

THE TANZANIA TOBACCO BOARD ACT, 1984

TABLE OF CONTENTS

PART I
PRELIMINARY PROVISIONS

Regulation *Title*

1. Citation.
2. Application.
3. Interpretation.

PART II
REGISTRATION OF GROWERS AND PROCESSORS

4. Growers to be registered by Board.
5. Penalty.
6. Registration of tobacco premises, factories etc.
7. De-registration of growers and processors.
8. Registered grower or processor to provide production and processing estimates.
9. Registration of a processing company.
10. Registered grower or processor to follow the rules and regulations.

PART III
PLANT PROTECTION RULES

11. Tobacco varieties to be grown in Tanzania.
12. Registration on tobacco seed importation, breeding, and multiplication.
13. Removal and disposal of field tobacco residue or refuse.
14. Period for sowing seeds and planting tobacco.
15. Sanitary measures for tobacco premises.
16. Restriction to intercropping.
17. Approval of tobacco agrochemicals.
18. Storage and transportation of tobacco.

PART IV
CONTRACT FARMING

19. Minimum farming contract period.
20. Crop activity calendar.
21. Tobacco sales.
22. Buyer's report.
23. Restriction of use of tobacco agro-chemical seed variety etc.
24. Tree nurseries to be established.

PART V
MARKETING PROCEDURES

25. Buyers to obtain buying permits.
26. Classification of tobacco.
27. Conditions on the classification of tobacco.
28. Tobacco baling.
29. Grading and baling supervision.
30. Transport of tobacco to market centre.
31. Bale labelling.
32. Tobacco inspection for classification.
33. Restriction on tobacco classification.
34. Growers to negotiate prices for each grade.
35. Purchase contract.
36. Standard primary business documents.
37. Growers prices negotiations and determination.
38. Nesting of tobacco substandard tobacco to be rejected.
39. Substandard tobacco to be rejected.
40. Grower's payment according to contract.
41. Transportation expenses.
42. Restriction to processed tobacco.
43. Domestic and export market procedures.
44. Final arbitrator.
45. Record for processed tobacco sales.
46. Farms for certified tobacco seeds.

PART VI
TOBACCO INSPECTORS

47. Powers of tobacco Inspector.
48. Board to appoint inspector.
49. Tobacco crop inspection.

50. Board to issue or revoke licences Regulatory fee.
51. Regulatory fee.
52. Aggrieved person to appeal to Minister.
53. General penalty.
54. Revocation of G.N. No. 68 of 1997.

FIRST SCHEDULE

SECOND SCHEDULE

THE TANZANIA TOBACCO BOARD ACT, 1984

(NO. 20 OF 1984)

REGULATIONS

Made under sections 5 and 7

PART I

THE TOBACCO REGULATIONS, 2000

PRELIMINARY

Citation 1. These Regulations may be cited as the Tobacco Regulations, 2000 and shall be deemed to have come into operation on the 1st day of April, 2000.

Applica- 2.-(1) These Regulations shall apply in the regions specified in the
tion First Schedule to this Regulations.

(2) The Director may add or subtract the regions or areas in which these Regulations shall apply.

3. In these Regulations unless the context requires otherwise-

Cap 337 "Association" means an association formed and registered under the Societies Ordinance;

"Board" means the Tanzania Tobacco Board established by the Tanzania Tobacco Board Act;

Act No. 20 of 1984 "Director" means the chief agricultural official responsible for agriculture or crop development in the Ministry;

"inspector" 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 responsible for agriculture matters;

"Ministry" means the Ministry of Agriculture;

"non-contract buyer" means a person who illegally buys tobacco from a grower who has a farming contract with another buyer other than himself;

"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 includes all other tobacco products;

"tobacco buyer" means—

(a) any person or group of persons licensed to buy tobacco from growers for sale or processing;

(b) any person or group of persons buying tobacco from the sales floor at the factories for domestic or export market;

"tobacco grower" means a primary cooperative society, an association or an individual person registered by the Board to grow tobacco;

"tobacco nematodes" means any organism belonging to the family of nematodes which are imitable to tobacco growth;

"tobacco pest" means tobacco beetle, *lasioderma serricorned F.*, the tobacco moth (*ephasitaclulella. h.b.*) and other insect organism declared to be pest of tobacco;

"tobacco premises" means any land, buildings, factory, erection, vehicle, article or receptacle used 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;

"member grower" means an individual farmer growing and selling tobacco under grower's registration.

