issue such a licence, at his discretion.

(3) Every applicant for a grader's licence shall furnish to the Minister such information as the Minister may require with respect to his qualifications as a grader and the facilities which he has available for grading tobacco, together with the names and qualifications of the persons who will be in charge of grading tobacco under his supervision.

(4) Any person who, not being a grower of tobacco grading his own crop of tobacco or an employee or servant of such a grower, grades tobacco for profit or gain without being licensed in that behalf under the Act shall be guilty of an offence.

4.—(1) Every grader's licence shall, unless the same shall be cancelled under these Regulations or any other regulations made under the Act be valid until the 31st December of the year in respect of which it is issued. Licence validity, issuance and fee

(2) The Minister may issue a grader's licence in the name of an individual, a company or a partnership.

(3) A fee of K50 shall be paid by the licensee in respect of every grader's licence.

(4) No person shall be employed or commissioned to be in charge of grading tobacco unless that person has practical experience of grading tobacco to the satisfaction of the Minister.

(5) No person shall be employed or commissioned as an assistant tobacco grader unless, in the opinion of a grading inspector, the employment of such person is necessary for the proper handling of tobacco being, or having been, graded.

5.—(1) Every licensed grader shall grade tobacco in accordance with these Regulations and any other regulations made in that behalf by the Minister under the Act, and any licensed grader who fails to comply with or contravenes this subregulation shall be guilty of an offence. Method of grading

(2) Every grader's licence shall specify the premises on which tobacco may be graded and no licensed grader shall grade tobacco on any premises not specified in the relevant trader's licence.

*Control of Tobacco Auction Floors (Graders' Licensing) Regulations*

(3) Every building in which tobacco is graded shall be properly constructed and suitably lighted.

(4) Adequate storage space shall be provided in a properly constructed enclosed building with floors or floor covering suitable for storing bales of tobacco prior to or after the same being graded.

(5) The floors of grading and storage sheds shall be constructed of suitable material of such construction as to permit of their being kept properly clean, and every such floor shall be covered with suitable material unless the floor be constructed of smooth impervious cement, smooth tarmac or smooth wood.

(6) If the Minister shall so direct, in any particular case, a grading shed shall be equipped with adequate means of maintaining therein a degree of humidity, to the satisfaction of the Minister, suitable for the proper handling of tobacco.

(7) All tobacco which has been, or is to be, graded shall be packed in the manner prescribed by these Regulations or any other regulations in that behalf made by the Minister under the Act.

(8) All tobacco which has been graded shall be properly stored prior to its being baled and despatched to an auction floor.

Grading  
return

6. As soon as is practicable after any tobacco has been graded, the licensed grader shall send to the owner of such tobacco a grading return in Form I in the Schedule, or in such other form as the Minister may approve.

Cancellation  
of licence

7. The Minister may, after considering a report of a grading inspector, cancel the licence of any licensed grader if he is of opinion that such grader has not been complying with or has contravened any of the provisions of these Regulations or of any other regulations in that behalf made by the Minister under the Act:

Provided that the Minister shall not cancel the licence of any licensed grader unless he has been afforded an opportunity of making such representations as he may wish to make.

Inspection  
of premises

8. For the purpose of ascertaining whether these Regulations and any other regulations made by the Minister under the Act are being complied with, a grading inspector may, without previous notice and at any reasonable time of the day, enter upon any premises used by a licensed grader for the purpose of grading or storing tobacco, and also enter upon any premises which such grading inspector may reasonably suspect as being used for the purpose of grading or storing tobacco, and make such examination or enquiry as such grading inspector may deem necessary.

Control of Tobacco Auction Floors (Rejection of Contaminated Tobacco) Regulations [Subsidiary]

9. Any person who is convicted of an offence under these Regulations shall be liable to a fine of K200 and to imprisonment for three months. Penalty

SCHEDULE

FORM I

CONTROL OF TOBACCO AUCTION FLOORS ACT

(CAP. 65:03)

	GRADING	RETURN
Owner's Name .....	Reg. No.....	
Date graded .....		
Weight received ..... lb.	Remnants .....	lb.
Weight graded .....lb.		
Weight for despatch to floors .....		lb. leaf
		lb. strips
		lb. scrap
Total weight for despatch to floors .....		lb.
Remnants of graded tobacco on hand	%.....	lb.
Loss in grading		
	Remarks	
.....		
.....		
Date .....	Signed.....	

CONTROL OF TOBACCO AUCTION FLOORS (REJECTION OF CONTAMINATED TOBACCO) REGULATIONS

G.N. 160/1972

under s.38

1. These Regulations may be cited as the Control of Tobacco Auction Floors (Rejection of Contaminated Tobacco) Regulations. Citation

2. The Tobacco Control Commission shall have power to reject any tobacco brought to any auction floor containing contaminants set out in Column one in excess of the quantities respectively set out in Column two of the Schedule hereto. Power of commission to reject contaminated tobacco

3. Any tobacco rejected in terms of the preceding regulation shall not be sold within Malawi or be exported from Malawi without the written authority of the Tobacco Control Commission. Rejected tobacco not to be sold

4. No person in charge of any auction floor shall accept tobacco from any person whose tobacco is rejected pursuant to regulation 2 of these Regulations without the prior approval of the Tobacco Control Commission. Auction floors not to accept tobacco from person whose tobacco is rejected

SCHEDULE

Column one		Column two
DDT .. ..	.. ..	1.00 ppm.
Lindane .. ..	.. ..	1.00 ppm.
Dieldrin .. ..	.. ..	0.20 ppm.
Aldrin .. ..	.. ..	0.20 ppm.

L.R.O. 1/1573