

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT No.65 OF 2020

The Tobacco Act
(Cap. 237)**The Tobacco (Auctionable Tobacco Importation)
Regulations 2020**

IN EXERCISE of the powers contained in section 64 of the Tobacco Act, the following Regulations are made:

- | | |
|--|--|
| 1. These Regulations may be cited as the Tobacco (Auctionable Tobacco Importation) Regulations, 2020. | Title |
| 2. In these Regulations, unless the context otherwise requires—

“applicant” means a holder of an auction floor licence who applies for a permit to import auctionable tobacco of a specified class in accordance with the Act and these Regulations; and

“permit” means an importation permit issued under regulation 7. | Interpretation |
| 3. The classes of auctionable tobacco specified in the Tobacco (Prescribed Classes) Regulations not grown in the Republic may be imported and sold on a licensed auction floor in the Republic under these Regulations. | Classes of auctionable tobacco for importation |
| 4. A person who intends to import for sale on a licensed floor auctionable tobacco not grown in the Republic shall—

(a) enter into an agreement for the sale of the auctionable tobacco with

(i) a holder of an auction floor licence for the sale of auctionable tobacco on the licensed auction floor; and

(ii) a licensed buyer who shall purchase the imported auctionable tobacco; | Requirements for import of auctionable tobacco |

S.I. No. 144 of 1960	(b) obtain a phytosanitary certificate in accordance with the Plant Pests and Diseases (Importation) Regulations, 1960; and
S.I. No. 138 of 1968	(c) ensure that the auctionable tobacco is not treated or reaped from tobacco plants treated with any noxious substance listed under the Tobacco (General) Regulations, 1968.
Application for permit	5. A person who intends to import for sale on a licensed auction floor auctionable tobacco not grown in the Republic shall apply to the Board for a permit in Form I set out in the First Schedule on payment of a fee set out in the Second Schedule.
Consideration of application for permit	6. The Board shall, within thirty days of the date of receipt of an application made under regulation 4 consider and determine the application.
Request for further particulars or information	7. The Board may request an applicant to submit further particulars or information relating to the application for a permit in Form II set out in the First Schedule.
Grant of permit	8. (1) The Board shall, where the Board is satisfied that an applicant meets the requirements for a permit, grant the applicant a permit in Form III set out in the First Schedule. (2) The permit issued under subregulation (1) shall indicate the terms and conditions of the permit. (3) A permit granted under regulation 7 is valid for a period not exceeding seven months.
Refusal to grant permit	9. The Board shall, where the application for an permit does not meet the requirements of the Act and these Regulations, refuse to grant a permit, and notify the applicant, in writing, within seven days of date of the decision, giving reasons for that refusal.
Amendment of permit	10. (1) Subject to subregulation (3), a permit holder shall, where that holder intends to amend the permit, apply to the Board in Form IV set out in the First Schedule, on payment of a fee set out in the Second Schedule. (2) The Board may amend a permit where— (a) the name of a business changes; (b) the port of entry or exit for the auctionable tobacco in respect of which the permit was issued changes; or (c) there is a change of address of the permit holder.

(3) The Board shall, within fourteen days of the receipt of an application for amendment of a permit, inform the permit holder of its decision.

(4) A permit holder shall, where the Board grants the application for amendment of the permit, surrender the permit to the Board and the Board shall issue an amended permit for the remainder of the permit's validity period in Form III set out in the Schedule.

(5) The Board shall, where the Board refuses to vary the permit, within thirty days of the decision, notify the permit holder, stating the reasons for the decision.

11. (1) Subject to the Act and these Regulations, the Board may suspend or cancel a permit, if the permit holder

Suspension
or
cancellation
of permit

(a) obtained the permit on the basis of fraud, negligence or misrepresentation;

(b) transfers or otherwise assigns the permit;

(c) contravenes the Act and these Regulations or any other written law; and

(d) contravenes any term or condition of the permit.

(2) The Board shall, before suspending or cancelling a permit in accordance with subsection (1), notify the permit holder of its intention to suspend or cancel the permit in Form VI set out in the First Schedule, giving reasons for its decision and requesting the permit holder to show cause, within a reasonable period that may be specified in the notice, why the permit should not be suspended or cancelled.

