

Grain Marketing (Control of Sale of Wheat and Barley)
(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 Wheat and Barley) (Amendment) Regulations, 2023 (No. 1).

2. The Grain Marketing (Control of Sale of Wheat and Barley) Regulations, 2021, published in Statutory Instrument 188 of 2021 (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—

““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;”;

“contractor” means—

(a) the Government (through any of its agencies, arms or organs), in the case of a scheme contract with a producer to grow wheat or barley; or

(b) an individual, statutory body, company, entity or other who, being registered for such purpose under the Agricultural Marketing Authority Act, contracts with one or more producers in a defined agricultural season;

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(b) by the insertion of the following definitions—

““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 wheat or barley who is registered or required to be registered with the Agricultural Marketing Authority;

“registered”, in relation to a producer, miller, contractor or agent, means registered under appropriate statutory instrument made in terms of paragraph 4 of the Schedule to the Act;

“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 wheat or barley;

“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 wheat or barley

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

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

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

- (a) he, she or it—
 - (i) is the producer of the wheat or barley; or
 - (ii) the registered contractor with whom wheat or barley producer has contracted to grow or sell the wheat or barley; or
 - (iii) the agent of a producer or contractor authorised to sell the wheat or barley on his, her or its behalf;

and

- (b) he, she or it is registered under any statutory instrument in force relating to his, her or its registration as a producer, miller or contractor.

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

- (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 wheat or barley for milling that may be received within a specified season or period from a registered self-financed farmer); or
- (d) a registered contractor except under the conditions specified in section 6(4).

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(4) Any wheat or barley 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 wheat or barley 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 wheat or barley, or a contractor or the agent of a producer or contractor authorised to sell the wheat or barley on his, her or its behalf or a self-financed farmer shall sell wheat or barley 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 wheat or barley 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 wheat or barley delivered by a person other than a producer, a self-financed farmer or a contractor.

Acquisition and disposal of wheat or barley

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

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

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

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

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

- (a) through a certified warehouse registered with the Zimbabwe Mercantile Exchange; or
- (b) from the Grain Marketing Board; or
- (c) from a wheat or barley producer with whom the self-financed farmer has contracted to produce the wheat or barley in question, having beforehand registered as a contractor for the purpose.

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

- (a) strictly segregate such wheat or barley or account for it separately from that bought from wheat or barley producers or sellers who have contracted with the contractor to grow or sell the wheat or barley; 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 wheat or barley bought.

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

(6) A producer of wheat or barley or farmer is permitted to transport not more than five bags of wheat or barley of a

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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 wheat or barley.

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

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

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

4. Section 7 (“Provisions relating to contracted wheat or barley”) 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 wheat or barley 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 of ten United States dollars per vehicle used in the movement of the wheat or barley, 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 wheat or barley being moved and its destination or destinations.”