

Malawi

## Special Crops Act

### Chapter 65:01

Legislation as at 31 December 2014

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# Malawi

## Special Crops Act

### Chapter 65:01

Commenced on 7 September 1963

*[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 provision for the development and marketing of special crops and for the establishment of Special Crop Authorities**

#### **1. Short title**

This Act may be cited as the Special Crops Act.

#### **2. Interpretation**

In this Act, unless the context otherwise requires—

“**Authority**” means an Authority established by the Minister under [section 4](#);

“**special crop**” means a crop declared by the Minister to be a special crop under [section 3](#).

#### **3. Special crops**

When the Minister is satisfied that the development of any crop should be promoted or fostered under this Act, he may declare that crop to be a special crop.

#### **4. Authority for special crops**

- (1) Whenever a crop is declared to be a special crop under [section 3](#), the Minister shall, by order published in the *Gazette*, establish an Authority for promoting and fostering the development of a special crop in such areas as the Minister shall determine:

Provided that nothing in this section shall prevent the Minister from making an Authority responsible for the development of more than one special crop in one or more areas.

- (2) An Authority established under subsection (1) shall, by the name by which it is established by the Minister, be a body corporate having perpetual succession, a common seal and power to hold land, and may in its corporate name sue and be sued, and, for and in connexion with the purposes of this Act, shall be capable of purchasing, selling, leasing or otherwise acquiring or disposing of, holding or managing both movable and immovable property, entering into such contracts as may be necessary or expedient, and performing all such acts as bodies corporate may perform, subject both to this Act and to any other law in force in Malawi.

#### **5. Powers of Authority**

- (1) An order under [section 4](#) establishing an Authority may, in relation to the Authority and the special crop, make provision for all or any of the following matters—
- (a) the authentication of the seal, the signification of the decisions and the execution of documents of the Authority;
  - (b) the appointment of a Chairman of the Authority and its members and the regulation of meetings and procedure and voting thereat;

- (c) the terms of office of the Chairman and members;
  - (d) the remuneration of and allowances to be paid to the Chairman and members;
  - (e) the appointment of committees and the delegation of powers to such committees or to officers of the Authority;
  - (f) the appointment and remuneration of officers;
  - (g) the functions of the Authority, which may include—
    - (i) the establishment and management of nurseries;
    - (ii) the purchase and sale of seed and seedlings;
    - (iii) the control and supervision of cultivation of crops;
    - (iv) the inspection of growing and harvested crops;
    - (v) the purchase, transportation and storage of crops;
  - (h) the powers of the Authority, which may include power—
    - (i) to employ and remunerate agents and employees;
    - (ii) subject to the provisions of any law generally regulating the borrowing powers of the Government and statutory corporations constituted under any law of Malawi, to raise loans whether by bank overdraft or otherwise;
    - (iii) with the approval of the Minister, to impose, levies on growers for financing its operations and to provide for the manner in which and the persons by whom any such levies shall be collected;
    - (iv) to create and operate price stabilization funds in respect of the special crops for which it is responsible;
    - (v) to make loans for the purpose of the development of special crops;
    - (vi) to engage in the marketing of special crops;
    - (vii) to regulate and control the marketing of special crops;
    - (viii) to establish or acquire, and to operate, factories for the processing of special crops and to enter into agreements with other persons operating factories for them to purchase or process special crops;
    - (ix) to invest moneys not immediately required for use;
    - (x) with the approval of the Minister, to do such other things as in the opinion of the Authority will assist in the development of the special crops in the area for which the Authority was established;
    - (xi) to do any other thing which is incidental or conducive to the exercise of its powers under this Act;
  - (i) the manner of utilization of profits;
  - (j) the manner in which accounts shall be kept, audited and produced by the Authority;
  - (k) the imposition of a penalty, which shall not exceed a fine of K100 or imprisonment for a term of three months or both such fine and imprisonment for the contravention of any of the provisions of the order.
- (2) An order under [section 4](#) may make different provisions with respect to different special crops or in relation to different parts of the area for which the Authority was established.

- (3) An order under [section 4](#) shall not be made so as to conflict with the provisions of any other Act relating to agricultural crops.
- (4) Any Authority established under the provisions of [section 4](#) shall act in accordance with any general or special directions given by the Minister and not otherwise.
- (5) The Minister may, by order published in the *Gazette*, amend or revoke an order, and any order of revocation may provide for the winding up of the affairs of an Authority and for distributing, transferring or otherwise disposing of the property and liabilities of the Authority, and for all such matters as appear to the Minister to be connected with or incidental to the dissolution of the Authority.

## 6. Licences

- (1) When a crop has been declared to be a special crop, and an Authority in respect of that special crop has been established in any area, no person shall grow, sell, barter or buy that special crop in such area unless he is the holder of a valid licence authorizing him so to do.
- (2) The Minister may, by Regulation, prescribe—
  - (a) the form and manner in which and the person to whom an application for a licence shall be made;
  - (b) the form and manner in which and the person by whom a licence shall be issued;
  - (c) the conditions that attach to any licence;
  - (d) the manner in which records or registers of all applications for licences and licences shall be kept;
  - (e) the fee that shall be paid on the issue of a licence;
  - (f) the person who and the circumstances in which that person may enter any land, building, vehicle, aircraft or vessel to ascertain whether the terms and conditions of any licence are being complied with;
  - (g) the penalty for failure to comply with the provisions of any regulations.
- (3) The Minister may, in his discretion, and without assigning any reasons therefor, refuse to issue a licence to any person, or revoke or suspend any licence that has been issued. Any decision of the Minister to refuse, revoke or suspend any licence shall be final and shall not be questioned in any court.

[9 of 1972]

- (4) Any person who fails to comply with subsection (1) shall be liable to a fine of K2,000 and to imprisonment for three years, and in the case of a continuing offence to a further fine of K20 and to further imprisonment for one week for each day during which the offence continues.

[1 of 1969]

- (5) In addition to any fine or imprisonment or both which may be imposed by a court under the last preceding subsection, the court may order the special crop in respect of which the offence was committed to be forfeited.
- (6) The provision of [section 6](#) (1) shall not apply to persons growing tobacco as tenants registered under the Tobacco Act.

[Cap 65:02]

[9 of 1972]