

Statutory Instrument 56 of 2023.

Grain Marketing (Control of Sale of Maize) (Amendment)
Regulations, 2023 (No. 1)

IT is hereby notified that the Minister of Lands, Agriculture, Fisheries, Water and Rural Development has, in terms of section 39 of the Grain Marketing Act [*Chapter 18:14*], made the following regulations:—

1. These regulations may be cited as the Grain Marketing (Control of Sale of Maize) (Amendment) Regulations, 2023 (No. 1).

2. The Grain Marketing (Control of Sale of Maize) Regulations, 2019, published in Statutory Instrument 145 of 2019 (hereinafter called “the principal regulations”), are amended in section 3 (“Interpretation”)—

(a) by the repeal of the definition of “authorised agency” and “contractor” and the substitution of—

““contractor” means person—

- (a) the Government (through any of its agencies, arms or organs), in the case of a scheme contract with a producer to grow maize; or
- (b) an individual, statutory body, company, entity or other person who, being registered for such purpose under the Agricultural Marketing Authority Act, contracts with one or more producers in a defined agricultural season;

“authorised agency” means

- (a) any Government parastatal or entity acting on behalf of the government that is involved in the collection, storing, distribution or marketing of agricultural produce; or
- (b) the Zimbabwe Mercantile Exchange;

and “authorised person” shall be construed accordingly;”;

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(b) by the insertion of the following definitions—

“self-financed farmer” means a registered producer who finances his or her own production using his or her own funds, and is not a party to a scheme contract or a contract with a contractor to grow maize;

“own funds” means money which is lawfully held inside or outside Zimbabwe by a Zimbabwean resident and which was acquired by him or her as the proceeds of any employment, investment, trade, business or other gainful occupation or activity carried on by him or her in or outside Zimbabwe, or which lawfully accrues to him or her by the operation of law;

“processor” means a miller or other processor of maize who is registered or required to be registered with the Agricultural Marketing Authority;

“Zimbabwe Mercantile Exchange” means the Zimbabwe Mercantile Exchange established in terms of the Agricultural Marketing Authority (Zimbabwe Mercantile Exchange) Rules, 2021 (Statutory Instrument 184 of 2021).”.

3. Sections 5 and 6 of the principal regulations are repealed and substituted by—

“Sale or delivery of maize

5.(1) Subject to subsections (2) and (3), no individual, statutory body, company, entity or other person (the “maize producer or seller”), shall sell or otherwise dispose of any maize except to—

- (a) the registered contractor with whom the maize producer or seller has contracted to grow or sell the maize;
- (b) the Grain Marketing Board.

(2) The individual, statutory body, company, entity or other person (the “maize producer or seller”), shall not sell or otherwise dispose of any maize under subsection (1) unless—

- (a) he, she or it is the producer of the maize; or
- (b) the registered contractor with whom maize producer has contracted to grow or sell the maize;
- (c) the agent of a producer or contractor authorised to sell the maize on his, her or its behalf.

(3) A registered self-financed farmer who is a maize producer or seller (whether registered as an individual, statutory body, company, entity or other person) may sell or otherwise dispose of any maize—

- (a) through a certified warehouse registered with the Zimbabwe Mercantile Exchange; or
- (b) to the Grain Marketing Board; or
- (c) a processor, subject to such conditions incumbent on the processor as may be specified from time to time (such as the maximum quantity of maize for milling that may be received within a specified season or period from a registered self-financed farmer); or
- (d) a registered contractor under the conditions specified in section 6(4).

(4) Any maize which is required to be sold to the Grain Marketing Board under subsection (1) shall be delivered to the Grain Marketing Board at such time, place, and quantities as the Board may direct and under such terms and conditions as the Grain Marketing Board may provide.

(5) Any maize which is sold to the Grain Marketing Board by a self-financed farmer under subsection (3)(b) [or by a contractor referred to in section 6(4) shall be delivered to the Grain Marketing Board under such terms and conditions as the Grain Marketing Board may provide.

(6) No person who is not a producer of maize, or a contractor or the agent of a producer or contractor authorised

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to sell the maize on his, her or its behalf or a self-financed farmer shall sell maize to the Grain Marketing Board, except on conditions approved by the Minister and on terms that not more or less favourable than those under which it buys maize from producers, contractors, self-financed farmers (or their authorised agents) at the date of the sale:

Provided that the Grain Marketing Board is not bound to accept any maize delivered by a person other than a producer, a self-financed farmer or a contractor.

Acquisition and disposal of maize

6. (1) Subject to subsections (2) and (3), no individual, statutory body, company, entity or other person (the “maize buyer or acquirer”), shall buy or otherwise acquire any maize from any farmer or producer except—

- (a) directly from farmer or producer with whom the maize buyer or acquirer has contracted to grow or sell the maize; or
- (b) indirectly through the Grain Marketing Board.

(2) The maize buyer or acquirer shall not shall buy or otherwise acquire any maize under subsection (1) unless he, she or it—

- (a) is the registered contractor of the maize in question; or
- (b) not being the registered contractor of the maize in question, buys maize from a self-financed farmer under the conditions specified in subsection (4); or
- (c) is the agent of a maize buyer or acquirer authorised to buy or sell the maize on his, her or its behalf.

(3) A registered self-financed farmer may buy or acquire maize—

- (a) through a certified warehouse registered with the Zimbabwe Mercantile Exchange; or

- (b) from the Grain Marketing Board; or
- (c) from a maize producer with whom the self-financed farmer has contracted to produce the maize in question, having beforehand registered as a contractor for the purpose.

(4) If a registered contractor buys maize from a registered self-financed farmer, the contractor shall—

- (a) strictly segregate such maize or account for it separately from that bought from maize producers or sellers who have contracted with the contractor to grow or sell the maize; and
- (b) receipt each such purchase concerned in writing showing the identity of the registered self-financed farmer concerned, and the amount and price of the maize bought.

(5) A person who acquires any maize for use as seed shall not use or dispose of that maize for any other purpose unless with the written permission of the Grain Marketing Board.

(6) A producer of maize or farmer is permitted to transport not more than five bags of maize of a capacity not exceeding 50 kilogrammes per bag from one area of the country to the other without any authorised person or police officer having to confiscate the maize.

(7) A producer of maize is permitted to transport maize in excess of that specified under subsection (3) in the following cases—

- (a) where such maize is being transported to be sold to the Grain Marketing Board;
- (b) where an authorised person has permitted such maize to be transported for any other specified purpose, which authority must be evidenced in writing to any police officer on demand.

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(8) With effect from the date of commencement of these regulations, no person other than the Grain Marketing Board shall export from Zimbabwe maize of any quantity or any description until such a date that shall be specified by the Minister.

4. Section 7 (“Provisions relating to contracted maize”) of the principal regulations is amended by the insertion of the following subsection after subsection (2)—

“(3) For the purpose of ensuring the swift and unhindered delivery of maize produced by contract farmers or producers, or by self-financed farmers, or by the contractor, or by the transporter as agent of any of the foregoing the Grain Marketing Board may, on submission of a written application together with an administration fee ten United States dollars (or the equivalent in Zimbabwe dollars at the prevailing interbank rate) per vehicle used in the movement of the maize, and on proof that the applicant or his or her principal has the appropriate registrations under the Act, these regulations or the Agricultural Marketing Act, issue the appropriate movement permit (in material or virtual form) to the applicant, specifying the period of validity of the permit, the route or routes to be taken, the quantity of maize being moved and its destination or destinations.”.