

SECTION 14-THE AGRICULTURAL CREDITS (REGISTRATION) REGULATIONS

Statutory
Instrument
91 of 1996

Regulations by the Minister

1. These Regulations may be cited as the Agricultural Credits (Registration) Regulations.

Title

2. In these Regulations, unless the context otherwise requires-

Interpretation

"the register" means the register directed to be kept under the Act;

"Registrar" means the person appointed as such in each District Agricultural Office under section *eight* of the Act.

3. (1) The register shall contain the following particulars:

Form of and
particulars in
register

(a) the date of the instrument creating a charge;

(b) the surname, Christian names, and National Registration Card number of the farmer whose farming stock and other agricultural assets are affected by a charge;

(c) the amount or commodity secured by a charge;

(d) whether a charge is a fixed or floating charge, or both;

(e) in the case of a fixed charge, details of the nature of the property affected by such charge, as given in the memorandum accompanying an application for the registration of a charge;

(f) the name and address of the holder of the charge;

(g) the number assigned to the memorandum and the time and date of the reception of such memorandum.

(2) The register shall-

(a) be in the form set out in Form 1 of the First Schedule; and

(b) bear the surnames in alphabetical order of farmers who have created an agricultural charge.

4. Any person who requires a certificate of the result of an official search of the register may obtain the same by sending by post or delivering to the Registrar a requisition in the form set out in Form 2 of the First Schedule, and upon receipt of such requisition, the Registrar shall, on payment of the fees set out in the Third Schedule, furnish a certificate in the form set out in Form 2 of the First Schedule.

Procedure for
certificate of result
of official search of
register

5. An application for the registration of a charge, certified copies of, or extracts from, the register or memoranda filed as are open to public inspection, shall-

Application for
registration of
charge

(a) be made on the appropriate forms as set out in the Second Schedule; and

(b) furnish the particulars required in the forms.

6. An application for registration of a charge shall be accompanied by a memorandum and the prescribed fee.

Memorandum and
fee to accompany
application for
registration

7. Upon receipt of an application for registration of a charge as specified in regulation 6, the Registrar shall-

Duties of Registrar
on receipt of
application for
registration

(a) assign a number to the memorandum; and

(b) note thereon the date and time of its reception.

8. (1) An application for the noting of a discharge in the register shall-

Application for
noting of
discharges in
register

(a) be made in Form 6 as set out in the Second Schedule;

(b) furnish the particulars required in the forms.

(2) On receipt of an application under sub-regulation (1), the Registrar may require the applicant to produce such evidence as the Registrar may consider necessary to prove that the charge has been discharged.

(3) When the Registrar is satisfied that a charge has been discharged, the Registrar-

(a) shall enter the fact of such discharge in the register; and

(b) may destroy the memorandum filed in respect of such charge after the lapse of a period of twelve months from the date of such discharge.

(4) Upon receipt of an application in Form 7 as set out in the Second Schedule, the Registrar shall furnish a certificate that the discharge of a charge has been entered in the register.

9. The office of the Registrar shall be open to the public for the transaction of business on weekdays, only, from 0900 hours until 1200 hours.

Hours of business

10. For any registration or for any matter or thing done or prescribed under the Act or these Regulations there shall be paid the fees set out in the Third Schedule.

Prescribed fees

11. The Agricultural Credits (Registration) Rules, 1962 are hereby revoked.

Revocation of
Government Notice
33 of 1962

FIRST SCHEDULE

FORM 1

AGRICULTURAL CHARGES REGISTER

Date of instrument of change	Name of farmer (surname and full Christian name)	National Registration Card Number	Amount Secured	Nature of charge (fixed, floating or both) and of property affected thereby	Name and address of holder of charge	Memorandum number

FORM 2

The Agricultural Credits Act

REQUISITION FOR AN OFFICIAL SEARCH

I/We hereby require an official search to be made in the Agricultural Charges Register for any subsisting entries therein against the persons whose full names, addresses and descriptions are set out below.

Signature of applicant.....

CERTIFICATE OF OFFICIAL SEARCH: REQUISITION NO.

Date of instrument of change	Name of farmer (surname and full Christian name)	National Registration Card Number	Amount Secured	Nature of charge (fixed, floating or both) and of property affected thereby	Name and address of holder of charge	Memorandum number	Time a

Fee paid

Receipt No

Registrar

SECOND SCHEDULE

FORM 3

APPLICATION FOR REGISTRATION OF CHARGE

I/We

of

hereby apply for the registration of the Memorandum of an Instrument in writing creating an Agricultural Charge under the Agricultural Credits Act. Short particulars of the said Instrument are given in the Memorandum below.

Signature of applicant

(on behalf of)

Address

Date

FORM 4

MEMORANDUM OF CHARGE

Particulars

1. Date of Instrument
2. Name and address of the farmer who created the charge:
Surname
Christian name(s)
Address
National Registration Card No.
3. Amount secured by charge, K
4. The charge is a charge. (in the case of a fixed charge, insert below details of the nature of the property affected by the charge, and if a future or growing crop, details of the nature of such crop and the crop year, e.g. maize 1996/97).

.....
.....
.....
.....

5. Name and address of the holder:

Name

Address

I hereby concur in the above application.

Signature of farmer(s)

.....

Date and time of reception

Receipt No

This form should be varied by the insertion of further details of names and addresses in paragraph 2 of the Memorandum of Charge when the charge is created by two or more farmers in partnership or as a group or association.

FORM 5

APPLICATION FOR A CERTIFIED COPY OF THE MEMORANDUM FILED IN THE REGISTRY UNDER THE ACT

I/We hereby apply for a certified copy of the Memorandum of Charge attached to the
Application for Registration of Charge filed in the Registry under the above Act against

the following name on the day
of,

19....., under Memorandum No

Surname of farmer

Christian name(s)

Signature of applicant or his solicitors/advocates

Address

Date

Receipt No.

FORM 6

NOTIFICATION OF DISCHARGE IN THE REGISTER ON PROOF OF DISCHARGE

I hereby apply for the noting in the register against the entry of the Agricultural Charge
registered against the following name or names on the

day of , 19....., under Registered
No.

that the charge has been discharged.

Surname of farmer

Christian name(s)

Signature of applicant or his solicitors/advocates

Address

Date

I, the undersigned, being the holder/person authorised to agree on behalf of the holder,
hereby agree to the noting of the discharge of the above charge which has been satisfied.

Signature of holder/person signing on behalf of the holder

Address

Date

Receipt No.

FORM 7

APPLICATION FOR A CERTIFICATE THAT THE DISCHARGE OF A CHARGE HAS BEEN ENTERED IN THE REGISTER

I hereby apply for a certificate that an entry has been made in the register to the effect
that an Agricultural Charge which was registered under Register No.

..... against the following name or names was discharged on
the day of , 19.....

Surname of farmer

Christian name(s)

Signature of applicant or his solicitors/advocates

Address

Date

It is hereby certified that the above entry has been made in the register.

Date

Registrar

Receipt No.

THIRD SCHEDULE

(Regulation 10)

PRESCRIBED FEES

	<i>Fee units</i>	
Registration pursuant to provisions of section 8 (2)	11	
Inspection pursuant to provisions of section 8 (3)	6	
Taking copies pursuant to provisions of section 8 (4)		6
Certificate of official search	11	
Certificate of copy of an entry in the register	6	