Act
No. 15
of 1991

PART II

REGISTRATION OF GROWERS AND PROCESSORS

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.

Growers
to be reg-
istered 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) his name, in the case of a primary society and the names of member growers if it is an 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;
- (d) production estimates, input stocks and additional inputs required in that year of application.

Penalty 5. Any person who contravenes sub-regulation (1) of regulation 4 commits an offence and upon conviction is liable to the following sentences namely—

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

Registration of tobacco premises, factories etc. 6. The Board shall be the Registrar of tobacco growers in Tanzania, market centres, warehouses, tobacco processing factories and of all buildings used or intended to be used for grading, curing or baling of tobacco.

De-registration of growers and processors 7. The Board shall strike out of the register any grower or processor who fails without reasonable cause to follow these Regulations; or who withdraws his registration after giving three months notice of his intention to do so.

Registered grower or processor to provide production and processing estimates 8.-(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 upon conviction is liable to a fine not exceeding twenty thousand shillings in the case of a grower or fifty thousand shillings in the case of a processor.

9. No processing factory shall be registered unless the following particulars have been submitted and approved by the Board, namely—

Registration of a processing company

- (a) name of the factory;
- (b) processing capacity of the factory;
- (c) number and area of warehouse;
- (d) transport facilities for goods; and
- (e) number and quality of skilled, semi-skilled and non skilled personnel to be employed.

10. Every registered grower shall follow all rules and regulations pertaining to growing and marketing of tobacco.

Registered grower or processor to follow the rules and regulations

PART III

PLANT PROTECTION RULES

11.—(1) The following varieties of tobacco have been approved to be grown in Tanzania namely—

Tobacco varieties to be grown in Tanzania

- (a) Virginia Flue Cured Tobacco (K. 510, K51E, KIIOE.EI.E2. and PD4.)
- (b) Burley Tobacco; (Banekt Al.Burley 21 and Kentueky 41); and
- (c) Dark fire cured tobacco (Heavy western).

(2) Any tobacco grower who grows any tobacco variety which is not mentioned in sub regulation (1) for commercial purposes commits an offence.

(3) Any person who commits an offence under sub-regulation (2) upon conviction is liable to the following sentences—

- (a) in the case of a 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;
- (b) in the case of a 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
- (c) in all cases the Board shall at the expense of the defendant destroy the crop so planted without the permission of the Director.

12.—(1) No person shall import breed or multiply tobacco seeds or plants for any purpose unless authorised by the Director.

(2) Any person who contravenes sub-regulation (1) commits an offence and upon conviction is liable to a fine not exceeding five hundred thousand shillings or to an imprisonment for a term not exceeding two years or both to such fine and imprisonment and such seeds or plants shall be destroyed by the Board at the cost of the culprit.

(3) A tobacco grower shall sow tobacco seeds which have been certified by the Director or an authorised officer.

(4) Any person who contravenes sub-regulation (3) commits an offence and on conviction shall be liable to the following sentences namely—

- (a) in case of a first offence, a fine not exceeding twenty thousand shillings and total destruction of the seedlings or plants by the Board at the cost of the offender;
- (b) in the case of a 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 offender;
- (c) in the case of a third offence, a fine not exceeding one hundred thousand shillings or an imprisonment for a term not exceeding two years and total destruction of seedlings or plants by the Board at the cost of the offender.

(5) No person shall grow tobacco in area or region other than the area or regions specified by the Director and the Board may impose any of the following sentences on any person who contravenes this sub-regulation namely—

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

(6) In all cases where these Regulations provides for the destruction of the crop the Board shall do so at the cost of the offender.

13.-(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 September, in every year for fire and air cured tobacco.

Removal
and dis-
posal of
field to-
b a c c o
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:

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

14.-(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 the flue cured tobacco and between 15th October and 15th December for fire and air cured tobacco in any period other than between 28th October and 15th January for flue cured tobacco and 30th December and 30th February of every year for fire and air cured tobaccos.

Period for
s o w i n g
seeds and
planting
tobacco

(2) Any person who contravenes sub-regulation (1) of this Regulation 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 December of every year for flue cured tobacco and 31st 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-

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

Sanitary
measures
for to-
b a c c o
premises

15.-(1) Every tobacco premises shall be disinfected, fumigated, sprayed, fogged or treated with insecticides approved by the Board at the end of buying season; and 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-

- (a) in the case of a first offence, a fine not exceeding sixty thousand shillings and a written stern warning; or
- (b) in the case of a second offence, a fine not exceeding one hundred thousand shillings and or suspension from tobacco operation.

