GOVERNMENT NOTICE NO. 32

CONTROL OF GOODS ACT

(CAP. 18:08)

CONTROL OF GOODS (EXPORT MANDATE) REGULATIONS, 2021

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Objectives
4. Export of grains, legumes and oilseeds
5. Commodity exchange to make rules
6. Information sharing and publication
7. Offences and Penalties

SCHEDULES

IN EXERCISE of the powers conferred by section 4 of the Control of Goods Act, I, SOSTEN GWENGWE, Minister of Trade, make the following regulations—

Citation

1. These regulations may be cited as Control of Goods (Export Mandate) Regulations 2021.

Interpretation

2. In these regulations, unless the context otherwise requires—

"commodity exchange" includes a trading platform, a clearing house and a warehouse receipt system; and

"structured markets" means an organized and formal place where farmers, traders, processors, millers, banks and others enter into organized, regulated trading and financial arrangements.

Objectives

3. The objectives of these Regulations are to provide for the export of prescribed grains and legumes in order to—

(*a*) bring order and transparency in the export of grains and legumes and oil seeds;

(*b*) promote sharing and transmission of trade data;

(*c*) ensure that all grains, legume and oil seeds export transactions take place through a licensed commodity exchange; and

(*d*) ensure that export proceeds are tracked and repatriated to Malawi in accordance with the relevant legislation.

Export of grains, legumes and oil seeds

4. —A person shall not, unless exempted by the Minister, export grains, legumes or oil seeds listed in the Schedule hereto—

(*a*) unless the export transaction is done through a licensed commodity exchange; or

(*b*) a licensed commodity exchange certifies the transaction as having complied with the rules made pursuant to regulation 5.

(2) The Minister may amend the list of grains, legumes or oil seeds in the Schedule hereto after consultations with relevant stakeholders in accordance with section 6 of the Act.

Commodity exchange to make rules

5.— (1) A licensed commodity exchange shall make rules on the—

(*a*) receipt and facilitation of export of grains, legumes and oil seeds listed in the Schedule hereto;

(*b*) fees payable for the trading of the listed grains, legumes and oil seeds on the commodity exchange; and

(*c*) certification of trade of the listed grains and legumes outside the commodity exchange.

(2) A licensed commodity exchange shall submit the rules made under subregulation (1) to the Registrar of Financial institutions for approval.

(3) A commodity exchange shall publish the approved rules on its web-site newspapers, on conspicuous places at the premises of the commodity exchange and circulate to relevant stakeholders.

Information sharing and publication

6. A licensed commodity exchange shall—

(*a*) on a monthly basis, submit to the Minister and relevant stakeholders;

(*b*) on a quarterly basis, publish in newspapers of nation-wide circulation and on their websites; and

(*c*) make available on request;

information on export data on grains and legumes listed in the Schedule hereto exported through the commodity exchange:

Provided that the Minister may, at any time, request information to be submitted in a prescribed manner.

Offences and penalties

7. A person who contravenes regulation 4 commits an offence and shall on conviction be liable to a fine of twenty million Kwacha.

SCHEDULE (reg. 4)

GRAINS, LEGUMES AND OIL SEEDS SUBJECT TO EXPORT MANDATE

1. Groundnuts
2. Pigeon peas including toor dhal
3. Soya beans including soya bean cake, soya pieces, and soya meal
4. Beans
5. Cowpeas
6. Sunflower including sunflower cake
7. Rice including rice bran, rice meal and rice residues
8. Maize, including dried maize on or off the cob, maize bran, crushed maize, samp, maize grits, maize cones, hominy chop, maize offals or processed maize meal with or without additives.

Made this 24th day of May, 2021.

S. GWENGWE
Minister of Trade

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