

Malawi

## Milk and Milk Products Acts

### Chapter 67:05

Legislation as at 31 December 2014

FRBR URI: /akn/mw/act/1971/43/eng@2014-12-31

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PDF created on 21 February 2024 at 14:50.

*Collection last checked for updates: 31 December 2014.*

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## Milk and Milk Products Acts

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## Milk and Milk Products Acts

### Chapter 67:05

Assented to on 31 December 1971

Commenced on 1 November 1972

*[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 provide for the improvement and control of the production, processing and marketing of milk and milk products**

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

This Act may be cited as the Milk and Milk Products Act.

#### **2. Interpretation**

In this Act, unless the context otherwise requires—

“**milk**” means exclusively the normal mammary secretion obtained from one or more milkings from cows and other bovines without either addition thereto or extraction therefrom;

“**milk product**” means any product exclusively derived from milk, such as butter, cheese ghee, cream, dried milk or condensed milk, whether or not substances necessary for the manufacturing process but not intended to take the place in part or in whole of any milk constituent have been added thereto;

“**premises**” includes any building together with the land on which it is situated and the adjoining land used in connexion therewith, and includes any vehicle, conveyance or vessel;

“**producer**” means a person owning or having control of animals from which milk is obtained;

“**sale**” includes supplying milk under arrangements for free supply or in the course of any business otherwise than under such arrangements.

#### **3. Power to make regulations**

- (1) The Minister may make regulations for the better carrying out of the purposes of this Act, and without prejudice to the generality of the foregoing such regulations may make provision for—
  - (a) prescribing grades for milk or any form of milk product, and minimum standards to which such milk or milk product shall conform, whether as a condition of importation or of exportation or of sale within Malawi;
  - (b) fixing the price to be paid for any grade or type of milk or milk product to producers, manufacturers, processors, distributors or sellers, with power to fix different prices on a basis of quota or for different seasons or circumstances;
  - (c) prescribing the manner of handling, transporting and storing of any milk product intended for the use of or consumption by any person other than the producer thereof;
  - (d) regulating and controlling the production, manufacture, processing, distribution or sale of any form of milk or milk product;

- (e) imposing a levy or cess on any form of milk or milk product, or imposing different rates as between different forms of produce, or as between produce for export and produce for consumption in Malawi;
  - (f) prescribing the terms and form in which contracts for the sale of milk by producers, other than producers who sell direct to consumers, shall be made;
  - (g) providing for the creation and administration of schemes for the pooling of milk or milk products by producers in such area or areas as may be prescribed and for the distribution to producers of the proceeds of sale of such milk or milk products after deduction of such expenses as may be prescribed;
  - (h) controlling and regulating premises used in connexion with the production, manufacture, processing, distribution or sale of milk or milk products, including the design, standards, construction and maintenance of such premises;
  - (i) the inspection, examination, treatment and control of animals or stock feed used in connexion with the production of milk or milk products;
  - (j) requiring the registration and licensing, in such manner and upon payment of such fees as may be prescribed, of producers, manufacturers, processors, distributors and sellers of milk or milk products, and of any premises used by them;
  - (k) controlling or regulating the importation or exportation of milk or milk products;
  - (l) prescribing fees or charges for services rendered under this Act;
  - (m) requiring returns, reports and estimates to be furnished by producers, manufacturers, processors, distributors and sellers of milk and milk products;
  - (n) prescribing the forms of applications, and of licences, marks, registers and all other documents to be used for the purpose of this Act;
  - (o) prescribing the manner of marking articles intended for use in connexion with milk or milk products, including wrappers or packages intended to contain milk or milk products;
  - (p) prescribing the qualifications powers and duties of inspectors and other persons appointed to exercise powers and perform duties under this Act including the power to enter premises used in connexion with the production manufacture processing distribution or sale of milk or milk products for the purposes of this Act;
  - (q) for the examination, inspection, analysis and testing of milk or milk products or any article used in connexion with milk or milk products or the production, manufacture, processing, distribution or sale thereof, prescribing charges in respect thereof, and the conditions upon and the manner in which samples of such milk, milk products or articles may be taken, whether compulsorily or otherwise;
  - (r) authorizing the opening by prescribed persons or officers, for the purpose of inspection, of any package which contains or is reasonably thought to contain milk or milk products;
  - (s) prescribing the books, accounts, vouchers and records to be kept by persons carrying on business in milk or milk products;
  - (t) authorizing the examination and inspection by prescribed persons or officers of all books and documents relating to the production, manufacture, processing, distribution or sale of any milk or milk product.
- (2) Regulations made under subsection (1) may be made to apply to the whole of Malawi or to specified areas of Malawi, and different regulations may be made in respect of different areas of Malawi or for different grades of milk or for different types of milk products.

#### 4. Establishment of dairy advisory committee

- (1) The Minister may by order establish a dairy advisory committee for the whole of Malawi, or for such areas of Malawi as may be specified in such order, or may establish separate dairy advisory committees for different areas of Malawi.
- (2) The functions of the dairy advisory committee, or dairy advisory committees established under subsection (1), shall be to advise the Minister on the development of milk production, the premises used therefor, systems of distribution, and the sale of milk and milk products.

#### 5. Establishment of national milk marketing board

- (1) When the Minister considers it necessary or advisable in the interests of the milk or milk products industry, or the country as a whole, he may, by order, establish a national milk marketing board, which may be a body corporate, and shall have such powers and functions as the Minister shall in such order specify.
- (2) The powers and functions of the national milk marketing board shall, in accordance with any special or general directions of the Minister, include the formulation, development, co-ordination and administration of a national policy with regard to milk and milk products, covering all aspects of milk production, the manufacture, processing, sale and distribution of milk and milk products, maximum and minimum prices, the importation and exportation, the standards and quality of milk and milk products.
- (3) When the Minister has established a national milk marketing board in accordance with this section, any dairy advisory committee or all dairy advisory committees established under [section 4](#) shall, from the date of such establishment, cease to function.

#### 6. Establishment of specialized bodies

- (1) Where the Minister considers it desirable so to do in order to foster the development of the milk and milk products industry, he may, by Order published in the *Gazette*, establish specialized bodies to engage in such commercial activities in the production or marketing of milk and milk products as he may specify in such Order.
- (2) A body established under subsection (1) may be a body corporate and shall have such powers as the Minister may specify in the Order.

*[20 of 1986]*

#### 7. Appointment of inspectors, etc.

The Minister may appoint suitable persons to be inspectors, milk tester-graders or samplers or other officers for the purposes of this Act, who shall exercise such powers as may be specified in regulations made under this Act.