

THE NATIONAL AGRICULTURAL MARKETING BOARD ACT, 1985

*Date of commencement: 1st February, 1986*

*An Act to establish the National Agricultural Marketing Board.*

*Arrangement of Sections*

*Section*

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*Short title and commencement.*

1. This Act may be cited as the National Agricultural Marketing Board Act, 1985.

*Interpretation.*

2. In this Act, unless the context otherwise requires —

“Board” means the National Agricultural Marketing Board established under section 3;

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“Minister” means the Minister responsible for Agriculture and Co-operatives;

“scheduled products” means products designated as such under section 15.

*Establishment of Board.*

3. There is hereby established the National Agricultural Marketing Board which shall be a body corporate with perpetual succession and a seal, capable of suing and of being sued in its corporate name, capable of acquiring and alienating movable and immovable property and of performing such other acts as a body corporate may lawfully perform.

*Membership of the Board.*

4. (1) (a) The Board shall consist of the following members all of whom shall be appointed by the Minister —

- (i) a Chairman;
- (ii) a representative of the Ministry responsible for agriculture;
- (iii) a representative of the Ministry responsible for commerce;
- (iv) a representative of the Central Co-operative Union;
- (v) one person representing retailers of fruits and vegetables;
- (vi) three persons who shall represent farmers; and
- (vii) two persons with such qualifications and who shall represent such organizations as the Minister may determine.

(b) The Minister may designate a public officer to be the Executive Officer and Secretary to the Board.

(2) A member of the Board who is not a public officer shall hold office for such period not exceeding three years and on such other terms and conditions as the Minister may determine and shall be eligible for re-appointment.

*Functions of the Board.*

5. In the exercise of its powers under section 5 and subject to any directions of a general nature which may be given to it by the Minister under section 7, the Board may —

- (a) register wholesale distributors, importers and exporters of scheduled products;
- (b) facilitate in such manner as it may consider appropriate, the production, processing, storage, transportation, distribution and sale of scheduled products;
- (c) where required to do so, advise the Government in all matters related to the availability of and demand for scheduled products;
- (d) perform such other functions as may from time to time be determined by the Minister.

*Powers of the Board.*

6. In the exercise of its functions under section 5, the Board may —
- (a) require any person wishing to engage or who is engaged in importing and exporting scheduled products to register with and obtain a permit from the Board;
  - (b) nominate and empower any person or body to import or export scheduled products;
  - (c) determine the quantity, quality, grade or class of scheduled products that shall be subject to control and designate the place and manner of distribution of scheduled products;
  - (d) require from any person information relating to the source, type, grade, quantity and price of scheduled products;
  - (e) prescribe and collect permit fees and impose such levy as may be appropriate on the value of scheduled products.

*Power of the Minister.*

7. The Minister may give directions of a general nature to the Board relating to the performance of its duties and the Board shall comply therewith.

*Appeal to the Minister.*

8. A person aggrieved by any decision of the Board not to grant a permit to import or export scheduled products may, within thirty days of his being informed of such decision, appeal to the Minister in writing whose decision thereon shall be final.

*Procedure of the Board.*

9. (1) The proceedings of the Board and other matters relating thereto shall be governed by the provisions set out in the Schedule hereto.
- (2) The Minister may, by Notice in the Gazette amend the Schedule.

*Funds and assets of the Board.*

10. The funds and assets of the Board shall consist of —
- (a) all moneys or property that may from time to time be donated, lent or granted to the Board;
  - (b) all property and investments acquired by or vested in the Board and all money earned arising therefrom;
  - (c) all moneys raised or borrowed by the Board;
  - (d) all other moneys or property that may in any manner become payable to or vested in the Board in respect of any matter incidental to its powers and functions.

*Borrowing powers of the Board.*

11. The Board may, with the approval of the Minister, borrow such sums as it may require for meeting its obligations or exercising or performing its functions.

*Financial year.*

12. The Financial year of the Board shall run from the 1st January, to the 31st December in one year:

Provided that the first financial year may be shorter or longer than twelve months if the Board so determines.

*Accounts and audit.*

13. (1) The Board shall cause to be kept books of account in proper form as well as all necessary records in connection therewith.

(2) The accounts of the Board shall be subject to an annual audit by an auditor appointed by it and approved by the Minister.

(3) The Board shall within six months after the end of each financial year —

(a) report to the Minister in such form as the Minister may direct on the performance by it of its functions;

(b) deliver to the Minister a copy of its accounts audited in accordance with subsection (2).

(4) The Minister shall lay before Parliament copies of all audited accounts as soon as practicable after he has received them.

*Offences and penalties.*

14. A person who fails to comply with instructions issued under section 6(a) and (d) or who fails to pay a fee or levy imposed under section 6(c), shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred emalangeni or imprisonment for three months.

