

CHAPTER 18:17

PRODUCE EXPORT ACT

Ord. 4/1921; Acts 37/1938 (s. 3), 12/1945, 22/2001 (s. 4); R.G.Ns. 799/1963, 214/1964.

ARRANGEMENT OF SECTIONS

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AN ACT to provide for the grading of agricultural produce and any such processed produce which is to be exported from Zimbabwe for the purpose of sale, for the prohibition and regulation of the methods of processing produce, for the prohibition and regulation of the export of such produce and for matters incidental to the foregoing.

[Date of commencement: 10th June, 1921.]

1 Short title

This Act may be cited as the Produce Export Act [*Chapter 18:17*].

2 Interpretation

(1) In this Act—

“brand” means stamp, mark, label or in any other manner distinguish by concrete or visible sign;

“Controller” means the officer appointed by the Minister of Agriculture to administer this Act;

“export” means export from Zimbabwe for purposes of sale outside Zimbabwe;

“inspector” means a person appointed by the Minister of Agriculture to examine or grade or both examine and grade produce intended for export;

“owner” includes an exporter, consignor or agent of the owner;

“produce” means any article which has been declared to be produce in terms of this section.

(2) The President may, by statutory instrument, declare any of the following to be produce for the purposes of this Act—

Any article whatever which is produced or derived by farming operations, whether or not such article has undergone any change of form as a result of some process applied to it by any person whomsoever since it was produced or derived, butter, butter substitutes, cheese, eggs, meat or any product thereof, and the hides and skins of any domesticated animal.

3 Prohibition of export

(1) No person shall export, or cause or permit to be exported, any produce unless and until such produce has been inspected and graded by an inspector and thereafter branded in the manner prescribed by regulation; nor shall any produce which has been so inspected, graded and branded be exported if it is included in a grade lower than that fixed as the minimum standard for exportation.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

4 Export without inspection when arrangements made for inspection outside Zimbabwe

Notwithstanding anything in section *three* contained, the Controller may issue written authority for the export of produce without inspection and grading when arrangements have been made to his satisfaction for the inspection and grading of such produce outside Zimbabwe.

5 Powers of President

The President may, by statutory instrument—

- (a) prescribe the specific designation under which any particular kind of produce may be exported and define each such kind of produce;
- (b) prescribe standards of quality, composition and condition, and minimum standards for exportation, for different kinds of produce;
- (c) exempt from the provisions of this Act, either wholly or in part, produce of other countries in transit through Zimbabwe;
- (d) exempt from the provisions of this Act produce intended for export to any country, state or territory designated in such notice;
- (e) prohibit the export from Zimbabwe of produce which is not of the grade, standard of quality, composition and condition prescribed under this Act for such produce or to which any process prohibited or not prescribed under this Act has been applied.

6 Regulations

- (1) The President may make regulations as to the following matters relating to produce intended for export—
- (a) the inspection of produce, the inspection of animals from which produce is derived or to be derived, the inspection of the premises in which such animals are slaughtered or in which produce is prepared, manufactured or otherwise dealt with;
 - (b) the place and manner of inspection as aforesaid;
 - (c) the time and place at which, and the manner in which, notice of intention to export shall be given;
 - (d) the manner of packing, the size, description, quality and material of the receptacles to be used, the weight of the contents and the marking of the receptacles;
 - (e) the fixing of grades, the place and manner of grading and branding of any produce, and the manner in which different designations or grades of produce shall be branded, whether on the receptacle or on a certificate of the inspector or otherwise;
 - (f) the period within which graded produce may be exported;
 - (g) the abstraction or removal of samples by an inspector for examination, inspection or analysis and the disposal of such samples after such examination, inspection or analysis;
 - (h) the circumstances under which the export of graded produce may be delayed or prohibited owing to a deterioration in quality or condition, and under which such produce may be regraded, degraded or unbranded after inspection;
 - (i) the forms of notices, certificates or other documents to be used or issued for the purposes of this Act;
 - (j) the fees which shall be paid by the owner of animals or produce for inspection and for grading, the time of payment and the person to whom payment shall be made;
 - (k) the period within which appeals shall be notified and the procedure of boards of appeal;
 - (l) the methods of curing and other processes that may be applied to any produce, and prohibiting the application of any method or process to any produce;
 - (m) requiring any person or any class of persons to furnish information and returns in regard to any produce;
- and, generally, for the better carrying out of the objects and purposes of this Act.

2 Regulations made in terms of subsection (1) may provide penalties for contraventions thereof, but no such penalty shall exceed a fine of level six or imprisonment for a period not exceeding one year or both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

7 Penalties

(1)

[Subsection repealed by section 4 of Act No. 22 of 2001]

(2) Any person who obstructs, resists or hinders an inspector in the lawful exercise of his powers or duties under this Act or any notice issued thereunder shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

8 Penalties for fraudulent acts

Any person who—

- (a) forges or utters, knowing it to be forged, any certificate or brand or label, or any writing or signature required by or provided in this Act; or
- (b) wilfully applies to produce intended for export a certificate or invoice or label or warranty given in relation to any other produce; or
- (c) in Zimbabwe, with intent to deceive, issues a written warranty or invoice, label or certificate or notification in respect of produce, if such written document falsely describes such produce or is false in any other material particular,

shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

9 Appeal from decisions of inspectors

Any owner of produce intended for export being dissatisfied with the decision of or action taken by an inspector under this Act may appeal to the Controller against such decision or action. A further inspection shall thereupon be made by the same or another inspector. If, as the result of such inspection, the decision or action appealed against is altered in favour of the appellant, no fees shall be charged for such second inspection. If the owner is still dissatisfied with the decision or action of the inspector, he may appeal to a board to be appointed by the President. Before the matter is referred to the board, the person appealing shall deposit at the office of the Controller such reasonable amounts as, in the Controller's opinion, will be sufficient to defray the costs of the appeal. Such board shall consist of three members, of whom one shall be the Controller and at least one shall be directly interested in the kind of produce giving rise to the dispute.

The decision of the board shall be final and the cost of appeal shall be in the discretion of the board.

10 Payments to members of appeal boards

The members of the board may be paid allowances for each day necessarily spent in travelling to and from the place where the appeal is heard, and allowances for such days as may be necessarily occupied in hearing and determining the appeal, and such allowances shall be costs of the appeal.

11 Appointment of officers

Subject to the law relating to the Public Service, the Minister of Agriculture may appoint a controller and inspectors and such other officers as may be necessary for the due administration of this Act.