

GOVERNMENT NOTICE No. 135 published on 20/3/98

THE TANZANIA TOBACCO BOARD ACT, 1984

(No. 20 OF 1984)

REGULATIONS

Made under sections 5 and 7

PART 1

PRELIMINARY

THE TOBACCO REGULATIONS, 1998

1. These Regulations may be cited as the Tobacco Regulations, 1998 and shall be deemed to have come into operation on the 1st day of December, 1997.

Citation
and com-
mence-
ment

Tobacco Regulations

G.N. No. 135 (contd.)

Applica-
tion

2—(1) These Regulations shall apply in the following regions namely Tabora, Shinyanga, Singida, Rukwa, Mbeya, Iringa, Kigoma, Ruvuma, Lindi, Kagera, Tanga, Morogoro and Mara.

(2) The Commissioner of Agriculture may add or subtract the regions or areas which these Regulations shall apply.

Interpre-
tation

3. In these Regulations unless the context requires otherwise:—

Act No.
20 of 1984

“association” means an association formed and registered under the Societies’ Ordinance Cap. 337;

“Board” means the Tanzania Tobacco Board established by the Tanzania Tobacco Board Act;

“Commissioner” means any officer authorised by the Board to act as an inspector in accordance with the provisions of these Regulations;

“member grower” means an individual farmer cultivating tobacco under grower’s registration;

“minister” means the Minister for the time being responsible for agriculture;

“ministry” means the Ministry of Agriculture and Cooperatives;

“primary society” means a primary society formed and registered under the Cooperative Society Act, 1991;

“Tobacco” means the leaves of a plant of species of *Nicotiana* in any leaf form usually accepted by manufacturers of tobacco for conversion into consumption and has been cured by air, sun heat with smoke or heat conveyed through flues or by other process as shall be given by an authorised officer and it also includes all other tobacco products;

“tobacco buyer” means any person or group of persons buying tobacco from the growers for sale or processing whether or not such buyer has sponsored production of that tobacco by providing inputs and other support services to growers in line with the farming contract and it also includes any person or group of persons buying tobacco from the sales floor at the factories for domestic or export market;

“tobacco Nematodes” means any organism belonging to the family of nematodes which are imitable to tobacco growth;

“tobacco grower” means a Primary Cooperative Society registered by the Board to grow tobacco as a group of individual growers registered by the society, each person cultivating not less than 0.8 hectares and not more than 30 hectares of tobacco in the primary society’s operational area and society may grow the tobacco with or without financial or technical assistance of a tobacco buyer pursuant to subsisting farming contract; it also means an Association registered by the Board to grow tobacco as a group of individual growers registered by the Association, each person cultivating not less than 30 hectares of tobacco and the Association may grow the tobacco with or without financial or technical assistance of a tobacco buyer pursuant to subsisting farming contract; and it further includes a person registered by the Board to grow tobacco as a medium or large scale farmer cultivating more than 30 hectares of tobacco;

Tobacco Regulations

G.N. No. 135 (contd.)

“tobacco pest” means tobacco beetle (*Lasioderma serricorned* F.), the tobacco moth (*Ephasitaclulella* Hb.) and other insect organism which the Minister may by notice in the Gazette declare to be a pest of tobacco;

“tobacco premises” means any land, buildings, factory, erection, vehicle, article or receptacle whatsoever for the purpose of growing, sorting, manufacturing, transporting or in any way connected with the handling of tobacco or other plants or products liable to be infected by a pest of tobacco;

4.—(1) No person shall grow tobacco unless he is registered by the Board under a Primary Cooperative Society or an Association or as an individual medium or large scale farmer.

Registra-
tion by
Board

(2) No person shall sell tobacco in the field unless he grows the tobacco under registration.

(3) Prior to registration the grower shall provide the following information to the Board—

- (a) name of individual growers in the society or association;
- (b) types of tobacco to be produced and areas to be put under production in that year of application.
- (c) curing barn space available for the estimated tobacco to be produced.

(4) Any person who contravenes sub-regulation (1) of this Regulation commits an offence and conviction is liable to the following sentences namely—

- (i) in the case of the first offence, a fine not exceeding thirty five thousands shillings where individuals in primary cooperative societies or associations are involved or seventy thousands shillings, where a primary cooperative society or association is involved; or
- (ii) in the case of second offence a fine not exceeding seventy thousands shillings where individuals in the primary cooperative societies or associations are involved or one hundred and fifty thousands shillings where a primary cooperative society or association is involved.

