

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

under s. 38

G.N. 160/1972

6/2005

1. Citation

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

2. Power of Commission to reject contaminated tobacco

The Tobacco Control Commission shall have power to reject any tobacco brought to any auction floors—

(a) containing contaminants set out in Column 1 in excess of the quantities respectively set out in Column 2 of the Schedule;

(b) packed in any bale, and mixed with plastic or plastic material, synthetics or other non-tobacco-related substances or objects.

3. Owner of rejected tobacco to remove plastic, etc.

(1) Any tobacco rejected pursuant to regulation 2 (b) shall be withdrawn from sale at the auction floors forthwith, and shall not be brought back for sale at any auction floors unless the seller or owner of the tobacco has removed, at his own expense, every piece of plastic or plastic material, synthetic or other non-tobacco-related substance or object found or embedded in every bale of tobacco brought to the auction floors, and the seller or owner of the tobacco has certified in writing to the Tobacco Control Commission that the tobacco is free of any plastic or plastic material, synthetics or other non-tobacco-related substances or objects.

(2) Any tobacco packed in any bale, and found to be mixed with plastic or plastic material, synthetics or other non-tobacco-related substances or objects after purchased by any buyer and in possession of the buyer before loss of identity of the bale shall be reported to, and the contamination certified by, the Tobacco Control Commission, and shall be rid of plastic or plastic material, synthetics or other non-tobacco-related substances or objects at the expense of the seller or owner of the tobacco in the current or subsequent selling season.

4. Rejected tobacco not to be sold

Any tobacco rejected pursuant to regulation 2 shall not be sold within Malawi or be exported from Malawi without the prior written authority of the Tobacco Control Commission.

5. Auction floors not to accept tobacco from persons whose tobacco is rejected

No person in-charge of any auction floors shall accept tobacco from any person whose tobacco has previously been rejected pursuant to regulation 2 without the prior written approval of the Tobacco Control Commission.

6. Penalties

(1) Any person whose tobacco is rejected at any auction floors pursuant to regulation 2 shall be liable to pay to the Tobacco Control Commission a penalty of K25 per kg of the rejected tobacco.

(2) The Tobacco Control Commission shall cause the person in-charge of any auction floors to deduct the penalty payable under this regulation from the proceeds of the sale of tobacco of the seller or owner of the tobacco, and shall deposit all penalties payable under this regulation into a fund to be administered by the Tobacco Control Commission for the promotion of a tobacco grower information programme, or any other purpose approved by the Tobacco Control Commission.

(3) The Tobacco Control Commission shall have the power to suspend, for such period as the Tobacco Control Commission shall determine, any person from selling tobacco at any auction floors who persistently brings to any auction floors tobacco mixed with plastic or plastic material, synthetics or other non-tobacco-related substances or objects.

SCHEDULE reg. 2 (a)

Column 1	Column 2	DDT	1.00 ppm	Lindane	1.00 ppm	Dieldrin	0.20 ppm	Aldrin	0.20 ppm
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