

SUBSIDIARY LEGISLATION

DAIRY PRODUCE MARKETING AND LEVY

CAP. 234

SECTION 31-THE DAIRY PRODUCE MARKETING AND LEVY (GENERAL) REGULATIONS Regulations by the Minister

*Federal
Government
Notices
149 of 1962
184 of 1962
Government
Notice
91 of 1964
Statutory
Instruments
335 of 1966
274 of 1967
36 of 1968
Act No.
13 of 1994*

1. These Regulations may be cited as the Dairy Produce Marketing and Levy (General) Regulations. Title

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

Interpretation

"month" means one of the twelve parts into which a year is ordinarily divided in the calendar;

"prescribed area" means an area prescribed in regulation 3;

"Secretary" means the Secretary to the Dairy Produce Board.

(As amended by G.N. No. 91 of 1964)

3. (1) The areas prescribed for the purposes of subsection (1) of section *twenty-five* of the Act are the areas set out in the Second Schedule.

Prescribed areas and prohibition of removal of milk

(2) No milk produced within an area prescribed in sub-regulation (1) shall be removed from the premises on which it is produced for any purpose other than for delivery to the Dairy Produce Board.

(3) For the purposes of sub-regulation (2), premises shall mean any division or subdivision of land used for the purpose of keeping cattle for production of milk or meat.

(S.I. No. 36 of 1968)

4. (1) The dealer prescribed for the purposes of subsection (2) of section *two* of the Act is the Zambezi Co-operative Dairies, Limited.

Prescribed dealers and producers

(2) The dealers or classes of dealers prescribed for the purposes of subsection (1) of section *twenty-five* of the Act are-

(a) the Zambezi Co-operative Dairies, Limited;

(b) dealers who, for the purposes of resale, buy cream, milk or skim milk from the dealer referred to in paragraph (a);

(c) dealers to whom a registered producer-retailer sells cream, milk or skim milk in accordance with the conditions imposed upon him on registration.

(3) The class of producer prescribed for the purposes of subsections (2) and (3) of section *twenty-five* of the Act are those producers who do not sell milk or a milk product within a prescribed area.

(As amended by F.G.N. No. 184 of 1962
and G.N. No. 91 of 1964)

5. (1) An application in terms of subsection (1) of section *twenty-six* of the Act for registration of a producer-wholesaler or producer-retailer shall be made to the Board- Registration of producers

(a) in the case of a person who, after the 18th May, 1962, becomes a producer-wholesaler or producer-retailer who is required in terms of section *twenty-five* of the Act to be registered, not less than ten days before the date he becomes such a producer;

(b) in the case of a registered producer-retailer who wishes to apply for registration for the year following that in respect of which he is registered, after the 1st November and before the 15th December of the year in respect of which he is registered.

(2) In addition to the information specified in paragraphs (a) to (e) of subsection (2) of section *twenty-six* of the Act, the following particulars shall be stated by an applicant for registration in his application:

(a) his full name and his postal address;

(b) if within twelve months of the date of application he has acquired any premises where he produces milk or he is in the process of acquiring those premises, the name of the person from whom he has acquired or is acquiring, as the case may be, those premises;

(c) if he proposes to sell milk, the quantity of milk that he estimates he will sell each month;

(d) if he proposes to sell any milk product, the quantity of each type of milk product he estimates that he will sell each month;

(e) in the case of a person who wishes to be registered as a producer-wholesaler-

(i) the dairy, creamery or factory to which he proposes to supply the dairy produce in respect of which he wishes to be registered;

(ii) whether or not he proposes to deliver daily the dairy produce in respect of which he wishes to be registered and the proposed method of

delivery;

(f) in the case of a person who wishes to be registered as a producer-retailer-

(i) the name and address of any dealer within a prescribed area who has agreed to purchase dairy produce from him;

(ii) the type and quantity of any dairy produce which each dealer referred to in sub-paragraph (i) has agreed to purchase from him.

(3) On registration of an applicant for registration, the Board shall allocate a registration number to that producer and shall issue to him a certificate of registration showing the full name, address and registration number of the registered producer and the period in respect of which he is registered.

(4) Subject to the provisions of sub-regulation (5), a person who is registered in terms of section *twenty-six* of the Act shall remain registered-

(a) in the case of a producer-wholesaler, for the period ending on the 31st December, 1967;

(b) in the case of a producer-retailer, for the period of twelve months or part thereof ending on the 31st December of the year in respect of which the certificate of registration is issued;

unless his registration is cancelled in terms of subsection (5) of section *twenty-six* or subsection (2) of section *thirty* of the Act:

Provided that a producer-retailer who is first registered on or after the 1st September in any year shall remain registered for the period ending on the 31st December of the year following that in which he is first registered unless his registration is cancelled in terms of subsection (5) of section *twenty-six* or subsection (2) of section *thirty* of the Act.

(5) If a registered producer-retailer's application for registration for the year following that in respect of which he is registered is refused by the Board he shall, notwithstanding such refusal, remain registered until the 31st January of that year and if before that date he lodges with the Secretary, in terms of sub-regulation (1) of regulation 6, notice of his intention to appeal, together with the deposit, he shall remain registered

until the Minister confirms or sets aside the refusal in terms of sub-regulation (5) of regulation 6.

(6) If a registered person who is aggrieved by a condition imposed upon him on registration lodges with the Secretary, in terms of sub-regulation (1) of regulation 6, notice of his intention to appeal, together with the deposit, the condition shall be suspended until the Minister confirms, varies or sets aside the condition in terms of sub-regulation (5) of regulation 6.

