

## LEGAL NOTICE NO. 4 OF 1974

Agricultural Marketing (Trading) Regulations 1974

In exercise of the powers conferred upon me by section 4 of the Agricultural Marketing Act 1967, I,

Nehemiah Sekhonyana Maseribane

Deputy Prime Minister and Minister responsible for Agriculture hereby make the following regulations —

Citation and  
commence-  
ment

1. These regulations may be cited as the Agricultural Marketing (Trading) Regulations 1974 and shall be deemed to have come into operation on 1st January, 1974.

Interpreta-  
tion

2. In these regulations, unless the context otherwise requires, expressions used shall have the same respective meanings as in the Agricultural Marketing Act 1967, hereinafter referred to as the Act.

Application  
for a  
licence

3. (1) Any person who desires to obtain a new licence for trading in any of the products under the items in the First Schedule shall lodge an application in duplicate in the form prescribed in the Second Schedule to these regulations.

(2) The provisions of sub-regulation (1) shall apply whenever an application for the renewal of a licence is submitted to the licensing authority.

(3) Every application for the grant or renewal of a licence shall be accompanied by an application fee of three rand for citizens and five rand for non-citizens which shall not be refundable.

Trading  
licences

4. (1) Every licence issued in terms of these regulations shall be in the form prescribed in the Third Schedule.

(2) The licensing authority responsible for the grant of licences under these regulations may —

- (a) impose such new conditions on any licence already issued as may be deemed necessary in the public interest; or
- (b) cancel or vary any condition endorsed on a licence already issued.

(3) Any condition imposed shall be endorsed upon the licence and shall be effective only when so endorsed.

Returns

5. (1) Every person licenced under these regulations shall make a true and complete return of all livestock and livestock products and other controlled products and such other products imported or exported by him whenever so required by the licensing authority.

(2) Any person who fails to render a return as required by sub-regulation (1) or who submits a return knowing it to be false, shall be guilty of an offence.

Powers of  
officers

6. A peace officer or any inspector appointed by the Minister for the purpose may at all reasonable hours enter any premises upon or in which any trade or business liable to be licensed under these regulations is being carried on, and may require the occupier of such premises to allow him access to all parts of the business premises in order to satisfy himself that the products being traded in are covered

*bring return  
forms*

by an appropriate licence and to produce for purposes of inspection any licence issued under these regulations, and any such occupier who fails to produce his licences upon such request or who fails or refuses to permit access to his premises shall be guilty of an offence.

7. Every person shall be liable for the acts and omissions of any partner, agent, or servant in so far as they relate to the business of such person, and if such partner, agent, or servant performs any act or suffers any omission which contravenes the provisions of these regulations such person and his partner, agent or servant may be charged jointly in the same proceedings and shall be liable jointly and severally to the penalties imposed by these regulations, unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence. Liability of employers

8. Any person who contravenes or fails to comply with the provisions of these regulations shall be liable on conviction to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding six months or to both such fine and imprisonment. Penalties

Nehemiah Sekhonyana Maseribane,  
*Minister of Agriculture.*

### FIRST SCHEDULE

#### ITEM 1

#### Dealer in Livestock and Hides and Skins

1. This licence shall be required by every person who carries on the trade or business of buying livestock or hides and skins for the purpose of sale or consignment, whether by auction or out of hand, and whether or not the person so dealing has a recognised place of business.

2. Every such licence, save as is hereinafter provided, shall be issued in the name of one individual only and shall be required by any person, who, as the employee of a person carrying on business as a dealer or speculator in livestock or dealer in hides and skins, conducts such business on behalf of his employer:

Provided that when such a licence is issued to a company or partnership, such licence shall also carry the name of the individual using such licence:

Provided further that the name of such individual may be changed at the discretion of the licensing authority without additional charge upon the request of the company or partnership.

3. For the purpose of this licence — "livestock" includes horses, cattle, sheep, goats, pigs, mules and donkeys, but does not include poultry.

#### *Exemption:*

A citizen in respect of the sale, barter or exchange of livestock bred by him in Lesotho or purchased and resold in the course of his farming operations.

## ITEM 2

## Dealer in Farm Produce

1. This licence shall be required by every person who carries on the trade or business of buying farm produce for the purpose of sale or consignment, whether by auction or out of hand, and whether or not the person so dealing has a recognised place of business.

2. Every such licence, save as is hereinafter provided, shall be issued in the name of one individual only and shall be required by any person, who, as the employee of a person carrying on business as a dealer in farm produce, conducts such business on behalf of his employer:

Provided that when such licence is issued to a company or partnership, such a licence shall also carry the name of the individual using such licence:

X Provided further that the name of such individual may be changed at the discretion of the licensing authority without additional charge upon the request of the company or partnership.