5.—The Board shall be Registrar of tobacco growers in Tanzania and of all buildings used or intended to be used for grading, curing or baling of tobacco, market centres, warehouses and tobacco processing factories.

Registrar
of tobacco
growers,
premises,
factories
etc

Tobacco Regulations

G.N. No. 135 (contd.)

- De-regis-
tration of
growers
and pro-
cessors
- 6.—The Board shall strike out of the register—
- (a) any grower or processor who fails without reasonable cause to follow any of the Regulations.
 - (b) any grower or processor who withdraws his registration after giving three months' notice of his intention to do so.
- Regis-
tered
grower or
processor
to provide
produc-
tion and
proces-
sing esti-
mates
- 7.—(1) Every registered grower or processor shall furnish to the Registrar information on production and processing estimates every first day of January in every year.
- (2) Any person who contravenes this regulation commits an offence and on conviction is liable to a fine not exceeding twenty thousands shillings in the case of a grower or fifty thousands shillings in the case of a processor.
- Registra-
tion of a
proces-
sing com-
pany
- 8.—No processing factory shall be registered unless the following particulars have been submitted and approved by the Board namely—
- (a) name of the factory;
 - (b) processing capacity of the factory;
 - (c) number and area of warehouse;
 - (d) goods transport facilities for goods; and
 - (e) number and quality of skilled, semi-skilled and non skilled personnel to be employed.
- Regis-
tered
grower or
processor
to follow
the rules
- 9.—Every registered grower or processor shall follow all rules pertaining to growing and marketing of tobacco.

PART II

PLANT PROTECTION RULES

- Commis-
sioner to
specify to-
bacco var-
ieties to
be grown
in Tan-
zania
- 10.—(1) The Commissioner shall specify tobacco varieties to be grown in Tanzania and subject to any changes which the Commissioner may follow impose the following varieties to have been recommended for growing namely—
- (a) Virginia Flue Cured Tobacco (K.510, K51E, KH0E, E1, E2, and PD4.)
 - (b) Burley Tobacco: (Banekt A1, Burley 21 and Kentucky 41); and
 - (c) Dark Five Cured tobacco (Heavy Western).
- (2) Any tobacco grower who grows any tobacco variety for commercial purposes that is not specified by the Commissioner commits an offence.

Tobacco Regulations

G.N. No. 135 (contd.)

(3) Any person who contravenes this regulation commits an offence and on conviction is liable to the following sentences—

- (i) in the case of the first offence, a fine not exceeding fifty thousand shillings or an imprisonment for a term not exceeding three months or both such fine and imprisonment.
- (ii) in the case of the second offence, a fine not exceeding one hundred thousand shillings or an imprisonment for a term not exceeding two years or both such fine and imprisonment and
- (iii) in all case the Board shall at the expense of the defendant destroy the crop so planted without the permission of the Commissioner.

11.—(1) No person shall import breed or multiply tobacco seeds or plants for any purpose unless authorised by the Commissioner and any person who contravenes this regulation commits an offence and on conviction is liable to a fine not exceeding five hundred thousand shillings or an imprisonment for a term not exceeding two years or both such fine and imprisonment and such seeds or plants shall be destroyed by the Board at the cost of the defendant.

Restriction on tobacco seed importation, breeding and multiplication

(2) No tobacco grower shall sow tobacco seed which have not been certified by the Commissioner or an authorised officer.

(3) Any person who contravenes this Regulation commits an offence and on conviction is liable to the following sentences namely—

- (i) in case of the first offence, a fine not exceeding twenty thousands shillings and total destruction of the seedlings or plants by the Board at the cost of the defendant;
- (ii) in the case of the second offence, a fine not exceeding forty thousand shillings and the total destruction of seedlings or plants by the Board at the cost of the defendant; or
- (iii) in the case of the third offence, a fine not exceeding one hundred thousands shillings or an imprisonment for a term not exceeding two years.

(4) No person shall grow any tobacco in any area or region other than the area or regions specified by the Commissioner and the Board may impose any of the following sentences on any person who contravenes this rule namely—

- (i) in the case of the first offence a fine not exceeding fifty thousands shillings and the destruction of the crop;
- (ii) in the case of second offence a fine not exceeding seventy five thousands shillings and the destruction of the crop; or
- (iii) in the case of the third offence a fine not exceeding one hundred thousands shillings or an imprisonment for a term not exceeding two years and the destruction of the crop.