*Regulations.*

15. The Minister may make Regulations prescribing scheduled products and generally giving effect to the provisions of this Act.

## SCHEDULE (Section 9)

## RULES OF PROCEDURE OF THE BOARD

1. The Board shall meet at least once every three months.
2. The Chairman of the Board shall convene and preside at all meetings of the Board.
3. In the absence of the Chairman, but subject to the quorum, the Board shall appoint an Acting Chairman from among the members present to preside at a meeting of the Board.
4. The quorum for a meeting of the Board shall be five members.

5. All decisions of the Board shall be made by a majority of the votes of the members present and in the event of an equality of votes, the Chairman or Acting Chairman as the case may be, shall have a casting vote in addition to his deliberative vote.
6. Subject to the Act and this Schedule, the Board may regulate its own proceedings.

THE SCHEDULED PRODUCTS REGULATIONS, 1986  
(Under section 15)

In exercise of the powers conferred by section 15 of the National Agricultural Marketing Board Act, 1985 the Minister for Agriculture and Co-operatives hereby makes the following Regulations:

*Citation and commencement.*

1. These Regulations may be cited as the Scheduled Products Regulations, 1986 and shall come into force on the 1st May, 1986.

*Scheduled products.*

2. The scheduled products shall be as set out in the Schedule hereto.

SCHEDULE

SCHEDULED PRODUCTS

(Amended LN.42/1991; L.N.47/1991; L.N.138/1991; L.N.69/1992.)

(a) Maize and maize Products

(b) Rice

(c) All fresh commodities or products categorised as fruits, including —

- |                |                    |
|----------------|--------------------|
| — apples       | — grapes           |
| — peaches      | — bananas          |
| — pears        | — litchis          |
| — plums        | — pineapples       |
| — cherries     | — avocados         |
| — apricots     | — granadillas      |
| — guavas       | — raspberries      |
| — strawberries | — avocados         |
| — mangoes      | — paw-paw (papaya) |

(d) All fresh commodities or products categorised as vegetables, including —

- |                  |               |
|------------------|---------------|
| — cabbage        | — green beans |
| — carrots        | — green maize |
| — cauliflower    | — lettuce     |
| — cucumber       | — gem squash  |
| — potatoes       | — spinach     |
| — tomatoes       | — hot pepper  |
| — garlic         | — pumpkins    |
| — sweet potatoes | — turnips     |
| — beetroots      | — parseley    |
| — peas           | — onions      |

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- (e) all slaughtered poultry and poultry products including —
  - frozen chicken
  - chilled chicken pieces
  - frozen chicken pieces
  - table eggs
  - chilled chicken
- (f) wheat and wheaten products including —
  - bran
  - white bread flour
  - cake flour
  - brown bread flour
  - self-raising four
- (g) live cattle and carcass meat.

THE IMPORT AND EXPORT OF SCHEDULED PRODUCTS REGULATIONS, 1991  
(Under Section 15)

*Citation.*

1. These Regulations may be cited as the Import and Export of Scheduled Products Regulations, 1991.

*Interpretation.*

2. In these Regulations "Act" means the National Agricultural Marketing Board Act, 1985.

*Registration of Importers and Exporters of Scheduled Products.*

3. (1) No person shall engage in the importation or exportation of scheduled products unless he has applied to be registered by the Board.  
(2) An application to the Board for registration under sub-paragraph (1) shall be in the form prescribed in the Schedule to these Regulations.  
(3) Every application for registration shall be accompanied by a fee of E10 which is refundable if the application is unsuccessful.

*Permits.*

4. (1) The Board shall, upon registration of any person under paragraph 3, issue to that person a permit which shall entitle him to import or export scheduled products.  
(2) No permit shall be required for the importation or exportation of scheduled products which do not exceed 20 kilogrammes in weight.

*Duration of Permit.*

5. A permit issued or renewed under paragraph 4 or paragraph 6 shall be valid for a period of one month, and shall expire on the last day of the month for which it was issued or renewed.

*Renewal of Permits.*

6. A permit issued under paragraph 4 may be renewed upon application made to the Board by the holder of the permit for a period of one month.

*Levy on Scheduled Products.*

7. The Board may by notice published in the Gazette impose under Section 6 of the Act such levy as may be appropriate on the value of scheduled products.

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*Revocation.*

8. The following Legal Notices are hereby revoked:  
The Import and Export of Scheduled Products Notice, 1986; and  
The Import and Export of Scheduled Products (Amendment) Notice, 1988.

*Unexpired Permits to be valid.*

9. Permits issued by the Board before the commencement of these Regulations which have not expired shall be valid until they expire.