

THE UNITED REPUBLIC OF TANZANIA



THE CASHEWNUT MARKETING BOARD ACT, 1984 (NO.21 OF 1984)

REGULATIONS

Made Under Section 27 (1) THE CASHEWNUT (MARKETING) REGULATIONS, 1998

| PART I PRELIMINARY | |
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| Citation | 1. These Regulations may be cited as the Cashewnut (Marketing) Regulations, 1998 and shall be deemed to have come into operation on the 1st day of October 1996. |
| Interpretation | 2. In these Regulations, unless the context requires otherwise- "Act" means the Cashewnut Marketing Board Act, 1984; "Board" means the Cashew Board of Tanzania. |
| PART II COLLECTION AND VISUAL GRADING | |
| Collection | 3. (1) All nuts shall only be picked and collected by the grower following a natural fall of the apple from the Cashewnut tree. (2) The nuts so collected shall be laid out in the sun to dry thoroughly. |
| Grading | 4. (1) Each grower shall make visual grading of the nut in two grades namely standard and undergrade. (2) The standard grade shall have the following characteristics and qualities: (a) dried nuts exhibiting a conspicuous sharp audible sound when held and let to fall; (b) grey shell without wrinkles; (c) outer shell free of spots and wrinkles; (3) The cashewnuts shall be sold to any licensed buyer and any dispute arising in respect of grading shall be referred to the designated agricultural personnel at the buying post. |
| PART III BUYING PROCEDURES | |
| Buying season | 5. (1) The Board shall before the commencement of the buying season advertise through mass media the expected dates on which the buying season begins. |
| | (2) The advertisement shall specify all necessary regulations or by-laws requirements needed and the procedures to be fulfilled by both the grower and the buyer. |

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| | (3) The advertisement shall be made not later than the 30th day of March each year and any new regulations or by-laws intended to be used in the following buying season or any revision of regulations or by-laws, shall be made not later than 30th day of June, each year. |
| Registration of buyers | <p>6. (1) Every buyer of cashewnuts shall be registered with the Board and be issued a buying licence upon payment of a prescribed fee.</p> <p>(2) The names of the buyers who have been issued a buying licence shall be forwarded by the Board to the district and regional authorities.</p> <p>(3) The buying licence shall specify the period and districts for which it is to be used or which it shall be applicable.</p> <p>(4) The Board shall provide the buyer with a list of all registered buying posts for each district in respect of which the buying licence has been issued.</p> <p>(5) Upon registration the registered buyer shall obtain a trading licence, which may be withheld if the buyer had previously conducted himself in a manner which violates these regulations or is injurious to the economic interests of the respective district.</p> |
| <p>PART IV BUYING OF RAW CASHEWNUT</p> | |
| Buying posts | <p>7. (1) The district local authorities may, by notice declare any place or premises to be a cashewnut buying post either as a temporary or a permanent post.</p> <p>(2) The post so declared shall be the venue recognised for buying purposes.</p> <p>(3) Every buyer shall declare or mark conspicuously at the post the prices he intends to offer for each kilogramme of Cashewnut.</p> |
| Standard Unit of measure, inspection of weighing Scales, currency and business hours | <p>8. (1) The standard unit of measure shall be a kilogramme weight of cashewnut transacted in Tanzanian currency</p> <p>(2) Every buyer shall use a weighing scale which has been serviced, inspected and passed inspection by Weights and Measures Department of the Ministry responsible for Trade and Industries.</p> <p>(3) A buyer shall, for purposes of facilitating smooth and easier buying process, standardise the net weight in the bag or in any other recommended packing weight for the trade to 80 kilogrammes or in any other weights as the Board may approve</p> <p>(4) The selling and buying of cashewnut at the buying post shall be conducted between 0600 and 1800 hours or at any other times which may be specified by the Board regard being had on the local conditions.</p> <p>(5) A buyer shall keep and store each grade of cashewnut in separate stacks.</p> |
| Inspection by the Board | <p>9. (1) The Board may, for the purposes of insuring and satisfying itself that buyers observe these regulations, inspect any buying post or a warehouse at any time during business hours with or without notice.</p> |
| Reports to the Board | <p>10. (1) Every buyer shall prepare or cause to be prepared a monthly report by 10th day of each following month during the buying season and submit that report to the Board.</p> <p>(2) A report shall contain and show the following data and information</p> <p>(a) weekly purchase;</p> <p>(b) movements of cashewnut to warehouses and factories;</p> <p>(c) average buying price offered for each grade of cashewnut.</p> <p>(3) The Board after receiving the report submitted to it by the buyer shall make a</p> |