(5) In all cases where the rules provides for the destruction of the crop the Board shall do so at the cost of the defendant.

Tobacco Regulations

G.N. No. 135 (contd.)

Destruction of field tobacco remains, tobacco residues 12.—(1) All tobacco plants shall be uprooted and burnt or otherwise disposed of to the satisfaction of the Inspector by the 31st July in every year for the flue cured tobacco and by 30th day of September, in every year for fire and air cured tobaccos.

Disposal of tobacco residue or refuse (2) All tobacco residues or tobacco refuse in or near premises or fields shall be collected and burnt or otherwise disposed of to the satisfaction of the inspector by the 15th day of October in every year for flue, fire and air cured tobaccos.

(3) The Board shall impose any of the following sentences on any person who contravenes this regulation:—

- (i) in the case of the first offence a fine not exceeding thirty thousands shillings and a written warning;
- (ii) in the case of the second offence a fine not exceeding fifty thousands shillings and a written stern warning; or
- (iii) in the case of the third offence, a fine not exceeding one hundred thousands shillings and suspension from growing tobacco for one season.

Period for sowing tobacco seeds and planting tobacco 13.—(1) No person shall sow seeds of any tobacco in any period other than between the 15th day of August and 15th day of October for flue cured tobacco and between 15 day of October and 15th day of December for fire and air cured tobacco in any period other than between 28th day of October and 15th day of January for flue cured tobacco and 30th day of December and 30th day of February of every year for fire and air cured tobaccos shall be an offence.

(2) Any person who contravenes sub-regulation (1) of Regulation 13 commits an offence.

(3) All tobacco seedbeds from which healthy seedlings have been pulled out shall have the remaining seedlings ploughed under or disposed of to the satisfaction of an inspector by the 31st day of December of every year for flue cured tobacco and 31st day of January of every year for burley and fire cured tobaccos.

(4) The Board shall impose on any person who contravenes this regulation any of the following sentences, namely—

- (i) in the case of the first offence a fine not exceeding thirty thousands shillings;
- (ii) in the case of the second offence a fine not exceeding fifty thousands shillings; or
- (iii) in the case of the third offence a fine not exceeding one hundred thousands shillings and or suspension from tobacco growing for one season.

Tobacco Regulations

G. N. No. 135 (contd.)

14.—(1) Any building, vehicle, aircraft, vessel, factory or any tobacco premises where tobacco is or has been handled shall be disinfected, fumigated, sprayed, fogged or treated with insecticides as approved by the Board.

Sanitary measures for tobacco buildings transportation vessel etc.

- (a) at the end of buying season; and
- (b) at any other time when tobacco premises is suspected of being or having been used for storage or conveyance of anything likely to infect any tobacco plant or tobacco leaf with any pest or disease.

(2) The Board shall impose on any person who contravenes this regulation any of the following sentences namely—

- (i) in the case of the first offence a fine not exceeding sixty thousands shillings and a written stern warning; or
- (ii) in the case of the third offence a fine not exceeding one hundred thousands shillings and/or suspension from tobacco operations.

(3) All tobacco buildings shall be fumigated or disinfected free of tobacco pests two weeks before the beginning of the new season.

(4) No person owning, occupying or having control of any tobacco premises shall allow pests or disease to be in or on such tobacco premises.

(5) All tobacco shall be stored only in weather proof buildings of sound construction approved by the Inspector.

(6) Any tobacco farmer, owner or occupier of land for the purpose of cultivating tobacco shall report to the appropriate Agricultural Officer any occurrence of disease, pest or anything harmful to tobacco in his farm or any other premises under his control or authority.

15.—(1) No farmer shall grow tobacco intercropped with other crops.

Restriction to intercropping

(2) Crops belonging to solanecus family shall not be grown in or near tobacco seedbeds or tobacco farms.

(3) The Board shall impose any of the following penalties on any person who contravenes this regulation, namely—

- (i) in the case of the first offence a stern warning and the destruction of the interplanted crop at the cost of the grower;
- (ii) in the case of the second offence a fine not exceeding thirty thousands shillings and the destruction of the inter planted crop; or
- (iii) in the case of the third offence a fine not exceeding sixty thousands shillings, the destruction of the interplanted crop and the suspension of tobacco growing for one year.