(As amended by F.G.N. No. 184 of 1962)

6. (1) A person whose application for registration as a producer-retailer is refused by the Board in terms of subsection (3) of section *twenty-six* of the Act or a registered person who is aggrieved by a condition imposed upon him on registration and who wishes to appeal to the Minister shall lodge with the Secretary notice of his intention to appeal, together with a deposit in the sum of one hundred and fifty fee units.

Appeals to the
Minister

(2) The notice of appeal shall-

(a) be in writing;

(b) specify in detail the grounds on which the appeal is made;

(c) be accompanied by any information or representations which the appellants wishes to tender in support thereof.

(3) The Board shall, on receipt of a notice of appeal, give its reasons in writing for refusing the application for registration as a producer-retailer or imposing the condition against which the appeal is made, as the case may be.

(4) The Secretary shall, within three weeks of receiving a notice of appeal, forward to the Minister the notice and the Board's reasons in writing.

(5) After taking into consideration the information and representations made in support of the appeal and the reasons submitted by the Board the Minister shall, within ninety days of the receipt by him of the notice

and reasons forwarded in terms of sub-regulation (4)-

- (a) confirm or set aside the refusal; or
- (b) confirm, vary or set aside the condition; as he thinks fit.

(6) If the Minister-

- (a) sets aside the refusal or varies or sets aside the condition, the sum of ten kwacha deposited in respect of the appeal shall be returned to the appellant;
- (b) confirms the refusal or condition, the sum of ten kwacha deposited in respect of the appeal shall, unless the Minister otherwise directs, be forfeited by the appellant and paid into the general revenues of the Republic in aid of the costs of the appeal.

*(As amended by G.N. No. 91 of 1964
and Act No. 13 of 1994)*

7. (1) A registered producer-retailer shall furnish to the Board a return showing the milk produced and the dairy produce sold by him each month.

Returns and records of registered producer-retailers

(2) The return referred to in sub-regulation (1) shall be furnished-

- (a) in the form prescribed in the First Schedule; and
- (b) not later than the twenty-eighth day of the month following that to which the return relates.

(3) In the return referred to in sub-regulation (1), the following information in relation to the month to which the return relates shall be contained:

- (a) the registration number of the producer-retailer;
- (b) the total quantity of milk produced during that month;

(c) the total quantity of whole milk used by the producer for domestic purposes;

(d) the quantity of whole milk separated by the producer;

(e) the quantity of dairy produce sold by the producer showing-

(i) the quantity of each type of dairy produce sold within a prescribed area; and

(ii) the quantity of each type of dairy produce sold outside a prescribed area;

(f) the name of each dealer to whom dairy produce was sold;

(g) the quantity of each type of dairy produce sold to a dairy, creamery or factor and the name of such dairy, creamery or factory.

(4) A registered retailer shall keep a record which clearly shows his-

(a) daily milk production and utilisation;

(b) sales of milk and milk products.

(5) A registered producer-retailer who keeps a record or furnishes a return to the Board in terms of this regulation shall retain such record or a true copy of such return at the premises at which he produces or deals in the dairy produce in connection with which the record is kept or to which the return relates for a period of two years after the period to which the return or record refers.

(6) Every entry on a return furnished or a record kept in terms of this regulation shall be made in ink or indelible pencil.

8. (1) An inspector may-

**Powers of
inspectors**

(a) at any reasonable time enter any premises where dairy produce is produced, manufactured, handled, graded, treated, processed, prepared, sold, stored or dealt in;

(b) examine books or documents relating to the production, manufacture, handling, grading, treating, processing, preparing or selling of or the dealing in dairy produce to ascertain the correctness of any return or other information required to be furnished to the Board;

(c) seize any books or documents which in his opinion may afford evidence of a contravention of the provisions of the Act or of any regulations made thereunder.

(2) An inspector shall, if so required, provide the owner of any books or documents seized in terms of paragraph (c) of sub-regulation (1) with a receipt for such books or documents.

(3) When exercising any powers conferred by this regulation an inspector shall, if so required, produce a written authority from the Minister.

FIRST SCHEDULE

(Regulation 7 (2))

THE DAIRY PRODUCE MARKETING AND LEVY (GENERAL)

REGULATIONS

Return by a registered producer-retailer for the month of 19.....

Registration No.....

Total whole milk produced during the month..... litres

Total whole milk used for domestic purposes (calves, household
and servants) litres

Total whole milk separated..... litres

DAIRY PRODUCE SOLD OTHERWISE THAN TO A DAIRY, CREAMERY OR FACTORY

<i>Product</i>	<i>Within prescribed areas</i>	<i>Outside prescribed areas</i>
Whole milk sold litres litres
Fresh cream sold otherwise than to a dealer.....	litres litres
Fresh cream sold to a dealer litres litres

Other dairy produce:

Names of dealers to whom dairy produce was sold:

DAIRY PRODUCE SOLD TO A DAIRY, CREAMERY OR FACTORY

<i>Name of dairy, creamery or factory</i>	<i>Product</i>	<i>Quantity litres/kilos</i>
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I enclose a remittance of being the levy payable in terms of section 19 of the Dairy Produce and Levy Act,.

Date

Signed

Address

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SECOND SCHEDULE

(Regulation 3)

PRESCRIBED AREAS

1. Any area within forty-eight kilometres of the Kitwe, Chingola and Ndola Post Offices.
2. Any area within thirty-two kilometres of the Ridgeway (Lusaka) Post Office.
3. Any area within eight kilometres of the Kabwe Post Office.
4. Any area within five kilometres of the Mazabuka and Kafue Post Offices.

(S.I. No. 36 of 1968)