

(section 7)

(9th February, 1968)

ARRANGEMENT OF REGULATIONS

REGULATION

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S.I. 8, 1968.

1. Citation

These Regulations may be cited as the Livestock and Meat Industries (Producers' Agent) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"**abattoir**" means the abattoir operated by the Commission;

"**agent**" means producer's agent;

"**Commission**" means the Botswana Meat Commission;

"**licensing authority**" means the Permanent Secretary, Ministry of Agriculture;

"**owner**" means the owner of an animal slaughtered at the abattoir and includes his executor, curator, trustee, guardian or other legal representative.

3. Registration of agents

No person shall act in the capacity of a producer's agent in the abattoir unless he has been registered as a producer's agent by the licensing authority:

Provided that no company may be so registered unless it is registered as a company in Botswana.

4. Refusal of registration

(1) The licensing authority may refuse to register a person as a producer's agent if in his opinion such registration would be contrary to the public interest.

(2) Any person who is aggrieved by the refusal of the licensing authority to register him as a producer's agent may, within 30 days of notification thereof, appeal to the President whose decision in the matter shall be final.

5. Duration of registration

(1) The registration of an agent shall lapse on the 31st December in each year.

(2) The registration of any agent may be cancelled at any time by the licensing authority if-

- (a) the agent contravenes or fails to comply with the provisions of these Regulations or of any law relating to the purchasing, marketing or slaughter of livestock;
- (b) the agent indulges in any practice which in the opinion of the licensing authority is calculated to interfere with the smooth operation of the marketing of slaughter animals or of the abattoir.

6. Registration fee

The fee for the registration of an agent shall be P100.

7. Security

Every agent shall, if required to do so by the Minister, furnish the Government with such security as the Minister may determine and, if he fails to do so, his registration may be forthwith cancelled by the licensing authority:

Provided that such security shall not exceed an amount of P1000.

8. Duties of agent

(1) Upon the delivery of a slaughter animal to the abattoir the agent shall inform the Commission of the name and address of the owner of such animal and shall also supply the Commission with a description of such animal sufficient for the purposes of identifying such animal as the property of such owner.

(2) Unless such slaughter animal is otherwise identifiable the agent shall mark the animal in a manner adequate for the purposes of identifying such animal in accordance with the provisions of subregulation (1).

(3) While on the premises of the abattoir the agent shall comply with such instructions as may be given by the Commission through any official of the abattoir authorized thereto, for the safety, security, hygiene and smooth operation of the abattoir.

(4) The agent shall obtain from the Commission for and on behalf of the owner of the animal the amount due in respect of each carcass of an animal delivered to the abattoir by the agent and, in the event of the condemnation of the carcass as being unfit for human consumption, in whole or in part, a certificate of condemnation signed by a veterinary officer

designated for the purpose by the Director of Veterinary Services.

9. Payment and commission

(1) The agent shall within five working days of receiving any payments (including a supplementary payment) from the Commission in respect of any animal delivered to the abattoir under his agency tender to the owner of such animal the amount received less any amount which may be deducted under the provisions of subregulation (3).

(2) The requirements of subregulation (1) shall be deemed to have been complied with if the agent posts to the owner a cheque drawn in favour of the owner and in the amount owing to the owner within the period specified in that subregulation.

(3) No deduction shall be made from any payment tendered under subregulation (1) except-

- (a) the commission of the agent at a rate not exceeding two and a half per cent;
- (b) such amounts (not being commission) as the owner of the animal has authorized to be deducted.

10. Weight and grade sheets

(1) The Commission shall supply to the agent in duplicate a weight and grade sheet which shall show-

- (a) the date of slaughter;
- (b) the name and address of the owner of the animal slaughtered as supplied in accordance with the provisions of regulation 8(1);
- (c) the net dressed weight and grade of the carcass slaughtered;
- (d) the estimated cold dressed weight of the carcass.

(2) In the event of there being any difference between the weight of a carcass as recorded by the agent and the weight and grade sheet, the weight recorded on the weight and grade sheet shall be deemed to be the correct weight.