16.—No tobacco fertilizers, pesticides, fungicides, nematocides, succercides shall be used unless approved by the Commissioner or any authorised officer.

Restriction to tobacco agrochemical

Tobacco Regulations

G.N. No. 135 (contd.)

Storage
and trans-
portation
of tobacco

17.—(1) No tobacco shall be stored or transported along with scented, perfumed, salt, fertilizer, diesel, petrol or odorous materials.

(2) Transportation of tobacco shall be in weather proof containers and shall be stored in weather proof buildings of sound construction approved by the Board of any authorised officer and which shall be effectively treated and kept clean.

(3) Any person who contravenes this regulation commits an offence and upon conviction the Board shall impose the following fines namely:—

- (i) in the case of the first offence a fine not exceeding fifty thousands shillings, and a written warning;
- (ii) in the case of the second offence a fine not exceeding one hundred thousands and a written warning; or
- (iii) in the case of the third offence a fine not exceeding one hundred and fifty thousands shillings and suspension of transportation contract for one season.

PART III

CONTRACT FARMING

Minimum
farming
contract
period

18.—(1) Any buyer may enter into a farming contract with any grower for a minimum period of three years on such terms and conditions as the parties may agree upon, provided that no buyer shall enter into farming contract with a grower who has another contract with another buyer provided further that:-

- (i) The district and regional authorities shall have been consulted on this arrangement;
- (ii) the parties shall use a standard contract forms prepared by the Board; and
- (iii) the signing of the contract shall be witnessed by the Assistant Registrar of Cooperatives or other authorised public officer.

(2) Every buyer shall register each farming contract with the Registrar of Contract and the buyer shall submit the copies of the Registered contract to the district and regional agricultural officer and the Board.

(3) Prior to entering into any farming contract with a grower the buyer shall be satisfied that the grower has no outstanding debts secured on the crop grown or to be grown under a different farming contract.

(4) The parties to the farming contract shall specify clearly the crop production estimates (in hectares and crop volume) and the corresponding inputs requirements and the prices thereof and the signing of the contract of the review thereof as the case may be shall be done between the months of January and March of every year.

Tobacco Regulations

G.N. No. 135 (contd.)

(5) No grower shall enter into a farming contract with more than one buyer for the same growing season unless the buyer had cleared all outstanding debts in respect of the first buyer.

(6) (a) Any person who contravenes regulation 18(1) commits an offence and the Board shall impose the following fines namely:-

- (i) in case of the first offence, a fine not exceeding five hundred and fifty thousands shillings and the nullification of the contract; or
- (ii) in case of the second offence, a fine not exceeding seven hundred and fifty thousands shillings, nullification of the contract and the suspension from tobacco operations in the area for one year;

(b) Any person who contravenes regulation 18(2), commits an offence and the Board shall impose the following fines, namely—

- (i) in case of the first offence, a fine not exceeding twenty five thousand shillings for each defaulted contract and the anomalies to be rectified in two weeks time;
- (ii) in case of the second offence a fine not exceeding fifty thousands shillings for each defaulted contract and the anomalies to be rectified in two weeks time; or
- (iii) in case of the third offence a fine not exceeding one hundred thousands shillings for each defaulted contract and the nullification of the contracts.

19.—The Board shall before the commencement of every farming season issue a crop activity calendar for guidance.

Board to
issue crop
activity
calendar.

20.—(1) All tobacco sales shall be done at the buying centre between nine o'clock in the morning to five o'clock in the evening during day time and no tobacco shall be transported from one station to another after five o'clock in the evening.

All tobacco
to be sold at
centre between
certain hours.

(2) No buyer thereinafter referred to as "alien buyer" shall purchase any tobacco from a grower with whom no farming contract has been entered into and where such a buyer purchases tobacco from a grower previously financed by a different buyer, the Board shall order the alien buyer to surrender forthwith such tobacco to the appropriate buyer and the Board shall further suspend or revoke the alien buyer's licence.

(3) Every buyer shall pay the grower for tobacco purchased at such a bank and within such period as specified in the contract and in default hereof the buyer shall pay the grower the prevailing commercial bank rate interest on purchase price calculated from the due date to the actual date of payment.

Tobacco Regulations

G.N. No. 135 (contd.)