(3) All tobacco premises 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 of any occurrence of disease pest or anything harmful to tobacco in his farm or any other premises under his control or authority.

Restric-
tion inter-
cropping

16.-(1) No farmer shall grow tobacco with other crops.

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

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

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

17. No tobacco fertilizers, pesticides, fungicides, nematocides, suckercides shall be used unless approved by the Director or any authorised officer.

Approval
of to-
b a c c o
agroche-
micals

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

Storage
and trans-
portation
of to-
bacco

(2) Transportation of tobacco shall be in weather proof container and shall be stored in weather proof buildings of sound construction approved by the Board or 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 is liable to the following fines, namely-

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

PART IV

CONTRACT FARMING

19.-(1) Any buyer may enter into a farming contract with any grower for a minimum period of one crop season renewable thereafter on such terms and conditions as the parties may agree upon;

Mini-
mum
farming
contract
period

Provided that no buyer shall enter into farming contract with a grower who has contract with another buyer:

Provided further that-

- (a) the district and regional authorities shall have been consulted on this arrangement;
- (b) the parties shall use standard contract forms prepared by the Council and approved by the Board; and
- (c) the signing of the contract shall be witnessed by the Assistant Registrar of Cooperatives or other authorised public officer and shall be signed between 1st May and 31st August of each calendar year.

(2) Every buyer shall register each farming contract with the Registrar of Contracts and the buyer shall submit 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 estimated, 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.

(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) Any person who contravenes this regulation commits an offence and upon conviction is liable to a fine not exceeding five hundred thousand or imprisonment for a term of six years or to both that fine and imprisonment.

Crop activity calendar

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

Buyer's report

22.-(1) Every buyer shall in 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 the average price of it, availability of inputs and distribution in accordance with the relevant terms of the farming contracts.

Restriction use of tobacco agro-chemical seed variety etc.

23.-(1) Any tobacco buyer who have contracts with growers shall disburse to growers tobacco agro-chemicals, fertilizers, seeds and other materials approved by 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.

24.-(1) The buyer shall procure the establishment of tree nurseries for appropriate specific fuel wood that shall yield enough plants to support the grower's needs for fuel wood and environmental conservation and every grower shall use efficient barns with improved furnaces for curing tobacco.

Tree nurseries to be established

(2) Every tobacco grower shall establish, own and take care of woodlots that are enough for curing his tobacco and conservation of environment.

PART V

MARKETING PROCEDURES

25.-(1) Any buyer of green leaf tobacco from the field shall where there is a subsisting farming contract obtain a buying permit from the local government authorities for each district where tobacco is grown prior to making application for licence.

Buyer to obtain buying permits

(2) In the case of purchases from non-contracted growers, the buyers shall seek and obtain buying permits from the relevant local government authorities prior to making application for a licence.

(3) Where the buyer enters into a new contract with a grower who has a pre-financing arrangement with a buyer shall apply and obtain permit before signing of the farming contract.

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

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

(6) Every buyer shall enter into a contract with licensed processors in Tanzania for processing tobacco so bought.

(7) Every buyer shall produce monthly reports to the Board showing—

- (a) weekly purchase and deliveries of tobacco to the processing factory; and

(b) producer prices offered.

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

(9) 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.

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

(11) Any grower who has no farming contract with any buyer shall not act as an agent for another grower who has farming contracts with buyers so as to evade debt repayment previously obtained.

(12) No person other than the registered grower, licensed buyer and or recognised agent shall be involved in any tobacco transaction.

Classifi-
cation of
tobacco

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

(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.

Condition
on the clas-
sification
of tobacco

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

(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 of not less than 6 inches 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.

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

Tobacco
bales

(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 bales shall weigh not more than one hundred kilograms and shall not have more than sixteen percentage of moisture content.

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

29.-(1) All tobacco grading and baling shall be done in a registered shed under the supervision of an authorized officer.

Grading
and baling
supervision

(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 at the shed and a member grower shall not be allowed to take home any bale after it has been printed.

30.-(1) A tobacco grower shall transport his crop at his own cost to the market center at least two days before the market day.

Transport
of tobacco
to market
centre

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

(3) Every non-contracted grower shall sell tobacco at the market centre which is within his areas of operation and shall pay all necessary cess or levy thereto.