X 3. For the purposes of this licence — "produce" means all products of farming operations but does not include livestock, skins, hides, wool and mohair.

Exemption:

A citizen, in respect of the sale, barter or exchange of produce grown by him in Lesotho, or purchased and resold by him in the course of his ordinary farming operations.

## ITEM 3

## Dealer in Wool and Mohair

1. This licence shall be required by every person who carries on the trade or business of buying wool and mohair or any products derived from wool or mohair for the purpose of sale or consignment whether by auction or out of hand.

2. The issue of this licence shall be conditional on the licensee having an approved woolshed.

## SECOND SCHEDULE

Application Form for an Agricultural Trading  
Licence (Individuals)

## PART I

(Please print or type)

1. Full name of Applicant: \_\_\_\_\_

2. Business Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ID#

3. Residential Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

4. Nationality: \_\_\_\_\_

5. If nationality is acquired by registration mention registration number and original nationality: \_\_\_\_\_  
 \_\_\_\_\_

6. Date of Birth: \_\_\_\_\_

7. Place of Birth: \_\_\_\_\_

8. (a) Do you own business premises in Lesotho? \_\_\_\_\_

(b) If not, specify in detail the nature of your right to occupy business premises: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(c) Specify the location of business premises and site number: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

9. (a) Have you ever been convicted of a crime involving dishonesty? \_\_\_\_\_

(b) If so, give the full particulars: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

10. Mention the item and nature of licence you wish to apply for, and reason for wishing to acquire this licence: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

11. (a) Have you applied for this type of licence before: \_\_\_\_\_

(b) If so, was it granted: \_\_\_\_\_

12. (a) Do you maintain a bank account in Lesotho? \_\_\_\_\_

(b) If so, with which bank: \_\_\_\_\_  
 I, the undersigned do hereby affirm that the information contained in this application is true to the best of my knowledge and belief.

If not, why

Full names (print or type) \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Note: Kindly take notice that this application form when duly completed must be submitted with the application fee of R3.00 in the case of citizens and R5.00 for non-citizens. Also take notice that for every type of licence being applied for, a separate application form must be used. Please make sure that the application form is fully and accurately completed.

## PART II

(Corporate bodies)

1. Nature of the Corporate Body: \_\_\_\_\_
2. Business Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Telegraphic Address and telephone number: \_\_\_\_\_
3. Full names or style of the Company or Firm: \_\_\_\_\_
4. Number of Directors and Officers-in-Charge: \_\_\_\_\_
5. Full names, addresses, and nationality of Directors and Officers-in-Charge: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- (Use separate sheet if space provided is inadequate)
6. Nationality of majority of share-holders in the Company or Firm: \_\_\_\_\_  
 \_\_\_\_\_
7. Mention the item and nature of licence being applied for, and reason for wishing to acquire this licence: \_\_\_\_\_  
 \_\_\_\_\_
8. (a) Has a licence under this item been applied for before? \_\_\_\_\_  
 (b) If so, was it granted: \_\_\_\_\_
9. (a) Does the Company or Firm maintain a Bank Account in Lesotho? \_\_\_\_\_  
 (b) If so, with which Bank? \_\_\_\_\_
10. (a) Is the Company or Firm registered in Lesotho in terms of the Companies Act No. 25 of 1967 and/or Partnership Proclamation 78 of 1957: \_\_\_\_\_

(b) If so, mention registration number thereof \_\_\_\_\_

I, the undersigned on behalf of the afore-mentioned Company/Firm (delete whichever is inapplicable) do hereby affirm that the information contained in this application is true and correct to the best of my knowledge and belief.

Full Names (print or type) \_\_\_\_\_

Posit on in Company/Firm \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**NOTE:**

Kindly take notice that this application form when duly completed must be submitted with the application fee of R3.00 in the case of citizens and R5.00 for non-citizens. Also take notice that for every item of licence being applied for, a separate application form must be used. Please make sure that the application form is completely and properly filled in.

**THIRD SCHEDULE**



**Agricultural Trader's Licence Certificate**

This is to certify that \_\_\_\_\_ Serial No.: \_\_\_\_\_  
of \_\_\_\_\_  
having paid the required licence fee of R \_\_\_\_\_

(amount in words)

and having complied with all other requirements, is hereby issued a licence to carry on the business of \_\_\_\_\_  
Classified as Item \_\_\_\_\_

and is thus authorized to trade as such in terms of the Agricultural Marketing Act 1967, as amended, and the regulations made thereunder.

The validity of this licence commences on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and extends till the 31st \_\_\_\_\_

December, 19\_\_\_\_  
This licence is issued subject to conditions contained in the said Act and the regulations and shall be subject to any such condition or conditions that may from time to time be endorsed on the reverse side of this Certificate.

\_\_\_\_\_  
Licensing Authority.

\_\_\_\_\_  
Date Stamp