(3) The weight and grade sheet shall be authenticated with the signature of the authorized representative of the Commission.

11. Agent's statement of account

Every payment made by the agent in terms of regulation 9(1) shall be accompanied by-

- (a) a copy of the weight and grade sheet supplied to the agent under the provisions of regulation 10(1); and
- (b) a copy of the certificate of condemnation, if any, supplied under the provisions of regulation 8(4).

12. Keeping of books

The agent shall keep, in the English language, a set of books and records showing particulars of all transactions undertaken by him in terms of his appointment and such books

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and records together with all railway delivery notes relating to consignments of slaughter animals handled by him shall at all reasonable hours be open for inspection by any person authorized thereto in writing by the licensing authority or by a police officer of the rank of sub-inspector or above.

13. Agent's remuneration

The agent shall not be entitled to any remuneration or payment for services rendered other than the commission which he is entitled to deduct in terms of regulation 9(3).

14. Admission of agent to abattoir

An agent or his representative shall have no right of admission to the abattoir building except at the time when slaughter stock consigned to him are being slaughtered and processed and then only on to that area of the slaughter floor set aside for grading and weighing, except when a carcass is in dispute as regards its grade he may, if accompanied by an official of the Commission, go to where the carcass is:

Provided that where the grading of a carcass, not being the carcass of a full-mouthed animal, is dependent upon the number of incisors in the mouth of such animal the agent may enter upon that portion of the slaughter floor where the number of incisors is marked on the carcass.

15. Unpaid moneys

(1) An agent shall within 30 days after 31st March, the 30th June, the 30th September and 31st December in each year furnish to the Commission a return showing all payments tendered to producers in accordance with the provisions of regulation 9(1) and which, for any reason, remain unpaid on 31st March, the 30th June, the 30th September, and 31st December, as the case may be, and which have not been paid into the Guardians Fund established under the Administration of Estates Act in accordance with the provisions of subregulation (2).

(2) The agent shall when he is called upon to do so by the licensing authority pay any such moneys, less any deduction permissible under regulation 9(3), into the Guardians Fund.

16. Trust accounts

(1) All moneys received by an agent from the Commission in respect of the slaughter of any animal shall be paid into a separate bank account at a bank lawfully established within Botswana.

(2) No payment shall be made out of such bank account other than-

- (a) payments to producers of money owing to them in respect of the slaughter of any animal;
- (b) any moneys deductible under the provisions of regulation 9(3);
- (c) a payment of the nature referred to in regulation 15(2);
- (d) such other payments as the Minister may approve.

(3) The moneys held in such bank account, being moneys owing to producers in respect of the slaughter of any animal, shall be deemed to be trust moneys held for and on behalf of such producers.

17. Offences

(1) Any person who conducts the business or profession of a producers' agent in respect of the abattoir without having been registered under the provisions of regulation 3 (other than a person registered during the previous calendar year during the month of January of the following year) shall be guilty of an offence and liable to a fine not exceeding P400 or to imprisonment for a term not exceeding one year, or to both.

(2) Any producer's agent registered under the provisions of regulation 3 who-

- (a) knowingly gives false information under the provisions of regulation 8(1);
- (b) fails, without lawful excuse, to make any payment in accordance with the provisions of regulation 9(1);
- (c) charges a commission in excess of that prescribed in regulation 9(3);
- (d) fails to keep books or records in accordance with the provisions of regulation 12;
- (e) seeks to obstruct or hinder any person seeking to make an inspection in accordance with the provisions of regulation 12;
- (f) fails to render a return or to make a payment under the provisions of regulation 15 or renders a return which is false or inaccurate;
- (g) fails to maintain a bank account in accordance with the provisions of regulation 16(1) or fails to make any payment into that account which should be so made, or makes any payment out of such account other than a payment authorized under regulation 16(2),

shall be guilty of an offence and liable to a fine not exceeding P400 or to imprisonment for a term not exceeding one year, or to both.