21.—(1) Every buyer shall every month make a report to the district and regional agricultural officer and the Board of the planted acreage, volume, tonnage of crop purchased and average price thereof, availability of inputs (or plants) and distribution in accordance with the relevant terms of the farming contracts.

Restriction of use of tobacco agro-chemical seed variety etc.

22.—(1) Any buyer may disburse to growers only those tobacco agro-chemicals fertilizers, seeds and other materials registered with the Board.

(2) No grower shall use tobacco agro-chemicals, fertilizer, tobacco seeds and other materials related to tobacco growing which have not been recommended by the Board.

(3) Every grower shall in the course of farming tobacco use the exact quantities of inputs as recommended by tobacco research authorities in Tanzania.

(4) Every grower shall plant only tobacco seed variety certified by the Board.

Tree nurseries fuel wood to be established

23.—The buyer shall procure the establishment of tree nurseries for appropriate specie of fuel wood that shall yield enough plants to support the grower's needs for fuel wood and environmental conservation and every grower shall use malakis or other appropriate furnaces fuel for tobacco curing.

PART IV

MARKETING PROCEDURES

Buyers to obtain buying permits

24.—(1) Any buyer of greenleaf tobacco from the field shall obtain a buying permit from the Regional Authorities.

(2) The green leaf buyer who has obtained a permit shall apply and secure a buying licence from the Board prior to buying any tobacco and buyers shall purchase tobacco in designated market centres only.

(3) Buyers shall conduct buying operations in certified building properly fumigated and where all tobacco remains have been removed disposed of, floors well surfaced and surrounding of the godowns kept to standard sanitary conditions.

(4) Buyers shall enter into contract with licences processors in Tanzania for processing tobacco so bought.

(5) Buyer shall produce monthly reports to the Board showing—

- (a) weekly purchases and deliveries of tobacco to the processing factory; and
- (b) producer prices offered.

(6) Every buyer and every grower shall be represented during the tobacco classification exercise to be conducted by a qualified tobacco leafman.

Tobacco Regulations

G. N. No. 135 (contd.)

(7) No person shall sell tobacco in the field unless he is a registered tobacco grower and has personally grown the tobacco in his own farm.

(8) Any tobacco found being sold in the field by a middleman not being a tobacco grower shall be forfeited to the Board.

25.—(1) Tobacco classification shall be done by registered tobacco classifiers employed by the Board.

Classifica-
tion of to-
bacco

(2) Tobacco classification shall be preceded by a standard setting exercise conducted by the Board and witnessed by the representatives of growers and buyers.

(3) Standard grade samples shall be drawn for the purpose of classification standard monitoring, control and arbitration.

(4) The Board shall employ qualified tobacco classifiers to classify tobacco and each tobacco classifier shall classify not more than one thousand and five hundred bales of tobacco per day beginning from nine o'clock in the morning hours to five o'clock in the evening hours.

26.—(1) Every grower shall grade his tobacco according to the standard classification procedures and rules.

Condi-
tions on
the clas-
sification
of tobacco

(2) All tobacco which is sent to a market centre for selling shall be graded and the leaves of the same grade of an approximately similar length shall be tied into tobacco hands.

(3) Where tobacco hands consist of leaves of the same grade of twelve inches in length or over, there must not be a discrepancy of more than five inches in length between the leaves and discrepancy of not more than three inches between the hands consisting of leaves under twelve inches in length.

27.—(1) Tobacco hands of approximately the same length shall be baled together and packet into standard bale size of thirty six inches by twenty four inches with a depth not exceeding twenty four inches.

Baling of
tobacco

(2) The tie leaf of a hand must be of the same grade as the hand and shall only cover one and a half inches up to two inches of the butts of the hand.

(3) A tobacco hand shall have a diameter not exceeding one and a quarter inches.

(4) Any changes in the tobacco classification standards shall be done by the Board.

(5) All tobacco hands shall weigh not more than one hundred kilogrammes and shall not have more than sixteen percentage of moisture content.

(6) All tobacco shall be baled in tar lined paper and hessian or cotton cloth and sewn with jute or cotton twine.

28.—(1) All tobacco grading and baling shall be done in a registered shed under the supervision of an authorised officer.

(2) On one side of the tobacco bale there shall be printed the following marks, namely—

(a) The initials of the grower;

(b) number of the member grower;

(c) number of the bale; and

(d) market sale numbers.