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| | purchase data form filled in on the basis of the daily report a purchaser made by the buyer. |
| Delivery of cashewnut to factories, warehouses etc. | 11. The buyer shall make delivery of cashewnut to the factories and warehouses which had previously been declared by the buyer to the Board and the Board shall make verification of this fact pursuant to regulations 12. |
| Observance of District authorities by laws | 13. Every buyer shall observe the by-laws issued by district authorities provided that the said by-laws have previously been notified to the Board and the Board shall in pursuance of Regulation 5, advertised those by-laws and their requirements. |
| PART V PROCEDURE AND GUIDELINE FOR PROCESSING | |
| Registration and licensing of processes | 14. Every person who processes cashewnuts shall be registered and shall be in possession of a licence issued by the Board upon payment of a prescribed fee. |
| Grading | 15. Each processing unit shall grade cashewnut kernels according to internationally accepted standards applying either the Indian or American grading system to obtain the following grades: (a) White wholes W180, W210, W240, W320, W450, Scorched Kernels shall be Scorched wholes – SW spotted kernels shall be Dessert kernels or Dessert wholes. (b) Broken kernels - fancy butts (FB), Fancy splits (FS), Large While Pieces (LWP) Small While Pieces (SWP), Schorched Butts (SB), Schorched Splits (SS), Large Schorched Pieces (LSP), small Schorched Pieces (SSP), Desert Pieces (DP). |
| Packing | 16. (1) Except for cashewnut waste, all branched cashewnut kernels shall be packed in hermetically sealed tins, with carbon dioxide gas infused in 11.34 kilogramme net Weight tins and where there is shipment the tins shall be carbonized in two tins in each carton box. (2) The Board may approve an alternative packing material. |
| Quality standards | 17. (1) Each processor, owner or lessor of cashewnut factory shall- (a) observe quality standards of the products; (b) fumigate the factory prior to the commencement of processing exercise; (c) arrange for routine quarterly fumigation of the factory; (d) make commitment agreement with the Board to procure adequate quantities of raw nuts for processing in their factories. (2) The quality of the cashewnut delivered from small licensed buyers or co-operative societies shall be verified upon entry at the gates of the factory. (3) It shall be the obligation of small hand processors to keep, maintain and observe the minimum health standards at place of work and to ensure the supply of water and other sanitary facilities as required by laws governing labour in the factories. |
| Processing units to submit monthly report to the Board | 18. (1) Every processing unit shall prepare or cause to be prepared a monthly report by 10 th day of each following month during the processing period and submit that report to the Board. |
| | (2) The report shall contain and show the following data and information: (a) quality of raw nut received; |

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| | <p>(b) deliveries to processing plants and stock balance; and</p> <p>(c) the stock position of kernels.</p> |
| Power to inspect processing unit or factory | <p>19. (1) A designated officer of the Board may, at any time during business hours, enter upon any processing unit or factory for the purposes of securing compliance with the provisions of these Regulations.</p> <p>(2) Any person who obstructs or interferes with a designated officer exercising the powers under this Regulation or refuses the officer permission to exercise the powers or declines to co-operate with the officer in the exercise of his duties commits an offence.</p> |
| <p>PART VI</p> <p>EXPORT PROCEDURES</p> <p>A: GUIDELINES</p> | |
| Licence and declaration of geographical source | <p>20. (1) Every exporter of cashewnut kernels and raw cashewnuts shall make sure that he applies for and obtains a trading licence for the purpose of his business in accordance with the Act and these regulations.</p> <p>(2) After obtaining a trading licence the exporter shall also obtain an export permit from the board for each and every lot of shipment.</p> <p>(3) before export permit is granted, the Board shall ensure that the exporter of raw cashewnuts makes a declaration in respect of geographical source of cashewnut intended for export.</p> |
| Quality standards and payment of export levy | <p>21. (1) The exporter shall, prior to making shipment of each export consignment, observe quality standards specified in the relevant sales contract and pay export levy applicable.</p> <p>(2) The Board shall grant export permit only after a declaration has been made in relation to exportable values or volumes, by the exporter.</p> <p>(3) For purposes of satisfying himself if the exporter observes the provisions of this regulation, the designated officer of the Board may, after issuance of export permit, make random inspection at the warehouse where the raw cashewnut is stored or in the vessel prior to shipment.</p> |
| <p>B: MARKETING</p> | |
| Observance of international marketing information | <p>22. (1) The cashewnut sales shall be made in accordance with internationally acceptable standards pertaining to grades unit of measure and packing.</p> <p>(2) Exporters of cashewnut kernels shall in their dealings, be guided by and observe the prevailing international marketing information.</p> |
| Penalty | <p>23. (1) Any person who contravenes or fails to comply with any of these Regulations commits an offence and upon conviction is liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.</p> <p>(2) Notwithstanding sub-regulation (1), the Board may revoke or suspend the licence in addition to a fine or a term of imprisonment imposed in that sub regulation.</p> |
| Delegation of powers by the board | <p>24. The board may delegate to any person or institution any of the powers conferred by the provisions of these Regulations.</p> |
| Appeal | <p>25. Any person who is aggrieved by the decision of the Board may appeal to the Minister.</p> |
| Revocation G.N. | <p>26. The Cashewnuts (Marketing) Regulations 1996 are hereby revoked.</p> |

No... of 1996

DAR ES SALAAM
March, 1998

P. P. KIMITI
Minister for Agriculture and Cooperatives