(3) The Board shall, where a permit holder fails to correct the contravention within the period specified under subregulation (2), suspend or cancel the permit as it considers appropriate in the circumstances of the case.

(4) Where a permit is cancelled, in accordance with this section, the permit holder shall surrender the permit to the Board and the Board shall cancel the permit, subject to conditions that it may impose with respect to the winding up of the permitted business or activity.

(5) The Board shall notify a permit holder of an auction floor licence of the suspension or cancellation of a permit in Form VII set out in the First Schedule.

(6) The permit holder shall, from the date of cancellation of a permit, immediately cease to sell auctionable tobacco not grown in the Republic and surrender the permit to the Board.

Renewal of
permit

12. (1) A permit holder may, thirty days prior to the expiration of the period of validity of the permit, apply to the Board for the renewal of the permit in Form VIII set out in the First Schedule on payment of the fee set out in the Second Schedule.

(2) The Board shall, within thirty days of receiving an application for the renewal of a permit, approve or reject the application and give reasons where it rejects the application for renewal of the licence or permit.

(3) A permit holder who submits an application for the renewal of a permit in accordance with subsection (1), shall continue to operate the permitted business or activity until a decision is made by the Board on the application for renewal of the permit.

Duplicate
permit

13. A person who loses a licence or permit or whose licence or permit is damaged shall inform the Board within fourteen days of the loss or damage and shall, after a further period of fourteen days, apply to the Board for the issuance of a duplicate permit in Form IX set out in the First Schedule on payment of the fee set out in the Second Schedule.

Register

14. (1) The Board shall keep and maintain a register of permit holders in Form X set out in the First Schedule.

(2) Despite subregulation (2), the Board shall maintain an electronic register of permit holder, which shall—

(a) track and monitor an application for a permit under these Regulations;

(b) track and monitor any variation to a permit; and

(c) maintain an auditable trail of the outcomes of and application and reasons for decisions to grant, refuse or vary a permit.

(3) The Board shall ensure proper and accurate entries in the electronic register of permit holders which shall correspond with the entries in the manual register, if any.

(4) An entry in a register shall be maintained in a sequential order.

15. A register shall be kept by the Board at the offices of the Board, and shall be open for inspection by members of the public during office hours on payment of the fee set out in the Second Schedule.

Inspection of
register

16. A person who contravenes these Regulations commits an offence and is liable, on conviction—

General
penalty

- (a) in the case of a first offence, to a fine not exceeding four thousand penalty units or to imprisonment for a term not exceeding six months, or to both; or
- (b) in the case of a second or subsequent offence, to a fine not exceeding fifteen thousand penalty units or to imprisonment for a term not exceeding one year, or to both.

FIRST SCHEDULE

PRESCRIBED FORMS

(Regulations 5, 7, 8, 10, 11, 12, 13 and 14)

Form I

(Regulation 5)

(To be completed in duplicate)



REPUBLIC OF ZAMBIA

The Tobacco Act
(Cap. 237)

The Tobacco (Auctionable Tobacco Importation) Regulations, 2020

APPLICATION FOR A PERMIT TO IMPORT		
Please complete in block letters	Shaded fields for official use only	Application No.
		Date and Time
Information Provided	Information Required	
A. PARTICULARS APPLICANT		
1.	Name:	
2.	Type of entity:	
3.	Business Premises:	
	(a) Physical address:	
	(b) Plot No:	
	(c) Street:	
	(d) Postal address:	
	(e) Telephone No:	
	(f) Email address:	
	(g) Town:	

B. INFORMATION TO BE ATTACHED	
1. Copy of Certificate of Registration	
2. Names of Directors, shares held, Nationality and NRC/Passport No.	
3. Names of Shareholders shares held, Nationality and NRC/Passport No.	
4. The Name of the Chief Executive officer and nationality	
5. Name of Company Secretary and Nationality	
6. The country of origin of the auctionable tobacco intended for importation into the country	
7. Brief description of the auctionable tobacco intended for importation into the country	
8. The auction floor intended to be used to sale the auctionable tobacco once the imported into country	
9. Location of storage facilities where the auctionable tobacco will be kept once in the country before it is taken to an auction floor	
10. A summary of measures to be put in place to minimise environmental risks and to control pest while the auctionable tobacco is in storage facilities	

DECLARATION:

I declare that all the information I have stated in this application is correct and truthful to the best of my knowledge and belief. I understand that submission of false information shall render the application void and that if granted, the permit shall be cancelled.