(3) All baled tobacco shall be stored in the shed and no member grower shall be allowed to take home any bale after it has been printed.

29.—(1) A tobacco grower shall transport his crop at his own cost to the market centre at least two days before the market day.

(2) Every bale shall be weighed in the presence of the buyer and the grower and the weight shall be marked on the side of the bale and the actual weight to be recorded on the bale shall have one and half kilogrammes of packing materials deducted.

30. A bale ticket shall be sewn on the right hand corner of the bale and shall show the following information, namely—

(a) the initials of the grower;

(b) member grower's number;

(c) sale number;

(d) weight of tobacco;

(e) name of classification; and

(f) initials and name of grower or of person appointed by the grower for supervising the selling of the grower's tobacco.

31.—(1) The tobacco classifier accompanied by the grower's representative shall inspect and grade tobacco in a bale by marking the grade on the bale ticket which shall be signed by the classifier.

(2) The grower's representative may accept or object to the grade given to the tobacco but the classifier's decision shall be final.

Tobacco inspection for classification by classifier

Bale labelling

Transport of tobacco to market centre

Grading and baling supervision

Tobacco Regulations

G.N. No. 135 (contd.)

32.—(1) No member grower shall be allowed in the market centre when the classifier is grading, except the relevant representative.

(2) After completion of the classification in the market centre the member growers shall be allowed in to note the grade obtained for the tobacco.

(3) Any member grower who is dissatisfied with the grade given to his tobacco may withdraw his tobacco from the market.

(4) If member growers or their representatives disagree with the classification of the tobacco an arbitrator shall be called upon for arbitration and his decision shall be final and binding.

(5) The Board shall be the sole arbitrator for all tobacco classification disputes.

33.—(1) All growers shall establish their own tobacco prices for each grade and hence negotiate with buyers through the Tobacco Council provided that the prices negotiated shall be panterritorial.

Growers
to
negotiate
prices for
each
grade

34.—(1) There shall be a purchase contract between the grower and the buyer for every sale transaction, and upon the signing of the contract by the buyer and the grower's representative ownership of tobacco passes from the grower to the buyer.

Purchase
contract

(2) The purchase contract note shall have the following details namely:—

- (a) the market day and date;
- (b) the market number;
- (c) the bale number;
- (d) the weight of the tobacco in the bale;
- (e) the value of one kilo of that tobacco;
- (f) the value of the tobacco in the bale;
- (g) the name and signature of buyer; and
- (h) the name and signature of the grower's representative.

35.— All tobacco buyers shall use standard bale tickets and purchase contract notes as primary business documents which format shall be issued by the Board.

Standard
primary
business
docu-
ments

Tobacco Regulations

G.N. No. 135 (contd.)

Growers
prices
negotia-
tion and
determi-
nation

36.—(1) The growers may establish their own tobacco selling prices although they may get an opinion on the minimum indicative grade prices from the Board or any other appropriate authority.

(2) The grower shall negotiate with the buyer the grade and price proposals in the Tobacco Council and come into agreement of prices which shall be minimum net to farmers and shall apply to all tobacco areas in the country.

(3) The into-store cost shall be negotiated separately between buyers and growers during negotiations of per grade price.

Nesting of
tobacco

37.—(1) Any person who mixes good tobacco with non-tobacco items or tobacco of different grades in a tobacco bale or over-moisturises the tobacco with an intention to defraud the buyer or processor commits an offence.

(2) Any grower who nests tobacco shall have:—

(a) his tobacco growing licence revoked;

(b) to pay to the buyer the value equivalent to the value of that tobacco the grower intended to defraud the buyer; and

(c) the bale containing mixed grade marked "M" on the bale ticket to indicate that the tobacco is mixed and returned to the grower at the grower's expenses.

Tobacco
not con-
firming
to stand-
ards to
be re-
jected

38.—(1) Any bale containing tobacco that does not conform to the ruling classification standards shall be rejected and marked "R" on the bale ticket to indicate that the tobacco has been rejected.

(2) No buyer shall buy any rejected tobacco unless it has been re-handled by the grower and re-classified by the classifier.

Grower's
payment
according
to con-
tract

39. Payments of grower's proceeds shall be made according to a written contract between the growers and the buyer.

Transporta-
tion

40. Tobacco buyers shall transport tobacco purchased to the processing factory at owners expenses.

41.—(1) All tobacco produced in Tanzania shall be processed locally.

