

Malawi

Agriculture (General Purposes) Act

Chapter 65:05

Legislation as at 31 December 2014

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Agriculture (General Purposes) Act (Chapter 65:05)

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Malawi

Agriculture (General Purposes) Act Chapter 65:05

Assented to on 7 April 1987

Commenced on 1 June 1987

[This is the version of this document at 31 December 2014.]

[Note: This version of the Act was revised and consolidated in the Fifth Revised Edition of the Laws of Malawi (L.R.O. 1/2018), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]

An Act to make miscellaneous provisions for the general regulation of the agriculture industry

1. Short title

This Act may be cited as the Agriculture (General Purposes) Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“**agricultural crop**” does not include—

- (a) tobacco;
- (b) cotton;
- (c) any crop declared under the Special Crops Act to be a special crop and for which an authority under that Act has been established; and
[Cap. 65:01]
- (d) any other crop which the Minister may, by order published in the *Gazette*, declare not to be an agricultural crop for the purposes of this Act.

3. Regulation of the agriculture industry

- (1) The Minister may by regulations published in the *Gazette*, make such provisions as he considers appropriate, expedient or necessary for the proper regulation of activities in the agriculture industry not otherwise regulated by or under another written law.
- (2) Without prejudice to the generality of the power conferred by subsection (1), such regulations may provide for—
 - (a) the licensing of buying, selling or otherwise marketing of agricultural crops, including the exportation thereof;
 - (b) the persons or class of persons to whom a licence may be issued;
 - (c) the minimum or maximum price payable to producers of agricultural crops;
 - (d) the standardization and inspection of assized weighing instruments or equipment for use in buying agricultural crops from producers;
 - (e) exportation procedures, including the remittance back to Malawi of export proceeds arising from sale of agricultural crops abroad;
 - (f) the form of application for licences and the person to whom an application for a licence shall be made;

- (g) the form of licences;
- (h) the conditions that attach to any licence;
- (i) the form and manner in which records or registers of all applications for a licence and licences shall be kept;
- (j) the person who, and the circumstances in which that person, may enter any place, vehicle, aircraft or vessel to ascertain compliance with the terms and conditions of a licence; and
- (k) the penalty for contravention of, or failure to comply with, the provisions of the regulations and such penalty shall have effect notwithstanding the provisions of section 21 (e) of the General Interpretation Act.

[Cap. 1:01]

- (3) The Minister may, in his discretion and without assigning any reasons therefor, refuse to issue a licence to any person or cancel or suspend a licence issued to any person, and the decision of the Minister to refuse to issue a licence or to cancel or suspend a licence shall be final and shall not be subject to review by, or be questioned in, any court.

4. Incidental and supplementary provisions

Regulations made under section (3) may further—

- (a) make provision for empowering such authorities or persons as may be specified in the regulations to make rules or orders for any of the purposes for which the regulations may be made;
- (b) make provision for the delegation and transfer of powers conferred, and duties imposed, by or under the regulations; and
- (c) contain such other incidental and supplementary provisions as appear to the Minister to be necessary or desirable for the purposes of the regulations.

5. Application of regulations, etc.

Regulations made under this Act and any rules or orders made under such regulations may be made so as to apply generally to the agriculture industry or to any particular agriculture crop or to any particular trade, business, undertaking or enterprise in the agriculture industry and so as to have effect either throughout Malawi or in any particular part of Malawi.