.....

Name *Designation*

FOR OFFICIAL USE ONLY

Date of submission:.....

Application Number:.....

Payment Receipt Number:.....

OFFICIAL
STAMP

Form II
(Regulation 7)
(To be completed in duplicate)



REPUBLIC OF ZAMBIA

The Tobacco Act
(Cap. 237)

The Tobacco (Auctionable Tobacco Importation) Regulations, 2020

REQUEST FOR ADDITIONAL INFORMATION

To:

Address:

Application No.:

You are requested to furnish the following information or documents in respect of your application for within days of this notice.

(a).....

(b).....

(c).....

(d).....

If you fail to furnish the requested information within the stipulated period, your application will be treated as invalid and be rejected.

Dated this day of 20.....

OFFICIAL
STAMP

.....
Chief Executive Officer

Form III
(Regulation 8(1))
(To be completed in duplicate)

**REPUBLIC OF ZAMBIA****The Tobacco Act
(Cap. 237)****The Tobacco (Auctionable Tobacco Importation) Regulations, 2020**

PERMIT NO.:

**PERMIT/AMENDED PERMIT TO SELL AUCTIONABLE TOBACCO NOT GROWN
IN THE REPUBLIC ON A LICENSED AUCTION FLOOR**

Registration No.: :

Holder's name: of
(Physical Address):This Permit/Amended Permit is granted for a period of
commencing on the day of, 20.....The terms and conditions of grant of the permit/amended permit are as shown in the Annexures
attached hereto.

Issued at: this day of, 20.....

ENDORSEMENT OF REGISTRATION

This Permit has this day of, 20.....

.....
*Chief Executive Officer***OFFICIAL
STAMP**

Form IV
(Regulation 10(1))
(To be completed in duplicate)



REPUBLIC OF ZAMBIA

The Tobacco Act
(Cap. 237)

The Tobacco (Auctionable Tobacco Importation) Regulations, 2020

APPLICATION FOR A PERMIT TO IMPORT		
Please complete in block letters Shaded fields for official use only		Application No.
		Date and Time
Information Provided	Information Required	✓
A. PARTICULARS APPLICANT		
1.	Name:	
2.	Type of entity:	
3.	Business Premises:	
	(a) Physical address:	
	(b) Plot No:	
	(c) Street:	
	(d) Postal address:	
	(e) Telephone No:	
	(f) Email address:	
	(g) Town:	
4.	PROPOSED AMENDMENTS	REASONS FOR AMENDMENT
DECLARATION: I declare that all the information I have stated in this application is correct and truthful to the best of my knowledge and belief. I understand that submission of false information shall render the application void and that if approved, it shall be revoked and the permit cancelled.		
Name		Designation
FOR OFFICIAL USE ONLY Date of Submission:..... Application Number:..... Payment Receipt Number:.....		
		OFFICIAL STAMP

Form V
(Regulation 11(2))
(To be completed in duplicate)



REPUBLIC OF ZAMBIA

The Tobacco Act
(Cap. 237)

The Tobacco (Auctionable Tobacco Importation) Regulations, 2020

NOTICE OF INTENTION TO SUSPEND/CANCEL PERMIT

(1) Here Insert
the full names
and address of
the permit
holder

To (1).....
.....

(2) Here insert
the Permit No.

IN THE MATTER OF (2) you are notified
that the Authority intends to *suspend/cancel your permit on the following
grounds:

- (a)
(b)
(c)

Accordingly, you are requested to show cause why your permit should not
be *suspended/cancelled and to take action to remedy the breaches set out in
paragraphs (above) within (3) days of
receiving this notice. Failure to remedy the said breaches shall result in the
*suspension cancellation of your permit.

(3) Here insert
type of
application

Dated this day of 20.....

(4).....
Chief Executive Officer

OFFICIAL
STAMP

(4) Signature of
Chief Executive
Officer

*Delete as appropriate

Form VI
(Regulation 11(5))
(To be completed in duplicate)



REPUBLIC OF ZAMBIA

The Tobacco Act
(Cap. 237)

The Tobacco (Auctionable Tobacco Importation) Regulations, 2020

NOTICE OF SUSPENSION/CANCELLATION OF PERMIT

(1) Here
Insert the
full names
and address
of the permit
holder

To (1).....
.....