Restric-
tion to to-
bacco pro-
cess pro-
duced in
Tanzania

(2) Any licensed person may purchase or sell tobacco at the processing factory for domestic or export market.

(3) There shall be a written processing contract between a buyer and a processor.

Tobacco Regulations

G.N. No. 135 (cont.)

42.—(1) The following procedures shall govern the domestic and export market:—

Domestic
and Ex-
port mar-
ket proce-
dures

(a) a seller of dry leaf tobacco to the domestic and export market shall apply for a Dry Leaf Seller's Licence; and

(b) the Board shall issue licence to tobacco buyers, exporters or sellers of tobacco, tobacco processors and export permits for processed tobacco upon terms and conditions as the Board may prescribe from time to time.

(3) (a) All tobacco sales at the factory shall be by private treaty or auction.

(b) The purchase price to be paid to the buyer shall be agreed upon between the seller and the buyer provided that the Tobacco Council shall set an indicative minimum selling price below which an export permit may not be issued.

43.—(1) The Board shall be the supervisor and the final arbitrator on issues relating to domestic or export market.

Board to
be final ar-
bitrator

44. The Board shall maintain a register of processed tobacco sold for domestic and export markets.

Processed
sales re-
cord

45.—(1) The Board shall licence tobacco farms for seed multiplication and shall at a cost certify such seeds for release to the farmers.

Farms for
certified
tobacco
seeds

(2) All tobacco growers shall establish, own and take care of woodlot for fuel to be used in tobacco curing.

PART V

TOBACCO INSPECTORS

46.—(1) Any person owning, occupying or having control of tobacco premise shall comply with any directive issued by the tobacco inspector for the eradication, reduction or prevention or the spread of a pest or disease of tobacco and the inspector may by notice in writing order him to take, including the immediate destruction of tobacco plants, or other plants or products liable to be infected by pest, or any disease of tobacco whether or not the tobacco is infected with such pest or disease.

Power of a
Tobacco
Inspector

(2) If the grower or owner of tobacco premises fails to comply with the directive given under paragraph (1) of Regulation 46, the inspector may on giving not less than fourteen days notice in writing of his intention to do so cause any such measures, as aforesaid to be taken by himself, his agents or contractors. For purpose of taking such measures such inspector may enter or cause his agents or contractors to enter upon tobacco premises as may be necessary and the grower shall be liable to pay all the costs of such undertaking which shall be recoverable as a debt due to the Board.

Tobacco Regulations

G.N. No. 135 (contd.)

- Board to appoint inspect** 47.—(1) The Board shall have power to appoint fit and proper persons to be tobacco inspectors who shall:
- (a) have and exercise powers generally to supervise the arrangement for the purchase and export of tobacco and tobacco products; and
 - (b) have and exercise such other powers including the inspection of tobacco plants, tobacco buildings, premises, weight and qualities of tobacco or tobacco products as are provided for in these Regulations or as may be prescribed by the Board.

PART VI

LICENCE AND FEES

The power of an Inspector 48.—(1) The Board may conduct tobacco crop inspection at any time within specified tobacco areas.

(2) The Board shall confirm production estimate to the growers and the Ministry in February or March for flue cured tobacco, and March or April for fire cured tobacco.

Board to issue or revoke licences 49. The Board shall on prescribed terms and conditions issue licences to tobacco farmers, tobacco dealers, tobacco exporters and tobacco importers in the country provided always that the Board may revoke such licences issued by it as aforesaid for good cause.

Fees 50. Every tobacco buyer shall pay to the Board a regulatory fee to be prescribed by the Board from time to time subject to the approval of the Minister.

51. Any person who has been aggrieved by the decision of the Board pursuant to the provisions of any of these Regulations may appeal to the Minister.

PART VII

MISCELLANEOUS

Penalty 52. Any person who contravenes any of these regulations where no punishment has been specified commits an offence and upon conviction is liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding two years and in addition to such a fine or imprisonment the Board may exercise its powers to revoke or suspend the licence formerly issued by it.

Revocation of G.N. No. 68 of 1997 53. The Tobacco Regulations of 1996 are hereby revoked.

I APPROVE

Dar es Salaam,
5th March, 1998

PAUL PETER KIMITI,
Minister of Agriculture and Cooperatives
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