(4) No grower shall transport tobacco from a designated market centre which is in his production area to another area unless expressly by permitted by the Board.

Bale labelling

31. A bale ticket shall be sown 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.

Tobacco inspection for classification

32.—(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.

Restriction on tobacco classification

33.—(1) No member grower shall be allowed to be in the market center 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 immediately after completion of classification and before signing the purchase contract not by both parties withdraw his tobacco from the market.

(4) If a member grower or his 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.

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

Growers to negotiate prices for each grade

35.—(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 not 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 or the grower's representative.

36. 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 documents

Growers
prices
negotiation
and deter-
mination

37.—(1) All 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) Every grower shall negotiate with the buyer, the grade and price proposals in the Tobacco Council and come into agreement of prices which shall be a minimum net to farmers and shall apply to all tobacco areas in the country.

(3) The into-share cost shall be negotiated separately between buyers and growers during negotiations of a grade price and shall be paid to the grower without involving any deduction.

Nesting of
tobacco

38.—(1) Any person who mixes good tobacco with non-tobacco materials 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 registration cancelled;
- (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 shall be marked "M" on the bale ticket to indicate that the tobacco is mixed and returned to the grower at the grower's expenses.

Substan-
dard to-
bacco to be
rejected

39.—(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 reclassified by the classifier.

Grower's
payment
according
to contract

40. Payments of grower's proceeds shall be made according to a written contract between the growers and the buyers provided that payment shall not be done late than fourteen days from the day the market was held.

Transporta-
tion ex-
penses

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

42.—(1) All tobacco produced in Tanzania shall be processed locally within the year of production.

Restriction
to process
tobacco

(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.

43.—(1) The procedures to govern the domestic and export market shall be the following, namely—

Domestic
and export
market
procedures

(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 prescribed from time to time.

(2) All tobacco sales at the factory shall be by private treaty or auction

(3) 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.

44. The Board shall be the supervisor and the final arbitrator on issues relating to domestic or export market.

Final
arbitrator

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

Record
processed
for tobacco
sales

46. The Board shall licence tobacco farms for seed multiplication and shall at a cost certify these seeds for release to the farmers.

Farms for
certified
tobacco
seeds

PART VI TOBACCO INSPECTORS

47.—(1) Any person owning, occupying or having control of tobacco premise shall comply with any directive issued by the inspector for the eradication, reduction or prevention or the spread of a pest or disease of

Powers of a
tobacco In-
spector

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.

(2) If the grower or owner of tobacco premises fails to comply with the directive given under sub regulation (1) of this regulation, the inspector may on giving not less than fourteen days' notice in writing of his intention to do so cause any such measures, to be taken by himself, his agents or contracts.

(3) For the purposes of taking such measures the 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.

Board to
appoint in-
spectors

48. 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.

Tobacco
crop in-
spection

49.—(1) The Board may conduct tobacco crop inspection at any time within specified tobacco areas.

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

PART VII

LICENCE AND FEES

Board to is-
sue or re-
voke li-
cences

50. The Board shall on prescribed terms and conditions and upon payment of fees shown in the second schedule issue licences to tobacco dealers, exporters and importers in the country:

Provided that the Board may revoke such licences issued by it for a good cause and that the green leaf buying licences shall be issued for every market centre registered by the Board.

51. Every tobacco buyer shall pay to the Board a regulatory fee as prescribed by the Minister from time to time.

Regulatory fee

PART VIII

GENERAL PROVISIONS

52. 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.

Aggrieved person to appeal to Minister

53. 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 three 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.

General penalty

54. The Tobacco Regulations 1998 are hereby revoked.

Revocation of G.N. No. 68 of 1997

FIRST SCHEDULE

Regulation 2(1)

The regions of application are Tabora, Shinyanga, Singida, Rukwa, Mbeya, Iringa, Kigoma, Ruvuma, Lindi, Kagera, Tanga, Morogoro and Mara.

SECOND SCHEDULE

Regulation 50

Fees for licences are as follows—

- (a) Field green leaf buying licences Shs. 50,000.00;
- (b) Factory green leaf buying licence Shs. 600,000.00;
- (c) Factory green leaf selling licence Shs. 600,000.00; and
- (d) Dry leaf selling licence Shs. 600,000.00.

Dar es Salaam,
3rd August, 2000

WILLIAM J. KUSILA,
Minister of Agriculture and Cooperatives

Price Shs. 640/=