(2) Here
insert the
Permit No.

IN THE MATTER OF (2) you are notified that
your permit has been *suspended for a period of (3)...../cancelled
on the following grounds:

(3) Here insert
number of day
stipulated

- (a)
(b)
(c)
(d)

Dated this day of 20.....

(4) Sign by
Chief
Executive
Officer

(4).....
Chief Executive Officer

*Delete as appropriate

OFFICIAL
STAMP

Form VII

(Regulation 12(1))

(To be completed in duplicate)



REPUBLIC OF ZAMBIA

The Tobacco Act

(Cap. 237)

The Tobacco (Auctionable Tobacco Importation) Regulations, 2020

APPLICATION FOR RENEWAL OF PERMIT			
Please complete in block letters		Shaded fields for official use only	Application No.
			Date and Time
<i>Information Required</i>		<i>Information Provided</i>	
PARTICULARS OF APPLICANT			
1.	Permit No.:		
2.	Name(s) of business:		
3.	Postal Address:		
4.	Business Premises:		
	(a) Telephone No.:		
	(b) Fax No.:		
	(c) Mobile phone No.:		
	(d) E-mail address:		
5.	Attachments		
	Report of activities undertaken in the past two years		
DECLARATION I declare that the information I have stated is correct and truthful to the best of my knowledge and belief. <div style="display: flex; justify-content: space-between;"> <div> <i>Name</i> </div> <div> <i>Designation</i> </div> </div> <div style="display: flex; justify-content: space-between;"> <div> <i>Signature</i> </div> <div> <i>Date</i> </div> </div>			

FOR OFFICIAL USE ONLY

Received by: Receipt No:

Amount received:

.....
Chief Executive OfficerOFFICIAL
STAMP

Form VIII

(Regulation 13)

(To be completed in duplicate)



REPUBLIC OF ZAMBIA

The Tobacco Act

(Cap. 237)

The Tobacco (Auctionable Tobacco Importation) Regulations, 2020

APPLICATION FOR DUPLICATE PERMIT			
Please complete in block letters		Shaded fields for official use only	<div>Application No.</div> <div>Date and Time</div>
Information Required		Information Provided	✓
PARTICULARS OF APPLICANT			
1.	Permit No.:		
2.	Name(s) of business:		
3.	Business Address (Head Office)		
4.	Location of activities	Districts	
	Operations		
5.	Affidavit of loss or damage of licence		
DECLARATION I declare that the information I have stated is correct and truthful to the best of my knowledge and belief. <div> <div>.....</div> <div>Name</div> </div> <div> <div>.....</div> <div>Designation</div> </div> <div> <div>.....</div> <div>Signature</div> </div> <div> <div>.....</div> <div>Date</div> </div>			

FOR OFFICIAL USE ONLY

Date of Submission:.....

Application number:.....

Payment receipt number:.....

Application in order(proceed for inspection):.....

Application rejected (notify applicant on deficiencies):.....

.....
Chief Executive OfficerOFFICIAL
STAMP

Form IX
(Regulation 14)
(To be completed in duplicate)

**REPUBLIC OF ZAMBIA****The Tobacco Act
(Cap. 237)****The Tobacco (Auctionable Tobacco Importation) Regulations, 2020****REGISTER OF PERMIT HOLDERS**

<i>No.</i>	<i>Name of Permit Holder</i>	<i>Permit Number</i>	<i>Date of issue</i>	<i>Expiry Date</i>
1.				
2.				
3.				
4.				
5.				
6.				
7.				

SECOND SCHEDULE

<i>Description of Fees</i>	<i>PRESCRIBED FEES</i>	<i>Fee Units</i>
1. Import for sale on a licensed auction floor auctionable tobacco not grown in the Republic		40.00
2. Amendment of the permit		40.00
3. Validity of the permit		40.00
4. Duplicate permit		40.00
5. Inspection in the Register		40.00

LUSAKA

22nd July, 2020

[MOA/]

M. J. Z. KATAMBO,
Minister of Agriculture